



ITEM 05

COMMITTEE REPORT

Reference:
16/01764/FUL

Site:
The Old Pump Works
Great Warley Street
Great Warley
Essex
CM13 3JR

Ward:
Warley

Parish:

Proposal:
Conversion of LCC House and Waterworks House; single storey extension and conversion to The Reservoir Building and redevelopment of The Pump Room and Former Coal Shed to provide 18 no. Class C3 residential dwellinghouses; associated landscaping, amenity space, a green roof, parking and refuse storage.

Plan Number(s):

01/A; 05/D; 06/D; 07/B; 08/A; 09/D; 11/A; 13/C; 14/B; 15/B; 16/A;
18/A;

Applicant:
Mr Paul Smith

Case Officer: Mr Mike Ovenden

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

“In my view very special circumstances, including the uniquely designed green roof mitigating the effect of the redesign of the reservoir, and the very high design specification, which respects the heritage of the building, means this application should come before Planning Committee for a full discussion before a final decision is made.”

1.0 RELEVANT HISTORY

- 16/00464/FUL: Conversion of LCC House and Waterworks House Single storey extension and conversion to The Reservoir Building and re-development of The Pump Room and Former Coal Shed to provide 18 no Class C3 residential dwellinghouses, associated landscaping, amenity space, a green roof, parking and refuse storage -
- 16/01101/FUL: Conversion of LCC House and Waterworks House Single storey extension and conversion to The Reservoir Building and re-development of The Pump Room and Former Coal Shed to provide 18 no Class C3 residential dwellinghouses, associated landscaping, amenity space, a green roof, parking and refuse storage -
Application Refused

2.0 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/>

- **ECC SUDS -**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to submit a holding objection to granting of planning permission based on the Inadequate Surface Water Drainage Strategy.

Further information has been received and the SUDS team have been asked to advise further. This will be reported at the meeting.

- **Environmental Health & Enforcement Manager** - No objection in principle. However, it is recommended that as far as possible bedrooms should not be adjacent to or below or above rooms such as living rooms or kitchens or bathrooms. Noise generated by the use of living rooms, kitchens and bathrooms may adversely affect the amenities of the occupiers of the bedrooms.
- **Essex & Suffolk Water** - We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.
- **Highway Authority** – No objections subject to conditions concerning:
 - Parking area to be retained for use for parking
 - Provision of cycle parking
 - Upgrading of bus stops on B186 outside the site
 - Provision of travel information pack

- **Anglian Water Services Ltd** - None received. However no objections were raised to the previous scheme subject to conditions. It is considered that no new issues arise.
- **Environment Agency** - None received. However no objections were raised to the previous scheme and it is considered that new issues arise.
- **Arboriculturalist** - None received. However no objections were raised to the previous scheme and it is considered that new issues arise.
- **Essex Wildlife Trust**- None received.
- **National Grid**- None received.
- **Essex Badger Protection Group** - None received. However no objections were raised to the previous scheme and it is considered that new issues arise.
- **Bats - Mrs S Jiggins** - None received. However no objections were raised to the previous scheme and it is considered that new issues arise.
- **Housing Services Manager** – Affordable housing provision should be on site unless there is compelling justification. The applicant has not provided compelling justification.

3.0 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/>

- generally accept the planned residential use of this site
- concerns from close residents with the future height of the buildings
- worried about the traffic accessing and leaving the site both during construction and after occupation.
- It is hoped that good sight lines and or lay byes can be provided and with good on site parking to ensure that Great Warley Street is kept clear of parked vehicles.

4.0 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.

Policy CP1 General Development Criteria.

Policy GB1 New Development

Policy GB2 Development Criteria

Policy GB18 Existing Inappropriate Development Sites

Policy H9 Affordable Housing on Larger Sites

Policy T2 New Development and Highway Considerations

Policy T5 Parking

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 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 2018.

5.0 ASSESSMENT

This application relates to the redevelopment of the site to provide a total of 18 dwellings.

- Waterworks House, a T-shaped group of late C19th and early C20th buildings towards the front of the site, would be converted to form three 3 bed dwellings
- LCC House, a rectangular building adjacent to the southern boundary dating from the 1930s, would be converted to form a single 4 bed dwelling
- The flat roof C20th former Pump Room would be replaced with a single storey pitched roof building of traditional design as a single 2 bed dwelling
- An additional building (on the site if a previously demolished building) referred to as the 'Coal Shed' would be erected adjacent to Waterhouse works as a single two bed dwelling of two storeys in height of contemporary design.

- The enclosed semi submerged C20th former reservoir building along the northern edge of the site would have a further storey added to it to create six units on each floor
- The car parking area within the site would be reduced from 89 to 43 spaces

This application follows the refusal of application 16/01101/FUL in November 2016 concerning fundamentally the same scheme. The planning context has not materially changed since the determination of the last application (November 2016). Those aspects which the two proposals have in common and were considered to be acceptable in November remain acceptable now. The key issue is whether this second application overcomes the reasons for refusal of that previous application. These were:

“R1 As a result of the size and scale of the new buildings and extensions the proposal would fail to accord with the exceptions set out in paragraph 89 of the National Planning Policy Framework and would be inappropriate development in the Green Belt. The proposal would also detract from the openness of the Green Belt. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the policies of the Framework as regards development in the Green Belt.

R2 The proposal would fail to make provision for affordable housing within the development and includes no undertaking to make provision of affordable housing elsewhere. The proposal would therefore conflict with Brentwood Replacement Local Plan Policy H9.

R3 Other matters that may weigh in favour of the proposal have been considered but they do not clearly outweigh the harm to the Green Belt or the other harm identified. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist.”

Consideration of the revised application in the context of R1 – greenbelt issues

In comparison to the refused scheme the proposal as submitted reduces the size of the new build. Above the reservoir, units 8, 9, 10 and 11 are slightly smaller (total reduction 36 sqm- 5.66%) - the links between the end units and their adjacent unit in the resultant terrace have been reduced and the height of these links has been reduced both in comparison to the last scheme; overall the roof of that block is lower/shallower by 450 mm. However these alterations would result in very little change when viewed in elevation or how it would be perceived on the ground. The existing maximum height of the building is about 3.95 metres and this proposal would take that to about 7.90 metres. The first floor of the reservoir building would be 57m long by 21 m.

The Pump Room development would be 900mm lower than previously proposed, although being close to the original buildings its impact is much less than the reservoir development.

During the consideration of the application, a revised proposal was tabled which would have reduced the number of dwellings created from 18 to 17. This involved a reduction in the volume of built form in the part of the site currently occupied by the enclosed former reservoir. However during discussions relating to affordable housing the reduction was withdrawn and the scheme reverted to that originally submitted at the time of making this second application. It is in its 'as submitted form' that the application proposal is being determined. In conclusion the current proposal is very little changed when viewed in elevation and therefore its impact on the greenbelt would be largely the same and the application does overcome the first reason for refusal which stands.

Consideration of the revised application in the context of R2 – affordable housing

In common with the refused application this application fails to make provision for affordable housing within the development and includes no undertaking to make provision of affordable housing elsewhere. However, the applicant has submitted a revised financial viability assessment (FVA). Based on the FVA the applicant has offered to make a payment to the Council of £340,000, with the suggestion that it be used by the Council's housing department to fund off site provision elsewhere. The last application inferred that £100,000 was available for similar purposes. The FVA has been assessed by an external consultant appointed by the Council and shared with the applicant. This indicated that subject to changes the scheme was capable of supporting a higher payment. In response, the applicant has offered £370,000.

This offer has been discussed with the Council's housing department, which has advised that unless clear justification can be provided, affordable housing should be provided on site as part of the development. No such clear justification has been given by the applicant. Indeed the financial valuation looks at three scenarios – No affordable housing on site but a payment of £340,000 (later increased to £370,000), 1 unit of social rent affordable housing plus payment of £110,000 for off site affordable housing provision and 3 units of shared equity affordable housing plus payment of £140,000 for off site provision. The applicant has made it clear that the proposal is for off site provision and seeks to deal with affordable housing by the payment only. The reason for this has not been made clear when the applicants FVA indicates on site provision is possible.

The provision of affordable housing as part of the development would help to achieve mixed and balanced communities and leads to decentralised distribution on development sites around the Borough. Development Plan Policy H9 indicates that affordable housing should be provided on site as part of the development. Where this would not be appropriate or possible the council may accept the affordable housing to be provided either in part or in whole on another site. The application does not demonstrate why on site provision would not be appropriate or possible – the applicants FVA indicates otherwise. The NPPF shows a clear preference for on site provision "unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified... and the agreed approach contributes to the objective of creating

mixed and balanced communities (paragraph 50). No robust justification has been provided and no explanation has been given to show how the payment would contribute to the objective of creating mixed and balanced communities.

As the applicant was proposing making a payment with regard to affordable housing, early on in the life of the application the following information was requested from the applicant:

- Have discussions been undertaken with affordable housing providers?
- What would be delivered with regard to affordable housing?
- How would payment of the sum help meet the requirements of those in housing need?
- How would the proposal comply with the requirements of the development plan and NPPF
- Which sites have been identified to use the surplus to fund affordable housing?
- Details of their proximity to the application site
- would the use of funds on the identified sites meet pooling restrictions?
- Timescales for delivery of the funded affordable housing
- Confirmation that the provision of the surplus complies with requirements for S106 agreements – how does it make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind etc

No response has been provided.

A particular difficulty in affordable housing provision is obtaining the land to build the affordable units on – to some degree obtaining funding for units is less difficult. Building land is more difficult to come by in a borough such as Brentwood where much of the land is greenbelt and subject to a greater degree of protection in national and local policy. Discussions with the housing team has not identified a scheme or site that the payment could bring forward to deliver the affordable housing units required of this development.

In conclusion, even if the developer was to provide money to avoid on site provision, there is no clear link to show how it would translate into providing affordable housing that could be occupied by people in housing need whose needs are not met by the market. This second reason for refusal has not been overcome.

Consideration of the revised application in the context of R3 – very special circumstances

Much of the application documentation is the same as with the previous application and it was considered at that time that very special circumstances had not been shown to exist. The applicant has not identified any matters as very special circumstances in order to justify granting permission for this inappropriate development in the greenbelt.

In conclusion while the proposal is not identical to the last proposal it is very similar and has not overcome the reasons for refusal of that application.

6.0 RECOMMENDATION

The Application be REFUSED for the following reasons:

- 1 As a result of the size and scale of the new buildings and extensions the proposal would fail to accord with the exceptions set out in paragraph 89 of the National Planning Policy Framework and would be inappropriate development in the Green Belt. The proposal would also detract from the openness of the Green Belt. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the policies of the Framework as regards development in the Green Belt.
- 2 The proposal would fail to make provision for affordable housing within the development and includes no undertaking to make provision of affordable housing elsewhere. The proposal would therefore conflict with Brentwood Replacement Local Plan Policy H9.
- 3 Other matters that may weigh in favour of the proposal have been considered but they do not clearly outweigh the harm to the Green Belt or the other harm identified. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist.

Informative(s)

- 1 INF20 Drawing Numbers (Refusal)
The drawing numbers listed above are relevant to this decision 01/A; 05/D; 06/D; 07/B; 08/A; 09/D; 11/A; 13/C; 14/B; 15/B; 16/A; 18/A;
- 2 INF05 Policies
The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, GB18, CP1, H9, T2, T5 the National Planning Policy Framework 2012 and NPPG 2014.

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