



Agenda

Planning and Licensing Committee

Tuesday, 28 June 2016 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 4)

Cllrs McCheyne (Chair), Ms Rowlands (Vice-Chair), Barrell, Bridge, Faragher, Mrs Hubbard, Keeble, Mrs Middlehurst, Morrissey, Mrs Murphy, Mynott and Newberry

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 10
3.	Woodacre, The Glade, Hutton, Essex CM13 2JL Application No: 16/00134/FUL Demolition of existing dwelling and construction of three new dwellings	Hutton South	11 - 42
4.	Land west of North Drive, Hutton, Essex Application No: 16/00178/FUL Construction of 2 houses and 2 bungalows with garaging	Hutton East	43 - 66
5.	The Croft, Mores Lane, South Weald, Essex CM14 5RU Application No: 16/00278/FUL Modification to approval 14/0037/FUL (construction of a pitched roof canopy over existing dressage training area incorporating covered link to existing stables) to retain existing structure with altered roof cladding, roof pitch increased from 10 to 15 degrees, maximum ridge height	South Weald	67 - 78

increased from 6.95m to 7.95m, number of translucent panels increased from 24 to 80 depth of eaves overhanging increased from 0.6m to 2.0m (retrospective)

- | | | | |
|----|--|-----------------|---------|
| 6. | Oaklands, 26 Hillwood Grove, Hutton, Essex CM13 2PD
Application No: 16/00434/FUL
Lower ground floor rear and first floor side extensions, rear dormer and alterations | Hutton
South | 79 - 90 |
| 7. | Castle Point Local Plan Response | All Wards | 91 - 98 |
| 8. | Urgent Business | | |

Head of Paid Service

Town Hall
Brentwood, Essex
20.06.2016

Information for Members

Substitutes

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Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

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The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Private Session

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Minutes

Planning and Licensing Committee Tuesday, 31st May, 2016

Attendance

Cllr McCheyne (Chair)	Cllr Mrs Hubbard
Cllr Barrell	Cllr Mynott
Cllr Bridge	Cllr Newberry
Cllr Faragher	Cllr Mrs Murphy
Cllr Middlehurst	Cllr Keeble
Cllr Morrissey	

Apologies

Cllr Ms Rowlands (Vice-Chair)

Substitute Present

Cllr Wiles

Also Present

Cllr Russell
Cllr Mrs Coe
Cllr Hossack
Cllr Mrs Pound
Cllr Ms Sanders

Officers Present

David Carter	- Senior EHO (Team Leader)
Jonathan Binks	- Planning Assistant
Philip Drane	- Planning Policy Team Leader
Mike Ovenden	- Senior Planning Officer
Jean Sharp	- Governance and Member Support Officer
Christine Stephenson	- Planning Solicitor
Charlotte White	- Senior Planning Officer

19. Apologies for Absence

Apologies were received from Cllr Ms Rowlands and Cllr Wiles substituted for her.

20. Appointment of Vice-Chair for the duration of the meeting

Cllr McCheyne proposed and it was agreed unanimously that Cllr Mrs Murphy undertake the role of Vice-chair for the duration of the meeting.

21. Minutes of the Previous Meeting

The minutes of the Planning and Licensing Committee of 12 April 2016 were agreed as a true record.

22. Minutes of the Licensing Appeals Sub Committee

The minutes of the Licensing/Appeals Sub-committee of 8 March 2016 were agreed as a true record.

23. Declaration of Interests

Cllr Morrissey declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her working for a local Estate Agent.

24. LAND REAR OF 139-141 COXTIE GREEN ROAD, PILGRIMS HATCH, SOUTH WEALD, ESSEX.

DEMOLITION OF THE EXISTING BUILDINGS AND THE CREATION OF 12 NO. TWO, THREE, FOUR AND FIVE BEDROOM HOUSES AND A NEW ACCESS ROAD.

APPLICATION NO: 16/00226/FUL

The application had been referred by Cllr Mrs Coe for consideration by the Committee.

Mrs Smith, the owner of the land adjacent to the site, was present and spoke in support of the application.

Mr Richardson, the applicant's agent, also spoke on the application.

Cllr Wiles **MOVED** and Cllr McCheyne **SECONDED** that the application be **APPROVED**. A vote was taken on a show of hands and it was

RESOLVED

That the application be approved subject to a Section 106 agreement for affordable housing and conditions.

The Committee voted as follows:

FOR: Cllrs Bridge, Faragher, McCheyne, Middlehurst, Mrs Murphy and Wiles (6)

AGAINST: Cllrs Barrell, Mrs Hubbard, Keeble, Morrissey, Mynott and Newberry (6)

Abstain (0)

The Chair used his casting vote and the application was approved 7 votes to 6.

**25. BRENTWOOD FOOTBALL CLUB BRENTWOOD CENTRE,
DODDINGHURST ROAD, PILGRIMS HATCH, ESSEX. CM15 9NN**

**REPLACEMENT OF GRASS SURFACE FOOTBALL PITCH WITH 3G
SYNTHETIC ALL WEATHER PITCH.**

APPLICATION NO: 16/00267/FUL

The application related to the replacement of the existing grass football pitch with a synthetic all weather surface; no other changes were proposed.

The application was reported to committee because it related to land owned by the Borough Council.

Cllr McCheyne **MOVED** and Cllr Morrissey **SECONDED** that the application be **APPROVED** and it was

RESOLVED UNANIMOUSLY

that the application be approved subject to the following conditions:

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.

Members voted as follows:

FOR: Cllrs Barrell, Bridge, Faragher, Mrs Hubbard, Keeble, McCheyne, Mrs Middlehurst, Morrissey, Mrs Murphy, Mynott, Newberry and Wiles (12)

AGAINST: (0)

ABSTAIN: (0)

Cllr McCheyne requested it be minuted that an email had been received and forwarded onto ECC, the Highway Authority, that footballs had been kicked from the pitch onto the adjacent A12.

(Cllr Morrissey declared a non-pecuniary interest by virtue of her husband working for Brentwood Leisure Trust.

Cllrs Wiles and Bridge declared a non-pecuniary interest by virtue of being Trustees of Brentwood Leisure Trust).

**26. THE WHITE HOUSE, MAGPIE LANE, LITTLE WARLEY, ESSEX. CM13
3EA**

**TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT EXTENSION
WITH OPEN PORCH.**

APPLICATION NO: 16/00250/FUL

The application had been referred by former Warley Ward councillor David Tee for consideration by the Committee regarding design, footprint, visibility and lack of objections.

Mr Tee was present and spoke in support of the application.

Mrs Fletcher, the applicant, also addressed the Committee.

Cllr Barrell **MOVED** and Cllr Faragher **SECONDED** that the application be **APPROVED**. A vote was taken on a show of hands and it was

RESOLVED

that the application be approved subject to conditions including the retention of a tree at the front of the site.

Members voted as follows:

FOR: Cllrs Barrell, Bridge, Faragher, Mrs Hubbard, Keeble, McCheyne, Mrs Middlehurst, Mrs Murphy, Newberry and Wiles (10)

AGAINST: Cllr Morrissey (1)

ABSTAIN: Cllr Mynott (1).

27. ATTE BOWER, FIRSGROVE ROAD, WARLEY, ESSEX. CM14 5JJ

**HIP TO GABLE ROOF WITH REAR DORMER, RAISING THE EXISTING
ROOF BY 750MM, LIFTING EAVES HEIGHT TO DROP OVERALL HEIGHT
OF ROOF, AND TWO ROOF LIGHTS.**

APPLICATION NO: 16/00380/FUL

The application was referred by Cllr Russell for consideration by the Committee as he regarded the roof design and dormer as being acceptable and not impacting on the street scene or design on the interwar property. In addition it was neighboured by larger properties so would not be overbearing. The ridge height had been reduced from a previous application and it complied with CP1 of the Local Plan.

The applicant had submitted a written statement since they had been unable to attend the meeting and Cllr Russell spoke in support of the application.

Cllr Mynott **MOVED** and Cllr Mrs Hubbard **SECONDED** that the application be **REFUSED**. A vote was taken on a show of hands and it was

RESOLVED

That the application be refused for the following reasons:

R1 U12945

The proposed alterations and extensions to the roof by virtue of their height, bulk and massing would be out of scale and poorly related to the design and height of the application property, resulting in a dominant and incongruous development which would in turn be harmful to the character and appearance of the area. This would be conflict with Local Plan Policy CP1 (i) and (iii) and the aims and objective of the National Planning Policy Framework.

R2 U12946

The proposed dormer would be a dominant feature and poorly related to the roofscape into which it was to be inserted, harmful to the character and appearance of the area and in conflict with Local Plan Policy H17 and contrary to one of the principle objectives of the National Planning Policy Framework.

Members voted as follows:

FOR: Cllrs Bridge, Faragher, Mrs Hubbard, Keeble, McCheyne, Mrs Middlehurst, Morrissey, Mrs Murphy and Mynott (9)

AGAINST: Cllrs Barrell, Wiles and Newberry (3)

ABSTAIN: (0)

28. Urgent Business

There were no items of urgent business.

The meeting ended at 8.45pm.

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SITE PLAN ATTACHED

04. WOODACRE THE GLADE HUTTON ESSEX CM13 2JL

DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION THREE NEW DWELLINGS.

APPLICATION NO: 16/00134/FUL

WARD	Hutton South	8/13 WEEK DATE	24.03.2016
PARISH		POLICIES	NPPF NPPG CP1 H17 T2 C5 C3
CASE OFFICER	Mrs Charlotte White	01277 312500	
Drawing no(s) relevant to this decision:	SK1 ; DESIGN & ACCESS STATEMENT ; BIODIVERSITY ASSESSMENT ; SK11 /REV D; SK12 /REV C; SK13 REV A ; SK3 /REV A; SK5 /REV D; SK7 /REV G; TREE PROTECTION PLAN ; ARB. REPORT ; SK4 /REV E; SK6 /REV E; SK8 REV C ; SK16, SK18, OUTLINE CONSTRUCTION METHOD STATEMENT		

This application was referred by Cllr Reed for consideration by the Committee.
The reason(s) are as follows:

Design, bulk, privacy and overlooking, insufficient plot width to Plot 2 (Policy H15).
Evidence of grass snakes.

The application was deferred from the Planning and Licensing Committee 12th April 2016.

1. Proposals

Planning permission is sought to demolish the existing dwelling on the site and to construct three detached houses with basements and rooms in the roof. The three dwellings have a similar internal layout and characteristics but have different designs with different materials and different dormers, gables and detailing.

This application was presented to the Planning and Licensing Committee 12th April 2016. The Committee resolved to defer the application for the following further actions/information to be provided (see minutes of this meeting):

1. Officers to provide information on the amount of hardstanding on the site.
2. Officers to provide information on the changes in the siting of plot 3 in relation of the neighbouring dwelling
3. Cllr Reed to meet with residents.

In response, the applicant has submitted the following:

An outline construction method statement which indicates that:

- access to the site will be via Roundwood Avenue and Brockley Grove with the delivery of heavy plant and materials along The Glade co-ordinated and managed by traffic marshals at the entrance to The Glade and the site with two-way radios.
- The principle contractor would audit and manage vehicles used for the development to ensure they are capable of turning into The Glade and accessing the development without damaging the highway or highway verge. Once the existing dwelling has been demolished the base of the access road, drives and turning head will be laid out, prior to the construction of the houses to facilitate parking and turning.
- Construction parking will be prohibited within The Glade
- A photographic record survey of The Glade will be undertaken prior to commencement of the development and any damage caused by construction traffic will be made good by the developer.
- Wheel washing and road cleaning will be utilised.
- Working hours will be 08:00 – 17:30 Monday to Friday (excluding bank holidays) and 8am-1pm Saturdays (with heavy construction work prohibited).
- Full construction traffic management plans and construction management plans will be submitted to the local planning authority prior to the commencement of the works.

Amended plans:

- Plot 3 has been stepped further back in the site and is located some 20m from Dunelm.
- The plans now clearly show that a large vehicle such as a refuse lorry could turn in the site.
- The garages have been reduced in height.
- Additional planting is to be provided on the boundary with Dunelm and to the rear of Plot 3.
- A plan has been provided which shows an overlay of the footprints of the proposed development in relation to the previously refused scheme (latest refused scheme).

- A plan overlaying the refused scheme for 4 houses on the site with this proposal has been submitted.
- The Agent has provided hardsurfacing comparisons which indicate that the previously refused application had 702.5 sq.m of hardsurfacing compared to this application which proposes 724.5 sq.m of hardsurfacing. However, the gross floor area of all three dwellings has decreased compared to the previous application (ref. 15/00951/FUL).

2. Policy Context

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

CP1 - General Development Criteria

H15 – Hutton Mount

H17 - Dormer Windows

T2 - New development and highway considerations

C5 - Retention and provision of landscaping and natural features in development

3. Relevant History

- 15/00951/FUL: Demolition of existing house and construction of three new dwellings. -Application Refused
- 13/01101/FUL: Demolition of existing 6 bedroomed dwelling and redevelopment of the site to create four detached dwellings -Application Refused and Dismissed at appeal.

4. Neighbour Responses

Following the submission of amended plans, all neighbours that were previously consulted or whom previously commented on this application were re-consulted and were provided with a further 21 days to make any further comments they may have on the amended plans.

An additional 10 representations have been received from 8 addresses and included a power-point presentation with no name or address which make the following additional, summarised comments:

- Changes are minimal and the reduction in footprint and hardstandings is minimal compared to previous applications.
- Site does not facilitate more than 2 houses.
- Too close to properties in Luppits Close.
- Loss of privacy and overlooking.
- Dominate the view.
- Overbearing, overpowering, overdevelopment and intrusive.

- Out of keeping and harmful to the character and appearance of the area and would change current spacious ambience of the area and will appear cramped. High density and small gardens.
- Concerned about crown roof designs which are not allowed elsewhere.
- Too close to Dunelm – 20m not the 25m required.
- Plot 3 will remain an incongruous feature impacting Dunelm.
- Concerns regarding garages.
- Front dormers still proposed. No three storey houses in The Glade or Luppits Close.
- Concerned about conifers that need cutting back.
- No details of additional planting with Dunelm and Luppits Close provided and concerned will not be provided or will be removed.
- Ecology concerns.
- Safety concerns – poor sight lines, narrow lane, access, exit and lack of pedestrian facilities – cannot cope with an increase in the number of users. Congestion, increased traffic, accident and damage concerns and Highway Authority have no jurisdiction. Concerns about using drives as passing bays.
- Residents should suffer no disruption as a result of development.
- Some confusion about a plan submitted labelled ‘for discussion’ ref. SK17
- Reduction in sunlight.
- Construction method statement does not consider residents of pedestrians or children playing in the road.
- Concerns about covenants and access rights.
- Property has been sold.
- Human Rights concerns.
- Garden grabbing.
- Concerns about interests of Members.
- Concerns about the accuracy of the minutes of the April Committee.
- Foul and surface water, gas, water and electric connection concerns.
- Concerns about basements.
- Trees felled already.
- Breach of Policies, including CP1, H15 and H17
- Does not satisfy need for affordable homes. No need for expensive homes.
- Flooding concerns.

5. Consultation Responses

Following the submission of the amended plans and further information no further comments have been received from any consultees.

The comments previously received from the consultees are set out in the original report at Appendix 1.

6. Summary of Issues

The original officer report (appendix 1) clearly sets out the policy issues to be considered and therefore do not need repeating here. The amended plans and further information submitted by the applicant in response to the Committee's concerns are considered below:

Design and effect on the character of the area:

The design of the houses has not materially changed since the application was previously presented to Committee.

Ongoing neighbour objections to the crown roof design are noted, but the appeal Inspector previously found 'nothing objectionable' to the appearance of the dwellings (which then also included crown roofs).

The amendment to the layout, with plot 3 located further into the site is an acceptable change and would not adversely impact the character or appearance of the area as clear gaps between the dwellings will remain as before.

Information provided by the Agent indicates that the footprints of the dwellings and gross internal floor areas have decreased since the previous application (ref. 15/00951/FUL).

The area of hardsurfacing has increased marginally compared to the previous application. However, these areas are mainly located to the side of the dwellings and would not therefore appear overly prominent or at odds with the established character of the area.

The design principle of the front dormers is considered acceptable (nb: covenants are not a material planning consideration).

Landscape screening is proposed between plot 3 and Dunelm. It is considered that the dwelling at plot 3 would not appear as such an unusual feature when viewed from the rear garden of Dunelm that a refusal of planning permission could be substantiated.

The alterations to the designs of the garages are acceptable. The overall height of the garages has been reduced resulting in a lower visual mass and is welcomed.

Subject to conditions relating to materials, landscaping, boundaries and fenestration the development would not result in any material harm to the character or appearance of the area and would not appear incongruous or out of keeping in the area. The proposal therefore complies with the Brentwood Local Plan, Policy CP1 (i) and (iii) and the aims and objectives of Chapter 7 of the NPPF.

Residential Amenity

Plot 3 has been moved further back into the plot, increasing the separation space to Dunelm to approximately 20m (up from around 17.5m). As a result of this, the dwelling at plot 3 would be located approximately 20.5m from the rear boundary of the site.

As before, the siting of plot 3 would not result in any material overlooking to neighbours private amenity space either from ground or first floor windows, nor would it result in loss of privacy, overbearing effect, general disturbance, loss of light or outlook to adjacent residents.

The amendment to plot 3 is therefore acceptable.

As plots 1 and 2 have not been altered, the assessment set out in the original officer's report remains relevant.

Neighbours have raised concerns regarding the details of the additional vegetation on the boundaries of plot 3 not being provided but this can be provided as part of a condition attached to a planning permission.

Parking and Highway Considerations

The proposal would provide a turning head for larger vehicles to use, which will negate the need for larger vehicles having to reverse down The Glade as currently occurs.

A material consideration in the determination of the application is the findings of the appeal Inspector who considered that the traffic generated by the three (net) additional dwellings would not present a significant risk to either drivers or pedestrians and that the appeal scheme would not be detrimental to highway safety.

This development has reduced the number of net increase in dwellings to two, and equally will not result in any significant risk to highway safety.

The outline construction method statement submitted (see earlier in the report) indicates that there are solutions available to ensure the build can be undertaken in a safe manner.

Subject to conditions and agreeing a detailed construction method statement prior to the commencement of the development, the effect of the development on highway safety including during construction stage, is considered acceptable.

Other Matters

With regard to material objections, these have been addressed in either this, or the original report (or both). The Council must determine the application as submitted; as assessed, 3 dwellings on this site is considered acceptable in planning terms.

With regard to the queries raised regarding a plan labelled 'for discussion' ref. SK17 this plan does not form part of this application, but indicated that the applicant was willing to consider alterations, such as repositioning garages.

Covenants and access rights are not material planning considerations, and per se, are given either little or no weight in the decision making process.

Comments referring to the ownership of the site are not relevant as planning permission runs with the land. Any disruption during a development build phase is transient and not a reasonable or substantive objection to withhold planning permission

All other matters have been previously considered within the original officer report.

Conclusion

The amendments to the proposed development comply with the relevant Brentwood Replacement Local Plan policies and meet the definition of sustainable development as set out within the National Planning Policy Framework. There are no significant or demonstrable material considerations that indicate why planning permission should not be granted and therefore the recommendation is for approval, subject to the conditions set out below.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

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 DRA02A Development in accordance with drawings

Unless formally permitted by the local planning authority 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 U12513

No development above ground level shall take place until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

4 BOU09 No walls or fences - except as approved

Notwithstanding the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), and with the exception of those approved as part of this permission, no walls, fences or other means of enclosure shall be erected within the application site.

Reason: In the interests of safeguarding the character and appearance of the area.

5 U12514

No development shall take place, including any works of 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity. This issue is fundamental to the development permitted and in the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refused planning permission.

6 U12515

No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area. This issue is fundamental to the development permitted and in the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refused planning permission.

7 U12516

No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces 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.

8 U12517

Prior to the installation of any doors or windows, additional drawings that show details of proposed windows and doors to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in strict accordance with the approved details.

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

9 U12518

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no additional hardstandings shall be constructed without the prior grant of specific planning permission by the local planning authority.

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

10U12519

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents. This issue is fundamental to the development permitted and in the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refused planning permission.

11 U12520

The first floor side windows shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

12U12521

All tree works are to be undertaken in accordance with the approved arboricultural reports and plans approved as part of this application.

Reason: To safeguard the character and appearance of the area.

13U12522

The development shall not be occupied until the access road and vehicle turning area have been constructed in accordance with the approved details. The access road and vehicle turning area shall be retained in this form at all times.

Reason: To provide appropriate access in the interests of highway safety.

14 U12523

The development shall not be occupied until the vehicle parking area in each plot has been constructed in accordance with the approved details. The vehicle parking areas shall be retained in this form at all times. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To provide appropriate vehicle parking in the interest of highway safety.

Informative(s)

1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H17, T2, C5, C3 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4 U02935

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood CM13 3HD.

BACKGROUND DOCUMENTS

DECIDED:

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SITE PLAN ATTACHED

07. WOODACRE THE GLADE HUTTON ESSEX CM13 2JL**DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION THREE NEW DWELLINGS.****APPLICATION NO: 16/00134/FUL**

WARD	Hutton South	8/13 WEEK DATE	24.03.2016
PARISH		POLICIES	NPPF NPPG CP1 H17 T2 C5 C3
CASE OFFICER	Mrs Charlotte White	01277 312500	
Drawing no(s) relevant to this decision:	SK1 ; DESIGN & ACCESS STATEMENT ; BIODIVERSITY ASSESSMENT ; SK11 /REV C; SK12 /REV A; SK13 ; SK3 /REV A; SK5 /REV D; SK7 /REV F; TREE PROTECTION PLAN ; ARB. REPORT ; SK4 /REV E; SK6 /REV E; SK8 REV A ;		

This application was referred by Cllr Reed for consideration by the Committee.
The reason(s) are as follows:

Design, bulk, privacy and overlooking, insufficient plot width to Plot 2 (Policy H15)
Evidence of grass snakes

1. Proposals

Planning permission is sought to demolish the existing dwelling on the site and to construct three detached houses with basements and rooms in the roof. The three dwellings have a similar internal layout and characteristics but have different designs with different materials and different dormers, gables and detailing.

2. Policy Context

National Planning Policy Framework (NPPF)
Planning Practice Guidance (NPPG)
CP1 - General Development Criteria
H17 - Dormer Windows
T2 - New development and highway considerations
C5 - Retention and provision of landscaping and natural features in development

3. Relevant History

- 15/00951/FUL: Demolition of existing house and construction of three new dwellings. -Application Refused
- 13/01101/FUL: Demolition of existing 6 bedroomed dwelling and redevelopment of the site to create four detached dwellings -Application Refused

4. Neighbour Responses

20 neighbour letters were sent out and a site notice displayed.

10 letters of objection has been received to date which make the following summarised comments:

- Concerns about construction traffic - the road is too narrow and not suitable for this kind of traffic and suffers from on-street parking. Road is maintained by residents and concerns are raised regarding damage to the road and increases in traffic and congestion. Highway safety concerns, such as refuse lorries reversing down the road. Poor access. Brockley Grove is dangerous and inadequate with no pavements, blind bends and is a rat run. Driveways are not passing places (trespassing). Concerned about emergency services not being able to access The Glade. Will increase danger and accidents. Existing poor sight lines. Concerned about impact on tree stump at end of the road.
- Basements would require deep piling which is very noisy.
- Will result in noise disturbance and air pollution.
- Back-to-back distances not met.
- Loss of privacy and overlooking.
- Loss of sunlight and natural light.
- Will cause light pollution.
- Garages and houses located too close to boundaries.
- Loss of views and dominates views and outlooks.
- Overbearing, overpowering, dominant, intrusive and imposing.
- Harms residential amenity.
- Not in-keeping with area. Unattractive and visually unacceptable. Crammed into the site. Concerned about the height of the proposed dwellings. Concerns about mass, bulk and similar designs of the dwellings which is out of keeping. There are no three storey houses here. Front dormer windows are not acceptable to Hutton Mount Ltd. Concerned about the width of the frontages of the new dwellings and the plot sizes. Dominated by cars and hard-standings. Detracts from the distinctive character of the area. Large and incongruous feature in rear garden of Dunelm. Unsightly roofs.
- Overdevelopment of the site.
- Loss of trees. Trees already felled on site.
- Previous refused application on site. Planning Committee made it clear that 3 properties were not acceptable on the site. Few changes from the previous application.

- High density.
- Is garden grabbing.
- Developer profits and loss of property values.
- Does not address need for affordable housing. Is no shortage of large expensive houses in the area.
- Screening is not adequate to mitigate the development and not shown accurately on the plans.
- Drainage concerns; surface water drainage concerns and problems with electric, water, power and sewerage services.
- Damage to properties and Party Wall Agreement needed.
- Concerned about impact on wildlife and protected species - birds, foxes, bats, badgers, squirrels, hedgehogs, grass snakes great crested newts and reptiles.
- Will harm the community.
- Have not consulted neighbours.
- Inaccurate information submitted. Requests made for further or revised information.
- Hours of working should be restricted.

5. Consultation Responses

- **Highway Authority:**

Although The Glade is narrow in places, the Highway Authority would not wish to raise an objection to the above application, subject to conditions being attached to any approval, given the scale of the development and the likely limited increase in vehicle flow as a result of the development, the existence and current use of the road, the access to each existing dwelling, which act as informal passing bays, the proposed size 3 turning bay, which would assist fire tenders, refuse and other large service vehicles to enter and leave The Glade in forward gear, and the area to be available for parking and turning vehicles within the site which would comply with Brentwood Borough Council's adopted parking standards for the proposed dwellings.

1. Construction Method Statement to be submitted.
2. Details of the access road to be submitted and approved.
3. The vehicle parking area to be constructed in accordance with details and retained in the agreed form, and not used for any purpose other than the parking of vehicles that are related to the use of the development.

- **Arboriculturalist:**

The report and TPP are acceptable.

- **Design Officer:**

Current submission:

The site is located within the residential area of Hutton Mount, the existing plot accommodates a single detached dwelling in a mature landscape context. As with the previously refused application this current submission proposes 3 detached dwellings with ancillary single storey garages. Access remains to be served by a single access with detached garages set adjacent to the host properties (refer to DRWG SK7 REV F).

In terms of evident design revisions, I advise the layout has improved from the previous scheme (see drawing SK11 Rev C) and relates more appropriately to the immediate urban grain. In particular the relationship between Plot 1 and 2 is improved; this has been facilitated by the pivoting of Plot 2 thus providing improved punctuation between the proposed buildings.

In terms of the plan forms, these remain substantial footprints with the proposed developed area not too dissimilar to the originally refused application, I note the garages are now reduced and the re-siting of the ancillary form for Plot 1, along with the reduction from a triple to a double garage is an improvement. The table top roof applied to disguise the impact of massing remains and is not typical of the architectural styles proposed in their true vernacular.

In terms of the elevational treatment and the architectural narrative selected, I advise the mix of differing periods of Tudor and Arts and Crafts remains, it is apparent the designs have been refined e.g. Plot 1 which previously had the triple gabled frontage is now proposed the a principal hipped gable with dormer insertion; flatted dormers are proposed to be inserted into the roofscape, these are improvements. Plot 2 is elevated with two gables at the principal frontage and there are marginal reductions in massing overall, again incremental improvements.

The most significant aspect in respect of design is the improvement in layout and refinement of design detail. I maintain the overall plot would be better served by two carefully design dwellings which retain a good spatial quality within a landscaped setting however the urban grain is not highly disrupted by these proposals for three dwellings with this revised layout.

Should planning be permitted I advise Conditions are applied in respect of the external materials, fenestration and landscaping, boundaries should be retained as soft with no close boarded fencing dividing the curtilages.

- **Essex Badger Protection Group:**

Due to there being badgers living locally to this application I would recommend that the site is surveyed before the application is approved. if any setts were found then probably a licence would be needed to either work near the sett or to close the sett down.

6. Summary of Issues

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise: the Brentwood Replacement Local Plan 2005. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are material consideration in planning decisions.

The application site is located at the south-eastern end of The Glade which is a cul-de-sac accessed off Brockley Grove located to the west. The site is located within Hutton Mount and currently accommodates a substantial dwelling house and associated outbuildings. Hutton Mount is characterised by low density development consisting of large detached houses generally set within large, landscaped plots. The Glade currently provides access to 11 properties.

The main issues which require consideration as part of the determination of this application are the principle of the development, sustainability, the impact of the proposal on the character and appearance of the area, the impact of the proposal on the amenity of the occupiers of neighbouring residents, living conditions, highways/parking issues and trees, landscaping and ecology:

History

Planning permission was previously refused for the demolition of the existing dwelling and the construction of 4 detached dwellings on the site ref. 13/01101/FUL by the Council at Planning Committee for the following reasons:

1. The proposed development as a result of the number, size, design, height and layout of the dwellings, would materially harm the character and appearance of the area which is within the larger designated area of Hutton Mount that is recognised within the Local Plan as having a special character that arises from the individual design of dwellings and the spaces between and around them. The proposal would therefore conflict with the objectives the National Planning Policy Framework (section 7) and those of Policy CP1(Criteria (i) and (iii)) and Policy H15 of the Brentwood Replacement Local Plan that seeks to ensure that new development is of a high quality design that reinforces local distinctiveness; specifically, in this case, to Hutton Mount.

2. The Glade is a narrow, private access way without street-lighting or footpaths and with poor visibility at its junction with Brockley Grove. The proposed development would result in a material increase in the use of the full length of this access way by vehicular traffic which would be detrimental to the safety of all users of The Glade, contrary to Policy T2 and Policy CP1 (criteria iv and v) of the Brentwood Replacement Local Plan.

An appeal against this refusal was dismissed (ref. APP/H1515/A/14/2215515). This is a material consideration in the determination of the current application. In that decision, the Inspector comments that the majority of the properties are well screened by mature trees and other planting on the front boundary and so landscaping dominates the built form. The houses are mainly large detached properties in large plots. They are of individual styles, but many share similar design features and materials. They are set well back from the road and most benefit from large rear gardens...while I do not find the space between the buildings to be particularly noteworthy (for many fill much of the width of their plots), the area does have a spacious character overall...I consider its character to be distinctive and worthy of retention. The character and appearance of The Glade, which is a narrow cul-de-sac, broadly reflects that of the wider Hutton Mount area.

In terms of the design, the Inspector comments that she finds nothing objectionable about the appearance of the dwellings and is not unduly concerned about the fact that two of the properties would be identical given the similarities between the existing properties in Hutton Mount. The mature planting on the boundary in front of Silver Trees would provide some screening of the dwelling proposed on Plot 1, but the other buildings and their parking areas would be visible from the existing stretch of The Glade. Thus they would become an integral part of the streetscene. The proposed dwellings would be set within reasonably sized plots...the spaces between the dwellings and their side boundaries...would not be dissimilar to the gaps observed elsewhere. However, by the proposed layout, the frontages of the dwellings on Plots 1-3 would overlap when viewed from the entrance to the site and no visual gaps would be perceived between them. This would give rise to a cramped appearance which would be accentuated by the three storey height and substantial depths of the dwellings. The plots 1-3 would be sited in close proximity to the new stretch of carriageway and Plots 2 and 3 would have large and relatively open areas of hard standings on the frontage. Thus the built form would be prominent in the streetscene and this would be at odds with the generally more spacious and landscaped character of Hutton Mount. The dwelling at Plot 4 would appear as a large and incongruous feature in the rear garden environment of Dunelm, particularly given the otherwise green and spacious context. I conclude that the development would be significantly harmful to the character and appearance of the area.

In terms of highway safety, the Inspector comments that whilst visibility to the north of the junction (junction of The Glade and Brockley Grove) is impaired for drivers leaving The Glade, road users would not be put at unacceptable risk by vehicles edging out into the carriageway. The Glade is not wide enough to accommodate two-way traffic and there are no formal passing bays, however, it is possible to pull into a number of driveway accesses to wait and so it is not essential for drivers travelling east to reverse back into Brockley Grove...therefore the risk of vehicles backing out onto Brockley Grove would not increase significantly because vehicles leaving the appeal site could not see the junction. While the carriageway is not wide enough for refuse lorries or fire engines to turn and leave in a forward gear, the addition of three properties would not make their visits significantly more frequent. Moreover, a turning area, which could be used by such vehicles, would be created within the appeal site and this would be a benefit of the scheme. I do not consider that the traffic which would be generated by the three (net) additional dwellings proposed would present a significant risk to either drivers or pedestrians...the appeal scheme would not be detrimental to highway safety.

Following this appeal decision, a subsequent planning application was submitted for the construction of three dwellings on this site (ref. 15/00951/FUL) which was also refused for the following reason:

1. The proposed layout of the dwellings would result in a cramped form of development which would be incongruous within the spacious character of the Hutton Mount area and would fail to reinforce the distinctiveness of the area, contrary to Chapter 7 of the National Planning Policy Framework (NPPF) and Policies CP1(i), CP1(iii) and H15 of the Brentwood Replacement Local Plan 2005.

This is also a material consideration in the determination of the application.

The principle of the development

The application site is located within a residential area and as such the principle of the development is acceptable, subject to other considerations such as design and residential amenity considerations.

Whilst it is noted that Paragraph 53 of the NPPF states that Local Planning Authorities (LPAs) should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area, Brentwood Borough Council currently has no such Policies in the 2005 replacement Local Plan.

Sustainability

Most trips would be car based, although the site is located relatively close to Shenfield Town Centre which benefits from a number of shops and services and good public transport links.

Design and Character and Appearance of the area

The Council's Design Officer has commented that the layout has improved from the previous scheme and relates more appropriately to the immediate urban grain. The relationship between plots 1 and 2 has improved. The proposed dwellings have substantial footprints, however, the garages have been reduced in size and the siting of the garages is improved.

Concerns about the design of the table top roofs remain, however, it is recognised that the designs have been refined and the layout has been improved. The urban grain is not highly disrupted by this proposal for three dwellings with this layout. Conditions requiring materials, fenestration, landscaping and boundaries are recommended.

The dwellings proposed are of a similar footprint but have different styles and some features and materials that match the existing dwellings in the area, such as front gables and mock-Tudor boarding. Given the Inspector's comments on the previously refused scheme, it is not considered that the overall design and the table top design of the roofs are acceptable.

The proposed site plan indicates that the houses would be screened by planting and vegetation more so than the previously refused scheme, which is an improvement, although the houses would still be visible from The Glade and would therefore still be integral to the streetscene.

In comparison to the previously refused scheme, this layout has pivoted the dwellings, resulting in clear gaps being visible between the dwellings and as such the development would not appear cramped and would not be out of keeping with the distinctive, spacious character and appearance of the area.

The previous concerns about the close proximity of Plots 1-3 to the new carriageway and concerns about the large, open areas of hard standings at Plots 2-3, has also been addressed: the positioning of the hard standings has been altered with the parking and main areas of hard standings now located to the side of the dwellings rather than directly in front of the dwellings, which is in keeping with the established character of the area.

Whilst the neighbour concerns with regard to design and the character of the area are noted, overall, it is considered that the proposal has overcome this previous reason for refusal and subject to conditions relating to materials, landscaping, boundaries and fenestration the proposal would not result in any material harm to the character or appearance of the area and would not appear incongruous or out of keeping in the area.

Neighbours have also raised an objection about the inclusion of front dormers but private covenants are not a material planning consideration.

The frontages and sizes of the plots are acceptable and would not be out of keeping in the area. The dwelling at plot 3 would be near to the boundary of the rear garden of Dunelm, soft landscape screening could be provided on this boundary and it is not considered that this would be so harmful that a reason for refusal on this basis alone could be fully justified or sustained at appeal. No objection is therefore raised in terms of Chapter 7 of the NPPF or Policies CP1(i), CP1(iii) or H15 of the Local Plan.

Residential Amenity

In terms of dominance and an overbearing impact, the proposed new dwellings are significantly removed from the adjoining residents, with the new dwellings located a minimum of some 13.8m from the nearest dwelling.

The proposed detached carports/garages are located closer to the boundaries of the site and closer to the existing dwellings than the dwellings proposed. The detached double carport at Plot 1 has a height of some 5.2m and is located very close to the boundary with Silver Trees and some 6.8m from the dwelling at Silver Trees. However, there are existing outbuildings in a similar location to this and given the design and size of the carport; it is not considered that this part of the proposal would result in any material dominance or overbearing effect. The carports to Plot 2 and 3 are removed from the boundaries of the site; located a minimum of 5.8m from the boundaries of the site and would also not therefore result in any undue dominance or an overbearing impact.

It is therefore considered that the proposal would not result in any material dominance, overbearing impact or loss of light or outlook to the adjoining residents.

Some neighbours have commented that this development would result in loss of views and will dominate the outlook from adjoining properties, but the loss of a view is not a material planning consideration. In terms of loss of an outlook, this is considered in the context of overbearing or a dominant effect.

In terms of overlooking and loss of privacy, the guidance contained in the appendices of the Local Plan indicate that where the rear faces of new houses are approximately parallel to existing houses the new houses shall not be located closer than 15m from the rear boundary. An eye-to-eye distance of at least 35m is advocated where a living room is overlooked from an opposing dwelling, but this may be reduced where privacy can be achieved through design. However, the Essex Design Guide states that with rear/flank facing habitable rooms, the rear faces of opposite, approximately parallel houses; a minimum of 25m between the backs of houses may be acceptable. It should however be noted that this is only guidance.

In this regard, each new dwelling will now be considered individually:

Plot 1's front windows would be located a minimum of some 20m from the boundary with Dunelm and is orientated such that it would face the front and side of the dwelling at Dunelm. The main rear windows at Plot 1 would be located some 17m from the rear of the site and would be significantly removed from the dwelling to the east. The single storey rear projection would be located some 13.5m from this boundary, but this single storey element would be significantly screened by standard boundary treatments/vegetation on this boundary. The first floor side windows proposed serve a walk-in-wardrobe, en-suites and secondary bedroom windows and as such can be conditioned to be obscure glazed with limited openings to prevent any undue overlooking. The roof lights proposed are located on the flat roof and would not therefore result in any overlooking. Subject to a condition restricting the flank windows, given the isolation spaces provided it is not considered that Plot 1 would result in any significant or demonstrable overlooking or loss of privacy to the adjoining residents.

Plot 2's front windows would be located in excess of some 28m from the boundary with Dunelm (at an oblique angle) and as such would not result in any undue overlooking or loss of privacy. The main first floor rear windows would be located more than 20m from the rear boundary. The first floor rear windows would also be located a minimum of some 24.8m from the rear wall of No.4 Luppit Close. The first floor side windows can be conditioned to be obscure glazed in the same way as Plot 1 to prevent overlooking or loss of privacy in this regard. The roof lights proposed given their position, height and nature would not result in any undue overlooking or loss of privacy.

Plot 3's front windows would be located over 42m from the front of the site which is acceptable, whilst there may be a degree of oblique overlooking from these front windows to Dunelm, the new dwelling at Plot 3 would be located some 17m from Dunelm and given the orientation and location of the plot any overlooking would be oblique and would not therefore result in any material harm in this regard. The rear windows would be located a minimum of some 20m from the rear boundary of the site with the first floor rear windows located in excess of 23m from the rear boundary and around 30m from the dwelling at No.5 Luppit Close. The first floor side windows can be conditioned in the same way as plots 1 and 2 to prevent any undue overlooking in this regard. The roof lights given their position, height and nature would not result in any material overlooking or loss of privacy.

Subject to a condition requiring the first floor side windows to be obscure glazed with limited openings it is considered that the proposal would not result in any undue overlooking or loss of privacy.

Whilst some neighbours have raised concerns regarding the location of the dwellings and the back-to-back distances proposed and have concerns in relation to loss of privacy and loss of sunlight, given the above, and subject to the above restriction on the flank windows, it is considered that the proposal would not result in any material harm to the adjoining residents in this regard.

In terms of noise and disturbance, whilst this proposal would result in parking, access and turning facilities being adjacent to the dwellings and gardens, given the location of these element and the limited scale of the proposal, it is not considered that this would result in any material noise and disturbance to the adjoining residents and no objection is therefore raised on this basis. Neighbour concerns have been raised with regard to noise and disturbance during the construction of the dwellings, however, this would be temporary situation and a condition can be imposed on any grant of consent, requiring a construction method statement to be submitted to and approved in writing prior to the commencement of the development.

Whilst some neighbours have raised concerns in relation to air pollution, given the nature and scale of the proposal it is not considered that the development would result in any material air pollution to adjoining residents. In terms of light pollution, given the existing use of the site, the existing dwelling on the site and the residential area in which the site is located, it is not considered that the proposal would result in any material harm in terms of light pollution.

Subject to conditions no objection is therefore raised in terms of Policy CP1(ii) of the Local Plan or the fourth bullet point of Paragraph 17 of the NPPF.

Living Conditions

The dwellings proposed would all be provided with adequate living conditions with each dwelling having an adequately sized private garden area and parking facilities.

Parking and Highway Considerations

The Highway Authority has raised no objections to the proposal, subject to conditions.

The development would provide adequate parking facilities and would not result in any material harm to highway safety. No objection is therefore raised on this basis, subject to the conditions recommended by the Highway Authority.

Tree, Landscaping and Ecology

In terms of trees, an Arboricultural Report has been submitted with this application which comments that the trees on the site appear to be generally in a healthy condition with no signs of pests or diseases, apart from G1 which is dead and therefore needs to be felled. To implement this proposal, trees T12-18 and T20 will need to be removed to allow for the construction of the drive/turn. T11 will also be removed as it is unlikely to develop under the canopy of the better quality tree: T9. All of these trees are category C trees; low category trees which could be retained, with the exception of T9 which is a category B tree; a moderate tree which is desirable.

The Tree Report also recommends works to two additional trees to aid the development; T27 and T29 which are B category trees; moderate quality trees, but comments that these works will not have any detrimental impact on the amenity of these trees. The report also recommends tree protection measures to protect the other trees on the site.

The Tree Officer has commented that the tree information submitted is acceptable. As such, subject to a condition requiring the works to be undertaken in accordance with the tree report submitted no objection is raised in terms of Chapter 11 of the NPPF or Policy C5 of the Local Plan.

Given the scale of the proposal and the established verdant nature of the area, with the majority of surrounding properties well screened by mature trees, other planting on the front boundary and landscaping dominating the built form, it is necessary to impose a condition on any grant of consent, requiring a full landscaping scheme to be submitted prior to the commencement of the development. The plans submitted indicates that there will be substantial planting to the front of the dwellings, however, full details are required by way of condition.

A biodiversity assessment has been submitted with this application which comments that no evidence of protected species were noted in the vicinity of the proposed works and the proposal is not considered to be a significant risk to biodiversity within the locality. Given this and given the previous findings in relation to the previous applications and given that planning permission would not override the developer's duties under other Legislation including the Wildlife Acts, no objection is raised on this basis in terms of Chapter 11 of the NPPF and Policy C3 of the Local Plan.

Other Matters

The majority of the neighbour comments have already been considered including the design and impact on the character and appearance of the area, impact on trees, residential amenity, parking and highway considerations and the impact on wildlife. In response to the other matters raised;

- A number of matters raised are not material planning considerations, including any commercial benefits to the developer, property values, that there are other unsold properties in the area, the upgrading of services such as gas, water and electric and the need or otherwise for Party Wall Agreements.
- Any damage to the road or other private property and any requirements for the new occupiers to pay for the maintenance of The Glade would be a civil matter to be resolved privately between the relevant parties.
- The capacity of the existing drainage system would be a matter to be dealt with by statutory undertakers.
- The Arboricultural Officer raised no objection to the proposal. The trees on this site are not protected by a TPO and the Tree Officer did not recommend that the remaining trees should be subject to a TPO.
- It would not be possible to impose planning conditions preventing parking on The Glade, however, a construction method statement condition is recommended.
- Working hours are controlled by separate legislation and would be dealt with by the Council's Environmental Health Team.
- Comments that a development of 2 houses would be more in-keeping and that Planning Committee previously said 3 houses would not be acceptable are not valid reasons to refuse a planning application and the Council cannot insist that the proposal is reduced to 2 dwellings; the application as submitted must be determined on its own merits.
- There is no statutory requirement for the developer to consult with the neighbours on such a development.
- No further information is needed to determine this application.

Conclusion

Subject to conditions, the proposal complies with National and Local Planning Policy. The revised scheme has overcome the previous concerns raised and the proposal is therefore recommended for approval.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

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 DRA02A Development in accordance with drawings

Unless formally permitted by the local planning authority 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 U12513

No development above ground level shall take place until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

4 BOU09 No walls or fences - except as approved

Notwithstanding the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), and with the exception of those approved as part of this permission, no walls, fences or other means of enclosure shall be erected within the application site.

Reason: In the interests of safeguarding the character and appearance of the area.

5 U12514

No development shall take place, including any works of 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity. This issue is fundamental to the development permitted and in the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refused planning permission.

6 U12515

No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area. This issue is fundamental to the development permitted and in the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refused planning permission.

7 U12516

No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces 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.

8 U12517

Prior to the installation of any doors or windows, additional drawings that show details of proposed windows and doors to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in strict accordance with the approved details.

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

9 U12518

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no additional hardstandings shall be constructed without the prior grant of specific planning permission by the local planning authority.

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

10 U12519

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents. This issue is fundamental to the development permitted and in the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refused planning permission.

11 U12520

The first floor side windows shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

12 U12521

All tree works are to be undertaken in accordance with the approved arboricultural reports and plans approved as part of this application.

Reason: To safeguard the character and appearance of the area.

13 U12522

The development shall not be occupied until the access road and vehicle turning area have been constructed in accordance with the approved details. The access road and vehicle turning area shall be retained in this form at all times.

Reason: To provide appropriate access in the interests of highway safety.

14 U12523

The development shall not be occupied until the vehicle parking area in each plot has been constructed in accordance with the approved details. The vehicle parking areas shall be retained in this form at all times. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To provide appropriate vehicle parking in the interest of highway safety.

Informative(s)

1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H17, T2, C5, C3 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4 U02935

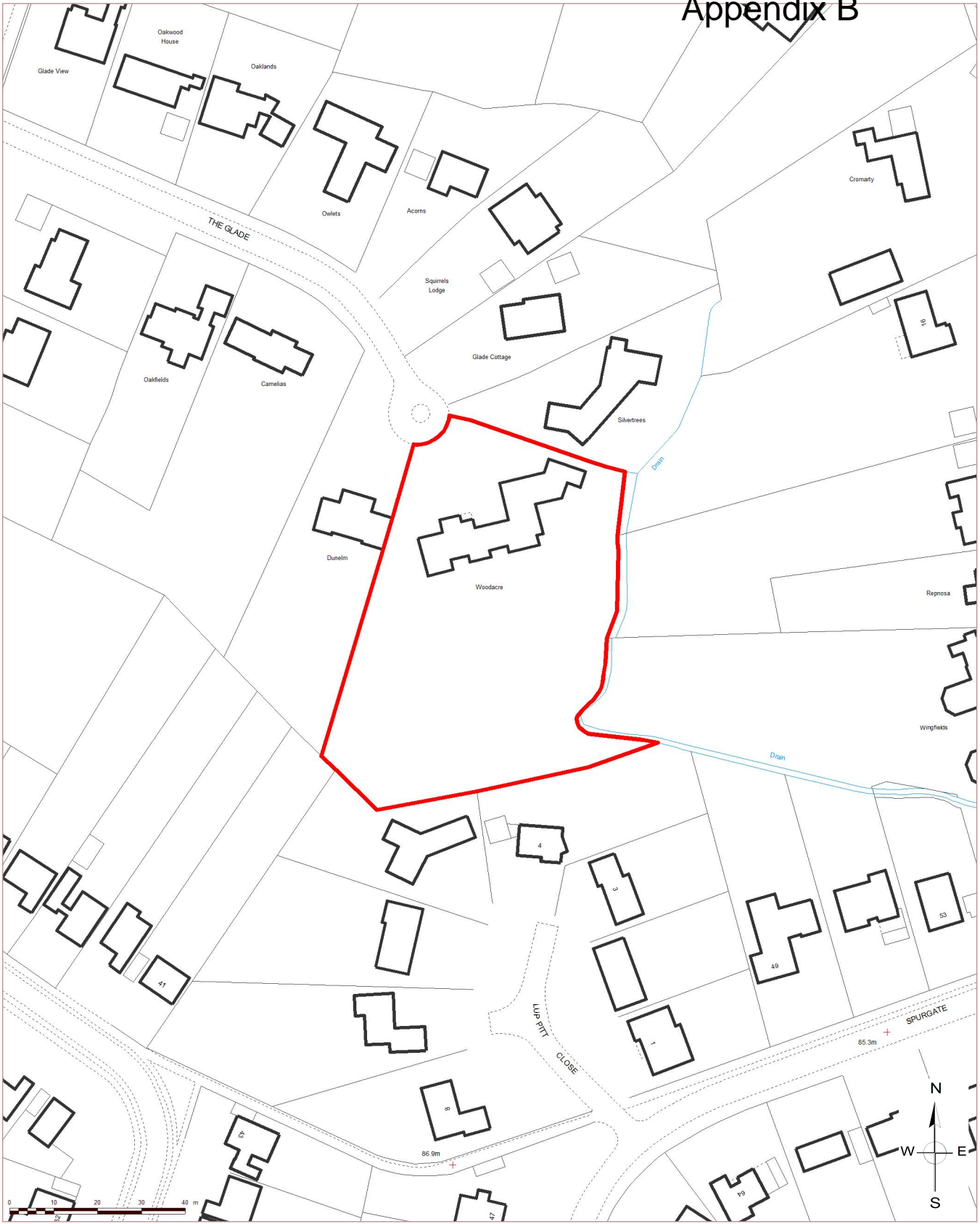
All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood CM13 3HD.

BACKGROUND DOCUMENTS

DECIDED:

Appendix B



Title : Woodacre, The Glade, Hutton

16/00134/FUL

Scale at A4 : 1:1250

Date : 28th June 2016

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel.: (01277) 312500



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SITE PLAN ATTACHED

04. LAND WEST OF NORTH DRIVE, HUTTON, ESSEX
CONSTRUCTION OF 2 HOUSES AND 2 BUNGALOWS WITH GARAGING
APPLICATION NO: 16/00178/FUL

WARD	Hutton East	8/13 WEEK DATE	05.07.2016
PARISH		POLICIES	GB1 GB2 CP1 CP2 T2 C3 NPPF NPPG C5
CASE OFFICER	Kathryn Mathews		01277 312500
Drawing no(s) relevant to this decision:	ECOLOGY REPORT; SOIL REPORT; TREE SURVEY; DESIGN AND ACCESS STATEMENT; SITE PLAN; 1A; 2A; 3A; 4; 5;		

This application was referred by Cllr Sanders for consideration by the Committee. The reason(s) are as follows:

Councillor Sanders referred this planning application on the basis of the following:-

'I do not have any concern with the proposed development, this proposal presents an ideal infill building opportunity towards our housing supply need.'

'I am writing as a ward Councillor in support for the above application. I feel this is best use of the land as although this land is classified as green belt is in fact poor quality scrub and has been left in a poor state for a number of years. Both myself and my ward colleague Chris Hossack feel this is best use of the land as this is an infill opportunity to building several houses. We both agree with the style and design of the proposed houses.'

'Two houses and two bungalows are proposed. This is in keeping with the surrounding area and are tasteful in appearance. The unsecured nature of the site has for some years posed a concern for local residents who would be supportive of development to secure the site for the long term future.'

1. Proposals

Proposed four bedroom dwellings (two bungalows and two chalet style dwellings) and two detached double garages.

Plot 2: 13m x 14m and 7.2m in height, pitched roof with dormer windows to front and rear.

Plot 3: 12.7m x 10.4m and 6.7m in height, pitched roof with dormer windows to front and rear.

Bungalows: 22m x 13.8m (including integral double garage) and 5.3m in height, pitched roofs.

Detached double garages 4.8m in height.

The materials proposed to be used for the external surfaces of the buildings would be render and boarding for the walls and tiles for the roofs.

The means of enclosure would be a mixture of post and rail and close boarded fencing.

The use of the existing site is described as 'landscape contractors yard, storage and building, vacant land and access' which employs 5 people.

The boundaries of the site are partly formed by trees and hedging but it is not clear from the submitted block plan whether it is proposed to retain any of the existing trees/hedges.

The application is accompanied by an Phase 1 Ecology Report dated November 2014 (revised January 2016), a Planning Supporting Statement incorporating Design and Access Statement, a Soil Analysis Report, a Tree Survey and Tree Constraints Plan.

The Ecology Report states that the site is not valued natural habitats and consequently the proposed development is expected to have a minor negative, but not significant, ecological impact. However, mitigation for nesting birds is recommended in the form of appropriately timed vegetation clearance works and precautionary measures to reduce the risk of works impacting hedgehogs and reptiles (or, alternatively, a survey to ascertain whether reptiles are present). Investigations as to whether great crested newts are present in nearby ponds (two

properties to the north of the site had ponds in their rear gardens between 70m and 90m north west of the site) has not been possible due to limited access but there are no records of great crested newts within 2km of the site - precautionary mitigation is advised. Reference is made to some of the larger broadleaf trees in the east of the site being ecologically valuable and that they should be retained.

Planning Supporting Statement:-

- the Council is unable to demonstrate a 5 year housing supply unlike at the time of the previous refusal 14/01190/FUL
- whilst the site and the activities are barely prominent from beyond the confines of the site, front section of site is un-used, unkempt and untidy, detracting from the street scene
- site is in Green Belt but in the midst of an established sub-urban area
- site does not abut open countryside and does not fulfil any of the Green Belt functions as set out in the NPPF
- builders yard results in a loss of amenity and a nuisance to neighbours
- aim to move business to better suited premises which would provide the space and opportunity for the business to grow
- construction of the development would also have an economic benefit
- layout would allow space for substantial planting to further enhance the appearance of the site
- the development is inappropriate in respect of Green Belt policy but very special circumstances exist - proposal represents sustainable development meeting the environmental, social and economic strands of the NPPF
- the NPPF has a presumption in favour of sustainable development and in the absence of an up to date Local Plan the NPPF takes precedence
- proposal would cause minimal actual harm
- the development would develop a brownfield site and infill site in a settlement
- the site lies in a sustainable location and reference is made to distances to a public house, school and Shenfield, as well as the site being 120m from a bus stop - it is suggested that people could reside there without the use of a private car and not be socially excluded.
- bungalows would meet a social need for elderly and disabled people
- the low density is appropriate in the context of the surroundings
- reference is made to North Drive being widened to 4.8m so that 2 cars can pass [but this does not appear to be shown on the submitted drawings]

The agent has also advised that their client will put in chargers for electric cars etc and will surface the access road.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPGs have been taken into account, where relevant, in the following assessment. Those of particular relevance to the current application are 'Design', 'Conserving and enhancing the historic environment', 'Housing and economic land availability assessment' and 'Natural environment'.

GB1 (New development) refers to the need for very special circumstances to justify proposals which are inappropriate in the Green Belt.

GB2 (Development Criteria) refers to the need to proposals not to harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. The Policy also requires account to be taken to public rights of way, existing landscape features and the location of any building in respect of the surrounding landscape and adjoining buildings.

CP1 (General Development Criteria) Requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment.

CP2 (New Development and Sustainable Transport Choices) aims to locate jobs, shopping, leisure facilities and services in locations which are well served by public transport and/or are accessible by walking and cycling.

C3 (County Wildlife Sites, Local Nature Reserves and Other Habitats and Natural Features of Local Value) aims to protect existing wildlife from adverse impacts of development.

C5 (Retention and provision of Landscaping and Natural Features in Development) requires the retention of existing natural features with new landscape works to enhance any new development.

T2 (New Development and Highway Considerations) refers to the need for proposals not to have an unacceptable detrimental impact on the transport system.

3. Relevant History

- 12/00073/FUL: Change of use of existing building for storage of materials and machinery associated with landscape business, retention of access/area, associated landscaping. -Application Refused
- 14/00600/FUL: Construction of four new detached dwellings -Application Withdrawn
- 14/01190/FUL: Construction of four detached dwellings -Application Refused
- 11/00007/S191: Certificate Of Lawfulness To Determine Whether:
- 1) Area Edged Blue - Use For Storage And Contractor's Yard Has Begun More Than 10 Years Ago And Has Been Continuous And
- 2) Area Edged And Hatched Brown - Construction Of Access Was Completed More Than 4 Years Ago. -Application Refused

4. Neighbour Responses

15 letters of notification were sent out, a site notice was displayed at the site and a press notice published. Five letters of support have been received, on the basis of the following:-

- currently experience huge problems from commercial businesses in road (severe potholes and noise)
- piece of land for sale is surrounded by houses and churches so surprised classed as Green Belt
- residential use would have a more positive impact on their community and benefit the area as a whole, additional housing would be more in keeping in the street than commercial buildings

- would provide much needed houses - especially pleased to see that bungalows are incorporated.
- would eliminate risk of traveller incursions and improved security of site
- ideal location without sacrificing open greenbelt land
- proposal not over development, in keeping with North Drive and nicely designed

A petition in support of the planning application has been received with 10 signatories (although four of which have also sent a letter of support referred to above).

Letters of support have also been received from the two Ward Councillors, Councillor Sanders and Councillor Hossack who raise the following matters:-

- presents an ideal infill building opportunity towards our housing supply need
- within Green Belt but poor quality scrub and part of site is a yard for a tarmac business with an access road - the existing uses cause neighbour disturbance
- site surrounded on four sides by residential properties, it has defensible boundaries therefore sprawl into open Green Belt would not occur
- tasteful design and in keeping with surrounding area
- two of dwellings are bungalows to meet lifelong homes need
- unsecured nature of the site has caused concern for local residents for some years

Two letters of objection have been received from the same address raising the following concerns:-

- no very special circumstances to override Green Belt issues
- likely to increase flood risk as rainfall will no longer be able to soak into ground
- likely to have a negative effect on bio diversity as site been undisturbed for 30 years
- only tiny proportion of site brownfield land
- possible contamination as part of site used for a tarmaking business
- would reduce openness of site
- site not within a 'typical residential urban area' looks more like country/rural
- four houses not going to be much help with any housing deficit
- application form says there are five full time employees but statement refers to four
- the no.9 bus does not go to Shenfield, it is not practical to live in Havering Grove without a car as lack of local services and facilities
- if site to lose Green Belt status, should be in the Local Plan

- would like clarification as to how much of North Drive would be resurfaced and widened - concerns regarding future maintenance of North Drive
- if approved, why should density be so much less than that required by the Borough
- Green Belt should not be built on until all brownfield sites have been used
- object to any alteration to the junction of North Drive and Rayleigh Road

5. Consultation Responses

- **Highway Authority:**

North Drive is a private road, therefore from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority as shown on submitted Drawing No. 1705/1 Rev A subject to the following conditions:

1. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for each dwelling for sustainable transport, as approved by Essex County Council. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood CM13 3HD.

- **Environmental Health & Enforcement Manager:**

Construction Sites

1. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

2. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday - Friday.....7.30 - 18.00

Saturday.....8.00 - 13.00.

No noisy activities on Sundays or Bank Holidays.

3. All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.
4. Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.
5. In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.
6. Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc)
7. Radio noise should not be audible at the boundary of the nearest neighbouring property.
8. Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.
9. Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Health Department on (01277) 312500 prior to commencement.
10. Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered in the remediation scheme that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed and a separate remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site
11. The developer shall notify the Local Planning Authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within four weeks of completion of such works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site or beneficial occupation of the office building hereby permitted until the Local Planning Authority has approved the validation report in writing.

Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the conditions above.

- **Anglian Water Services Ltd:**

No response at the time of writing report.

- **Essex & Suffolk Water:**

No response at the time of writing report.

- **Arboriculturalist:**

No response at the time of writing report.

- **Design Officer:**

Thank you for consulting on the above application in respect of Design; should the principle of development be acceptable given the Green Belt location I offer you the following advice to assist you in the determination of this application; no preapplication advice from Design has been sought prior to the submission of this application.

The development site is located to the north of the A129 Raleigh Road, Hutton. The urban grain located along this spine road is of a linear pattern, with dwellings predominantly chalet type designed, set back within their plots from the principle frontage. There is an established access/egress to the A129 from North Drive. Having reviewed historic cartographic data, the site context evidences this location of the Borough as being undeveloped land until mid C20th when a handful of modest plan form buildings are evidenced to the north of the lane (North Drive). These dwellings which exist within North Drive face the lane and are modest low profile forms; in essence retaining a low density of development with modest scale in their appearance; the proposed development site evidences presently as undeveloped land, despite the current hard standing, the openness at the site contributes to the largely rural character of the location.

The proposals within this application seek to infill an undeveloped plot of land north of the Seventh Day Adventist Church (west on North Drive) with four residential dwellings and associated garaging. The layout of the proposed site (see drawing 1705/1) does not introduce a frontage to North Drive which is typical of the existing mid C20th development, this should be reconsidered; as stated in the submitted planning statement - the design should respond to the local character and history of

the location; at present this is not apparent in terms of layout and is a fundamental concern. Urban encroachment into the rural site is not appropriate.

Moreover there is fundamental concern in respect of the scale and spread of the proposed forms; particularly Plots 4 and 1 in their 's' shaped plan layouts, the linked garages elongate the buildings and could be reduced in size to provide a much improved layout, albeit the quantity of development may reduce. Overall the development proposed does not evidence modest dwellings; whilst section 5.10 refers to the provision of accommodation which is rarely catered for in terms of inclusive design for elderly or disabled users - I advise the plots proposed are large family homes and are not designed specifically for assisted living, this is somewhat misleading in the Planning Statement. In addition I do not consider the context of the development site as having any correlation to Hutton Mount which is some distance away and was development in an entirely different manner.

In essence to develop successfully here whilst not disturbing the local character of the location, the design needs to improve in respect of scale and spread of development - details and elevational treatment presented within this application are not cohesive to the architecture within the immediate context, but such details can be addressed once the principles of scale and siting are addressed; should the principle of development be accepted in Planning Terms I advise a fresh approach is embarked upon for the Design.

Consequently I advise the development is contextually inappropriate in terms of layout, scale and bulk; it is not supported as a development of Good Design.

- **Bats - Mrs S Jiggins:**

No response at the time of writing report.

- **Essex Badger Protection Group:**

I have no records of badger setts or activity on this planning application site. I would be happy to do a survey of the land if you required one.

- **ECC SUDS:**

This site is not considered major therefore we will not be commenting on the surface water drainage scheme at the site.

6. Summary of Issues

The application site is mainly a greenfield site located within the Metropolitan Green Belt. North Drive is located between 616 and 630 Rayleigh Road. The existing development along North Drive consists of a mixture of residential properties as well as Kingdom Hall and a Seventh Day Adventist Church and a garden centre. The site is located on the western side of North Drive around 160m north of London Road (A129). The site is stated as measuring 0.44ha, is roughly rectangular in shape and measures around 65m in length along North Drive and a maximum of 75m in depth.

The northern boundary of the site is formed by a belt of conifers trees beyond which is the accessway to Woodside located to the north-west of the site. The site is opposite Kingdom Hall located on the eastern side of North Drive. Along the southern boundary is mainly the rear gardens (of between around 35m and 55m in length) of residential properties which front Rayleigh Road. There is a small site currently in non-residential use located adjacent to the north-western corner of the site and residential gardens to the west. There is a ditch along the eastern boundary of the site with North Drive. Other than the conifer hedge, the external boundaries of the site are mainly screen fencing.

The existing building measures 4.2m x 22.5m and is located around 2.5m from the western boundary of the site within a parcel of land 40m x 20m which is linked to North Drive by a tarmacked accessway along the southern boundary of the site.

Planning permission was allowed, on appeal, for the 'change of use of existing building for storage of materials and machinery associated with landscape business and access/area (retrospective)' on part of the current application site in 2012 (reference 12/00073/FUL). The Inspector concluded that the development was not inappropriate development in the Green Belt, did not have a harmful effect on the openness of the Green Belt, and did not harm the character or appearance of the area given its context. The planning permission granted was conditional on storage to only occur within the building, hours of use and external lighting were also limited, all to safeguard the living conditions of nearby residents.

Planning permission was previously refused for the construction of four, one and half storey dwellings at the site (reference 14/01190/FUL) for the following reasons:-

1. The proposal would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework (The Framework). It would detract from the openness of the Green Belt and would represent an encroachment of development into the Green Belt countryside. The proposal would therefore

conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 the objectives of which are fully consistent with the objectives of the Framework as regards development in Green Belts. The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. The Framework goes on to indicate that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The considerations set out by the applicant do not clearly outweigh the harm to the Green Belt arising from this proposal and it follows that the "very special circumstances" needed to justify the approval of inappropriate development in the Green Belt have not been demonstrated.

2. The proposal would detract from the character and appearance of this edge of built-up area location in conflict with Policy CP1(i) of the Brentwood Replacement Local Plan and one of the core planning principles set out in the Framework which indicates that the intrinsic character of the countryside should be recognized.

3. The proposal fails to demonstrate that the development has been designed to minimise its impact on biodiversity and the proposal would therefore conflict with paragraph 109 of the Framework which indicates that the planning system should minimise impacts of development on biodiversity and where possible provide net gains in biodiversity.

In addition to the planning history of the application site referred to above, also relevant to the consideration of the current application are the following:-

- appeal dismissed for the use of a parcel of land adjacent to the south-eastern corner of the site adjacent to the Seventh Day Adventist Church as a scaffolding yard (reference 13/01237/FUL)
- appeal dismissed for outline planning permission sought for the redevelopment of a parcel of land adjacent to the north-western corner of the site as a single dwelling (reference 13/01213/FUL)

The main issues which require consideration as part of the determination of the current application are the principle of the development, the impact of the development on the openness of the Green Belt, the impact of the development on the character and appearance of the area (including the impact on existing trees), any adverse impact on the amenity of the occupiers of nearby properties as well as the quality of life for the occupiers of the proposed dwellings, highway safety issues and ecology.

The Core Planning Principles which form part of the NPPF (paragraph 17) include a requirement to protect the Green Belts around our main urban areas and to recognise the intrinsic character and beauty of the countryside. In paragraph 55, the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Section 9 of the NPPF refers to 'Protecting Green Belt land' as part of which it is stated that the Government attaches great importance to Green Belts and that the aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are stated as being their openness and their permanence (paragraph 79). Paragraph 87 and 88 refers to the need for very special circumstances to exist before inappropriate development is approved. Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Framework, in paragraph 14, states that the presumption in favour of sustainable development is a golden thread running through plan-making and decision-taking. It sets out the three dimensions of sustainable development and indicates that these give rise to the need for the planning system to perform a number of roles. It is inevitable that from time to time tensions will develop between the economic, social and environmental roles of planning and the Framework provides guidance on how these may be resolved.

Part 7 of the Framework concerns design and states that the Government attaches great importance to the design of the built environment. It goes on to indicate that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The use of the term 'built environment' indicates that good design extends beyond the design of buildings.

The government has issued a series of National Planning Policy Guidance, including 'Design' and 'Housing and economic land availability assessment', which are considered to be of particular relevance to the determination of this application.

Principle of Development

The development consists of four dwellings (two houses and two bungalows), two detached garage buildings, accessway, car parking and ancillary works. One

exception, in the NPPF, to new buildings being inappropriate development in the Green Belt are the re-development of previously developed land or 'limited infilling'. However, the development does not fall within the previously developed land or 'limited infilling' exceptions as the proposed development would reduce the openness of the Green Belt and the development would conflict with one of the purposes of including the site in the Green Belt (see below), the majority of the site is not previously developed land and the proposal would not be 'limited infilling' as the site does not form a gap in an otherwise built-up frontage.

As a result, the proposed development constitutes inappropriate development in the Green Belt. The applicant accepts this view. The development would cause harm by reason of its inappropriateness and very special circumstances would need to exist which clearly outweigh this harm as well as all other harm the development would cause to justify planning permission being granted in this case, to comply with the NPPF (section 9) and Policy GB1.

Paragraph 44 of the 'Housing and economic land availability assessment' NPPG states that 'The Framework makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan'. The development proposed is contrary to this advice.

Part of the site is in commercial usage which generates some traffic movements but the occupiers of the proposed dwellings, given the rural location of the site, the limited extent of local facilities and services and the limited public transport which would be available to the occupiers of the site, would largely depend on the use of private motor vehicles for their journeys to/from the site. As a result, it is considered that the proposal would not be a sustainable form of development contrary to the NPPF (section 4) and Policy CP2.

Impact on the Green Belt

The application site contains limited existing buildings or other development which reduces the openness of the Green Belt or which are incompatible with the site's Green Belt designation. The existing building has a very low profile, is limited in size and is located inconspicuously close to the western boundary of the site.

The proposed development consists of a number of substantial buildings along with car parking and other hard surfaced areas. Whilst the extent of hardsurfacing would be comparable to the existing development within the site, the development would significantly reduce the openness of the Green Belt at this point and be

contrary to the purposes of including the land within the Green Belt, specifically to assist in safeguarding the countryside from encroachment. The proposal would represent an encroachment of development along the road frontage of North Drive into the Green Belt. The inevitable ancillary buildings/structures (fencing, domestic paraphernalia etc) would add to this harm.

The twelve core planning principles set out in paragraph 17 of the Framework indicate, amongst other things, that planning should recognize the intrinsic character and beauty of the countryside. It is acknowledged that as a result of the existing, neighbouring development the site does not possess the same level of openness as land elsewhere in the Green Belt. However, it is considered that the proposal would be an encroachment of development particularly into the undeveloped frontage of the site along North Drive that would unacceptably detract from the character and appearance of the area. It would therefore conflict both with the Framework and Policy CP1 which seek to safeguard the character of the countryside.

The reduction in openness and the conflict with the purposes of including the site within the Green Belt would cause harm which would be in addition to that caused by reason of inappropriateness referred to above, contrary to the NPPF (paragraph 79) and Policy GB2.

Character and Appearance

The application site is located in the rural area and the majority of the site accommodates trees and other vegetation which are considered compatible to its rural location and the wider rural area of which the site forms part. The development would necessitate the removal of existing trees.

The Design Officer notes that the dwellings 'which exist within North Drive face the lane and are modest low profile forms; in essence retaining a low density of development with modest scale in their appearance; the proposed development site evidences presently as undeveloped land, despite the current hard standing, the openness at the site contributes to the largely rural character of the location.' Concerns are raised regarding the proposal on the basis of the following:-

- the layout of the proposed site does not introduce a frontage to North Drive which is typical of the existing mid C20th development and urban encroachment into the rural site is not appropriate
- the scale and spread of the proposed forms; particularly Plots 4 and 1 in their 's' shaped plan layouts and the linked garages which elongate the buildings

- the development proposed does not evidence modest dwellings
- details and elevational treatment presented within this application are not cohesive to the architecture within the immediate context
- the development is contextually inappropriate in terms of layout, scale and bulk; it is not supported as a development of Good Design.

On the basis of the above, it is considered that the proposed development would urbanise the site and would be visually incongruous in this rural location, to the detriment of the rural character and appearance of the area, contrary to the NPPF (section 7) and Policies CP1 (criteria i and iii) and C5, and that additional planting would not be sufficient to overcome this concern.

The NPPF (paragraph 58) requires that developments 'respond to local character and history, and reflect the identity of local surroundings and materials'. It is not considered that the current proposal satisfies this requirement.

Residential Amenity

As a result of the distance between the proposed dwellings and the boundaries of the site, and the depth of the gardens of neighbouring properties to the south, it is considered that the development would not have a materially adverse impact on the amenity of the occupiers of any neighbouring residential property by reason of overlooking, dominance, loss of outlook, loss of sunlight or loss of daylight, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii). A condition could be imposed requiring the submission of a Construction Management Scheme in relation to the construction period, as recommended by the Environmental Health Officer.

Quality of Life

All of the proposed properties would be provided with private amenity space in excess of the recommended minimum of 100sq.m. and would all be provided with adequate off-street parking provision. There are non-residential uses which adjoin the site but it is not considered that the amenity of the occupiers of the proposed dwellings would be significantly adversely affected by these uses.

On this basis, it is considered that the development would provide an adequate quality of life for the occupiers of the proposed dwellings, in compliance with the NPPF and Policy CP1 (criterion ii).

Highways and Parking

The Highways Authority does not raise objection to the proposed development subject to conditions. Details of any works proposed in North Drive could also be required by condition.

On this basis, it is considered that the proposed development would not cause harm to highway safety, in compliance with the NPPF (section 4) and Policies CP1 (criteria iv and v) and T2, subject to the imposition of conditions as recommended by the Highways Authority.

Ecology

The ecological report submitted as part of the application suggests that there is any ecological interest in the site which would prevent the development proposed proceeding. Officers are not aware of any information to contradict the contents of the specialist reports submitted. On this basis, it is considered that the proposed development is unlikely to cause harm to any local ecological interest, subject to the imposition of conditions requiring the implementation of the recommendations set out in the reports submitted including a survey for reptiles, in compliance with the NPPF (section 12) and Policy C3.

Other matters

Any concern regarding contamination could be overcome through the imposition of a suitably worded condition, as recommended by the Environmental Health Officer.

Issues regarding drainage would be covered through Building Regulations or a condition could be imposed on any planning permission granted requiring details to be submitted for prior approval.

Green Belt Balance

As the development constitutes inappropriate development in the Green Belt, very special circumstances which clearly outweigh this harm along with all other harm the development would cause would need to exist to justify planning permission being granted for the development proposed.

The applicant has made reference to a number of matters which, in their view, amount to 'very special circumstances', as follows:-

- the lack of a five year housing land supply.

Officer Comment

As at June 2014, Brentwood Borough had a housing land supply of 4.3 years (i.e. less than the requisite 5 year supply) but the shortfall this does not make any allowance for, for example, windfall sites that have made up 21% of the dwellings built in the Borough over the past five years and the full objectively assessed need is to be met through the emerging Local Plan. However, as a result of the Council being currently technically unable to demonstrate a full 5 years housing land supply, in accordance with paragraph 49 of the National Planning Policy Framework, the Council's current adopted policy relevant to the supply of housing (Policy H1) is not considered to be up-to-date. The effect of this shortfall in identified housing land is that the provisions of paragraph 14 of the Framework come into play. For decision taking this means that applications for residential development should be granted permission unless any adverse impacts of granting permission would significantly and demonstratively outweigh the benefits of the development when considered against the policies of the Framework as a whole or there are specific policies in the NPPF (in this case, relating to the Green Belt) which indicate that development should be restricted. It has been demonstrated above, that the development would cause significant adverse impacts which would significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole and there are specific policies in the NPPF (in this case, relating to the Green Belt) which indicate that development should be restricted. Therefore, the presumption in favour of granting planning permission does not apply in this case. As a result, the matter of housing supply should be afforded little if any weight in the determination of this application and, in any event, does not clearly outweigh the significant harm the development would cause. Furthermore, paragraph 34 of the 'Housing and economic land availability assessment' NPPG states that 'Unmet housing need... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt'.

- the development would have economic benefits

Officer Comment

The development would have a positive effect on the local economy as a result of the construction of the development but any benefit would be minimal and can only be afforded a little weight in the determination of this application. The agent suggests that the applicant aims to relocate their business to premises which would allow for the expansion of the enterprise but there is no direct link or guarantee of this occurring.

- the development would increase security of the site

Officer Comment

This is not a material planning consideration and, therefore, should be afforded little if any weight in the determination of this application.

- the development would remove a non-conforming use

Officer Comment

Officers are not aware that the current usage of the site causes material harm to the amenity of the occupiers of any local residents and so this matter should be afforded little, if any, weight in the determination of this application.

In conclusion, it is considered that none of these matters, either alone or in combination would clearly outweigh the harm the development would cause.

- the dwellings would meet a social need

Officer Comment

The proposed dwellings would contribute towards the meeting of the housing needs of the Borough but, as explained above, this matter should be afforded little weight in the determination of this application.

Other Matters

The representations received do not raise any material planning matters which have not been covered above. There is no change proposed to the junction of North Drive and Rayleigh Road.

Conclusion

The proposed development would cause harm to the Green Belt by reason of its inappropriateness and would cause further harm to the Green Belt as a result of a significant loss of openness and being contrary to the purposes of including the land within the Green Belt. The development would also result in harm to the rural character and appearance of the site and the wider area due to the loss of trees and other vegetation, and the nature and scale of the development proposed. In addition, the occupiers of the proposed dwellings would largely be dependant on the private car to gain access to the majority of facilities and services which would be contrary to the principles of sustainability. It is considered that there are no matters, either alone or in combination, would clearly outweigh the harm the development would cause. It is recommended below that planning permission is refused on this basis.

The application has been publicised as a departure from the adopted Local Plan. Therefore, as the development would be inappropriate development in the Green Belt, to comply with the Town and Country Planning (Consultation) (England) Direction 2009, if the Council were minded to grant planning permission for the development proposed, the Secretary of State would first need to be consulted to provide him/her with an opportunity to consider whether or not the application should be determined by them.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U12483

The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size and height of the buildings and the associated works proposed, would result in a reduction in the openness of the Green Belt, contrary to the NPPF (in particular section 9) as well as Policies GB1 and GB2 of the Brentwood Replacement Local Plan.

R2 U12484

The proposed development would be, as a result of the scale, size, design and height of the buildings and the other works proposed, along with the loss of existing trees and other vegetation, would harm the character and appearance of this rural area, contrary to the NPPF (in particular section 7) as well as Policies CP1 (criteria i and iii) and C5 of the Brentwood Replacement Local Plan.

R3 U12485

The occupiers of the proposed dwellings would largely be dependant on the private car to gain access to the majority of facilities and services, contrary to the NPPF (section 4) and Policy CP2 of the Brentwood Replacement Local Plan.

R4 U12486

There are no matters in support of the application which would clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt within which the site is located, harm to the character and appearance of the area and car dependency. Therefore, no circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1, C3, T2, CP2, C5 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title : Land West of North Drive, Hutton

16/00178/FUL

Scale at A4 : 1:1250

Date : 28th June 2016

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel.: (01277) 312500



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SITE PLAN ATTACHED

05. THE CROFT MORES LANE SOUTH WEALD ESSEX CM14 5RU

MODIFICATIONS TO APPROVAL 14/00037/FUL (CONSTRUCTION OF A PITCHED ROOF CANOPY OVER EXISTING DRESSAGE TRAINING AREA INCORPORATING COVERED LINK TO EXISTING STABLES) TO RETAIN EXISTING STRUCTURE WITH ALTERED ROOF CLADDING, ROOF PITCH INCREASED FROM 10 TO 15 DEGREES, MAXIMUM RIDGE HEIGHT INCREASED FROM 6.95M TO 7.95M, NUMBER OF TRANSLUCENT PANELS INCREASED FROM 24 TO 80 AND DEPTH OF EAVES OVERHANGING INCREASED FROM 0.6M TO 2.0M (RETROSPECTIVE)

APPLICATION NO: 16/00278/FUL

WARD	South Weald	8/13 WEEK DATE	28.04.2016
PARISH		POLICIES	GB1 GB2 CP1 NPPF NPPG
CASE OFFICER	Kathryn Mathews		01277 312500
Drawing no(s) relevant to this decision:	F203/01B; F203/03B; F203/04B; F203/05B;		

This application was referred by Cllr McCheyne for consideration by the Committee. The reason(s) are as follows:

Councillor McCheyne referred this application on the basis that the building cannot have a 10% pitch and must have a 15%.

1. Proposals

Planning permission is sought for amendments to the previously approved scheme for the construction of a pitched roof canopy over existing dressage training area (incorporating covered link to existing stables) (reference 14/00037/FUL). The main amendments proposed are:-

- increase in roof pitch from 10 degrees to 15 degrees and associated increase in the ridge height of the building from between 6.6m and 6.95m by 1m
- increase in height of cladding of external walls at eaves level from 0.6m to 2.1m

- increase in the number of rooflights from a total of 24 large panels to 80 smaller ones
- use of fibre cement panels for the roof rather than the approved metal cladding

The current application is retrospective.

The proposed canopy would still cover an existing manege and would be 20.7m in width and 61.1m in length. The structure is supported by steel posts and has a maximum ridge height of 6.95m. Built into the canopy are clear roof panels which provide light into the manege. A low post and rail fence encloses the open bays.

The application is accompanied by the Design and Access Statement/Planning Statement submitted with the original planning application in 2014 which provided the following supporting information:

- the arena is to be used by the applicant's daughter (who is on the British Equestrian Federation's World Class Development Programme) for dressage riding but also by other family members. The applicant's daughter has represented Great Britain at pony and junior levels and hopes to represent her country at the Rio Olympics in 2016, in subsequent Olympics and other international competitions
- the outdoor school and floodlighting was approved in 2001 (01/00345/FUL)
- The Croft is within the Green Belt but is previously development land
- the nearest alternative training facilities would be extremely unsustainable in transportation terms

A Supplementary Planning Statement has also been submitted which provides the following additional supporting information:

- it is explained that a change to the roofing material from metal cladding to fibre cement sheeting required the roof pitch to be increased from 10 degrees to 15 degrees. The noise of heavy rain on the metal cladding would have 'spooked' the horses.
- the depth of the eaves has been increased to reduce the effect of the wind when riding in the arena and to reduce the spillage of light from within the building
- the number of translucent roof panels was increased from 24 to 80 to try and reduce the effect of shadows on the ground as horses can be 'spooked' when moving from bright into dark areas
- the applicant considered that these were very minor changes and the facility was required by their daughter urgently

- the alterations made to the building were necessary for safety reasons and to provide a training facility best suited to its purposes
- the building could not now be altered to comply with the original approved plans without being demolished and completed re-built
- the existing building causes little, if any additional harm than the originally approved scheme and the very special circumstances advanced with this application are at least as strong, if not stronger, than they were in 2014
- the applicant's daughter continues to compete successfully at national and international levels

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPGs have been taken into account, where relevant, in the following assessment.

GB1 (New development) refers to the need for very special circumstances to justify proposals which are inappropriate in the Green Belt.

GB2 (Development Criteria) refers to the need to proposals not to harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. The Policy also requires account to be taken to public rights of way, existing landscape features and the location of any building in respect of the surrounding landscape and adjoining buildings.

CP1 (General Development Criteria) Requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment.

3. Relevant History

- 15/00922/FUL: Modifications to approval 14/00037/FUL (construction of a pitched roof canopy over existing dressage training area incorporating covered link to existing stables) to increase the roof pitch and infill fence around arena (retrospective). -Application Refused
- 14/00037/COND/1: Discharge of condition 3 (Samples of materials) of application 14/00037/FUL (Construction of a pitched roof canopy over existing dressage training area (incorporating covered link to existing stables) -
- 14/00037/FUL: Construction of a pitched roof canopy over existing dressage training area (incorporating covered link to existing stables) -Application Permitted

4. Neighbour Responses

10 letters of notification were sent out and a site notice was displayed near to the site. One letter of objection has been received raising the following concerns:-

- conditions on the original planning permission being breached including that the building is being used for paid riding lessons (condition 4)
- the originally approved building was too large and unjustified
- the building is highly visible from Mores Lane and swamps the public footpath
- the proposal is huge departure from the original 'canopy to keep the rain out of the horses eyes' and the openness of the building is no longer apparent
- causes huge light pollution already when lit up - increasing the rooflights would further affect the local area
- there is no reason to have the south wall filled-in or the top of the south wall as clear plastic
- no special circumstances to justify proposal
- planting previously proposed has not been done
- the applicant's daughter is unlikely to be performing in the Olympics next month
- the building is out of keeping with the surrounding built form, is excessive and unduly prominent when seen from the surrounding area
- concern regarding the sprinkler system installed and the use of a sound system

One letter of support has been received on the basis of the following:-

- the owner's daughter has had huge success in the equestrian discipline of dressage in the UK and Europe
- the owners have invested heavily in the best horses and ponies as well as the building, competitions and horse boxes
- we as a country should do all we can to support and encourage our sportsmen and women especially our junior competitors and for ridden equestrian sports an indoor riding school is essential
- very small additional ridge height has had very little effect on the impact of the building and is far outweighed by the benefits for the young extremely successful dressage rider

5. Consultation Responses

- **:None**

6. Summary of Issues

The application site is located in the Metropolitan Green Belt on the eastern side of Mores Lane on land associated with 'The Croft'. There are residential properties to the north, west, east and south of The Croft. A public footpath runs along the eastern boundary of the property.

Planning permission was refused for 'Modifications to approval 14/00037/FUL (construction of a pitched roof canopy over existing dressage training area incorporating covered link to existing stables) to increase the roof pitch and infill fence around arena (retrospective)' (reference 15/00922/FUL) for the following reasons:-

1. The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size, height and design of the building proposed, would result in a reduction in the openness of the Green Belt, encroachment into the countryside and harm to the character and appearance of this rural area, contrary to the NPPF (in particular section 9) as well as Policies GB1, GB2 and CP1 of the Brentwood Replacement Local Plan.
2. The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt within which the site is located, and harm to

the character and appearance of the area. Therefore, no circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

The development the subject of this previous application would have materially reduced the openness of the Green Belt by reason of its height, width, scale and design compared to the originally approved scheme (reference 14/00037/FUL). The southern elevation of the building would have been completely enclosed. The side elevations of the building (with the external cladding at eaves level and in-filled fence at ground level) would have had a gap of only around 1.4m along its length. The northern end of the building (with the cladding of the gable end and in-filled fence at ground level) would have had a gap of only around 2.8m. As a result, there would have been very limited views through the structure which is highly visible from surrounding public views.

The current application does not include a proposal to construct a close boarded fence around the perimeter of the arena and restates that new planting is proposed along the southern wall of the building and alongside the public footpath which lies across the field to the east of the building.

The main issues in the determination of the current application are whether or not the development is inappropriate development within the Green Belt, the effect that the proposal would have upon the openness of the Green Belt and the effect on the living conditions of neighbouring occupiers.

Green Belt

National Policy for Green Belts is within chapter 9 of the NPPF. The Framework indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt which includes assisting in the safeguarding the countryside from encroachment.

The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. Paragraph 89 sets out that development involving outdoor recreation will be inappropriate development if it does not preserve the openness of the Green Belt.

The development proposed is for amendments to a previous planning permission for an outdoor sport facility but the building proposed would materially reduce the openness of the Green Belt by reason of its height, width, scale and design

compared to the originally approved scheme. The originally approved scheme included the southern elevation of the building being completely enclosed and the gabled end of the northern elevation being enclosed. However, the ridge height of the building has been increased by 1m along its full length (over 61m), the external cladding at eaves level has been increased in depth from 0.6m to 2m and the building is highly visible from surrounding public views. As a result, the proposed development reduces the openness of the Green Belt to a materially greater degree than the originally approved scheme as the building would be significantly larger and there would be more limited views through the structure.

The proposal, therefore, would be inappropriate development within the Green Belt and would cause additional harm through a further material reduction in openness, in conflict with NPPF (section 9) and Policies GB1 and GB2.

Character and appearance

The amendments proposed would increase the harm the development would cause to the character and appearance of the area as a result of the increased height and altered external appearance of the building. The overriding character of surrounding built form is modest in scale and bulk. Whilst a landscaping scheme could be required by condition to soften the impact of the development, the proposed amendments would still result in a development that would be more out-of-keeping with surrounding built form and prominent when seen from the surrounding area than the originally approved scheme, contrary to Policy CP1 (criterion i, ii and viii).

Neighbouring amenity

The nearest neighbouring property would be located over 50m away from the proposed development and, given the nature and scale of the use proposed, it is considered that the amended development would not have any greater impact on the amenity of local residents than the originally approved scheme, in compliance with Policy CP1 (iii).

The Green Belt Balance

As the proposal would be inappropriate development, there would need to be other matters which clearly outweighed all the harm the development would cause (by reason of inappropriateness, loss of openness and harm to the character and appearance of the area) for there to be very special circumstances justifying the grant of planning permission.

An extant planning permission exists for a canopy of the same footprint as the structure currently proposed. The original planning permission was granted on the

basis that there were other matters which clearly outweighed the harm the development would cause to amount to very special circumstances which justified planning permission being granted in that case. The matters were that the daughter of the applicant was a talented dressage rider who had competed at an international level but there were insufficient facilities for her to house the horse she competed on, inadequate storage space and there was no all-weather manege at the property.

However, the development currently proposed would cause materially greater harm than the previously approved scheme as it would result in a further material reduction in the openness of the Green Belt as a result of the increased height and size of the roof proposed and the greater enclosure of the building's external walls. The local planning authority was of the view that the matters previously raised clearly outweighed the harm the development would cause but it is considered that the matters advanced on behalf of the applicant do not clearly outweigh the greater harm the current proposal causes.

On the basis of the above, it is considered that very special circumstances do not exist and it is recommended below that planning permission is refused for the amended scheme on this basis.

In response to the matters raised in objection to the proposal by a local resident which have not been referred to above, the breach of planning control is under investigation by the Council's planning enforcement officers, the continuation of which is pending the outcome of this application. The imposition of conditions relating to the use of lighting and amplified sound could be considered if planning permission were to be granted for the currently proposed scheme.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U12706

The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size, height and design of the building proposed, would result in a reduction in the openness of the Green Belt and harm to the character and appearance of this rural area, contrary to the NPPF (in particular section 9) as well as Policies GB1, GB2 and CP1 of the Brentwood Replacement Local Plan.

R2 U12725

The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt within which the site is located, and harm to the character and appearance of the area. Therefore, no circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

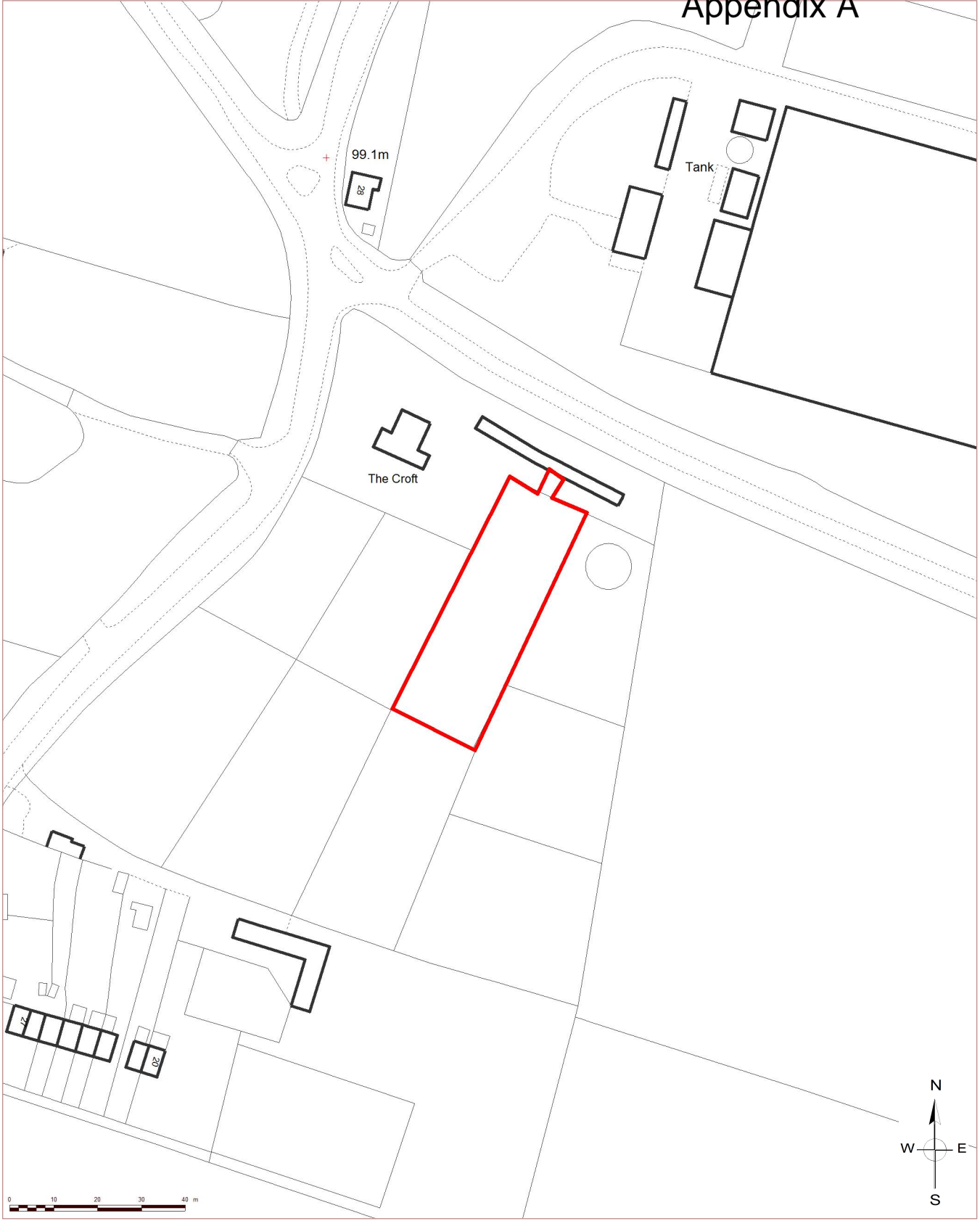
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title : The Croft, Mores Lane, South Weald

16/00278/FUL

Scale at A4 : 1:1250

Date : 28th June 2016

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
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SITE PLAN ATTACHED

06. OAKLANDS 26 HILLWOOD GROVE HUTTON ESSEX CM13 2PD

**LOWER GROUND FLOOR REAR AND FIRST FLOOR SIDE EXTENSIONS,
REAR DORMER AND ALTERATIONS.**

APPLICATION NO: 16/00434/FUL

WARD	Hutton South	8/13 WEEK DATE	16.05.2016
PARISH		POLICIES	NPPF NPPG CP1 H15
CASE OFFICER	Mr Binks		01277 312500
Drawing no(s) relevant to this decision:	732 01 /B; 732 02 /B; 732 03 /B; 732 04 /C; 732 05 /C; 732 06 /B; 732 07C /B; 732 08C /B; 732 09C /B; 732 10C /B; 732 11C /B;		

This application was referred by Cllr Reed for consideration by the Committee.
The reason(s) are as follows:

By extending the building line just 0.9m from the Boundary (in breach of the stated 1.2m) it will make the wall facing Woodlands, 28 Hillwood Grove over imposing, especially with the overhanging guttering. A building with four floors is out of place with other properties.

1. Proposals

Hillwood Grove is a tree-lined residential road within Hutton Mount. It is fronted by individually- designed detached dwellings. Some of the original houses remain and these are interspersed with later dwellings and some very recently built houses. Oaklands is a two-storey hipped-roof dwelling with its longest axis parallel to the road. It lies on the east side of the road just north of Hillwood Close. Most of the front elevation has a conventional two-storey appearance but at the northern end the front roof plane extends down over a forward-projecting integral garage to low eaves. A bedroom above the garage is lit by a forward-facing hip-roofed dormer window. In common with the neighbouring house to the north (No 28 - "Woodlands") the plot occupied by the application property drops down at the rear of the house and the two-storey-height house at the front has three storeys at the rear. The two lower floors are accommodated below the low rear eaves with the top floor within an extensive roof plane lit by two dormers and a central gable. The

house has been extended at lower ground level by a fully glazed conservatory that projects back about 3.5m close to the northern end of the house.

Permission is sought to replace the conservatory with a more substantial masonry extension extending back 5m from the rear wall. The extension would be lit by a large central lantern roof and three sets of French Windows opening out onto the garden from the rear and side elevations.

At first floor level it is proposed to replace the sloping roof above the garage with full first floor accommodation under a forward-projecting hipped roof. The main front eaves line would continue around the forward projection and extend along the flank wall with the rear of the extension being covered by a continuation of the rear roof plane. The proposal would increase the bulk at first floor and roof level at the northern end of the house but the overall height of the roof would not change.

The two rear-facing dormers are to be retained but the central gable is proposed to be replaced by a stair tower midway between the dormers providing access to all floors and the roofspace. It is proposed to convert the roof space to a play room and storage area. The roofspace would be lit by rear-facing rooflights with a cill height of just over 1.8m. The stair tower is indicated to have rear-facing windows at all levels.

At first floor level the existing casements in the rear dormers, which both serve bathrooms, are proposed to be replaced. The bedroom at the rear of the extended first floor would be lit by a rear-facing roof window with a low cill just above floor level. At ground floor level (first floor at the rear) the French windows to the utility room at the northern end of the rear wall are proposed to be replaced by a conventional sash window with similar windows replacing all of the windows at both the front and rear of the house. A vertical obscure-glazed fixed window is proposed in the north-facing flank wall to provide secondary lighting to the utility room.

The front elevation would be remodelled with vertically orientated windows replacing the horizontal windows and a projecting portico to replace the recessed front door.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. The Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with

the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

On the 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning application. The NPPGs have been taken into account, where relevant in the following assessment.

CP1 - General Development Criteria

Policy CP1 of the local plan ensures development does not have a detrimental impact on the visual amenity or character and appearance of the area. Development should not impact on the general amenities of nearby occupiers, should be of a high standard of design and layout. The development should have satisfactory parking arrangements and not give rise to adverse highway conditions of safety concerns. Development should not have a detrimental impact on the environment due to the release of pollutants to land, air and water.

H15 - Hutton Mount

Within Hutton Mount any new development shall reflect the character and density of the surrounding area. Hutton Mount is an attractive residential area of over 80 hectares that is characterised by the number of large detached houses generally occupying spacious plots. Policy H15 seeks to secure the mature, well landscaped and spacious residential area with distinctive character.

3. Relevant History

- : - None

4. Neighbour Responses

The occupiers of No 28 to the north ("Woodlands") raise a number of objections. In précis:-

The proposal would significantly change the character and appearance of the property to the detriment of the spacious feel of the area. The proposal would not reflect the spacious character of Hutton Mount. The chalet bungalow at No 26 is similar to others in the area and is designed to prevent overlooking and an over-bearing relationship with neighbouring properties and to prevent loss of light.

No 28 is completely un-overlooked - the proposal would result in new windows at the rear including the loft space and stair tower providing unrestricted views into the garden of No 28. The size of the proposal would result in a loss of light.

The proposal would increase the roofline height of the dwelling and would be far too bulky. The rear elevation would look like a block of flats.

There is only 0.9m between the flank wall of the house and the boundary with No 28 and the proposal would conflict with Policy H15.

The 5m rear extension of would detract from the outlook from the lounge at No 28. The foundations would undermine our fence and cause subsidence to our rear access and garage.

The proposal would bring the side wall closer to No 28 and a large side window would overlook the garden of No 28.

The proposal would conflict with Policy CP1 (i) and (ii), Policy H15 and the Framework. It would adversely affect the market value of No 28 because purchasers would offer a lower price as a result of the dominating and over-bearing nature of the proposal.

5. Consultation Responses

- **:None**

6. Summary of Issues

Character and appearance

Oaklands lies at a dip in Hillwood Grove north of Hillwood Close. Woodlands, to north of the application property is built at a lower level than Oaklands. Both Oaklands and Woodlands have high front hedges enabling the houses to be glimpsed through the vehicle entrances. The north flank wall of Oaklands is about 0.9m from the side boundary with Woodlands but Woodlands is off-set from the boundary with a gated vehicle access to the side of the house.

The hipped roof of the first floor extension above the garage would reflect the character of the smaller projection at the southern end of the front elevation. The remodelling of the front of the house would create a different character from the existing house; however within the context of the wide range of houses in the area it is considered that it would not appear out of place.

The first floor addition above the garage would increase the bulk of the dwelling at its northern end and the full eaves height of Oaklands would extend closer to and forward of the line of the front of Woodlands. However differences in level occur throughout the gently undulating land in Hutton Mount and the step down from the flank of Oaklands to that of Woodlands would not detract from the character or appearance of the area. The design of the flank wall of the house, with the rear

roof plane extended to meet a low eaves line, would reflect that of the south elevation of Woodlands.

RLP Policy H15 indicates that in Hutton Mount no part of any building should be less than 1.2m to the plot boundary. The north flank wall of Oaklands is about 0.9m from the boundary with overhanging eaves beyond the wall. The proposal would not reduce the space between the flank wall of the house and the boundary and therefore whilst the bulk of the building would be increased the distance from the boundary would not change. The underlying purpose of Policy H15 is to ensure that new development reflects the character and density of the surrounding area and it is considered that the proposal would not conflict with that objective

At the rear of the house the lower ground floor extension would be larger than the existing conservatory; however additions of this type and scale are not unusual within this residential area where houses have generous gardens. The stair tower is a more unusual proposal but it would not be in public view and within the mix of forms at the rear of the house it would not unacceptably detract from the character or appearance of the area.

It considered that the proposal would not detract from the character or appearance of the area and that in this respect it would accord with the objectives of RLP Policies CP1 (i) and (iii) and H15 and those of the National Planning Policy Framework.

Living conditions

The proposed alterations and extensions principally affect the northern end of the house and would have no effect on the living conditions of the occupiers of "Willows" to the south.

The south facing flank wall of Woodlands to the north is off set from the boundary and contains no windows. In common with the application property Woodlands has accommodation at three levels. It has large windows at ground floor level at both the front and rear (those at the rear being in effect at first floor level). At lower ground floor level the area of the house nearest to Oaklands has a rear-facing "up and over" style garage door and there is no indication that it is used as living accommodation.

The proposal would increase the bulk of the forward projection containing the garage. Whilst the first floor addition would be visible at an oblique angle from the nearest front windows of Woodlands it would not materially detract from outlook. The main rear wall of Woodlands is positioned behind that of Oaklands and the changes at first floor and roof level would not be visible from the ground floor and first floor (dormer) windows at the rear of Woodlands.

The drawings are not fully detailed but it is estimated that the rear wall of Woodlands is about 2m back from that of Oaklands. The proposed lower ground floor extension would extend back about 3m from the rear of Woodlands. The lower ground floor has no windows in the vicinity of the extension and it would therefore have no effect on outlook at that level. Oblique views would be available down towards the extension from the ground and first floor windows but the outlook from those windows would not be harmed.

The increase in bulk at the northern end of the house and the larger rear extension would be apparent from the side-way to the rear garden of Woodlands and from the rear garden itself. However it is considered that neither of these aspects of the proposal would be unacceptably over-dominant.

The rear garden of Woodland is unscreened from the steps and passageway down to the back garden of Oaklands. It is also open to view from sideways facing windows in the conservatory and rear-facing French windows in the ground floor utility room (first floor level at the rear). Part of the side boundary has a tall conifer hedge alongside the fence (within the application site); but this does not extend the full length of the boundary and there are views into the rear garden of Woodlands and towards the rear of the house from the garden of Oaklands. The application form indicates that no trees or hedges would be removed but it is considered that part of the conifer hedge would need to be cut back or removed to enable the construction of the rear extension. However the hedge is of no ecological or amenity value and its removal could not be prevented.

The proposed lower ground floor extension would have no side-facing windows and would reduce the extent to which the garden of Woodlands is overlooked from within the house. The extent of outlook towards Woodlands at ground floor level (first floor at the rear) is unchanged with the existing French windows towards the northern end being replaced by a sash window. A window proposed in the flank wall would be a fixed-light obscure-glazed unit. The roof lights serving the converted loft would have high cills and would not result in overlooking.

The principal changes as regards potential for overlooking arise from the stair tower and the roof window proposed for the bedroom at the rear of the first floor addition (bedroom 4). The stair tower is proposed to have rear-facing windows up to roof level; however there is already a rear-facing window in the central gable and taking account of the distance and oblique angle of view towards Woodlands the higher window now proposed would have no material effect on overlooking of that property. The stair tower windows would have a more direct view towards the garden of No 1 Hillwood Close but taking account of the existing windows, distances, angles and the intervening vegetation in both gardens they would not result in unacceptable overlooking.

The bedroom 4 roof window would be directly above the replacement utility room window. Outlook from the window would be inhibited by its sloping nature, but it would enable views into the rear garden of Woodlands. The view would be limited by the set back rear wall of Woodlands and would not be materially different from the existing windows at Oaklands. The relationship between rear-facing windows and gardens of neighbouring dwellings commonly results in a degree of overlooking; taking account of the extent to which the rear garden of Woodlands is already overlooked from the house and garden at Oaklands the proposal would not result in unacceptable overlooking.

Overall, and subject to conditions as set out below, it is considered that the proposal would not conflict with Policy CP1 (ii) of the Brentwood Replacement Local Plan which indicates that developments should not have an unacceptable impact on the amenities of nearby occupiers, or with one of the core principles of the National Planning Policy Framework which indicates that a good standard of amenity for all existing and future occupants of land and buildings should always be sought.

Other matters

The occupier of Woodlands expresses concern about the effect of foundations on his property; however there is no indication that there is a particular risk of damage being caused in this location. In any event this is a private matter that is controlled by other legislation and does not justify the refusal of permission.

He is also concerned about the effect of the proposal on the market value of No 28; however;

Planning Practice Guidance indicates that the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration (Reference ID: 21b-008-20140306).

Conclusion

The proposal would not detract from the character and appearance of the area or the living conditions of neighbouring occupiers and it is recommended that permission should be granted.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

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 MAT03 Materials to match

The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

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

4 WIN03 Obscured glazing (on drawings)

The windows identified on the approved drawings as being obscure glazed shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window(s) shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

5 RESL04 No PD for windows etc

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows, dormer windows, glazed doors or rooflights shall be constructed without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H15 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

4 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND DOCUMENTS

DECIDED:

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Title : Oaklands, 26 Hillwood Grove, Hutton

16/00434/FUL

Scale at A4 : 1:1250

Date : 28th June 2016

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel.: (01277) 312500



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28 June 2016

Planning and Licensing Committee

Response to Castle Point Borough Council New Local Plan 2016

Report of: *Phil Drane – Planning Policy Team Leader*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 This report seeks Members agreement on a formal response to the Castle Point New Draft Local Plan consultation.
- 1.2 The proposed response sets out an objection on the basis that Castle Point Borough Council fail to meet the full objectively assessed housing needs for their borough. No information is provided as to where the shortfall of new homes or pitches could be placed, either within the Thames Gateway South Essex housing market area or in adjoining areas, such as Brentwood Borough.
- 1.3 Both Councils have a “duty to cooperate” on planning issues that cross administrative boundaries, particularly strategic priorities between housing market areas.

2. Recommendation

- 2.1 To approve the response to the Castle Point draft New Local Plan as set out in Appendix A.**

3. Introduction and Background

- 3.1 Castle Point Borough Council is holding a public consultation on a draft New Local Plan for six weeks between 16 May and 30 June 2016. The Castle Point New Local Plan is now a late stage development plan (Regulation 19), which details a strategic overview of development, site specific proposals, and the planning policies to manage development

within Castle Point Borough. In time this will replace the current Castle Point Local Plan (1998).

- 3.2 Brentwood Borough Council is duty bound to co-operate with local planning authorities within neighbouring housing market areas where cross-boundary issues have been raised. It is recommended that the Council submit a response to the draft plan consultation, although this has been limited to comments on high level strategic issues that may impact Brentwood Borough.

4. Issue, Options and Analysis of Options

- 4.1 The National Planning Policy Framework requires each local planning authority to produce a Local Plan. This should set out strategic priorities for the area and plan positively for development and infrastructure needs in line with national policy and guidance.

- 4.2 This includes strategic policies to deliver:

- homes and jobs needed in the area;
- provision of retail, leisure, and other commercial development;
- provision of infrastructure for transport, telecommunications, water supply, waste water, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

- 4.3 The Castle Point draft New Local Plan aims to:

- be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;
- indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map;
- allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;
- identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation;
- identify land where development would be inappropriate, for instance because of its environmental or historic significance; and

- contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.
- 4.4 The Castle Point draft New Local Plan intends to set out a comprehensive approach which incorporates the spatial strategy for Castle Point Borough with strategic policies and 120 detailed planning policies, including the allocation of land for housing.
- 4.5 The needs of Gypsies, Travellers, and Travelling Showpeople is considered by a policy within the Castle Point draft New Local Plan and not as a separate document. There is no land specifically allocated for Gypsy, Traveller or Showpeople pitches within the draft New Local Plan.
- 4.6 As well as published evidence base, the Castle Point draft New Local Plan is accompanied by key supporting documents:
- sustainability appraisal;
 - habitat regulations assessment;
 - equalities impact assessment;
 - proposals map; and
 - constraints map.
- 4.7 The Castle Point draft New Local Plan has been drawn up to cover the period 2014 to 2034.

5. Reasons for Recommendation

- 5.1 Castle Point has an objectively assessed housing need of between 326 and 410 new homes per annum (Thames Gateway South Essex Strategic Housing Market Assessment, May 2016). This is within a strategic housing market area that includes the boroughs of Basildon, Castle Point, Rochford, Southend-on Sea and Thurrock. Castle Point is proposing to meet a need of only 107 new homes per annum. The Castle Point draft New Local Plan states that this figure “reflects the capacity of the borough to accommodate growth”.
- 5.2 Furthermore, the Castle Point draft New Local Plan provides no information as to where the shortfall of new homes or pitches could be placed, either within the housing market area or adjoining areas. Brentwood Borough adjoins the Thames Gateway South Essex housing market area.
- 5.3 89% of Brentwood Borough’s total land area is designated as Green Belt, which severely restricts options for new development. In order to meet

the identified objectively assessed needs of Brentwood Borough the Council is proposing limited release of Green Belt, potentially reducing Green Belt coverage in the Borough (Brentwood Draft Local Plan, January 2016). This is in order to meet local needs locally, despite Green Belt and infrastructure constraints. The possibility of adding the unmet needs of Castle Point Borough, due to their proposed low annual target of 107 new homes to Brentwood Borough, is unreasonable and is unjustified.

- 5.4 Brentwood Borough is constrained, restricting suitable and available sites for new homes, pitches or transit site provision. For this reason Brentwood Borough Council is unable to accommodate the unmet needs of surrounding districts and object to the Castle Point draft New Local Plan on this premise.

6. Consultation

- 6.1 The Castle Point draft New Local Plan is available for public consultation between 16 May and 30 June 2016. The proposed response is brought to Members to consider before the consultation deadline so that an approved response is submitted on behalf of Brentwood Borough Council.

7. References to Vision for Brentwood 2016-19

- 7.1 The Castle Point draft New Local Plan is relevant to the Thames Gateway South Essex housing market area, and this housing market area will have a relationship with the emerging Brentwood Local Development Plan. Production of the Local Development Plan is a key priority in the Council's corporate plan Vision for Brentwood 2016-19.

8. Implications

Financial Implications

Name/Title: Ramesh Prashar, Financial Services Manager
Tel/Email: 01277 312542 ramesh.prashar@brentwood.gov.uk

- 8.1 No financial implications directly arising from this report.

Legal Implications

Name/Title: Saleem Chughtai, Legal Services Manager
Tel/Email: 01277 312860 saleem.chughtai@bdtlegal.org.uk

- 8.2 The Council is required through the Duty to Cooperate to engage with the plan-making process of local planning authorities in neighbouring housing market areas where cross-boundary issues have been raised. The duty requires the Council to engage constructively, actively and on an ongoing basis. The Castle Point draft New Local Plan will be examined by an

independent inspector whose role is assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound.

9. Background Papers

9.1 Castle Point Borough Council Draft New Local Plan (May 2016)

9.2 Brentwood Borough Council Draft Local Plan 2013-2033 (January 2016)

10. Appendices to this report

10.1 Appendix A: Brentwood Borough Council Response to the Castle Point New Local Plan Consultation (June 2016)

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Brentwood Borough Council Response to the Castle Point Draft New Local Plan Consultation

June 2016

Thank you for inviting Brentwood Borough Council to provide comments as part of Castle Point Borough Council's consultation on its draft New Local Plan consultation document. Brentwood Borough Council is an Essex local planning authority (LPA) near to Castle Point Borough Council and there are a number of strategic issues, such as housing and infrastructure, which can be considered at levels greater than a single LPA area and which concern both Boroughs. This is particularly the case because of Brentwood's proximity to the Thames Gateway South Essex housing market area. It is important that such issues are addressed through collaborative working and meaningful discussions in accordance with legislation, the National Planning Policy Framework (NPPF) and Planning Practice Guidance.

Please note that comments are limited to high level strategic issues that impact directly on Brentwood Borough Council.

Generally, Brentwood Borough Council supports the Vision for the Future within the draft New Local Plan 2016 and support the aspiration of the objectives.

Brentwood Borough Council note the identified objectively assessed housing needs range of 326 to 410 new homes per annum (as a policy off scenario), as set out in the Thames Gateway South Essex Strategic Housing Market Assessment (2016) and required to be identified in the NPPF. Castle Point consider the lower end to be appropriate as the plan seeks to achieve a relatively modest level of employment growth. A figure of 400 homes per annum, giving 8,000 homes for the plan period of 2011 to 2031 has been identified.

However, we note that Castle Point Borough Council is not intending to meet this need and are proposing a target of 107 homes per annum, a total of 2,140 homes for the period 2011 to 2031, "reflecting the capacity of the borough to accommodate growth" and having regard to the constraints of Green Belt strategic corridors, the natural environment and flooding. Brentwood Borough Council wishes to express concern that this approach is not inline with the requirements of the NPPF as it does not identify sites sufficient to provide the five year supply of housing to meet its objectively assessed need and accordingly may result in an increase in development pressure on other boroughs.

We also express concern that Castle Point Borough Council has not confirmed that the Borough is aiming to meet its full identified housing development need within the borough and that no detail has been provided regarding where the outstanding need

can be met. Brentwood Borough Council therefore object to the Castle Point draft New Local Plan.

Brentwood Borough is not able to meet development needs of other surrounding boroughs, as Brentwood lies entirely within the Metropolitan Green Belt, with 89% of the borough currently being designated Green Belt. However, Brentwood Borough Council has made a commitment through preparation of its own Local Plan to meet local needs in full despite several constraining factors. Brentwood Borough Council will continue to object to the Castle Point Borough New Local Plan 2016 on this basis if commitment to meet all identified development need is not made, without providing identification of where this can be met.

Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment, (ORS, 2014) identifies a need for 5 additional Gypsy and Traveller and Travelling Showpeople pitches within the period of the Castle Point New Local Plan 2016. Whilst it is acknowledged that this is a small number, the new sites should be identified within the New Castle Point Local Plan 2016 as without this information the Plan is contrary to the requirements of the NPPF and the Planning Policy for Traveller Sites, DCLG August 2015.

Duty to Cooperate

Brentwood Borough Council welcomes the opportunity to continue to work with Castle Point Borough Council and partners in the Thames Gateway South Essex housing market area so that local plans can be progressed on an ongoing basis and in line with the duty to cooperate.

Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Planning and Licensing Committee

Planning

(a) Town and Country Planning Act 1990 and any related legislation including:-

- (i) determination of planning applications;
- (ii) enforcement of planning control;
- (iii) waste land notices, purchase notices, etc.

(b) Listed Buildings and Conservation Areas Act 1990

(i) determination of applications for Listed Buildings and Conservation Area consent;

(ii) enforcement of Listed Building and Conservation Area legislation.

(c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.

(a) To guide the Council in setting its policy objectives and priorities.

(b) To carry out the duties and powers of the Council under current legislation;

(c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.

(d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;

(e) To consider and approve relevant service plans;

(f) To comply with the standing orders and financial regulations of the Council;

(g) To operate within the budget allocated to the committee by the Council.

(h) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

(d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning.

Licensing

(a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.

(b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.

(c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.

(d) To exercise all other functions relating to licensing and registration including

i. Trading Requirements.

ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators.

- iii. Animal Welfare and Security.
 - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing.
 - v. Sex establishments (including Sex Entertainment Venues (SEV)).
 - vi. Pavement Permits.
 - vii. Charitable Collections.
 - viii. Camping, Caravan Sites and Mobile Homes.
 - ix. Scrap Metal.
 - x. Game Dealers.
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.