



# **Planning and Development Control Committee**

## **Agenda**

### **Part One**

Council Chamber - Town Hall

Tuesday, 3 February 2015 at 7.00 pm

**Membership (Quorum – 3)**

#### **Councillors**

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

**Committee Co-ordinator:** Claire Hayden (01277 312741)

#### **Additional Information:**

##### **Substitutes**

Where a Member cannot attend a meeting, he or she will contact the Committee Administrator by 5.00pm on the day before the meeting to let them know this and to confirm who will be coming in their place.

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Substitutes for quasi judicial Committees must be drawn from members who have received training in quasi-judicial decision making. If a casual vacancy occurs on a quasi judicial Committee it will not be filled until the nominated member has been trained.

##### **Rights to attend and speak**

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

A Member who is not a member of the committee may speak at the meeting. 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.



**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.

## **Point of Order/Personal explanation/Point of Information**

### **8.3.14 Point of order**

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the point of order will be final.

### **8.3.15 Personal explanation**

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Chair on the admissibility of a personal explanation will be final.

### **8.3.16 Point of Information or clarification**

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Chair. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Chair gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Chair on the admissibility of a point of information or clarification will be final.



## **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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### **Private Sessions**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Board or Committee does so, you will be asked to leave the meeting.

### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

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.

### **Access**

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### **Evacuation Procedures**

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 I

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

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6	<p><b>Update from the Chair on Cottage Gardens, Beads Hall Lane, Pilgrims Hatch, Essex APPLICATION NO: 14/01069/FUL</b></p> <p>The Applicant's Agent has requested that this application be deferred until March 2015.</p>	Pilgrims Hatch	
7	<p><b>Government Consultation on Starter Homes</b></p>	All Wards	81 - 88

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**Urgent business**

A handwritten signature in black ink, appearing to read 'J. Kealy', written in a cursive style.

Acting Chief Executive

Town Hall  
Brentwood, Essex  
26.01.2015

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## Minutes

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### Planning and Development Control Committee Tuesday, 6th January, 2015

#### Attendance

Cllr Baker (Chair)	Cllr Mrs Hones
Cllr Mynott (Vice-Chair)	Cllr Hossack
Cllr Carter	Cllr McCheyne
Cllr Cloke	Cllr Morrissey
Cllr Mrs Henwood	

#### Substitute Present

Cllr Aspinell (substituting for Mrs Squirrell)  
Cllr Quirk (substituting for Mrs Cohen)

#### Also Present

Cllr Kendall	
Cllr Le-Surf	
Cllr Clark	
Cllr Mrs Davies	
Cllr Foan	West Horndon Parish Council
Cllr Lloyd	

#### Officers Present

Gordon Glenday	Head of Planning & Development
Philip Cunliffe-Jones	Planning Solicitor
Claire Hayden	Governance and Member Support Officer
Caroline McCaffrey	Development Management Team Leader
Charlotte Allen	Senior Planning Officer
Martyn Earl	Senior Planning Officer
David Carter	Senior EHO
Hilary Gore	Strategic Development Manager (Highways), Essex County Council

**358. Apologies for absence**

Apologies for absences were received by Cllr Mrs Cohen, Cllr Quirk substituted and Cllr Mrs Squirrell and Cllr Aspinell substituted.

**359. Minutes of the previous meeting**

The minutes of the meeting held on 19<sup>th</sup> November 2014 were signed by the Chair as a correct record.

**360. 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.

**361. GREAT EASTERN MAIN LINE THROUGH BRENTWOOD BOROUGH  
HUTTON ROAD SHENFIELD ESSEX**

**CROSSRAIL INFRASTRUCTURE AND STATION WORKS IN  
BRENTWOOD BOROUGH COUNCIL, INCLUDING WORKS AT  
BRENTWOOD STATION, SHENFIELD STATION AND SIDINGS.**

**APPLICATION NO: 14/01016/CROSS**

The application previously went to the Planning and Development Control Committee meeting held on the 19<sup>th</sup> November 2014, but the item was deferred by Members, due to the lack lack of information and in some cases, conflicting information. The issues that were raised have been summarised below:

- The size of the work site required within Friars Avenue car park and space that would be retained for use as a public car park
- Land ownership issues with the proposed work site to the rear of 95 -105 Hutton Road
- Lorry routes to and from the work sites
- Positioning of fencing within Friars Avenue car park

Mr Matthew White, Surface Level Operations Director Crossrail was in attendance and addressed the committee setting out his support of the application.

Amendment to recommendation on page 37 of the report, to state informatives, not conditions.

Members expressed concerns with regards to width of roads for transportation use around Brentwood Station and the height restriction on bridges within Wash Road, Hutton. A Member suggested an ongoing review of vehicles will be undertaken.

Concerns were also raised towards the traders within Shenfield Station area and the effects on their businesses due the scheduled works. Crossrail are discussing alternative locations for the Taxi office.

A motion was **MOVED** by Cllr Baker and **SECONDED** by Cllr Mynott that the application be approved.

For: Cllrs Aspinell, Baker, Cloke, Mrs Henwood, Mrs Hones, Hossack, McCheyne, Morrissey, Mynott and Quirk (10)

Against: (0)

Abstain: Cllr Carter (1)

The motion was **CARRIED**.

**RESOLVED** that the planning permission is approved subject to the following informatives

U09179

Prior to commencement, a Lorry Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall include:

- i. Lorry routing as agreed with the Highway Authority and Local Planning Authority
- ii. Details of the number and size of construction vehicles per phase of development
- iii. Details of the proposed phasing of various construction / maintenance work elements
- iv. A Logistics Management Plan

U09180

A condition survey of lorry vehicle routes in the vicinity of the Crossrail worksites to be undertaken before and after the Crossrail works, and any damage to the highway caused by the Crossrail/Network Rail works construction traffic to be remediated within 3 months of completion of the Crossrail/ Network Rail works or as agreed with the Highway Authority.

U09181

Regular Traffic Liaison Group (TLG) meetings to be held between Crossrail, Network Rail, the contractor, Essex County Council and Brentwood Borough Council to discuss and agree the highway and transportation mitigation, and the traffic management associated with the Crossrail proposals at Shenfield and Brentwood. Any changes to the proposed logistics surrounding this project must be approved through the TLGs.

INF05

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

U02216

Any additional infrastructure required in conjunction with the Crossrail works that are not already included in the current Schedule 7 submission, should be included in an additional Schedule 7 submission for approval by Brentwood Borough Council and Essex County Council.

U02217

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

U02218

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973.

*(Cllr Quirk, declared a non pecuniary interest under the Council Code of Conduct by virtue of knowing a trader that is located near Shenfield Station)*

### **362. LAND WEST OF NORTH DRIVE HUTTON ESSEX**

#### **CONSTRUCTION OF FOUR DETACHED DWELLINGS**

##### **APPLICATION NO: 14/01190/FUL**

Mr Walker, the Applicant Representative was present and addressed the Committee in support of the application.

Councillor Hossack speaking both as Ward Member and as Committee Member spoke in support of the application.

A motion was **MOVED** by Cllr Hossack and **SECONDED** by Cllr McCheyne to approve this application.

The motion was **LOST**.



For: Cllrs Hossack and McCheyne (2)

Against: Cllrs Aspinell, Baker, Carter, Cloke, Mrs Henwood, Mrs Hones, Morrissey, Mynott and Quirk (9)

Abstain: (0)

After a full discussion, it was recommended by the Chair that this land be forwarded to the LDP for consideration.

Mr Glenday confirmed that the land is a potential option within LDP consultation.

A motion was MOVED Cllr Baker and SECONDED by Cllr Mynott to refuse with application.

The motion was **CARRIED**.

For: Cllrs Aspinell, Baker, Carter, Cloke, Mrs Henwood, Mrs Hones, Morrissey, Mynott and Quirk (9)

Against: Cllrs Hossack and McCheyne (2)

Abstain: (0)

**RESOLVED** that the planning permission is refused for the following reasons:

U09013

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

U09014

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

U09015

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

Informative(s)

INF05

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

INF20

The drawing numbers listed above are relevant to this decision

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.

**363. PROPOSED NEW DWELLING COTTAGE GARDEN BEADS HALL LANE  
PILGRIMS HATCH ESSEX CM15 9QP**

**CONSTRUCTION OF DETACHED TWO-STOREY DWELLING AND  
DOUBLE GARAGE TO REPLACE STATIC CARAVAN.**

**APPLICATION NO: 14/01069/FUL**

Ms Whettingsteel, the Agent was present and addressed to committee in support of the application.

Councillor Aspinell spoke as Ward Member and Committee Member in support of the application. He considered that there are very special circumstances: the site was Previously Developed Land and the application

should be regarded as a replacement dwelling, as the foundation and chimney from the previous dwelling still remain; also the applicant has a disabled daughter in need of specialist housing and that a legal agreement to prevent sale together with conditions on this application be applied:

- Restrictions to prevent further development of the site.
- Removal of the caravan and tidying up the site
- Applicant withdraws his appeal to the Secretary of State.

A motion was MOVED by Cllr Aspinell and SECONDED by Cllr Morrissey to approve the application, subject to the conditions stated.

After a full discussion, Cllr Aspinell withdrew this motion and this was SECONDED by Cllr Morrissey to deferral the application for consideration of the legal arrangements to be discussed with the Applicant.

A motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott to defer to application to the next meeting on 3.2.2015.

*(During the debate, Cllr Hossack withdrew from the meeting with derogatory remarks as he left the Chamber, therefore did not take part in the voting. Cllr Hones apologised for Cllr Hossack's remarks).*

**364. LAND TO THE FRONT OF 50 TO 72 HUTTON DRIVE HUTTON ESSEX  
CONSTRUCTION OF 8 PARKING BAYS.**

**APPLICATION NO: 14/00873/BBC**

Mr Harris was present and addressed the committee with objections from a number of residents to this application.

Mr Becket was also present and addressed the committee in support of the application.

Members raised concerns about commuters using the parking space and in walking distance to Shenfield Station and the issue by the objector on surface drainage. The Committee were advised that this surface drainage could be regulated by a condition to the grant of permission.

A motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott that the application be approved.

For: Cllrs Aspinell, Baker, Carter, Cloke, Mrs Henwood, Mrs Hones, Hossack, McCheyne, Morrissey, Mynott and Quirk (11)

Against: (0)

Abstain: (0)

This motion was **CARRIED**.

**RESOLVED** that planning permission be approved, subject to the conditions recommended.

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.

DRA02A Development in accordance with drawings

Unless formally permitted by the local planning authority 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.

LAN04 Landscaping - Small Developments

No development shall take place until a landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

U08967

No development shall take place until details showing the means to prevent the discharge of surface water from the development onto the highway has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The approved scheme shall be carried out in its entirety prior to the car parking spaces becoming operations and shall be retained in the agreed format at all times.

Reason: To prevent hazards caused by water flowing onto the highway, in the interests of highway safety.

Informative(s)

NF05

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

INF22

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NF04

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.

**365. Hands off our Open Green Space Petition**

A petition has been received from Cllr Louise McKinlay entitled "Hands off our open green space!"

The petition states the following: *"We the undersigned oppose any piecemeal plans to build on the open green spaces across Hutton and in the rural wards of Brentwood. We want to see such areas protected from development plans that the new Lab / Lib coalition running Brentwood Council put forward as part of the Local Development Plan, which will allocate land for building over the next fifteen years. Local people must decide."*

The petition is made up of 705 signatories.

Members asked that petition guidelines be circulated.

After a full discussion, a motion was MOVED by Cllr Aspinell and SECONDED by Cllr Mynott to amendment to recommendation.

2.1. That the petition is received, but wording is strongly criticised as it undermines the Local Development process.

Cllr Aspinell requested a requested a recorded vote in accordance with Part 4.1 of the Constitution Rule 9.5, 5 Members requested a recorded vote be taken and Members voted as followed:

For: Cllr Aspinell, Baker, Carter, Mynott, Morrissey and Quirk (6)

Against: (0)

Abstain: Cllr Cloke, Hones and McCheyne (3)

The motion was **CARRIED**.

**RESOLVED** to accept the recommendation.

*(Cllr Mrs Henwood left the meeting and therefore did not take part in the vote).*

### **366. Urgent Business**

There was no items of Urgent Business.

**SITE PLAN ATTACHED**

**03. HILLCREST NURSERIES BRENTWOOD ROAD HERONGATE CM13 3NZ**

**CONSTRUCTION OF 27 RESIDENTIAL RETIREMENT FLATS WITH COMMUNAL FACILITIES; SEPARATE STAFF, VISITOR AND COACH PARKING FOR INGRAVE JOHNSTONE CHURCH OF ENGLAND PRIMARY SCHOOL AND AN EXTENDED SCHOOL PLAYGROUND; CONSTRUCTION OF A NEW ACCESS TO SERVE BOTH DEVELOPMENTS; ASSOCIATED LANDSCAPING, AND A NEW GREENSWARD TO BRENTWOOD ROAD.**

**APPLICATION NO: 14/01024/FUL**

<b>WARD</b>	Herongate, Ingrave & West Horndon	<b>8/13 WEEK DATE</b>	15.01.2015
<b>PARISH</b>	Herongate & Ingrave	<b>POLICIES</b>	C8 C18 GB1 GB2 CP1 CP2 CP3 GB3 H6 H9 H11 T1 T2 C3 C11 NPPF NPPG CP4 C5 C7
<b>CASE OFFICER</b>	Kathryn Mathews	01277 312616	
<b>Drawing no(s) relevant to this decision:</b>	SITE PLAN0808/01; 02012/09/A; 02012/05; 007-13-002-001/A; 02012/08; 02012/07/A; 02012/06/A; 02012/04/A; 02012/03/A; 02012/01/D; HOUSING NEEDS ASSESSMENT; FLOOD RISK AND DRAINAGE STRATEGY; UNILATERAL UNDERTAKING; TREE SURVEY, ARB IMPACT ASSESS; PLANNING STATEMENT; DESIGN & ACCESS STATEMENT; TRANSPORT STATEMENT; ROAD SAFETY AUDIT; REPTILE SURVEY REPORT; HABITAT SURVEY; GREAT CRESTED NEWT REPORT; PLANNING APPRAISAL; BAT SURVEY; BADGER SURVEY;		

## 1. Proposals

Proposed two storey block of flats located towards the southern end of the site. The block would accommodate 27 flats comprising 8no. one bedroom and 19no. two bedroom units. Access would be gained from Brentwood Road via a new access to be located toward the northern end of the site. The remainder of the site would be parking and amenity space. A total of 27 parking spaces would be provided for the proposed flats, including 4 disabled spaces. A further 2 spaces would be provided for staff and 7 spaces for visitors.

The building would have a roughly T-shaped footprint extending to a maximum of 43m x 67.5m and 9.5m in height (pitched roofs.).

The building proposed would be located around 11m from the site's road frontage with Brentwood Road.

The materials to be used to construct the external surfaces of the building would include brick, render and reconstituted stone for the walls under a tiled roof.

An area of communal open space is proposed along part of the southern elevation of the proposed block of flats which would equate to at least 55sq.m. per flat. A landscaped area ('greensward') is proposed along the length of the site with Brentwood Road ranging from 6m to 30m in depth to include existing and proposed trees and additional shrub planting.

The applicant anticipates that the proposed flats would be occupied by the active retired - the block would be managed by the Kingsdale Group - there would be a manager with an associated office and an alarm system for residents 24 hours a day but there would be no nursing care. Each flat would be self contained but there would be a communal lounge at ground floor level.

The applicant explains that the site slopes towards Brentwood Road and so the building would be cut into the slope at the west end and slightly raised above ground level at the east end.

The proposed access would also serve an additional proposed parking area which would accommodate 15 car parking spaces (with the potential to increase the area to 20 spaces at a later date) for the adjacent Ingrave Johnstone School (for staff) with a further 21 spaces proposed for visitors. The Unilateral Undertaking submitted with the application allows for the School Governors to elect for a larger teacher/staff car park (drawing 02012/09) in circumstances where planning permission is granted for the present proposals (drawing 02012/01 rev.B). The existing access would be closed with a barrier but remain for pedestrian access and the western end of the existing accessway would be used as an extended playground for the school along with a section of the application site.



A footpath along Brentwood Road and on both sides of the proposed access would be provided along with the widening of the existing footpath along the western side of Brentwood Road adjacent to the proposed 'greensward'. The existing zebra crossing which is located adjacent to the proposed school vehicular access would be relocated closer to existing school vehicular access.

Access to the existing playing field which adjoins the western boundary of the site for the public would be provided by a new pedestrian gate and a double width access for maintenance vehicles adjoining the proposed school visitor parking. It is suggested that the school would consider allowing the proposed car park to be used by the public at weekends.

As part of a letter from the school (June 2013) which accompanies the application, the following information is provided:-

- present access road can accommodate up to 12 vehicles
- 8 staff walk or cycle to school
- there is a total of 44 staff
- on average, 7 delivery vehicles attend the school each day
- more than half the staff who drive to work park in Thorndon Approach, Peartrees or The Meadows which can be up to 15 vehicles
- a coach picks-up/delivers children for swimming lessons at least once a week and once or twice a month for school trips
- visitors park in the access road or on surrounding roads
- there is no disabled parking at the school

The application is accompanied by a number of supporting documents, some of which have already been referred to above, including:-

- Design and Access Statement as part of which it is stated that the main axis of the proposed building would be perpendicular to the road and projecting gables with juliette style balconies add interest to the external appearance of the proposed building
- Planning Statement
- Landscape Proposals
- Flood Risk and Drainage Strategy - as part of which it is stated that the discharge of surface water will be managed to maintain overflow to the local existing green field rates by adopting SUDS principles. Attenuation will be provided by permeable paving, underground storage or a combination of both.
- Tree Survey
- Transport Assessment
- Road Safety Audit - Proposed Relocation of Pedestrian Crossing
- Phase 1 Ecology Survey
- Badger Survey
- Bat activity survey report
- Reptile Survey report
- Great Crested Newt Survey Report

- a Unilateral Undertaking under S106
- Cost estimate of works
- letters from School
- Needs Assessment for Private Retirement Housing in the Borough of Brentwood

Reference is made to a 'package of contributions' which the applicant is willing to make if planning permission were to be granted for the development proposed with a total value of approximately £843,000. The applicant states that the Head Teacher and Governors of the School wish to provide additional facilities to meet a higher standard of education.

The 'package' would include the following:-

- £418,000 for school car park, playground and new access road (it is stated that the sheltered scheme could be served by a private drive from Brentwood Road at a costs of less than £20,000)
- £100,000 towards new school buildings
- £300,000 to acquire the land for the school car park and playground
- £25,000 for upgrade of St Nicholas Church Hall
- a new bus stop on Brentwood Road

As part of the UU, local people would be given an exclusive period of 3 months to place a deposit on a flat before the scheme is put on the general open market.

It is understood that the applicant held two public exhibitions towards the end of 2011 regarding a scheme for four detached dwellings and two exhibitions towards the end of 2012 regarding the current proposal. The applicants state that 43% of respondents felt that the village needed retirement dwellings for the active elderly to allow people to downsize, liberate capital, but remain in the community.

The applicant considers that the proposal complies with the NPPF being sustainable development taking into account its three dimensions (economic, social and environmental matters). Reference is made to various parts of the NPPF including Section 6 (Delivery of a wide choice of high quality homes), Section 9 (Protecting Green Belt Land) and paragraph 72 which provides support for giving weight to the need to create, expand or alter schools, and the NPPG relating to housing and biodiversity. Reference is also made to paragraph 7.23 of the Local Plan which refers to sustainable development as including ensuring the viability of existing rural communities. Reference is made to the Draft Local Plan which states that the proportion of the Borough's population living beyond 65 years of age is forecast to rise from 18% in 2012 to 22% in 2033 and for those aged 85 years from 3% to 5% over the same period. It is suggested that there is no guarantee that any specialist housing for the elderly on any of the housing sites proposed for allocation would be provided. Reference is made to the London Commuter Belt (East)/M11 Sub-Region Strategic Housing Market Assessment (January 2010) with specific reference to the population structure of the area and the slightly higher proportion of older persons in Brentwood and Epping Forest compared to the rest of the sub-region and the

projected population for the older population. The 'Future of Supported People Funded Services for Older People in Essex' (no date provided) baseline report refers to much of the existing accommodation for the elderly not being fit for purpose or meeting DDA compliance regulations. Reference is also made to the Brentwood Borough Council, Chelmsford City Council and Maldon District Council, Heart of Essex Housing Growth Scenarios (June 2012), the Brentwood Borough Council Annual Monitoring Report 2011/12 and the Herongate and Ingrave Village Appraisal 2006-2008.

The applicant considers that the proposal would create a much more attractive vista along Brentwood Road than currently exists. The cricket ground, the Hillcrest Nursery and village playing field are referred to as the 'green gap' between the built areas of Herongate and Ingrave.

The applicant states that there are 550 people in the villages over 60 years old, that the provision of sheltered accommodation for the villages would require the use of Green Belt land due to the tight development boundaries and this site is ideally centrally located.

The applicant states that there is no other way to provide the benefits for the school and there is no other site available to provide local sheltered housing, which will also provide the otherwise absent finance for the School works. The applicant also considers that the application site is a small parcel of land which is neither open nor part of the countryside.

The Needs Assessment for Private Retirement Housing in the Borough of Brentwood (October 2014) concludes that the current supply of sheltered housing available to purchase in the Borough is inadequate to satisfy the majority of the population who currently live in properties owned outright or with a mortgage and there is currently a significant imbalance between provision within the social and private sectors. It is stated that the Council's SHMAA supports this view. Reference is made to Census data, the Elderly Accommodation Counsel Accommodation, Laying the Foundations: A Housing Strategy for England, the NPPF, the local plan and supporting documents, and English Housing Survey 2011-2012.

The Tree Survey, Arboricultural Impact Assessment concludes that there are no overt or overwhelming arboricultural constraints that can be reasonably cited to preclude the proposed construction. The site survey was carried out in December 2012 which identified 37 individual trees, two groups of trees, six areas of trees and three hedges. The current Assessment was produced as a desk top exercise. Reference is made to three groups of trees (one in the north-western corner of the site, a second to the south-eastern aspect and a third in the site's south-western corner). It will be necessary to fell 18 individual trees (including three trees of 'modest quality'), four areas of trees, a section of two areas of trees, one group, two hedges and one section of one hedge in order to achieve the proposed layout in addition to other works including crown lifting and crown spread reduction of other trees to provide

unencumbered access and construction space. It is stated that any perceived short term landscape loss can be mitigated by the proposed landscaping scheme. Two areas of car parking require 'no dig' construction and grasscrete design is required in some areas. Protective fencing would be required during construction. A detailed Arboricultural Method Statement and Tree Protection Plan would be required if planning permission were to be granted. The validity of the TPO is questioned based upon the deficiencies of the plan and schedule which forms part of the Order - it is stated that it is not clear which of the existing trees are protected.

Extended Phase 1 Habitat Survey - a Phase 1 Habitat Survey of the site was carried out on 23 October 2013. The Survey identifies the site as being a suitable habitat for badgers, reptiles, Great Crested Newts, nesting birds and bats, toads and hedgehogs. However, there are no designated wildlife sites likely to be impacted directly by the development proposals due to their distance from the site and the lack of connecting natural features. There is the potential to include measures for wildlife enhancement in the development and external lighting should be limited in the interests of bats.

Great Crested Newt Survey Report (July 2014) referred to several waterbodies nearby as having potential to support a population of GCN and advises that the site provides suitable terrestrial habitat for GCN. However, based on the results of a presence/absence survey, the Report concludes that the species was absent from the site. It is recommended that the new development incorporates features within the design to enhance habitats for amphibians.

Reptile Survey Report (July 2014) is based on survey of the site between April to June 2014. This survey revealed no observations of the four widespread reptile species found in the UK (viviparous lizard, slow worm, adder and grass snake) and therefore it is unlikely that they occur on the site but the author identified a considerable scope for enhancement of the site.

Badger Survey (December 2013) updated previous badger surveys carried out on the site in June 2012 and January 2010. The previous 2012 badger survey found evidence of badger activity and identified four potential, but inactive, badger setts within the site. The site comprised habitats suitable for both sett building and for foraging badgers but, at present, the Survey concludes that there is no reason relating to badgers to refuse planning consent for the new planning application. This view was reaffirmed in August 2014. Recommendations are made with respect to site relating to site preparation and construction.

Bat Activity Survey Report (July 2014) was based on visits to the site in February, May and June 2014. No bats were observed entering any of the existing trees during the surveys. A low level of common pipistrelle activity was recorded with commuting and occasional foraging on site but there was no evidence that bats were using the trees for roosting. Given alternative areas in the vicinity of the site for roosting and foraging, the Report concludes that the site is likely to be of limited value in

maintaining the conservation status of bats at even a local level but it is recommended that a further survey of the trees for bat roosts is undertaken prior to works.

As part of the Transport Statement, it is stated that the site lies approximately 2 miles from Brentwood Town Centre, that local bus and rail services provide a realistic alternative to the private car and that local services are within walking distance. As a result, it is stated that the proposal is sustainable development. New residents can be provided with a Residential Information pack to encourage their use of non-car modes of transport. It is also concluded that the proposed flats would not have a material impact on the local highway network. The existing access to the school is approximately 5m in width with a narrow pedestrian footway. The access is used for parking along both sides.

The local facilities within 400m walking distance of the application site have been identified as post office, school, dentist, petrol filling station and garden centre. Ingrave also has a Parish Church and a village/school playing field. There is also a Methodist Church, a cricket ground and two public houses in Herongate.

The bus routes which pass the site on A128 are listed as follows:-

565 - hourly Monday to Saturday and provides circular route between Brentwood and Bulphan

265 - every two hours Monday to Friday providing links to Brentwood, Orsett, Bulphan and lakeside

X3 - every two hours and runs between Grays and Stansted Airport

228 - Brentwood Community Transport Sundays only

268 and 477 - one bus per day Monday- Friday

The highway benefits of proposal are listed as follows: new access would have improved visibility splays onto A128, separation of pedestrians from school traffic, provision of coach parking off highway, ease of access to school for emergency vehicles, turning head removes need to reverse onto or off site, visitor parking off highway, wider footway on Brentwood Road adjacent zebra crossing. A Road Safety Auditor concludes that the proposals would offer real road safety benefits for accessing the school site.

Parents are setting down and picking up children attending the school park in Thorndon Approach to the south of the site and Whitby Avenue to the north but on-street demand for parking did not exceed capacity in either road during surveys.

## **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.

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

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

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

GB3 (Settlements Excluded from the Green Belt) states that new residential development will be restricted to settlements excluded from the Green Belt as identified on the proposals map.

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

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

CP3 (Transport Assessments) requires that all new development proposals include sufficient information to identify their impact on the transport system and aims to reduce reliance on the private car.

CP4 (The Provision of Infrastructure and Community Facilities) states that development will not be permitted unless it makes provision for community facilities, public services, transport provision, infrastructure, environmental works and any

other requirements which are relevant to planning and made necessary by, and are directly related to, the proposed development.

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

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

C7 (Tree Preservation Orders and Works to Preserved Trees) states that works to or the removal of preserved trees will only be allowed where there is a specific arboricultural justification or other very special circumstances.

C8 (Ancient Landscapes and Special Landscape Areas) requires that, until a landscape character assessment is carried out, conservation or restoration of existing character within Special Landscape Areas should be given high priority

C11 (Thames Chase Community Forest) aims to encourage greater public access and recreation, landscape enhancement, wildlife conservation and timber production where appropriate.

C18 (Ancient Monuments and Archaeological Sites): aims to ensure that archaeology is properly considered in the planning process.

H6 (Small Unit Accommodation) aims to secure a mix of units on suitable sites of 6 units and above with at least 50% of total units being one and two bedroom properties except, for example, where such would be inconsistent with the character of the existing development in the area.

H9 (Affordable Housing on Larger Sites) aims to secure 35% of residential units on suitable sites of 5 units and above outside the Brentwood urban area; it would be expected that the affordable units are provided on site. Account can be taken of the economics of provision, including the particular costs associated with development and the realisation of other planning objectives.

H11 (Supported Accommodation) refers to proposals for supported accommodation schemes within the built-up area and states that such developments will only be permitted where certain criteria are met including that the proposal is in close proximity to facilities such as shops, public transport, health and leisure facilities (i), where appropriate the scheme shall provide sufficient integrated accommodation to allow for the level of support required for the client group for whom the scheme is intended (ii) and the proposal provides appropriate landscaping and amenity space (iii).

T1 (Travel Plans) states that proposals likely to give rise to significant transport implications will be required to provide a travel plan to reduce travel by car and promote the use of alternative modes of transport.

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

### **3. Relevant History**

- 10/00011/FUL: Erection Of 5 No. Detached, Two Storey - 5 Bedroom Houses With Gardens And Car Parking. Proposed 26 No. Parking Spaces For Possible School Use. -Application Refused
- 09/00703/FUL: Erection Of Part Two/Part Three Storey Full Service Residential Retirement Scheme Comprising 17 X Two Bedroom And 27 X One Bedroom Self Contained Apartments, Communal Function Room, Lounge/Tv Room, Kitchen, Laundry And Visitor Room, Creation Of New Access From Brentwood Road And 48 Parking Spaces -Application Refused
- 09/00378/FUL: Erection Of 5 Detached Houses With Associated Parking And Landscaping, Creation Of New Access From Brentwood Road. Erection Of Single Storey Building For D1 Community Use And 34 Parking Spaces For Shared Used With School -Application Withdrawn
- 09/00377/FUL: Erection Of Part Two, Part Three Storey Full Service Residential Retirement Scheme Comprising 17 X Two Bedroom And 27 X One Bedroom Self Contained Apartments, Communal Function Room, Lounge/Tv Room, Kitchen, Laundry And Visitor Room, Creation Of New Access From Brentwood Road, 48 Parking Spaces And Landscaping. Erection Of A Single Storey Building For A D1 Use, Creation Of A Further 34 Parking Spaces For Use By School And Community Building. -Application Withdrawn

### **4. Neighbour Responses**

98 letters of support have been received on the basis of the following:

- will provide over £800,000 of benefits to the school which cannot be provided in any other way
- will provide retirement housing for Herongate and Ingrave, at present none exists
- the Village Appraisal indicated support for local sheltered housing by 210 local residents
- this neglected area of the villages will be much improved by the greensward and the landscape proposals
- this is a one-off chance to add facilities and to improve the villages - it should be supported
- suitable place for apartments for older people (safe and secure, on bus route, central to village for social activities/clubs at school and church halls, close to petrol station and shop
- would enable existing residents to downsize and stay in village



- site not earning its keep and is 'wasted'
- car park would greatly benefit parents of school children, teachers and residents of Thorndon Approach and improve safety
- may allow the school to expand in the future
- future owners of nursery are unlikely to give the same benefits to the village
- as a nation, housing badly needed
- development will make no difference to Ingrave Road traffic as already so busy
- site has no scenic value
- minimal impact on flora and fauna as they inhabit the fringes of the site not the overgrown interior
- there will be few detrimental effects provided wildlife and drainage provided for
- nonsense to claim the development would have any effect on separation of villages given existing ribbon development along Ingrave Road
- site not public asset
- will hopefully stop congestion in The Meadows and Peartrees caused by parents
- would improve outlook from adjacent properties
- existing school access unsafe - improved parking facilities essential
- proposal the best so far but has reservations about a lack of local facilities for the elderly (would make more sense to provide affordable starter homes) and a mini-roundabout at the entrance is suggested

122 letters of objection (including one from CPRE) have been received on the basis of the following:-

- Green Belt land which should not be built on - there are no very special circumstances
- would set precedent if allowed
- proposed trees totally out of keeping with existing trees
- lack of facilities for elderly residents - village shop barely open, no doctors surgery or pharmacy, infrequent bus service
- safety concerns for elderly wishing to cross busy road
- would add to traffic on already busy A128
- would ruin charm of village
- no need for the development or improvements to school
- already sheltered accommodation and a care home in village
- existing residents will not be able to downsize due to cost of units proposed - proposed units would not just be for local residents
- staff parking has never been a problem
- offer to school and church hall very small percentage of anticipated profits
- site current 'natural' appearance would be lost
- site important foraging for badgers and bats, amongst other wildlife
- would create a high risk of flooding
- would be gross urbanisation of site
- new access would introduce a hazard to the nearby school
- number of deliveries has been exaggerated
- 'bribing' school and local church is a scandal

- would result in loss of mature trees - site subject to a Tree Preservation Order
- Herongate and Ingrave would become one ribbon development - villages clearly divided by cricket green and Hillcrest Nursery
- the school is not unique with access difficulties
- providing additional parking would encourage more parents to drive to school
- existing parking arrangements not perfect but are adequate
- large ugly building would be detrimental to the appearance of the villages - would spoil view
- building works would cause chaos
- land should be compulsorily purchased to facilitate school expansion
- sufficient retirement properties to be built on Ongar Road (old Peugeot garage)
- insufficient infrastructure to cope
- information from Village Appraisal has been used very selectively
- proposals appear to remove vehicular access to village playing field and may limit pedestrian access to school hours
- would dwarf any existing building in village
- proposal would make access to rear gates of properties on west side of A128 less desirable in hours of darkness
- not clear if parents could use car park to drop-off/collect school children
- not brownfield site
- should be refused for same reasons as previously
- development of the land previously rejected at appeal
- proposed parking for flats would not be sufficient
- contrary to national planning policy
- elderly people may be disturbed by noise from school
- existing school access would still be open as public access to playing fields and Peartrees
- would be over development
- loss of existing buffer between playing field and road
- no guarantee that flats will remain only available for retired people
- an appeal in Yorkshire is referred to where the contribution of a retirement scheme to meeting a need was not a very special circumstance
- as a result of depth, scale, form and siting, would be visually dominance and intrusive
- out of character and scale with area and incompatible design
- increased activity will detract from quiet and pleasant environment
- landscaping too formal for rural location
- would result in overlooking and loss of natural light/would block sunlight
- would harm visual amenity of village cricket green opposite
- site in Special Landscape Area
- pollution to gardens adjacent proposed car park
- parking area would be magnet for youths and anti-social behaviour
- proposals suggest that open ditch adjacent Brentwood Road and piped waterway would go
- inadequate foul drainage
- not clear what would happen to existing bus stop near 105 Brentwood Road

- unsustainable location

## 5. Consultation Responses

- **Legal Officer:**

The Unilateral Planning Obligation dated 18th August 2014 submitted with the application does not meet the legal or policy tests for a Planning Obligation to be given any weight in reaching a decision on this application.

- **Parish Council:**

The Parish Council objects to the proposal. Their concerns can be summarised as follows:-

- it was clear that an overwhelming majority of those present at the public meeting held felt that the planning application should be refused.
- two previous planning applications for residential development on the site have been refused, and an appeal dismissed
- proposed development would be inappropriate in the Green Belt and there are no material planning considerations of sufficient weight to overcome the harm that would result from the proposed development
- in principle objection on Green Belt grounds as well as objections in respect of the impact of the development on the scale and appearance of the immediate surroundings and the general area, unsustainable location for the scale of development proposed due to limited facilities or amenities in village, loss of preserved trees (TPO/23/2009), conflict with the objectives of the Special Landscape and Thames Chase designations
- improvements to parking and access to the school would be welcomed by the school and wider community but not at the expense of losing a larger area of open Green Belt land, which currently forms part of a very important gap between the settlements of Ingrave and Herongate. The existing character and appearance of the site would be lost to the significant detriment of the character and appearance of the surrounding area. Given the overall scale, height and bulk of the proposed block of flats, the coverage of the site in building and hardsurfacing, the proposed development would be seriously harmful, not only to the openness of the Green Belt, but also to the rural character and appearance of both the immediate area and the wider surroundings. The loss of preserved trees would compound this harm. If 'thinned out' and given a new setting alongside a substantial two storey building, the group value will be lost. The overall amenity value must be assessed from three aspects 1) users of the playing field (a very busy and treasured community asset) and children's playground - the removal of the woodland would have a profoundly deleterious effect on the character and ambience of the field, 2) from the adjoining A128 and 3) the ecology of the site - it would be unforgivable to destroy this locally unique, unspoilt habitat, in the total absence of any very special circumstances.
- the need for retirement or general housing in the Borough does not outweigh the harm. The need for housing is being addressed through the local plan process and

changes to Green Belt boundaries should be considered as part of this process - an individual planning application cannot change the boundaries.

- highway safety concerns - new access serving 27 flats and the school in close proximity to a zebra crossing would present a potential and unnecessary conflict between vehicles and pedestrians
- the proposed development does not comply with affordable housing policies which requires 35% of the units to be affordable housing
- any benefits to the school are limited
- it is simply not the case that there is a lack of an up-to-date development plan or a lack of a five year housing land supply
- the Parish Council is puzzled by the claim that there was positive feedback received from the public during pre-application engagement
- their village appraisal did not identify any overriding need for such development. The Brentwood area is very well supplied with retirement housing
- no amount of landscaping can overcome the harmful impacts
- the proposed planning obligations would fail the 'tests' in Circular 05/2005
- contrary to NPPF and Local Plan Policies GB1, GB2, C3, C6, C7, C8, C11, CP1, H9, CP4

A letter from an arboriculturalist accompanies the Parish Council's objection letter. The arboriculturalist states that the application 'does not take into account the tree coverage in respect of its importance in the landscape setting and how the change of use will irreversibly alter this completely'. What hasn't been looked at is the trees as a 'woodland' and a feature within the landscape. The new planting would transform the site into a manicured rather than the existing naturalised site which is likely to be of more benefit to wildlife than the proposed scheme. It is arguable that the tree and ecology survey is not up-to-date (the tree survey was carried-out in December 2012 and the ecology survey was undertaken in October 2013). The preservation order could be altered to a woodland order to protect all of the trees, including any new generation. The proposal is to remove the majority of the density of this wooded area.

- **Highway Authority:**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

Highway Works

1. Prior to the proposed access being operational the existing Zebra Crossing is to be relocated and positioned as indicated on Dwg no. TRN 09 Rev D has been provided entirely at the Developer's expense and is subject to certification through a Section 278 Highway Works Agreement. Reason: To make adequate provision within the highway for pedestrians accessing the site in a safe location as a result of the proposed development and new junction onto Brentwood Road.
2. Prior to occupation of the developer to provide raised bus border kerbs to improve access to buses at the south bound bus stop located on the A128 Brentwood Road, opposite the proposed development site. Such works to be carried out during a school holiday period and within nine months of commencement of practical building

work, and provided entirely at the developers expense and is subject to certification through a Section 278 Highway Works Agreement. Reason: To make adequate provision within the highway for pedestrians using public transport in the interest of highway safety.

3. Prior to occupation the developer to widen and rebuild the public footpath on the West side of Brentwood Road adjacent to the site, such works to be completed before the proposed new cul-de-sac is opened for use by pedestrian and vehicles, and provided entirely at the developers expense and is subject to certification through a Section 278 Highway Works Agreement. Reason: To make adequate provision within the highway for pedestrians accessing the site in a safe location as a result of the proposed development and new junction onto Brentwood Road.

#### Conditions

1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. The proposed vehicular access shall be constructed as shown on Drawing no. 02012/01 Revision B. Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to commencement of the development, the junction at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 51 metres to the north and 2.4 metres by 68 metres to the south onto Brentwood Road, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of obstruction above 600mm at all times. Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. The existing school access as shown on the site layout plan 02012/01 Rev. D shall be suitably and permanently closed to all vehicular traffic to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the footway and kerbing immediately the proposed new access is brought into use. The works shall be implemented and retained in accordance with the approved details. Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic

conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. The proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay. Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times. Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved drawing no. 02012/01 Rev D for residential retirement scheme, and drawing no.02012/09 Rev A for school car parking, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking 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 ensure that on street parking of vehicles in the adjoining streets; Thorndon Approach and Whitby Avenue does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres, or 3.9 metres x 5.5 metres if bounded by walls or other construction. Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

9. The cycle parking facilities as shown on the approved plan 02012/01 Rev D are to be provided prior to the first occupation of the development and retained at all times. Reason: To ensure bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the

Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Note: The school car parking area to comply with drawing no.02012/09 Revision A to ensure adequate separation of pedestrians using the school and vehicles accessing the car park.

General

1. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval and a safety audit.
2. The above to be provided at no cost to the Highway Authority
3. The above to be imposed on the planning permission (if granted) by planning obligation or condition, as necessary.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives

-All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

- **Environmental Health & Enforcement Manager:**

No response at the time of writing report.

- **Essex & Suffolk Water:**

No objection.

- **Anglian Water Services Ltd:**

No response at the time of writing report.

- **Environment Agency:**

As the development site lies in Flood Zone 1, an area of low flood probability and is less than 1 hectare which means that it falls within our Flood Risk Standing Advice, and the environmental risk is considered to be low, we have no comments on this consultation.

- **Arboriculturalist:**

I have reviewed the arboricultural report and visited the site to view from the public access around it. With respect to the TPO the area was originally preserved as an area, protecting all trees. On receipt of objection the LPA agreed to change it to an order protecting specific trees. This does not account for the importance to the wider landscape and wildlife value of what is actually a developing woodland. I believe that a new TPO should be considered denoting the area as woodland. This would also serve to rectify the various discrepancies in the TPO referred to in the arboricultural report. The area being developing woodland provides a dynamic habitat which the proposal seeks to remove by "urbanizing " an area of relatively undisturbed green belt land. Of course, to the proponents this undisturbed land may be described as derelict. This undisturbed nature, without the damaging effect of constant human visitation is a part of its local importance. The tree survey looks at the trees as a number of individuals rather than a dynamic collection growing in interdependence which will form a wooded area of considerable visual importance. The B.S. 5837 : 2012 trees in relation to construction sites is exactly what it states and is employed where the concept of development and by inference human activity is considered a prerequisite. It seeks to retain trees often as individuals within a construction site and provides a systematic approach to that retention. What needs to be considered here is the wider principle of the loss of considerable visual and wildlife amenity that the area provides. It is unfortunate that the replanting proposals further urbanise the area introduce species that have no relevance to this location.

- **County Archaeologist:**

The Essex Historic Environment Record (EHER) shows that the proposed development at land adjacent to Hillcrest Nursery, Ingrave lies within the known extent of medieval and post medieval Ingrave (EHER 19311). The extent of the medieval settlement of Herongate and Ingrave may be discerned from the early post-medieval cartographic evidence, in particular from the Walker map of 1598 which depicted Lord Petre's estates and the Chapman and André map of 1777. The settlement appears to have formed a dispersed but linear pattern, strung out along the northern and eastern edge of Ingrave Common (EHER 19317), between the manorial church/hall complex of Ingrave Hall and Heron Hall. Given the location and nature of the proposed development it is probable they will disturb or destroy important archaeological deposits or features associated with the development of the settlement during the medieval and post-medieval periods. In view of this, the



following recommendations are made in line with the national Planning Policy framework

Recommendation: Full condition

'No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.

A professional team of archaeologists should undertake the archaeological work. The work will comprise the evaluation through archaeological trial trenching of the proposed development. The initial phase of work will assess the presence or absence of archaeological deposits and features and may lead to mitigation measures such as preservation-in-situ or area excavation if significant archaeological deposits are identified. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief outlining the level of investigation will be issued from this office on request.

- **Essex Wildlife Trust:**

No response at the time of writing report.

- **Housing Services Manager:**

No response at the time of writing report.

- **Schools, Children Families Directorate:**

No response at the time of writing report.

- **Essex Badger Protection Group:**

No response at the time of writing report.

- **Design Officer:**

Background

The proposed development site is located to the west of the Brentwood Road (A128), a principal thoroughfare within the settlement of Herongate. Herongate is conjoined at the north eastern boundary with the settlement of Ingrave; the village envelope is surrounded by Green Belt and a Special Landscape Area. The Herongate Conservation Area is not in close proximity to the application site, the Thorndon Park Conservation Area is situated to the west of the application site; neither of these designated Conservation Areas are immediately impacted upon by the proposals within this application.

As part of this response I have given consideration to the continued historical evolution of the two parishes which would be impacted upon by these proposals together with an assessment of the proposed design should the principal of development be acceptable given the Green Belt location.

## Discussion

Historically, the two neighbouring settlements of Herongate and Ingrave were typical of the historic landscape of the Brentwood Borough which was characterised by dispersed settlements. At the beginning of the post medieval period, encroachment upon the common (Ingrave) appears to have commenced (Medlycott 2001), however the two villages remain separate at the western boundary. The submitted planning statement (P.3) states 'the two villages have grown together over time', this is not true in entirety, as the green belt land to the west affords separation, prior to its abutment with the Thorndon Park Conservation Area.

Evidently there is a distinct soft boundary of established dense hedgerow at the west of the Brentwood Road travelling north into the Brentwood Town Centre; the Green Belt land at this location (the development site) remains the sole distinction of the two villages upon the principal thoroughfare; I advise retention of separation is important and part of the historical significance of both villages.

## Summary of the principal of development:

Consequently, I advise against the principal of development at this Green Belt location as the implementation of urban development is contrary to the historical evolution of Ingrave and Herongate and their remaining settlement separation.

## Design

In terms of the submitted design, I have reviewed plans, associated elevations, CGI montages and additional information. My comments in this section are solely based on the principal of development being acceptable in planning terms, I advise the following in respect of the design;

The development proposes a substantial continuous two storey form which appears to be derived from a neoclassical narrative. The orientation of the building seeks to minimise bulk upon the principal thoroughfare as the core form stretches in a rectilinear manner deep into the site.

Having assessed the extent of the proposed built form in context I advise the bulk and continuous nature of the urban form is too great in this location. Looking at elements such as fenestration, there is a lack of depth to the design intent, the hierarchy of openings for example could be strengthened to support the 'interpretation' of the neoclassical style adopted within this application.

Further concerns are in respect of the elevation treatment where there are 'gabled' features (e.g. see Drawing 02012/08) which perhaps seek to 'break up' continuous form; however I advise the scale, proportion and detailing of these applied elements are contrary to the narrative. Such features would have been key focal points with strength of scale upon a host form of the neoclassical period; within this design the gabled features are of a subservient nature, with the ridge level set unconvincingly higher. This disparity of proportion in conjunction with the weight of form in a continuous mass equates to a design which I do not advise is acceptable. The

proposed level of hard standing, effectively framing the architecture with car parking and insufficient landscaping does not assist the design; resulting in a hardness to the proposals, unsuitable given the Green Belt location.

The Framework (NPPF) does not advocate specific design styles are imposed upon applicants however it does reinforce the requirement for Good Design; I advise the overarching narrative and detail intent needs considerable attention.

#### Summary of design

The continuous nature of the weight of the proposed form with associated car parking will create an inconsistency within the existing grain and street scene. The architecture is incongruous to its immediate context, therefore detailed information submitted under further Planning Conditions would not override my fundamental concerns regarding the proposed design.

Consequently, I raise objections and advise this design approach is inappropriate given the local character and distinctiveness of the villages of Herongate and Ingrave.

#### Conclusion

In conclusion I do not support this application; both on conservation grounds and in respect of the proposed design.

- **Planning Policy:**

No response at the time of writing report.

## 6. Summary of Issues

The application site is a greenfield site located within the Metropolitan Green Belt. The site is also within a Special Landscape Area and the Thames Chase Community Forest. The site accommodates Tree Preservation Order(s) 29/2010 which covers two groups and five individually protected trees. Hedges are located along the eastern, western and northern boundaries of the site.

The site is located on the western side of Brentwood Road (part of the A128) a principal thoroughfare through the settlement of Herongate, which links Brentwood to the north with the A127 to the south. The site is stated as measuring 0.83ha., is roughly rectangular in shape and measures around 100m in length along Brentwood Road and 80m in depth . The site adjoins Hillcrest Nursery to the south and Ingrave Johnstone Church of England Primary School and its associated access from Brentwood Road to the north. The village/school playing field is located immediately to the west. The Green Belt boundary is located on the northern side of the existing access to the adjacent primary school. The site is one of those forming part of the Council's current 'Strategic Growth Options Consultation'.

The site is understood to have been used as a paddock in the past but that the site has had no use for the last 20 years except for 'bonfires and nursery storage'.

An appeal was dismissed in October 2010 for the erection of 5 detached, two storey dwellings (5 bedroom houses with gardens and car parking) and 26 parking spaces for possible school use. In dismissing the appeal, the Inspector made a number of statements which are considered relevant to the determination of the current application. Whilst the appeal was determined prior to the NPPF coming into force, the views of the Inspector are referred to in relation to the current proposal where relevant. In conclusion, the Inspector found the benefits insufficient to clearly outweigh the harm the development would have caused and, therefore, that very special circumstances did not exist. The previously proposed sheltered housing scheme (reference 09/00703/FUL) was for a three storey building containing 44 flats closer to Brentwood Road than that currently proposed.

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

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

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

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

and environmental roles of planning and the Framework provides guidance on how these may be resolved.

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

Paragraph 216 of the NPPF recognises that decision-makers may also give weight to relevant policies in emerging plans.

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

#### Principle of Development

The development consists of a block of flats, accessway, car parking and ancillary works, none of which fall within any exceptions to inappropriate development within the Green Belt set out in the NPPF. As a result, the proposed development constitutes inappropriate development in the Green Belt. The applicant accepts this view. The development would cause harm by reason of its inappropriateness and very special circumstances would need to exist which clearly outweighed this harm as well as all other harm the development would cause to justify planning permission being granted in this case, to comply with the NPPF (section 9) and Policy GB1.

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

As part of the previous appeal, the Inspector referred to the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open and that the most important attribute of Green Belts is therefore their openness. He concluded that the proposals would constitute inappropriate development in the Green Belt in terms of PPG2 and development plan policy and that this would therefore, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances. He attached substantial weight to this in reaching his decision.

It is further considered that the occupiers of the proposed flats, given the rural location of the site, the limited extent of local facilities and services and the limited public transport which would be available to the occupiers of the site, would largely depend on the use of private motor vehicles for their journeys to/from the site. As a result, it is

considered that the proposal would not be a sustainable form of development contrary to the NPPF (section 4) and Policies CP3 and T1.

#### Impact on the Green Belt

The application site does not contain any existing buildings or other development which reduce the openness of the Green Belt or which are incompatible with the site's Green Belt designation. The application site also adjoins open, Green Belt land both to the east (cricket ground) and west (village playing field) of the site.

The proposed development consists of a substantial building along with expanses of car parking and other hard surfaced areas as well as fencing, walls etc. As a result, compared to the existing site, the development would significantly reduce the openness of the Green Belt at this point and be contrary to the purposes of including the land within the Green Belt, specifically to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment. The proposal would represent an encroachment of development along the road frontage into the Green Belt. The inevitable ancillary buildings/structures (fencing, domestic paraphernalia etc) would add to this harm.

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

The conclusions of the Inspector as part of the previous appeal supports this view. The Inspector stated that the appeal site 'is undeveloped. It is located in a prominent position alongside Brentwood Road which connects the villages of Herongate and Ingrave. It is therefore highly visible from this well used public highway. The two villages are very close to each other with little by way of undeveloped land between them. It is apparent from the response of local residents to the proposal that the site is regarded as a very important feature separating these two communities.... Given the scale of the proposals and the prominent location, the development would cause significant harm to the openness of this part of the Green Belt. This would be contrary to the purposes of Green Belt policy and to the harm already identified by reason of inappropriateness'.

#### Character and Appearance

The application site is located in the rural area and the expanse of trees and other vegetation within the site are considered compatible to its rural location and the wider rural area of which the site forms part. The development would necessitate the removal of a significant amount of the existing trees (some of which are preserved) and other vegetation. The development includes the removal of a significant amount of the existing trees and vegetation within the site including trees protected by TPO 29/2010 (confirmed 4/3/11). The TPO relates to T1-T3 Oak; T4 and T5 Sycamore; G1 8 Oaks, 6 Sycamore, 5 Cherries, 6 hawthorns, 5 Field Maple; G2 4 Lawson Pine. The

submitted drawings indicate that the development would result in the loss of most of G1, G2, T4 and T5 with only T1 and T2 shown to be retained.

The site is also considered to be part of an important visual gap between the villages of Herongate and Ingrave which includes the cricket ground, the village playing fields and Hillcrest Nurseries, which is also a part of the historical significance of both villages. The Inspector, as part of the last appeal, having referred to the over-grown nature of the site with semi-mature and mature trees and other vegetation, stated that the site's 'character and appearance, in contrast to surrounding land uses, enhances its value as a break in built development between the two villages. This would be lost with the proposed development of the site to the significant detriment of the character and appearance of the surrounding area.' It is considered that the current proposal would have the same adverse impact, contrary to the NPPF (section 7) and Policies CP1 (criteria i and iii), C5 and C7. The Arboriculturalist and Design Officer support this view.

The proposed development would urbanise the site and would be visually incongruous in this rural location. The proposed development, in particular the building proposed and the walling along the road frontage, would be visible from both directions. Based on the advice of the Design Officer, it is considered that the bulk and continuous nature of the urban form is too great in this location. There is also a lack of depth to the design intent, the hierarchy of openings for example could be strengthened to support the 'interpretation' of the neoclassical style proposed, and the proportion and detailing of the 'gabled' features proposed are contrary to the narrative with respect to their scale, proportion and detailing. Planting is proposed along the majority of the road frontage of the site but it is considered that this would not effectively screen the development proposed, particularly in the short to medium term. Officers are also of the view that the landscaping scheme proposed would not be extensive enough to provide an appropriate setting for the development given its rural location and would itself add to the urbanisation of the site particularly as a result of the species proposed.

Given the scale of the development proposed, it is considered that the development would also adversely affect the Special Landscape Area of which the site forms part (contrary to Policy C8) and would be contrary to the aims of the Thames Chase Community Forest (Policy C11) particularly in terms of landscape enhancement.

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

The twelve core planning principles set out in paragraph 17 of the Framework indicate, amongst other things, that planning should recognize the intrinsic character and beauty of the countryside. It is acknowledged that as a result of the existing, neighbouring development the site does not possess the same level of openness as the land to the west and south. However, it is considered that the proposal would be

an encroachment of development particularly into the undeveloped frontage of the site along Brentwood Road that would unacceptably detract from the character and appearance of the area. It would therefore conflict both with the Framework and Policy CP1 which seek to safeguard the character of the countryside.

#### Residential Amenity

As a result of the distance between the proposed block of flats and the boundaries of the site, and as the proposed car parking areas would not immediately adjoin any existing residential properties, it is considered that the development would not have a materially adverse impact on the amenity of the occupiers of any neighbouring residential property by reason of overlooking, dominance, loss of outlook, loss of sunlight or loss of daylight, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

#### Quality of Life

The proposed flats would all be above the recommended minimum sizes i.e. more than 40sq.m. for the one bedroom flats proposed and more than 52sq.m. for the two bedroomed units. The development would also make provision for sufficient off-street parking to comply with adopted standards for sheltered accommodation along with private amenity space equating to at least 25sq.m. per flat. It is not anticipated that the occupiers of the proposed flats would be significantly disturbed by the use of the adjoining school which would be separated from the proposed flats by two areas of car parking and the building proposed would be positioned between the school and the private amenity space proposed to serve the occupiers of the proposed flats. On this basis, it is considered that the development would provide an adequate quality of life for the occupiers of the proposed flats, in compliance with the NPPF and Policy CP1 (criterion ii).

However, Policy H11 (Supported Accommodation) requires that the proposal is in close proximity to facilities such as shops, public transport, health and leisure facilities. Whilst there are facilities within the adjacent villages and the occupiers of the site would have access to public transport (bus services along A128), it is considered that these are too limited to adequately serve the occupiers of the proposed flats.

#### Highways and Parking

The Highways Authority does not raise objection to the proposed development subject to certain off-site highway works being carried-out and a number of conditions being imposed (including a Construction Method Statement, the provision of visibility splays, the closure of the existing school access to vehicular traffic, preventing the discharge of surface water onto the highway, limiting the use of the proposed parking areas to those proposed, parking space minimum dimensions, provision of cycle parking and the provision of Residential Information Packs). The applicant has agreed to the relocation of the existing zebra crossing and improvements to the bus stop located on the opposite side of Brentwood Road, both of which are referred to in the Unilateral Undertaking submitted as part of the application. On this basis, it is



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

The adopted parking standard for retirement developments is a minimum of 1 space per dwelling and 1 cycle space per 8 units along with 2 PTW spaces and 1 space per dwelling for mobility scooters plus 0.25 visitor spaces per dwelling with 3 disabled bays or 6% of total capacity. 27 parking spaces are proposed, 7 visitor spaces, 2 spaces for staff and 4 cycle parking spaces - which accords with the adopted standard. The standard would require the provision of 14 mobility scooter parking spaces but the applicant considers this to be excessive.

The vehicle parking standard for schools is a maximum of 1 space per 15 pupils. It is stated that the school has around 250 pupils which equates to 17 parking spaces to accord with the standard. 15 car parking spaces are proposed to serve the school as well as 13 visitor parking spaces plus a further 8 spaces when not in use as a coach parking bay (i.e. a total of 36 spaces within the application site) which does not comply with the adopted parking standard for primary schools.

#### Affordable Housing

No affordable housing is proposed as part of the proposed development 'due to the need to finance the works for the School' and it is claimed that the scheme would no longer be viable if affordable housing were to be provided. The applicant also advises that RSLs are likely to find the proposed units too large for the requirements of RSLs.

On the basis that there would be no on-site 24 hour carers and each flat would be self contained (albeit with a communal lounge for social events) it is considered that the proposed residential use would fall within Use Class C3. Therefore, if the principle of re-development of the site were to be accepted, the Council would expect the provision of 35% of the units to be affordable housing (Policy H9 and CP4) as part of the scheme. As no affordable housing is proposed, the development would not make an adequate contribution towards the Borough's housing needs, contrary to the NPPF and Policies H9 and CP4.

#### Ecology

None of the ecological reports submitted as part of the application indicate that there is any ecological interest in the site which would prevent the development proposed proceeding. Officers are not aware of any information to contradict the contents of the specialist reports submitted. On this basis, it is considered that the proposed development is unlikely to cause harm to any local ecological interest, subject to the imposition of conditions requiring the implementation of the recommendations set out in the reports submitted, in compliance with the NPPF (section 12) and Policy C3.

### Archaeology

Specialists at Essex County Council have identified the application site as being located in an area of archaeological potential in the form of medieval and post-medieval deposits and have recommended that any planning permission granted is conditional on a full archaeological investigation being carried out before the new development is commenced. On this basis, it is considered that the archaeological interest of the site could be adequately dealt with through the imposition of a suitably worded condition and, therefore, that the proposal complies with the NPPF in this respect and Policy C18.

### Green Belt Balance

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

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

- the need for retirement accommodation and meeting local housing needs, specifically the identified need for housing for the elderly. They state that providing residential accommodation for the active retired responds to the need of an ageing population in Herongate and Ingrave and provides opportunities for down-sizing from existing larger properties. They state that Herongate and Ingrave has a proportionately older population compared to that of the Greater London Area and the UK overall. The applicant has researched the market retirement flats available in May 2013 and all were considered to be unlikely to attract elderly residents wishing to downsize due to their insufficient size and none were in Ingrave or Herongate. Heron Court in the area only caters for dementia sufferers.

### Officer comment

As part of the previous appeal, the Inspector was of the view that it had not been demonstrated that the new housing proposed would meet a local housing need sufficient to justify the release of Green Belt land. There is an acknowledged need for additional housing provision within the Borough as a whole including more specialist accommodation for the ageing population. However, the housing need for the Borough is in the process of being met through the emerging Local Plan and, whilst this matter does weigh in favour of the proposed development, it is considered that any weight should be limited particularly as paragraph 34 of the 'Housing and economic land availability assessment' NPPG states that 'Unmet housing need... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt'.

- the new access will enhance accessibility and highway safety along this section of Brentwood Road. The proposed school parking would reduce on-street parking in Thorndon Avenue and Whitby Avenue resulting in improved safety and less noise and disturbance for residents.

#### Officer comment

As part of the previous appeal, the Inspector considered that the improvements in access and parking arrangements for Ingrave Johnstone Primary School did weigh in favour of the proposal as there would be significant road safety benefits arising from this aspect of the development. However, the Inspector was of the view that this matter did not clearly outweigh the harm the development would cause. There is no suggestion that the road safety benefits would now be any greater than at the time of the appeal and, therefore, there would be no reason for a different view to now be taken. Despite being suggested at pre-application stage, the application does not refer to any measures the School has considered or tried to reduce its parking and access needs. It has also not been demonstrated that the proposed car park is the minimum required to adequately address the parking and access problems the applicant identifies as part of the application. There is also concern that by providing a significant amount of off-street parking, the development may encourage a greater use of motor vehicles by staff, visitors and parents associated with the school.

- the need for improvements to the school - the total costs of the works and other monies being offered for the School have a total value in excess of £800,000 - a Unilateral Undertaking accompanies the application. Reference is made to there being no dedicated sick room or first aid room at the School, that reprographics is located in a corridor, and the size of the school office is inadequate. A financial contribution towards the upgrade of a local church hall is also offered.

#### Officer Comment

As part of the previous appeal, the appellant had offered payments to the school (£125,000) to assist with capital projects along with a school car park for 26 vehicles some of which could have been used for coach parking. In dismissing the appeal, the Inspector considered that 'there is no evidence before me that the proposed payment is relevant to planning or directly related to the scale and impact of the proposed development. The appellant's other offer was to transfer ownership of land needed for the new school car park and access to the school. The Inspector considered that, 'the obligations both individually and taken together do not outweigh the harm I have already identified'.

The NPPF reminds local planning authorities that they must ensure that planning obligations meet the relevant tests for planning obligations i.e. that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. It goes on to advise that obligations should not be sought for matters which are clearly not necessary to make a development acceptable in planning terms. The Government is clear that obligations must be fully justified and evidenced.

The applicant has increased the level of financial contribution offered to the school, but it is considered that the proposed payment is not relevant to planning or directly related to the scale and impact of the proposed development. Furthermore, whilst Officers can understand the wish of the Head Teacher and Governors to gain a school car park, extended playground, sick room, improved school office etc, it is not considered that these offers, either alone or in combination, are essential. It is noted that Essex County Council as education authority has not responded to their consultation, and so there is no indication whether or not the County Council considers that the school requires any further improvement as set out in the current application. Furthermore, whilst the necessary funds may not be available for the improvements to the school buildings, it is not clear that this would always remain the case. On this basis, it is considered there is no reason for a view different to that of the Inspector to now be taken i.e. that this matter is not directly related to the scale and impact of the proposed development and does not clearly outweigh the harm the development would cause. The Council's Legal Officer supports this view.

Some of the occupiers of the proposed flats may make use of the local church hall but the offer to make a financial contribution towards its upgrade does not clearly outweigh the harm the development would cause.

- the lack of an up-to-date development plan and policies may be considered as inconsistent with the national planning policy context. The adverse impacts of granting planning permission for the development need to significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

#### Officer Comment

In accordance with paragraph 214 of the NPPF, the local planning authority considers that full weight should be accorded to saved Local Plan Policies relevant to the determination of this planning application with particular reference to Policies GB1, GB2 and CP1 as any conflict with the NPPF is limited. Although adopted some years before the Framework the aims of the general Green Belt Policies (GB1 and GB2) within the Brentwood Replacement Local Plan 2005 are consistent with those of the Framework (section 9 referred to above) and therefore they still carry significant weight. Policy CP1 echoes the core principles of the NPPF and, therefore, all three policies can be afforded full weight in the determination of this application. On this basis, it is considered that this matter should be afforded very little/no weight in the determination of this application and does not clearly outweigh the harm the development would cause.

- the lack of a five year housing land supply. The applicant suggests that the Borough has as little as 1.62 years housing land supply and, therefore, that a presumption in favour of the development exists.

#### Officer Comment

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

- the positive feedback from the public during pre-application engagement.

#### Officer Comment

Whilst nearly 100 letters of support have been received in response to the current application, 78 of the letters of support received are in a standardised format and a greater number of non-standardised letters of objection (120) have been received. Notwithstanding this, it is considered that the support which has been expressed for the development does not clearly outweigh the harm the development would cause.

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

### Other Matters

New residential development would often be subject to a requirement to make a financial contribution towards the provision of school or pre-school places the need for which would be generated by the development, as advised by Essex County Council as Education Authority. However, provided that a limit is placed on the occupation of the proposed flats to those of a minimum age of 55, no such financial contribution would be required in this case.

The applicant has suggested that the volume of objections to the proposal has been boosted by a flyer they believe was distributed by the Parish Council and which they consider unfairly represents the benefits and disadvantages of the proposal.

In response to those matters raised as part of the representations received which have not been covered above, the following comments are made:-

- with respect to potential flooding and drainage, the application is accompanied by a Flood Risk and Drainage Strategy as part of which it is stated that the discharge of surface water will be managed to maintain overflow to the local existing green field rates by adopting SUDS principles. Attenuation will be provided by permeable paving, underground storage or a combination of both. On the basis of this, it is not anticipated that the development would exacerbate any existing flooding issues and drainage details could be required by condition if necessary.
- any inconvenience during the construction of the proposed development would be short term and not sufficient to justify a refusal of planning permission.
- if the school parking area did become a focus of anti-social behaviour out of hours, this is a matter which the School has stated they could address
- no consultee has suggested that the existing infrastructure is insufficient to cope with the development proposed
- with respect to public access to the village playing field, access would be maintained and any planning permission granted would not override any existing legal rights of access

## Conclusion

The proposed development would cause harm to the Green Belt by reason of its inappropriateness and would cause further harm to the Green Belt as a result of a significant loss of openness and being contrary to the purposes of including the land within the Green Belt. The development would also result in a loss of the rural character and appearance of the site and the wider area (which forms part of a Special Landscape Area and the Thames Chase Community Forest) due to the loss of trees (some of which are preserved) and other vegetation, and the nature and scale of the development proposed. In addition, the occupiers of the proposed flats would not be in close proximity to adequate facilities and services. Furthermore, the occupiers of the proposed flats would largely be dependant on the private car to gain access to the majority of facilities and services and the car park proposed to serve the school would be in excess of the maximum parking requirement for primary schools which would be contrary to the principles of sustainability. It is considered that none of the matters put forward in support of the proposal, either alone or in combination, would clearly outweigh the harm the development would cause. It is recommended below that planning permission is refused on this basis.

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

## 7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 U09257

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

R2 U09287

The proposed development would be, as a result of the scale, size, design and height of the building and the other works proposed, along with the loss of existing trees (some of which are preserved) and other vegetation, would harm the character and appearance of this rural area (which also forms part of a Special Landscape Area and Thames Chase Community Forest) and would result in the loss of a valuable break in

built development between the two villages of Herongate and Ingrave, contrary to the NPPF (in particular section 7) as well as Policies CP1, C5 , C7, C8 and C11 of the Brentwood Replacement Local Plan.

R3 U09288

The occupiers of the proposed flats would largely be dependant on the private car to gain access to the majority of facilities and services and the car park proposed to serve the school would be in excess of the maximum parking requirement for primary schools, contrary to the NPPF (section 4) and Policies CP2 and CP3 of the Brentwood Replacement Local Plan.

R4 U09289

The proposed development makes no provision for affordable housing and so does not make an adequate contribution towards the Borough's housing needs, contrary to the NPPF (section 6) and Policy H9 of the Brentwood Replacement Local Plan.

R5 U09290

The proposed retirement flats would not be located in a suitable location as the occupiers of the proposed flats would not be in close proximity to adequate facilities and services to the detriment of the quality of life for the site's occupiers, contrary to the NPPF (section 6) and Policies CP1 (criterion ii) and H11 of the Brentwood Replacement Local Plan.

R6 U09258

The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt within which the site is located, harm to the character and appearance of the area, lack of affordable housing and car dependency. Therefore, no circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

#### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1-2, CP1-4, H6, H9, H11, T1-2, C3, C5, C7, C11, C18 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:**

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Appendix A



Title: HILLCREST NURSERIES, BRENTWOOD ROAD, HERONGATE, ESSEX  
14/01024/FUL

Scale 1:1250 at A4

Date 3rd February 2015

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



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<b>SITE PLAN ATTACHED</b>
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**04. CAR PARK WILLIAM HUNTER WAY WILLIAM HUNTER WAY BRENTWOOD ESSEX CM14 4SS**

**CHANGE OF USE OF PART OF THE WILLIAM HUNTER WAY CAR PARK SITE TO CAR WASH AND THE RETENTION OF THE EXISTING FENCE, CARWASH UMBRELLA AND PORTAKABIN (RETROSPECTIVE PERMISSION)**

**APPLICATION NO: 14/01326/FUL**

<b>WARD</b>	Brentwood North	<b>8/13 WEEK DATE</b>	07.01.2015
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG CP1 PC2 PC4 C14 T2 T6
<b>CASE OFFICER</b>	Ms Sukhi Dhadwar		01277 312604
<b>Drawing no(s) relevant to this decision:</b>	SITE & BLOCK ; FENCE LOCATION ; GATEHOUSE ; BR0019 PLANNING STATMENT ; 200 REV 1 ; 200 ; 401 ; AQUAMARINA CHEMICAL REPORT ; MATERIAL INFORMATION ;		

**1. Proposals**

Permission is sought for the retention of a change of use of part of the William Hunter Way Car Park site to a commercial Car Wash business, and the retention of the existing fence, carwash canopy and portacabins.

Two boundary fences are proposed. The first is a wooden fence which runs along the internal boundary of the eastern perimeter of the site. It measures 2.4m high by 17.26m long. The second fence runs along the southern perimeter of the site. It is a marine plywood fence which measures 1.2m high by 27m long. It has been painted bright yellow and blue.

The drains are a maximum of 150mm wide by 83mm deep and run from the canopy and north of the portacabins and into an existing surface water drain.

The erection of two portacabins attached to each other measuring a total of 5.89m wide by 3m deep and 2.69m high to their flat roofs. They are constructed with an aluminium frame and have a grey coloured exterior.

The installation of a car wash 'umbrella' canopy held up by four galvanized steel support posts which have a maximum height of 3.1m. The canopy section measures 4.85m wide by 7.95m deep and has a height which does not extend beyond the height of the support posts. It is constructed of polyester and is proposed to have a silver/grey PVC coating. (The previous bright yellow umbrella was vandalised over the Christmas break).

## **2. Policy Context**

The National Planning Practice Guidance (NPPG) provides additional guidance which supports the National Planning Policy Framework and provides users of the planning system with a specific body of advice and reference. All decisions upon planning applications must now have regard to NPPG as a material consideration.

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 judgment 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).

Of particular relevance to this application are the following policies:

Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development ; in decision making, this means approving proposals that accord with the development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefit or; specific policies within the Framework indicate that development should be restricted.

Chapter 1 requires that planning decisions should support sustainable economic growth.

Chapter 2 requires that the vitality of the Town Centre be promoted.

Chapter 7 makes clear that good design is a key aspect of sustainable development. Design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area.

Chapter 11 requires that the planning system should contribute and enhance the natural and local environment.

Chapter 12 requires that development conserves heritage assets in manner appropriate to their significance.

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

TC10 (William Hunter Way Car Park) This policy for this site is intended to retain the site for short stay car parking, and does not preclude the consideration of the car park for redevelopment, in whole or part, for a mixed use development

T2 (New Development and Highway Considerations) states that planning permission will not be granted for proposals where it will have an unacceptable detrimental impact on the transport system; and it fails to comply with adopted policies and highway requirements.

T6 (Public Car Parking Strategy) states that existing levels of short term car parking in the Borough's shopping areas will be maintained in order to retain their economic viability

PC2 (Hazardous Substances) Development must not give rise to an unacceptable risk to the health and safety of users of the site, neighbouring land or the environment.

PC4 (Noise) Noise generating development will not be permitted if it would have a significant unacceptable detrimental impact on the noise levels experienced by the occupiers of existing residential development

### **3. Relevant History**

- 07/00978/FUL: Demolition Of Existing Structures, Erection Of New Buildings And Structures To Provide A Cinema (Use Class D2), Retail Stores (Use Class A1), Multi-Storey Car Park, 14 One-Bedroom Flats And Associated Car Parking Together With Service Areas, Highway Works, Hard And Soft Landscaping And Other Ancillary Works -Application Withdrawn
- 08/00729/FUL: Demolition Of Existing Structures, Erection Of New Buildings And Structures To Provide A Cinema (Use Class D1), Retail Stores (Use Class A1), Multi Storey Car Park, 14no. One Bedroom Flats And Associated Car Parking Together With Service Areas, Highways Works, Hard And Soft Landscaping And Other Ancillary Works. -Approve (Subject to Section 106)
- 13/00133/BBC: Change of use from disabled car park to a private car park to serve Barclays (ancillary A2) -Application Withdrawn
- 13/00784/EXT: Demolition of existing structures and erection of new buildings and structures to provide Cinema, retail stores ( Class A1), multi storey car park, 14 no

one bedroom flats and associated car parking together with service areas, highways works, hard and soft landscaping and other ancillary works. (Extension of time to commence approved development 08/00729/FUL). -Approve (Subject to Section 106)

- 14/00567/FUL: Retention of fence, carwash umbrella and portacabin (retrospective) -Application Withdrawn

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

Letters were sent to 50 occupants of adjoining and nearby properties within William Hunter Way, High Street and Western Road. Two site notices were also displayed. The consultation therefore ended on 26 December 2014. At the time of the writing of this report a total of 3 responses had been received from the public with regard to the application.

The issues raised can be summarised as follows:-

- There are two portacabins
- There is trade effluent from the wash which is going into the surface water drainage system. This is contrary to The Environmental Permitting Regulations (2010).
- No drainage details.
- No noise report.
- No environmental impact report.
- Noise pollution as a result of two pressure washers and a vacuum cleaner. This begins at 8 am (or earlier and ends at 7pm, seven days a week. We are unable to open our windows as a result of the noise and spray.
- Spray hits you when walking down the pathway to the car park.
- Puddles from the hoses accumulate on the pavement opposite Silkweaver Heights, which ice over. Somebody will slip and possibly sue the Council.
- Proposed hours of use are excessive.
- Proposal is a change of use.
- Use has no permission and is on Council property.
- Somebody will sue the council as a result of puddles from the hoses accumulating on the pavement opposite Silkweaver House.

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

- **Highway Authority:**

Comments made in relation to the previous application under reference 14/00567/FUL.

The Highway Authority would not wish to raise an objection to the above application, subject to the following condition being attached to any approval,

1. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be



submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. All fencing to be placed clear of the highway.

Reason: To ensure that any fencing does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Oral comments in relation to this application.  
No objections

- **Environmental Health & Enforcement Manager:**

Further to the additional information provided and changes made by the applicant, Environmental Health have no comments to the above mentioned proposal of application

- **Historic Buildings And Conservation Officer:**

Thank you for consulting on application 14/01326/FUL which proposes the change of use of part of William Hunter Way Car Park for the Sui-Genesis car wash facility. William Hunter Way car park is located adjacent to the Brentwood Town Centre Conservation Area; it is this location within the backlands of the Conservation Area where there is a need for enhancement, therefore the principal of this facility on a permanent basis I raise objection too as it neither preserves or enhances the Conservation Area.

Should permission be granted I advise any signage and associated elements for the facility are minimal; the colour for the canopy should be more discreet given the context and proximity to the Conservation Area.

- **Assets Manager:**

At the time of writing this report no comments had been received,

- **Head Of Street Scene:**

Comments made in relation to the previous application under reference 14/00567/FUL.

With regards to the questions:

1. It takes up 10 spaces, but these are paid for in the lease agreement with the company, as are all car parking spaces used by their customers.
2. Based on our user figures usage in WHW has increased, along with usage in all car parks in the Town, which I feel is evidence that shoppers have not been deterred.

Hope this helps, but if you any further information let me know.

- **Environment Agency:**

Comments made in relation to the previous application under reference 14/00567/FUL.

We consider the proposal to be of low environmental risk, therefore we have no objection. However, please see our detailed comments below:-

#### Vehicle washing

The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

In order to protect the water environment from potential pollution arising from this proposal, and preventing the need for future prosecution from the Environment Agency, the following good practice is advised:-

#### Vehicle wash areas

Drainage from hardstanding areas that have the potential to be contaminated by fuels, chemicals or other polluting material must be connected to the foul sewer. The Environmental Permitting Regulations (2010) make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground or surface waters.

Car wash liquid waste is classed as trade effluent. All cleaning and washing operations should be carried out in designated areas isolated from the surface water system and draining to the foul sewer (with the approval of the sewerage undertaker). The area should be clearly marked and a kerb surround is recommended.

Before discharging to a sewer you must always get a trade effluent consent or enter into a trade effluent agreement with your water and sewerage company or authority. If you are not able to discharge effluent to the foul sewer it will be classed as waste and you must then comply with your duty of care responsibilities. More information regarding the discharge of trade effluent can be found at [www.netregs.gov.uk](http://www.netregs.gov.uk) and <http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-e.pdf>

Email received 21/1/15

I can confirm that you will have to speak to Thames Water Utilities Ltd for approval of any discharges to their sewers; both foul and surface water. You will only need our approval if you make a discharge to ground (by means of a soakaway or borehole) or directly to a watercourse, which is not the case in this situation. I would be surprised if Thames Water would agree to the discharge of vehicle wash waters to the surface water system due to their potential to pollute the rivers and streams to which they will ultimately flow. Our advice would be to seek a connection to the foul water sewer. There may be some situations where hand car washing, using minimal quantities of water and detergents may be permitted, provided that they dispose of their used water away from surface water drains. The use of pressure washers, using high volumes of water and detergents, is discouraged. If a fixed installation is likely, they should consider a recirculation system, connected to the foul water sewer.

## **6. Summary of Issues**

### Background

On 26 February 2014 the Community Services Committee gave approval for the applicant to obtain a rolling 3 month renewable licence for William Hunter Way car park for use of the south western area to be used as a car wash. This licence was to last until such time that a new development partner was found for the site.

The applicant then carried out the operational works in order to facilitate the change of use. These works resulted in an enforcement complaint being made to the use and structures.

Planning application reference 14/00567/FUL was submitted for operational development on the land including the stationing of portacabins and canopies. During the assessment of that application, officers considered that a material change of use had occurred; complaints relating to noise from the use of power hoses and vacuum machines were also received and investigated by the Council's Environmental Health officer.

The applicant was advised of these issues and subsequently withdrew the application before formal determination.

### Current Proposal:

The key considerations for this application are :

The impact the proposal will have on the character and appearance of the application site, the adjoining Brentwood Town Centre Conservation Area and wider surrounding area.

The impact of the proposal on the Environment.

The impact of the proposal will have on the living conditions of neighbouring residential properties.

The impact of the proposal on highway safety.

#### Site and surrounding area

The proposal is located on the northern side of William Hunter Way Car Park. This car park is owned by the Council. There are two vehicular entrances and exits to the site. The application site is situated in the south western corner of this car park, is irregularly shaped and covers an area of 615 sqm. This area is equivalent to 15 car parking spaces and turning circle area. It shares the south westerly entrance/ exit route with the main car park.

The boundary of the Brentwood Town Centre ends at the rear boundary of shops facing the High Street.

The character of this area is mixed, as this road is predominately used as a service link to the backs of the existing shops facing the High Street. However there are residential properties to the west and south of the site and space for car parking to its east and north.

#### Principle

The site is within the Brentwood Town Centre and adjacent to the Conservation Area. Within the Brentwood Replacement Local Plan (BRLP) it is designated for use as a car park until such time that a proposal comes forward for the redevelopment of the site for a mixed use development, in line with the requirements of policy TC10 (Site of the William Hunter Way Car Park) of the BRLP.

William Hunter Way comprises of 379 car parking spaces. Policy T6 of the Local Plan requires that existing levels of short term car parking in the shopping areas be maintained.

The development has resulted in the loss of 4% of this total. The Car Parking Manager considers this as acceptable as the site is only full to capacity 3 time a year (near Christmas) therefore demand for parking in this location will not normally outstrip the supply as a result of this application.

Furthermore some of the clients of the car wash would be joint trippers, i.e. they may be using the car park anyway to access the town centre and may wish to also get their car washed. It is therefore considered the impact on the use of the car park would be minimal and may be considered to be an enhancement of the shopper experience within the Brentwood Town Centre. The proposal is therefore considered accord with the requirements of Chapter 2 of the NPPF.

Impact on the Character and appearance of site, adjoining conservation area and wider surrounding area:

The site is a car park on a service road and there are a number of large banner adverts on the buildings which face the south side of William Hunter Way; opposite this application site and within the Brentwood Town Centre Conservation Area.

The development due to its bright blue and yellow colour scheme chosen for the canopy signage and fencing contributes negatively to visual clutter within the public realm. Based on the comments of the Conservation officer, it is considered that the design of the canopy (with reference to colour) is harmful to the character and appearance of the adjacent Conservation Area. However, the applicant is willing to agree to change the colour scheme by way of planning conditions on any approval, and it is considered that a more discreet use of colours and signage (silver grey is recommended) in order to minimise the harm to this location can be achieved.

The applicant has also been advised that some advertisements may require express consent and that the current signage should be removed until such time as it has been approved by the Council.

It is therefore considered that subject to the implementation of the suggested conditions the proposal would have a neutral impact on the character and appearance of the site, the adjoining conservation area and wider surrounding town centre. The proposal therefore complies with the requirements of Chapter 7 of the NPPF along with policies C14 and CP 1 sub criteria (i) and (iii) of the Local Plan.

#### Impact on the environment

The Environment Agency has raised concerns that the discharge of car wash detergent into a surface water drain will cause unacceptable contamination to local waterways and it should therefore be discharged to a sewer. Approval for this will need to be obtained from Thames Water Utilities Ltd.

As a result of the use of the car wash, improper disposal of trade effluent would have a material impact on the natural environment, in conflict with Chapter 11 of the NPPF which requires that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by acceptable levels of water pollution. It is also for this reason contrary to the requirements of policy PC2 (Hazardous substances) of the Brentwood Replacement Local Plan. It is considered that a condition could not be attached to any planning permission to mitigate this harm.

#### Impact on neighbouring residential amenity.

The applicant has made the following changes to his business:-

- Moved the machinery for the jet spray and vacuum cleaner inside the insulated portacabin.
- Reduced the jet spray pressure from 450 litres per minute to 300 litres per minute.

-Installed aco drain covers. (Partially installed).

The nearest residential properties to the use are the apartments within Bishops Gate which are situated on the southern side of William Hunter Way. This block is a minimum of 19m away from the application site. The residential properties on Western Road are 25m away

Due to the changes made, the Council's Environmental officer has no further comments to make regarding the noise levels from the use of the car wash.

Furthermore the site is situated within the heart of the Town Centre where one can expect some background level of noise and activity. Subject to conditions limiting hours of operation and noise levels of machinery, it is considered that there is no significant level of harm to the occupiers of nearby adjacent properties.

The spray drift created as a result of the spray drift could be overcome by a condition requiring the submission and approval of details in relation to a translucent screen to prevent this drift from affecting the footpath on William Hunter Way or neighbouring residential properties. There is also another drain just outside of the site on highway land which allows rain water to be drained away and therefore it is unlikely that errant jet spray water would collect up to create slippery ice on the foot path.

It is therefore considered that whilst objector concerns in relation to noise and water spray are noted, any such occurrence can be mitigated against by use of planning conditions and complies with the aims and objectives of the NPPF and BRLP CP1 (vii) and PC4.

#### Highways

The Highway Authority has raised no objection to the planning application, and the fencing is within the boundary of the application site. The proposal therefore complies with the requirements of policy CP 1(iv).

#### Conclusion:

The use of part of the car park as a Car Wash operation would contribute to sustainable economic growth within the town centre, offering add-on attraction to shoppers and users of the car park. Furthermore, subject to conditions to agree details relating to canopy coverings, hours of operation and restriction of machinery noise levels, there would be no material harm to the living conditions of the neighbouring residents, the general public or harm to the character and appearance of the area.

However, it has not been demonstrated by the applicant that resulting trade effluent can be discharged without harm to the wider environment and it is considered that such a requirement cannot be mitigated by planning condition as it requires the authorisation of a third party undertaker. The proposal would therefore fail to take into consideration or meet the environmental 'limb' requirement that sustainable development must achieve. It is not considered that the other benefits offered by the

scheme either collectively or individually outweigh this harm. The proposal therefore conflicts with the aims and objectives of the NPPF and the requirements of Local Plan Policy PC2 and CP1 (vii).

In conclusion due to the development resulting trade effluent being discharged into a surface water drain, it is likely to pollute local rivers and streams. This application is therefore contributing to harmful to water pollution and as such is contrary to the environmental role of planning. It is for this reason not sustainable development.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

R1 U09313

It has not been demonstrated that the discharge of car wash detergent which is a trade effluent, can be successfully removed from the site without unacceptable risk to the contamination of ground or surface waters. The applicant has not secured the permission of the appropriate utilities provider to discharge the waste to a sewer, and it is not considered that a planning condition could overcome the potential harm that the discharge of trade effluent could cause. The use therefore fails to meet the sustainable development criteria as set out in the National Planning Policy Framework, in particular Chapter 11, and Local Plan policy PC2 and CP1 (vii) of the Brentwood Replacement Local Plan.

### 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 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, TC10, T2, T6, PC2, PC4, C14, PC2, PC4 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF20

The drawing numbers listed above are relevant to this decision

4 U02234

The existing advertisement signs on display on the site require Advertisement Consent. The applicant is advised to contact the planning office reference Sukhi Dhadwar on 01277 312604 for further information and advice regarding this matter.

*BACKGROUND DOCUMENTS*

**DECIDED:**





Title: CAR PARK WILLIAM HUNTER WAY, BRENTWOOD, CM14 4SS  
 14/01326/FUL

Scale 1:1250 at A4

Date 3rd February 2015

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



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**SITE PLAN ATTACHED**

**05. 90 RAYLEIGH ROAD HUTTON ESSEX CM13 1BH**

**SINGLE STOREY REAR EXTENSION**

**APPLICATION NO: 14/01374/BBC**

<b>WARD</b>	Hutton North	<b>8/13 WEEK DATE</b>	14.01.2015
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG CP1
<b>CASE OFFICER</b>	Mr Martyn Earl	01277 312588	
<b>Drawing no(s) relevant to this decision:</b>	BBC/RR/01 ; BBC/RR/02 /A; BBC/RR/03 ; BBC/RR/04 /A; BBC/RR/05 ;		

**1. Proposals**

The application has been submitted by the Housing service department of the Council and is therefore reported to the Planning Committee for determination.

The proposed extension would have a pitched roof with a gable end design feature facing the rear garden. The proposal would be 3m in depth, 2.9m in width and up to 4m in height, providing a shower room and WC to an existing bedroom.

The dimensions of the extension would fall within the limitation of householder 'permitted development'.

The materials that would be used on the external surface of the extension would match those on the existing dwelling.

## **2. Policy Context**

### 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) came into effect on the 6th March 2014 and is a material consideration in the determination of this application.

At a local level there is the Brentwood Replacement Local Plan 2005 the most relevant Policy to this application is:

CP1 -General Development Criteria

## **3. Relevant History**

- : - None

## **4. Neighbour Responses**

4 neighbour letters were sent out.

No representations have been received.

## **5. Consultation Responses**

- :None

## **6. Summary of Issues**

Key Considerations:

The key issues in the determination of this application are the effects that the proposal would have upon the character and appearance of the area and on the living conditions of neighbouring occupiers.

### Character and appearance

The dwelling is one half of a pair of semi detached dwellings located along the Rayleigh Road; the principle of the extension is acceptable in planning terms.

The extension would have a footprint of around 9sqm and be located on the rear elevation, set in from each boundary. Materials would match the existing house; the overall design and scale of the extension is in keeping with the existing house and surrounding development.

### Effect on neighbouring amenities

The extension would be far enough away from each boundary so as to not have an overbearing effect on any neighbour's property. A window is proposed to each side flank wall and since the use of the extension is for a WC and shower room, it is considered necessary to condition these windows to be obscure glazed with restricted opening, in order to protect the privacy of the occupiers and the next door neighbour. Subject to this condition, the extension would not be harmful to the living conditions of nearby residents.

### Conclusion

For the reasons as set out above, the proposed development would have an acceptable impact on the character and appearance of the surrounding area and neighbouring amenities. The proposed development therefore complies with Paragraph 17 of the NPPF 2012 and Policy CP1 of the Brentwood Replacement Local Plan 2005

## **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 DRA02A Development in accordance with drawings

Unless formally permitted by the local planning authority 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 MAT03 Materials to match

The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

Reason: In order to safeguard the character and appearance of the area.

4 U09331

Notwithstanding the details on the drawings submitted the ground floor flank window on west elevation shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window shall be installed prior to the first occupation of the development permitted and shall remain so glazed and non-openable, in perpetuity. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: To safeguard the living conditions of neighbouring occupiers in accordance with Policy CP1 (ii) of the Brentwood Replacement Plan 2005.

Informative(s)

1 INF05

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

2 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.

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:**



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**3 February 2014**

## **Planning & Development Committee**

### **Government Consultation on Starter Homes**

*Report of:* Gordon Glenday, Head of Planning

*Wards Affected:* All

*This report is:* Public

#### **1. Executive Summary**

- 1.1 The Government is consulting on a change to national planning policy to promote Starter Homes Exception sites. This report outlines the proposed changes and suggests a response to the twelve specific questions in the Consultation paper, with some context of Brentwood's housing needs. A response is required by the 9<sup>th</sup> February 2015
- 1.2 An amendment to national policy may override Local Plan provisions and if so may not be appropriate in all circumstances. However, local responses to Starter Homes, and Rural Housing with more flexible and targeted support should be considered.

#### **2. Recommendation**

- 2.1 **That members consider the report, and delegate approval of a letter of response from the Acting Chief Executive to the Head of Planning in consultation with the Chair and Vice-Chair of the Committee taking account of views expressed.**

#### **3. Introduction and Background**

- 3.1 The Consultation Document proposes an amendment to national policy to be made by a Written Ministerial Statement. If agreed, after consideration of the responses to the Consultation, the new policy would come into force immediately the Statement is issued.
- 3.2 The new national policy is proposed as follows (bold type added to indicate issues discussed in the next section of this report):

*Local Planning authorities should work in a positive and proactive way with landowners and developers to secure a supply of sites suitable for housing for first time buyers. In particular, they should look for opportunities to create **Starter Homes exception sites on underused or unviable industrial and commercial land that has not been identified for housing.** Where applications for starter homes come forward on such sites, they should be approved unless the local planning authority can demonstrate that there are **overriding considerations** in relation to **health, safety or infrastructure** that cannot be mitigated.*

***Planning conditions or obligations** should be attached to permissions for starter homes on Starter Homes exceptions sites, requiring that the homes are offered for sale at a minimum of 20% below normal market price **to people who have not previously been a home buyer**, and who are below the age of 40 at the time of purchase. They should prevent the **re-sale** of the properties at market value for a [five to fifteen year] period. In view of their contribution to meeting housing needs, Starter Homes exception sites **should not be required to make contributions to affordable housing or be subject to the Community Infrastructure Levy.** Starter Homes exception sites may include **a small proportion of market homes**, at the planning authority's discretion, where this is essential to secure the required level of discount for the Starter Homes on the site.*

#### **4. Issues, Options and Analysis of Options**

##### **Issues**

- 4.1 Relevant national policy is always a material consideration in the determination of planning applications, but the Local Development Plan is the starting point under legislation. The Plan is supported by technical studies that form part of the Council's evidence base. These studies include Strategic Housing Market Assessments and Employment Land Reviews. It is not clear how the proposed policy will be incorporated into the LDP.
- 4.2 The Starter Homes Exception Sites initiative is proposed for brownfield land only but makes no allowance at present for any need to protect employment land for other uses. The terms "underused" or "unviable" need a broader planning context than a limited economic focus. The proposal that overriding considerations against Starter Homes Exception Sites should be limited to health, safety and infrastructure indicates a thinking that heavily contaminated sites, sites with severe access difficulties and sites which are too remote to form part of a sustainable community will not be included .

- 4.3 The age qualification restriction under 40 years is to apply to all applicants, and not just one in a couple. Rules for re-sale restrictions do not at present have an owner-occupation obligation or prevent lettings as opposed to outright sale. Such matters cannot be regulated by Planning conditions, or a normal Section 106 legal agreement. The restriction period for re-sale is suggested in the Consultation Paper to be for a period of between 5 and 15 years. The Paper acknowledges that if the period is too long it is likely to affect a mortgage provider's willingness to lend on a Starter Home property
- 4.4 The policy for Starter Homes Exception sites seeks to bridge the financial gap for affordable low cost housing by removing CIL or Section 106 contributions, and relying on a bargain with the developer in return as well as the uplift from industrial land value to housing value – allowing a small proportion of market housing to achieve viability. Values will always be governed by local market forces and will vary across the country.

### **Options**

- 4.5 The proposed response to the consultation questions are set out in Paragraph 6 of this Report. There is an opportunity to provide additional comments.

### **Analysis**

- 4.6 Home ownership in the UK is at a 25-year low. The English housing survey published in February 2014 shows that the number of households living in private rented accommodation was more than those in social housing. A quarter of the 4 million households in private rented accommodation are subsidised by housing benefit. Housing benefit has increased by two-thirds in the previous five years.

## **5. Reasons for Recommendation**

- 5.1 Brentwood has a high unaffordability gap for both purchasers and rent, and a limited land supply.

## **6. Consultation Response**

- 6.1 *Overall principle of a new national Starter Homes Policy? (Q1)*

The principle of Starter Homes for first time buyers is supported. Parliament enacted a scheme under housing legislation giving local housing authorities powers to grant assistance, but this was wound up by Section 171 Local Government and Housing Act 1989. There are residual powers in the Housing Act 1985 but of very limited scope at present. The Planning system is one means of supporting Starter Homes but is not the only one.

The challenges for first-time home-buyers include mortgage finance restrictions and the affordability gap of incomes in relation to market rents and prices. The challenges are extremely difficult in South East England. The

Government could invite local authorities to put forward local initiatives in addition to promoting national schemes.

The House of Commons Communities and Local Government Select Committee published its report into the operation of the NPPF in December 2014 and sent the report for printing a week before the Government announced its Starter Homes Exceptions sites initiative. The Committee recommends ensuring equal weight is afforded to environmental and social dimensions as it is to economic consideration.

National Starter Homes policies need to be supported by local initiatives for housing at below market levels or with local support. The Government seeks 100,000 Starter Homes over five years and a cohorts of vanguard programmes to support the first generation of Starter Homes schemes. Such programmes need to be rooted in the Local Development Plan and Strategic Market Housing Assessments.

6.2 *Should the Starter Homes Exception policy focus solely on commercial and industrial brownfield land? (Q2)*

No. Where a Local Plan has employment land retained for future needs a national policy for Starter Homes should not sacrifice employment land without a careful appraisal of the long term planning balance

6.3 *Do you agree that the types of land most suitable for Starter Homes will be under-utilised or non-viable sites currently or formerly in commercial or industrial use? (Q3)*

No. It may be that mixed use sites, and Rural Housing exemption sites should also be considered. The national financing arrangements may also be capable of local adjustment. Former or existing enforcement sites which have a history of unauthorised commercial use may be considered but this should not be automatic.

6.4 *Do you consider it necessary to avoid Starter Homes developments in isolated locations, or where there would be conflicts with key protections in the NPPF? (Q4)*

Yes, particularly if the key protections are reflected in the Local Plan and there is no social infrastructure.

6.5 *Do you agree that the Starter Homes exception site policy should allow at the planning authority's discretion a small proportion of market homes to be included when they are necessary for the financial viability of the Starter Homes site? (Q5)*

No. Landowners will negotiate on that footing and undermine the basis of the Government's policy assumption.

- 6.6 *Do you agree that the Starter Homes secured through the Starter Homes exception site policy should only be offered for sale or occupation to young first time buyers? (Q6)*

In general yes. Self build groups and co-operatives should also be considered and encouraged.

- Do you think there are sufficient mechanisms in place to police this policy? (Q7)*

No. Developers need to have control over occupations, and the owner occupation terms monitored by the mortgage providers. It is notoriously difficult to monitor planning conditions seeking to achieve *bona fide* occupation.

- 6.7 *What is the most appropriate length for a restriction on the sale of a Starter Home at open market value? How should the sliding scale be set? (Q8)*

10 years. There should be the opportunity for the Local Housing Authority to operate a nomination scheme for affordable tenants for approved lettings and a waiting list for buyers (with Mortgage Guarantee support) in the 10 year period

- 6.8 *Do you agree that guidance should make it clear it is inappropriate for Starter Homes exception site projects to be subject to Section 106 contributions for affordable housing and tariffs? (Q9)*

No. There is an urgent need for housing of different tenures, notably Affordable Housing. There is a need to be innovative within the existing Planning and Housing systems rather than exempting Starter Homes.

- 6.9 *Do you agree that Starter Homes exception site projects should be exempt from the payment of the Community Infrastructure Levy? (Q10)*

No. The dwellings will generate demands on local resources and should Contribute.

- 6.10 *Do you have any views on how the register of applicants should work and what information it should contain? (Q11)*

Co-operation with Local Housing Authorities is essential. A national on-line system has no obvious means of auditing the information supplied.

- 6.11 *What kind of vanguard programme would be most helpful to support the roll out of Starter Homes? (Q12)*

The proposed National Policy should be capable of adapting to local needs and circumstances. It is not only First Time Buyers who find it difficult to obtain a mortgage. The Council of Mortgage Lenders has called for more innovative funding structures for older home-buyers to help support them and suggested harmonising equity release and mortgage markets and regulations. If Starter Homes Exception sites could be combined with housing for older home buyers instead of market housing as the Consultation policy suggests, there would be a range of housing benefits. As noted above, Starter Homes Exception sites could merge with Rural Housing Exception sites in some rural villages

Initiatives must also be taken in areas where there is a severe shortage of affordable housing. The Scottish Government has launched a Charitable Bond for affordable housing. Housing Co-operatives and self build co-operatives should also be considered.

A Local Plan has a consultation and lengthy gestation period which enable ideas to be tested and examined locally. A vanguard programme should explore the possibilities for meeting a variety of needs.

## **7. References to Corporate Plan**

- 7.1 The location of future development in the Borough will be set out within the Brentwood Local Development Plan. The Local Development Plan is a key priority in the Council's Corporate Plan as part of 'A Prosperous Borough'.

## **8. Implications**

### **Financial Implications**

Name and Title: Jo-Anne Ireland, Acting Chief Executive  
Tel No./Email: 01277 312 712 / jo-anne.ireland@brentwood.gov.uk

- 8.1 There are no financial implications at this stage. Starter Homes developed under the proposed Government's Policy would qualify for New Homes Bonus.

### **8.2 Legal Implications**

Name and Title: Philip Cunliffe-Jones, Planning Lawyer  
Tel No./Email: 01277 312703 / p.cunliffe-jones@brentwood.gov.uk

- 8.3 The concept of sustainable development does include have a long term purpose of preserving amenities for future generations. Whether or not a Starter Home exception site is a sound long term proposal involves Local Plan, alternative land use allocations and weighing planning considerations and carrying out a balancing exercise.

### **Other Implications**

- 8.4 None.

**9. Background Papers**

9.1 Consultation Paper.

**10. Appendices to this report**

10.1 None.

**Report Author Contact Details:**

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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.



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**Planning and Development Control 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

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