

SITE PLAN ATTACHED

04. LAND WEST OF NORTH DRIVE, HUTTON, ESSEX

CONSTRUCTION OF 2 HOUSES AND 2 BUNGALOWS WITH GARAGING

APPLICATION NO: 16/00178/FUL

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

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

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

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

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

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

1. Proposals

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

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

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

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

Detached double garages 4.8m in height.

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

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

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

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

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

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

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

Planning Supporting Statement:-

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

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

2. Policy Context

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

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

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

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

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

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

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

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

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

3. Relevant History

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

4. Neighbour Responses

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

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

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

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

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

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

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

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

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

5. Consultation Responses

- **Highway Authority:**

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

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

Informative

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

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

- **Environmental Health & Enforcement Manager:**

Construction Sites

1. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.
2. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday - Friday.....	7.30 - 18.00
Saturday.....	8.00 - 13.00.

 No noisy activities on Sundays or Bank Holidays.

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

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

- **Anglian Water Services Ltd:**

No response at the time of writing report.

- **Essex & Suffolk Water:**

No response at the time of writing report.

- **Arboriculturalist:**

No response at the time of writing report.

- **Design Officer:**

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

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

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

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

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

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

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

- **Bats - Mrs S Jiggins:**

No response at the time of writing report.

- **Essex Badger Protection Group:**

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

- **ECC SUDS:**

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

6. Summary of Issues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Principle of Development

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

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

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

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

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

Impact on the Green Belt

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

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

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

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

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

Character and Appearance

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

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

Concerns are raised regarding the proposal on the basis of the following:-

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

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

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

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

Residential Amenity

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

Quality of Life

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

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

Highways and Parking

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

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

Ecology

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

Other matters

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

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

Green Belt Balance

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

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

- the lack of a five year housing land supply.

Officer Comment

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

- the development would have economic benefits

Officer Comment

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

- the development would increase security of the site

Officer Comment

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

- the development would remove a non-conforming use

Officer Comment

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

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

- the dwellings would meet a social need

Officer Comment

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

Other Matters

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

Conclusion

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

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

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U12483

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

R2 U12484

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

R3 U12485

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

R4 U12486

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

Informative(s)

1 INF05

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

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

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

BACKGROUND DOCUMENTS

DECIDED: