

# Planning and Development Committee

## Agenda

### Part One

Town Hall, Brentwood

Tuesday 24 June 2014 at 7.00pm

#### Membership (Quorum – 4)

##### Councillors

Cllrs Baker (Chair), Mynott (Vice-Chair), Carter, Cloke, Mrs Cohen, Mrs Henwood, Mrs Hones, Hossack, McCheyne, Morrissey and Mrs Squirrell

##### Co-opted Members

Parish Cllrs Mr Afteni (Mountnessing PC), Mrs Dicker (Doddinghurst PC), Mr Day (Ingatestone and Fryerning PC), Mr North (Kelvedon Hatch PC), Mr Watley (Blackmore, Hook End & Wyatts Green PC), Mr Enkel (Navestock PC), Mr Harman (Herongate & Ingrave PC) and Mr Foan (West Horndon PC).

##### Committee Co-ordinator:

Mrs L McPherson (01277) 312739

##### Additional Information:

##### Rights to attend and speak

Any Member may attend any body to which these Procedure Rules apply.

A Member who is not a member of the committee may speak at the meeting if they have given prior notification by no later than one working day before the meeting to the Chair and advised them of the substance of their proposed contribution.

The member may speak at the Chair's discretion, it being the expectation that a member will be allowed to speak on a ward matter.



## **Information for Members of the Public**

### **Access to Information and Meetings**

You have the right to attend all meetings of the Council and its Boards and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk) or from Democratic Services (01277 312739).

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The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

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Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.

## Material Planning Considerations

The following are among the most common issues which the Planning Committee can take into consideration in reaching a decision:-

- Planning policy such as adopted Brentwood Replacement Local Plan, Government guidance, case law, previous decisions of the Council;
- Design, appearance and layout;
- Impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance;
- Impact on trees, listed buildings or a conservation area;
- Highway safety and traffic;
- Health and safety;
- Crime and fear of crime;
- Economic impact – job creation, employment market and prosperity.

The following are among the most common issues that are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- Land ownership issues including private property rights, boundary or access disputes;
- Effects on property values;
- Restrictive covenants;
- Loss of a private view;
- Identity of the applicant, their personality or previous history, or a developer's motives;
- Competition;
- The possibility of a "better" site or "better" use;
- Anything covered by other legislation.



## Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

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2	To approve as a correct record for the minutes of the Planning and Development Committee meeting held on 13 May 2014.	N/A	N/A	
<b>Reports of Acting Head of Planning</b>				
<b>Planning Applications</b>				
3	14/00187/FUL	Development Land Adjacent to 361 Roman Road Mountnessing Essex	Ingatestone, Fryerning and Mountnessing	13
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6 14/00435/BBC Warley Depot, Warley 67  
The Drive,  
Warley  
Brentwood  
Essex

7 Urgent Business

An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.

A handwritten signature in black ink, appearing to be 'M. J.', with a stylized flourish at the end.

Managing Director

Town Hall  
Brentwood, Essex  
16 June 2014



# Minutes

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## Planning and Development Committee 13 May 2014

### Membership/Attendance

- |                                |                  |
|--------------------------------|------------------|
| * Cllr Mrs Coe (Chair)         | * Cllr Mrs Hones |
| * Cllr Ms Golding (Vice-Chair) | * Cllr Lloyd     |
| * Cllr Baker                   | * Cllr Morrissey |
| Cllr Mrs Beeston               | * Cllr Mynott    |
| * Cllr Braid                   | * Cllr Reed      |
| * Cllr Carter                  | * Cllr Sapwell   |
| * Cllr Mrs Cornell             | * Cllr Tee       |
| * Cllr Mrs Davies              |                  |

\*present

### Substitute Present

Cllr McCheyne (for Councillor Mrs Beeston)

### Also Present

Parish Councillor Foan (West Horndon Parish Council)  
Parish Councillor Cloke (Ingatestone and Fryerning Parish Council)  
Parish Councillor Afteni (Mountnessing Parish Council)  
Parish Councillor Harman (Herongate and Ingrave Parish Council)

### Officers Present

Tony Pierce – Interim Head of Planning  
Caroline McCaffrey – Development Management Team Leader  
Philip Cunliffe-Jones- Planning Solicitor  
Martyn Earl – Senior Planning Officer  
Leanna McPherson – Governance and Member Support Officer

### 448. Apologies for Absence

Apologies for absence were received from Cllr Mrs Beeston.

**449. Minutes of Meeting held on 4 March 2014**

The minutes of the meeting were approved and signed by the Chairman as a correct record.

In response to a question raised on Min. 423 (Sawyers Church, Sawyers Hall lane Brentwood Essex Demolition of Existing Church Building and Construction of New Church Building Application No. 13/00500/FUL), Members were advised that the applicant had not spoken to Planning Services regarding further discussions on the application.

**450. Planning Applications and Matters**

The Chair reminded those present of the procedure to be followed in order to allow the public, etc, to speak at the meeting, where requisite notice had been given.

Notwithstanding any comments made by the public, etc, Members were reminded that they had to base their decision on the material planning considerations appertaining to each application.

**451. Sunbeam Well Lane Pilgrims Hatch Essex CM15 9SG  
Demolition of Existing Dwelling and Replacement 3 bedroom Dwelling  
Application No. 14/00177/FUL**

Mr Stuart, an objector, was in attendance and address the Committee setting out his objections to the application.

Mrs Jaques, a supporter, was in attendance and addressed the Committee in support of the application.

A Ward Member spoke on the application and although it was recognised that the site needed development, concerns were expressed particularly in relation to the substantial size of the property and potential overshadowing of a neighbouring property.

Members raised further concerns over the size, scale, mass and inappropriateness of such a development in the green belt.

A motion was MOVED by Cllr Mrs Davies and SECONDED by Cllr Golding that the application be refused, as per the officers recommendation.

RESOLVED that the application be refused.

FOR: Cllrs Braid, Carter, Mrs Coe, Mrs Davies, Ms Golding, Mrs Hones, Lloyd, Morrissey, Mynott, Reed and Sapwell (11)

AGAINST: Cllrs Baker, Mrs Cornell, McCheyne and Tee (4)

ABSTAIN: (0)

(Cllr Sapwell declared a non pecuniary interest under the Councils Code of Conduct by virtue of knowing a neighbour in the same road. Cllr Mrs Davies declared a non pecuniary interest under the Councils Code of Conduct by virtue of the applicant being a neighbour of hers.)

**452. Development Land Adjacent 361 Roman Road Mountnessing Essex  
Construction Of Three Detached Dwelling Including Double Garages  
Application No. 14/00187/FUL**

Mr Harvey, a supporter, was in attendance and addressed the Committee in support of the application.

Mr Scott, the applicant's agent, was in attendance and addressed the Committee in support of the application.

Parish Councillor Afteni, Mountnessing Parish Council, addressed the Committee advising of the Parish Councils support of the application..

A Ward Member spoke on the application advising that it would not be harmful to the Green Belt, was set back from the road and would provide three houses for the area.

Members who spoke on the item raised concerns over the application and potential detrimental effect on the Green Belt. The officer presentation read out the reasons for refusal on a similar open area of land which was now at appeal stage, and advised that the same reasons applied to the application site.

A motion was **MOVED** by Cllr Mrs Hones and **SECONDED** by Cllr Braid to approve the application, for the reasons stated below:

- The National Planning Policy Framework (paragraph 89) allows for limited infilling in villages
- The proposed development would accord with Policy CP1 (i) and (iii) of the Brentwood Replacement Plan 2005.

Subsequently following a debate on the item, Cllr Mrs Hones then **WITHDREW** the motion.

A motion was then **MOVED** by Cllr Mrs Hones and **SECONDED** by Cllr Braid to defer the application until the outcome of an appeal on a similar site in the vicinity had been held.

**RESOLVED** to defer the application.

FOR: Cllrs Braid, Carter, Mrs Cornell, Mrs Hones, McCheyne, Mynott, Reed and Tee. (8)

AGAINST: Cllrs Baker, Mrs Coe, Mrs Davies, Ms Golding, Lloyd, Morrissey and Sapwell (7)

ABSTAIN: (0)

#### **453. Appeals Report**

Members had before them a summary table of the appeals received from the planning Inspectorate from 1<sup>st</sup> April 2013 – 31<sup>st</sup> March 2014.

Appeals decisions when received were sent to the Chair, Vice –Chair and relevant Ward Member(s). A detailed list of appeals was attached to the report at Appendix 1.

#### INFORMATION

#### **454. Urgent Business**

There were no items of urgent business.

The Chair took the opportunity to thank Cllr Braid and Mrs Cornell, who were not standing in the forthcoming elections, for their input to the Planning and Development Committee.

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**SITE PLAN ATTACHED**

**03. DEVELOPMENT LAND ADJACENT 361 ROMAN ROAD MOUNTNESSING  
ESSEX**

**CONSTRUCTION OF THREE DETACHED DWELLINGS INCLUDING DOUBLE  
GARAGES.**

**APPLICATION NO: 14/00187/FUL**

<b>WARD</b>	Ingatstone, Fryerning & Mountnessing	<b>8/13 WEEK DATE</b>	08.04.2014
<b>PARISH</b>	Mountnessing	<b>POLICIES</b>	NPPF NPPG CP1 C6 GB1 GB2 T2
<b>CASE OFFICER</b>	Mr Martyn Earl	01277 312588	
<b>Drawing no(s) relevant to this decision:</b>	1:1250; 1:500; 1:500/A; PS 2818.1; PS 2818.2; PS 2818.3; PS 2818.4; PS 2815.5; PS 2818.6;		

This application was referred by Cllr Mrs Hones from Weekly Report No 1635 for consideration by the Committee. The reason(s) are as follows:

The National Planning Policy Framework (paragraph 89) allows for limited infilling in villages, and the proposed development would accord with Policy CP1 (i) and (iii) of the Brentwood Replacement Plan 2005.

**Update since publication of Weekly List 1635**

**This application was deferred at the May meeting of the Committee to allow the Appeal process for a very similar open area of land in the immediate vicinity of the site to be progressed. In the event that appeal has also been adjourned by the Inspector to allow the appellants more time to consider up to date figures on the five year land supply.**

**1. Proposals**

Planning permission is sought for the construction of three detached dwellings including double garages.

The development would comprise of two different housing types. On plots 1 & 3 there would be the same L-shape design of property but handed the opposite way to each other. The dwellings would measure up to (approx) 18.4m in depth, up to 14m in width and up to (approx) 9.5m in height.

The design of the property for plot number 2 would mainly be rectangular with single storey projections to the side and rear. The proposed dwelling would measure (approx) up to (approx) 11.65m in depth, up to 20m in width and up to (approx) 9m in height.

The layout of the properties would be significantly different between the two house types but each would provide garaging for two vehicles and four bedrooms.

## **2. Policy Context**

### National Planning Policy

Chapter 9 of NPPF sets out policy relating to Green Belt including the fundamental aim of Green Belts, the five purposes of including land within the Green Belt and how Local Planning Authorities should regard development as inappropriate or otherwise.

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

Paragraph 89 states that limited infilling in villages is acceptable however the site is not within the village envelope of Mountnessing as defined by the Brentwood Replacement Plan 2005

### Local Plan Policies

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.

T2 (New Development and Highway Considerations): requires an assessment of the impact of the proposal on the transport system and that a proposal complies with current Country Highway Authority guidance.

### 3. Relevant History

- : - None

### 4. Neighbour Responses

10 neighbour letters were sent out and the application has been advertised on site.

A representation has been received objecting to the proposal on the following grounds:

- The site lies within the Green Belt and outside the defined settlement boundary of Mountnessing
- The NPPF stresses great importance on the Green Belt and their essential characteristics of openness and permanence. This application clearly does not respect this permanence.
- Much of the village of Mountnessing has been excluded from the Green Belt, but this site has not because the character of this part of the village is one of fewer houses and more openness
- One of the five purposes of the Green Belt as defined in the NPPF is to encourage the recycling of derelict and other urban land. This application is on neither type of land.
- The application is contrary to policies DM11 and DM12 as defined in Brentwood Borough's Preferred Options document for 2015 to 2030. DM11 says the construction of new buildings 'will be refused planning permission except in very special circumstances.' Clearly this application cannot be viewed as a very special circumstance.
- DM12 identifies established areas of frontage ribbon development included in the Green Belt where development will be allowed. The application site does not fall within one of these areas.

### 5. Consultation Responses

- **Arboriculturalist:**

The trees are poor quality although remain preserved, there has been some very low grade work carried out to them in the past, the trees would not present any hindrance to development but I would wish to see quality replacements.

- **County Archaeologist:**

The site lies on the edge of the historic settlement of Mountnessing. Cartographic evidence indicates that since the post mediaeval period there is no evidence of settlement extending onto the development site. The historic environment record shows that there are no known archaeological sites identified within the development area. Therefore the development is unlikely to have any significant impact on any potential archaeological remains on the site. Therefore, no requirement for archaeological investigation on the above application is being recommended.

- **Highway Authority:**

No objection would be raised to the application given the area being made available for the parking of vehicles and the conditions that have been suggested being imposed.

- **Parish Council:**

Mountnessing Parish Council is strongly opposed to any development in the Green Belt other than in very exceptional and legally permissible circumstances. It is understood that there could be such an exception in this case if the development is classified as a limited infill. However the Parish Council is not in a position to determine whether or not it would be so defined. As the design of the houses are of a high standard and also compatible with surrounding properties the Parish Council would not object to the application provided it falls within the legal definition of a limited infill development.

## 6. **Summary of Issues**

Policy context

The key policy documents used in the determination of this application are the National Planning Policy Framework 2012 (NPPF) National Planning Practice Guidance 2014 (NPPG) and the Brentwood Replacement Local Plan 2005.

Key Considerations:

The key issues in the determination of this application are :

Whether the development is inside the village boundary or not

Whether the development is appropriate or not in the Green Belt

The impact of the development on the Green Belt

The effect of the proposal on the character and appearance of the area

Consideration of neighbours amenities



The NPPF paragraph 89 provides exceptions to the Green Belt, including

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan;
- Limited infilling or the partial and complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use; (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development

The Replacement Local Plan excludes certain settlements from the Green Belt, leaving some villages "washed over". Mountnessing is excluded from the Green Belt by a defined settlement boundary which should only be changed through the Local Plan process. There is no exception for edge of settlements sites where settlements are excluded by a defined settlement boundary.

"Infill" development is taken to mean development which fills a gap in an otherwise built up street frontage, and "Limited infill" is taken to mean small scale development in such context.

Whether the development is inappropriate within the Green Belt;

National Policy for Green Belts is within Chapter 9 of the NPPF. In paragraph 89 of the NPPF it sets out that the construction of new buildings is inappropriate in the Green Belt. There are six exceptions to this as set out in the aforementioned paragraph. The application site is not within the village envelope of Mountnessing and the proposal does not fall into any of the other categories of exceptions outlined in paragraph 89. Therefore the proposed development is considered inappropriate development within the Green Belt which by definition is harmful; and conflicts with the NPPF and Local Plan Policy GB1.

## Impact on openness of Green Belt

The five purposes of including land within the Green Belt as set out in the NPPF are

- 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 Green Belt boundary is drawn tightly around the established built up area of the village of Mountnessing. Outside of this area on the south eastern side of Roman Road is characterised by scattered, ribbon development.

The application site is located outside the defined village boundary of Mountnessing as shown in the Local Plan by over 130m and therefore it not be considered limited infill in a village.

The proposal will result in a linear frontage development to Roman Road. The development would insert new housing into an undeveloped piece of Green Belt land; it would be in conflict with the purposes of including land within the Green Belt; the proposed development would introduce 3 substantial dwellings into an otherwise open area of Green Belt land; the scale, size, mass and bulk of the dwellings would significantly reduce the openness of this part of the Green Belt; other paraphernalia such as hard boundary treatment, parking areas and domestic elements would further erase the openness of the Green Belt. This would conflict with the purposes of including land within the Green Belt as set out in paragraph 79 and 80 of the NPPF.

Very Special Circumstances and other considerations:

During the course of the application an e-mail has been received from the agent in support of the application. The points raised are :-

- The application accords with Paragraph 89 of the NPPF
- The application is acceptable in terms of design
- The Parish Council raises no objection with design

The agent argues that this proposal should be considered as "limited infilling in villages". However as previously mentioned the site is not within the village envelope.

The design of the houses is not considered to merit as 'very special circumstances' to overcome the harm identified above either in policy terms or the harm to the openness of the Green Belt. No other considerations or circumstances have been put forward that would identify why permission should be granted in this instance and the proposal therefore conflicts with Policy GB1 of the Brentwood Local Plan.

#### Character and design of development

The dwellings within the surrounding area are set back from the highway and are very mixed in terms of their design, style, mass and bulk. The proposed dwellings would be set back from the highway a similar distance to others in the area and combined with the size of the application plot it means that the development would not be excessive or unduly conspicuous within the surrounding area. The hipped roof design that would be used on the proposed properties is replicated on neighbouring dwellings within the surrounding area. The materials that would have been on the external surface of the dwellings would have been condition to ensure that they respect the character and appearance of the wider area. Therefore given the character of the built form of the area the proposal accords with Policy CP1 (i) and (iii) of the Brentwood Replacement Plan 2005.

#### Impact on neighbouring amenity

The siting of windows on the proposed dwellings means that there would not be a direct loss of privacy to neighbours. The path that the sun travels across the application site and siting of windows on neighbouring dwellings means that there would not be a detrimental impact on neighbouring amenities in terms of being overbearing and or creating a general disturbance. Subject to conditions being imposed the proposed development would accord with Policy CP1 (iii) of the Brentwood Replacement Plan 2005.

#### Highways

No objection is raised to the application, given the area that would be made available for parking within the site and the suggested conditions being imposed. The application therefore accords with Policy T2 of the Brentwood Replacement Local Plan 2005.

#### Trees:

The trees are poor quality although remain preserved, there has been some very low grade work carried out to them in the past, the trees would not present any hindrance to development. Subject to the imposition of a condition the proposed development would accord with Policy C6 of the Brentwood Replacement Plan 2005.

## Conclusion

The proposal falls within the Metropolitan Green Belt where by new buildings are considered to be inappropriate development. The impact of the development in terms of the openness on the Green Belt would be significant and detrimental. No 'very special circumstances' have been advanced that would outweigh the harm identified. The development is therefore contrary to the NPPF and Policies GB 1 & GB2 of the Brentwood Replacement Local Plan 2005.

## 7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U07467

The proposed development falls within the Metropolitan Green Belt where new buildings are inappropriate development unless they fall within the list of exceptions outlined in paragraph 89 of the National Planning Policy Framework. The proposal does not fall within this list of exceptions and therefore is inappropriate development within the Green Belt. Further the proposed dwellings, as a result of their size, height and bulk, would result in a significant reduction in openness to the Green Belt and conflict with the purposes of including land in the Green Belt. As a result, the proposal is contrary to the NPPF (section 9) and Policies GB1 and GB2 of the adopted Brentwood Replacement Local Plan, 2005.

R2 U07468

The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness and the reduction in openness to the Green Belt. Therefore, no circumstances exist to justify the grant of planning permission for the inappropriate development proposed in conflict with Policy NPPF chapter 9 and Local Plan Policy GB1.

### Informative(s)

1 INF23

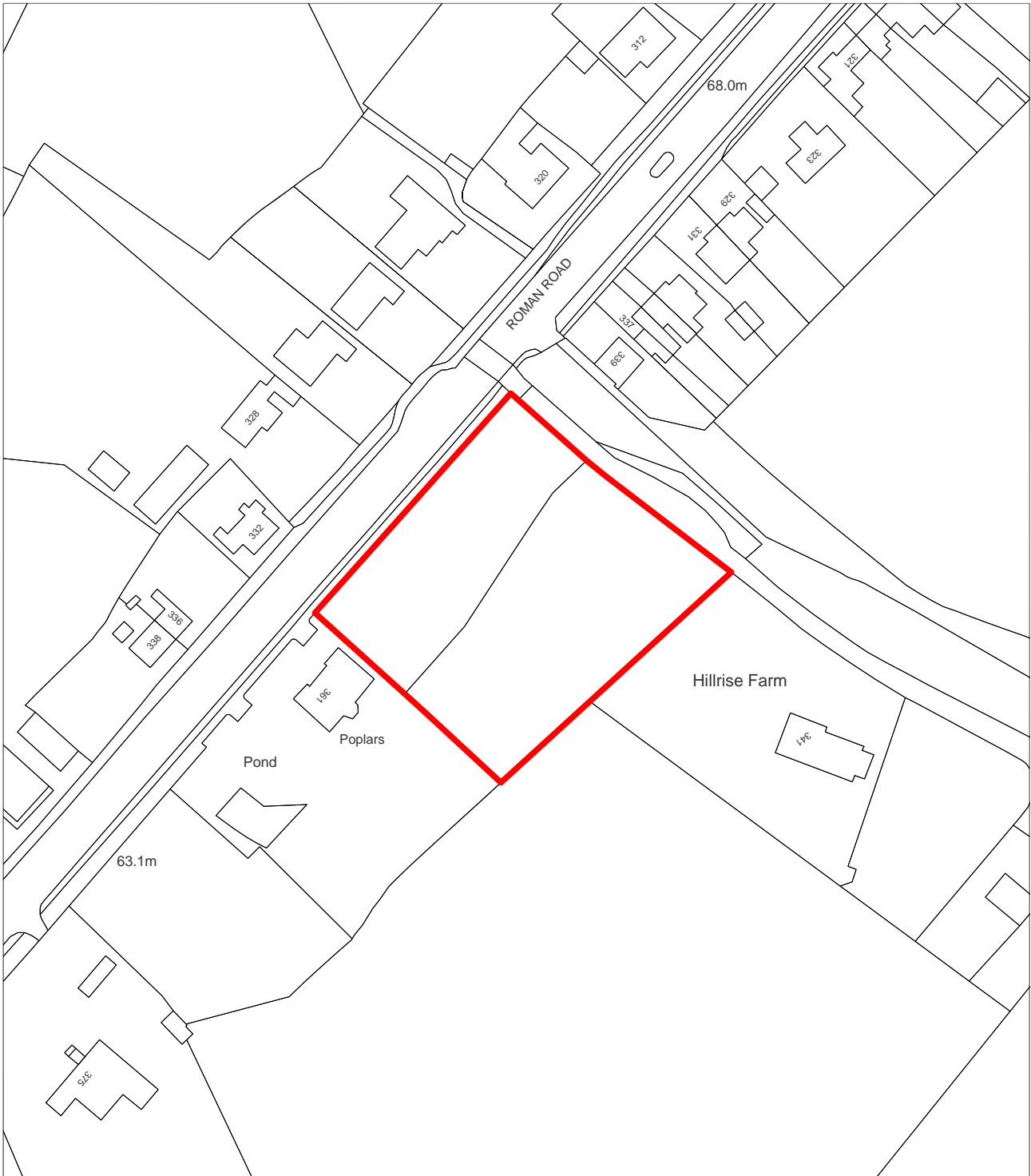
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2 INF20

The drawing numbers listed above are relevant to this decision

### *BACKGROUND DOCUMENTS*

#### **DECIDED:**



**Title:Development Land Adj 361 Roman Road**

**14/00187/FUL**

**Scale: 1:1250**

**Date: 24th June 2014**

Brentwood Borough Council  
 Town Hall, Ingrave Road  
 Brentwood, CM15 8AY  
 Tel: (01277) 312500



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**SITE PLAN ATTACHED**

**04. LITTLE BASSETTS PIG FARM MAGPIE LANE LITTLE WARLEY ESSEX  
CM13 3EA**

**DEMOLITION OF FORMER PIG FARM BUILDINGS, CONVERSION OF  
FORMER PIG FARM BUILDING TO RESIDENTIAL AND CONSTRUCTION OF  
TWO NEW BUNGALOWS**

**APPLICATION NO: 14/00480/FUL**

<b>WARD</b>	Warley	<b>8/13 WEEK DATE</b>	06.06.2014
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG GB1 GB2 CP1 T2 C5 C3 PC1 C8
<b>CASE OFFICER</b>	Charlotte Allen		01277 312536
<b>Drawing no(s) relevant to this decision:</b>	M001 REV A ; M002 REV B ; STRUCTURAL ENGINEERS REPORT ; HABITAT SURVEY ; PLANNING SUPPORT STATEMENT ; E101 REV C ; E102 REV A ; E103 REV A ; P205 REV A ; P206 REV B ; P208 ; P209 ; P210 ; P211 ; P212 ; P213 ; P214 ; 13-564 ;		

**1. Proposals**

Planning permission is sought for the demolition of all but one of the former pig farm buildings. The building that is to be retained will be converted to residential accommodation; a single dwelling house. In addition it is proposed to construct two new detached bungalows. The converted building will provide a three bedroom bungalow and the two new dwellings will be two bedroom bungalows.

Ground levels within the site vary with the ground sloping down away from Magpie Lane towards the south and then rising again towards the former farmhouse to the south of the application site.

Vehicular access to the site would be retained as existing.

It is stated that the application site has an area of 0.15ha.

The application is accompanied by a Planning Support Statement and an Extended Phase 1 Habitat Survey

A previous application was refused for a similar scheme at planning committee (ref. 13/01051/FUL) on Green Belt grounds on 14th March 2014.

This application is presented straight to Committee rather than being published on the Weekly List given that a similar proposal on this site was previously referred to Committee.

## **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). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

GB1 - New Development in the Green Belt

GB2 - Development Criteria

CP1 - General Development Criteria

T2 - New Development and Highway Considerations

C3 - County Wildlife Sites, Local Nature Reserves and Other Habitats and Natural Features of Local Value

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

C8 - Ancient Landscapes and Special Landscape Areas

PC1 - Land Contaminated by Hazardous Substances.

## **3. Relevant History**

- 13/01051/FUL: Demolition of former pig farm buildings, conversion of one former pig farm building to residential and construction of two bungalows -Application Refused
- 97/00153/FUL: Demolition And Rebuilding Of Existing Bungalow. -Application Permitted
- 90/00942/FUL: Erection Of Conservatory At The Rear. -Application Permitted
- 90/00092/FUL: Retention Of Single Storey Plant Room Erected At Rear. -Application Permitted



#### **4. Neighbour Responses**

22 neighbour letters were sent out and a site notice displayed. 13 neighbour letters of support have been received to date which make the following comments:

- Land was purchased by a group of local residents to stop illegal occupation.
- The plans are of an understanding nature and seek to utilise the land whilst maintaining its original features.
- Proposed dwellings are of a low level nature and take up less room than the existing old run down buildings. The housing cannot be seen from the road.
- Alternatives to the proposal are light industrial and this creates more traffic and an industrial feeling in the area.
- Little Warley needs new homes for younger families.
- The farm has been redundant for many years and is not viable to operate as a pig farm again.
- Site would be attractive to illegal occupation unless utilised for housing.
- Community would benefit from housing.
- Has no greater impact on the Green Belt than the existing buildings; there is a lot less buildings on the site. It is a brownfield area. Does not encroach on open green area.
- Bungalows are in-keeping with the area.
- Would make a much needed addition to the village.
- Village needs housing not an industrial estate.
- Is currently run-down and unsightly; new buildings would be a vast improvement.
- There is demand for properties in the area, several residents have children that would like to stay in the area and older residents who would like to downsize.
- Would bring some new life into the village.
- Will improve the mix of housing.
- Will help with rodent control.
- There are special and extenuating circumstances.

#### **5. Consultation Responses**

- **Historic Buildings And Conservation Officer:**

Proposal

Demolition of former pig farm buildings, conversion of former pig farm building to residential and construction of two bungalows

Significance

Former ancillary building within the hamlet of Little Warley, the site is located within the Green Belt.

## Discussion

The proposals within this application seek both adaptation of an existing ancillary form, demolition of former ancillary buildings and the new build of two single storey type dwellings. Given the quality of the location and its semi-rural character, it is important to retain openness for any proposals at a location such as this. The settlement of Little Warley itself is low density with an expanse of openness. Should the principle of development be acceptable my comments regarding design are as follows;

### Elements proposed for Retention and adaptation

The former pig building is proposed to be retained, the structure evidences minimal historic fabric from its social history which is of a lesser historical significance. From the information submitted (See engineers report) adaptation can be achieved despite the dilapidated state of repair evident. The materials and detailing particularly for fenestration is key to retain the ancillary quality of the barn.

In the adaptation of former agricultural buildings, it is important to retention of as much historic fabric as possible, with the use of appropriate materials. The barn and its relationship to the landscape and setting is a necessary consideration. The Street Scene (P214 - STREET SCENE) appears to show close-boarded fencing as a boundary treatment, although this is not annotated; I would not regard close-boarded fencing as an appropriate boundary treatment and this should be avoided, soft boundaries and landscaping are integral in retaining character and will negate any urbanisation of the semi-rural location.

### Fenestration & Materials

In terms of design for the new dwellings, the proposal seeks to place two single storey bungalow forms within the demise; a courtyard option relating to the nucleus of historic forms would have been another approach worthy of architectural study given the previous use of the site and the local character; however given the intentions for the material language, the single storey dwellings are acceptable.

A high quality of detailing and materials would be required in the interests of preserving character and to provide cohesion between the existing form and the new dwellings. The rooflights proposed for the barn should be low profile metal conservation type. Visual elements such as the location of soil pipes, vents and services are very important to provide a consistently considered approach which retains character.

## Summary & Recommendation

Adaptation through change of use is acceptable and will facilitate the retention of the barn. Should permission be granted in order to ensure quality of detail and appropriate materials fundamental for the development to harmonise with the character of the surrounding area the following conditions should be included:

- o The applicant or owner shall ensure that any historic fabric of the building shall be adequately recorded by photographs and measured drawings prior to the commencement of works.
- o No development shall take place until a landscaping scheme has been submitted to and agreed in writing by the local planning authority. Such a scheme shall include details of plant/tree type, and colour and type of hard landscaping materials
- o Works shall not be commenced until additional drawings that show details of proposed windows, doors, eaves, verges and cills by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- o Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted and approved in writing by the local planning authority. All rainwater goods shall be black metal.
- o No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building without prior written approval of the local planning authority.
- o Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building hereby approved and shall be permanently maintained as such.

- **Natural England:**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

## Statutory nature conservation sites - no objection

This application is in close proximity to the Thorndon Park Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

### Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

## Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

- **Essex Wildlife Trust:**

No response at time of writing report.

- **Building Control:**

The engineer is showing a possible scheme whereby the existing building fabric could be left as it is. This is viable and a lot more detailing etc would be required at building regulations stage. They have mentioned about existing foundations being inadequate, and mention about underpinning. Again with a detailed design, this could be adopted with the existing building intact, albeit very carefully.

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- **Highway Authority:**

Although the site is not in an accessible and sustainable location in terms of alternatives to private car use and the access road to the site is narrow in places, the Highway Authority would not wish to raise an objection to the above application, subject to the following conditions being attached to any approval, given the existence of the site, its previous use, the existing dwellings adjacent to the site which share the access from Magpie Lane, the scale of the development, the contents of the Planning Support Statements submitted with the previous application 13/01051/FUL and the area to be available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposed dwellings.

1. The development shall not commence until construction details of the proposed widened road within the site, shown on Drawing No. 12.1784/P209, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the widened road has been completed in accordance with the approved details and Drawing No. 12.1784/P209.

Reason: To ensure that vehicles can leave and enter the site in a controlled manner, in the interests of highway safety.

2. The development shall not commence until revised plans showing the vehicle parking area in plot 2 with a minimum overall width of 5.8 metres and the vehicle parking area serving the refurbished barn with a minimum overall width of 3.9 metres, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the vehicle parking area in each plot has been constructed in accordance with the approved details. The vehicle parking areas shall be retained in this form at all times. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To provide appropriate vehicle parking in accordance with Brentwood Borough Council's adopted parking standards in the interest of highway safety and amenity.

3. The development shall not commence until details of the design, layout and location of cycle parking facilities in accordance with Brentwood Borough Council's adopted parking standards for each proposed dwelling has been submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, conveniently located and provided before the development is occupied and thereafter shall be retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

• **Environmental Health & Enforcement Manager:**

With regard to the above Planning Application This Department confirms the following:

Site Characterisation (Outline Planning Permission)

The Full application shall be accompanied by a detailed contamination investigation and risk assessment undertaken by competent persons. This submission to the planning authority is required to enable it to decide whether the details have taken account of an acceptable risk from contamination with regards to proposed end users, property, controlled waters and ecological systems. This investigation shall be undertaken in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers. It shall, where necessary, identify required remediation measures and programmes along with consequent impacts on development phasing.

#### Remediation Scheme (condition for a scheme)

A scheme to bring the site to a suitable condition in that it represents an acceptable risk will be implemented prior to the commencement of any other part of this planning permission (unless the scheme or parts of it require commencement of other parts of the permission). The scheme shall be submitted to the planning authority for approval prior to commencement of works. This shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers.

#### Unexpected Contamination

Should contamination be found that was not previously identified during any stage of the application hereby approved or previous to this it shall be made safe and reported immediately to the local planning authority. The site shall be assessed in accordance with the Site condition findings and a remediation scheme shall be submitted for approval by the planning authority.

#### Validation of Remediation Scheme

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. Immediately on 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 planning authority for approval.

#### Validation Certificate

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 Conditions above.

This certificate is to be attached to the planning notification.

- **Essex & Suffolk Water:**  
No response at time of writing report.
- **Arboriculturalist:**  
No arboricultural issue - there are some trees on site but they are insignificant.

- **Essex Badger Protection Group:**  
No response at time of writing report.

## 6. **Summary of Issues**

### Background Information

Planning permission was previously refused for the demolition of the former pig farm buildings, conversion of one former pig farm building to residential and the construction of two bungalows (ref. 13/01051/FUL) for the following reasons:

1. The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size, bulk and height of the buildings proposed, would result in a reduction in the openness of the Green Belt, contrary to the NPPF (particular Section 9) as well as Policies GB1, GB2, GB15 and GB16 of the Brentwood Replacement Local Plan
2. No matters have been advanced by the applicant 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. Therefore, no circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

A copy of the committee report for this previous application (ref. 13/01051/FUL) is included in appendix 1 of this report. This proposal is similar to the previous application in that it also seeks the demolition of the former pig farm buildings and the conversion of one of the former pig farm buildings and the construction of two new bungalows. However, the design and position of the two new bungalows has been altered from the previous application.

The application site is located within the Metropolitan Green Belt and a Special Landscape Area. Thorndon Park SSSI is located 0.3km to the north of the site and Little Warley Local Wildlife Site is located 50m north of the site.

The main issues which require consideration as part of the determination of the application are the impact of the proposal on the Green Belt, the impact of the development on the character and appearance of the area, the impact of the proposal on the amenity of the occupiers of neighbouring residential properties, highway safety and parking issues, the quality of life for the occupiers of the proposed dwellings and ecology.



## Impact on Green Belt

### Proposed conversion of one of the existing buildings:

Part of the proposal is for the re-use of one of the existing buildings for residential purposes. The NPPF states that the re-use of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction, that the development preserves the openness of the Green Belt and that the development does not conflict with the purposes of including the land in the Green Belt.

A structural engineers report has been submitted with regards to the building that is proposed to be converted. The Council's Building Control Officer has commented that the engineer is showing a possible scheme whereby the existing building fabric could be left as it is, which is viable, although a lot more detailing would be required at building regulations stage. The Building Control Officer has commented that, with a detailed design the building could be underpinned with the existing building intact, although the work would have to be undertaken very carefully. As such, the building is capable of conversion and the proposed re-use of this building does not constitute inappropriate development in the Green Belt. The proposed re-use of the building would not result in any greater harm to the openness or the purposes of including land in the Green Belt than the current use and as such, subject to conditions restricting permitted development to prevent urban sprawl, no objection is therefore raised to this part of the proposal in terms of Chapter 9 of the NPPF or Policies GB1 or GB2 of the Local Plan.

### Proposed new bungalows:

The applicant acknowledges that the new build element of the proposal constitutes inappropriate development within the Green Belt. Therefore, the development would cause significant harm by reason of this inappropriateness, contrary to the NPPF (section 9) and Policy GB1.

The new building element of the proposal may have a smaller footprint than the buildings/structures they would replace, however, the existing buildings/structures are dilapidated. The Building Control Officer previously confirmed this and it has not been demonstrated that the existing buildings/structures are structurally sound and could be re-used (with the exception of the building that is to be converted). The NPPF (paragraph 89) states that the construction of new buildings is not inappropriate development where it is redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use. However, the definition of previously developed land in the NPPF excludes land that is or has been occupied by agricultural or forestry buildings. Temporary buildings are also excluded and the NPPF requires that the development does not result in a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development.

The site contains buildings/structures previously used for agricultural purposes and as such the proposed new buildings are inappropriate development. However, even if they were not, given the dilapidated condition of the existing buildings, it is considered that not all of the existing buildings/structures should be taken into account when assessing the impact of the proposed development on openness.

Furthermore, the applicant has only submitted a structural survey for the building that is to be converted, not for all of the buildings on the site. The applicant has not carried out a comparison between the volumes of the existing buildings/structures to be demolished/removed and the new buildings proposed which may have provided support for their proposal. Whilst the proposed new buildings would cover a smaller area than those which exist, as a result of the size, height, scale and bulk of the new buildings proposed, it is considered that the proposed development would have a significantly greater impact on the openness of the Green Belt than the existing situation and would conflict with the purposes of including the land within the Green Belt. As a result, the proposal would be contrary to the NPPF (section 9) and Policies GB1 and GB2.

A Unilateral Undertaking has been submitted whereby the developer covenants not to carry out any building operations on the land edged blue on plan No. 12.178/E101 Rev C within S55 of the Town and Country Act 1990. At the time of preparing this report the undertaking is in draft form, and while the undertaking is a material consideration it is considered that very little weight can be given to it for the following reasons:

- o The restriction is limited to building on the blue land and as most building would require planning permission anyway this is a limited obligation;
  - o The restriction does not address possible change of use or underground works
  - o The Obligation can be the subject of modification application after 5 years
  - o A S106 obligation should be used to allow development where appropriate
- However, in this case the development proposed would be inappropriate development in the Green Belt and significantly reduce the openness of the Green Belt as a result of the overall size, height and bulk of the buildings proposed, contrary to the NPPF (section 9), Policy GB1 and Policy GB2.

#### Impact on the Character and Appearance of the Area

The Design Officer has commented that the given the quality of the location and its semi-rural character, it is important to retain openness for any proposal at a location such as this. The materials and detailing, particularly with regards to fenestration is key to retain the ancillary quality of the barn that is to be converted and that as much of the historic fabric should be retained as possible, with appropriate materials utilised. The Design Officer has raised concerns about the use of close boarded fencing and states that soft landscaping boundaries should be utilised and would be integral to retaining character and preventing any urbanisation. This detailing can be secured by condition.

In terms of the new dwellings proposed, the Design Officer has commented that given the intentions for the material language, the single storey dwellings are acceptable. A high quality of detailing and materials would be required in the interests of preserving character and to provide cohesion between the existing form and the new dwellings. The rooflights should be low profile metal conservation type and visual elements such as the location of soil pipes, vents and services are very important to provide a consistently considered approach which retains character.

The Design Officer therefore raised no objection to the design of the development, subject to conditions.

The Arboriculturalist has not raised any concerns with regard to the proposed development and as such it is not conditioned that the proposal would have a material adverse impact on the Special Landscape Area within which the site is located. A landscaping condition would however be necessary in the interests of the visual amenity of the area.

On this basis and subject to the necessary conditions, the proposal would comply with Chapter 7 of the NPPF and Policies CP1 (criteria i and iii), C8 and C5 of the Local Plan.

#### Impact on the Amenity of Neighbours

The proposed dwellings would all be single storey properties and the site benefits from vegetative screening along the eastern and western boundaries. Taking this into account as well as the distance between the proposed buildings and the site boundaries, and the size of the rear gardens of neighbouring properties, it is considered that the proposal would not cause demonstrable harm to the amenity of any neighbouring residential property by reason of overlooking, dominance, loss of sunlight, loss of daylight or loss of outlook, subject to the imposition of conditions requiring the approval of details of suitable boundary treatment and site levels.

Officers are not aware of any contamination issues relating to the site but, in accordance with the advice from the Environmental Health Officer, it is considered that any planning permission granted should be conditional on a remediation scheme for the site being submitted and approved.

On this basis, the proposal complies with the NPPF (paragraph 17 and section 11), Policy CP1 (criteria ii and vii) and Policy PC1.

## Highway Safety and Parking

The Highway Authority has commented that although the site is not in an accessible and sustainable location in terms of alternatives to private car use and the access road to the site is narrow in places, the Highway Authority would not wish to raise an objection to the application, subject to conditions, given the existence of the site, its previous use, the existing dwellings adjacent to the site which share the access from Magpie Lane, the scale of the development, the contents of the Planning Support Statement submitted with the previous application 13/01051/FUL and the area to be available for parking within the site, which complies with the adopted parking standards. No objection is therefore raised on this basis.

## Quality of Life

All three dwellings would have adequate private amenity space (subject to screening between the three plots proposed) and off-street parking spaces are provided to each dwelling. As a result, it is considered that the proposal would provide an adequate quality of life for the occupiers of the three dwellings proposed, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

## Ecology

The application has been accompanied by an extended phase 1 habitat survey which concludes that the proposal can proceed without detriment to any legally protected species provided the guidance within the report is fully adhered to and that there is the opportunity to enhance the site for local biodiversity. Natural England have comments that it is satisfied that the proposed development would not destroy the interest features for which the nearby Thorndon Park SSSI has been notified. As such this SSSI does not represent a constraint in determining the application. Whilst no responses have been received to date from Essex Wildlife Trust or the Badger Protection Group, given Natural England's comments and the findings of the report submitted it is considered that the proposal would comply with the NPPF and Policies CP1(vii) and Policy C3, subject to conditions.

## The Green Belt Balance

The applicant refers to a number of factors they consider amount to very special circumstances which would justify planning permission being granted for the development proposed which can be summarised as follows:-

- application by local residents and not a 'far removed developer purely for financial gain' and goes to the heart of the government's localism agenda; the proposal has local support
- the purpose of the application is to safeguard the amenity of local residents
- the proposal would improve the site in 'landscape aesthetic and design terms'.
- there would be a reduced impact on the openness of the Green Belt as a result of the more compact building footprint and reduced floorspace (370sq.m. compared to 669sq.m. existing)
- the fallback position of more intensive uses considered appropriate to the Green Belt and which would generate more traffic such as agriculture, outdoor recreation such as stabling and tourism uses
- A unilateral undertaking stating that adjacent land will not be built upon by the developer.

However, it is not considered that any of these matters, either alone or in combination, amount to very special circumstances which would outweigh the significant harm the development would cause to the Green Belt by reason of inappropriateness and loss of openness, to justify planning permission being granted in this case. The application submitted has not therefore overcome the previous reasons for refusal.

## 7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1        U07863

The proposed new dwellings would be inappropriate development within the Green Belt and, as a result of the scale, size, bulk and height of the buildings 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        U07864

No matters have been advanced by the applicant in support of the application which would clearly outweigh the harm the new dwellings would cause through inappropriateness and reduction in openness of the Green Belt within which the site is located. 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, T2, C5, C3, PC1, C8 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:**

## SITE PLAN ATTACHED

**04. LITTLE BASSETTS PIG FARM MAGPIE LANE LITTLE WARLEY ESSEX  
CM13 3EA**

**DEMOLITION OF FORMER PIG FARM BUILDINGS, CONVERSION OF ONE  
FORMER PIG FARM BUILDING TO RESIDENTIAL AND CONSTRUCTION  
OF TWO BUNGALOWS**

**APPLICATION NO: 13/01051/FUL**

<b>WARD</b>	Warley	<b>8/13 WEEK DATE</b>	09.01.2014
<b>PARISH</b>		<b>POLICIES</b>	GB1 GB2 C3 CP1 PC1 T2 C8 C5 GB15 GB16 NPPF
<b>CASE OFFICER</b>	Kathryn Mathews		01277 312616
<b>Drawing no(s) relevant to this decision:</b>	12.1784/M002/A; SUPPORT STATEMENT ADDENDUM; 12.1784/P201/C; 12.1784/M001; 12.1784/E101/A; 12.1784/E102; 12.1784/E103; 12.1784/P202/A; 12.1784/P203; 12.1784/P204/A; 12.1784/P205; 12.1784/P206/A; 12.1784/P207; 13/564/1; SUPPORT STATEMENT 01; HABITAT SURVEY;		

This application was referred by Cllr Tee from Weekly Report No 1622 for consideration by the Committee. The reason(s) are as follows:

The Highways report came out too late for the applicant's response and the applicant is agreeable to all the points raised. Secondly the one objector does not own any of the land in the application and his objection to the width of the right of way is incorrect. Thirdly the very serious matter of the Green Belt needs Members' views as the permitted alternative to this application would be very detrimental to the rural setting in the Green Belt of this site.

**Update since publication of Weekly List 1622**

**Since the Weekly Report was published, a revised layout and Addendum to the Planning Support Statement have been received which aim to overcome the Highways Officer's objection to the scheme. The Highways Officer has been re-consulted on the revised layout and neighbours re-notified.**

## 1. Proposals

Proposed 2no. three bedroom bungalows: 14.8m in width x 10m in depth and 5.5m in height; pitched roofs. The external walls of the buildings would be finished in a mixture of brick and black weatherboarding and the roof would be covered with slate. The bungalows would front the existing access track through the site.

Conversion of an existing barn which abuts the northern boundary of the site to three bedroom dwelling: 24m in length x 5.3m in width and 5.3m in height; pitched roof with three roof lights. Four windows (enlargement of the existing stable doorways) and a doorway would be provided along the front elevation of the proposed dwelling with a large glazed feature within both gabled ends of the building. The external walls of the building would be clad with black weatherboarding and the roof covered with slates.

The site contains a range of former pig farm buildings all single storey and ranging between 2 and 3m in height (except for a silo which is around 7m in height) and many being open fronted. Other than the barn to be converted, all the existing buildings would be demolished.

Ground levels within the site vary with the ground sloping down away from Magpie Lane towards the south and then rising again towards the former farmhouse to the south of the application site. A topographical survey has been submitted as part of the application which suggests that the ground levels vary a maximum of 2m across the site.

Vehicular access to the site would be retained as existing.

It is stated that the application site has an area of 0.15ha.

The application is accompanied by a Planning Support Statement and an Extended Phase 1 Habitat Survey

The Habitat Survey concludes that the site has negligible ecological interest, that the small scale residential proposal is not likely to result in an adverse impact upon the nearby SSSI and given the previous and existing land uses on and immediately surrounding the site, the small scale residential development is not likely to result in an adverse impact upon the adjacent local wildlife site. The report also concludes that the proposal can proceed without detriment to any legally protected species provided the guidance within the report is fully adhered to. Reference is made in the Habitat Survey to the existing buildings appearing to be in poor condition with the buildings on the north-western boundary in a state of collapse given the weight of scrub vegetation and ivy on top.



The Supporting Statement provides the following information:-

- The existing buildings on the site are described as brick and block work structures with tin and asbestos roofing and that concrete hardstanding surrounds the buildings. The existing buildings are currently vacant and the access to the site from Magpie Lane is hardsurfaced.
- The floorspace of the proposed development is stated as being 382sq.m. and that of the existing buildings being 669sq.m.
- The site has been purchased by a consortium of existing residents who wish to safeguard the site from unauthorised occupation by travellers which has occurred previously on common land in the locality, as well as to prevent continued physical degradation of the site, both in the interests of their amenity.
- Existing vegetation on the site boundaries will be retained.
- The proposal would contribute to the mix of housing in the locality, aiding social cohesion and community integration. It would also contribute economically (increased value of site, jobs during construction and increased financial viability of local services).
- The proposal will not result in new isolated homes in the countryside as they would abut existing residential development.
- The retention and conversion of an existing building will help to 'meld' the development with its surroundings.
- The proposal would not set a precedent as it is unlikely that a comparable proposal for the redevelopment of a redundant pig farm comprising new building and a conversion with the same very special circumstances would be repeated.
- Reference is made to specific parts of the NPPF and Policies within the Brentwood Replacement Local Plan.

The originally submitted scheme has been revised as stated above to include the following:-

- increase in width of proposed access way to 6.1m at the site access and to 5.8m within the site, allowing two vehicles to pass each other as well as provide access to the off street car parking for the proposed dwellings - the existing vegetation belt would be thinned along the east boundary
- the car parking spaces for the proposed dwellings have been relocated to between the two bungalows - there would be no fence or wall between the two bungalows for the length of the boundary where the parking spaces are located - the parking spaces would measure 2.9m x 5.5m
- a size three turning head is not considered necessary as the access road would be a private drive
- the bungalows would incorporate sprinkler systems, negating the need for fire tender access and refuse would be taken to the top of the site access road for collection - the access way would now be wide enough to accommodate fire tenders, refuse vehicles and other service vehicles if necessary in exceptional circumstances

- the access way historically has been used by refuse vehicles and which turned within an existing hardstanding with the applicant's ownership so there is already sufficient space for service vehicles to turn if necessary

## **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 maker's planning judgment in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF (Annex 3), 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). Thus policies in the Brentwood Replacement Local Plan remain material considerations:

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.

GB15 (Re-use and adaptation of rural buildings for small scale employment, tourism, leisure and community uses) sets out a number of criteria the re-use of rural buildings would be expected to meet.

GB16 (residential conversions) relates to proposals for conversion of rural buildings in the Green Belt to residential use. This Policy states that the conversion of rural buildings to residential use will only be permitted where the proposal complies with all of the appropriate criteria of Policy GB15 in addition to a number of other criteria.

C8 (Ancient Landscapes and Special Landscape Areas) where conservation or restoration of existing character should be given high priority

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;

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

C3 (County Wildlife Sites, Local Nature Reserves and Other Habitats and Natural Features of Local Value):

C5 (Retention and Provision of Landscaping and Natural Features in Development): aims to retain existing natural features as part of new development with new landscaping works and habitat creation considered

PC1 (Land contaminated by hazardous substances)

### **3. Relevant History**

- 90/00092/FUL: Retention Of Single Storey Plant Room Erected At Rear. -Application Permitted
- 90/00942/FUL: Erection Of Conservatory At The Rear. -Application Permitted
- 97/00153/FUL: Demolition And Rebuilding Of Existing Bungalow. -Application Permitted

### **4. Neighbour Responses**

A site notice was displayed near to the site and eight letters of notification were sent out following the submission of the original application.

One letter of objection has been received raising the following concerns:-

- whilst no objection to converting sheds into a dwelling and the style of the proposed dwellings as they are low level and floor space less than existing sheds, three properties are proposed within very close proximity - a single dwelling would fit into surrounding area more aesthetically
- if area feels built up will devalue their property
- do not want to detract from rural character
- do not want further green space built on more than indicated including agricultural buildings and hard standing as is green belt
- three, three bedroomed properties with small gardens - concerned parking and sheds will overspill onto green land
- front doors and parking spaces should face away from their house and a hedge along the boundary would assist their green view
- too much usage of the private road will require greater maintenance and repair

14 letters of support have been received on the basis of the following:-

- would improve site and also protect it from undesirable and illegal occupation by the travelling community
- the existing buildings are derelict and unsightly - residential development would be a vast improvement
- we need new families and housing in the village
- site not viable to operate again as a pig farm
- square footage is smaller than the existing
- would stop site being used for commercial reasons which may incur traffic and environmental implications
- site can not be seen from road
- ample space for the proposal and access road which can easily accommodate traffic for three more dwellings

Great Warley Conservation Society have no comment as this location is outside the general interest of the Society but they do have general concerns on what would appear to be Green Belt.

23 letters of notification were sent out following the receipt of the revised layout drawing. One further letter of objection has been received raising the following concerns:-

- the land is partly owned by us as it is a shared access
- our water meter is in that space which they may need to access and they would need access if they ever wanted to connect to the main sewer
- houses too close to the road - hard to access by large vehicles and would be looking into front window as drive past
- foundations of house would interfere with roots of fir trees in Redcot
- too close to watercourse as less than 20m away
- difficult access by emergency vehicles
- would be a problem with low overhanging cables if houses close to road
- would significantly affect view
- buildings too high (2.5m more than existing)
- revised scheme does not address all of their concerns

## **5. Consultation Responses**

### **• Building Control:**

Having looked at the photos included within the documents it is reasonable to say that the buildings in their current condition would require a fair amount of work to bring them up to a habitable standard. Without undertaking invasive/destructive opening up of the buildings it is very difficult to give a more definitive opinion. They are however, as we can all see, in quite a state of disrepair, and will require a lot of work. Has a structural engineers report been asked for and their recommendations sought?

- **Environmental Health & Enforcement Manager:**

I do not in principle have any objections to this application, however, I have some concerns with regard to the possible land contamination from the previous use of this land. I would therefore recommend that the following conditions are imposed:

1. A remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval prior to the commencement of any development of the site. The agreed remediation scheme will be implemented prior to the commencement of any other part of this planning permission (unless the scheme or parts of it require commencement of other parts of the permission). Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers. 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.
2. 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 in accordance with condition 26 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.
3. 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.

- **Essex & Suffolk Water:**

We have no objection to the proposed development.

We would advise you that our existing apparatus does not appear to be affected by the proposed development. We give consent to this development on the condition that Essex & Suffolk water is notified as detailed below; and that each new dwelling has a separate metered water supply for revenue purposes.

Regarding the building conversion:

Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been made for the above premises which are Notifiable under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999.

- **Arboriculturalist:**

There are no arboricultural issues at this site which require anything other than a standard landscape condition. Should the application be successful then planting of native species trees would be the way to go.

- **Essex Badger Protection Group:**

The Essex Badger Protection Group is not aware of any badger setts on this site but hopes that an ecological survey will be done before any work begins.

- **Highway Authority:**

Although the site is not in an accessible and sustainable location in terms of alternatives to private car use and the access road to the site is narrow in places, the Highway Authority would not wish to raise an objection to the above application, subject to the following conditions being attached to any approval, given the existence of the site, its previous use, the existing dwellings adjacent to the site which share the access from Magpie Lane, the scale of the development, the contents of the submitted Planning Support Statements and the area to be available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposed dwellings.

1. The development shall not commence until construction details of the proposed widened road within the site, shown on Drawing No. 12.1784/P201 Rev.C, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the widened road has been completed in accordance with the approved details and Drawing No. 12.1784/P201 Rev.C.

Reason: To ensure that vehicles can leave and enter the site in a controlled manner, in the interests of highway safety.

2. The development shall not commence until details of the design, layout and location of cycle parking facilities in accordance with Brentwood Borough Council's adopted parking standards for each proposed dwelling has been submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, conveniently located and provided before the development is occupied and thereafter shall be retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

3. No fence, wall or other barrier shall be erected between the proposed bungalows for the length of the boundary where their vehicle parking spaces are located.

Reason: To ensure that appropriate access is provided to vehicles using the proposed vehicle parking spaces in accordance with Policy DM8 of Essex County Council's Development Management policies and Brentwood Borough Council's adopted parking standards.

4. The development shall not be occupied until the vehicle parking area in each plot has been constructed in accordance with the approved details. The vehicle parking areas shall be retained in this form at all times. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To provide appropriate vehicle parking in the interest of highway safety and amenity.

## **6. Summary of Issues**

The application site is located within the Metropolitan Green Belt and a Special Landscape Area. Thorndon Park SSSI is located 0.3km to the north of the site and Little Warley Local Wildlife Site is located 50m north of the site.

Existing residential properties abut the site to the north, east and west. The former farmhouse is located to the south beyond an open area of land. An arable field abuts part of the western boundary of the site.

The main issues which require consideration as part of the determination of the application are the impact of the proposal on the Green Belt, the impact of the development on the character and appearance of the area, the impact of the proposal on the amenity of the occupiers of neighbouring residential properties, highway safety and parking issues, the quality of life for the occupiers of the proposed dwellings and ecology.

### **Impact on Green Belt**

The applicant acknowledges that the new build element of the proposal constitutes inappropriate development within the Green Belt. Therefore, the development would cause significant harm by reason of this inappropriateness, contrary to the NPPF (section 9) and Policy GB1.

The proposed new building element of the proposal may have a smaller footprint than the buildings/structures they would replace. However, the existing buildings/structures are dilapidated and some described as being close to collapse. The Building Control Officer confirms this view and it has not been demonstrated that the existing buildings/structures are structurally sound and could be re-used. The NPPF (paragraph 89) states that the construction of new buildings is not inappropriate development where it is redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use. However, the definition of previously developed land in the NPPF excludes land that is or has been occupied by agricultural or forestry buildings. Temporary buildings are also excluded and the NPPF requires that the development does not result in a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development.

The site contains buildings/structures previously used for agricultural purposes and so the proposed new buildings are inappropriate development. However, even if they were not, given the dilapidated condition of the existing buildings, especially as some as described as being close to collapse, it is considered that not all of the existing buildings/structures should be taken into account when assessing the impact of the proposed development on openness. Furthermore, the applicant has not submitted a structural survey of any of the existing buildings and has not carried out a comparison between the volumes of the existing buildings/structures to be demolished/removed and the new buildings proposed which may have provided support for their proposal. Whilst the proposed new buildings would cover a smaller area than those which exist, as a result of the size, height, scale and bulk of the new buildings proposed, it is considered that the proposed development would have a significantly greater impact on the openness of the Green Belt than the existing development and would so conflict with the purposes of including the land within the Green Belt. As a result, the proposal would be contrary to the NPPF (section 9) and Policy GB2.

Part of the proposal is for the re-use of one of the existing buildings and its conversion into a dwelling house. The NPPF states that the re-use of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction, that the development preserves the openness of the Green Belt and that the development does not conflict with the purposes of including the land in the Green Belt. Policies GB15 and GB16 are also relevant to the consideration of proposals for the conversion of rural buildings to residential use.



Local Plan Policy GB16 specifically relates to proposals for conversion of rural buildings in the Green Belt to residential use. This Policy states that the conversion of rural buildings to residential use will only be permitted where the proposal complies with all of the appropriate criteria of Policy GB15 in addition to a number of other criteria which are discussed in relation to the current application as follows:

- the applicant has not demonstrated that every reasonable effort has been made to secure a suitable business re-use but it is considered that the business re-use potential for the building would be limited given the restricted access to the site and its proximity to neighbouring residential properties.
- the unit proposed for conversion is located within a small group of buildings;
- the unit is capable of conversion without resulting in unacceptable intrusive domestic elements such as new curtilages, garaging, sheds, walling/fences, clothes lines, play equipment, domestic storage and hardstandings - the creation of an amenity area for the occupiers of the proposed residential unit and the car parking spaces would not be visually intrusive as they would be located within an existing yard area and would be screened by existing buildings and vegetation on three sides. For the same reason, it is considered that this element of the development would not materially reduce the openness of the Green Belt and so would not conflict with Local Plan Policy GB2;
- the proposed re-use would not have an unacceptable detrimental impact on the fabric and character of the building due to unsympathetic changes to, or the introduction of, features such as windows, door openings and chimneys. The windows and door proposed would generally utilize but enlarge the existing openings in the external walls of the building.

With respect to the relevant criteria of Local Plan Policy GB15, as required by Policy GB16,:

- it is considered that there would be no materially greater impact than the original use upon the openness of the Green Belt as explained above;
- it has not been demonstrated that the building is currently of permanent and substantial construction, and it has not been demonstrated that the building is capable of conversion without major or complete reconstruction and without major alteration to its external appearance (Criterion ii),
- the new use should not require extension of the building or additional open elements which might conflict with the openness of the Green Belt and the purpose of including land within it compared to the existing use of the site (criterion iii);
- there would be no unacceptable detrimental impact upon the surrounding countryside, and its landscape or wildlife (criterion iv); and,
- the use would be unlikely to give rise to future requirements for further substantial areas of open land and operational development to be added to the re-used building and its immediate surroundings for inappropriate development, and permitted development rights for extensions and outbuildings could be removed by condition (criterion v).

In conclusion, it is considered that it has not been demonstrated that the conversion proposed could be carried out without major or complete reconstruction. The proposal is, therefore, tantamount to three new buildings being constructed in the Green Belt. The three dwellings proposed would also be in a linear layout adjoining further land within the ownership of the applicant. There would be concern that allowing the development currently proposed without adequate justification would make resistance of further development on this adjoining land more difficult. The development proposed would be inappropriate development in the Green Belt and significantly reduce the openness of the Green Belt as a result of the overall size, height and bulk of the buildings proposed, contrary to the NPPF (section 9), Policy GB1, Policy GB2, and Policy GB15.

#### Impact on the Character and Appearance of the Area

Notwithstanding the above, the proposed development would not extend beyond the limits of the existing pig farm buildings and yard area. As a result, and given the site's location on low lying ground and existing buildings and vegetation, it is considered that the proposal would not materially adversely affect the character and appearance of the area. Whilst uninspiring, it is considered that the design of the proposed dwellings would not be harmful to the character and appearance of the area and the Arboriculturalist does not raise any concerns regarding the proposal. For similar reasons, it is also considered that the proposal would not have a materially adverse impact on the Special Landscape Area within which the site is located.

On this basis, the proposal would comply with the NPPF (paragraph 17), Policy CP1 (criteria i and iii), Policy C8 and Policy C5.

#### Impact on the Amenity of Neighbours

The proposed dwellings would all be single storey properties and the site benefits from vegetative screening along the eastern and western boundaries of the site. Taking this into account as well as the distance between the proposed buildings and the site boundaries, and the size of the rear gardens of neighbouring properties, it is considered that the proposal would not cause demonstrable harm to the amenity of any neighbouring residential property by reason of overlooking, dominance, loss of sunlight, loss of daylight or loss of outlook, subject to the imposition of conditions requiring the approval of details of suitable boundary treatment and site levels.

Officers are not aware of any contamination issues relating to the site but, in accordance with the advice from the Environmental Health Officer, it is considered that any planning permission granted should be conditional on a remediation scheme for the site being submitted and approved.

On this basis, the proposal complies with the NPPF (paragraph 17 and section 11), Policy CP1 (criteria ii and vii) and Policy PC1.

## Highway Safety and Parking

The Highway Authority originally objected to the proposed development for the following reasons:

1. The width of the access road adjacent to the proposed development would not be sufficient to provide satisfactory access to the development as it would not allow two vehicles to pass each other and would result in vehicles reversing excessive distances, resulting in danger and inconvenience to other users of the access road.
2. The width of the proposed parking bays adjacent to the proposed bungalows would not comply with Brentwood Borough Council's adopted parking standards and combined with the restricted width of the access road would not allow vehicles to enter and leave the parking areas in a controlled manner and without overrunning adjoining areas.
3. The lack of a size 3 turning bay, as shown in the Essex Design Guide, adjacent to the development for use by fire tenders, refuse vehicles and other service vehicles would be contrary to the Essex Design Guide and Manual for Streets and would result in these vehicles reversing excessive distances resulting in danger and inconvenience to other users of the access road.

However, a revised layout and addendum to the Planning Support Statement has been submitted which, it is understood, overcome these objections. On this basis, it is considered that the proposed development would not cause harm to highway safety, in accordance with the NPPF (paragraph 17), Policy T2 and Policy CP1 (criteria iv and v)

## Quality of Life

All the three dwellings would all be single storey in height, have at least 100sq.m. of private amenity space (subject to screening between the three plots proposed) and two off-street parking spaces each. As a result, it is considered that the proposal would provide an adequate quality of life for the occupiers of the three dwellings proposed, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

## Ecology

The application has been accompanied by a Habitat Survey which concludes that the site has negligible ecological interest, that the small scale residential proposal is not likely to result in an adverse impact upon the nearby SSSI and given the previous and existing land uses on and immediately surrounding the site, the small scale residential development is not likely to result in an adverse impact upon the adjacent local wildlife site. The report also concludes that the proposal can proceed without detriment to any legally protected species provided the guidance within the report is fully adhered to. The Badger Protection Group also raises no concerns regarding the proposal. On this basis, the proposal would comply with the NPPF (section 11), Policy CP1 (criterion viii) and Policy C3, subject to conditions.

## The Green Belt Balance

The applicant refers to a number of factors they consider amount to very special circumstances which would justify planning permission being granted for the development proposed which can be summarised as follows:-

- application by local residents and not a 'far removed developer purely for financial gain' and goes to the heart of the government's localism agenda; the proposal has local support
- the purpose of the application is to safeguard the amenity of local residents
- the proposal would improve the site in 'landscape aesthetic and design terms'.
- there would be a reduced impact on the openness of the Green Belt as a result of the more compact building footprint and reduced floorspace (382sq.m. compared to 669sq.m. existing)
- the fallback position of more intensive uses considered appropriate to the Green Belt and which would generate more traffic such as agriculture, outdoor recreation such as stabling and tourism uses

However, it is not considered that any of these matters, either alone or in combination, amount to very special circumstances which would outweigh the significant harm the development would cause to the Green Belt by reason of inappropriateness and loss of openness, to justify planning permission being granted in this case.

## Other Matters

Most of the matters raised by local residents have been addressed above. With reference to those which have not, the loss of property value and maintenance of the access road is not a material planning consideration. Also, planning permission would be required for the construction of further buildings on land beyond the curtilages of the dwellings proposed and within the curtilage of the dwellings proposed if permitted development rights were removed. The applicant has confirmed that they own all the land within the application site but, in any event, any planning permission granted would not override the ownership or access rights of any third party.

## 7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U06696

The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size, bulk and height of the buildings 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, GB2, GB15 and GB16 of the Brentwood Replacement Local Plan.

R2 U06697

No matters have been advanced by the applicant 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. 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, GB15, GB16, CP1, T2, C5, C3, PC1, C8 and the National Planning Policy Framework 2012.

2 INF20

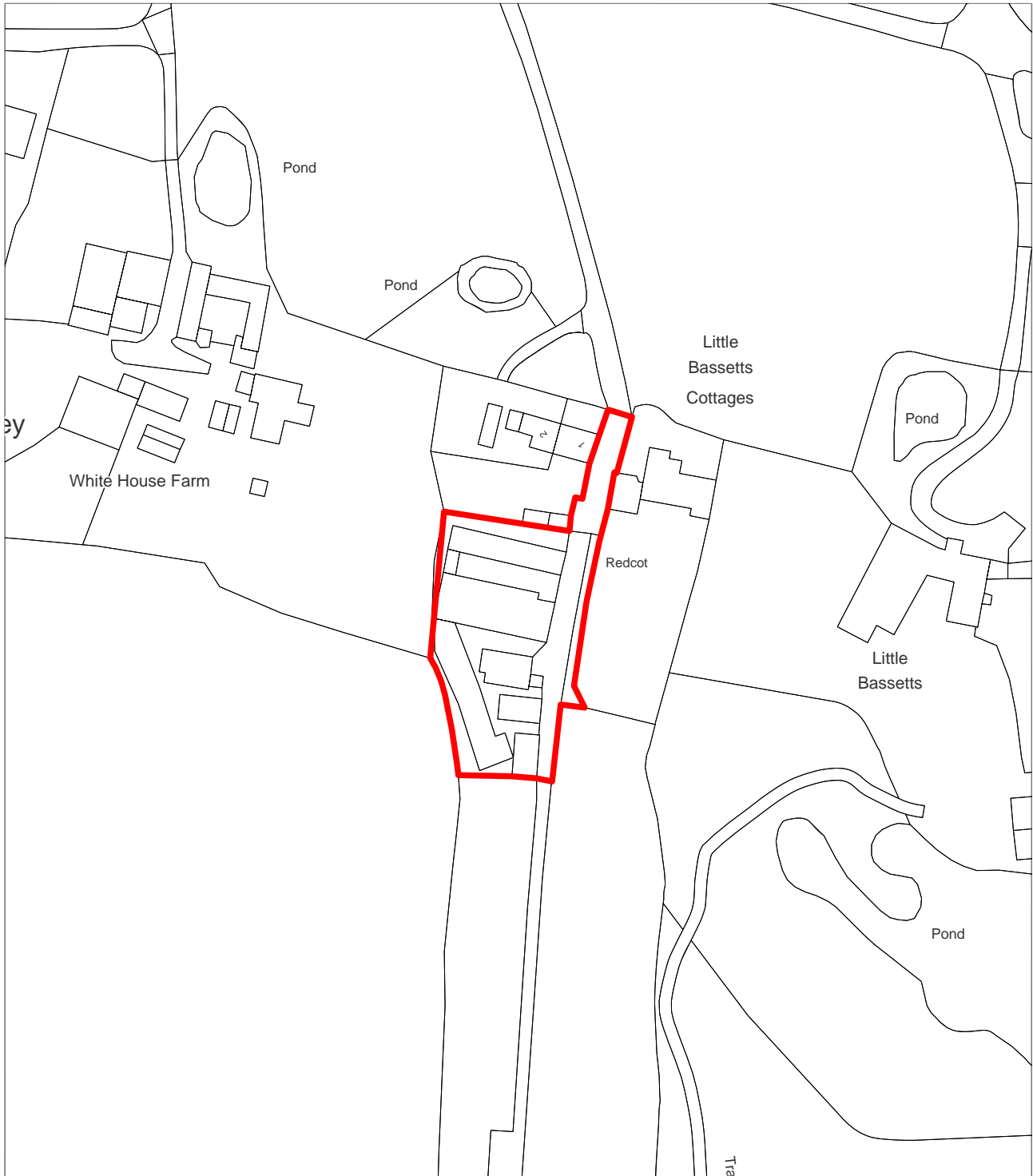
The drawing numbers listed above are relevant to this decision

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:**



Title: Little Bassetts Pig Farm Magpie Lane Little Warley

14/00480/FUL

Scale: 1:1250

Date: 24th June 2014

Brentwood Borough Council  
 Town Hall, Ingrave Road  
 Brentwood, CM15 8AY  
 Tel: (01277) 312500



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**SITE PLAN ATTACHED**

**05. 5 PENNYFIELDS WARLEY ESSEX CM14 5JP**

**CHANGE OF USE FROM RESIDENTIAL TO HOUSING FOR MULTIPLE OCCUPANCY (MAXIMUM OF 8 OCCUPANTS).**

**APPLICATION NO: 14/00200/FUL**

<b>WARD</b>	Brentwood West	<b>8/13 WEEK DATE</b>	08.05.2014
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG CP1 T2 PC4
<b>CASE OFFICER</b>	Charlotte Allen		01277 312536

**Drawing no(s) relevant to this decision:** 1 ; 2 ; 3 ; 4 ; 5 ; 6 ; 7 ;

This application was referred by Cllr Chilvers from Weekly Report No 1639 for consideration by the Committee. The reason(s) are as follows:

To discuss the logic of turning a family home into a multi-occupancy site with inadequate parking and living conditions.

**Update since publication of Weekly List 1639**

**None**

**1. Proposals**

Planning permission is sought to change the use of the site from Class C3 (dwellinghouse) to a Sui Generis House of Multiple Occupation (HMO). The site will provide two parking spaces at the front of the site and a communal garden area to the rear of the site. The ground floor includes a communal living area, kitchen and toilet and one double bedroom/letting with en-suite. The first floor constitutes two double bedrooms/lettings and a communal bathroom and the second storey provides three additional lettings; one double/letting with en-suite, a single bedroom/letting and an additional double bedroom/letting.

## **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). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria

T2 - New Development and Highway Considerations

PC4 - Noise

## **3. Relevant History**

- : - None

## **4. Neighbour Responses**

6 neighbour letters were sent out and a site notice displayed. 11 neighbour letters of objection have been received which make the following comments:

- Only 2 parking spaces; possibility of 8 cars; where will they park? Insufficient parking. Little on-street parking in cul-de-sac. Street will become overcrowded with vehicles. Already difficult for residents of Junction Road to park their cars. Will increase traffic down the road. Parking is restricted by a single yellow line. Would cause unbearable strain on already difficult residents parking.
- Regular on street parking outside No.5 would cause access problems and reduce sight lines, increasing danger to children.
- ECC parking standards recognises that limiting parking availability at trip origins does not necessarily discourage car ownership - would suggest that the appropriate amounts of parking would be one per bedroom.
- Already have landlord that rents out rooms in 2 houses on same side of road and residents can't park; there isn't room on the road. Already have at least one HMO; cannot accommodate another.
- As terraced house, noise will be an issue as it won't be families but young people; the terraced houses are not well insulated.
- It is a quiet, family dominated, residential cul de sac and not equipped/suited for a multiple occupancy residence.

- Experience at No.9; poor neighbours, having to put up with noise, bad behaviour, destruction of community.
- De-valuing of property price.
- Out of character with residential street occupied by families.
- No external access to garden; proposed storage of cycles is not practical potentially reducing the area on the drive available for parking vehicles.
- Rubbish generation: 8 occupants would generate a significant amount of rubbish and there is nowhere for this rubbish to be stored between refuse collections and will attract rodents and foxes.
- Already houses rented out and at least one house of multiple occupation - several occasions when police have been called to this house.
- Strangers now seen in cul-de-sac; residents change on a regular basis and visitors.
- For financial gain.
- High turnover, high occupancy use will reduce the community feeling of the street.
- Application is already underway
- Close knit street which often organises street parties - already a number of short term tenants with little stake in the community.
- Short let properties already causes conflict; sounding car horns before 7am, parking in the street and causing antisocial crimes.
- It is a family orientated street with the majority of residents having children who regularly play in the street. Mainly families/elderly people in area.
- Proposal is to turn No.5 from a family home into a 'hotel'.
- Turning family homes into rental accommodation is generally detrimental and not good for community spirit.
- Although 4 bedrooms, in reality it is three bedrooms with a box room, how anyone could think that up to 8 people could occupy one of these properties comfortably is beyond me.
- Are 8 people renting going to take the same care or have the same values as home owners?
- Family orientated Pennyfields will find it difficult to cope with multiple numbers of people coming and going into the property.
- Social issues - has house burgled in January.

## **5. Consultation Responses**

- **Highway Authority:**

The Highway Authority would not wish to raise an objection to the above application, given the existence of the site, the area available for parking within the site, the scale and nature of the development, the urban location with good access to frequent and extensive public transport and other facilities and Brentwood Borough Council's adopted parking standards.

## Additional comment

It is recommended that an informative should be attached to any approval stating that residents of the proposed development will not be allowed permits in Brentwood Borough Council's Residents Parking Scheme.

- **Environmental Health & Enforcement Manager:**  
This Service has no objections to this application.

## 6. Summary of Issues

The application site is located on the western side of Pennyfields and is currently occupied by a mid-terraced three storey house with single storey rear extension, a rear outside garden space and two hardsurfaced parking spaces to the front of the site. The site is located in an area designated for residential purposes. The road of Pennyfields is subject to a single yellow line parking restriction. The streetscene in this part of Pennyfields is mainly characterised by 2 or 3 storey terraced or semi-detached houses of similar characters. The site is located in a residential area and as such the main considerations in this case are; the character of the area, residential amenity, living conditions and parking and highway considerations.

### Character of the area

A number of neighbours have commented that a HMO is not in character with the residential and family nature of the street, however, the use proposed is a residential use in accordance with the allocation of the site in the Local Plan and the proposal would not result in any external changes to the appearance of the building or the character of the wider area. It should also be noted that the NPPF encourages the delivery of a wide choice of homes and encourages sustainable, inclusive, mixed communities. No objection is therefore raised on this basis in terms of Chapters 6 and 7 of the NPPF, the NPPG or Local Plan Policy CP1.

### Residential Amenity

No external alterations are proposed and as such the proposed change of use would not result in any undue overlooking, loss of privacy or overbearing impact compared to the existing dwelling.

In terms of noise and disturbance, it should firstly be noted that the Town and Country Planning (General Permitted Development) Order 1995, as amended and the Town and Country Planning (Use Classes) Order 1987 as amended, allow changes of use from Class C3 (dwellinghouses) to C4 (houses of multiple occupation) without the need for planning permission. C4 houses of multiple occupation (HMO) consist of a dwelling house used by up to 6 people. For dwellings used for more than 6 people, the HMO use is a sui generis use.

Therefore it is worth noting that this dwelling could be used as a HMO for up to 6 residents without the need for planning permission. This permission seeks to allow an additional two residents over and above the permitted development allowance. A number of neighbours have raised concerns regarding the proposed use in terms of noise and disturbance. However, the dwelling is a fairly large property, and the use as a HMO for 8 people is unlikely to result in significant or demonstrable noise levels over and above that of a family home or a permitted HMO of 6 people. It should also be noted that the Environmental Health Officer has raised no objection to the proposal. It is accepted that the proposal could lead to more activity at the property, but the slight increase in comings and goings (compared to, for example a larger family or a HMO of 6 people which would not need planning permission) would not be such that it would cause any significant or demonstrable harm to neighbouring residents over and above its use as a private dwelling. No objection is therefore raised in terms of Paragraph 17 of the NPPF or Policy CP1 of the Local Plan.

### Living Conditions

The HMO is provided with a communal living area comprising a sitting room/dinner and kitchen and a communal bathroom and toilet. Two bedrooms have en-suites. All of the bedrooms/lettings are provided with windows to provide outlook. A garden area of approximately 52 sq. m which is retained which, whilst the Council does not have any guidance on the size of gardens for HMOs, is below the 100 sq. m minimum recommended for a 3 bed family home. However, the garden area retained is of a useable size and shape and provides outside seating areas, bin storage, a shed and washing hanging facilities which is considered to satisfy the outside requirements of the occupiers. It should also be noted that the HMO is unlikely to be occupied by children. As such it is considered that the proposal would provide adequate living conditions for any future occupiers and no objection is therefore raised on this basis.

### Parking and Highway Considerations

Whilst a number of neighbours have raised objections to the proposal based on highway and parking considerations, the Highway Authority has raised no objection to the proposal given the existence of the site, the area available for parking within the site, the scale and nature of the development, the urban location with good access to frequent and extensive public transport and other local facilities and the parking standards. Neighbours have raised concerns about the rear garden not being used to store bicycles as the bicycles would have to be pushed through the house, however, this is not unusual in terraced dwellings without separate external access and the Highway Authority has raised no objection to the proposal cycle parking facilities. No objection is therefore raised on this basis.

## Other Matters

A number of objections raised by neighbours have already been considered including parking, highway safety, the character of the area, residential amenity and living conditions. A neighbour has raised concerns that the use has already commenced, however, the applicant has stated that there are currently only 5 occupants at the dwelling and as such the current use does not require planning permission.

A number of neighbours refer to other HMOs/rental properties in the street. However, there is no history for other HMOs being applied for within Pennyfields recently. Planning permission is not required to rent a property. Although neighbour concerns about antisocial behaviour are noted there is no evidence that the use of the site as a HMO will cause antisocial behaviour. It should also be noted that the applicant has indicated that the HMO will only be let to people who are employed and will not be let to students or people on benefits, although this can not be imposed by the Planning Authority, there is no indication that this HMO will cause antisocial behaviour. There is no reason why the occupiers of a HMO cannot form part of the community. There is no evidence that this proposal would harm the security of safety of existing residents.

Property prices or the financial gain of a developer are not material planning considerations and are not a reason to refuse planning permission. In terms of the concerns raised about rubbish and recycling, the applicant has confirmed that internally there is a copy of the Brentwood Council recycling information on the wall near the bins, there are 3 bins internally; recycling (orange sack), general waste (black sack) and blue box for food waste. Outside the back door there is a dust bin for general waste (black sacks) the larger blue box and red box for bottles and orange sacks are stored in the shed. The facilities are therefore unlikely to unduly attract vermin or foxes.

## Conclusion

Whilst the neighbour letters of objection have been fully considered, the proposal complies with National and Local Policy and the proposal is therefore recommended for approval, subject to conditions.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

### 1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 U07665

The House of Multiple Occupation (HMO) hereby approved shall not be occupied by more than 8 residents without the further formal consent of the Local Planning Authority.

Reason: In the interests of the residential amenity of the adjoining residents and the living conditions of the occupiers.

4 U07666

The area for parking identified on the approved drawing shall be provided prior to the first occupation of the development hereby permitted and shall thereafter remain available for parking the vehicles of the occupiers of the dwelling. The parking area shall not be used for the parking or storage of any caravan, boat or trailer.

Reason: To ensure that adequate on-site parking is available in the interests of highway safety.

Informative(s)

1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

2 INF05

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

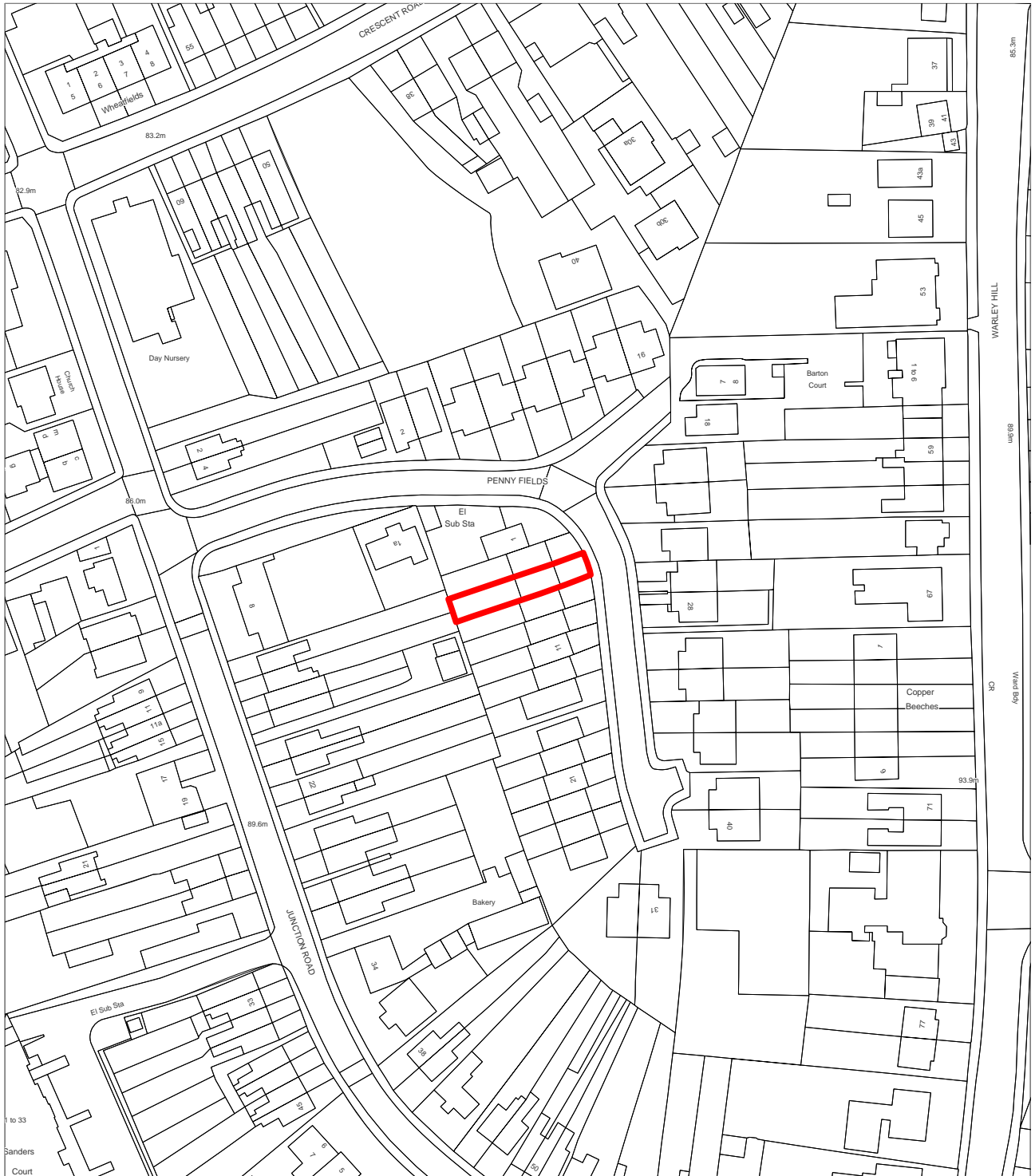
### 3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**





**Title:5 Pennyfields Warley**

**14/00200/FUL**

**Scale: 1:1250**

**Date: 24th June 2014**

Brentwood Borough Council  
 Town Hall, Ingrave Road  
 Brentwood, CM15 8AY  
 Tel: (01277) 312500



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**SITE PLAN ATTACHED**

**06. WARLEY DEPOT THE DRIVE WARLEY ESSEX**

**CHANGE OF USE OF PART OF EXISTING DEPOT STORE, BUILDING TO A CLASS 7 MOT TESTING STATION.**

**APPLICATION NO: 14/00435/BBC**

<b>WARD</b>	Warley	<b>8/13 WEEK DATE</b>	13.06.2014
<b>PARISH</b>		<b>POLICIES</b>	CP1 T2 E4 E5 E8 NPPF NPPG
<b>CASE OFFICER</b>	Yee Cheung		01277 312620
<b>Drawing no(s) relevant to this decision:</b>	BBC/MOT/01 A; BBC/MOT/02 ; BBC/MOT/03 A; BBC/MOT/04 ; BBC/MOT/05 A;		

**1. Proposals**

Planning permission is sought for the following:-

Change of use of a part of the depot store to a Class 7 MOT Testing Centre. The gross floor area of the application site, edged in red on plan no. BBC/MOT/01A, is approximately 569.7 square metres. The floor area of the storage building to be changed into Class 7 MOT Testing Centre will be 89.5 square metres;

Within this Testing Centre, there will be a MOT Testing Bay, a waiting room/viewing area, two W.Cs (for public and staff) an office and a small store room. Internal equipment associated with the test centre, to be installed within the building such as Roller Break Tester, rail mounted headlamps, platform to lift vehicles up for inspection;

For a length of approximately 6.6 metres of the storage building, the ridge of the storage building will be raised by 1.9 metres to 7.1 metres;

All new cladding to areas affected by the proposed development will be finished in matching powder coating profile metal cladding in dark green and grey colour;

The two existing up and over doors will be replaced by one, up and over door measuring 5.6 metres wide and 3.5 metres in height;

A customer entrance door is proposed on the south elevation to allow public access to the waiting/viewing room and a W.C. Access to the office, W.C and store room would be via the test bay. There is an existing emergency exit to the north of the storage building. This exit will be utilised for the test centre. A new emergency exit is proposed for the remainder storage building;

Four MOT parking bays have been allocated immediately to the west of the storage building for customers; and

Additional security palisade fence at 2.4 metres in height to be erected on the boundary around the MOT compound to the east and south of the application to provide security to the site and testing station.

## **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).

The core planning principles of the Framework states that 'planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth'. Further, it advises that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 22 of the Framework advocates that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'.

Notwithstanding the above, the NPPF should be read in conjunction with The National Planning Policy Guidance (NPPG) came into effect on 6 March 2014. This guidance is also a material consideration in all planning decisions.

### Brentwood Replacement Local Plan

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.

E4 (Employment land Supply) states that some 1 hectares of existing employment land remains undeveloped to the east of the Council's Highway Depot, The Drive, and north of the Marillac hospital. The site is located within the urban area of Brentwood means that it is accessible by a variety of transport modes, and with potential for improvements.

E5 (Land Adjacent the Council Depot, Warley) states that some 1 hectares of land adjacent to the Council Highways Depot, Warley is allocated for employment purposes, subject to criteria set out in Policy E8 of the adopted local plan.

E8 (Employment Development Criteria) advises that any development proposals for employment purposes shall (i) be of a scale and nature appropriate to the locality (ii) accessible by public transport, walking and cycling (iii) road access will avoid using narrow residential streets and country lanes and avoid significant traffic movement within rural areas; and (iv) appropriate landscaping and screening shall be provided.

### **3. Relevant History**

- 88/00724/FUL: Addition Of Car Parking Area Adjacent Main Entrance. -Application Permitted
- 97/00437/FUL: Retention Of Part Of Hard Surfaced Area To Form Access drive And Turning Area. -Application Permitted
- 00/00563/FUL: Retention Of 2 Earth Bunds. -Application Permitted
- 04/00003/BBC: Outline Application For The Erection Of A Mix Of Business Units (Class B1(A), (B), (C)) And Re-Located Council Works Depot Together With Alteration Of Access Including Formation Of New Roundabout And Layout Of Estate Roads -Application Permitted

#### 4. **Neighbour Responses**

Six neighbour notification letters were sent out and two site notices were displayed within and at the entrance of the site. No letters of representation received at the time of writing this report.

#### 5. **Consultation Responses**

- **Environmental Health & Enforcement Manager:**

No objections

- **Highway Authority:**

Revised comments - No objection

- **Planning Policy:**

The site is Council owned and there is a commitment in the Corporate Plan to redevelop the site that it may be for a residential scheme. If it's just for change of use then the only comment we would have is that it is identified in the Corporate Plan 2013-2016 as an asset for development and it is proposed to be allocated for housing in the Draft Local Development Plan, 2015-2030 Preferred Options (July 2013), see site ref 081. This will need to be taken account of in whatever decision is made re change of use.

- **Head Of Street Scene:**

I would like the planning application to go forward so that i can write a final report to the Environmental Committee. Funding has been identified in the Capital Programme, and a further report to approve this will be tabled, after discussion with the elected chair after the Annual Council on 11th June 2014.

#### 6. **Summary of Issues**

Introduction

This planning application is being considered by the Planning Committee as the site is Council owned land. The applicant is the Waste, Fleet and Housing Supervisor who is a member of staff employed by Brentwood Borough Council.

A further report will be prepared by the Head of Street Scene and referred to the Environment Committee on 7 July 2014 for elected Members to review the project.

## Site

The application relates to the Council's depot, an established site which is located on the corner of The Drive and Eagle Way. This site comprise of buildings used for storage, garage, vehicle workshops, an open storage area for wastes, bins and household appliances and an area to steam clean/pressure wash Council owned vehicles. The application site is largely screened from public view by an established trees and hedges on the northern and eastern boundary and a large garage building and vehicle workshop owned by the Council

The depot is occupied by the Royal British Legion Band Club to the north and Eagle Hall (Scouts Group) to the west.

To the north of the Council Depot is Warley County Primary School and sports ground. To the east of the depot is Barrack Wood and immediately to the south is Fords Garage and Fords Car Park. Directly opposite the site is a block of flats known as 'Mayflower House'.

The application site, is an area of approximately 598 square metres, measuring approximately 23 metres in width and 26 metres in depth and is laid with a concrete hardstanding. This area includes a change of use to a section of an existing large storage building attached to the north side of the Council's office. This modest section of the storage building measures approximately 9.8 metres wide and 10.2 metres in depth which will form the MOT Testing Centre.

There is an existing security palisade fence of approximately 2.4 metres in height to the depot boundary.

Access to the depot is via The Drive which is located between No. 53 The Drive, to the north and Fords Garage to the south. The access is owned by the Council and also provides access to the Royal British Legion Band Club and to Eagle Hall. Vehicles that enter the site currently operate in a one way system.

## Assessment of Proposal

The main issues to consider when determining this application are change of use; design of development; the effect on access, parking and highway safety and any other planning considerations.

## Change of Use

Planning permission is sought by the Council for the change of use of part of the existing Council's depot storage building to a Class 7 MOT Centre. The contents currently stored within this small section of the building (council files and materials for street signs) will be relocated to another part of the storage building which is currently partly empty.

Having taken into account the depot's location, the existing use of the site and the scale and nature of development within the site, the applicant considers that to effectively use this site would be to change the use of a small section of the building into a MOT Testing Centre for Class 7 Vehicles. Class 7 Vehicles includes cars, motor caravan, ambulances, taxis, private hire vehicles, good vehicles (over 3,000 and up to 3,500kg in weight).

The Testing Centre will be run by the Council and will be open to the general public to bring their vehicles into the site for annual testing. This will be combined with a licensing inspection for HCV (Hackney Carriage Vehicles) and Private Hire Vehicles (Taxis) that operate in Brentwood.

The Testing Centre would be funded through Capital Expenditure (Council's money used for projects in the Borough) and the income generated from this proposed use will be ploughed back into the workshop and the general day-to-day running of the depot. In effect, the proposal would fulfil the Council's objectives regarding to sustainability, improving environmental performance and reducing costs to the Borough.

It is considered that the change of use of part of the existing depot would meet the core principles of the Framework which is to encourage the effective use of land by re-using land that has been previously development (brownfield site), provided that it is not of high environmental value. Further the proposal would meet Policies CP1 (i) (iii) and E8 of the adopted local plan.

#### Design of Development

At present the storage building measures 5.2 metres to ridge level. It is proposed that 6.6 metres of the building will be raised by 1.9 metres with the new ridge height to be 7.1 metres to accommodate the activities within the MOT Testing Bay. The remaining 3.4 metres of the MOT Testing Centre will be the existing height at 5.2 metres which forms the waiting/viewing room, office, toilets and a small storage space.

In terms of its height, it is not considered that the development at 7.1 metres would be out of keeping or incongruous amongst all the existing buildings that currently surrounds the application site. The external materials to be used in the proposed development will match the existing storage building and therefore would be appropriate and sympathetic. As such, the proposal would be in accordance with Policy CP1 (i) and (iii) of the adopted local plan.



## Residential Amenity

The nearest neighbouring residential properties to this site are No. 51 and 53 The Drive. These properties lie to the north of the access to the site. Due to the use and nature of the site as the Council's Depot, it is not considered that the proposed use within the site would have a significant impact upon the amenity of the occupiers of these properties by reason of noise, general disturbance and vehicular movement. The proposal would therefore be in accordance with Policy CP1 (ii) (iv) and T2 of the adopted local plan.

## Access, Parking and Highway

The Highway Authority had raised an objection to the proposal due to insufficient information submitted to accompany the application. The following information was requested:-

- A location plan of the site showing the proposed testing station
- Details of the location and layout of the proposed parking area for the vehicles to be tested
- The number of vehicles likely to be tested in one day

The Council has since submitted additional detail in order to resolve the issues raised in the above. Having considered the details, the location, the existence and use of the site, the scale and nature of the development, the area to be available for parking, the Highway Authority has now removed their objection to the planning application in an email correspondence dated 5 June 2014.

## Other Planning Consideration

The Council is fully aware that there is a commitment in the Corporate Plan 2013-2016 in the medium-term to relocate the Council's depot and release the land for potential development of the site. If and when this happens, it is envisaged that this MOT Testing Station will be relocated to the new site.

The Environmental Health Department has been consulted and has raised no objection to the proposal.

## Conclusion

Having taken into account the above, the proposal for the change of use of the site would meet the Development Plan Policies; the National Planning Policy Framework; and the National Planning Policy Guidance. The proposal would also meet the Council's aims and objectives as contained within the Corporate Plan 2013-2016.

## 7. Recommendation

The Application be APPROVED subject to the following conditions:-

### 1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### 2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

### 3 U07904

The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

Reason: In the interests of safeguarding the character and appearance of the area

### 4 U07906

The use hereby permitted shall only be undertaken between 08:00 hours and 17:00 hours on weekdays and between 08:00 hours and 17:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

Reason: in order to ensure the appropriate use of the site

## Informative(s)

### 1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

### 2 U01865

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision CP1, E4, E5 and T2; the National Planning Policy Framework 2012 and the National Planning Policy Guidance 2014.

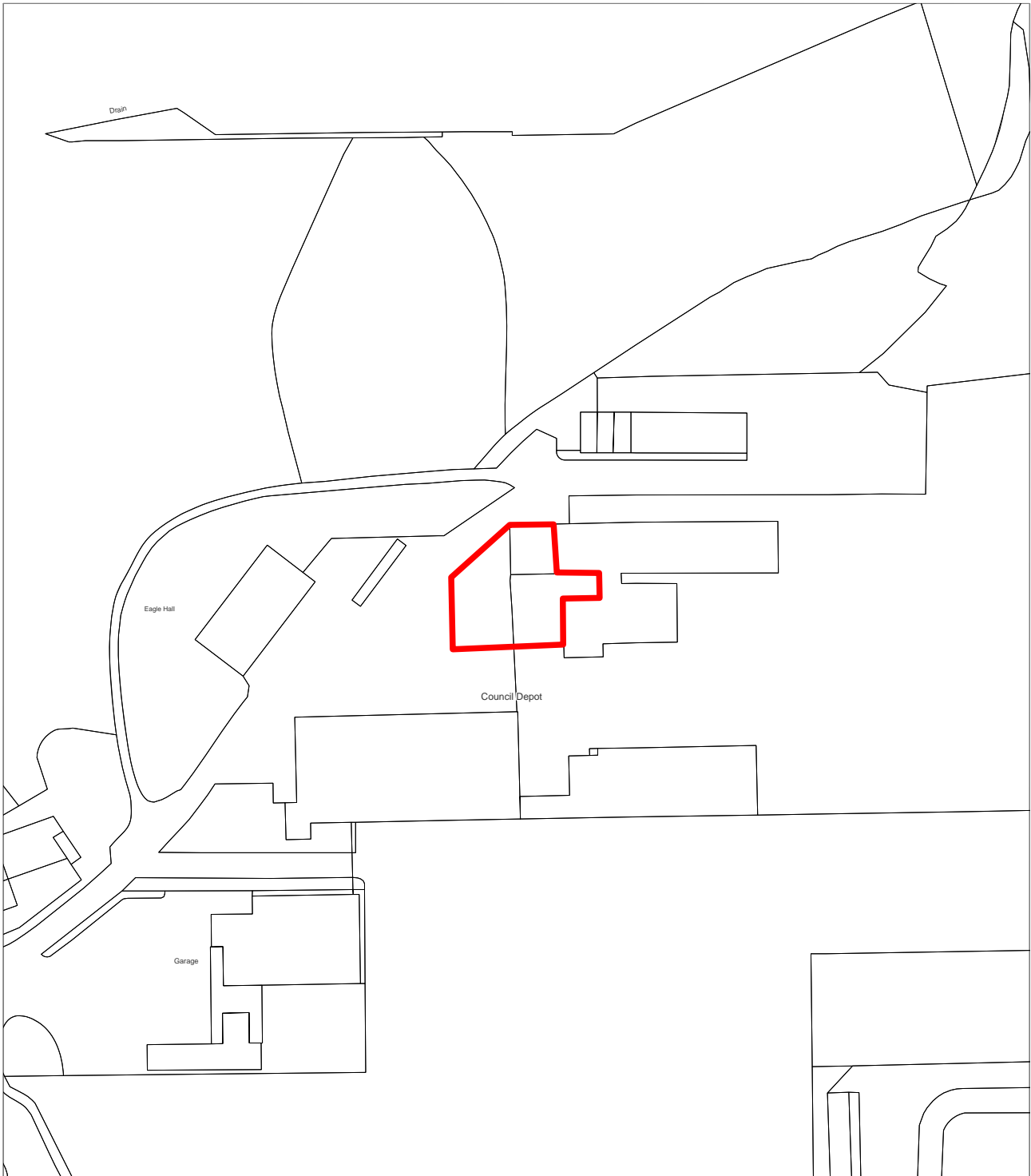
### 3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**





**Title: Warley Depot The Drive Warley**

**14/00435/BBC**

**Scale: 1:1250**

**Date: 24th June 2014**

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel: (01277) 312500



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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.



**Planning and Development Committee  
Terms of Reference**

- (a) Town and Country Planning Act 1990 and any related legislation including:-
  - (i) determination of planning applications
  - (ii) enforcement of planning control
  - (iii) waste land notices, purchase notices, etc.
  
- (b) Listed Buildings and Conservation Areas Act 1990
  - (i) determination of applications for Listed Buildings and Conservation Area consent.
  - (ii) enforcement of Listed Building and Conservation Area legislation.
  
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
  
- (d) To determine fees and charges relevant to the Committee