

Minutes

Planning and Licensing Committee Tuesday, 13th November, 2018

Attendance

Cllr Ms Sanders (Chair)	Cllr Nolan
Cllr McCheyne (Deputy Chair)	Cllr Mrs Pound
Cllr Haigh	Cllr Reed
Cllr Keeble	Cllr Mrs Slade
Cllr Mynott	Cllr Trump

Apologies

Cllr Chilvers

Substitute Present

Cllr Barrett (substituting for Cllr Morrissey)

Also Present

Brendan Johnson	-	Essex Highways Authority
Cllr Alan Kingsford	-	Chairman of Ingrave & Herongate Parish Council
Cllr Colin Foan	-	West Horndon Parish Council

Officers Present

Surinder Atkar	-	Planning Solicitor
Zoe Borman	-	Governance and Member Support Officer
Nick Howard	-	Development Management Team Leader
Claire Mayhew	-	Corporate and Democratic Services Manager
Jonathan Quilter	-	Strategic Planning Manager
Caroline McCaffrey	-	Development Management Team Leader
Carole Vint	-	Planning Officer

183. Apologies for Absence

Apologies were received from Cllr Morrissey and Cllr Barratt is substituting and Cllr Chilvers with no substitute present.

184. Minutes of the Previous Meeting

It was **RESOLVED UNANIMOUSLY** that the Minutes of the Planning and Licensing Committee held on 11th October 2018 were approved as a true record.

185. Minutes of the 6.11.18 Licensing Sub Committee

It was **RESOLVED UNANIMOUSLY** that the Minutes of the Licensing Sub Committee held on 6th November 2018 were approved as a true record.

186. SOUTH ESSEX GOLF AND COUNTRY CLUB BRENTWOOD ROAD HERONGATE ESSEX CM13 3LW - APPLICATION NO: 18/01291/FUL. REDEVELOPMENT OF EXISTING COMMERCIAL BUILDING TO PROVIDE 30 DWELLINGS; REPLACEMENT D2 FACILITY (AS EXTENSION TO THE EXISTING CLUBHOUSE); AND ASSOCIATED LANDSCAPING AND CAR PARKING.

The proposal is seeking full planning permission for 30 dwellings and an extension to the golf clubhouse. The residential element of the scheme provides a mix of house types including four 5-bedroom houses, three 4-bedroom houses, nine 3-bedroom houses and 14 apartments, consisting of one and two bedrooms.

The proposal includes a parking provision of 62 car spaces and secure storage facilities for bicycles. Further to the proposed residential development the proposal includes an extension to the existing club house and provides space for a gym facility (Class D2).

The application is a resubmission of a previous refusal currently the subject of an appeal. The Officer advised that out of the three reasons for refusal on the previous application, and having taken advice from Counsel, only those reasons relating to Green Belt could be robustly defended. Therefore in relation to this resubmission, it is considered that the main consideration is the impact of the openness of the Green Belt.

The proposal is to redevelop a brownfield site within the Green Belt. The applicant has reduced the proposed built form compared to the previous application by reducing the size of the extension to the clubhouse. The proposal would represent a 3% reduction on the existing built form (if including the extant permission) which is a positive gain on the effect on the openness of the Green belt.

Essex County Council as Local Lead Flood Authority (LLFA) has submitted a holding objection.

The building was previously used as an internal bowls centre, the use of which has now ceased. In policy terms, the loss of the bowls club has been mitigated by the provision of a new gym and improved golf facilities. The loss of the existing sports building is therefore considered acceptable.

The provision of 30 dwellings will make a not insignificant contribution to the Council's housing requirements.

The proposal will result in a high-quality development which will complement its rural surrounds.

Overall the proposal is compliant with the Framework and the Council's Local Plan policies. The recommendation is therefore to approve subject to a S106 agreement requiring a financial contribution for education and the provision of affordable housing.

Ms Burton, a resident of Herongate & Ingrave, was in attendance and addressed the Committee in objection to the application.

Mr Brown, the agent, addressed the Committee in support of the application.

Cllr Foan of West Horndon Parish Council was present and addressed his concerns regarding parking, access onto the A128 and issues with the highway.

Cllr Kingsford, Chairman from Herongate and Ingrave Parish Council, was also present and spoke in objection of the application, raising concerns of effects on green belt, effect on openness, services, amenity space, carparking and congestion on roads. Also, the further development of agricultural buildings.

Ward Member Cllr Tierney was present and spoke in objection of the application.

Mr Johnson of Essex Highways Authority addressed issues which had been raised concerning the highway and reported there was no evidence to support the highway was dangerous, and no significant added congestion.

Cllr McCheyne **MOVED** and Cllr Trump **SECONDED** to **APPROVE** the application.

Cllr Slade spoke against the application and expressed concerns on lack of affordable housing.

Cllr Mynott expressed concerns regarding the lack of affordable housing included in the development and the effect of building on greenbelt land.

Cllr Mynott proposed a condition, should this application be approved, to read:

“subsequent applications coming in on this site should not take the overall amount of development on this site beyond the amount which is currently theoretically there when the extant permission is included”.

Cllr Sanders asked whether a 106 condition could also be added to enable no further houses to be built on this site.

The legal officer advised that such a condition would not meet the appropriate tests for adding planning conditions.

Following a full discussion by Members a recorded vote was taken and members voted as follows:

FOR: Cllr Sanders, Cllr McCheyne, Cllr Trump, Cllr Reed and Cllr Nolan (5)

AGAINST: Cllr Slade, Cllr Pound, Cllr Barratt, Cllr Keeble, Cllr Haigh and Cllr Mynott (6)

ABSTAIN: (0)

The motion to **APPROVE** the application was **REFUSED**.

Cllr Mynott **MOVED** and Cllr Slade **SECONDED** a motion to **REFUSE** the application.

Following a full discussion by Members a recorded vote was taken and members voted as follows:

FOR: Cllr Slade, Cllr Pound, Cllr Barratt, Cllr Keeble, Cllr Haigh, Cllr Mynott (6)

AGAINST: Cllr Sanders, Cllr McCheyne, Cllr Trump, Cllr Reed, Cllr Nolan (5)

ABSTAIN: (0)

The motion was **CARRIED** to **REFUSE** the application on the grounds of H9 and GB1 in that the proposal did not meet the level of affordable housing required under local plan policy, and that the development would result in harm to the openness of the Green Belt and there were no 'very special circumstances' that would clearly overcome that harm.

- 187. 33-37 HIGH STREET BRENTWOOD ESSEX CM14 4RG - APPLICATION NO: 18/00959/FUL. DEMOLITION OF 35 AND 37 HIGH STREET BRENTWOOD, THE PART DEMOLITION, PART RETENTION OF NO. 33 AND CONSTRUCT OF PART 3 PART 4 STOREY BUILDING COMPRISING FIVE GROUND FLOOR RETAIL UNITS AND 14 NO. RESIDENTIAL UNITS (8NO. 1 BED UNITS; 6NO. 2 BED UNITS). ADDITIONAL CONSTRUCTION OF FIVE STOREY BUILDING TO REAR OF THE SITE COMPRISING GROUND FLOOR SME (FLEXIBLE RETAIL/OFFICE) USE, AND 4NO. 2 BED UNITS.**

The site comprises two linked parcels of land, a roughly rectangular plot which covers units 33-37 High Street (plot A), with a ribbon of land extending to William Hunter way, and a triangular plot to the north (plot B) facing William

Hunter Way. Both plots are within the Brentwood town centre and conservation area. The building structures of units 33, 33a and 33b would be retained at ground and first floor level, with internal/external alterations. Units 35 and 37 would be demolished and replaced in their entirety.

Unit 33 would have three storeys including a pitched roof with front facing dormers behind a low parapet. The ground floor would have three retail units, and there would be 3 flats on each of the first and second floors totalling 2 x one bed units and 4 x two bed units - providing a total of 6 residential flats. The total height of the building is 650mm lower than previously proposed.

Unit 35 would have four storeys including a pitched roof with front facing dormers behind a parapet. The ground floor would have one retail unit, and there would be 2 x one bed units on each of the three floors above – providing a total of 6 residential flats. The total height of the building is approximately 1290 mm lower than previously proposed.

Unit 37 would be three storeys, with a front façade of similar proportions to unit 35 but without the pitched roof. It would have retail use on the ground floor, and 1 x two bed unit on each of the floors above. It would provide in total 2 residential flats. The total height of the building is one storey lower, approximately 3135 mm, than previously proposed.

In total, Plot A would retain all five retail units on the ground floor and provide 14 residential units. CGIs submitted with the application (referred to as ‘View points’) show the High Street elevation to have articulated frontages of finely detailed brickwork with fenestration having generous reveals. The other change is to the material colour of Block A, this variation in the finish provides more visual variety to the scheme. The front elevation has a sympathetic relationship to the massing of its neighbours to each side.

The proposal for Plot B a five-storey building with flexible retail/office use at the ground floor, and four floors of residential units above; each residential floor would provide 1 x two-bedroom unit. The ground floor would also include cycle and bin storage. In total the proposal would provide one commercial unit and four residential units above. The height of this building is the same as previously proposed and it would be mostly brick clad facing William Hunter Way, with a part glazed aluminium curtain wall stair tower to its rear elevation rising just above the main body of the building. There is a minimum of windows to its flanks.

It remains the case that the Council cannot demonstrate a five-year supply of housing land and this proposal would contribute towards it. This weighs in favour of the proposal although the proposal is not reliant on this as it is, as indicated above, acceptable on its own merits.

The recommendation was that this application be approved subject to the conditions contained in the report.

Dr Gomes, a resident of Culyer's Yard, was in attendance and addressed the Committee in objection to the application.

Mr Edgar, the applicant, addressed the Committee in support of the application.

Cllr Slade, Ward Councillor, spoke in objection of the application.

Cllr Mynott, Ward Councillor, addressed the committee in objection to the application referring to design and impact of the conservation area, impact of neighbours of Culyer's Yard and retaining the character of Victorian buildings.

Following a full discussion Cllr Mynott **MOVED** a motion for the application to be **REFUSED** this was **SECONDED** by Cllr Slade.

Mr Howard confirmed that consultation had now taken place with residents at Culyer's Yard, each resident receiving a letter.

Members expressed concern regarding the walkway adjacent to Culyer's Yard which Mr Howard said could be conditioned regarding height and glass.

Following a full discussion by Members a recorded vote was taken and members voted as follows:

FOR: Cllr Mynott, Cllr Slade (2)

AGAINST: Cllr Sanders, Cllr McCheyne, Cllr Pound, Cllr Barratt, Cllr Keeble, Cllr Trump, Cllr Reed and Cllr Nolan (8)

ABSTAIN: Cllr Haigh (1)

The motion to **REFUSE** the application was **LOST**.

Cllr Nolan **MOVED** and Cllr McCheyne **SECONDED** a motion for the application to be **APPROVED**

Following further discussion a recorded vote was taken, and members voted as follows:

FOR: Cllr Sanders, Cllr McCheyne, Cllr Trump, Cllr Reed, Cllr Pound, Cllr Nolan, Cllr Keeble (7)

AGAINST: Cllr Slade, Cllr Mynott, (2)

ABSTAIN: Cllr Barratt, Cllr Haigh (2)

It was **RESOLVED**, the Application be **APPROVED** subject to the following conditions, and an additional condition to be added requiring an appropriate height and obscure glass privacy screen along the walkway facing the Culyers Yard development:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 U23857

No development shall take place until a sample panel of the materials to be used in the construction of the external surfaces of the building hereby permitted have erected and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area.

4 U23856

No development shall take place until samples of windows and doors to be used in the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area.

5 U23858

No development shall take place until a sample panel of the pattern to be used on the external wall adjacent to the proposed footpath link hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area.

6 U23859

Notwithstanding the details illustrated on the approved plans and accompanying documentation, prior to the commencement of works a detailed section plan at a scale of 1:20 showing the balcony, landscaping/railings and amenity area of a top floor apartment shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in strict accordance with the agreed details.

Reason: In the interests of preserving the character of the Conservation Area.

7. Before the development is first brought into use cycle parking shall be provided in accordance with the EPOA Parking Standards in a secure, convenient and covered facility, and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T14 of the Brentwood Replacement Local Plan.

8. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling, as approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development.

9. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety

10. Prior to the commencement of any works of demolition or construction, including preliminary groundworks, a scheme for the archaeological investigation of the site, including a timetable for that investigation, shall be submitted to and agreed in writing by the local planning authority. The results of the investigation shall be submitted to the local planning authority prior to the commencement of any works and, if necessitated by the findings of the investigation, those results shall be accompanied by a programme of excavation, recording and where necessary the protection and preservation of remains of archaeological or historic significance. No development or preliminary groundworks shall take place until the local planning authority has approved that programme and the development shall only take place in accordance with that programme or any variation as may be agreed in writing by the local planning authority.

Reason: To enable archaeological records to be made if necessary, on a site that lies within an area of known archaeological interest.

11. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

Reason: The site lies within an area of known archaeological interest.

12. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason: The site lies within an area of known archaeological interest.

13. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site lies within an area of known archaeological interest.

**188. MARCOT CHIVERS ROAD STONDON MASSEY ESSEX CM15 0LJ.
EXISTING DWELLING TO BE DEMOLISHED AND REPLACED WITH A
PROPOSED NEW DETACHED DWELLING.
APPLICATION NO: 18/01127/FUL**

Planning permission was sought for a detached dwelling with front and rear dormer windows at Marcot, Chivers Lane, Stondon Massey.

The proposed dwelling would have a length of 14.7 metres, a maximum width of 11 metres and a height of 6.4 metres. The dwelling would have different forms and sizes of dormer windows, two rooflights, a pitched roof porch, windows in a variety of sizes and positions, a cross wing front to back and materials would be brick and weatherboarding with plain roof tiles. The application form indicates that the existing house which stands closer to the front of the site in comparison to the proposed dwelling would be demolished after the completion of the new dwelling.

It was concluded that the proposed development would be inappropriate development and reduce openness and there are no very special circumstances to justify the development. The conflict with the development plan is not outweighed by other material considerations. It was therefore recommended that the application be refused. for the reasons as outlined in the report.

Mr Bailey, the Applicant, was in attendance and addressed the Committee in support of the application.

Ward Member, Cllr Keeble, was present and addressed the committee in objection to the application.

Following a full discussion Cllr Trump **MOVED** a motion for the application to be **REFUSED** this was **SECONDED** by Cllr Keeble.

A recorded vote was taken, and it was **RESOLVED UNANIMOUSLY** to refuse the application for the following reasons: -

R1 U27373

The proposed replacement dwelling represents inappropriate development in the Green Belt and as a result of its scale, size and bulk would result in a reduction in the openness of the Green Belt. As such the proposed development is contrary to National Planning Policy 2018 paragraphs 144 and 145 and planning policies GB1 and GB2 of the Local Plan saved policies 2005.

R2 U27378

Other matters that weigh in favour of the proposed development have been considered, but collectively they do not clearly outweigh the harm to the Green Belt. Therefore 'very special circumstances' to justify inappropriate development in the Green Belt do not exist.

189. Urgent Business

There were no items of urgent business and the meeting concluded at 21.35