

ITEM 04

COMMITTEE REPORT

Reference:
16/01809/OUT

Site:
Parklands, Rockwood, Magdalen, Longmeads, The Leylands And Woodfield, 1 To 6 Woodfield Cottages South East Of High Street Ingatestone Essex

Ward:
Ingatestone, Fryerning & Mountnessing

Parish:
Ingatestone & Fryerning

Proposal:
Outline application for Residential development comprising of 140 dwellings, community facilities comprising of Class A1 shops and/or Class D1 non residential institutions with associated garages, parking spaces and private amenity areas, public open space, children's play equipment, estate roads, footpaths, landscaping etc. (Appearance, landscaping layout and scale reserved matters)

Plan Number(s):

BIODIVERSITY REPORT; FLOOD RISK REPORT; NOISE IMPACT ASSESSMENT; PLANNING OBLIGATIONS; PLANNING STATEMENT; 15/27/01; 15/27/02; 15/22/03; 889/01A; 889/02A; 889/03A; 889/04A; 889/05A; 889/06A; 889/07A; 889/08; 889/00; TREE PROTECTION PLAN; TRANSPORT ASSESSMENT; TRAVEL PLAN; TREE SURVEY; LVA ADDENDUM; APPENDIX G-N; HABITAT PLAN; DEVELOPMENT OPPORTUNITY; CONSTRAINTS; SCREENING REPORT; SITE ZONES; LANDSCAPE AND VISUAL APPEARANCE; PHOTOS; PRE PLANNING ASSESSMENT REPORT;

Applicant:
Mr & Mrs Sharp

Validated:
21 December 2016

Case Officer: Mr Nick Howard

1.0 DESCRIPTION OF PROPOSAL

Outline planning permission is sought for the erection of up to 140 No. one, two, three, four and five bedroom, detached, semi-detached and terraced houses, bungalows and flats on the application site, with associated garages, parking and amenity areas (public and private), internal estate roads, footpaths and landscaping. In addition community facilities in two new buildings are proposed. 35% of the dwelling houses would be affordable units: transferred to a Registered Provider to provide affordable homes in perpetuity.

The principle of the development and means of access to the site are sought approval now, with the scale of the development, the layout of the site, the appearance of buildings and landscaping reserved for future approval as Reserved Matters.

The density of development would be an average of 30 DPH net (12 DPA) spread over a gross 10.50 hectare site. Buildings would not exceed two-storeys in height, with bungalows included adjacent to the existing dwellings fronting onto the High Street.

The vehicular access to the application site would be via a new highway connection to the B1002 High Street. Pedestrian access would be via this point. Another pedestrian access is also proposed over the driveway at the south-western end of the site leading past Rays Farmhouse and the Rays Barns Business Centre onto the High Street.

A range of bungalow, house and flats types and sizes are intended to be provided, specifically, the development is proposed to include 65% one and two bedroom units, and 35% three, four and five bedroom properties. Affordable housing is intended to be provided on site at a proportion of 35% rounded up (i.e. 49 units at a 140 unit quantum). Of the 35% total, affordable housing tenure is presently proposed to be 88% affordable rent and 12% intermediate.

1.36 hectares of public open space is proposed at the north-eastern end of the application site to form an appropriate termination of the urban edge and interface with the countryside beyond. This would be landscaped to its margins and would provide informal recreation space for residents. Two surface water ponds would be situated at the lowest point of the application site, in the north eastern corner of the public open space. In addition, an area of linear public open space extending to about 0.66 hectares is proposed along the south-eastern site boundary alongside the railway. This would take the form of a pedestrian path with wide landscaped margins and would connect to the principal area of open space and to a new footpath connection leading out of the site at its south-western end past Rays Farm Barns.

Two equipped Local Areas for Play ('LAP') will be included in the development: one at a 'node point' formed within the existing hedgerow, where an existing feature tree is proposed to be retained, and the second in the public open space at the north-eastern end of the application site. In addition, a Locally Equipped Area for Play ('LEAP') is also proposed in the principal public open space to provide comprehensive play facilities within 400 metres of all children in the new estate. The applicants are also willing for a Neighbourhood Equipped Area for Play ('NEAP') to be incorporated into the public open space or to make a developer contribution towards the provision for such since it is understood that there is a deficiency in this regard in the village.

Ownership of public open space would either be transferred to the Borough Council, together with an appropriate commuted sum for future management and maintenance or vested in a Management Company owned and operated by residents

2.0 SITE DESCRIPTION

The application site is an irregularly shaped parcel of land extending to 10.50 hectares (25.95 acres). It is located at the north-eastern end of the village of Ingatestone and situated to the rear (southeast) of houses (Parklands – Woodfields Cottages) fronting the south-east side of the B1002 High Street.

The site forms a part of the Margaretting Hall Estate and comprises two agricultural fields. Ground levels on site fall gently from the north-east towards the southwest of the site. A small parcel of the adjacent field to the north is also included within the site as well as three pairs of semi-detached two-storey estate houses known as Woodfield Cottages and their domestic curtilages and private access road off the B1002.

The site is adjoined to the north-west by large, two-storey detached houses and their extensive domestic gardens fronting onto High Street. The southern boundary adjoins the Grade II listed Rays Farmhouse and Rays Farm Barns; now converted into a small scale business centre including a veterinary practice. Beyond the business centre and listed building is found Docklands Avenue: a street lined with two-storey houses dating from the 1960's/1970's, which mark the extent of the village of Ingatestone,

The south-eastern site boundary follows the edge of the Great Eastern Main Line railway and the northern edge of the site is bounded by a private road and two roundabouts surfaced in concrete, which leads past Woodfield Cottages to the west to connect with the B1002 High Street.

3.0 RELEVANT HISTORY

- None relevant

4.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Parish Council-**

Ingatestone & Fryerning Parish Council has given detailed consideration of this application to construct 140 properties on Green belt land in our parish. The Council very strongly OBJECTS to this proposal for a number of reasons as follows :-

1) This proposal represents inappropriate development in the Metropolitan Green Belt and Special Landscape Area and by definition will be harmful. The proposal will materially detract from its openness and represents an encroachment of development into the countryside. As a result it will conflict with policies GB1 and GB2 of the BBC Replacement Local Plan (2005), those contained in the National Planning Framework (2012) as well as Green Belt Policy within the emerging Draft Local Plan all of which set out protect the Green Belt from inappropriate development of this sort. The Parish Council do not believe that "very special circumstances" have been demonstrated to justify the damage the development will cause. Recently the Borough have rejected an application (16/01040/FUL) for the construction of a camping and caravan site on agricultural land very close to the application site for the very same reasons as stated above. The Parish Council believe these reasons are even more pertinent in this case since significantly more agricultural land will be lost in accommodating 140 properties.

2) Policy GB2 of the Local Plan makes it clear that any new development needs to preserve and enhance the local landscape. The construction of 140 properties will seriously compromise the Special Landscape area and reduce the attractive open views across open farmland to the Wid valley and beyond from the Northern end of the village. The proposal does not satisfy the requirements of section GB22 which states that developments should not result in the loss of the best and most versatile agricultural land. The land in question is of good quality and is currently successfully used for arable farming.

3) The Village Design Statement, produced by the people of Ingatestone and not by the Parish Council as suggested in the applicants Planning Statement, makes it clear that the people of the village do not support the release of Green Belt land adjacent to the village and that they believe that the existing village envelope should be maintained. The development proposed is therefore at odds with the views of local residents. Indeed a parish wide survey carried out by the Parish Council in November 2016 showed that 80% of respondents considered that the preservation of the Green Belt surrounding the village was important and this reinforces the earlier VDS conclusions.

4) This Proposal is a perfect example of "blurring "of village boundaries. Any village needs green open spaces to define its beginning and end. Developing this site will be an example of how to destroy Ingatestone's village character and its rural approach from the South. It would decrease the separation between the village and Margareting and increase urban sprawl.

5) The proposed new access road from the B1002 into the development site would result in a traffic hazard. The sight line looking North is poor. Traffic travels fast at this point and there is a potential for accidents occurring at what would become a very busy junction. Additional traffic movements generated by this development would result in further significant highway congestion within the High Street particularly during peak periods.

6) In January 2015 BBC carried out a Strategic Growth Options Consultation exercise and a list of suggested sites was attached as Appendix 1. This list included the application site but it was made clear that these sites were suggested to the Borough Council for consideration and not what the Council was proposing at that stage. The Parish Council responded to this consultation and after due consideration of these proposed sites the Borough produced a list of their proposed housing sites in January 2016. Significantly the application site was not included in this list. The Parish Council believe that was, and still is the right decision.

One of the reasons for the Parish Council's objection was the potential increased pressure on local infrastructure. The 2015 Borough Strategic Growth Options Consultation Executive Summary makes reference to quality of life and community infrastructure. The statement makes it clear that education, healthcare, transport, community facilities such as parking and green infrastructure need to be considered. These things will be impacted by a development of this magnitude in an area which in many instances is already at breaking point.

The Parish Council believe this proposed development will have a significant detrimental impact on the Green Belt, visual amenity, environmental quality, and highways and would not be welcomed by the majority of our residents. For the above reasons we request that the application be REFUSED.

- **Environmental Health & Enforcement Manager-**

No objections subject to conditions

- **Essex & Suffolk Water-**

No objection to the development above, subject to compliance with our requirements.

- **Highway Authority-**

No objection subject to conditions

- **Anglian Water Services Ltd-**

No objection subject to conditions

- **Natural England-**

No objections subject to conditions

- **Housing Services Manager-**

Proposal provides 35% affordable housing requirement. Further consultation will be required to comment on the tenure type/size split of affordable housing to meets the needs of the Borough

- **Design Officer-**

This is an Outline application outside the settlement boundary of Ingatestone - with Appearance, landscaping layout and scale as reserved matters, in this regard I have no advice to offer The Council at this stage of the submission.

- **Historic Buildings and conservation officer**

Object - HBCO comments are included in assessment section of the report.

- **Highways England-**

No objection.

- **Basildon Fire Station-**

No objections subject to conditions

- **Network Rail Property-**

As safety is paramount to Network Rail, we note there is 'Church Lane' level crossing in proximity to the development. The developments proposed footpath would connect to Church Lane level crossing a public road which provides onward walking routes southeast of the railway. It is very likely that the development will drive an increase in pedestrian usage, however the level crossing at Church Lane has our highest level of protection.

We do not encourage the use of crossings and observe that the applicant & future residents on site must be aware of the Rail user crossing which is still a part of our Network.

- **ECC SUDS-**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **object** to the granting of planning permission based on the following:

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's outline Drainage Checklist. Therefore, the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted drainage strategy fails to:

Demonstrate that there is enough storage provision on site

- **Essex Badger Protection Group-**

Whilst any development scheme which will lead to the further loss of green belt land is unwelcome, we note the comments made by t4 Ecology Limited in their report dated December 2015, and acknowledge that no evidence of badger activity was found by that firm in the course of their investigation.

The Essex Badger Protection Group has not been afforded access to the site and has no record of any setts on the land itself. We cannot therefore contradict any of the commentary given in the habitat survey report. We do however have records of setts in the surrounding areas which enforce the opinion expressed in the report that badgers are likely to have a transitory foraging presence on the site. We also note that the report itself is more than a year old and that, with badgers recorded in the immediate vicinity of the site, it is quite possible that badgers have subsequently become resident. We therefore urge planners to insist that a further badger survey is carried out prior to any site clearance works commencing. This survey should be carried out by a suitably qualified ecologist with the subsequent report referred to council planners and sent to the Essex Badger Protection Group for additional comments.

Should planners be minded to approve the scheme, we would also ask that construction works be conditional upon all excavations being covered overnight in order to prevent any dangers to foraging badgers.

- **Planning Policy-**

Object - Their comments are included within the assessment section of the report.

- **Chelmsford Borough Council**

OBJECTS to this proposal for the following reason:

The site is located within the green belt where the NPPF seeks to prevent urban sprawl and keep land permanently open. The site is not allocated for housing development within Brentwood Borough Council's Draft Local Plan; as such the proposal would, by definition, be inappropriate development in the Green Belt. The harm is not outweighed by other considerations. The development would also harm the openness of the Green Belt given that the site is visible from a number of public viewpoints including Footpath 27 which runs along the Council boundary.

5.0 SUMMARY OF NEIGHBOUR COMMENTS

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

7 supporting letters

86 objection letters on the grounds the site is within the Green Belt, loss of agricultural land, the traffic generated cannot be accommodated on the existing network, the existing health provision and schools will not be able to cope with the additional demand.

6.0 POLICY CONTEXT

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies GB1, GB2 and C16, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan is the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in early 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in late 2017 or early 2018.

7.0 ASSESSMENT

The site is situated in the Metropolitan Green Belt as defined in Brentwood Replacement Local Plan. The Green Belt boundary for this part of Ingatestone runs along the rear boundaries of Docklands Avenue and includes the properties to the north fronting onto the High Street leading to a property called 'The Old Copper' The southern boundary of the site is to the north of the Green Belt boundary with a property called 'Rays' which is a listed building, and its ancillary buildings which form a business centre are within the Green Belt but between the Green Belt boundary and the application site. Similarly, there is open ground to the north and east of the properties fronting onto the High Street, which is within the Green Belt, and between the development boundary and the application site. Overall the application site does not abut the Green Belt boundary at any point and therefore it cannot be considered to be an urban extension to the settlement due to the area of intervening Green Belt land.

The applicant states that Brentwood Borough Council cannot demonstrate a five year supply. They state that within Paragraph 49 of the Framework that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority

cannot demonstrate a five year supply. It is acknowledged that the Council cannot demonstrate a five year supply. The applicant correctly states that the presumption in favour of sustainable development, as set out in paragraph 14 of the Framework, does not apply to green belt sites because the Framework indicates that development should be restricted in such locations.

The applicant considers that the lack of a five year supply in combination with the LPA's accepted need to release Green Belt land, the identification of Ingatestone as a sustainable location and the range of social, economic and environmental benefits amount to very special circumstances.

The lack of a five year supply is not in itself considered to be a very special circumstance. Paragraph 34 of the Government's Planning Practice Guidance (PPG) advises 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. Officer's acknowledge that Ingatestone is a sustainable location. Paragraph 5.29 of the Draft Local Plan states that 'while Ingatestone has relatively good facilities, a modest level of development is envisaged here, due to infrastructure constraints and a lack of suitable sites. To this end the Draft Local Plan proposes the allocation of Ingatestone Garden centre for residential purposes with a capacity of 60 dwellings. This level of growth is considered 'modest' compared to a potential 140 dwellings, which is proposed in this application.

The applicant has referred to the proximity of the application site to local services compared to the Garden Centre. However, although the site is closer to the village centre, the Garden centre has higher sustainability credentials due to the site being previously developed land as opposed to a greenfield site.

The site was originally submitted for consideration as a potential housing site in the emerging Local Plan back in January 2015 during the consultation on the Strategic Growth Options. In developing the Draft Local Plan, which was published in February 2016, it was necessary to devise a spatial strategy that was appropriate for the Borough. A sequential approach was taken to the selection of sites to ensure compliance with the Spatial Strategy. The site was not selected as a housing land allocation in Policy 7.4 of the Draft Local Plan due to the site not comprising clear physical boundaries that would avoid further sprawl. In addition to this there were a number of other allocations for Ingatestone which represented more suitable extensions to the village.

The identification of Ingatestone as a sustainable location is not considered to be a factor that represents 'very special circumstances' that would outweigh the harm to the Green Belt.

Turning to the benefits of the scheme, in particular the social, economic and environmental benefits. The applicant has outlined a number of social benefits including the provision of 91 market homes, 49 affordable dwellings, community facilities, provision of two hectares of public open space on the site with a children's play area and a payment

of a commuted sum towards the provision of a Neighbourhood Play Area in the village. The provision of 91 market homes where there is an under supply, the provision of affordable dwellings and community facilities are benefits and all weigh in favour of the scheme. However, the provision of open space, play areas and a commuted sum towards a neighbourhood play area are considered to be mitigation factors that would normally be associated with a development of this size.

With regard to the economic benefits the proposed development would provide benefits to the local labour force and to the services and facilities in Ingatestone derived from the potential new residents. It is considered that these factors weigh in favour of the development.

In assessing the environmental benefits of the scheme, the applicant considers the proposal would only make a Low-Moderate contribution to the five purposes of including land within the Green Belt, which is similar to other proposed releases of Green Belt land within the Borough. However, the original Borough Green Belt study concluded that the site made a moderate contribution to the Green Belt. Both parties agree that 'purpose 5' which refers to urban regeneration is not relevant to this site and 'purpose 4', which refers to the setting of a historic town, is of limited relevance. Furthermore, both parties agree that the proposal would be contrary to 'purpose 3' in that it would lead to a significant encroachment of the countryside. 'Purpose 1' which refers to checking the unrestricted sprawl of the large built up areas and 'purpose 2' which prevents neighbouring towns merging into one another are the two elements that are in conflict between the applicant's landscape assessment and the Council's study.

Dealing with 'purpose 1' first, the applicant considers the site is adjacent to the urban area of Ingatestone. They consider the site is well contained by the railway line to the east, the existing ribbon development fronting onto the High Street, Rays and the associated barns to the south and they conclude the northern boundary is open. Although the applicant's supporting statement is in contrast to the submitted visual assessment, it considers the presence of an estate road along the northern boundary provides containment.

In contrast officer's consider the site is not adjacent to the urban edge of Ingatestone as mentioned above. The Green Belt boundary forms the urban edge and 'Rays' and the properties along the High Street to the north are either a farm with its associated buildings or scattered dwellings situated beyond the urban area. The Council's Green Belt study acknowledges the site is well contained by the railway line, but the site is weakly connected to the northern extent of Ingatestone. The site is located to the rear of a number

of large dwellings that front onto the High Street and have significant gaps between them. The character of this area is primarily semi-rural and is not linked to the existing built up area to the south. Furthermore, the estate road to the north provides little containment and therefore overall officer's consider the proposal would result in urban sprawl of a large built up area and is contrary to the first purpose of the Green Belt.

Turning to the second purpose of the Green Belt, at present the settlement of Margaretting is approximately 2.5km from the junction of Docklands Avenue/High Street to the centre of Margaretting which is formed by the crossroads of Maldon Road/B1002. Outlying buildings would make the distance shorter and the applicant considers that the proposal would be no closer than the most north easterly dwelling in Ingatestone comprising Woodfield Cottages. However, these properties and its neighbours comprise a scattered row of dwellings. In contrast the proposal would extend the urban built form from Docklands Avenue to a point close to the estate road, which forms the northern boundary of the site. This would result in the gap between the settlements being reduced from 2.5 km to 2 km. The applicant's landscape visual assessment considers that the separation between Ingatestone and Margaretting will be retained. However, the Council's study concludes the separation distance would be reduced but retained, which officer's consider is the correct assessment. Overall it is considered the proposal would result in a reduction in the gap between Ingatestone and Margaretting and is contrary to the second purpose of the Green Belt.

The proposed development site is immediately to the north of the Grade II listed building of RAYS (List entry Number: 1207624) and this significant historic curtilage also contains curtilage listed buildings.

In terms of historic significance, Ray's Farm was among the lands in Fryerning granted by Lady Dorothea Wadham to Wadham College, Oxford, it is extensively documented there to c1920. Maps of 1741 and 1745 show it as a copyhold farm of 100 acres. The listed building is situated in the Green Belt and is not immediately encroached upon by way of residential development.

In terms of these proposals, the Historic Buildings and Conservation officer (HBCO) advises there has been no in-depth assessment of the impact of proposals upon Heritage Assets; whilst the Landscape and Visual Assessment supporting document acknowledges the siting of the listed building. Page 31 of the Planning statement refers only to the listing text, but does not provide an analysis as to how the proposals will impact upon the setting of the listed building which currently (and historically) has a countryside setting intrinsic to how it is experienced within the landscape. The conclusion reached by the applicant that the existing vegetation will provide mitigation (effectively the listed

building is hidden) is misleading and not a conclusion reached through an appreciation of setting and significance. The HBCO advises development, particularly at the south of the site, will result in unacceptable urban encroachment resulting in harm upon the setting of the listed building, which has a countryside and rural setting. The proposal is therefore contrary to Policy C16 which restricts development within the vicinity of the listed building

8.0 CONCLUSION

The proposed development represents inappropriate development and therefore the applicant has to demonstrate very special circumstances. Although the Council do not have a five year housing supply, the site is close to a sustainable village and the proposal would provide a number of benefits including the provision of a significant level of market and affordable dwellings, community facilities and economic benefits to the village and the local labour force, they are not considered to outweigh the harm to the openness of the Green belt and the detrimental impact on the adjacent listed building. Overall it is considered that very special circumstances do not exist and for the above reasons the recommendation is to refuse.

9.0 RECOMMENDATION

The Application be REFUSED for the following reasons:-

1. The proposal would be inappropriate development in the Green Belt in that would materially detract from openness, it would represent an encroachment of development into the countryside, it would result in an unrestricted sprawl of a large built up area and it would represent a reduction in the gap between Ingatestone and Margaretting. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.
2. Other matters that may weigh in favour of the proposal have been considered individually and collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.
3. The proposed development would be harmful to the setting of the adjacent Grade II listed building 'Rays' and its curtilage listed buildings, by reason of its close proximity to the listed building and its curtilage structures. The proposed harm to the setting of the Listed Building outweighs the public benefit that would be derived from the scheme. The proposal is therefore contrary to Policy C16 of the Brentwood Replacement Local Plan and the provisions of the Framework.

Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2 and C16 ; the National Planning Policy Framework 2012 and NPPG 2014
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:
www.brentwood.gov.uk/planning