

SITE PLAN ATTACHED

03. 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

WARD	South Weald	8/13 WEEK DATE	18.05.2016
PARISH		POLICIES	NPPF NPPG GB1 GB2 H6 H9 H14 CP1 PC4 T2 C5 C16
CASE OFFICER	Mrs Charlotte White	01277 312500	
Drawing no(s) relevant to this decision:	ARBORICULTURAL IMPACT ASSESSMENT; DESIGN AND ACCESS STATEMENT; ECOLOGICAL APPRAISAL; FLOOD RISK ASSESSMENT; LAND AND VISUAL IMPACT REPORT; TRANSPORT STATEMENT; GEOENVIRONMENTAL ASSESSMENT; AFFORDABLE HOUSING REPORT; SH006-001C; SH006-A-002A; SH006-003A 00; SH006-C-006A; SH006-D-007A 00; SH006-D-008A; SH006-D-008A 00; SH006-E-010A; SH006-G-012A; SH006-G-013A; SH006-B-003A; SH006-B-003A 00; SH006-002E; SH006-003B; SH006-004B; SH006-005; F05144/15/001; SH006-A-001 00; SH006-B-004A; SH006-C-005 00; SH006-D-007 00; SH006-E-009 00; SH006-G-014 00; SH006-ST-015 00;		

This application has been referred to Committee by Cllr Coe for the following reasons:

- The site is brown field and not green belt.
- Warwick Place is a similar idea.
- No issues.
- Improvement to the area.
- 2 affordable units.
- Trucks in and out in the past.
- Shortage of houses.

1. Proposals

Planning permission is sought to demolish the existing structures on the site, including three dwellings and a former telephone exchange and to construct 12 dwellings. No. 139 Coxtie Green Road will be retained and refurbished, therefore in total there will be 13 dwellings on this site as a result of this development. The proposed dwellings comprise 4x 2-bedroom dwellings, 4x 3-bed dwellings, 2x 4-bed dwellings and 2x 5-bed dwellings. The applicant has offered 2 of the 2 bedroom dwellings as intermediate (shared equity) affordable units. A new vehicular access will be provided, providing access to the dwellings located behind the new dwellings proposed fronting Coxtie Green Road. The dwellings fronting Coxtie Green Road will create two small terraced rows and comprise 2 and 3 bedroom dwellings. Immediately behind the terraced rows fronting Coxtie Green road are two 2-bedroom 'FOG' units (flats over garage units) with the 4 and 5 bedroom units provided to the rear of the site. The parking is provided in courtyards comprising garages and parking spaces accessed from the new vehicular access with no parking spaces gaining access from Coxtie Green Road. No.139 Coxtie Green Road will also be provided with a parking space accessed from the new access road. The buildings proposed range from single storey structures (garages) to 2.5 storey structures (the 5 bedroom dwellings to plots 9 and 12).

The dwellings to the front of the site facing Coxtie Green Road are designed to resemble workers cottage with the dwellings to the rear designed to create the character of a farmyard. A restricted range of facing bricks, roof tiles, weatherboarding and surfacing will be used with render, bay windows, projecting porches, gables and dormers.

The application has been submitted with full plans, a covering letter, a planning, design and access statement, a landscape proposal plan, a transport statement, a flood risk assessment, a landscape and visual impact assessment, an arboricultural impact assessment, an affordable housing statement, a phase 1 and 2 geoenvironmental assessment and a preliminary ecological appraisal and external bat scoping survey.

2. Policy Context

GB1 - New Development in the Green Belt

GB2 - Development criteria

H6 - Small Unit Accommodation

H9 - Affordable Housing on Larger Sites

H14 - Housing Density

CP1 - General Development Criteria

PC4 - Noise

T2 - New Development and Highway Considerations

C5 - Retention and Provision of Landscaping and Natural Features in Development

C16 - Development within the Vicinity of a Listed Building

3. Relevant History

- 15/00923/FUL: Demolition of the existing buildings and creation of 7 no. four bedroom detached houses, plus a new access road and associated drives and parking. -Application Refused

4. Neighbour Responses

17 neighbour letters were sent, a site notice was displayed and the application was advertised in the press.

1 letter of support has been received which makes the following comments:

- Will greatly improve the appearance of the site.
- Will mediate the site and remove contamination.
- Housing is more preferable than a scrap yard or alternative business.
- Much needed housing will be provided.
- Enhance the area for all living locally.
- Sensible use of previously developed land.
- Only proviso is that privacy is maintained to rear garden of adjoining homes and care and consideration given to residents during the proposed building works.

2 letters have been received from the same resident which neither explicitly support or objects to the proposal, but makes the following comments:

- Green Belt does not apply.
- Concerns raised about previous use including environmental concerns, negative impacts on the neighbours of the site and health issues.
- Concerns raised about the proposed access being inadequate and dangerous, with requests for traffic calming and the access to be moved nearer to No.137 Coxtie Green Road.
- Request that adjacent land is cleaned up, including a pond and stream which were contaminated by the scrap yard site.

A map has also been received indicated land ownership to the west of the site.

5. Consultation Responses

- **Highway Authority:**

The location of the development and access by walking, cycling and public transport are not ideal, but the Highway Authority has considered the existing neighbouring properties, the existing vehicle movements generated by the scrap yard and residential dwellings, the expected reduction in daily movements from the proposed residential development, and the creation of a single central access improving

visibility in both directions onto Coxtie Green Road (as shown on drawing no.F05144/15/001).

Consequently, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority; given the consideration detailed above, and the area to be provided for parking within the site, which complies with Brentwood Borough Council's adopted parking standards or the proposed development for 12no dwellings, subject to conditions requiring;

1. A 2 metre wide footway along the site frontage.
2. A white edge line outside the site.
3. A Construction Method Statement.
4. The vehicle access to be constructed at right angles to the highway.
5. Visibility splays.
6. Vehicle turning facilities.
7. The requisite sized parking spaces.
8. Residential Travel Information packs.
9. The existing access to be closed.

- **Essex & Suffolk Water:**

No response received.

- **Environmental Health & Enforcement Team:**

A standard remediation condition is required.

- **Anglian Water Services Ltd:**

Response awaited.

- **Arboriculturalist:**

The report is extensive and suitable for the site, it should be conditioned in its entirety.

- **County Archaeologist:**

No response received.

- **Natural England:**

No response received.

- **Essex Wildlife Trust:**

No response received.

- **Housing Services Manager:**

We would require on-site provision of affordable housing at affordable rent, preferably a mix of all bedroom sizes.

- **Schools, Children Families Directorate:**

No response received. The number of dwelling proposed is less than the threshold for requiring education funding.

- **Design Officer:**

Overall the approach to the layout is to retain built form at the frontage in a linear pattern, which is characteristic of the urban grain with the demolition of the former EHS chalet bungalow to provide out of keeping with the established urban grain.

The layout has taken reference from the wider context and the extension of ribbon development; although I recommend strongly aspects of scale are addressed throughout - both at the frontage and as the built form spreads into the site. In particular the heights of the more ancillary buildings and FOGs should be reduced in order not to compete with the host residential buildings - this is achievable without diluting the design intent. At the principle frontage the gable frontages can also be reduced and still retain the intent - this is a fundamental concern.

In addition the layout requires refinement; the orientation of Plot 12 is fairly awkward and given it is proposed for 2.5 storeys the impact its protrusion at the south east corner this needs to be addressed.

In terms of design detail there are areas where proposed openings should be refined e.g. Type E elevations show enlarged dormers within the roofscape - these currently exceed the good proportions designed for openings on the ground and first floor windows - this should be reconsidered to negate an overbearing scale; dormers should read more as minor incidents in the roofscape. The portico's are also quite heavy for buildings of this scale and proportion; more concerning is that some house types are of a Georgian language and others Victorian - the development can have variation but the differing periods of architectural pastiche illustrated within this submission is not supported. There is however consideration in the design of the properties at the principle thoroughfare (Plots 2-6), and a good detail intent for barge boards, plinths and gauged arches - these do reflect the local vernacular, it is unfortunate this approach has not been adopted throughout with subtle variation where required.

To adopt a good strong narrative would assist further in the material selection - I advise against the mix of yellow and red bricks; this is a relatively small scale development and to apply too many variations in material language in tandem the mixed architectural language proposed will not achieve a good sense of place. 'slate effect' roofing should not be accepted - the design of the roof tiles on Type D shows a 'fish scale' insert pattern which would work well, however other parts of the same house type have what appears to be interlocking and plain tile - again this is too much variation on one dwelling.

Scale, layout, detail and material cohesion needs to be more considered in a refined design; the cumulative impact of these negative elements within the

redevelopment results in a diminution of the architectural intent and lowers the standard of a design.

Subject to revisions I have no further comments on design Grounds at present; I am currently unable to advise you this scheme is of 'Good Design'.

- **ECC SUDS:**

We object to the granting of full 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 Detailed 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.

- **Bats - Mrs S Jiggins:**

Response awaited.

- **Essex Badger Protection Group:**

Response awaited.

6. Summary of Issues

Executive Summary

Concerns and objections have been raised by the Design Officer, Essex County Council as Lead local Flood Authority.

The proposal constitutes inappropriate development in the Green Belt which would result in significant and demonstrable harm to the openness of the Green Belt and the proposal would conflict with the purposes of including land in the Green Belt. The site is not located in a sustainable location and the occupiers of the dwellings would be highly reliant on private vehicles for a high proportion of all journeys. The proposal does not provide an acceptable mixture of dwelling sizes. The layout, scale, design and materials proposed are unacceptable and would result in significant and demonstrable harm to the character and appearance of the area. Insufficient information has been submitted to demonstrate that the proposal would not result in unacceptable flood risk to future occupiers of the site and that flood risk will not increased elsewhere as a result of the development. There are no very special circumstances that outweigh the significant and demonstrable harm identified.

Site Description

The application site is located on the northern side of Coxtie Green Road and is currently occupied by four dwellinghouses, a telephone exchange and a disused scrap yard site with some outbuildings, including some small piggeries to the northern end of the site. The site was previously used as a scrap yard and there are a number of surviving elements on the site from this use including large areas of hardstandings, corrugated iron on the boundaries and a brick wall, there are areas of rubble on the site also and areas of vegetation.

The site is in the Green Belt and as such the main considerations in the determination of this proposal are; Green Belt considerations, sustainability, housing policies, loss of employment land, design and character of the area, residential amenity, living conditions, contamination, parking and highway considerations, landscaping and ecology considerations and flood risk/drainage:

History

The site has an extensive planning history including the construction of piggeries in 1950 and 1962 and the installation of a weighbridge in 1976. Part of the site has a lawful use certificate to be used as a scrap metal yard.

Planning permission was recently refused to redevelop part of the site (ref. 15/00923/FUL) to provide 7 dwellings, which was refused for the following reasons:

- Inappropriate development in the greenbelt
- Detract from openness of greenbelt
- Development in area with poor public transport links
- Unacceptable mix of dwelling sizes
- Incongruous development out character with surroundings
- Overlooking of adjacent properties
- Failure to demonstrate provision of sustainable drainage

This decision is a material consideration for determining this application – it relates to the same site and is a recent decision.

Within the surrounding area there have been other applications for dwellings in the locality, and to the rear of the established ribbon development, including an application for 3 dwellings to the rear of 131-137 Coxtie Green Road (ref. 11/00874/OUT) which was refused by the Council for six reasons which can be summarised as; inappropriate development in the Green Belt, harm to the openness of the Green Belt, harm to the character and appearance of the rural location, unacceptable impact on the residential amenity of No's 133 and 137 Coxtie Green Road, insufficient information to determine the impact on ecology and that there are no very special circumstances that outweigh the harm.

This decision was appealed and dismissed, the Inspector commenting that the development is inappropriate development in the Green Belt, would significantly erode the openness of the Green Belt, would not have any visual or physical affinity with the ribbon development which characterises the locality, is piecemeal development of some former gardens which provide a semi-rural backcloth to the established frontage of properties and the layout and arrangement of houses would be out of keeping with the more loose-grained character of the locality and inappropriate to its context. The Inspector concluded that none of these considerations, individually or collectively outweigh the harm identified and accordingly there are therefore no very special circumstances that would justify granting planning permission. Furthermore the proposal would lead to a significant increase in residential activity, intruding on the secluded setting that exists to the rear of the properties along the frontage, and parking, manoeuvring and vehicle movements would detract from the living conditions of neighbouring properties, and the provision of new housing would not be compatible with the adjacent commercial use. It should be noted that this appeal decision was post the NPPF.

Reference is made in the Planning, Design and Access Statement submitted to Warwick Place; a cul-de-sac of 16 dwellings. However, the cul-de-sac of Warwick Place was permitted a significant amount of time ago - an application was made in 1987 for this development (ref. BRW/1057/1987) and was approved in January 1988 when Planning Policy was very different to today. In any case, all planning applications should be considered on their own merits.

The Transport Statement submitted indicates that until October 2012 the site traded as a scrap metal recycling company, employing 12 people and operating 5 HGVs at its busiest period. Prior to that, up until the mid 1990s the site was used as a haulage yard whereby it is understood that an operator's licence was in place for 50 HGVs.

Green Belt

Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Is the proposal inappropriate development in the Green Belt:

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with some exceptions including:

- 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 purposes of including land within it than the existing development.

The definition of previously developed land (PDL) contained in the NPPF is: 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. This excludes: land that is or has been occupied by agricultural or forestry buildings, land that has been developed for minerals extraction or waste disposal by landfill purposes where provisions for restoration has been made through development control procedures; land in built up area such as private residential gardens, park, recreation grounds and allotments; and 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.

The Planning, Design and Access Statement submitted comments that: there is potential for the redevelopment of the site to be considered an exception to the presumption against inappropriate development if it can be shown that the former scrap yard causes greater harm to the openness of the Green Belt and the purposes of the designation than a scheme for twelve new homes. The information submitted in this regard recognises that much of the site has already been cleared and comments that when operations were being undertaken at full capacity the harm to the Green Belt was much greater than the current site. In this regard a historic photograph has been provided which shows the existing bungalow, piles of scrap and materials such as cars, a red brick building and a lean-to and a barn. The statement refers to the Landscape Visual Impact Assessment (LVIA) which comments that the residential scheme will enhance the openness of the Green Belt as the proposed buildings will occupy less space than the old buildings and stored scrap. It is therefore claimed that the proposal meets the exception to inappropriate development cited above.

Officers consider that at least part of the site is previously developed land; as the definition of previously developed land excludes agricultural land and buildings; the piggeries to the rear of the site may not therefore constitute previously developed land. As such, to determine whether this proposal constitutes inappropriate development in the Green Belt, it is necessary to determine whether this proposal would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development:

Openness and purposes of including land in the Green Belt:

It is important to note that to be acceptable the redevelopment of PDL cannot have a greater impact on the openness of the Green Belt and the purposes of including

land within the Green Belt than the existing situation. The existing site is largely open with the exception of the dwellings at the front of the site, a fairly dilapidated building to the rear of the telephone exchange and some low-level piggeries to the rear of the site. (There are also some remains of some walls on the site, corrugated metal to the boundaries, hardsurfacing and some piles of rubble on the site). Whilst it is noted that there used to be larger buildings on the site, these have since been removed. The justification provided, relies heavily on these previous buildings that are no longer on the site and also refers to the piles of scrap and material that were stored on the site, however, these items have also been largely removed and are not permanent structures and therefore have limited permanent impact on the openness of this part of the Green Belt in any case. The benefits of clearing the site are less than claimed.

The justification submitted also comments that the built structures within the proposed development area will occupy less space than the old buildings and stored scrap. However, as previously noted, the majority of these buildings have now been removed and the stored scrap is not a permanent structure. The Planning Design and Access Statement submitted provides some estimates of the previous sizes of the buildings on the site; 'it is believed that the footprint of permanent buildings whilst the site was in use was 1050 sq. m, with a volume of 4470 cu. m'. The statement goes on to comment that the proposed buildings would have a footprint of 1130 sq. m and a volume comparable to the volume of the previous buildings on the site.

Given the extent of the existing limited buildings and their locations in the site, the existing situation would have much less impact on the openness of the Green Belt than the 12 large - up to two and a half storey dwellings and associated garages hereby proposed. As such, the proposal would result in a significant and demonstrable reduction to the openness of the Green Belt compared to the existing situation.

In terms of the purposes of including land in the Green Belt; there are 5 purposes as outlined at paragraph 80 of the NPPF:

- 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 lands.

The existing site is largely hardsurfaced; however, to the rear of the site there are only some small, low-level piggeries. As such, this proposal to erect 12 houses on the site, which extend significantly back into the plot, beyond the established ribbon development would result in further encroachment into the Green Belt, contrary to the purposes of including land in the Green Belt.

It is therefore considered that the proposal would result in material harm to the openness of the Green Belt over and above that of the existing development and would result in further encroachment into the Green Belt, contrary to the purposes of including land in the Green Belt. The proposal therefore constitutes inappropriate development in the Green Belt.

Sustainability

The applicant states that Coxtie Green is a small dispersed settlement to the north-west of the built-up area of the Town...Most of the surrounding land is in agricultural use. However, this document goes on to state that there are local services at the junction of Coxtie Green Road and Ongar Road; a five minute cycle ride leads to a small supermarket with post office, a hot food takeaway, an off-licence, two public houses and Bentley Village Hall, plus Larchwood Primary School. Unlike the previous application, this document does not comment on these services being accessible by foot.

In terms of walking, it is noted that the footpath from this site does not continue all the way along Coxtie Green Road to Ongar Road. It would be a fairly significant walk from the site to Ongar Road, and given the lack of a footpath all the way from the site to these shops and services, it is considered unlikely that the majority of people living on this site would walk to these shops and services and would be much more likely to reach these shops and services via private vehicle. According to Google Maps, this journey is some 0.8 miles and it would take around 16 minutes to walk from the site to these shops and services. In terms of cycling, it is unlikely that occupiers will use a bicycle to get food shopping or access schools, for example.

The applicant also refers to local bus services, commenting that the bus stops at the junction of Coxtie Green Road and Mores Lane are served by the No's 71 and 72 bus routes which combine to provide 6 buses to Brentwood Town Centre and Railway Station in the morning and early afternoon with services returning from late morning to early evening. This service reduces to three journeys each way on Saturdays. However, this service is very poor and infrequent and as such it is unrealistic alternative to private car use.

As such, this bus service is very limited and provides only a small, irregular and limited service, decreasing the probability of residents of this site utilising this service.

The Planning, Design and Access Statement goes on to comment that there is a bus stop at the junction of Coxtie Green Road and Ongar Road; served by more regular bus services. However, the site is located some 16 minutes walk from this junction and these bus stops and the footpath does not continue all the way along

Coxtie Green Road. As such, it is considered unlikely that occupiers of this site would walk to these bus stops to utilise these more frequent services.

As such, it is considered that the occupiers of the new dwellings would be likely to rely on private vehicles for a high proportion of all journeys which would directly conflict with paragraph 35 of the NPPF which indicates that development should be located to give priority to pedestrian and cycle movements and should have access to high quality public transport. The proposal would therefore conflict with the underlying objective of the NPPF as regards to sustainable development and an objection is therefore raised to the proposal on this basis.

Emerging Local Plan

The emerging, draft Local Plan (2013-2033) does not seek to allocate this site for residential development purposes, although it was put forward as a development site. The planning policy team has advised that the reason this site was not chosen as a development site was due to its limited size, because the site is in an unsustainable location and is not located in a strategic location or on a main transport corridor and as such does not meet the spatial strategy of the plan proposed.

Housing Policies

Policy H6 of the Local Plan states that in all new housing developments the Council will seek the provision of a mix of units on suitable sites of 6 units and above or on suitable sites of 0.2 ha or more with at least 50 percent of the total units being 1 and 2 bedroom properties, except where it can be demonstrated that such a mix of units will be inconsistent with the character of existing development in the area.

The Planning, Design and Access Statement comments that the location of the site is unlikely to be suitable to meet the aspirations for 50 percent of units to have two bedrooms or fewer. It goes on to state that smaller properties behind the street frontage would be inconsistent with the character of existing development in the area. The document also comments that this proposal results in a better mix of housing compared to the previous application (ref.15/00923/FUL). However no further justification is provided as to why only 33 percent of the dwellings proposed are less than 3 bedrooms.

The existing, established linear development in the wider area surrounding this site includes a mixture of dwelling sizes and within the immediate vicinity of the site the ribbon frontage dwellings consist of smaller dwellings; small two storey cottages and chalet-bungalows. As such, smaller properties would not be inconsistent with the existing character of the area. As such, an objection is raised in terms of Policy H6 of the Local Plan and Paragraph 50 of the NPPF which seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable and mixed communities.

Policy H9 of the Local Plan comments that outside the Brentwood Urban Area, on sites of 5 or more dwellings or on sites of 0.16ha or greater, a proportion of 35 percent of the units shall be affordable units.

The application has been submitted with an affordable housing statement which comments that whilst the proposal is for the redevelopment of the site to provide 12 units this includes the replacement of the existing four vacant residential properties resulting in a net increase of 8 properties.

However, the application form indicates that the proposal will result in a net increase of 9 dwellings. The existing site has 4 dwellings on it; No. 139, 141, 147 and 149 Coxtie Green Road. As part of this proposal No139 will be retained and brought back into residential use and the other 3 existing dwellings will be demolished. Including No.139, this development will result in a total of 13 dwellings on the site. As such, this proposal will result in the net increase of 9 dwellings on the site, not 8 as suggested in the affordable housing statement.

As such, there is a requirement for 3.15 affordable housing units on the site (35%). However, the developer is only proposing to provide 2 affordable housing units - 2x 2-bedroom terraced houses (plots 3 and 5) - both of which are to be shared ownership units, with no affordable rent units being proposed.

The justification offered by the applicant to the undersupply of affordable housing relates to the increased costs required to develop this site due to the contamination of the site and the reasoning provided by the applicant as to why social rent affordable housing is not to be provided is due to typical occupiers of social rent properties being more dependent on local facilities and may not have ready access to a car, or income to spend on bus fares. However, no further information regarding viability has been submitted and no independent viability assessment has been submitted.

However, during the course of this application the Court of Appeal has upheld the Written Ministerial Statement of 28th November 2014 that prevented local planning authorities requesting affordable housing on sites under 10 dwellings in the case of West Berkshire District Council and Reading Borough Council v. Secretary of State for Communities and Local Government. The Policies previously added to the NPPG are yet to be reinstated following this decision, however, given this decision it is not considered that a reason for refusal on this basis could be fully justified.

Policy H14 requires residential densities of no less than 30 dwellings per hectare unless the special character of the area determines that such densities would be inappropriate.

The application form indicates that the site area is 0.44 hectares and the proposed development would result in 13 dwellings on the site (12 new dwellings with the

retention of No.139). As such a density of 29.5 dwellings per hectare (dph) is proposed which is only marginally below the 30dph required. No objection is therefore raised on this basis.

Loss of Employment

This proposal will result in the loss of an employment site. However, it is apparent that the site has not been used for employment purposes for some time and no-one is currently employed on this site. The Planning, Design and Access Statement submitted indicates that the use of the scrap yard is on hold. As such, it is not considered that an objection can be raised on this basis as the site is currently not employing anyone.

Design and Character of the Area

A Planning, Design and Access Statement and a Landscape and Visual Impact Assessment (LVIA) have been submitted with this application.

The Assessment submitted comments that the site lies within the linear village of Coxtie Green and that there is a rural feel to the area. The rear of the site is now derelict but was previously a scrap yard and had several two and two and a half storey buildings. Panorama views of the current site are provided in this report which demonstrate that the site has been largely cleared and is now largely open in nature. The report looks at the impact of the development on a number of visual receptors. The LVIA concludes that the site currently has no visual merits and that the proposed residential development will provide a great improvement to the Coxtie Green Road frontage and it will create an attractive and appropriate new housing scheme within Coxtie Green. The development will have no effect on the wider character area and will enhance the local setting. The visual effects are limited and will greatly improve the appearance of the local area.

The Council's Design Officer has commented that the layout to retain built form at the frontage in a linear form is a characteristic of the urban grain, however, development to the rear of the site is incongruous in the area and against the established urban grain of the area.

The Design Officer has also raised some concerns in relation to scale; including that heights of ancillary buildings and comments that the FOG units should be reduced and that the gables at the front of the site should be reduced. The Design Officer also raises concerns in relation to the layout with plot 12 which having an awkward and prominent orientation. Concerns are also raised regarding some of the detailing, including the scale of the dormers and porticos proposed. Concern is also raised about the mix of the design of the dwellings with the differing periods of architectural pastiche not supported. It is unfortunate that the design of the dwellings fronting Coxtie Green Road has not been adopted throughout with subtle variations. Concern is raised about the material intend, including the use of both

yellow and red bricks which will not achieve a good sense of place and the use of slate effect roof tiles. The Design Officer therefore raises concerns regarding the scale, layout and detailing proposed and the development does not constitute good design.

As such, it is considered that the siting and layout of the dwellings would be at odds with the predominant distinct linear, ribbon character of the area. Whilst it is noted that there is a development of detached dwellings that are at odds with the ribbon development on Coxtie Green Road at Warwick Place, this development was permitted a long time ago, when planning policies were different and each case must be considered on its own merits. Warwick Place is also not located within the immediate vicinity of the site and as such Warwick Place does not provide justification for the layout hereby proposed which is incongruous in its immediate context.

It is considered that this layout and the siting of the dwellings would result in significant and demonstrable harm to the existing character and appearance of the linear area. This conclusion is supported by a previous appeal decision in relation to an adjoining site 131-137 Coxtie Green Road (see history section above) ref. 11/00874/OUT in which development to the rear of the existing ribbon development was proposed, the Inspector concluding that the proposal would not have any visual or physical affinity with the ribbon development which characterises the locality and the layout and arrangement of houses would be out of keeping with the more loose-grained character of the locality and inappropriate to its context.

Given the established ribbon development and the comments received from the Design Officer, an objection is therefore raised to the layout, scale, design and materials of the development hereby proposed. Such a development would result in an incongruous development that would fail to reinforce the local distinctiveness of the area contrary to Paragraph 60 of the NPP. The proposal would result in significant and demonstrable harm to the character and appearance of the area contrary to Chapter 7 of the NPPF and Policies CP1(i) and CP1(iii) of the Local Plan.

Residential Amenity

In terms of overlooking, the western and rear boundaries of the site would adjoin open, undeveloped areas and the development would not therefore result in any undue overlooking in this regard. Plots 11 and 12 back on to land beyond the immediate gardens of the adjoining properties in Coxtie Green Road and would not therefore result in any material overlooking.

However, Plot 7 would back onto the main garden area of No.137 Coxtie Green Road and is located only 4m from the boundary with the garden of No.7. However, Plot 7 constitutes a Type 'C' FOG (flat over garage) unit and the plans submitted indicate that the rear FOG units windows would all be obscure glazed and non-

opening with the hallway windows designed to be high level windows. Subject to a condition restricting these windows in this regard the development would not result in any material overlooking or loss of privacy.

In terms of an overbearing impact, given the separation between the new dwellings and the existing dwellings, it is not considered that the proposal would result in any material dominance. .

In terms of noise and disturbance, this proposal would result in dwellings, an access road and parking and turning facilities being located to the rear of the existing dwellings fronting Coxtie Green Road which has the potential to result in noise and disturbance to the existing residents. However, given the previous use of the site, the two exiting accesses and the existing extent of hardsurfacing which could potentially be used for parking and turning, it is not considered that this proposal would result in any significant or demonstrable harm to the residential amenity of nearby residents in this regard, when compared to the existing situation.

Living Conditions

Whilst the proposed dwellings at Plots 1-6 do not meet the minimum sizes required by the technical housing sizes, given that these standards have not been formally adopted by the Council, it is not considered that a reason for refusal on this basis could be fully justified.

Whilst some of the gardens proposed are small, the gardens proposed are of a useable shape and would provide adequate private outdoor amenity space for the occupiers of the dwellings.

In terms of contamination, a Phase I and Phase II Geo-environmental Assessment and a Ground-source Data set has been submitted with this application. These technical documents have been reviewed by the Council's Environmental Health Department, who comment that it would be necessary to attach a standard remediation condition on any grant of consent so that contamination is dealt with prior to the development of the site, which should include assessments of any contamination at the site boundaries. Subject to the conditions recommended by the Environmental Health Officer, no objection is therefore raised on this basis.

Parking and Highway Considerations

A transport statement has been submitted with this application which states that the vehicle trips associated with the development over the previous use of the site will be less intensive in terms of site and volume. The site access proposed will improve upon the available visibility splays and direct vehicle access to and from Coxtie Green Road will be removed for three existing dwellings.

The Highway Authority has commented that although the location of the development and access by walking, cycling and to public transport are not ideal, the Highway Authority raises no objection to the proposal, subject to conditions given the existing neighbouring properties, the vehicle movements generated by the scrap yard and residential dwellings, the expected reduction in daily movements and the creation of a single, central access, improving visibility in both directions and the area to be provided for parking within the site. The conditions recommended relate to the provision of a 2m wide footway to the front of the site, providing a white line along the carriageway, requiring the submission of a construction method statement, requiring the road to be constructed at right angles to the highway boundary with appropriate dropped kerbs provided and requiring visibility splays, turning facilities, parking spaces, residential travel information packs and the closing of the existing access. These conditions are all necessary and reasonable. As such, subject to such conditions no objection is raised to the proposal on this basis.

Trees, Landscaping and Ecology Considerations

This application has been submitted with an arboricultural impact assessment and a preliminary ecological appraisal and external bat scoping survey.

The arboricultural impact assessment submitted indicates that two individual trees and four groups will be removed for the development, however, it also states that these trees will be replaced as per the landscape plan submitted.

The Council's Tree Officer has commented that the Tree Report submitted is extensive and suitable for the site and should be conditioned in its entirety.

The Tree Officer has raised no objection to the loss of the trees on this site as result of this development. The application has been submitted with a landscape plan which the arboricultural officer has raised no objection to. The landscaping scheme includes planting to the front gardens of the dwellings facing Coxtie Green Road and is considered acceptable.

In terms of ecology, a preliminary ecological appraisal and external bat scoping survey has been submitted with this application which concludes there are no sites with statutory protection within 2km of the site. The closest non-statutory Local Wildlife Site is located 425m to the west of the site and the proposal is unlikely to directly affect this site. There are suitable features within the area which may provide suitable habitat for protected species, including areas of scrub and the buildings may provide suitable habitat for protected species; breeding birds and reptiles with the building having low potential for bat roosts. The ecology report recommends vegetation clearance happens outside the bird nesting season and further; phase II surveys for bats and reptiles are undertaken. The report also recommends some biodiversity enhancements.

Therefore, subject to the further reports being submitted and the recommendations and biodiversity enhancements recommended by the ecology report submitted being adhered to, no objection is therefore raised to the proposal in terms of its impact on ecology.

Flood Risk

In terms of flood risk, a flood risk assessment (FRA) has been submitted with this application which determines that the site is located within Flood Zone 1 and does not therefore experience flooding from rivers or the sea. The FRA comments that Brentwood Council's Strategic Flood Risk Assessment (SFRA) and Surface Water Management Plan (SWMP) do not consider the site to fall within a Critical Drainage Area. The report comments that the development would result in an increase in the amount of permeable area across the site and comments that permeable paving will be utilised.

Essex County Council as Lead Local Flood Authority (ECC LLFA) have objected to the application as the drainage strategy submitted does not comply with necessary requirements and does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the development.

The lead flood authority objects as it has not been clearly demonstrated that the proposal would not result in unacceptable flood risk to the future occupiers of the site and it has not been demonstrated that flood risk will not be increased elsewhere as a result of this development, contrary to Chapter 10 of the NPPF.

The Historic Environment

There is a Listed Building to the south-east of the site; 26 Gate House, Coxtie Green Road; a Grade II Listed Building. S66(1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possess.

However, this Listed Building is removed from the application site. The Council's Design and Historic Buildings Consultant has not raised any objection in this regard and the Landscape, and Visual Impact Assessment submitted concludes that the site will have no adverse effects on the special architectural or historic character and appearance of the Listed Building near the site. It is not therefore considered that this proposal would have any harm to the setting of this designated heritage asset.

The Historic Environment Officer at Essex County Council response is awaited, but previously commented in relation to 15/00923/FUL that there would be no

archaeological implications and there is no requirement for archaeological investigations at the site. No conditions are therefore needed in this regard.

Green Belt Balance

It has been established above that the proposal constitutes inappropriate development in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Planning, Design and Access Statement submitted includes a section titled 'statement of very special circumstances' which puts forward a number of issues which will be considered in turn:

The issue put forward is that the development will have no greater impact on openness. This has already been discussed above, in detail; the proposal does result in greater harm to the openness of the Green Belt and conflicts with the purposes of including land in the Green Belt over and above that of the existing situation and is therefore inappropriate development in the Green Belt. In this regard, the planning and design and access report submitted also recognises that much of the site has already been cleared. This argument relies heavily upon the size of a previous red brick barn building, however, it is evident that this has been demolished and could not be replaced without further planning permission and does not therefore provide justification for this development.

Secondly, it is stated that because the scrap yard use of the site cannot be controlled by the planning system, the LPA cannot control operating hours, the amount of work undertaken or the lorry movements. It is stated that the re-use of the site as a scrap yard could have a negative environmental impact, including causing further contamination, a deterioration of air quality and increased noise. It is stated that the scrap yard use would harm the quality of life of nearby residents, increase pollution and the number of vehicles movements, including large vehicles carrying scrap, and that this proposal will remove the non-conforming use from the area.

In response to this, it is recognised that the LPA had limited control; however, other services in the Council can provide some control in this regard, such as Licensing and Environmental Health. Organisations such as the Environment Agency can also have an input in this regard. Concerns such as contamination could also be dealt with without a scheme of this nature which results in significant and demonstrable harm. It is also not certain that a scrap yard use will begin on this site again should planning permission fail. This use is historical and any new activity on the site, such as new buildings would require planning permission.

The third consideration identified by the applicant is titled 'regeneration benefits' and refers to the negative impact that the scrap yard has on the surrounding area, the environmental impact and the impact of the derelict buildings on the streetscene and the character and appearance of the area. However, as discussed above, the design is not considered acceptable and the site could be redeveloped in a way which would not result in the material harm that has been identified.

The fourth consideration put forward by the applicant is that the proposal will enhance the openness of the Green Belt, will permanently remove the current use, remediate the contamination and is more sympathetic to the character of the streetscene. However, as previously discussed and as recognised by the applicant, some of the buildings have already been cleared from the site. The proposal for significant new buildings would result in much greater harm to the openness of the Green Belt than the existing situation. As previously discussed it is considered that the re-use of the site and the remediation could be achieved without a development of this scale and nature that results in significant and demonstrable harm.

The fifth consideration put forward by the applicant is called 'scale and appearance' and comments that the permanent buildings that were part of the scrap yard were industrial in nature with the buildings having approximate heights of 8m and 5m. The buildings had a bulky and boxy appearance with smaller single storey buildings spread throughout the site. The applicant goes on to comment that the proposed scheme does not exceed 2.5 storeys in height. However, as previously stated the site has been largely cleared and limited permanent buildings are retained on site. The proposed buildings have a maximum height of 9.7m with the majority of the buildings having a height of in excess of 9m.

As such, none of the considerations put forward by the applicant, either individually or taken together amount to very special circumstances that clearly outweigh the harm by reason of inappropriateness, harm to the openness of the Green Belt, conflict with the purposes of including land in the Green Belt and the other harms identified; the unsustainable location, the unacceptable mix of houses, poor design and harm to the character and appearance of the area.

The applicant makes several references to Paragraph 81 of the NPPF which states that: Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged or derelict land. However, this proposal does not provide outdoor sport or recreation and is of an unacceptable design. It is not considered that proposal to redevelop this site, outweighs the harm identified.

The Council do not consider that there are any other very special circumstances that clearly outweigh the harm identified. Whilst it is recognised that the Council

cannot currently identify a 5 year housing supply, the NPPG makes it clear that the Government attaches great weight to the protection of the Green Belt and that when taking decisions for proposals in the Green Belt an unmet need for housing is unlikely to outweigh the harm to the Green Belt such as to constitute the very special circumstances needed to justify inappropriate development in the Green Belt. Any new development of this nature represents a boost to the local building and supplies industry and the dwellings would make a contribution to the local housing stock, however, these benefits do not clearly outweigh the significant harm identified.

The benefits of the proposal and the considerations put forward by the applicant, whether taken individually or as a whole, do not outweigh the significant and demonstrable harm identified and as such an objection is maintained in terms of Chapter 9 of the NPPF and Policies GB1 and GB2 of the Local Plan.

Conclusion

The proposal constitutes inappropriate development in the Green Belt which would result in significant and demonstrable harm to the openness of the Green Belt and the proposal would conflict with the purposes of including land in the Green Belt. The site is not located in a sustainable location and the occupiers of the dwellings would be highly reliant on private vehicles for a high proportion of all journeys. The proposal does not provide an acceptable mixture of dwelling sizes. The layout, scale, design and materials proposed are unacceptable and would result in significant and demonstrable harm to the character and appearance of the area. Insufficient information has been submitted to demonstrate that the proposal would not result in unacceptable flood risk to future occupiers of the site and that flood risk will not increased elsewhere as a result of the development. There are no very special circumstances that outweigh the significant and demonstrable harm identified above. As such, the proposal is recommended for refusal.

7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 U12957

The proposal constitutes inappropriate development in the Green Belt which would materially detract from the openness of the Green Belt and represents encroachment of development into the Green belt contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

R2 U12958

Given the location of the site in relation to local shops and services and the very limited public transport in the immediate area, the occupiers of the new dwellings would be likely to be highly reliant on private vehicles for a high proportion of all

journeys. This would directly conflict with Paragraph 35 of the National Planning Policy Framework (NPPF) which indicates that developments should be located to give priority to pedestrian and cycle movements and should have access to high quality public transport facilities and conflicts with the overriding aim of the National Planning Policy Framework (NPPF) which is to provide sustainable development.

R3 U12959

The proposed development fails to provide an acceptable mix of housing units, with insufficient smaller; 1 and 2 bed units proposed, contrary to Policy H6 of the Brentwood Replacement Local Plan 2005 and Paragraph 50 of the National Planning Policy Framework (NPPF) which seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, mixed communities.

R4 U12960

The layout, scale, design and material proposed would result in an incongruous development that would materially detract from the established linear, ribbon development of the area, would fail to promote the local distinctiveness of the area and would result in significant and demonstrable harm to the character and appearance of the area contrary to Chapter 7 of the National Planning Policy Framework (NPPF) and Policies CP1(i) and CP1(iii) of the Brentwood Replacement Local Plan 2005.

R5

Insufficient information has been submitted to demonstrate that the proposal would not result in unacceptable flood risk to the future occupiers of the site or that flood risk will not be increased elsewhere as a result of this development, contrary to Chapter 10 of the National Planning Policy Framework (NPPF).

R6 U12961

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 and the other harms identified. Therefore very special circumstances to justify the inappropriate development in the Green Belt do not exist, contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, H6, H9, H14, CP1, PC4, T2, C5, C16 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 U03038

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 via pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED: