



ITEM 03

COMMITTEE REPORT

Reference:
17/00057/OUT

Site:
Land To The Rear Of Hatch Road
Hatch Road
Pilgrims Hatch
Essex

Ward:
Pilgrims Hatch

Parish:

Proposal:
Outline Application for the demolition of existing commercial units, former vehicular garages, and clearance of site previously used for garden nursery, and construction of 49 dwellings, new commercial premises, doctor's surgery and associated parking, creation of public open space, new vehicular access, and associated landscaping. (Appearance, Landscaping, Layout and Scale reserved matters).

The application is a major development of strategic importance to the Borough and therefore the application has been referred to the Planning and Licencing Committee for determination.

Plan Number(s):

01; 03; 04; 05; DAS 01; DAS 02; DAS 03; DAS 04; DAS 05; DAS 06; DAS 07; DAS 08; DAS 09; DAS 10; DAS 11; DAS 12; DAS 13; DAS 14; DAS 15; 4991-D; BADGER SURVEY; DESIGN AND ACCESS STATEMENT; EIA SCREENING OPINION; PLANNING STATEMENT;

Applicant:
M.C.C. Developments Ltd

Case Officer: Mr Nick Howard

1.0 DESCRIPTION OF PROPOSAL

Outline planning permission is sought for the erection of 49 residential dwellings with means of access to be approved at the outline stage. The vehicular and pedestrian access into the site would be from Hatch Road. Matters relating to design, scale, layout, and landscaping are reserved for future approval as part of a Reserved Matters application.

Of the extent of the site available for housing, the density of development is approximately 30dph. The proposed buildings would not exceed two-storeys in height, except for a proposed apartment block which would be a mix of two and three storey in height. Of the 49 dwellings proposed, 35% will take the form of affordable housing which equates to 17 units.

Part of the proposal is to demolish the existing buildings that comprise hairdressers, convenience store, butchers, and two residential units. These would allow for a new, building to be provided accommodating these or other such uses falling with Use Class A1 and A2 of the Use Classes Order. It is also proposed to provide part of the top floor of this building for a doctor's surgery (D1).

The indicative layout shows the retention of a small wooded area of the site to the east. This area of woodland will provide a designated walkway and nature trail around its grounds. Within the proposed development two attenuation storage areas are proposed. One in the form of a tank (located to the west) and the other in the form of an open attenuation basin (pond) to the east, within the area of public open space.

2.0 SITE DESCRIPTION

The application site comprises an irregular shaped rectangular parcel of land measuring approximately 2.60 ha set behind a row of housing that fronts Hatch Road. The site is accessed via a parcel of land currently containing commercial premises and former vehicular garaging. The commercial units comprise a detached property that forms a dwelling with the front occupied by a hairdresser, and a two-storey building occupied by a convenience store and butchers.

To the south of the site are properties fronting onto Hatch Road. These dwellings are predominantly two-storey, with some bungalows, and comprise the northern edge of Pilgrims Hatch. To the east is an agricultural smallholding / paddocks accessed via Beads Hall Lane. To the north, the land comprises paddocks. Along the entire northern boundary, the site is lined with mature and semi-mature trees and hedgerows. To the west, the site partially abuts the two-storey residential dwellings that comprise Lascelles Close. Beyond this are maintained paddocks

3.0 RELEVANT HISTORY

- None

4.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses. 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/>

- **County Archaeologist-**

The Essex Historic Environment Record (EHER) shows that the area is of potential archaeological interest as the proposed development is located to the west of the former Bawd's Hall (EHER 555), which on the historic maps had extensive grounds surrounding the house. The 1st edition OS maps also show that a lane or green is located to the west, possibly leading towards the proposed development site. While the historic maps do not record features within the development site there is good potential for below ground archaeological deposits to be present on the site. Any surviving below ground non-designated heritage assets with archaeological interest would be damaged or destroyed by the proposed development.

Recommendation: Full conditions

- **Planning Policy-**

Object- Their comments included in the assessment section of the report.

- **Highway Authority-**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

- **Environmental Health & Enforcement Manager-**

A Phase 1 Geoenvironmental Assessment has been submitted by Green Earth Management Co Ltd detailing potential contamination risks from the site.

The methodology used is acceptable and the recommendations on Page 19 of the report detail further steps to be taken in regard to this site. Therefore, recommendations should be attached as a condition to any permission granted.

Noise

A Noise report shall be submitted prior to any development,

Construction

A site-specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work.

Air Quality

An assessment of the likely impact of the development on air quality should be undertaken and submitted.

Waste storage facilities

Suitable and sufficient waste storage facilities shall be made for the safe and secure on site storage of waste derived from the business/flats between collections to ensure that no detriment to amenity from smell, flies or vermin arises.

- **Essex & Suffolk Water-**

No objection

- **Anglian Water Services Ltd-**

WASTEWATER SERVICES

Wastewater Treatment

The foul drainage from this development is in the catchment of a Thames Water Recycling Centre. Anglian Water can confirm that there is capacity to receive the foul discharge in the existing network,

Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Trade Effluent

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent.

- **Essex Wildlife Trust-**

Essex Wildlife Trust objects to this application.

The application site comprises semi natural habitats that may potentially support protected species. No ecological surveys have been undertaken in relation to this application. Therefore, there is insufficient information provided to enable the planning authority to come to a decision based on evidence.

- **Essex Badger Protection Group-**

It is noted at the outset that the developers have taken the unusual approach of seeking planner's approval to waive a full Environmental Impact Assessment ("EIA") as part of their submission rather than follow the standard screening process and consult with planners prior to the application being prepared. Whatever their reasons for this, we feel that there are no supportable grounds on which the requirement for a full EIA should be waived. Whilst the application seeks to argue that the site does not have any natural habitat sensitivity, we would strongly refute this. Indeed, it will not have missed the council planners' attentions that the site photographs which accompany the application are largely confined to the current street scene and the shops to be relocated. There are no photographs giving the true context of the application in terms of current woodland habitat which will be lost or the impact on the various species which reside within it. It is our view that any proper consultation on this scheme needs to be informed by a full EIA and that its absence alone ought to be sufficient grounds for the application to be refused.

The Phase 1 Habitat Report (the "Report") prepared by Practical Ecology Limited ("PEL") as part of the application incorporates a standard "desk study" for protected species in the area. PEL states in section 7.1.1.1 that no records of badgers within 500m of the area under consideration (the "Site") were returned as part of this process. The Essex Badger Protection Group ("EBPG") was not contacted by PEL as part of this desk study but can confirm there is badger activity within the target area.

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. 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/>

52 letters of objection have been received, and can be summarised as follows:

- Unacceptable development on Green Belt land
- Considerable increase in volume of traffic on Hatch Road and further pressure on highway network
- Amount of parking is inadequate
- Precedent for further development on Green Belt land,
- Loss of protected habitat and trees
- Three storey dwellings and the scale of development is out of character with the area, will have a detrimental effect on the character, environment and aesthetics of the area
- Noise and disturbance during construction

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, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy:GB1, GB2 & CP1

NPPF Sections: Paragraphs 89 and 90

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 2018. 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 2018/9.

7.0 ASSESSMENT

Green Belt – is the proposed development inappropriate within the Green Belt?

The site is in the Green Belt and is therefore subject to the local and national policies that apply in the Green Belt. The National Policy for Green Belts appears in Chapter 9 "Protecting Green Belt Land" of the National Planning Policy Framework. This post-dates the policies in the Brentwood Replacement Local Plan (RLP) and should be given significant weight. 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.

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. These exceptions are set out in Paragraph 89 of the Framework and paragraph 90. In terms of exception to new buildings in the Green Belt, bullet point 6 of paragraph 89 states:

“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.

The Framework definition of "previously developed land" (PDL) includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. If the view was taken that the proposal amounted to the redevelopment of PDL consideration must be given to its effect on the Green Belt.

The Green Belt boundary for this part of Pilgrims Hatch runs along the rear boundaries of the properties facing onto Hatch Road and Lascelles Close. A small portion of the site which includes the retail unit and the garages to the rear is within the urban area of Brentwood. The Green Belt boundary runs along the rear of the garages. Overall the application site abuts the Green Belt boundary around Pilgrims Hatch.

With regard to the previous use of the site the applicant considers it was previously used as a commercial nursery. The applicant contends that the site contained a large number of brick and timber structures, most of which took the form of glass houses. Following the sites closure, these buildings were not removed and were allowed to fall into a state of disrepair. Annex 2 of the Framework describes previously developed land but specifically excludes 'land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'. From the site inspection, there are some brick foundations visible on part of the site, however officers consider that the previous buildings have blended into the landscape and the site is not considered to fall within the definition of previously developed land.

In any event, the proposed 49 dwellings and the garages proposed would be of materially greater overall bulk than any existing or previous structures, it would materially detract from openness and would represent an encroachment of residential development into the Green Belt. It would thereby conflict with the purposes of including land in the Green Belt.

Are there any very special circumstances that would clearly outweigh the identified harm?

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 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.

The applicant states the following:

The site may be considered as a Greenfield urban extension sites in Green Belt. However, the land has previously contained commercial buildings, the remains of which are still on site in the foundations and the sever contamination of glass. The application site in question is currently being promoted through the Local Plan process for site allocation. However, in light of this lack of a five-year housing land supply, combined with the Councils acceptance of need to release Green Belt land as identified above, this development proposal in prematurity of the local plans adopted is considered to represent a form of sustainable development. Importantly it is considered the development proposal complies with the development plan approach and represents very special circumstances that outweigh the harm.

Officer comment:

The site on land to the rear of Hatch Road, Pilgrims Hatch (Site Refs: 053A & 053B) was originally submitted for consideration as a potential housing site in the emerging Local Plan before the Preferred Options consultation took place in July 2013. The site represents a greenfield site in the Green Belt and 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.

The applicant considers that the proposal represents sustainable development in that it meets the economic, social and environmental roles as set out in the Framework.

Officer comment:

With regard to the economic benefits the applicant contends that proposed development would replace the existing commercial buildings with new purpose built design to ensure survival of A1 and A2 uses in the immediate area, the ability to provide a D1 use in the form of a doctor's surgery and would result in significant employment opportunities during construction. Officers consider that the existing commercial buildings could be replaced on the existing footprint and the garage area to the rear which is within the settlement boundary of Pilgrims Hatch, without the need to build in the Green Belt.

However, the proposal would provide benefits to the local labour force and therefore it is considered this element weighs in favour of the development.

Turning to the social benefits the proposal would provide a significant level of affordable housing, and would create a new area of public open space. However, officers consider that although the provision of 17 affordable houses is a significant benefit, the provision of public open spaces is a mitigation measure. The provision of affordable housing weighs in favour of the proposal.

Turning to the environmental role the applicant contends that the proposal will facilitate a comprehensive decontamination of land, provide management and enhancement of the woodland to the east of the site and the proposal represents a logical extension adjacent to existing settlement limits. Officers consider the decontamination of the land is only required by its redevelopment, although it will potentially increase its biodiversity. However, this represents only a minor benefit from the development. The management and enhancement of the woodland to the east is considered to be a mitigation measure that would be required from the development. Furthermore, officers disagree with the applicant in that the proposal would not represent a logical extension to the settlement form but would result in urban sprawl.

Other Matters

Highways:

The proposed access is to be taken from Hatch Road, opposite No's No's 143/145, which is where the existing shop is at present. The proposed access point would provide a visibility splay of 2.4 metres by 43 metres. Overall the Highway Authority accept the proposed access arrangements subject to standard conditions.

Ecology:

The Essex Wildlife Trust object to the proposal on the grounds that the proposal would result in a significant loss of habitat. The applicant has responded to their concerns by not disputing that a significant portion of the site is proposed for development, however the land to the east was recognised as being a site of higher ecology value that has the opportunity to be significantly enhanced, which the development proposal can facilitate. The proposal although indicative allows for the retention of an extensive landscape belt along the perimeter, as well as proposing the retention of trees.

With regard to the wooded area of land to the east, the applicant has stated this will be enhanced and comprise an area of public open space to be suitably managed and provide a designated public footpath with litter bins. Furthermore, they consider that as a number of properties abut the site already, the Trust's comments regarding increased predation by cats are without any foundation.

With regard to the presence of badgers within the vicinity of the site a condition protecting badger habitats could be imposed if officers were minded to recommend approval of the application.

Neighbour comments:

Most of the areas of concern raised in neighbour objections have been addressed in the report. With regard to noise during construction, this would be a transitory issue and not considered a reason to withhold permission. The scale and layout of the development would be subject to details submitted at a later stage.

8.0 CONCLUSION

The proposed development represents inappropriate development and therefore the applicant has to demonstrate very special circumstances. Although the Council does not have a five-year housing supply, the site is in a sustainable location adjacent to a settlement and the proposal would provide a number of benefits including the provision of significant level of market and affordable dwellings, retail and community facilities and economic benefits to the local labour force, they are individually and collectively not considered to outweigh the harm to the openness of the Green belt. 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 and it would result in an unrestricted sprawl of a large built up area. 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.

Informative(s)

1. 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. 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.
3. The drawing numbers listed above are relevant to this decision

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