

Public Document Pack



Supplement 1

Dear Councillor

PLANNING AND LICENSING COMMITTEE - TUESDAY, 15TH JANUARY, 2019

I am now able to enclose, for consideration at next Tuesday, 15th January, 2019 meeting of the Planning and Licensing Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
------------------	-------------

- | | |
|----|---|
| 4. | 17/01050/Out - Land South of East Horndon Hall, Tilbury Road, West Horndon, Essex. CM13 3LR: Outline application for demolition of all buildings; construction of 13 new buildings, comprising of Class B1b, B1c, B2 and B8 floor space and 250 sqm of Class A3 floorspace, together with associated vehicle parking, loading, cycle parking and infrastructure (Landscaping and Appearance reserved matters) (Pages 3 - 22) |
|----|---|

Yours sincerely



Chief Executive

Encs

COMMITTEE REPORT

Reference:
17/01050/OUT

Site:
Land South Of East Horndon Hall
Tilbury Road
West Horndon
Essex
CM13 3LR

Ward:
Herongate, Ingrave &
West Horndon

Parish:
West Horndon

Proposal:
Outline application for demolition of all buildings; construction of 13 new buildings, comprising of Class B1b, B1c, B2 and B8 floor space and 250 sqm of Class A3 floorspace, together with associated vehicle parking, loading, cycle parking and infrastructure (Landscaping and Appearance reserved matters)

Case Officer: Mr Nick Howard

The application is presented to planning committee as it is a major application raising strategic issues.

1.0 DESCRIPTION OF PROPOSAL

The application seeks outline planning permission for an employment use. The application seeks approval for layout, scale and access, whilst matters of appearance and landscaping are reserved for the future in the form of reserved matters.

The proposal is for the redevelopment of the existing site to provide an overall maximum gross floor space of up to 35,000sqm of employment uses (Use Class B1c, Use Class B2 and Use Class B8) along with ancillary office, servicing, parking, access roads and open space.

There are five existing buildings, located in the northern part of the site. The proposals involve the demolition of four of the buildings, and the retention of one of the existing buildings, located in the north western corner of the site. The proposed commercial floor space will be provided within 13 separate buildings which are each capable of various

subdivisions to create individual units which vary in size, in order to accommodate a range of businesses from small start-ups, to large multinationals.

2.0 SITE DESCRIPTION

The site is located at the junction of the A-127 and A-128, south west of Brentwood. The site is bounded on two sides by an arterial road network, the A-127 forms the northern boundary, the A-128 running south west to north east forms the eastern boundary meeting the short southern boundary delineated by a public footpath adjacent to the nursery at the south of the site. The western boundary is formed by Tilbury Road.

The site occupies a roughly triangular shaped land block covering an area of roughly 8.5 ha. It comprises open land to the south used for rough grazing and to the north the site is in commercial use for bulk transport and aggregates businesses. There is a significant area of spoil and scrubland at the northern end of the site. The land rises to the north of the site and is broadly flat in all other directions. The site is set down from the adjacent A127.

East Horndon Hall, which is a Grade II listed building, neighbours the site to the north west and Hall Cottages border the site on Tilbury Road to the west. To the south beyond the public footpath is a commercial nursery and garden centre. There are two residential properties on the eastern side of the Tilbury Road and site being used for business purposes opposite the cottages. East Horndon Hall and the Hall Cottages currently overlook the industrial use to the north of the site.

3.0 RELEVANT HISTORY

- No relevant planning history, although there is a history of employment use on the northern part of the site.

4.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **ECC SUDS-**

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide

- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions:

- **Highway Authority-**

Following discussions during the course of the planning process and further highway capacity assessments being carried out, it was agreed that the mix of B1b, B1c, B2 and B8 could be tailored so that higher trip generators (B1b and B1c) could be reduced in favour of B2 and B8 usage. On this basis, the Highway Authority is now satisfied that, along with the provision of mitigation measures, the proposed development can be accommodated within the local highway network without detriment to highway safety, efficiency and capacity.

Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions:

- **Environmental Health & Enforcement Manager-**

The Environmental Health Department has no objections to this application, however, if permission is granted, it is recommended that the recommendations in item 4.0 pages 18 - 20 of the Contaminated Land Report produced by Terragen Environmental Consultants are adhered to.

Additionally, details of any plant and machinery that is likely to adversely affect the nearby residents, shall be agreed with the local planning authority with regard to its acoustic performance.

The hours of operation for the site will be restricted to 7 am to 9 pm Monday to Saturday and there will be no activity on Sundays.

- **Anglian Water Services Ltd-**

No objections subject to conditions

- **Essex Badger Protection Group-**

The Essex Badger Protection Group has no specific records of any setts on the proposed site, although given the area involved it is to be expected that badgers may use it for foraging/feeding. There are setts relatively close by, albeit none of those we are aware of should be directly impacted by the scheme proposed.

We would nevertheless like to draw planner's attention to the attached aerial photograph of the site, drawn from Google and dated 9th April 2017. This photograph

shows what appears to be a number of badger spoil heaps to the left of the pond, none of which are referenced in the Phase 1 Habitat Survey undertaken in support of the scheme. Whilst we would not wish to draw any formal conclusions from such a photograph, it does bear a striking similarity to aerial photographs we hold on file for several other setts which we monitor on a regular basis and we are therefore concerned that badgers may now be occupying the area in question. Unfortunately, whilst we have attempted to view the area from the ground, significant bramble growth has prevented us from being able to confirm or deny the existence of a sett.

With this in mind, we would urge planners to refer this matter to the applicant and their ecologist before reaching any decision on the scheme proposed in order to obtain a satisfactory explanation for the area highlighted and thereby satisfy all parties that there are indeed no badgers on the site.

Should the council be minded to approve the scheme, we would ask that the following conditions be applied:

1/ That any site clearance is undertaken sensitively and halted immediately should any evidence of badger setts be discovered. If this is the case, licencing/mitigation plans should be submitted for approval by the Council/Natural England prior to work continuing

2/ Any excavations should be solidly covered overnight, or suitable planks placed into them to prevent any transient badgers falling in and becoming trapped.

3/ Any chemicals on site should be removed or suitably covered overnight to prevent any danger to badgers.

Thank you again for the opportunity to comment in this application

- **Essex & Suffolk Water-**

Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

For this development, the following applies:

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 to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999. Please see the copy of the Water Regulations Information Sheet No. IS - 0014 attached for more detailed information.

- **Planning Policy-**

Since the application was submitted in 2017, and following pre-application discussion through the decision-making process, the Council's plan-making process has progressed. The Brentwood Pre-Submission Local Plan (Regulation 19) was approved by the Council

in November 2018. This provides clear direction in terms of future land allocations to meet development needs, including employment land. Land South of East Horndon Hall in this application (17/01050/OUT) forms part of wider land proposed to be allocated for employment provision in the Pre-Submission Local Plan. Allocation of the land, subject to the outcome of the Examination in Public following submission of the Plan, would remove it from the Green Belt. However, at the time of determining this application the land remains in the Green Belt, and so relevant policies from the current development plan (Brentwood Replacement Local Plan, 2005) and national policy and guidance, need to be considered where relevant. The applicant has requested that the application be determined by the end of January 2019 according to the option agreement for the site expiring after this time. This creates a timing issue regarding the process for progressing the new Local Plan and need to bring forward land to meet local development needs.

It is considered that the amount of weight to apply to the Pre-Submission Local Plan (Regulation 19) can be increased from that of the Regulation 18 stages. It is important that the application respond to the policies published in the Pre-Submission Local Plan given the geographic relationship that the site has with the largest strategic development site in the Plan; Dunton Hills Garden Village. The Pre-Submission Local Plan is clear that land at East Horndon Hall should relate to Dunton Hills Garden Village as part of wider master planning to take place in the Southern Brentwood Growth Corridor (previously A127 Corridor, i.e. the transit corridor that contains both the A127 highway and the London, Tilbury and Southend Railway to London Fenchurch Street). In terms of how the application relates to the proposed strategy and policies in the Pre-Submission Plan, the following is observed:

1. The application is to create 35000 sqm (3.7 ha) of gross internal area employment floorspace. This would help contribute to the employment land allocation specified in the Pre-Submission Local Plan, importantly providing alternative new employment land where existing land is lost through redevelopment (West Horndon industrial estates) and adding to the mix of uses to be delivered as part of the standalone new community at Dunton Hills Garden Village.
2. There appear to be slight contradictions in different documents in support of the application, although the planning statement suggests the need for flexibility in terms of use classes. Some documents say 13 buildings, others say 30 units, and in other paragraphs 13 units. It may be that the proposal is to split 13 buildings into 30 sub-units, but it is suggested that this be made clear.
3. The applicant estimates £400,000 of transport mitigations can be provided, which contributes to the overall funds required for transport improvements in the Southern Brentwood Growth Corridor. However, as set out in the Brentwood Infrastructure Delivery Plan (IDP), published in October 2018 but intended to be a “living document” that is regularly updated as more information becomes available, significantly more is required for a range of transport improvements. This application would need to contribute a proportionate amount towards these estimated costs considering other development in the area. It may be appropriate to use conditions and/or Section 106 agreement(s) to

further address any gaps and Dunton Hills Garden Village integration issues, which could stipulate entering into agreements with adjacent land owners on the co-delivery or percentage contribution for transport mitigations.

4. While the application addresses correct transport mitigation measures (i.e. enhanced bus services, new roundabout, road widening and improvement of Station Road), it is not clear if this is sufficient in light of other development in the area. The applicant suggests that development will be complete by 2020, which will coincide with the start of construction for Dunton Hills Garden Village, and so the additional construction traffic in the area, and on the A128, may also need to be considered as part of the transport impacts.

5. The main considerations are access, layout and scale. With access being key, it is difficult to determine the application without further information to show cumulative impacts of surrounding development. Integration with the adjacent Dunton Hills Garden Village seems to be ignored, but some consideration is given to redevelopment of the West Horndon industrial estates. While it is recognised that this is partly due to advice from Essex County Council, the applicant could have sought clarification and validation through further pre-application advice from Brentwood Borough Council on this matter, especially given progress made over time on the plan-making process and proposals for Dunton Hills Garden Village.

6. The second major consideration is whether the applicant's 'very special circumstances' test is accepted. It is considered that to some extent the Pre-Submission Local Plan establishes that very special circumstances are met by virtue of allocating the site, and given the Regulation 19 status of the plan, this should be a material consideration. However, some of the applicant's reasoning is questioned, specifically;

a) Claim that development will come forward before the proposed strategic employment allocation at Brentwood Enterprise Park. Subject to application timeframes, and the types of employment development to be delivered, this is not clearly shown to be the case;

b) Claim that the new employment land will accommodate the relocation of uses from the West Horndon industrial estates following redevelopment. There is no formal agreement between land owners or developers to work together on the delivery of both sites thereby providing land to businesses who choose to move away from West Horndon;

c) The lack of consideration for integration with Dunton Hills Garden Village (as set out above);

d) Claim that missing the end of January deadline for determination, as specified by the applicant according to the land option agreement, will result in uncertainty about whether the site can be delivered at all. There is no evidence that any other application in future as part of an extended or new option agreement could not sufficiently meet the requirements of the Pre-Submission Local Plan to deliver new employment land in this location.

7. Issues of sustainable development and health impacts should be more thoroughly considered. With the proposal to deliver Dunton Hills Garden Village adjacent to the site,

the application should determine the environmental impact (noise and air quality) of potentially hazardous uses (B1c, B2 and HGV related air quality arising from such and additional B8 uses). These are not considered in the Planning Statement, and the Environment Statement concentrates on biodiversity impact. Proposals should demonstrate how these will be mitigated through layout and design. Text in supporting documents could be read as contradictory; the application says that potential occupants are not known, while the Planning Statement suggests that the applicant is in discussion with potential occupiers. End users are potentially known or can be assessed on a risk basis.

8. There may be further design issues to be considered. However, it is noted that the applicant states that matters of detailed design are reserved matters, and so it may be appropriate to address these via a condition at this stage.

- **Parish Council-**

Parish Councillors have a number of serious concerns regarding this proposed development. These are set out below.

Green Belt

The land where the industrial park is proposed to be sited is green belt. For this classification of land to be over-ridden special circumstances must exist for the granting of planning permission as requested by the developer. However, there are no points put forward which would argue that such special circumstances are present. Most comments by the developer are either conjecture or opinion.

As stated, the developer has provided no evidence that there are exceptional circumstances supporting this development. New housing is not regarded as an exceptional circumstance and it is understood that this principle extends to new commercial development. Brentwood Borough Council has outlined in its Local Development Plan proposals where new commercial/industrial development to meet the future needs of the Borough will be placed. This site has not been identified.

Flood Risk

It is clear that the flood assessment for the site has been prepared using a standardised template. No appreciation has been given to the surrounding landscape and local drainage issues.

Surface water affecting the site largely comes from Thorndon Country Park and the A127 - particularly the interchange between the A127 and A128. During periods of significant rainfall, water from the County Park and A127 flows onto the land creating a waterlogged area. This water would need to drain elsewhere. This would increase the risk of flooding in West Horndon Village.

It is proposed that the existing flood risk - which the report acknowledges - is counteracted by Sustainable Urban Drainage (SUD). However, insufficient detail is provided on how this will be achieved and whether it will provide appropriate safeguards to ensure there is no increased flood risk in surrounding areas. The NPPF is clear that no new development should increase the flood risk to surrounding communities.

The application proposes a new Surface Water Management Outfall Strategy. This reinstates an existing but at present non-maintained drainage ditch. This in turn feeds into the existing main surface water drainage system taking water away from West Horndon Village and under the C2C railway line. This surface water outfall system is already at, or indeed, over capacity. This was demonstrated when a number of homes in West Horndon Village were flooded in December 2012 and the regular waterlogged fields surrounding the Village.

Nature of Development

The various classes of development requested for the site are noted at the beginning of the developer's submission. However, it is observed that these change at various times throughout the supplied documentation. Clearly, with uncertainty over what will be undertaken at the site this leads to concern on health and safety grounds for the surrounding community.

Transport

The number of vehicles visiting the site will increase substantially if the development proceeds. No adjustment to the present road layout is proposed other than the installation of traffic lights at the junction of Tilbury Road and the A128. This junction is known as an accident area due to the speed of traffic using the A128 and the angle of Tilbury Road as it joins the A128. Whilst the speed limit for the A128 in the area is 50 mph, this is regularly exceeded.

Traffic lights at the nearby junction of Station Road, West Horndon and the A128 were proposed by West Horndon Parish Council in the past. This was refused by Essex Highways due to the volume and speed of traffic using the A128. It is understood that this view continues to be maintained.

The developer suggests that a large number of employees at the site would either walk from West Horndon Station or cycle. Given the distance from the Station to the proposed site, and the lack of cycle pathways, this is naïve and unlikely to occur. This means that with a projected workforce of some 1,000 people, the proposed parking spaces at the site would be at a premium and serious traffic congestion will result. This situation will of course be exacerbated by the high number of vehicles just visiting the site for deliveries/purchases etc.

Location

Tilbury Road is a quiet rural road. The number of vehicles using the road is minimal. The amount of traffic that this proposed development will generate would totally change the environment and character of the area and be detrimental to the residents occupying the surrounding properties.

West Horndon Parish Council believes that to allow this development to proceed would be inappropriate. Should you require further details in support of the any of the points that have been made please do not hesitate to get in contact with me.

5.0 SUMMARY OF NEIGHBOUR COMMENTS

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

Two Objections on the grounds the site is within the Green Belt and loss of wildlife

6.0 POLICY CONTEXT

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2018 and Planning Practice Guidance.

7.0 ASSESSMENT

Brentwood Replacement Local Plan

The site is located in the Green Belt as defined in the Brentwood Replacement Local Plan proposals map. The relevant Green Belt polices apply.

GB1 New Development – This policy sets out that within the Green Belt planning permission will not be given, except in very special circumstances, for changes of use of land or the construction of new buildings for the purposes other than those appropriate to a Green Belt.

GB2 Development Criteria – This policy explains that when considering proposals for development in the Green Belt, the LPA will need to be satisfied that they do not conflict with the purposes of including land in the Green Belt and do not harm the openness of the Green Belt. The precedent created by allowing even individually innocuous or well merited proposal which cumulatively would undermine Green Belt objectives will be taken into account. Account will also be taken of the effect on public rights of way, the need

to preserve or enhance existing landscape features. In addition, any building must be satisfactorily located in respect of the surrounding landscape and adjoining buildings.

National Planning Policy Framework

Paragraph 145 of the Framework sets out that normally Local Planning Authorities should regard new buildings in the Green Belt as inappropriate development. Exceptions to this are included in paragraphs 145 and 146. One exception to the presumption against development is the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The northern part of the site has existing commercial buildings and therefore could be considered to be previously developed land, however the majority of the site is greenfield, and the proposed development would represent inappropriate development in the Green Belt.

Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In assessing whether very special circumstances exist paragraph 144 states that very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant considers that very special circumstances do exist, and these are assessed later in this section of the report.

New Local Plan

The emerging Local Development Plan is currently at the Pre-Submission (Publication Draft) Stage (Regulation 19). Specific comments in relation to this application, and the wider policies for growth at Dunton Hills Garden Village that this application relates to, are set out above under 4.0 Summary of Consultation Responses, Planning Policy. There are outstanding objections to be resolved in response to Regulation 18 stage consultations for the emerging Local Development Plan, the Pre-Submission (Regulation 19) is soon to be available for public consultation.

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the Local Plan Pre-Submission (Publication Draft) provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. Following Regulation 19 consultation, the Plan will be submitted to the Secretary of State for an Examination in

Public. Provided the Inspector finds the plan to be sound, it is estimated that it could be adopted by the Council in late 2019.

The emerging local plan allocates the site for employment purposes within Policy E13. The entire allocation includes the garden centre to the south and a narrow piece of land further south. The policy states that 5.5 ha is allocated for employment use (principally B1, B2 and B8). The principles of development include improved links with Dunton Hills Garden Village proposals, access via Tilbury Road, provision for improved walking and cycling links, full traffic assessment and Travel Plan to accompany application and protect and enhance the setting of nearby Listed buildings, East Horndon Hall and All Saints Church.

Assessment against the principles of the Green Belt

Section 4 of the Framework sets out five general objectives of the Green Belt. The applicant considers that the redevelopment of this site does not undermine the purposes of the Green Belt as a whole. To support their assertion, they have commented on each aspect of the five principles. The Council have carried out a green belt assessment of potential development sites. The study was undertaken by Crestwood Consulting and the report was approved in November 2018.

- To check the unrestricted sprawl of large built up areas;

The applicant considers that due to the contained nature of the site, the proposed development would not lead to unrestricted sprawl and the proposed landscape strategy will ensure that the site is visually and physically well contained thus limiting the impact on the openness of the Green Belt because there are only limited views from and into the site. The closest built up area is West Horndon which is separated from the site by a kilometre of open fields, which are also designated Green Belt and therefore the development of this site will not lead to coalescence or urban sprawl.

The site forms part of a larger parcel of land, assessed by the Crestwood report. The assessment states that the parcel abuts a large built up area i.e. West Horndon. However, the site forms the north east part of the parcel and is clearly not related to any existing built up area. Officers agree the site is enclosed by three roads, however views of the site are achieved from Tilbury Road (A128) and Tilbury Road to the west. The Crestwood report concluded that there is strong containment from A128 and A127 however, the parcel size is large relative to West Horndon and encroaches beyond settlement limits. The report stated that the parcel overall exhibits partial/non-containment. Therefore, given the site is not related to any existing built up area, there are very few residential houses in the locality and any development would not be associated to any existing urban area, the scale of the development, particularly the size and number of buildings, would have a significant impact on the rural landscape. The proposal would therefore result in an unrestricted sprawl of a large built up area, which would be highly visible from public viewpoints and would not accord with the first purpose of including land in the Green Belt.

- To prevent neighbouring town merging into one another;

The applicant considers that the surrounding Green Belt land will prevent West Horndon and the site merging. The nearest settlements are West Horndon located to the south west and Laindon to the East. There are substantial areas of open space in between, which is designated as Green Belt. Regardless of how proposals evolve for possible development at Dunton the application site will not contribute to any sense of coalescence between the settlements in the future.

Officers consider the proposal would result in built development closer to West Horndon, however there is a distance of approximately 500 metres from the southern part of the site to the eastern end of Cadogan Road. This intervening area, which is within the Green Belt is a significant distance and would not lead to built up areas merging into one another. The Crestwood report concluded there would be a minor physical narrowing of the gap to existing settlements and overall, employment use at the locality is unlikely to lead to the separation between settlements being perceived as reduced, however, commercial buildings would be more perceptible in the local area compared to housing.

- To assist in safeguarding the countryside from encroachment;

The applicant considers that the application site has limited function as open countryside. It is completely enclosed with no purposeful public access and contributes little to landscape character or quality. There is a footpath to the south of the site which is unaffected by the proposals. The contained nature of the site means that the prevailing open character of the wider countryside will not be materially altered.

Officers consider that the lack of public access to the site is not a significant relevant issue to the site contributing to the character of the openness of the countryside. Although the site has a degree of enclosure with three roads abutting the boundaries, the site has little enclosure particularly along the western boundary and when viewed from the south. The scale of the development, given the size and number of buildings will create a significant impact on the character of the site and would lead to significant encroachment of the countryside. The Crestwood report concluded that the parcel as a whole had a functional countryside contribution. Overall the proposal would not accord with the third purpose of including land in the Green Belt.

- To preserve the setting and special character of historic towns;

The applicant considers that West Horndon is not a historic settlement and there is no historic settlement in the immediate surrounding area which would be affected by the application proposal. Officers agree with this assessment.

- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The applicant considers that the northern part of the site is occupied by existing commercial buildings and activities and therefore the application proposals will recycle

this brownfield land as part of the wider redevelopment of the site. In addition, the application proposals will effectively generate the redevelopment of other employment sites in the Borough for much needed new housing by providing new accommodation for the existing industrial businesses, currently on brownfield land, to relocate to.

Officers consider that the northern part of the site which is occupied by existing commercial buildings and would be redeveloped by the proposal, would assist in urban regeneration. However, the remainder of the site, of which is the majority (90%) is greenfield, would not necessarily contribute to urban regeneration. This issue is addressed more in detail within the applicants very special circumstances.

Overall officers consider the introduction of built form on the site will lead to a reduction in the openness of the site. The applicant considers that the proposal has been designed to break up the built form and soften the visual impact of the scheme for both occupiers and visitors to the site. The Crestwood report concludes that the parcel makes a moderate contribution to the Green Belt. Although the buildings towards the southern end of the site have a smaller footprint, the impact on the openness on the Green Belt, particularly when viewed from the south would be significant. Therefore, it is considered the proposal would be contrary to the first and third principles of the Green Belt.

Very special circumstances

The applicant has set out a number of very special circumstances which have been assessed individually and cumulatively. These are as follows:

- a) Provision of vital employment land which will assist in addressing the planned and existing undersupply of employment land in the short and medium term;
- b) Provision of employment land which will increase the choice of location, type and size of units for existing and future businesses in the Borough, addressing an existing and planned lack of choice in the Borough;
- c) Provision of employment land which will release some existing employment sites for housing, and therefore assist in the delivery of housing across the Borough, more specifically the redevelopment of the West Horndon industrial estate;
- d) In facilitating the circumstances where the West Horndon Industrial Estate can be redeveloped for housing, the proposal would contribute to removing substantial HGV traffic from West Horndon.
- e) The draft allocation for the site for employment purposes in the emerging local plan.
- f) Option agreement runs out the end of January 2019 which will introduce uncertainty in delivering the site.

The applicants considers the following factors are supporting elements to very special circumstances: the site is partly previously developed land, the existing uses have developed in an unplanned manner which will be removed as part of these proposals, the site does not make a significant contribution to the Green Belt, a number of occupiers have been identified for the site and negotiations are progressing, which will cement the

early delivery of these units, the proposals will remove almost all of the current level of HGV movements through West Horndon by providing a high quality industrial scheme on the outskirts, close to the A127 junction; and installation of SUDS will resolve surface water flooding issues in the vicinity. The applicant considers the proposal represents an alternative location for existing businesses to relocate from the West Horndon Industrial Estate, which has a draft allocation for housing, so as to enable these businesses to remain in the Borough. The Council are anticipating a planning application for residential development on the existing West Horndon Industrial Estate.

Notwithstanding if the Council do or do not have an undersupply of employment land, these are issues that have to be dealt with in the emerging Local Plan submission and whether any sites will be allocated for employment purposes. Under-supply is a material factor, but it is an issue that could relate to any Green Belt site within the Borough. The likelihood of the application site contributing to supply in a timely fashion could also apply to any other green belt site. Officers consider that the supply factor is a benefit of the proposal that should carry moderate weight, but that, on its own, does not amount to very special circumstances.

Any proposed redevelopment of the West Horndon industrial estates would result in the need for the relocation of a number of business, although there can be no guarantee that the displaced businesses would relocate to the application site, it would provide an alternative location within the Borough. However, although an application is expected, none has yet been made. Officer's therefore consider that the issue of relocation from West Horndon Industrial estate has merit and should carry moderate weight, but that, on its own, does not amount to very special circumstances.

Officers consider that only a small part of the site is previously developed, the development of this part of the site would result in a planned development, however this does not justify developing a large area of open green belt land. The site makes a moderate contribution to the function of the Green Belt. As discussed above there is no certainty that the occupiers of West Horndon Industrial estate would relocate to the application site and therefore the applicant cannot be certain that the proposal will result in the reduction of HGV movements. Officer's are of the view that this factor should carry limited weight. The installation of SUDS to remove surface water flooding issues would be a mitigation measure relevant to the scheme.

The site is allocated for employment purposes in the Emerging Local Plan. However as stated previously the emerging Local Plan currently carries little weight in the determination of this application. The draft allocation is subject to a number of objections which are required to be fully assessed in the future examination of the Local Plan. The proposed allocation cannot on its own represent very special circumstances.

In terms of the option agreement, this is a legal consideration between the applicant and the landowner. If the option agreement runs out without planning permission there is no evidence that the delivery of the site for employment purposes in the future will be compromised.

Overall officers are of the view that when taken together the benefits of the scheme do not cumulatively amount to VSC.

Impact on the Grade II listed building East Horndon Hall

The application site is adjacent to East Horndon Hall, a Grade II listed building. The application is supported by a Heritage Assessment which assess the significance of East Horndon Hall and the impact of the proposals on the setting of the listed building.

In respect of the setting of the listed building, the Assessment states that the setting is relatively limited and generally confined to within close proximity to the property itself. Its gardens have been retained and are now almost entirely enclosed by mature trees preventing views towards or from the Hall. The existing development, beyond the immediate boundary does not contribute positively to the setting of the Hall.

In developing the proposals, the applicant considers that the following measures have been incorporated into the scheme which respects the Listed Building's setting.

- Retain and enhance existing landscaping;
- Create a substantial area of new landscaping and planting as a green buffer around Hall cottages and the southern and eastern perimeter of East Horndon Hall;
- Limiting the height of the buildings in closest proximity to the Hall to reduce their impact and limit visibility;
- Incorporating space between the proposed buildings and views through the site to avoid any sense of enclosure and overdevelopment of the site.

The Heritage Assessment concludes that there will be some benefits as a result, particularly as a result of the new and additional planting which is proposed as a buffer to the Hall and the associated removal of the existing hardstanding which detracts from the setting. It also concludes that there will be some harm to the existing setting as a result of the proposed buildings being developed on the Greenfield part of the site but only because the latter is visible from the listed building. It is considered that this is at a low level and it is much less than 'substantial' in the terms of the NPPF. When assessed against the benefits of the proposals to the setting of the listed building, namely; the reduction in hardstanding and introduction of a very green and banded setting, it is considered that the benefits certainly outweigh any harm identified.

Officers consider that the proposed new large industrial estate development would be located close to the south east of the rear garden of the listed building. This development would introduce estate buildings which would be much larger in size, length, width height and scale than the relatively diminutive scale of the well-proportioned two storey and steeply pitched roof of the traditionally sized and scaled listed building.

The proposed estate would introduce a large-scale industrial estate not far from the close curtilage. In particular the nearest large industrial estate building would offer the large size and scale of its rear, the north west façade of a new large 4 bay industrial block, facing towards the listed building. The proposed width and height of this building alone

would be considered to greatly exceed the size and scale of the listed building. This could be considered to have an unnecessarily overbearing impact, impinge on the setting of the listed building and diminish the size and relative scale of the listed building. The accrued size and scale of the other industrial buildings could only be considered to increase this potentially uncomfortable impact.

Consequently, if it is considered that if any development of this size and scale could be considered here, then it would be important that any screen planting would have to be demonstrably effective from the outset.

There appears to be an area of intervening land which would be considered as screen planting. Although there does not seem to be sufficient landscape detail or management plan.

Although there is an intervening dual carriageway and adjacent flyover, as there are several other designated heritage assets on higher ground, where this proposed estate would be visible then this should be screened or modified in a manner that the roofscape and floorscape would not be considered to be discordant with the rural character of the existing setting.

To overcome the proximity, size and scale of the proposed industrial complex, it would be important to have sufficient landscape detail, planting and management to be able to be reasonably confident that any screen planting could be considered to be effective. However, this could be dealt with by condition.

Most of the other heritage designations, the II* Registered Park or Garden, the Grade II* Listed Buildings and the Scheduled Ancient Monument are located on higher ground to the north, and consequently they may be considered to have a larger setting or overlook. In consideration of this the extent and overview of the extensive roofscape and ground scape should also be considered, and attention paid to the detail of the materials, detail and quality of this more visible area of the building.

Overall subject to the above, the officers considers the proposal would lead to less than substantial harm to the setting of the adjacent Listed Building as set out in Paragraph 196 of the Framework. However, the Framework states this harm should be weighed against the public benefits of the proposal. The report above identifies the benefits of the proposal from a Green belt aspect and although some are considered to be of moderate weight and would not represent very special circumstances, they would in this case overcome the harm to the setting of the adjacent Listed building.

Traffic Impact, Access and Car Parking

The highway authority has been in discussion with the applicant. In order to reduce the level of traffic generated from the proposed development, the higher trip generators (B1b and B1c) has been reduced in favour of B2 and B8. The composition of the uses can be controlled by condition. Therefore, by limiting the B1b and B1c use the proposed development can be accommodated within the local highway network along with the

provision of mitigation measures, which include the provision of a roundabout and a junction widening. Overall the highway authority supports the proposed development.

Other Matters

The Council have received an objection from the Parish Council on the grounds the site is within the Green Belt, the proposal will increase the risk of flood in surrounding areas, the proposal will lead to a significant number of workers visiting the site leading to serious traffic congestion and the proposal will totally change the character of the area. These issues have been dealt with in the main body of the report.

8.0 CONCLUSION

The site is located within the Green belt. The proposed development would represent an encroachment of development into the countryside and result in an unrestricted sprawl of a large built up area, which would be contrary to two of the principles of the Green Belt as set out in the Framework. The applicant has set out a number of supporting elements which officers consider do not represent very special circumstances and would not outweigh the harm to the openness of the Green Belt.

9.0 RECOMMENDATION

The Application be REFUSED for the following reasons:-

1. The proposal would be inappropriate development in the Green Belt in that it would materially detract from openness, it would represent an encroachment of development into the countryside and result in an unrestricted sprawl of a large built up area. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.
2. Other matters that may weigh in favour of the proposal have been considered but collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.

Informative(s)

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.brentwood.gov.uk/planning

Appendix A



Title : Land South of East Horndon Hall, Tilbury Road, West Horndon, Essex

17/01050/OUT

Scale at A4 : 1:2500

Date : 15th January 2019

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



© Crown copyright and database rights 2018 Ordnance Survey 100018309

This page is intentionally left blank