

# Minutes

---

## Planning Committee Tuesday, 19th September, 2023

### Attendance

Cllr Mynott (Chair)	Cllr Mrs Francois
Cllr M Cuthbert (Vice-Chair)	Cllr Gelderbloem
Cllr Dr Barrett	Cllr Heard
Cllr Bridge	Cllr McCheyne
Cllr Mrs N Cuthbert	Cllr Munden

### Apologies

Cllr Gorton	Cllr Mrs Murphy
-------------	-----------------

### Substitute Present

Cllr Barber  
Cllr Laplain

### Also Present

Cllr Parker  
Rigby  
Cllr Slade

### Officers Present

Phil Drane	- Director - Place
Claire Mayhew	- Acting Joint Director of People & Governance & Monitoring Officer
Steven Bell	- Solicitor, Birketts (for and on behalf of the Council's Solicitor)
Zoe Borman	- Governance and Member Support Officer
Paulette McAllister	- Programme Lead - Strategic Housing Development Programme
Julia Sargeant	- Senior Planning Officer
Jonathan Quilter	- Corporate Manager (Strategic Planning)
Brooke Pride	- Planning Officer
Jane Lowe	- Planning Assistant

## LIVE BROADCAST

[Live stream to start at 7pm and available for repeat viewing.](#)

### 173. Apologies for Absence

Apologies were received from Cllrs Gorton and Murphy. Cllrs Laplain and Barber were substitutes respectively.

### 174. Minutes of the Previous Meeting

The Minutes of the previous meeting held on 25<sup>th</sup> July 2023 were agreed as a true record.

### 175. SHENCOT ALEXANDER LANE HUTTON BRENTWOOD ESSEX CM13 1AG

Mrs Mayhew, Monitoring Officer (MO), explained why this matter had been brought back to Committee. The MO considered the incorrect voting process had been applied at the last meeting in July.

Under chapter 4, 9.7 of the Council Constitution

**Members may not rescind a previous vote once the subsequent member's votes have been cast.**

- With the voting on this item at a stalemate, after the motions for refusal and approval were both lost and no decision was made item, a motion for deferral should have been made.
- However, the Chair, asked if any member would like to rescind their vote. Cllr Gorton, changed his vote from ABSTAIN to FOR

Making the voting 6 FOR, 6 AGAINST and 0 ABSTINATION –

So, the Chair had the casting vote and voted FOR, so the application was APPROVED.

Therefore, in consultation with the Chair, Vice Chair, Leader and the Planning Officer and the applicant/agent, the application had been brought back to committee so that the correct voting process could be undertaken.

**This item was initially referred to July 2023 Committee by Cllr Jan Pound for the following reason:**

*Policy BE:13 Parking Standards states that proposals which make under provision of parking in respect of the Essex Parking Standards should be justified by evidence detailing the local circumstances that justify deviation from the standard. Whilst the site is located near to Shenfield there is clear evidence submitted by local residents in opposition to the application that Alexander Lane is already suffering from dangerous on street parking that is resulting in Highways Safety issues. Coupled with the need for deliveries and workman to service the building this application will result in further highways safety issues for Road users and should be rejected for this planning reason. There is no evidence that the normal parking requirements can be reduced without causing these safety issues.*

Legal Advice was given to members in terms of the matter coming back to committee. All members needed to consider whether they are predetermined or whether they can come to the committee with an open mind. They will each need to consider themselves whether there is by their conduct any appearance of bias or predetermination that could lead a member of the public to cast doubt on their impartiality in taking part and voting on the matter.

Each member needs to be clear that they attend the committee to consider the matter with an open mind and is not predetermined irrespective of their previous involvement in the last planning committee.

Members would need to consider Probity in Planning (link - <https://www.local.gov.uk/publications/pr> from previous training.

Ms Brooke Pride presented the report.

Mr Shah was present at the meeting and spoke objecting to the application.

Ward Cllr Pound, was not present at the meeting, but requested the Chair reiterate her reasons for referral.

Following a full discussion Cllr Laplain **MOVED** a motion to **APPROVE** the application. This was **SECONDED** by Cllr M Cuthbert.

Members voted as follows:

FOR: Cllrs Dr Barrett, M Cuthbert, N Cuthbert, Laplain, Munden, Mynott (6)

AGAINST: Cllrs Barber, Bridge, Mrs Francois, Gelderbloem, Heard, McCheyne (6)

ABSTAIN: (0)

The Chair used his casting vote **FOR** the application. The application was **APPROVED** subject to conditions outlined in the report.

**176. 264 RAYLEIGH ROAD HUTTON BRENTWOOD ESSEX CM13 1PX**

This application has been referred to committee following a request of Ward Councillor Rigby with the following reasons:

### **Highway safety and traffic levels**

The parking scheme will effectively require any vehicles to reverse on and off a narrow frontage at both 264 and 264A onto the main road, the fast flowing Rayleigh Road / A129. I believe a physical inspection of the property will demonstrate that. The absence of any objection by the highways authority does not conclusively dispose of this objection as per the previous application and would result in potential harm to highway safety. I do not believe the widening of existing access from Rayleigh Road to be used by both dwelling houses will achieve the results sought and inspection will demonstrate this.

### **Design, appearance and layout/ effect on the area**

The proposed development changes the status of the dwellings from semi-detached to terrace which is out of context with the surrounding character of the site and represents a significant change from the chalet style developments prevalent in this section of Rayleigh Road from Goodwood Avenue to Havering's Grove. No evidence is offered by the planning officer in support of the application of approved, named, previous planning applications other than bare assertion. Furthermore, the comparison with terraced developments to the east of the site is inappropriate, as no examples of terracing in that style can be seen in the immediate area, which are of a detached or villa style. The development is out of character with the immediate surrounding area, as opposed to the more built-up elements of Hutton East from Rayleigh Road as it meets St Peter's Church. The comparison is therefore misleading.

The boundary of the site runs behind the dwellings of Goodwood Avenue, and separated by a strip of land as shown upon drawing No. 22-1349 -08-D02. The proposed development is within close proximity of the dwellings and has effectively incorporated, the drainage ditch, a historic and known wildlife corridor to Hutton Country Park, in excess of curtilage.

The latest application basically seeks to divide into two, leaving a very narrow but very long rear garden for one, and a truncated garden for the other, on which a number of houses in Goodwood Avenue back on to either one, or the other, from No 2 to No. 12 Goodwood Avenue. The space provided as a result of the split is cramped and narrow at 50sqm and 5.4m wide which is barely indicative of good garden quality. It is totally out of context with surrounding gardens, and does not provide a good level of amenity, as the plot of 264A is only 2.5 m wide at the north end.

### **Need to safeguard the countryside or protected species of plant or animal**

The application will impact on the unregistered land which acts as a drainage ditch, owing to heavy clay soil, shown in the plans which extends from the rear of 264 Rayleigh Rd until 18 Goodwood Avenue, when it appears in a culvert, re-surfacing before it joins a stream in Hutton Country Park and thence the River Wid, acting as a potential soakaway It has been a wildlife corridor for hedgehogs, badgers and foxes and was the site of a historic hawthorn hedge bordering the ditch, which needs to be protected for drainage, water absorption and benefit of

wild life. While the hedge was razed to ground level in May 2020, it now shows signs of recovery.

**The planning history of the site**

There has been a catalogue of applications for this property, stretching back twenty years, of which this is the latest attempt to capitalise on the value of the property without regard for the overall neighbourhood, with a long history of applications, failed and withdrawn, of which only the most recent have been listed. This property has benefited from extensive additions in excess of 50% since build in 1962, and should be preserved as a single dwelling house. An approval of this application would be to condone the destruction of the drainage ditch and also the improper adoption of land.

Ms Brooke Pride presented the report.

Mr Goodwin was present at the meeting and addressed the Committee objecting to the application.

A statement on behalf of the Applicant was also read by the Chair.

Ward Cllr Rigby was present at the meeting and spoke objecting to the application.

Following a full discussion Cllr Mynott **MOVED** a motion to APPROVE the application. This was **SECONDED** by Dr Barrett.

A vote was taken and Members voted as follows:

FOR: Cllrs Dr Barrett, Bridge, M Cuthbert, N Cuthbert, Laplain, McCheyne, Munden, Mynott (8)

AGAINST: Cllrs Barber, Mrs Francois, Gelderbloem, Heard (4)

ABSTAIN: (0)

The application was **APPROVED** subject to conditions outlined in the report.

**177. THE NIGHTINGALE CENTRE (THE SNAP CHARITY) PASTORAL WAY  
WARLEY BRENTWOOD ESSEX CM14 5GB**

The application was determined by the committee as it related to a Council owned building.

Ms Jane Lowe presented the report.

Following a short discussion a motion to APPROVE the application was **MOVED** by Cllr Laplain and **SECONDED** by Cllr M Cuthbert.

Members voted as followed:

FOR: Cllrs Barber, Dr Barrett, Bridge, M Cuthbert, N Cuthbert, Francois, Gelderbloem, Heard, Laplain, McCheyne, Munden, Mynott (12)

AGAINST: (0)

ABSTAIN: (0)

The application was **APPROVED UNANIMOUSLY**.

[Cllr M Cuthbert declared a non-pecuniary interest as he sits as an outside body and his son receives support from the charity.]

**178. COURAGE COURT HUTTON DRIVE AND BROOKFIELD CLOSE HUTTON ESSEX**

This report was presented by Ms Brooke Pride.

Ms Paulette McAllister addressed the Committee on behalf of the applicant.

Ward Cllr Slade was also present and spoke in support of the application.

A motion to **APPROVE** the application was **MOVED** by Cllr Laplain and **SECONDED** by Cllr M Cuthbert.

Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, Bridge, M Cuthbert, N Cuthbert, Francois, Gelderbloem, Heard, Laplain, McCheyne, Munden, Mynott (12)

AGAINST: (0)

ABSTAIN: (0)

The application was **APPROVED UNANIMOUSLY** subject to the conditions stated in the report.

**179. HERON COURT 198 BRENTWOOD ROAD HERONGATE BRENTWOOD ESSEX CM13 3PN**

An appeal against non-determination of this application has been lodged. Jurisdiction for determining this application passed to the Planning Inspectorate upon receipt of the non-determination appeal and therefore any decision taken by the Planning Committee will now be a material consideration rather than a determinative outcome.

This application has been referred to Planning Committee by Councillor Murphy in relation to design, appearance and layout, conservation of

buildings, trees and open land, impact on the appearance of the area, and the planning history of the site noting that there is a long history on the site of previous planning applications refused at Borough and Appeal level.

Ms Julia Sargeant presented the report.

The committee heard from Ms Steadman objecting to the application.

The Chair read a statement from a further objector who could not be present on the night.

A statement was also read by Ward Cllr Marsh who was unable to attend the meeting objecting to the application.

Following a full discussion a **MOTION** to **REFUSE** the application was **MOVED** by Cllr Laplain and **SECONDED** by Cllr Bridge.

Members voted as followed:

FOR: Cllrs Barber, Bridge, Mrs Francois, Laplain (4)

AGAINST: Cllrs Dr Barrett, M Cuthbert, N Cuthbert, Gelderbloem, Heard, McCheyne, Munden, Mynott.

ABSTAIN: (0)

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

A Motion to **APPROVE** the application was **MOVED** by Cllr Mynott and **SECONDED** by Cllr McCheyne

Members voted as follows:

FOR: Cllrs Dr Barrett, M Cuthbert, N Cuthbert, Gelderbloem, Heard, McCheyne, Munden, Mynott.

AGAINST: Cllrs Barber, Bridge, Mrs Francois, Laplain (4)

ABSTAIN: (0)

The committee **RESOLVED** they would have **APPROVED** the application subject to a S106 agreement and conditions contained in the report.

## **180. Proposed Changes to Permitted Development Rights (July 2023)**

The Government (Department for Levelling Up, Housing and Communities) is proposing a number of changes with the Town and Country Planning (General

Permitted Development)(England) Order 2015, as amended to provide greater flexibility to encourage further residential development. Changes to the right are proposed for the following areas:

- a) Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- b) Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- c) Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- d) Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.
- e) Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- f) The application of local design codes to certain permitted development rights.

The council's proposed response to the consultation is focused on the sections of the right that will likely have an impact on Brentwood borough (Appendix A). General support for some of the changes is proposed. However, concerns are raised on the potential environmental impacts, in particular for arable land and Green Belt.

Mr Quilter presented the report to Members.

Members thanked officers for their support and responses.

Members discussed changes to the responses they required.

Cllr Mynott **MOVED** the recommendation in the report. This was **SECONDED** by Cllr M Cuthbert.

A vote was taken by a show of hands and it was **RESOLVED** members:

**Approve the proposed consultation response, including amendments to Appendix A debated by the committee, to be agreed in consultation with the Chair and Vice Chair of Planning Committee by the Director of Place, for submission to Government.**

## **181. Urgent Business**

There were no items of urgent business.

The meeting concluded at 21:40



