



Planning and Development Control Committee

Agenda

Part One

Council Chamber - Town Hall

Tuesday, 14 April 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 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. **Rights to attend and speak**

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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 or from Democratic Services (01277 312739).

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If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

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

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

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

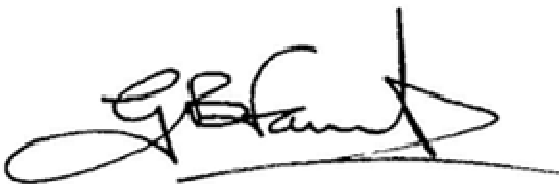
(During consideration of these items the meeting is likely to be open to the press and public)

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Chief Executive

Town Hall
Brentwood, Essex
02.04.2015

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Minutes

Planning and Development Control Committee Tuesday, 3rd March, 2015

Attendance

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

Apologies

Cllr Mrs Henwood
Cllr Mrs Squirrell
Cllr Mrs Cohen

Substitute Present

Cllr Parker (Substituting for Cllr Mrs Henwood)
Cllr Aspinell (Substituting for Cllr Mrs Squirrell)
Cllr Chilvers (Substituting for Cllr Mrs Cohen)

Also Present

Cllr Le-Surf
Cllr Tee
Cllr Foan – West Horndon Parish Council

Officers Present

Philip Cunliffe-Jones	Planning Solicitor
Gordon Glenday	Head of Planning & Development
Claire Hayden	Governance and Member Support Officer
Caroline McCaffrey	Development Management Team Leader
David Carter	Senior EHO (Team Leader)
Jonathan Binks	Planning Assistant
Carole Vint	Customer Services Team Leader
Dean Baker	Enforcement Officer

467. Apologies for absence

Apologies for absence were received by Cllr Mrs Henwood, Cllr Parker substituted. Cllr Mrs Cohen, Cllr Chilvers substituted and Cllr Mrs Squirrell, Cllr Aspinell substituted.

468. Minutes of the previous meeting

The Minutes of the meeting held on 3rd February 2015 were agreed and signed by the Chair as a correct record, subject to amendment to Cllr Mynott's title, from Mayor to Vice-Chair.

469. Planning Application 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.

**470. LAND ADJACENT TO GARAGES AT 49 SIR FRANCIS WAY
BRENTWOOD ESSEX**

**CREATION OF A GRASSCRETE SURFACE FOR CAR PARKING SPACES
ON GRASS VERGE, WITH THE INCLUSION OF TIMBER POSTS AND
FLUSH CONCRETE KERBING.**

APPLICATION NO: 14/01494/BBC

A Ward Member spoke in support of the application.

A member raised concerns on the parking bays being used by commuters, as they are situated in walk distance to Brentwood Station.

Members asked for a parking restriction to residents of Sir Francis Way be applied.

A Motion was **MOVED** by Cllr Chilvers and **SECONDED** by Cllr Baker that planning permission be approved.

For: Cllr Aspinell, Baker, Chilvers, Cloke, Hossack, Mrs Hones,
McCheyne, Morrissey, Mynott and Parker (10)

Against: (0)

Abstain: (0)

Cllr Carter was not present for this item and therefore did not take part in the vote.

RESOLVED that planning permission is approved, subject to the following conditions.

- 1 TIM01 Standard Time - Full
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 DRA01A Development in accordance with drawings
The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

471. Modern Planning Service

The report laid out proposals to improve delivery of the Council's planning services for recommendation to Full Council, where necessary

The proposals are for early engagement of Members by an e-mail alert of valid applications in the Ward or Parish to be sent daily at 9 p.m. - before neighbour notifications are received. Members who wish to track progress of an application will be provided with status updates throughout its progress. Members can register an interest in any application, but only Ward Members and the Chair Vice-Chair would be able to request Call-In with a revised pro forma. The Chair would have the final decision after discussion with the Head of Planning.

Training and Guidance Notes to be new system will be circulated and given to all Members and Parish Councils who request them.

A Member informed the Chair of his visit to Eastbourne Council to view recent transformation within their Planning Department. The Chair suggested that the Committee extend an invitation to Eastbourne Council to learn about their process of transformation.

A motion was **MOVED** by Cllr Baker and **SECONDED** by Cllr Mynott to approve the recommendation set out in the report.

For: Cllr Aspinell, Baker, Carter, Chilvers, Cloke, Hossack, Mrs Hones, McCheyne, Morrissey, Mynott and Parker (11)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY

- 1. That all planning decisions to be delegated to the Head of Planning other than for those retained to the Committee, or referred to the Committee, as set out in the revised delegation arrangements and call-in referral protocols.**
- 2. The replacement of the weekly list production by email alert of validated applications and method of call-in of planning applications by Ward Members, Parish Councils or Chair /Vice Chair to Committee.**
- 3. That enforcement issues (including injunctions/stop notices/ prosecutions and listed building offences) be determined having regard to the Planning Enforcement Plan when adopted.**
- 4. That revised planning protocols, delegation arrangements and other Constitutional changes to implement the above are recommended to the Council meeting on the 24th March 2015.**
- 5. That the Head of Planning in consultation with the Chair of Planning and Development Committee be authorised to make any non material changes needed to the Appendices before publication.**

472. Planning and Building Control Fees and Charges Review

The report reviewed the Council's Planning and Building Control non-statutory fees and charges. Current fees and charges had been benchmarked against the rates charged in other Essex councils and some East London Boroughs to gauge how Brentwood's rates compare with similar services elsewhere in the area.

The evidence suggests that Brentwood is currently undercharging for the planning and building control services it provides. It is therefore proposed to increase the planning and building control fees and charges to a more appropriate level given the level of service currently offered. It is also proposed to review the planning and building control fees annually to ensure

they reflect the services provided and prevalent market conditions in the development industry. It is important for the Council to undertake an annual review of fees and charges moving forward as Council budgets continue to reduce and the need to increase income external sources such as fees and charges becomes increasingly important. The need for high quality and cost effective services, and for the modern planning service outlined on the three linked reports to the Committee, require an expansion of advice and reduction of tasks which delay efficiency or the achievement of key performance indicators

No increase in photocopying charges for Planning or Building Control is proposed.

A very recent ruling in the High Court has struck out a fixed tariff monitoring fee of 5% in the administration of Section 106 Agreements. Examples of alternative practices in other authorities including that of the City of Newcastle were now being examined for best practice of recovery of inspection and monitoring costs where required and appropriate in Section 106 Agreements

After a brief discussion a motion was **MOVED** by Cllr Aspinell and **SECONDED** by Cllr Baker to approve the recommendations set out in the report.

For: Cllr Aspinell, Baker, Carter, Chilvers, Cloke, Hossack, Mrs Hones, McCheyne, Morrissey, Mynott and Parker (11)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY

- 1. That the Council's Planning and Building Control non-statutory fees and charges be amended to the rates outlined in paragraph 4.3 of the report, with effect from 1 April 2015.**
- 2. That all Planning and Building Control non-statutory fees and charges are reviewed annually and revised where appropriate, as agreed by Head of Planning and Development and the Chair of the Planning and Development Committee.**
- 3. That in relation to recovery of costs relating to the inspection and monitoring of Section 106 Agreements, standard clauses be introduced with the agreement of the Head of Planning and Chair of Planning and Development.**

473. Enforcement Plan Adoption Report

The report set out responses to the consultation Draft Enforcement Plan, including internal consultations, and provided an update on a Government fund for Legal injunctions. Bidding Local Authorities must have an adopted enforcement plan for three months prior to bidding for financial support for injunctions under planning powers.

A scoring chart for assessing harm and expediency for taking action is recommended for inclusion in the Enforcement Plan with amendments to ensure that Government on-line and Best Practice Guidance is also fully referenced. New procedures are also required for recording enforcement decisions taken pursuant to the Openness of Local Government Bodies Regulations 2014 and published on the web site.

The report recommended that subject to the Committee's decision on the proposals set out in the report, the Enforcement Plan be recommended to the Council for adoption as amended, with additional recommendations as to delegation, reporting, technology, tree protection and performance reviews and a revised recommendation 2.3.

A Member expressed concern that in the absence of a paper weekly list an alternative means of keeping Ward Members informed of the position should be devised.

After a full discussion a motion was **MOVED** by Cllr Baker and **SECONDED** by Cllr Mynott, subject to change to recommendation 2.3 to approve the recommendations set out in the report.

For: Cllr. Aspinell, Baker, Carter, Chilvers, Cloke, Hossack, Mrs Hones, McCheyne, Morrissey, Mynott and Parker (11)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY

- 1. That the Planning Enforcement Plan be amended as agreed and recommended to the Full Council on 24th March for adoption with effect from 1st April 2015;**

2. **That the eligibility criteria (Appendix A of the Report) for the Planning Enforcement fund for authorities which have adopted an enforcement plan and wish to bid for funding assistance for a Court injunction be noted;**
3. **That the Full Council be recommended to delegate to the Head of Planning and Development, and in his absence to either the Team Leader of Development Management or Planning Policy, all planning enforcement decisions subject to the Enforcement Plan. Decisions to recommend any type of stop notice, injunction or prosecution action shall not be taken under delegated authority except after consultation with the Chair or Vice-Chair of the Planning and Development Control Committee and having regard to such advice as may be practicable and appropriate. A record of all enforcement decisions taken shall be made in accordance with Appendix B;**
4. **That the use of technology, including the adoption of Middleware, be progressed for pre-applications, local requirements and enforcement complaints;**
5. **That a review of Enforcement Plan operation be considered annually by the Committee.**

474. Cottage Garden, Beads Hall Lane, Brentwood - 14/01069/FUL

The report to the Committee at its January meeting was re-presented with an update which examined the status of the land as Previously Developed Land ("PDL" or brownfield land) within the definition in the glossary to the NPPF. Photographs were displayed showing the remains of a building and the site and the wider landscape. The previous report had considered the planning issues if the land was considered PDL and if it was not. It was common ground with the agent for the applicant that the site was not PDL and very special circumstances are required to justify a new building in the green belt.

Such very special circumstances entailed examination of the needs of the applicant's daughter for specialist housing, and a legal agreement to secure permanent arrangements for the whole site.

A motion was **MOVED** by Cllr Baker and **SECONDED** by Cllr Aspinell that the exempt item should be discussed in a private session.

RESOLVED UNANIMOUSLY that the Press and Public be asked to leave the meeting during the discussion of the remaining item of business because exempt information as defined in paragraph 3 of Part I of Schedule 12A Local Government Act 1972 is likely to be made known .

The Committee considered a report and a draft legal agreement whereby before planning permission is granted the design of the proposed dwelling

would be adapted in accordance with advice to the Council from an Occupational Therapist with knowledge of the Care Plan of the applicant's daughter. No further residential development would be allowed on the site. After construction the existing mobile home on the site will be removed permanently outside the Borough and the property will be retained as specialist needs housing for fifty years. The property will only be occupied by the applicant and his daughter as their principal home, and also carers and visiting members of the family. If the site is sold or transferred (other than to a family trust under details to be submitted to and approved by the Council) during the period of fifty years the use will be as specialist needs housing and rights are secured for the Council to secure adaptations if appropriate for future specialist housing requirements. The draft legal agreement also provides that the owner will not apply for permission or permit any other residential development or occupation of the site. The Council agree to co-operate with Health and Social Services Authorities to approve reasonable adaptations of the submitted plans.

Councillor Aspinell considered that the personal needs and the detailed conditions for fifty years constitute very special circumstances to outweigh the harm to the green belt, and advised that all the residents in Beads Hall Lane adjoining the site supported the application. After a full discussion a motion was MOVED by Cllr Aspinell and SECONDED by Cllr Chilvers to approve this application on the basis that very special circumstances apply in this particular instance.

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

Against: Cllr Cloke , Hossack, Mrs Hones, McCheyne and Parker (5)

Abstain: (0)

RESOLVED that, subject to the prior completion of the legal agreement under Section 106 Town and Country Planning Act 1990 and the Housing Act 1985, planning permission be granted for the construction of a permanent dwelling with such adaptations and conditions as the Head of Planning in consultation with Environmental Health considers appropriate and necessary to the drawings submitted as application 14/01069/FUL

(Cllr Hossack and declared a non pecuniary interest under the Council Code of Conduct by virtue of living within the proximity of the site and Councillor Parker declared a non pecuniary interest under the Council Code by virtue of the fact that some of his fields are in the vicinity of the site).

475. Urgent business

There were no items of Urgent Business.

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SITE PLAN ATTACHED

03. POTENTIAL HOUSE 149 - 157 KINGS ROAD BRENTWOOD ESSEX CM14 4EG

USE OF VACANT SECOND FLOOR OFFICES AS A HOUSE IN MULTIPLE OCCUPATION.

APPLICATION NO: 14/01115/FUL

WARD	Brentwood West	8/13 WEEK DATE	24.12.2014
PARISH		POLICIES	CP1 T2 E2 NPPF NPPG
CASE OFFICER	Kathryn Mathews		01277 312616

Drawing no(s) relevant to this decision: 1 ; 2 ; 3 ; 5A ;

This application was referred by Cllr Chilvers from Weekly Report No 1678 for consideration by the Committee. The reason(s) are as follows:

I am not satisfied that this meets the parking guidelines or that this will offer acceptable living accommodation for those who could potentially reside there. No bath facilities are offered - only showers - and this does not seem appropriate. I also feel that this is an application that will give rise to further accommodation conversions from office accommodation in an area that is already over-subscribed in terms of residential and will see a continual loss of office accommodation in the area around Brentwood station. No provision has been made for parking or visitor parking - as well as no provision made for deliveries, health visitors, relatives in an area that currently has serious parking availability issues. No provision has been made for recycling or communal bin areas. I am dubious about the increase in sewer provision given the increase in toilet provision. It states in the report that the property has been marketed since 2009, but in the application that the office use only ceased in 2012. It also states no increase in residential units when this is an application to add 11 units?

Update since publication of Weekly List 1678

None.

1. Proposals

Proposed conversion of second floor of building from offices to a house of multiple occupation. A total of 11 bedrooms are proposed. Each would have an ensuite shower room and a sink, washing machine and refrigerator. There would be two communal kitchens.

No changes to the external appearance of the building are proposed as part of the conversion.

Pedestrian access to the accommodation would share the existing access from Kings Road to the upper floors of the building.

No off-street parking is proposed as part of the application.

In support of the application, the applicant states that the proposed use would overcome the reasons the previous proposal for the change of use of the second floor of the building to residential flats (reference 13/00690/PN56) was refused as 'the tenants would be housed by the local authority and would not be the type to own a car', as the site lies close to Brentwood Station and to the town centre, and as the use would generate less car movements than the former office use. It is also stated that the property has been empty since 2009 and has been marketed since by Kemsley in Basildon both by internet and other means, and currently remains on the market. It is advised that, despite flexibility on terms and sizes of unit, there has been no interest shown in its use as offices.

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).

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.

Local Plan Policies

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

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

E2 (Areas Allocated for Office Purposes): aims to limit the loss of offices.

3. Relevant History

- 13/00690/PN56: Change of use of offices (Class B1) at second floor into 5 no residential units (Class C3). -Prior Approval is required/Refused
- 07/01226/FUL: Change Of Use Of First And Second Floor Offices To Residential together With Erection Of Third Floor Extension To Provide 12 No. 2-Bedroom Flats, Alterations To Front And Rear Elevations, Erection Of Bin/Bike Store At The Rear -Application Refused
- 01/00788/FUL: Erection Of An Extension To Existing Office Block To Form Additional 3rd And 4th Floor Accommodation Together With The Change Of Use Of The Ground Floor Unit From Launderette To A Mixed Use Comprising Office Reception Area And A2 Use Together With The Installation Of A Shop Front. -Application Permitted
- 95/00744/FUL: Installation Of Front Entrance Door, Screen And Barrierrails. -Application Permitted

4. Neighbour Responses

31 letters of notification were sent out and a site notice was displayed at the site. No letters of representation have been received.

5. Consultation Responses

- **Environment Agency:**

This application is outside our remit under the DMPO 2010 and therefore we have no comments to make.

- **Transport & Operational Services:**

Whilst the previous application received a negative response from this Authority with regards to the lack of parking provision for cars, given the existence and previous use of the unit, the proposed use of Multiple Occupancy, the location with good access to frequent and extensive public transport and the existence of on-street waiting restrictions around the site, the Highway Authority would not wish to raise an objection.

Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD

- **Environmental Health & Enforcement Manager:**

I do not in principle have any objections to this application, however, the application does not meet the Essex Approved Amenities Standard for shared kitchens. A minimum of 2 cooking rings per user should be provided. A microwave oven may substitute for 2 rings. It is my concern that if there is inadequate cooking facilities in the communal kitchen, residents may start to cook within their units and increase the risk of a fire.

Additionally the position of the Communal kitchen on the first level is close to the means of escape in the event of a fire. The risk of fire is more likely in the kitchen than any other room.

If approval is granted, I would recommend the following:

1. An additional communal kitchen is provided on first level which consists of 4 cooking rings;
2. The communal kitchen is positioned away from the means of escape route preferably where Units 4 and 5 are located.

6. Summary of Issues

The application site is located within an area allocated for shops/offices in the Adopted Local Plan. The building is located on the western side of Kings Road and accommodates retail uses at ground floor level, office space at first floor level, vacant office space at second floor level and residential use at third floor level. The ground, first floor and third floor uses are not proposed to change as part of the current proposal.

The refusal of planning permission reference 07/01226/FUL was unsuccessfully challenged at appeal; the appeal being dismissed based on the concern that the proposal would have resulted in the loss of employment floor space.

The more recent appeal decision (reference 13/00690/PN56) in relation to a prior notification for the change of use of the second floor of the building to residential flats was dismissed. The Inspector considered that the occupiers of the flats would be tempted to park on the street close to their home but, as there is already competition for the on-street parking spaces, he felt that the existing parking pressures during the evenings and weekends would be exacerbated which would increase the risk of illegal parking and add unacceptably to the risk of harm to highway safety.

The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the occupiers of neighbouring property, highways/parking issues and the quality of life for the occupiers of the proposed accommodation.

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.

Principle

The proposed development would result in the loss of office space. However, on the basis that it has been vacant for a considerable length of time and the owners have been unable to secure a new occupier for the premises, it is considered that a refusal on the basis of the loss of office accommodation could not be sustained (Policy E2).

Character and Appearance

As the external appearance of the building would not alter, it is considered that the proposal would have no impact on the character and appearance of the area, in compliance with the NPPF and Policy CP1 (criteria i and iii).

Highways/Parking

The occupiers of the proposed living accommodation would not be provided with any off-street parking. However, given the nature and scale of the development proposed, the lawful use of the premises as offices and the proximity of the site to services, facilities, employment and public transport, it is considered that the current proposal would not result in an exacerbation of the existing parking pressures in the area and, therefore, would not add unacceptably to the risk of harm to highway safety. The Highways Authority supports this view. On this basis, the proposal complies with the NPPF, Policy CP1 (criteria iv and v) and Policy T2.

Quality of Life

Based on the advice of the Environmental Health Officer, it is considered that the proposed living accommodation would provide an adequate quality of life for the occupiers of the proposed residential accommodation.

The Government has recently issued a Guide for Local Authorities 'Improving the Private Rented Sector and Tackling Bad Practice' to help housing officers effectively tackle poor and illegal practices by landlords and letting agents which has led to overcrowding and dangerous accommodation in some cases.

The Environmental Health Officer recommends the imposition of conditions relating to the addition of four cooking rings and the repositioning of the communal kitchen further from the escape route. A revised drawing has since been received relocating one of the communal kitchens but, in any event, these matters would be covered by other legislation and, therefore, it would not be appropriate to impose these requirements as conditions on any planning permission granted. It is not anticipated that any internal alterations that may be required to comply with the Essex Amenities Standards for shared kitchens and any further need to relocate the communal kitchen would constitute a material amendment to the proposal. However, based on the recent Local Authority Guide referred to above, it is considered necessary to impose a condition limiting the occupiers to adults only and the total number of occupants to 11 to prevent potential overcrowding.

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 U09792

The House of Multiple Occupation (HMO) hereby approved shall only be occupied by adults and shall not be occupied by more than 11 residents without the further formal consent of the Local Planning Authority.

Reason: In the interests of the living conditions of the occupiers.

3 DRA01A Development in accordance with drawings

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

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

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, E2, T2 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 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.

4 U02260

For the applicant's information, the Council's Environmental Health Officer has advised that an additional communal kitchen may be required on first level which consists of 4 cooking rings and that the communal kitchen may need to be positioned away from the means of escape route preferably where Units 4 and 5 are located.

5 U02262

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD

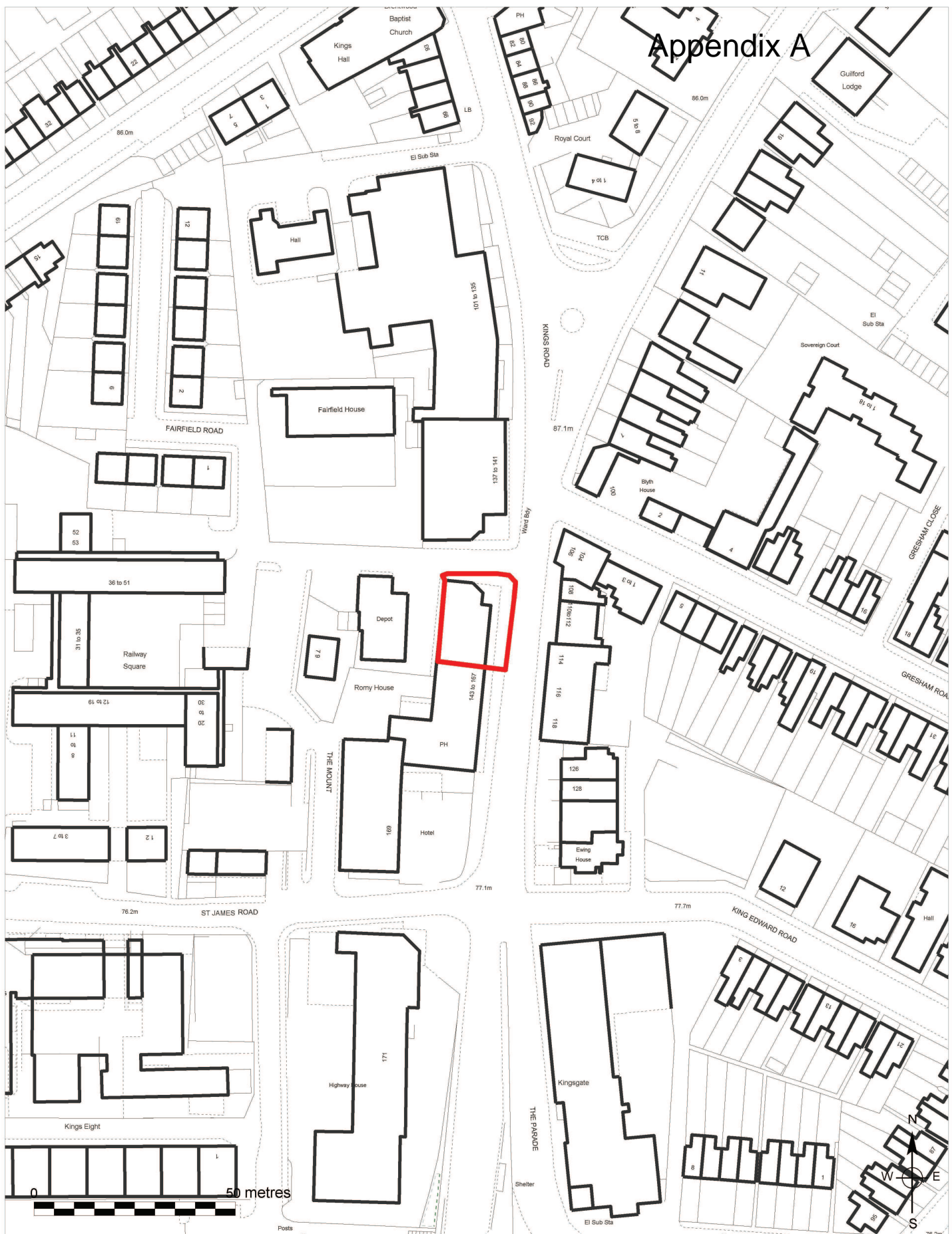
6 U02313

The applicant's attention is drawn to the requirements of the Energy Act 2013 (Commencement no.2) Order 2015.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title: POTENTIAL HOUSE 149-157 KINGS ROAD, BRENTWOOD, CM14 4EG
14/01115/FUL

Scale 1:1250 at A4

Date 14th April 2015

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



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SITE PLAN ATTACHED

04. LAND TO THE SOUTH OF 229 BRENTWOOD ROAD HERONGATE ESSEX

DEMOLITION OF EXISTING BUILDINGS, CREATION OF NEW VEHICULAR ACCESS, CONSTRUCTION OF TWELVE X ONE BED AND SEVEN X TWO BED FLATS IN FOUR BLOCKS INCLUDING SIX X SHARED OWNERSHIP UNITS, PROVISION OF BIN AND BIKE STORES, PARKING AREAS, LANDSCAPING AND ASSOCIATED WORKS.

APPLICATION NO: 14/01313/FUL

WARD	Herongate, Ingrave & West Horndon	8/13 WEEK DATE	23.02.2015
PARISH	Herongate & Ingrave	POLICIES	NPPF NPPG CP1 GB1 GB2 T2 C3 C5 C8 C11 C14 C16
CASE OFFICER	Mr Martyn Earl		01277 312588
Drawing no(s) relevant to this decision:	3215/1B; 3215/2; 1220.1C; 1220.2; 1220.3; 1220.4; 1220.5; 1220.6; 1220.7A; 1220.8; 1220.9A; 1220.10; 1220.11A; 1220.12; 1220.13; 1220.14; OS 916-14.1; OS 916-14.2 REV A; OS 916-14.3 REV B;		

1. Proposals

Permission is sought for the erection of 4 x two-storey buildings containing a total of 19 units; 3 of the buildings would measure approximately 13.9m wide x 16.55m and up to 6.9m in height. Each floor would accommodate 2 x one bedroom and 1 x one bedroom flats; the one bedroom flats would have a Gross Internal Floor Area (GIA) of 50.1sqm and the two bed room would measure 75.1sqm.

The fourth block would measure 16.6m wide x 8.35m and up to 6.75m in height. At ground floor there would be a bike and bin store, a staircase leading to the first floor with undercroft access to the parking area to the rear of the building. The first floor flat would have two bedrooms and a GIA of 75.1sqm.

Six of the flats are proposed to be for shared-ownership with the remaining for open market sale.

The parking allocation has been interspersed within the site in three locations; 8 parking spaces located to the north, 10 spaces located centrally, and 14 parking spaces adjacent to the southern boundary.

A landscape plan has been submitted which indicates that the development would endeavour to retain some of the existing hedge to the front of the site and new hedging would be planted along the north and south boundary with the non-developed areas laid to lawn.

The application is accompanied by the following supporting documents:

Design and access statement
Planning statement
Heritage appraisal and impact assessment
Affordable housing appraisal
Transport assessment
Tree report: Arboriculture method statements, tree protection measures
Woodland management plan
Phase 1 Habitat and protected species
Drainage statement

The site lies within the Metropolitan Green Belt to the south of the settlement of Ingrave and Herongate, and opposite 'Button Common'. It is broadly rectangular in shape, and is stated to measure 0.5ha. The east boundary abuts the A128 Brentwood Road which also marks the boundary of the Herongate Conservation Area. This boundary is marked by a mature hedge with access to the site via a gated entrance. Also within the ownership of the applicant is a parcel of land abutting the Grade II* listed Thorndon Park and Thorndon Park Conservation Area.

2. Policy Context

The National Planning Policy Framework came into effect on 27 March 2012 and is 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 Framework, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the Framework granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the Framework 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) was published in March 2014 and is a material consideration in the determination of this application.

The Framework confirms that the starting point for the determination of planning applications is the local development Plan. The Local Development Plan is the Brentwood Replacement Local Plan (RLP) which was adopted in 2005. RLP policies relevant to the determination of this application are as follows:

GB1 - New Development
GB2 - Development Criteria
CP1 - General Development Criteria
T2 - New Development and Highway Considerations
C3 - County wildlife sites, local nature reserves and other habitats and natural features of local value
C5 - Retention and provision of landscaping and natural features in development
C8 - Special landscape Areas
C11 - Thames Chase Community Forest
C14 - Development Affecting Conservation Areas
C16 - Development within the Vicinity of a Listed Building

3. Relevant History

- : - None

4. Neighbour Responses

At the time of the report being written, 105 responses have been received including one letter of support. The representations can be summarised as follows:

- o The site is within Green Belt and there is no special merit in building on this Green Belt Location
- o Development could be considered as unwarranted encroachment beyond the recognised village perimeter.
- o The Site would have access onto the busy A128 driving up from the A 127 where vehicles are often travelling at relatively high speeds and would have difficulty in braking/slowing to allow vehicles from a side turning access which could be considered partially unsighted.
- o Over development of this location.
- o Incongruous in a village setting
- o Devaluing surrounding property
- o Four blocks of flats are not in keeping with the village environment/community
- o Concern for road safety
- o There is not the infra structure in Herongate to sustain such a development.
- o Loss of wildlife habitat
- o Concern over the density of the development
- o This section of road is prone to flash flooding and poor visibility
- o There is no dependable public transport in this village
- o Impacts on the future occupiers of the development due to the location close to a main road

- o Concern over the timing of the submission of the application and the neighbour notification period over Christmas and the new year
- o Increase in the traffic movements in the surrounding area
- o Schools within the surrounding area are already over crowded
- o Harm to neighbouring listed building and conservation areas
- o Impact on broadband speeds
- o The development combined with others will lead to the joining of Brentwood and Laindon
- o If this proposal is developed further, is it possible to guarantee that young people will be able to afford to buy a home, even with shared ownership. Would there be provision for those unable ever to afford to buy?
- o Loss of flora and fauna

5. Consultation Responses

- **Natural England:**

No reply at time of writing report.

- **Housing Services Manager:**

No reply at time of writing report.

- **Essex County Lead Local Flood Authority:**

Thank you for consulting us on this application. Unfortunately, at the moment, we are only providing comments on sites over 1ha, where SuDS are proposed. So in this particular case we will not be submitting a response to you.

- **Essex Wildlife Trust:**

No reply at time of writing report.

- **Highway Authority:**

1. The proposal would lead to the creation of an access onto Brentwood Road, a stretch of Main Distributor highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety.

2. As far as can be determined from the submitted plans the applicant does not appear to control sufficient land to provide the required vehicular visibility splays of 2.4m x 90m to the north, The creation and use of this access would therefore result in vehicles emerging with inadequate visibility which would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.

A; This proposal would therefore be contrary to the aims and objectives of the Local Transport Plan 2006-2011, Appendix G - Highway and Transportation Development Control Policies as refreshed 19 October 2007.

- **Essex & Suffolk Water:**

No reply at time of writing report.

- **Historic Buildings And Conservation Officer:**

Significance

The proposed development site is located upon Brentwood Road, to the east of the A128. Adjacent to the site is the Herongate Conservation Area (to the east), Thorndon Park Conservation Area (to the west) also registered as a Grade II* listed Park and Garden (see appendices). Grade II listed Park House (List entry Number: 1205615) is located to the south of the site. 'House. C18, altered and extended in early C20. Red brick in Flemish bond, roofed with handmade red clay tiles' (English Heritage).

The A128 is the main thoroughfare into Brentwood through Herongate Village. The village envelope is surrounded by Green Belt and is a special landscape area (CAAMP 2009). The Conservation Area was extended in 2012 to include Button Common; the rural quality of the landscape beyond the point of entry to the Conservation Area is supportive of character and the green spaces of the Conservation Area are an intrinsic feature;

'the green space which is so much a feature of the Conservation Area is all informal, not over managed nor yet showing signs of inadequate maintenance' (p. 15 CAAMP 2012) this reference within the CAAMP remains evident.

The ownership boundary of the overall site extends into the Thorndon Park Conservation Area (also a Grade II* listed park and Garden) whilst this is not proposed as a developable area within the proposals, given the designation status of this land, consultation from English Heritage should be undertaken by the Local Planning Authority.

Discussion

The overall site is designated Green Belt at an important introductory point into the Conservation Area of Herongate. The verdant nature and soft framing of the location is presently supportive to the character and appearance of the wider conservation areas. There is no historical evidence supplied to me which supports the site having been previously developed land, with the exception of one built form which appears to be an early C20th structure. This structure I advise does not appear to be of highly significant architectural merit, an internal inspection has not been undertaken. The building was likely to have evolved from an agricultural use/need.

The grade II listed building of Park House and the associated outbuildings within its curtilage are visible through glimpsed views of the established soft boundaries of the site. The historic curtilage of Park House abuts both the Thorndon Park Conservation Area and the Grade II* Listed Park and Garden. To the north of the site are a series of later C20th detached dwellings. These are set back within their plots and are of neutral contribution to the character of the Conservation Area.

Having assessed this application in respect of its impact upon designated heritage assets, I raise concerns on Conservation and design grounds.

In the first instance the siting of the built forms do not propose a wholly natural evolution to grain of the historic settlement pattern of Herongate itself; I advise that should the principal of development be acceptable in this green belt location then a deeper contextual analysis with research into the Historic Settlement Pattern would enable an informed approach to any extension of the historic urban grain. This should also take into account the setting of the adjacent listed building and its relationship to the Grade II* listed park and garden, which will be impacted upon by any urbanisation of the site. The applicants own Heritage Assessment submitted within this application should also form part of the research to inform the design. From the dating of the document it appears the Heritage Assessment was produced after the layout design was decided upon (drawing 1220.1C).

The Heritage Assessment does detail the heritage constraints of the site and provides an important historical background. However given the significance and contribution of this site to the character and appearance of the Conservation Areas it is unfortunate the historical and contextual analysis has not informed the design approach as stated in section 4.2 (p.24).

The design proposes four built forms intended to resemble detached dwellings to accommodate the flatted units. This broken up approach to the built form would be less harmful than one continuous block form as referred to in the DAS (Section 4 p.3), however the quantity and uniformed nature of the proposals and the close relationships of the buildings to one another is contrary to the narrative cited. Whilst the design does in part make reference to architecture within the wider context I do not advise it is comparable with that of the Listed Building as stated in Section 7 of the DAS.

The DAS refers to the Listed Building of 259 as leading the proposed narrative stating: 'The style and proportions of the elevations have been designed and the materials chosen to echo the appearance of the listed dwelling at 259 Brentwood Road, the curtilage of which abuts the southern boundary of the application site', I would not advise this has been successfully implemented and has resulted in a diluted design.

It is important to recognise No. 259 is a stand alone Georgian Building, with a later extension successfully carried out in the 'Georgian Style'. The overall layout of buildings within the curtilage have variety in scale, interest at roof level together with a hierarchy of fenestration, substantial detail and high quality materials; ultimately it is the variety within the curtilage of Park House which does not transfer into the design in these proposals, the proposed design has a distinctly uniformed architectural approach, in layout and elevated treatment; including the design of the coach house building, which is of a comparable height to what are proposed to be 'host buildings'; the hierarchy is therefore lacking.

Summary

Having taken all aspects of this application into consideration, my concerns cannot be overcome through the application of planning conditions; the design does not enhance or preserve the Conservation Area of Herongate. I advise it will be harmful to the Conservation Area and its future conservation.

In respect of the encroachment of the proposed design upon the Thorndon Park Conservation Area and within the Grade II* Listed Park and Garden I defer at present to the pending English Heritage Consultation.

The design is not sufficiently developed with regard for the setting of the listed building of Park House. The proposals are relying too heavily upon the screened nature of this site, whilst I agree this location is presently well screened, heritage assets are assessed as a whole and the incremental erosion of green spaces which are intrinsic components of the Conservation Areas' character should be resisted.

Conclusion

Should the principal of development upon this green belt location be acceptable, any design should be developed through an in-depth understanding of the wider context and with regard to the historic environment. A high standard of design should be required, with detail and material intent dovetailed into proposals.

Recommendation

Consequently I do not support this application and recommend refusal.

- **Arboriculturalist:**

The submitted arb and woodland report are fine.

- **Natural England:**

Your enquiry regarding great crested newts has been passed to me to respond to. I understand that you have a query as to whether the conclusion, in the ecological report, that there are no great crested newts present is valid, as the ecological consultants were unable to survey the nearest pond which lies outside the application site (25 m away in an adjacent garden). There are also other ponds which lie outside the site but the next closest is located 350m to the east on the golf course. The nearest known record for great crested newts over 2 km from the application site.

In relation to this case, the assessment that great crested newts are not present is based on the ecological survey information contained in the report; the lack of suitable water bodies on site; the distance other ponds are located; lack of biological records and distance from nearest record; and the potential barriers to great crested newt movements ie the road. If it has not been possible to survey the closest pond located in an adjacent garden (eg access was refused), then the ecological consultants must make an assessment based on the available ecological information, their knowledge and understanding of the application site and surrounding habitats. It appears reasonable to have concluded that there are no great crested newts present.

I hope this answers your query although if you have any further enquiries please email consultations@naturalengland.org.uk .

- **Parish Council:**

Four Blocks of Flats located to the south of 229 Brentwood Road, Herongate

Herongate and Ingrave Parish Council object strongly to this proposed development because it is a green field site in the green belt and that there are no exceptional circumstances that justify the destruction of green belt.

Additionally, the site has the following protective planning designations:

Special Landscape area

County Wildlife area

Thames Chase protected habitat area

Bounded to east and west by conservation areas

There is a single agricultural shed on the site that was erected as an animal shelter. A local farmer confirms that his flock of sheep, on the field in question, used the shelter regularly some 25 years ago. The Woodland Management Plan Ref: OS 916-14-Doc3 of November 2014, provided by the potential developer, in paragraph 6.4.3 confirms that the derelict structure is agricultural in nature.

In view of the fact that the only building in the site area is a derelict animal shelter, the site cannot be deemed to be a brown field site.

The building of the four blocks of flats would dramatically affect the visual amenity of Button Common conservation area. Additionally, the major development close to the conserved woodland would significantly reduce the sunlight that would reach the woodland which would be deleterious to the conserved planting and associated habitat for flora and fauna.

To the south of the proposed development lies Park House, a rather beautiful 18th century grade II listed property that is of significant benefit to Herongate. Building four blocks of flats, however tastefully designed, would inevitably have a negative effect on the presentation of the home.

The reports on the habitat for birds, mammals, reptiles and bats provided by would-be developer clearly demonstrates that the area is still completely worthy of the designation as a County Wildlife area.

This Planning Application must be refused.

- **Historic England:**

- **Summary**

It is proposed to develop 19 flats, in four blocks, including a separate bin and bike store and parking. The site lies adjacent to the east boundary of the Grade II* Registered Park and Garden of Thorndon Hall and is adjacent to the Herongate Conservation Area and Grade II listed Park House. The proposed development site would fall within the setting of the registered park and Park House and we have some concerns that the proposed development would encroach upon the wider rural setting and significance of the heritage assets.

- **English Heritage Advice**

The registered park was designed as the grand setting for Thorndon Hall, which was subdivided into flats in 1975 after a major fire in 1878 led to it standing empty. The historic landscape comprises elements of 17th and 18th century design phases with

an overlay designed by Lancelot Brown and developed 1766-1772. Following the First World War 240 acres of the parkland to the south of the Hall were acquired by Thorndon Park Golf Club and this use continues to occupy a large proportion of the designed landscape, partly overlaying Brown's landscape. Much of the remaining historic parkland to the west of the Hall was acquired by Essex County Council and opened to the public as a country park.

The proposed development site is separated from the registered park by the Long Plantation, a woodland designed by Brown that forms its south eastern boundary. It is not clear from the historic plans and information provided whether there were any historic designed views through the Long Plantation from the parkland out into the surrounding countryside or from within the woodland from the designed paths that are apparent in the plan of 1872; Interestingly, the serpentine paths marked on the 1872

plan terminate at the Grade II listed Park House. Similarly, it is not possible to understand from the information provided whether there were ever designed views out to the surrounding countryside from earlier landscape features, the two mounts that

pre-date Lord Petre's 1733 plan for example - which were designed to provide extensive views over the parkland. It is possible that the proposed development would impact upon some of these longer, potentially designed, views.

The proposed development would amount to a minor expansion and infilling of the village of Herongate to the south and remove the existing separation between the village edge and the Grade II listed Park House. The extension of the village into the

surrounding countryside would also further erode the "rural" edges of the registered park which currently comprises its setting. This will have some detrimental impact on the significance of the park and setting of Park House.

The National Planning Policy Framework requires local authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, paragraph 131. It continues in paragraph 132 by stating that great weight should be given to an asset's conservation and the more important the asset, the greater that weight should be. Where a proposal would result in harm to an asset's significance, this should be weighed against the public benefits, paragraph 134.

It is worth noting that setting concerns more than just views to and from the heritage asset; the relationship between the registered park and its surroundings is also important. The NPPF Practice Guidance sets out that setting includes the way we experience an asset in its setting in paragraph 013.

Recommendation

We have concerns that the proposed residential development would further erode the wider rural setting of Thorndon Park causing some harm to its significance. We recommend your council consider whether the impact of the proposed development on the significance of the designated park and garden and Park House is outweighed by the public benefit of the development, as set out in paragraph 134.

- **Essex Badger Protection Group:**

Due to the area being heavily populated with badgers, I would ask that a survey of the site be carried out to establish any badger activity. This I am happy to do for you if required

6. Summary of Issues

Green Belt

The application site lies to the south of the settlement boundary in the Green Belt and is therefore subject to the local and national policies that apply in the Green Belt. The National Policy for Green Belts appears in Part 9 "Protecting Green Belt Land" of the National Planning Policy Framework. The Framework indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt.

The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. These exceptions are set out in Paragraph 89 of the Framework.

Paragraph 89 Indicates that limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plan may not be inappropriate (bullet point 5). It also indicates (bullet point 6) that the limited infilling or redevelopment of previously developed sites may not be inappropriate provided that the new development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. A further exception is buildings for agriculture or forestry.

The application site abuts the southern boundary of 229 Brentwood Road and is on the edge of the settlement with the exception of a sporadic, mainly agricultural holdings, the frontage leading south from the settlement towards the A127 is devoid of development. The term "infilling" is not defined in the Framework but it is generally understood to mean the filling of a small gap in an otherwise developed frontage. It is considered that this interpretation would reflect the Framework objective of preserving openness.

The application site is not within a built up frontage and it is considered that the proposal would therefore not amount to infilling. If the site was considered to be infilling it would result in an encroachment of the settlement into the Green Belt. It is considered that the proposal does not satisfy the criteria of bullet point 5.

On the site are two small disused single storey buildings, which the Parish Council have identified as being previously used for agricultural use. The applicant is silent on this matter and the Council has no reason to believe that the buildings were therefore used otherwise. The Framework excludes land that is or has been used for agricultural or forestry use as previously developed land (PDL). The proposal cannot therefore be reasonably assumed to amount to the redevelopment of previously developed land.

If the view was taken that it was the redevelopment of PDL consideration must be given to its effect on the Green Belt. There can be no doubt that the proposed dwellings would materially detract from openness and they would represent an encroachment of residential development into the Green Belt, thereby conflicting with one of the purposes of including land in the Green Belt. For these reasons the proposal does not satisfy the criteria of bullet point 6 in paragraph 89.

The proposal includes an allocation of affordable housing and the tests set out in the BRLP Policy H10 therefore may apply. However, the site is not within the confines of an existing settlement and the redevelopment of the site would have a greater impact on the Green Belt than the existing buildings and the purposes of including land within the Green Belt. It has not been demonstrated that there is a local, social and economic need in the short and longer term or that no other suitable alternative accommodation is available within the built up area. The proposal does not comply with the provisions of Policy H10.

The proposed dwellings are not for agriculture or forestry.

Although adopted some years before the Framework the aims of the general Green Belt Policies (GB1 and GB2) within the Brentwood Replacement Local Plan (RLP) are consistent with those of the Framework and therefore they still carry weight. The RLP has no policies that would enable the development of dwellings in the Green Belt unless they were replacements or essentially required for agriculture, neither of which is the case here.

For the reasons set out above the proposal would not fall into the categories of development that may not be inappropriate in the Green Belt as indicated in paragraph 89 of the Framework. It would therefore be inappropriate development. It would cause further harm to the Green Belt by materially detracting from openness.

Green Belt - other matters

The Planning Statement submitted on behalf of the applicant makes a number of references to the Framework including paragraph 89; Part 4.0 of the Planning Statement is headed "Very special circumstances" and, in the context of the Framework, this suggests that the applicant accepts that the proposal is inappropriate development. It is necessary to examine other matters advanced in support of the proposal to determine whether they amount to "very special circumstances" that would overcome the harm to the green belt identified above.

The Planning Statement makes several references to Emerging Local Plan Policy DM25 however given the current stage of the LDP, no weight can be given to the emerging policies referred to by the applicant.

The Council cannot currently identify sufficient land for housing (either affordable or open market) that would satisfy the requirements of the Framework and the nineteen units would make a small contribution to the land available for development. However the 6 October 2014 revision to the on-line Planning Practice Guidance (Paragraph: 034 Reference ID: 3-034-20141006) made it clear that when taking decisions in respect of proposals in the Green Belt an unmet need for housing is unlikely to outweigh the harm to the Green Belt such as to constitute very special circumstances justifying inappropriate development within the Green Belt. It is considered that there is no reason why this approach should not apply to this proposal.

Other considerations:

The applicant draws attention to having commissioned landscape experts to prepare a woodland management plan for the land to the rear of the site; however the management of this land would not be necessary for the application to succeed, nor is it within the application site.

Impact on Character and appearance of the area

Paragraph 109 of the Framework indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The Framework does not define "valued" but given that paragraph 115 refers to nationally designated land it is considered that the value of local environment (as referred to in paragraph 109) is a matter for local people and their representatives to determine. The application site lies within an area defined as a Special Landscape Area and Thames Chase Community Forest in the RLP. This designation in itself now carries limited weight - however it is indicative of this being a valued landscape which should be protected and enhanced.

Located on the fringes of the Herongate settlement, the site is predominantly surrounded by open and undeveloped areas and characterised by the adjacent and nearby heritage assets. Heritage assets make a positive contribution to the character and appearance of the area; therefore, any negative impact on these assets will de facto result in a detrimental effect on the wider area.

The applicant's Heritage Assessment provides detail on the constraints of the site but based on the comments of the HBC, this analysis has failed to inform the design approach of the buildings. The HBC has referred to the Historic Settlement Pattern of Herongate where the ribbon of development could naturally be extended to include this location should the historical evolution of the urban grain and the elevated design complement the wider context; however the deficiency in the design approach under these proposals is contrary to this approach, therefore in turn is harmful to designated heritage assets.

Additionally, both the HBC and English Heritage (EH) make reference to the urbanisation of the site. EH specifically raise concern on the erosion of the "rural" edges of the registered park which currently comprises its setting, stating that this will have some detrimental impact on the significance of the park and setting of Park House.

The views of the HBC are set out in full above and do not need to be repeated here, however in summary it is the repetition and uniformity of the built form which fails to reflect the variety of scale or material language in the wider context, that would be harmful to the character and appearance of the area.

Overall, for the reasons set out in detail by the HBC and EH and summarised above, it is considered that the proposal would be harmful to the setting of the registered park and to Park House and to the adjacent Conservation Areas.

Furthermore, as the heritage assets are of great significance to the character and appearance of the area it is considered that a proposal that would materially harm the setting of the heritage assets must therefore be harmful to the area within which it is located.

The analysis of the proposal should follow the guidance set out in Part 12 of the Framework. The proposal would harm the setting of the very important Grade II* registered park, the setting of the Grade II Park House and the adjacent Conservation Areas. It is considered that this harm would be "less than substantial" as defined by the Framework. It is therefore necessary to weigh that harm against the public benefits arising from the proposal including securing its optimal viable use.

The proposal would make a reasonably significant contribution to reducing the deficiency in housing land but it is considered that this would not be a significant public benefit sufficient to outweigh the significance of the heritage assets. It is considered that the proposed development would not be necessary to secure the optimal viable use of the heritage assets.

Neighbouring amenities

The neighbour to the north of the site is Park House, and the nearest proposed building would be around 27 metres away; there would be no direct overlooking of either habitable rooms or private amenity space, arising from the proposal. The overall distance between built form would not give rise to an overbearing effect.

The layout of the development means that there would be a parking area within 3m of the shared boundary. There would be some disturbance to this neighbour by virtue of vehicles coming and going, but the area adjacent to this (on the neighbouring site) is used as a parking area and access to the garage, and therefore it means that the harm would not be detrimental in terms of general disturbance to this neighbour.

The neighbour to the south is 259 Brentwood Road. This neighbouring dwelling is located over 50m away from the common boundary and the development would be sited 6m away. It is considered that the distance between new development and the orientation of the buildings would minimise any obvious noise or disturbance, overlooking or overbearing effect.

Parking

A provision of 32 car parking spaces means that the Council's maximum standards would be met. Six spaces are proposed for visitors. There would also be the provision of two covered areas providing space for the parking of bicycles.

However, based on the comments of the Highway Authority, the proposed development would result in a substandard access, unable to provide adequate visibility splays, and based on the information provided by the applicant; this cannot be mitigated by imposing conditions.

Ecology

There has been the submission of a phase 1 habitat and protected species risk assessment which is the result of a desktop study as well as a site visit in September 2014. The desktop survey used the National Biodiversity Network Gateway and the Magic website. Biological records for protected species and sites within a 1 Km radius of the application site have been obtained from the Essex Field club. The site itself is not within a Site of Special Scientific Interest (SSSI) but Thorndon Park (is within a SSSI) and is within 1km of the application site. During the site visit it was noted that there are two buildings and a pile of rubble on the site, as well as the absence of a pond, which are all important factors in the consideration of protected species on site.

Protected species

There are seven ponds within a radius of 500m of the site, there is a lack of connectivity with the application site, due to the significant barriers in the intervening habitat and higher quality habitats in the surrounding area. The ecology survey submitted sets out that should there be any greater crested newts within any of the known ponds it is not believed that they would disperse on to the site. Furthermore the biological data supplied by The Essex Field Club did not present any records of great crested newts. It is therefore believed that the proposed development will not incur a significant impact to great crested newts.

A walkover survey of the boundaries and woodland to the west did not record the presence of a badger sett, however access for a closer inspection could not be achieved. A recommendation of the survey is that a winter assessment should be carried out to confirm the absence of the badger sett. In the submitted tree Report: Arboricultural methods statements tree protection measures, it sets out on page 23 that tree T16 appears to be growing over a historical badger sett.

The response from the Essex Badger protection group outlines that the area is heavily populated with badgers and they have asked that a survey be carried out to establish any badger activity. It is noted that there has been a walkover survey of the site, which did not record the presence of a badger sett, but as previously set out this carries very little weight, given that other submitted information suggests that there is a presence of badgers on or close to the site.

It has not been demonstrated that the development would not be harmful to a protected species (badgers) however it is considered that if permission were to be granted, conditions could be imposed requiring the full and survey and mitigation measures attached.

The survey sets out the habitats on site that are considered of value for reptiles are the piles of rubble near the entrance to the site. A hand search was carried out but no reptiles were recorded. The biological records noted the presences of slow worm, common lizard and grass snake within 1km radius of the site, with the application site of potential value to these species. Overall, the proposed development site is considered of moderate to high value for reptiles and as set out in the report further survey work is required to determine reptiles' presence. In line with the recommendation of the ecology report a condition would be required to ensure that further survey work is carried out with a view for possible mitigation measures to be put in place.

The habitats on site are considered to be of low value to birds, there are habitats of higher value in terms of bordering hedgerow, mature trees and woodland within the surrounding area. The current proposals seek to retain the boundary features and therefore as set out in the report, subject to mitigation measures being adopted there would be no significant impact to nesting birds.

The ecology report sets out that the proposed development site holds no value for roosting bats in absence of suitable structures or suitable mature trees.

Flood risk

The application site is located within 'Flood Zone 1' as designated by the Environment Agency, which means that there is a risk from flooding 1 in 1,000 years. The design and layout of the proposed development will include the use of a Sustainable Urban Drainage system (SuDS). The drainage statement provided with the application shows a different layout to the built form and parking areas, when compared with the rest of the documents provided with this application. The NPPF sets out that for sites that are less than 1ha a flood risk assessment is not required. Furthermore as the site is located within flood zone 1 which is at a low risk from flooding and the fact that there are no water courses within the vicinity, the development is unlikely to increase the risk of flooding and as such accords with Paragraph 103 of the Framework. An update on the recent ministerial statement relating to SUDs requirements coming into effect on 6th April will be made to the Committee where necessary.

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 proposed development would result in urban sprawl into the Green Belt. Furthermore, the design and impact of the proposed built form would have a significant, detrimental impact on the heritage assets including the very important Grade II* registered park. For these reasons the proposals would be fundamentally at odds with a number of the objectives of the RLP and the Framework. 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 therefore recommended that planning permission be refused.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U09466

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 and identified by local planning authority 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.

R2 U09467

The design of the buildings, by reason of their repetition and uniformity fails to integrate into the existing natural, built and historic environment, which would detract from the character and appearance of the area in conflict with Policy CP1 (i) of the Brentwood Replacement Local Plan and one of the aims of the Framework (para. 56 and 61 refer) which requires new development to be of high quality and good design.

R3 U09468

As a result of its scale, siting and design the proposal would be unacceptably harmful to the setting of the Grade II* registered park Thorndon Hall, the setting of the Grade II listed building Park House, and to the adjacent Conservation Areas. The harm to the significance of heritage assets would be "less than substantial" as defined by the Framework; however that harm would not be outweighed by public benefits arising from the proposal. The proposal would therefore conflict with Policies C14 and C15 of the Brentwood Replacement Local Plan and the objectives of the Framework as regards heritage assets. The matters put forward by the applicant are noted but these are not sufficient to outweigh the harm to heritage assets.

R4 U09469

There would not be provision of a sufficient vehicular visibility splays of 2.4m x 90m to the north, the creation and use of this access would therefore result in vehicles emerging with inadequate visibility which would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. The proposed development therefore conflicts with Policy T2 of the Brentwood Replacement Local Plan 2005 and the aims and objectives of the Framework.

R5 U09470

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 area including the conservation areas and Listed building . Therefore, the very special circumstances necessary to justify the grant of planning permission for inappropriate development do not exist.

Informative(s)

1 INF20

The drawing numbers listed above are relevant to this decision

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, T2, C3, C5, C8, C11, C14, C16 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF25

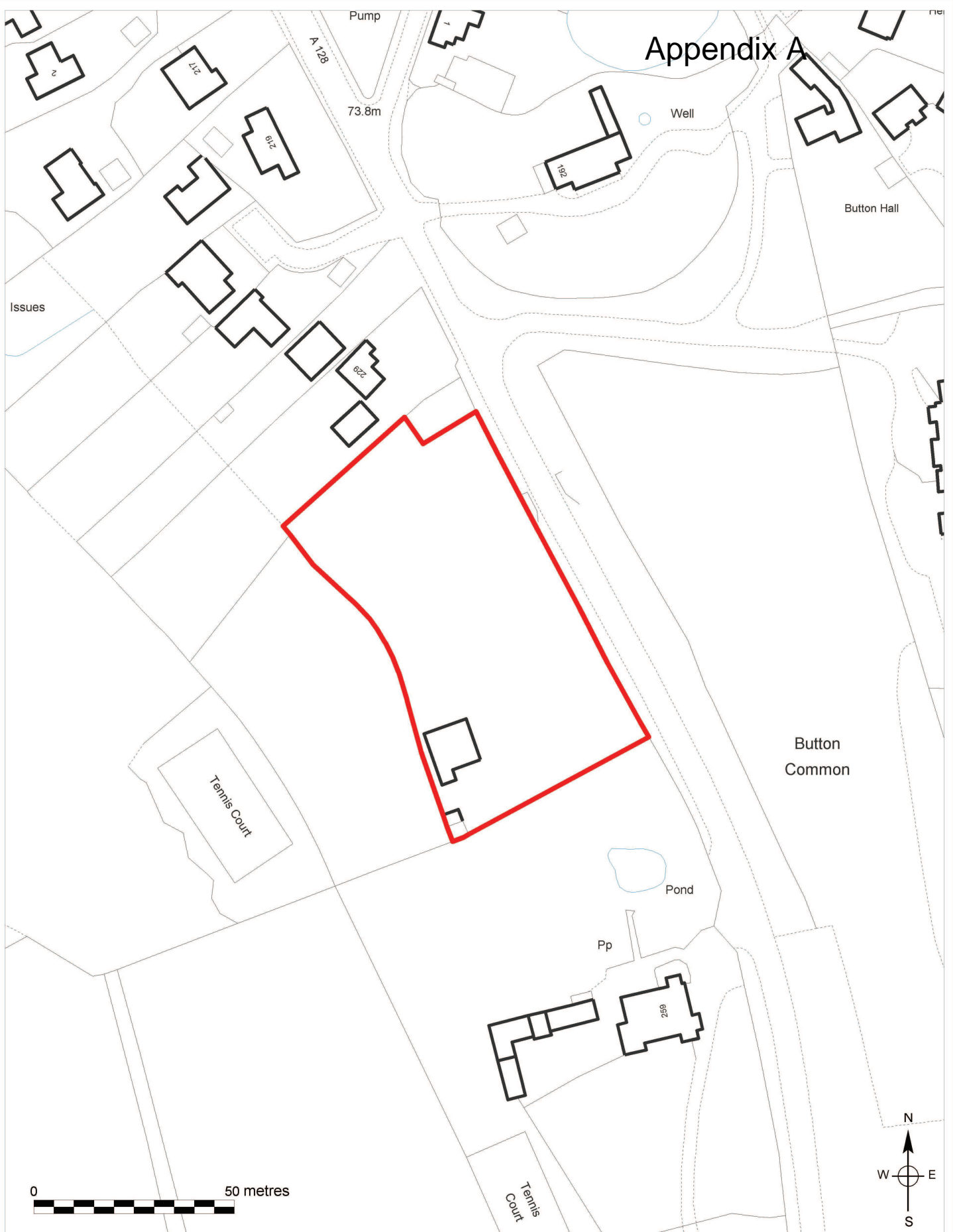
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider 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: LAND SOUTH OF 229 BRENTWOOD ROAD, HERONGATE
14/01313/FUL

Scale 1:1250 at A4

Date 14th April 2015

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



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SITE PLAN ATTACHED

05. FORMER MOUNTNESSING SCRAP YARD ROMAN ROAD MOUNTNESSING ESSEX

OUTLINE APPLICATION FOR CONSTRUCTION OF 85 RESIDENTIAL UNITS TOGETHER WITH COMMERCIAL BUILDING (CLASS B1A OFFICE), OPEN SPACE, PARK/CHILDRENS PLAY AREA, RIVERSIDE WALK, CAR PARKING AND LANDSCAPING (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED MATTERS). (PLEASE NOTE THAT THE ENVIRONMENTAL STATEMENT AND OTHER DOCUMENTS CAN BE VIEWED ON OUR WEBSITE AND AT THE TOWN HALL).

APPLICATION NO: 14/01446/EIA

WARD	Ingatestone, Fryerning & Mountnessing	8/13 WEEK DATE	12.03.2015
PARISH	Mountnessing	POLICIES	NPPF NPPG GB1 GB2 H6 H9 H14 CP1 T2 LT4 PC4 C5 PC1
CASE OFFICER	Charlotte Allen	01277 312536	
Drawing no(s) relevant to this decision:	COVERING LETTER ; 2886 OPL 001 REV A ; 2886 OPL 002 REV C ; AIR QUALITY ASSESSMENT 033621 ; TRANSPORT ASSESSMENT 033621 ; 0333261 ; C1102 REV01 ; BOREHOLE LOG ; 361003/101 ; 361003/102 ; C1103 REV01 ; C1101 REV01 ; FRA DRAINAGE STRATEGY 033621 R02 ; ACOUSTIC REPORT 033621 ; LIGHTING ASSESSMENT ; DESIGN _ACCESS 2886 OPL 0020 ; LIGHTING DESIGN CONCEPT 032456 ; BAT 7 REPTILE SURVEY ; ECOLOGICAL APPRAISAL ; SCI JLH0786 ; PLANNING REPORT JLH0786 ; ENERGY STATEMENT REV 02 ; SUSTAINABILITY STATEMENT REV 02 ; MARKETING _EMPLOYMENT REPORT ; ENVIRONMENTAL STATEMENT ;		

1. Proposals

Outline planning permission is sought for the construction of 85 residential units, 1 commercial B1A Office building of 200-244 sq. m and associated open space, play areas, riverside walk, car parking and landscaping. The matter of detail to be determined as part of the current application is access only, with appearance, layout, scale and landscaping reserved matters for future determination.

The site constitutes 2.63 hectares. The indicative master plan demonstrates that the site is intersected by an existing road; Widvale Road; creating two distinct areas; a smaller northern part of the site and a larger southern part of the site. The site is also intersected to the east by the River Wid. The indicative master plan indicates that the northern part of the site will provide housing and a play area and the southern part of the site will provide housing, the B1a unit, a woodland, a riverside walk and a pocket park.

In terms of access, the two existing vehicular access points to the site will be retained; with access to the northern part of the site provided from Widvale Road and the southern part of the site accessed from the existing roundabout. The indicative master plan and details contained within the Design and Access Statement indicate that the main roads within the southern part of the site run east-west with minor connecting roads running north-south. A pedestrian network is also proposed.

Layout is a reserved matter, however, the indicative master plan and details within the submitted documents gives an indication as to the possible layout of the site. It is suggested that dwellings will have a traditional layout with front and rear gardens organised around a traditional street pattern. Within the southern part of the site the main destination to the west is the woodland area and to the east is the River Wid and the Riverside walk. Within the southern part of the site, a communal green will be provided in the centre of the site and a pocket park to the east of the River Wid. The dwellings are set out to address the street network in varying patterns of detached, semi-detached and short terraced dwellings. The northern part of the site constitutes a series of detached properties fronting Roman Road with a terrace of houses backing onto the river with a communal amenity areas and play space to the east. On the corner entrance to the southern part of the site will be the office building.

Scale is also a reserved matter, however, within the design and access statement it is indicated that the dwellings will have varying scales of between 2 and 3 and a half storeys.

Appearance is a reserved matter and very little information regarding appearance has been submitted at this outline stage. The Design and Access Statement indicates that the flats proposed will be kept to a similar style and scale as the housing, accommodating them in a block similar to a pair of semi-detached houses. The Design and Access Statement also indicates that different house types will be adjacent to each other to create an interesting and varied architectural form. The Master plan will rely on a mixed palette of traditional materials. Features such as dormer windows and bays will be used.

Landscaping is the final reserved matter for later considerations; however, some indicative details have been submitted with this outline application. The Design and Access Statement indicates that wild-flower meadows will be situated on the riverbank and on road verges, with new green spaces and street trees provided. Where new hedge planting is proposed these will constitute a mixed native composition and there will be green corridors around the site. The main public landscape areas to be provided are the woodland to the west of the site, the Riverside Walk to the east of the site, the communal Green in the centre of the site, the pocket park to the east of the site and play area to the north of the site. In terms of hard landscaping the Design and Access Statement indicates that a variety of surface materials would be selected to help define functions and spaces.

An Environmental Impact Assessment has been carried out following a Screening Opinion which determined that the Local Planning Authority (LPA) considers the proposal is EIA development. The EIA assesses the likely significant impacts of the proposal and proposes mitigation measures where required. The methodology and EIA are contained within the Environmental Statement.

The application has been submitted with an Environmental Statement, a Design and Access Statement, Planning Report, Indicative Master plan, an Acoustic Planning Report, Lighting Design Concept, Ecological Appraisal, Bat and Reptile Survey, Statement of Community Involvement, Outline Sustainability Statement, Energy statement, Marketing and Employment Report, an Air Quality Assessment, a Flood Risk Assessment and a Transport Assessment.

This application is presented straight to Committee given the scale of the development and given that the proposal is a departure from the development plan.

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.

Main NPPF Chapters:

- Chapter 1 - Building a strong, competitive economy
- Chapter 4 - Promoting sustainable transport
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 8 - Promoting healthy communities
- Chapter 9 - Protecting Green Belt land
- Chapter 10 - Meeting the challenge of climate change. flooding and coastal change

Local Policies

- GB1 - New Development
- GB2 -Development Criteria
- H6 - Small Unit Accommodation
- H9 -Affordable Housing
- H14 - Housing Density
- CP1 -General Development Criteria
- T2 - New Development and Highway Considerations
- LT4 -Provision of Open Space in New Development
- PC1 - Land Contaminated by Hazardous Substances
- PC4 - Noise
- C5 -Retention and Provision of Landscaping and Natural Features in Development

3. Relevant History

- 14/01323/EIASO: Request for Screening Option - Environmental Impact Assessment. -Is EIA Development
- 12/00897/REM: Reserved matters access, appearance, landscaping, layout and scale following outline permission BRW/651/2009 for erection of a hotel with conference facilities, leisure complex and restaurant development together with car parking. -Application Permitted
- 09/00651/FUL: Renewal Of Outline Planning Permission For Erection Of Hotel With Conference Facilities, Leisure Complex And Restaurant Development Together With Car Parking (Ref. Brw/810/2007 As Amended By Brw/87/2008) - Application Permitted
- 08/00087/FUL: Erection Of Hotel With Conference Facilities, Leisure Complex And Restaurant Development Together With Car Parking - Variation Of Condition 18 Attached To Outline Planning Permission Ref. Brw/810/2007 - To Vary Maximum Height Of Hotel And Leisure Complex -Application Permitted
- 08/00086/FUL: Erection Of Hotel With Conference Facilities, Leisure Complex And Restaurant Development Together With Car Parking - Reserved Matters Pursuant To Condition 1 Attached To Outline Planning Permission Ref. Brw/810/2007 - Relating To Siting, Design, External Appearance And Landscaping -Application Permitted
- 07/00810/FUL: Erection Of Hotel With Conference Facilities, Leisure Complex And Restaurant Development Together With Car Parking - Variation Of Conditions 17 And 18 Attached To Outline Planning Permission Ref.

Brw/1214/2004 (As Amended By Planning Permission Ref. Brw/683/2004) - To Vary Indicative Site Layout Plan And Maximum Floor Space / Height Of Leisure And Restaurant Buildings -Application Permitted

- 07/00809/FUL: Erection Of Hotel With Conference Facilities, Leisure Complex And Restaurant Development Together With Car Parking - Reserved Matters Pursuant To Condition 1 Attached To Outline Planning Permission Ref. Brw/1214/2004 (As Amended By Planning Permission Ref. Brw/683/2004) - Relating To Siting, Design, External Appearance And Landscaping -Application Refused
- 04/00713/FUL: Details Of New Access Road From Roman Road To Lower Road Including The Formation Of A Roundabout, Pursuant To Conditions 1 And 5 Of Planning Permission Brw/760/2001 -Application Permitted
- 04/01214/FUL: Formation Of Access Road Between Roman Road And Lower Road, Erection Of 150 Bedroom Hotel With Conference Facilities, Leisure Complex And Restaurant Together With 442 Car Parking Spaces - Variation Of Condition 2 Attached To Outline Planning Permission Ref. Brw/760/2001 To Extend The Period For Approval Of Reserved Matters By 3 Years -Approve (Subject to Section 106)
- 03/01126/FUL: Renewal Of Outline Planning Permission, Reference Brw/596/99 For The Construction Of A Hotel And Leisure Facilities, Landscaping And Highway Improvements -Application Permitted

4. Neighbour Responses

22 neighbour letters were sent out, 4 site notices were displayed and the application was advertised in the press. One letter of response has been received to date from Chainbridge Farm to the north-west of the site on the opposite side of Roman Road which comments:

- Development would have a significant effect on Chainbridge Farm.
- A more comprehensive residential development of Chainbridge Farm would be appropriate and therefore ask that the site be included as part of the allocation in this area.

Response

In response to this representation; a copy of this response has been passed to the Policy Team for Chainbridge Farm to be considered as a possible development site in the Local Plan. The impact on neighbours will be considered within the evaluation of the proposal:

5. Consultation Responses

- **National Planning Casework Unit-**

We acknowledge receipt of your letter and documentation relating to the above Environmental Statement. We have no further comments to make.

- **Anglian Water Services Ltd-**

No reply received at time of writing report.

- **Arboriculturalist-**

I have visited the site and looked carefully at the arb issues - the applicants will need to have a full survey with management proposals which span a 5 year period post development. I anticipate there will be substantial tree lose as a result of increased public access and that will require prior thought put into the replacement planting programme with a long term objective of structured greening of the site and integral landscaping within the developed area not just peripheral screening. The landscape/arboricultural input will be important in framing the quality of the development going forward.

- **Schools, Children Families Directorate-**

Our figures for the Ingatestone, Fryerning and Mountnessing Ward suggest that the Early Years and Childcare (EY&C) provision in the area is already at capacity. It is, therefore, clear that additional EY&C provision will be needed and that this development will add to that need.

This proposed development is located within the Brentwood primary group 1 (Brentwood Town) forecast planning group. The Brentwood primary group 1 (Brentwood Town) forecast planning group is forecast to have deficit of 273 permanent places by the school year 2018-19.

According to our forecasts there should be sufficient places within the Brentwood secondary group 1 (Brentwood/Shenfield) to meet the needs of the development.

In view of the above I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on education. The formula for calculating education contributions is outlined in our Developer's Guide to Infrastructure Contributions, 2010 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010. For information purposes only, should the final development result in the suggested net increase of 82 houses with two or more bedrooms, the EY&C contribution sum would be £91,158 and the primary school contribution sum would be £266,492. Both amounts would be index linked to April 2014 costs.

- **Design Officer-**

Having reviewed the application I make the following comments in relation to this present layout, scale and design approach.

The site is essentially split at the north via the principal thoroughfare of Widvale Road. The north site providing 13 Houses and associated parking, the south site accommodating the bulk of development (69 Houses/ 3 Flats and one B1 unit). I advise the singular B1 unit itself could be slightly incongruous; even with continuity in architectural approach, the security, external lighting provisions and potential signage associated with non residential could highlight the use as differing to that of the overall development. What is important to implement at this location is a landmark entry to the site given this introductory element will be highly visible from the public realm.

Long views into the site from this principal entry will be of the Landscaped area to the west (Pocket Park), I advise an 'avenue' nature of this thoroughfare could be developed further to amplify the transitional route around the perimeter of the site, the landscaping and planting drawing the user through the site.

Within the South site there are green spaces which are located centrally and at the east and west; these are starting to introduce key landscaping and amenity into the development however these do require further design development. For example whilst the woodland area to the west retains the limited existing trees and provides screening when approaching from the main arterial road (A12) the amount/placement of parking bays lining the woodland should be revisited.

I advise the 'Pocket Park' is a benefit to the scheme as it facilitates the introduction of a Riverside Walk and provides pedestrian and cycle access onto the principal thoroughfare; it is however unfortunate there is no pedestrian linkage across the Pocket Park onto Riverside Walk within the site itself; for the user to have to effectively leave the development in order to engage with this amenity area is not the most suitable approach and should be reconsidered. The communal green area is not working successfully within this present layout with the emphasis on parking restricting its setting.

In terms of the proposed scale and architectural style, the applicant has set out within the DAS (Design and Access Statement) a preferred approach to such matters, at this Outline stage these are not of concern, evidently the variety of traditional materials sits comfortably in context; clearly a greater depth of information within a reserved matters application would be required. I presently advise, given the precedents cited within section 5.2.5, that variety in scale and punctuation within the street scene is important to capture and is not conveyed at present within the approach.

There should be cohesion between both the north and the south site which will be assisted through boundary treatment and additional landscaping dovetailed into the design. The boundary treatment is particularly important with regards to Widvale Road, parking and the public landscape areas. Boundaries should be soft at these locations, this will complement the wider context of the site and not over urbanize the location.

- **Basildon Fire Station-**

The following comments/observations are made:

Access

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. The proposed development does not affect access to any existing properties.

Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations.

Water Supplies

The architect of applicant is reminded that additional water supplies for fire-fighting will be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376 576342.

Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

- **Highway Authority-**

The transport assessment and other accompanying information have been considered in detail. The residential proposal is expected to generate similar volumes of traffic, to the previously consented commercial scheme. The impact of the residential scheme would be about 100 less vehicle trips in the evening and about 20 more trips in the morning peak. Improvements are proposed to public transport infrastructure and pedestrian and cycle facilities to encourage residents of the scheme to travel by sustainable modes of transport. The county road network has sufficient capacity to accommodate the expected traffic generation from this site.

From a highway and transportation perspective the impact of the proposal would be therefore acceptable to the Highway Authority subject to the conditions:

Prior to Commencement:

1. A Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority.
2. Details of the pedestrian islands in Widvale Road shall be submitted to and approved in writing by the Local Planning Authority.
3. Details of the means to prevent right turning traffic into the proposed estate road immediately to the south west of the main access shall be submitted to and approved in writing by the Local Planning Authority.

Prior to First Occupation of the Development:

4. The developer shall construct the access to the northern part of the site with a minimum clear to ground visibility of 2.4 metres x 59 metres.
5. The developer shall construct a 3.5 metre footway/cycle route from the main site access around the A12, Junction 12, Interchange to connect to the existing footway/cycle route adjacent to Chelmsford Road.
6. The developer shall provide improvements to the northbound bus stop on Roman Road to include raised kerbs, a new shelter and shelter mounted Real Time Passenger Information, together with improvements to the southbound bus stop to include a new shelter and shelter mounted Real Time Passenger Information.
7. The developer shall provide the first occupier of each new dwelling with a Residential Travel Information Pack.

General:

8. The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s).
9. The junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials.
10. There shall be no discharge of surface water onto the Highway.

Informatives:

The applicant is advised that 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.

No permanent part of a development shall overhang the highway Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

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

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

- **Essex County Lead Local Flood Authority-**

Further to a series of emails of sent in response to our objection to the Flood Risk Assessment undertaken by Burro Happold Engineering referenced 033621, it is now considered that a drainage scheme has been proposed which demonstrates surface water management is achievable in principle, without causing flooding on-site or elsewhere.

In regards to specific concerns in relation to the original FRA, further details provided in the series of emails clarified that surface water will be discharged from the site at the 1 in 1 greenfield rate.

Lead Local Flood Authority position

We consider that outline planning permission can be granted to the proposed development subject to the following of the condition set out below.

Condition

No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 033621 and subsequent emails dated 18th and 24th February.

Reason

To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development.

Advice to Applicant on surface water condition

In order to discharge the surface water condition, the following information must also be provided based on the agreed drainage strategy:

- A detailed plan showing the final drainage strategy for this site which includes enough storage provision for surface water to discharge off site at the 1 in 1 Greenfield rate. Storage provision should also cater for an increase of 10% in impermeable area known as "urban creep".
- A detailed plan outlining the necessary treatment stages needed in this surface water management scheme to improve water quality.
- A detailed maintenance regime highlighting how all parts of the surface water drainage scheme will be maintained.
- Details of any exceedance and conveyance routes.

- **Environment Agency-**

Further to our original objection letter dated 27 January 2015, ref AE/2015/118685, and an email from Geoff Lewis at Buro Happold dated 30 January 2015 regarding how the stated 1 in 100 year flood level of 53.5m AOD was determined, we have the following comments.

The extant permission is for a hotel (with conference facilities), leisure and restaurant uses. This new application is for more vulnerable residential development, so therefore the flood level and extent of floodplain and the principle of developing within the Flood Zone 3 area required further scrutiny.

Our Position

The historical information, together with the proposed mitigation measures to reduce the risk from flooding has been brought together within a revised Flood Risk Assessment undertaken by Buro Happold Ref: 033621 Rev 02 dated 18 November 2014

We are now in a position to remove our objection, as It is felt that the planning history establishes the principle of built development on the site and we are satisfied with how the previously agreed flood level of 53.55mAOD has been determined. We advise that the new Flood Zone outlines be updated and illustrated (by the developer) on a plan to help understand the flood risk to the site, advised by the current topographic survey.

You should be aware that the depth of flooding on-site during an 'extreme' event is unknown and there is no flood warning to provoke a response/evacuation. However, there will be safe refuge within the buildings during this event. This information should be presented to your emergency planner, who may wish to consider the installation of a new flood gauge upstream of the site, to develop a flood warning system for the area during extreme event.

We will support the decision of the LPA if it is decided that in order to determine the safety and sustainability of the development up to and including the 1 in 1000 plus climate change year extreme fluvial event, further information and/or modelling is required.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures, as detailed in the Flood Risk Assessment undertaken by Buro Happold Ref: 033621 Rev 02 dated 18 November 2014 submitted with this application, are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed:

- 1) Finished first floor levels are set at or above 54.1mAOD.
- 2) A scheme for the provision of compensatory storage shall be submitted and agreed with the Local Council prior to development

Reason

- 1) To reduce the risk of flooding to the proposed development and future occupants.
- 2) To ensure flood risk is not increased elsewhere

Groundwater and Land Contamination

We have reviewed the relevant sections in the RPS Environmental Statement of January 2015. In particular section 10.12 and 10.26. We will require full review of the information regarding contamination and in particular that affecting controlled waters. We welcome the further monitoring and any risk assessment should consider the effect of the residual contamination on the aquifer feeding the River Wid. The Environmental Statement confirms that there is residual contamination. The actual risk to controlled waters from this residual contamination should be fully assessed.

- **Environmental Health & Enforcement Manager-**

Raises no objections, subject to conditions being imposed on any grant of consent relating to contaminated land investigations and remediation works and noise conditions.

- **Essex & Suffolk Water-**

We will have no objection to the proposed development at the above site.

We would advise you that we have an existing water main and a washout-hydrant on the site south of the roundabout. This will require disconnection before the proposed development can commence. The cost of this work will be borne by the Developer.

We will give consent to this development on the condition that a metered water connection is made onto our Company network for each new dwelling, and the commercial units for revenue purposes.

- **Essex Wildlife Trust-**

No reply received at time of writing report.

- **NHS Property Services Ltd-**

Following a review of the applicants' submission the following comments are with regard to the Healthcare provision on behalf of NHS England - Essex Area Team (NHS England) & NHS Property Services (NHSPS).

Background

The proposal comprises a residential development of 85 dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation.

Review of Planning Application

The planning application does not include a Healthcare Impact Assessment (HIA) of the proposed development or propose any mitigation of the healthcare impacts arising from the proposed development. Therefore a HIA has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

This development is likely to have an impact on the services of 1 GP practice within the Brentwood Borough Council locality. This GP practices does not have capacity for the additional growth as a result of this development.

Healthcare Impact Assessment

The Capital Funding Implications of the Proposed Development

There is a capacity deficit in the catchment practice and a developer contribution of £27,980 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

- **Highways Agency-**

Directs that planning permission not be granted for a specified period. Reason: To enable the HA to fully consider the implications of grants of permission and review the submitted TA. This direction remains in force until 31 March.

- **County Archaeologist-**

The documents available online do not appear to consider the historic environment, however, following consultation of the Historic Environment Record it appears that this application has no archaeological implications and there is no requirement for any archaeological work on this site.

- **Housing Services Manager-**

To date the housing department have provided the following comments: The proposed affordable housing as submitted (24 affordable units on site and a commuted sum to provide 8 affordable units off site) is an acceptable starting point.

- **Natural England-**

Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

We have not assessed this application and associated documents for impacts on protected species. You should apply our standing on protected species as it is a material consideration in the determination of applications.

The proposed development is within an area that Natural England consider could benefit from enhanced Green Infrastructure provision. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 12 January 2015 (our ref 141069, your ref 14/01446/OUT).

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.

- **Open Space Strategy Coordinator-**

There appears to be sufficient supply of open space provision within the development area to satisfy Council requirements under the Local Development Plan with 15% of the overall site being laid out as open space. I would question the need for additional play areas on this site in light of there being a large playing fields and equipped play facility in the middle of Mountnessing village which is within walking distance of the site. In light of this and in consideration of already stretched resources the Borough Council would not be prepared to take responsibility for future maintenance of any play facility on this site nor would it encourage the development of new play facilities as it is felt these would be financially unsustainable in the future.

I note that certain areas are due to remain within the control of a management company to be appointed by the developer but that certain areas will also be transferred to the Councils responsibility for management and maintenance. With regard to these areas I can advise that the Council would seek the following contributions for future maintenance (figures are based on an annual cost multiplied over 25 years):

- o Riverside Walk Area - £6417.00
 - o Pocket Park Area - £5155.80
 - o Woodland Area - £3354.75
- All the above figures are plus VAT.

In addition to this there would be the cost to establish and install the infrastructure of the pocket park if it were to be implemented. At this stage it would be the Council's preference to have the developer submit a design of this area for approval by Officers and then for the said developer to appoint contractors to undertake works. If this was not amenable to the developer then the Council would seek a substantial contribution to under the project, this will be largely determined as to the need of a pedestrian bridge over the River Wid which could cost in excess of £500,000 to implement. Regardless of the bridge element of a design it is anticipated that the creation of a new small pocket park would cost in the region of £250,000 (without play provision).

In addition to the above there would also be the off site contributions that would be triggered by the scale of this application. At this stage this would be a contribution of:

- o £80,000 towards the cost of a NEAP (8 pieces of equipment, associated infrastructure)
- o £100,000 to provide a LEAP (5 pieces of equipment, associated infrastructure, as it is not recommended that there be provision on site this will be diverted to off site facilities)

Although there would normally be a requirement for the provision of a LAP on site I feel that this can be assumed as part of the pocket park area and so has been addressed as part of the application. Due to the nature of the site and current play provision in the Borough any contributions would be used to make capital enhancements to existing open space provision in the Borough. It has also been noted by the Council's Arboricultural Officer that there are required works needed to be undertaken in the woodland to remove dead, diseased or dying trees and to also bring the woodland back to an acceptable level of condition before the authority would be prepared to assume responsibility, again costing's can be obtained should the developer not wish to do these works themselves.

At this stage whilst I have initial objections to the landscaping on site at this junction detail is vague and so further comment may be required if more detailed planting plans are submitted.

In conclusion this development would trigger the following contributions:

- o Riverside Walk Area - £6417.00
 - o Pocket Park Area - £5155.80
 - o Woodland Area - £3354.75
 - o £80,000 towards the cost of a NEAP
 - o £100,000 to provide a LEAP
 - o £250,000 towards implementation of design and construction of pocket park
 - o Total contribution - £ 444,927.55
-
- o £500,000 + potential cost of pedestrian bridge as advised by ECC highways.

• **Parish Council-**

'The Parish Council does not object in principle to the use of this land for residential housing but it has a number of specific issues about the actual development itself and some related concerns.

This site is at the 'gateway' or entrance to the village from the western end and the impression created by the existing street scene is a sparse mixture of cottages and substantial dwellings all sitting in a well established green setting. The proposed density of the dwellings to acreage on the proposed site is considered to be far too high and, as this site is in a most prominent position, it will change the street scene and village perspective in what the Parish Council believes to be a negative way.

Density of existing housing in the centre of the village, the most populated built area, has been calculated at 7.6 houses per acre. This development is proposing 85 dwellings on 6.49 acres which results in a figure of 13 homes per acre. But if the green areas are deducted the density will actually be higher than this and based on say 6 acres, as the actual building area, it might work out at 14 per homes or even 15.5 homes per acre if it were 5.5 acres.

The Parish Council has experience of a very poorly planned and overdeveloped site at the former Heybridge Moat House within the Parish. This overcrowded development has 54 houses and flats built on an estimated 2.90 acres. This means there are 18.62 houses per acre and it underlines the density issue the PC would have with 13 or 14 houses per acre on the proposed site.

The Parish Council feels that if the number of planned dwellings were reduced in density to a figure more consistent with the existing built density in the village area then a pleasing mix of fewer more substantial houses and cottage style homes would sit more comfortably on this site and it would conform to the established built environment at that end of the village. This approach would be acceptable to the Parish Council.

The second point concerns the proposed architecture shown in the Design Statement. The document shows a style and design of property that the Parish Council considers to be dramatically at odds with the existing adjacent homes. The Parish Council feels that the style and differing roof heights of the two and three storey homes is too bold and the properties would stand out in a way that the Parish Council feels would not be conducive to complementing the street scene.

The third point concerns the proposed office space shown on the plan. The Parish Council views this office space as unnecessary and ill suited to be included in a residential development.

Lastly, the plan proposes the use of some green areas for play and leisure. The Parish Council cannot undertake any responsibility for the future adoption or maintenance of any play equipment, green area management and footpaths and this matter needs to be resolved in advance by the developer.

The Parish Council also has two further major concerns which are not specifically concerned with the design, size etc. of the site but will nevertheless affect existing and new residents if the development proceeds:

It will be necessary for any successful application to deal with the increased traffic flow particularly at rush hour where it is likely that some 100 additional cars entering and leaving the site will inevitably increase congestion at the A12 and smaller Mountnessing roundabout.

A development of this magnitude will also undoubtedly put further pressure on an already strained infrastructure and on public services. The Parish Council would also ask the Borough, in conjunction with the other relevant organizations, to ensure that existing concerns regarding fresh water and sewage are addressed as well as taking timely action to ensure that the additional schooling and medical demands are met.'

- **Planning Policy-**

Preferred Options Allocation:

DM6: Areas Allocated for General Employment and Office Development (page 84 of 2013 Preferred Options).

Preferred Allocations

Mountnessing Roundabout site (former scrapyard) (Site Number 107)

Brentwood Strategic Growth Options (Currently out for consultation, Jan 6- Feb 17 2015). Paragraph 4.7 Land at Mountnessing roundabout (site ref: 107) (A12 junction 12), formerly known as the Mountnessing Scrap-yard, was proposed to be used for new employment land in the 2013 Preferred Options consultation document. An alternative use for the land could be residential.

GENERAL CONTEXT

The site has already had development on the site, a scrap yard. It is therefore considered as brownfield or previously developed land. Remedial work was undertaken with regard to soil contamination in 2003 and 2009.

Secretary of State allowed an appeal in Nov 2000 for outline permission for an hotel and leisure facilities. The site has extant planning permission for a hotel and leisure use due to a then identified need for additional hotel accommodation within Brentwood Borough. The application for housing should be considered in light of the granted application as well as the 8 requirements listed in CP1.

The Inspectors recent dismissal of an appeal (APP/H1515/A/14/2225964) confirmed that the Local Plan 2005 policies GB1, GB2 and CP1 concern Green Belt and are considered "consistent with the NPPF and are not therefore out of date".

It is further acknowledged that the NPPF has a "golden thread" for the presumption in favour of sustainable development.

GREEN BELT

NPPF: Section 9: Protecting Green Belt land.

Paragraph 89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: ...

(6th bullet point)

Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The development proposed is such that it must be considered as to whether the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

EMPLOYMENT

The site is designated in the 2005 Replacement Local Plan as Green Belt. A proposed cycle way is given (The Preferred Options (of only a little weight in terms of material consideration) has identified the site as having potential for employment use. The 2015 Brentwood strategic Growth Options has identified the site as "an alternative use [from that already granted] could be residential".

The most recent employment land review, Epping Forest District and Brentwood Borough Employment Land Review (2010) suggests that up to 23 hectares of new employment land is needed, with a modest rate of employment growth being accommodated within existing sites.

HOUSING

The Brentwood Objectively Assessed Need (OAN) 2015 carries out a housing analysis with the need assessed to be of around "362 dwellings per annum".

EIA

The Proposal underwent an EIA Screening on receipt of a request from the applicant. The EIA screening was positive and Brentwood Borough Council considered that it requires full EIA to identify the impacts of a number of environmental issues primarily that of flood and pollution to the waterway. (An EIA development under Schedule 2, EIA Directive 85/337/EEC, where a development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location).

The site is not located in a Sensitive Area, however it is within Green Belt. It has a waterway running through and the proposal is for residential use which would bring sensitive receptors (residents) onto the site at all times. The site is within the outer boundary of a SSSI Impact Risk Zone for woodland SSSIs. The SSSIs are over 6km from the site.

Brentwood Borough has not carried out a Green Belt review for the borough. It is noted that permission has already been granted for a hotel at this location. It is noted that the proposal is smaller in scale but of a similar extent than the granted hotel proposal.

Development Management officers may wish to consider whether the proposal fulfils the exception described within bullet 6 of paragraph 90 of the NPPF in terms of "impact on the openness of the Green Belt and the purpose of including land within it" than the existing development. The existing development on site consists of areas hard standing and sub-surface flood water piping and tanks which may or may not be considered to have a greater visual impact in comparison to the proposed development.

Evidence identifies a need for new homes and a need for employment land. Development Management officers may wish to consider whether the loss of employment is acceptable in light of the need for employment and the need for new homes.

In terms of the provision of an Environmental Statement, it is necessary to consider whether the applicant has provided sufficiently detailed assessment to determine if the development is feasible and where impacts are identified. It is appropriate to consider whether these impacts can be effectively mitigated so that the site is suitable for residential development. In particular with reference to soil contamination, flood prevention and protection, noise and vibration and air quality. Statutory consultees views should be sought to assist in the consideration these issues.

- **Mr John Hills - Police Architectural Liaison Officer-**
No response received at time of writing report.

6. Summary of Issues

The application site is located to the east of Roman Road and to the north of the A12. The site is intersected by Widvale Road and Lower Road is situated to the north of the application site. The site is 2.63 hectares and is now vacant, although it was previously used as a scrap yard. The site is bounded by and bisected by the River Wid. There is a small sub-station and a pumping station on the site. The site is divided into two plots by Widvale Road and there is an existing vehicular access to the northern site from Widvale Road and an existing vehicular access to the southern part of the site from the roundabout. There is a wooded area to the south-western corner of the site and to the southern boundary adjacent to the A12. The site is located within the Green Belt and within an indicative flood zone.

The main considerations in the determination of this application are; the principle of the development; its Green Belt allocation, and whether the site is sustainable. It is also necessary to consider the density and mix of the proposed development, its design and its impact on the character and appearance of the area, transport implications and impacts on ecology, landscaping and flood risk. Consideration needs to be given to the effect of the development on the residential amenity of adjoining residents and whether the proposed development provides adequate living conditions for future occupiers of the site and what S106 requirements are needed:

Site History

The site has an extensive planning history. The most recent and most relevant planning permission is outline permission (ref.09/00651/FUL) for the renewal of an outline planning permission for the erection of a hotel, conference facility, leisure complex and restaurant with associated parking (renewal of permission 08/00087/FUL which was an amendment to 07/00810/FUL). The reserved matters following this outline permission being granted were approved (ref. 12/00897/REM). The principle of developing this site, albeit, not for residential purposes has therefore been established. This latest permission has been commenced and it is therefore an extant permission.

Principle of developing the site for residential purposes

Sustainability

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6) and that there are three dimensions of sustainable development; economic, social and environmental. At the heart of the NPPF is the presumption in favour of sustainable development.

The planning application has been submitted with an energy statement which details the design strategies that have been explored to minimise energy consumption and CO2 emissions, such as by using good building design and a small provision of solar PV panels on the detached dwellings. The planning application has also been submitted with an 'outline sustainability statement' which indicates that energy efficiency and reducing carbon dioxide emissions are key principles for the development.

In terms of sustainable transport, the transport assessment concludes that the site is well connected to the local and national road network, is served by a bus route connecting the site with Brentwood and Chelmsford with a half hourly service, has two train stations within cycling distance (Ingatestone and Shenfield) and has a number of primary schools within a 1km radius of the site which can be accessed via public transport, cycling or walking.

The proposed development includes some sustainability benefits, including providing jobs for a temporary period during the construction process and a small number of jobs within the office building proposed. It would help to support local shops and services in the long term by providing housing on this site. By supplying housing to meet the present and future generations needs it would provide social benefits and by protecting the natural environment and by improving biodiversity and helping to move to a low carbon emissions, it provides an environmental role. The proposed development is therefore considered to constitute sustainable development. The NPPF states that housing development should be considered in the context of the presumption in favour of sustainable development.

Green Belt

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

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

Is the proposal inappropriate development in the Green Belt:

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

- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development.

Previously developed land is defined within annex 2 of the NPPF as; land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure has blended into the landscape in the process of time.

The reports submitted with the application refer to the land as a previously developed land (PDL) within the Green Belt. The site was previously used as a scrap yard; however such a use, whilst having a significant effect on the character and appearance of the area, does not necessarily require permanent buildings. Nevertheless the planning statement indicates that the site was occupied in part by terraced dwellings and a café and it is likely that there were structures associated with the scrapyards use. It is therefore reasonable to conclude that the land is at least in part PDL. Since this use, the site has been cleared and land decontamination and flood relief measures have been undertaken. A new road; Widvale Road has also been constructed through the site.

Openness and Purposes of including land in the Green Belt:

The site was previously a scrap yard, but has since been cleared and is now mainly open. The development of the site for 85 houses and an office would therefore decrease the openness of the site as existing and would result in sprawl and encroachment of built form into the countryside. As such the proposal constitutes inappropriate development in the Green Belt. Whilst the applicant does not explicitly recognise that the proposed development is inappropriate development in the Green Belt, the Planning Report submitted puts forward a number of very special circumstances. The NPPF states at Paragraph 88 that very special circumstances will

not exist unless the potential harm to the Green Belt by reason of inappropriateness, and by any other harm, is clearly outweighed by other considerations.

Other considerations

Over the years the Council has welcomed development of this site and the planning history is a material consideration that cannot be ignored.

The site has been the subject of a number of permissions for built development which originally arose from a desire to improve the condition of this land. The most recent permission was for hotel/leisure development comprising 10,286 sq m floor space with 392 parking spaces. That development has been commenced and therefore the permission is extant. The Marketing and Employment Report submitted by the applicant indicates that this site would not be suitable for employment (B1/B8) purposes; however it is silent on the leisure uses. It is possible that in the absence of permission for residential development the leisure use may be carried out.

The Council cannot currently identify sufficient land for housing that would satisfy the requirements of the Framework and the 85 dwellings proposed would make a significant contribution to the land available for development. Paragraph 34 of the NPPG states that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute 'very special circumstances' and this has been reinforced by the 6 October 2014 revision to the on-line Planning Practice Guidance (Paragraph: 034 Reference ID: 3-034-20141006). This makes it clear that when taking decisions in respect of proposals in the Green Belt an unmet need for housing is unlikely to outweigh the harm to the Green Belt such as to constitute very special circumstances justifying inappropriate development within the Green Belt. Nevertheless it is considered that the position on sites such as this, where the Council has encouraged and permitted significant new development, the benefits of providing housing can properly be balanced against the benefits of that alternative development.

The Green Belt is host to residential areas as well as isolated commercial developments; however it is considered that this site, next to a junction with the A12 would be more likely to be developed by uses that need excellent transport links and have an affinity with the major road network. It is therefore considered that a hotel and leisure use, serving those travelling on the A12 would not be out of place.

The proposed development is of a different character to the previous permissions and consequently it is difficult to make direct comparisons of its effect on the character and appearance of the area and the openness of the Green Belt. However it is considered that the development now proposed would not have a more harmful effect on openness than that permitted in the past and it would not represent a greater encroachment into the countryside.

The Council's 2015 Strategic Growth Options Consultation identifies this site; ref. 107 as vacant, previously developed land which has a proposed use of employment, with housing suggested as an alternative possible use. The emerging Local Plan can be given only very limited weight, but it demonstrates the Council's continuing recognition that this site is one that is destined for development of some kind.

Paragraphs 18 to 22 of the Framework consider the need to build a strong economy and indicate that planning should encourage sustainable growth with emphasis on the needs of business. However in Paragraph 22 it indicates that where there is no reasonable prospect of a site being used for allocated employment, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities. The application site is not an allocated site but its history and the emerging Local Plan indicate that it is development land.

The applicant's Marketing and Employment Report indicates that this site would not be suitable for employment (B1/B8) purposes and in these circumstances it is considered reasonable to consider alternative uses. The development of the site as proposed would make a significant contribution to housing land and taking full account of the planning history and the original rationale for the development of this site it is considered that this benefit would clearly outweigh the harm as a result of inappropriateness and other harm to the Green Belt which would also have arisen from the previously permitted development.

The applicant draws attention to site specific benefits such as creating a riverside walk and recreation provision but these would not outweigh the harm arising.

Conclusion on Green Belt issues

The proposal would be inappropriate development that would detract from openness and would represent an encroachment of development into the Green Belt. However for the reasons set out above it is considered that the contribution to housing land that would arise from the development of this site, which has long been acknowledged as a site for development, would clearly outweigh the harm to the Green Belt. It is concluded that very special circumstances exist to justify inappropriate development.

Density and Mix

Limited detailed information has been submitted with this outline application. The application form indicates that 85 dwellings will be provided on the site and that the market housing will comprise; 25x 2-bedroom houses, 13x 3-bedroom houses and 23x 4+ bedroom houses. In terms of affordable housing social rented housing will be provided which constitutes 3x 1-bed flats, 13x 2-bed houses and 18x 3-bedroom houses.

Chapter 6 of the NPPF aims to deliver a wide choice of high quality homes, and Paragraph 50 of the NPPF indicates that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Policy H6 of the Local Plan states that in new housing developments the Council will seek the provision of a mix of units on suitable sites. This proposal is for 3x 1-bed units, 38x 2-bed units, 21x 3-bed units and 23x 4+ bed units. The proposal seeks to provide approximately 48 percent of 1 or 2 bed units and as such it is considered that the proposed development provides an acceptable housing mix in accordance with Local and National Planning Policy.

Policy H14 of the Local Plan states that a housing density of no less than 30dph (dwellings per hectare) shall be utilised to ensure the efficient use of land. The proposed development has a density of some 32dph which is in accordance with Policy H14 of the Local Plan.

The Parish Council have raised concerns regarding the density of the proposal and suggest that the number of dwellings should be reduced to a number more consistent with the existing density in the village with fewer, more substantial houses and cottage style homes. However, as discussed above, it is important the site has a good mix of housing to meet the different needs of different people and it is important that land is used efficiently. It should be noted that the NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Paragraph 50) and seeks to optimise the potential for a site to accommodate development (Paragraph 58). One of the core planning principles as set out in the NPPF (paragraph 17) is to encourage the effective use of land by reusing land that has been previously developed. The Density and mix is considered acceptable and is in accordance with National and Local Policy and no objection is therefore raised in this regard. The “style” of the houses would be a matter for later consideration.

Policy H9 of the Local Plan requires 35 percent affordable housing. The application form indicates that 24 affordable housing units on site; 3x 1-bedroom flats, 13x 2-bedroom houses and 8x 3-bedroom houses will be provided. The covering letter submitted with the application also indicates that 8 affordable units will be provided off site. As such, the development seeks to provide 28 percent affordable housing units on site which is below the 35 percent requirement. However, a further 8 units are to be provided off site by way of a commuted sum. Whilst the full affordable housing provision should be provided on site, given the extra commuted sum proposed and given that the Council’s Housing Department is satisfied with the affordable housing provisions proposed it is not considered that a reason for refusal on this basis could be justified.

Design and Character of the Area

Appearance, layout and scale are reserved matters and no definitive plans in this regard have been submitted, however, an indicative layout plan has been submitted, although this will not necessarily be the final layout. As such, these design matters are to be determined at reserved matters stage should this initial outline application be permitted.

The Design and Access Statement does provide some details and suggests that the dwellings are to be 2-3 and a half storey in scale and are to be laid out in a varying pattern of detached, semi-detached and terraced dwellings. The design and access statement indicates that the houses have been organised to address the street or court areas and that each plot will generally have a front and a rear garden. The street network has been set up with an east-west orientation with some north/south interventions with the woodland forming the main destination to the west and the River Wid and the Riverside Walk forming the main destination to the east. The Office building has been located on the corner of the entrance to the south part of the site to offer a chance to mark the entrance to the site and Mountnessing with a more substantial building; however, it is intended to keep this building in keeping with the architectural style of the dwellings. It is suggested that a mixed palette of traditional materials will be used with a number of recurring details/features to unify the development. The materials are likely to be facing brickwork, render, timber cladding or tiled facades, slate and tile roofing. Dormers and bay windows are to be utilised.

As stated, the design of the development; the layout, appearance and scale are reserved matters to be considered at a later date. However, the Council's Design Officer has provided comments on the indicative layout plan submitted and indicative details submitted within the design and access statement:

The Design Officer raises concerns about the single commercial premises proposed within the site. The Design and Access Statement indicates that it is intended for the office building to be kept in an architectural style and character similar to the housing. However, the Design Officer raises concerns regarding associated non-residential paraphernalia such as security lighting and signage. However, it is possible to condition any grant of consent to restrict such ancillary features. The Design Officer recognises that the location of the office building within the site is important and given its prominence from the public realm, a landmark entry is required. Officers do question the need for this small office within the larger residential development, however, it is not considered that this element would be so incongruous as to fully justify a reason for refusal on this basis.

The Design Officer also comments that landscaping is important and suggests an avenue nature to the main thoroughfare is utilised and that boundary treatments to Widvale Road, parking and public landscape areas should be soft boundaries so as to not over-urbanise the area. Landscaping is also a reserved matter and boundary treatments would be considered in more detail at detailed design stage.

The Design Officer raises concerns regarding the layout of the parking areas in close proximity to the open spaces. It is considered that the woodland area and communal green would be dominated by parking spaces and parked vehicles and in this regard the layout will need to be revisited. However, as stated this can be addressed at reserved matters stage.

Concern is also raised by the Design Officer with regard to the lack of pedestrian linkage from the south of the site to the pocket park, with occupiers of the southern site having to walk onto the road to reach the pocket park. It is suggested that a pedestrian bridge is installed from the south of the site to the pocket park to enable the pocket park to be effectively linked to the southern part of the development. Officers suggested that such a linkage be secured via a S106 agreement; however, the Agent is not willing to provide such a feature due to logistics and issues with the Environment Agency. Although not ideal; it is not considered that occupiers of the site using the existing vehicular and pedestrian bridge to cross the river to access the pocket park is unacceptable and given its proximity to the dwellings it is not considered that a reason for refusal on this basis could be fully justified. Such a bridge does not form part of the application proposal and the exact layout of the site and location of the areas of open space shall be determined at reserved matters stage. Officers consider that more integrated open space may be preferable to open space at the peripheries as currently proposed.

In terms of scale and architectural style, the Design Officer comments that the variety of traditional materials sits comfortably in the context of the site and that a variety in scale and punctuation within the street scene is important. These details will need to be considered further at reserved matters stage.

The Parish Council comment that this site is a gateway into Mountnessing and the current entrance into the village is one of a sparse mixture of cottages and substantial dwellings in well established green settings. The Parish Council comments that the proposal, by virtue of its density and prominent position will change the street scene and village perspective in a negative way. As already discussed, the density is considered acceptable. Although layout, scale and appearance are reserved matters, the indicative layout submitted suggests that the dwellings fronting Roman Road will be detached dwellings, that will benefit from landscaping and are not numerous; with only 4/5 units fronting Roman Road. As such it is apparent that the indicative design has been chosen to complement the existing character and appearance of the area and as such, Officers do not consider that the indicative layout or density proposed would harm the street scene or the character or appearance of Mountnessing.

Transport and Highway Considerations

Access is the only matter which is not reserved for later determination. The site benefits from existing vehicular access points with an existing arm from the Roman Road/Lower Road roundabout providing access to the southern part of the site and with the northern part of the site having an existing 'T' junction access.

A transport assessment has been submitted with this application. The capacity analysis shows that after the development, the Roman Road/Lower Road roundabout would still operate within capacity at both the year of opening and 10 years after opening. The A12 junction currently experiences queuing on the east facing slip roads in the AM and PM peak hours, however, the addition of the development traffic does not significantly lengthen the queues or impact on queuing delays.

The transport assessment also compares the traffic generated by this proposal to the extant permission which indicates that whilst the proposed, mainly residential development is expected to generate a higher number of vehicles on the highway network compared to the existing permitted use in the AM peak, the proposal use would result in a significant decrease in vehicle movements in the PM peak hours which is advantageous as the PM peak is busier than the AM peak.

The transport assessment also considers highway safety and concludes that there is a relatively low accident rate and given the traffic flows at this location, does not indicate a road safety issue. No injury accidents were recorded at the Roman Road roundabout.

The Highway Authority comment that the residential proposal is expected to generate similar volumes of traffic to the previously consented commercial scheme. The impact of the residential scheme would be about 100 less vehicle trips in the evening and about 20 more trips in the morning peak. Improvements are proposed to public transport infrastructure and pedestrian and cycle facilities to encourage residents of the scheme to travel by sustainable modes of transport. The county road network has sufficient capacity to accommodate the expected traffic generation from this site.

The Highway Authority therefore comments that from a highway and transportation perspective the impact of the proposal would be acceptable to the Highway Authority, subject to conditions. Subject to the conditions recommended it is therefore considered that the proposal would not harm highway safety.

Ecology

Natural England comment that based on the information provided, the proposal is unlikely to affect any statutory protected sites or landscapes. Natural England refers the Council to their standing advice in terms of the impact of the proposal on protected species.

An ecological survey has been submitted which indicates that no habitats of conservation importance are present on the site and the development would not impact upon designated sites. All the plant species recorded are common and widespread and no plant species of conservation importance were found on the site. However, the report concludes that the boundaries of the site support a number of mature trees which are likely to be of high ecological value and should therefore be protected during development and should be retained on the site.

The ecological survey identified that the BAP priority species (Biodiversity Action Plan (BAP) Species are of principal importance for the conservation of biodiversity in the UK); the Cinnabar moth was present on the site and as such areas of grassland which contain its food plant; Ragwort should be incorporated into the soft landscaping. Landscaping is a reserved matter however, the Design and Access Statement does suggest that some areas of wildflowers will be planted and the Environmental Statement indicates that areas of grassland introduced to the scheme will include Ragwort to maintain this priority species on site.

The ecological survey also found that there is a pond on the site which has the potential to be suitable for breeding amphibians, with the main grassland areas on the site having the potential to provide foraging habitats for amphibians. However, the report concludes that because the River Wid separates the site from potential breeding areas it is not likely that the site provides an important resource for local amphibian population and therefore additional survey or specific mitigation for amphibians is not necessary.

The mature trees to the boundaries and woodland area are likely to support a community of common and widespread birds and as such the report recommends any tree and shrub clearance occurs between September and February; outside the bird breeding season. The site has potential to provide foraging for badgers although there was no evidence of the species using the site and no badger setts were identified. The hedgerows and grassland have the potential to provide foraging for hedgehogs; however, the ecological survey concludes that it is unlikely that the site provides significant habitat resources for hedgehogs. There was no evidence of otters or water voles on the banks of the River Wid and this section of the river is unsuitable for both these species.

The ecological survey indicates that a number of the trees around the boundary of the site had some potential to support roosting bats and as such an assessment of each tree's potential was undertaken which indicates that 6 trees on the site were identified as having possible bat roost potential. However, all but one of these 6 trees was considered to have low/negligible potential to roosting bats. The ecological survey recommended further bat surveys are undertaken and investigations undertaken to determine whether the identified trees supported bats.

The ecologist observed a grass snake and the site was considered a suitable habitat for other species of common reptile; with slow worms and common lizards potentially present on site. As such the ecological survey recommended that further reptile surveys are undertaken.

Following the recommendations of the ecological report, a bat and reptile survey has also been submitted with this application. The results of this survey are that two species of reptile were recorded; slow worms and grass snakes. Two juvenile and one adult toad were also recorded. Two species of bat were also recorded; Noctule and Common Pipistrelle.

In terms of reptiles, the species survey states that whilst the population of slow worms and grass snakes are low on the site, mitigation will be needed to prevent injury or the killing of animals during construction in accordance with their legal protection. The report recommends measures to reduce the impact on reptiles and recommends that some of the reptile habitat on site is retained. Paragraph 6.53 of the Environmental Statement submitted recommends a full reptile mitigation plan be carried out at the design/reserved matters stage to be secured by planning condition. In this instance, given that this outline permission reserves most details of the development, it is considered acceptable to impose such a condition on any grant of outline permission. Natural England Standing Advice for reptiles indicates that translocation should be a last resort and Officers therefore consider it more appropriate to ensure part of the site is retained as a suitable habitat for the reptiles during detailed design stage.

In terms of bats, the survey states that whilst the numbers of bats using the site is low, any development would lead to the loss of suitable foraging habitat for bats. However, the retention of the woodland and vegetation to the boundaries of the site will allow bats opportunities to commute across the site and forage on site. No bat roosts were confirmed on site. However, given that bats may be present roosting in mature trees within the periphery of the site these areas should not be directly illuminated. The lighting reports submitted indicate that all street columns are to face into the site which is considered to accord with the recommendations of this species report. Subject to the recommendations of this report and subject to the lighting being installed in accordance with the details submitted it is not therefore considered that the proposal development would adversely harm bat species. The Environmental Statement recommends a full bat mitigation plan should be submitted at design/reserved matters stage which can be secured by planning condition.

An ecological site management plan is recommended by the submitted report which can also be secured by condition in the interest of ecology on the site, particularly the reptiles and bats identified.

Subject to conditions, it is therefore considered that the proposal would not adversely impact the ecology of the site and surrounding area and as such no objection is raised to the proposal in this regard in terms of Chapter 11 of the NPPF. The Environmental Statement submitted similarly concludes, that subject to conditions the proposal will result in negligible impacts on protected species and through an appropriate landscape strategy will actually result in a positive impact to biodiversity overall.

Landscaping

Landscaping is a reserved matter; however, some soft landscaping details have been submitted. It is apparent that mature boundary trees will be retained along with the woodland area to the west of the site. The design and access statement and master plan also indicate that street trees will be introduced to increase green connectivity within the site. Wildflower meadows will be provided and mixed native hedge planting will be used. Whilst the design and access statement indicates that some removal of trees near the river will be necessary this will be off-set with enhanced planting of the banks and slopes of the river.

The Council's Tree Officer has commented that a full survey with management proposals which span a 5 year period post development will be needed. The Tree Officer suggests that substantial tree loss will occur and replacement trees would be necessary with a long term objective of integral landscaping. As landscaping is a reserved matter, it is considered that such matters could be secured through condition with further details to be submitted at reserved matters stage.

In terms of hard landscaping, there are some concerns amongst officers with regard to the large banks of parking and therefore large expanses of hard landscaping to be provided in some areas. However, given that layout and landscaping are reserved matters it is considered that such matters can be dealt with at reserved matters stage.

Flood Risk and Drainage Considerations

This planning application has been submitted with a flood risk assessment and drainage strategy (FRA). This document notes that the impermeable area of the proposed development will be reduced compared to extant permission. The site has been taken out of the flood plain and flood compensation works have been carried out within the site boundary. The site is unsuitable for SUDS (sustainable urban drainage systems) so a system incorporating tanks and oversized pipes was adopted. The strategy will provide underground storage for a 1 in 100 year storm event with an appropriate allowance for climate change. The fluvial flood risk has been dealt with by raising the site and with the provision of flood plain compensation. The FRA submitted therefore concludes that the proposed change of use of the site to a predominantly residential use is suitable from a flood risk and surface water drainage viewpoint.

Following initial concerns from the Environment Agency (EA) and Essex County Council (ECC) as the Lead Local Flood Authority (LLFA), a revised FRA and drainage strategy (Rev02) has been submitted. Further comments were subsequently received from the Environment Agency and ECC Lead Local Flood Authority:

The EA comment that given the works that have already been undertaken on the site; namely increasing the land level to 53.5mAOD (the 1 in 100 year flood level) and compensatory storage has been provided has resulted in the land now being considered as within Flood Zone 2. The EA comment that the extreme 1 in 1000 event is unknown and therefore the EA advise that flood resistant and resilient protective methods are used in the construction of the buildings, the EA also recognise that there would be safe, dry refuge within the buildings during a 1 in 100 climate change event and refuge on upper floors during an extreme event. The EA therefore raises no objection to the proposal in flood risk terms, subject to conditions.

ECC LLFA have also provided revised comments following initial concerns and following the submission of the revised FRA, commenting that it is now considered that a drainage scheme has been proposed which demonstrates that surface water management is acceptable in principle, without causing flooding on-site or elsewhere. Subject to a condition, the lead local flood authority therefore considers that planning permission can be granted for the proposed development.

As such, following the submission of the revised FRA and given the advice of the flood risk experts, Officers consider that the proposal would not result in unacceptable harm in terms of flood risk, subject to conditions and as such no objection is raised on this basis, in terms of Chapter 10 of the NPPF.

Living Conditions

The NPPF states that a core planning principle is to always seek a good standard of amenity to all existing and future occupants of land and building. In this regard an air quality assessment and acoustic planning reports have been submitted with the application. The site is located in close proximity to the A12, however, the air quality assessment indicates that the future residents will be exposed to pollutant concentrations that will meet all relevant UK air quality objectives, and the site is therefore deemed appropriate for residential use. It should be noted that the Environmental Health Officer has not raised any concerns in terms of air quality.

An acoustic planning report has also been submitted with this application which concludes that noise from the A12, Lower Road and Roman Road can be mitigated subject to the installation of sound insulation and as such the report concludes that the site is believed to be suitable for residential purposes. The report comments that there was no evidence of ambient vibration adjacent to the A12 or Lower Road. The Environmental Health Officer has raised no objection to the proposed development based on noise, subject to conditions. As such, subject to the recommendations in this report and subject to the conditions recommended by the Environmental Health Officer, it is considered that the site will provide acceptable living conditions for any future occupiers in this regard.

To ensure the site provides acceptable living conditions for any future occupiers of the site, it is also necessary to consider whether the site is affected by contaminated land. The site was formally used as a scrap yard, however, remediation works have been undertaken as part of previous consents on this site. The Environmental Statement submitted outlines that a number of investigations have been undertaken in the past, dating back to 1999. The Environmental Statement recognises, however, that there is a need for further site investigations to confirm or supplement and update the existing data and concludes that subject to mitigation, to be secured through planning conditions, there will be no significant impacts. In this regard, the Council's Environmental Health Officer raises no objection to the proposal, subject conditions. The Environment Agency consider the site to be in a sensitive location with respect to controlled waters, but comments that due to the works previously carried out on the site and the fact that remediation has taken place, the Environment Agency recommend planning conditions can be used to mitigate any such concerns in this case. Subject to the conditions recommended by the Environment Agency and the Environmental Health Officer no objection is therefore raised in this regard and it is not therefore considered that the previous use of the site would adversely impact any future occupiers of the site.

No detailed designs of the dwellings have been submitted so details such as whether each dwelling provided adequate living conditions for any future occupiers, for example by providing adequately sized living accommodation, and whether adequate parking and private amenity spaces are provided to each dwelling will need to be considered at reserved matters stage.

Policy LT4 seeks to ensure that sufficient on-site public open space is provided within new residential developments. This proposal seeks to provide a Riverside Walk, a Green in the centre of the southern part of the site, a pocket park to the east of the site, the woodland and a park on the northern side of the site. The Design and Access Statement indicates that in total all the public open space constitutes around 15 percent of the site area. In this regard, the Council's Parks and Open Spaces Manager has commented that there appears to be a sufficient supply of open space provision with 15 percent of the overall site laid out as open space. Subject to a S106 agreement requiring contributions and/or the necessary LEAP (local equipped area of play) and NEAP (neighbourhood equipped area of play) being provided on the site and maintained by a management company, no objection is therefore raised on this basis.

Residential Amenity

The Air Quality Assessment submitted indicates that during construction, site activities have the potential to affect local air quality and the report recommends mitigation to reduce or eliminate the impact on local air quality. Subject to the mitigation measures recommended in the air quality assessment it is not considered that the construction phase will adversely affect the residential amenity, living conditions or quality of life of nearby residents.

The Air Quality Assessment submitted indicates that traffic generated as a result of the development will give rise to pollutant emissions and that the traffic emissions from the proposed development will result in a small change in pollutant concentrations. However, the impact of these pollutant concentration changes is predicated to be negligible. As such it is not considered that the proposed development would result in significant or demonstrable harm to the residential amenity of the nearby residents in this regard. The Environmental Health Officer has raised no objection to the proposal in terms of air quality.

The acoustic planning report submitted indicates that the noise during construction will not exceed the ambient noise threshold of the British Standards.

In terms of lighting a lighting assessment and lighting design concept have been submitted which indicate that lighting can be provided within the site to meet the minimum required light levels without excessive light spill to the surrounding areas and therefore the proposal has a minimal impact on the existing nearby residents.

Although the final layout, scale and appearance of the proposed development are yet to be submitted for final determination, given the location of the site, the indicative layout and indicative scale (up to 3 and a half storeys) it is not considered that the proposal would result in any material harm to the residential amenity of existing nearby residents in terms of overlooking, loss of privacy, overbearing impact or dominance in accordance with National and Local Planning Policy.

Planning Obligations

It has been indicated that 24 affordable units for social rent would be provided on site and a further 8 units would be provided by way of a commuted sum. This is considered acceptable by the Council's housing department and subject to a S106 agreement in this regard the site is considered to provide acceptable levels of affordable housing.

Essex County Council have indicated that Early Years and Childcare provision in the area is at capacity, that there will be a deficit of places within the primary group, but that there should be sufficient places within the secondary group to meet the needs of the development. As such the Infrastructure Planning Officer at Essex County Council requests a S106 agreement to mitigate the impacts of the development on primary education and early years and childcare provision. The Draft Heads of Terms indicate that the developer is willing to provide the requisite monies in this regard with the aid of a S106 agreement. Subject to such an agreement no objection is raised in this regard.

The NHS Essex Area Team and NHS property Services have commented that the proposed residential development is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provisions within the area and NHS England would expect these impacts to be mitigated by the developer by way of a developer contribution secured by a S106 agreement. There is a capacity deficit on the catchment practice (The New Folly) and a developer contribution is required to mitigate the capital cost to NHS England for the provision of additional healthcare services arising directly as a result of the development proposed, to be paid prior to the first occupation of the dwellings. Subject to such a S106 agreement, NHS England would not wish to object to the proposal.

In terms of highway contributions, the Agent originally proposed in the draft Heads of Terms that financial contributions would be provided to Essex County Council as the Highway Authority to provide the footpath and cycleways and bus shelters. However, the Highway Authority has requested that these works be carried out by the developer which has been agreed to.

The S106 agreement will also require the provisions of the open space and/or the provisions of the necessary play equipment. Discussions in this regard are ongoing with the developer to determine the best course of action.

Other Matters

One neighbour representation has been received which suggests a more comprehensive development of another nearby site is also possible, however, this is not a material consideration in the determination of this application, and that the development would significantly affect this adjoining occupier. The impacts of the development have been considered in detail in this report and it is not considered that the proposal would result in any harm to the adjoining residents. Therefore whilst the neighbour concern raised has been fully considered, it does not represent a reason for refusal for this application.

Conclusion

The proposed development is acceptable and complies with National and Local Policy, subject to a S106 agreement and conditions. The proposal is EIA development, however, the environmental statement submitted has demonstrated, subject to conditions, the proposal would not have any adverse impacts on the environment. The proposal is therefore recommended for approval.

7. Recommendation

The Application be APPROVED subject to completion of a Section 106 Agreement and to the following conditions:-

1 TIM03 Standard Time Outline - 3 years

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 U09673 RES MATTERS condition...

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) and reports and their recommendations 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 BOU01 Boundary treatment to be agreed (gen)

No boundary treatments or means of enclosure shall be erected until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

4 LAN02 landscaping, full, details not submitted

Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. 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. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

5 MAT01 Samples (details acceptable)

No development above ground shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

6 MAT04 Surfacing materials

No hardsurfacing works shall take place until details of the surfacing materials of driveways and parking areas have been submitted to and approved in writing by the local planning authority. Construction shall be in strict accordance therewith.

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

7 SIT01 Site levels - to be submitted

No development shall take place until details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

8 U09644

No development shall take place 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. These details are required prior to the commencement of the development to ensure that highway safety is not compromised from the start of the works.

9 U09645

No development shall take place until details of the pedestrian islands in Widvale Road have been submitted to and approved in writing by the Local Planning Authority. The pedestrian islands shall be constructed in accordance with the approved details, prior to first occupation of the development.

Reason: To facilitate pedestrian and cycle movements between the proposed northern and southern part of the site in the interest of highway safety and accessibility. These details are required prior to the commencement of the development to ensure that safe pedestrian and cycle movements are possible as a result of this development.

10 U09646

No development shall take place until details of the means to prevent right turning traffic into the proposed estate road immediately to the south west of the main access have been submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed in accordance with the approved details, prior to first occupation of the development.

Reason: To ensure that traffic turning right into the estate road does not cause blocking to the Roman Road roundabout, in the interest of highway safety and accessibility. These details are required prior to the commencement of the development to ensure that safe vehicular movements are possible as a result of this development.

11 U09647

Prior to the first occupation of the development hereby approved, the developer shall construct the access to the northern part of the site with a minimum clear to ground visibility of 2.4 metres x 59 metres, as measured from and along the nearside edge of the carriageway. The visibility splays shall be retained free of obstruction thereafter.

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.

12 U09648

Prior to the first occupation of the development hereby approved, the developer shall construct a 3.5 metre footway/cycle route from the main site access around the A12, Junction 12, Interchange to connect to the existing footway/cycle route adjacent to Chelmsford Road.

Reason: To facilitate pedestrian and cycle movements between the site and the local area in the interest of highway safety and accessibility.

13 U09649

Prior to the first occupation of the development hereby approved the developer shall provide improvements to the northbound bus stop on Roman Road to include raised kerbs, a new shelter and shelter mounted Real Time Passenger Information, together with improvements to the southbound bus stop to include a new shelter and shelter mounted Real Time Passenger Information.

Reason: To encourage trips by public transport in the interest of accessibility.

14 U09650

Prior to the first occupation of the development hereby approved, the developer shall provide the first occupier of each new dwelling with a Residential Travel Information Pack. The packs shall include information in support of sustainable transport. Details of the packs shall have been submitted to and approved in writing by the Local Planning Authority. Each pack shall include six one day travel vouchers for use with the relevant local transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

15 U09651

The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstand to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

16 U09652

The junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that the junction is constructed to the appropriate standard in the interests of highway safety.

17 U09653

There shall be no discharge of surface water onto the Highway.

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.

18 U09654

The development site is within 15 metres of a sewage pumping station. There should be no development within 15 metres from the boundary of a sewerage pumping station of this type.

Reason: In the interest of the residential amenity of future occupiers.

19 U09665

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed:

1. Finished first floor levels are set at or above 54.1m AOD
2. A scheme for the provision of compensatory storage shall be submitted and agreed with the Local Planning Authority prior to any development being undertaken.

Reasons:

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To ensure flood risk is not increased elsewhere.

These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

20 U09666

No development hereby approved shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 033621 and subsequent emails dated 18th and 24th February.

Reason: To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

21 U09667

Subsequent to further contaminated land investigations proposed by the developer, a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval prior to the start of the development of the site. The agreed remediation scheme will be implemented prior to the commencement of any other part of this planning permission (unless the scheme or parts of it require commencement of other parts of the permission). Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: In the interest of the living conditions of the future occupiers of the site. These details are needed prior to the commencement of the development to ensure that acceptable living conditions can be provided before the developer goes to the expense of beginning the development.

22 U09668

Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered in the remediation scheme that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed and a separate remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: In the interest of the living conditions of the future occupiers of the site.

23 U09669

The developer shall notify the Local Planning Authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within four weeks of completion of such works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site or beneficial occupation of the office building hereby permitted until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the conditions above.

Reason: In the interest of the living conditions of the future occupiers of the site.

24 U09670

Noise emitted from the dwellings shall be lower than the existing background noise level (50.5 LA90,T dB(A)night) expressed as LA90, by at least 5dB at any time measured at the facade of the nearest residential dwelling.

Reason: To prevent any possible noise nuisance from any air handling/extraction/mechanical heat exchange units etc associated with the estate in the interest of the residential amenity of nearby residents.

25 U09671

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise, incorporating effective ventilation, in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal night noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: In the interest of the residential amenity of nearby residents.

26 U09672

No development shall take place until arboricultural reports to include a management plan post development have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

27 U09674

No development shall take place until a full reptile mitigation plan, full bat mitigation plan and an ecological site management plan have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of the ecological value and biodiversity on the site. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

28

Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission> (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

29.

No occupation <of any part of the permitted development / of each phase of development> shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

30

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole

may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

31.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

32.

No development shall take place until the a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development have been submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason:

To enhance the sustainability of the development through better use of water, energy and materials. . These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

33.

No development shall place until a scheme for the provision and implementation of rainwater harvesting has been submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

Reason:

To enhance the sustainability of the development through efficient use of water resources. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

34.

All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.

35.

All tree and/or shrub clearance shall occur outside the bird breeding seasons:

Reason: In the interest of the biodiversity of the site.

Informative(s)

1 INF04

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

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, H6, H9, H14, CP1, T2, LT4, PC4, C5, PC1 and the National Planning Policy Framework 2012 and NPPG 2014

3 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.

4 U02285

The applicant is advised that 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.

5 U02286

No permanent part of a development shall overhang the highway

6 U02287

Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority

7 U02288

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

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

8 U02289

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within wither prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

9 U02291

In order to discharge the surface water condition, the following information must also be provided based on the agreed drainage strategy:

- A detailed plan showing the final drainage strategy for this site which includes enough storage provision for surface water to discharge off site at the 1 in 1 Greenfield rate. Storage provision should also cater for an increase of 10% in impermeable area known as "urban creep".
- A detailed plan outlining the necessary treatment stages needed in this surface water management scheme to improve water quality.
- A detailed maintenance regime highlighting how all parts of the surface water drainage scheme will be maintained.
- Details of any exceedance and conveyance routes.

10 U02292

The Environmental Health Officer would strongly recommend that any acoustic ventilation installed as part of the noise protection scheme incorporates heat exchange mechanisms for reasons of energy efficiency.

11 U02293

Additional water supplies for fire-fighting will be necessary for this development - contact the Water Technical Officer at the Essex County Fire and Rescue Service Headquarters on 01376 576342.

12 U02294

Essex and Suffolk Water advise that there is an existing water main and a washout-hydrant on the site south of the roundabout which is require disconnection before the development can commence. The cost of this work will be borne by the developer.

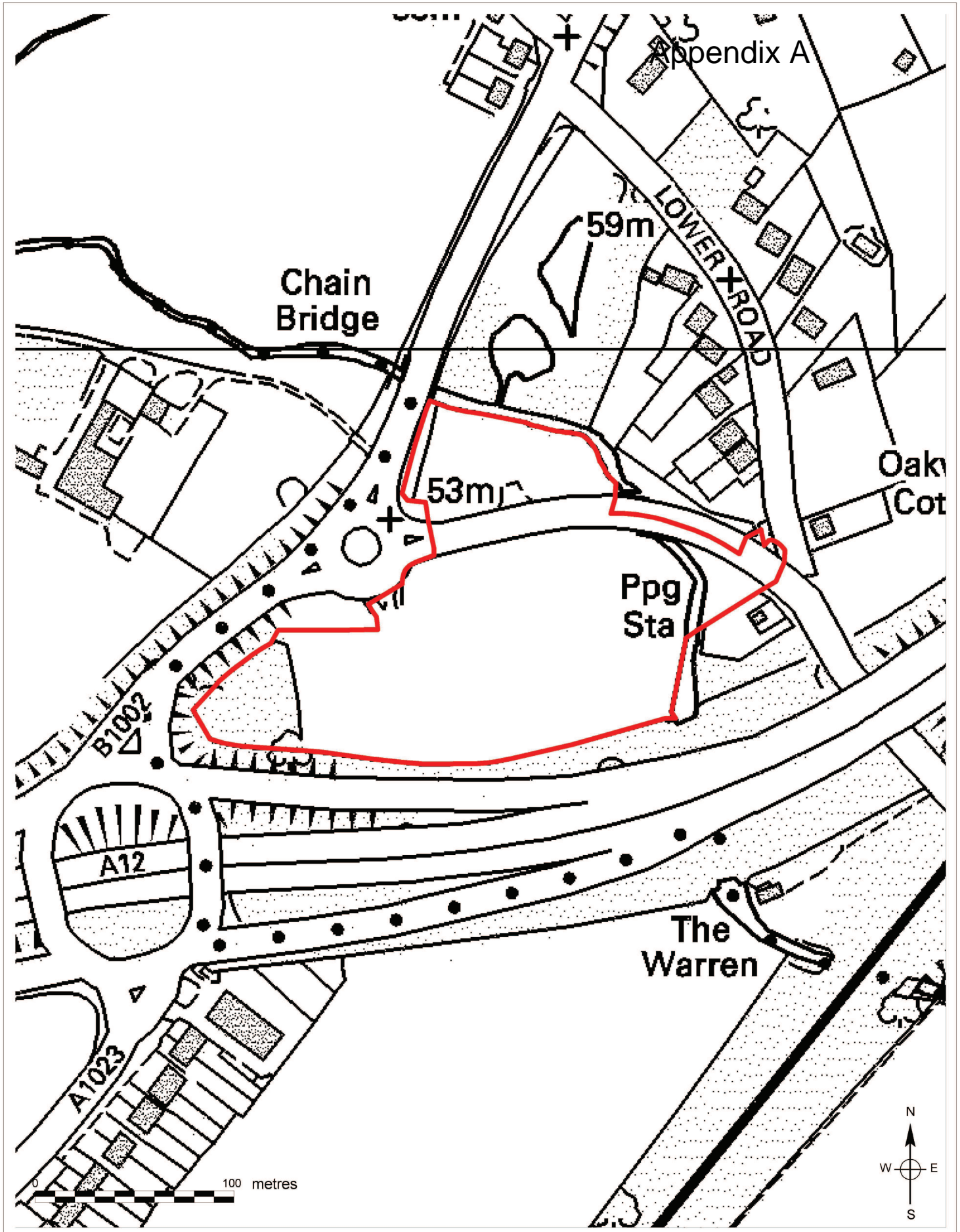
13

Under the terms of the Water Resources Act 1991, and the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank/foreshore of the designated a 'main river'.

BACKGROUND DOCUMENTS

DECIDED:

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Title: FORMER MOUNTNESSING SCRAP YARD, ROMAN ROAD, MOUNTNESSING
 14/01446/EIA

Scale 1:2500 at A4

Date 14th April 2015

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



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SITE PLAN ATTACHED

**06. FORMER ELLIOTS NIGHTCLUB AND PETROL STATION SOUTHEND
ARTERIAL ROAD WEST HORNDON ESSEX**

**DEMOLITION OF EXISTING SINGLE STOREY STRUCTURES AND
CONSTRUCTION OF TWENTY, 2 STOREY RESIDENTIAL UNITS,
TOGETHER WITH ASSOCIATED ACCESS ROADS AND FORMATION OF
EARTH BUND WITH ASSOCIATED LANDSCAPING TO PROVIDE ACOUSTIC
BUFFERING.**

APPLICATION NO: 14/01247/FUL

WARD	Herongate, Ingrave & West Horndon	8/13 WEEK DATE	30.01.2015
PARISH	West Horndon	POLICIES	CP3 T1 GB1 GB2 CP1 CP2 CP4 C5 C7 H6 H9 LT4 PC1 PC4 T2 NPPF NPPG
CASE OFFICER	Kathryn Mathews	01277 312616	
Drawing no(s) relevant to this decision:	VIABILITY REPORT; TREE SURVEY/Revised; D.01/G; D.03/B; FLOOD RISK; D01 TREES; D.02; D.05; D.06; D.07; D.08; D.09REV A; D.10; D.11REV A; D.12REV A; TRANSPORT STATEMENT; AIR QUALITY; SUSTAINABILTY ASSESSMENT; GEOTECHNICAL REPORT; DESK TOP STUDY; CHEMICAL REPORT; DESIGN & ACCESS STATEMENT; PLANNING STATEMENT; ECOLOGICAL REPORT; NOISE ASSESSMENT;		

1. Proposals

Demolition of existing single storey structures and construction of twenty, 2 storey residential units, together with associated access roads and formation of earth bund with associated landscaping to provide acoustic buffering.

The development comprises a mix of dwellings (2-4 bedroom, terrace, semi-detached and detached dwellings) - 4no. two bedroom, 7no. three bedroom and 9no. four bedroom. The height of the dwellings would range from around 7.5m to 9m in height. All would have pitched roof.

The external materials which would be used would be a mixture of plain roof tiles, slate tiles, stock brickwork, fibre cement weatherboarding, coloured render and PVC windows and doors.

All vehicles and pedestrians would access the site from the existing entrance off the Tilbury Road located in the south-eastern corner of the site. Each dwelling would be provide with two off-street parking spaces and a further five visitor parking spaces are proposed.

It is stated that ground levels within the site fall from north to south by 2-3m and east to west by around 1.3m

The proposed bund would extend along the length of the site's boundary with the A127 and would return along both the front boundary with Tilbury Road and the rear/western boundary. On top of the mound would be an acoustic fence along with landscaping.

The application is accompanied by the following documents

- Planning Statement
- Design and Access Statement
- Transport Statement
- Sustainability Assessment
- Geotechnical Interpretive Report
- Chemical Interpretive Report
- Desk Top Study Report
- Air Quality Assessment
- Utility Survey - Inspection Chambers Images
- Tree Survey and recommendations for trees in relation to construction
- Flood Risk
- Planning Stage Noise Assessment Report
- Extended Phase 1 Ecological Habitat Survey Report
- Viability Report

The site has been vacant for 30 years, is overgrown and the buildings suffer from a degree of dereliction.

The site accommodates the former nightclub and petrol filling station buildings (which are single storey in height with a sub-basement level) along with the former car parking areas and accessway.

Reference is made to a footpath/cycleway along the A127, local bus services and West Horndon railway station.

No affordable housing is offered on the basis of viability.

Reference is made to the NPPF, NPPGs, the adopted and emerging Local Plans.

Prior to the submission of the application, the applicant presented their proposals to the Parish Council and wrote to neighbours.

It is stated that the design approach has been informed by a contextual analysis of the site and its surroundings.

The Habitat Survey Report advises that there were no protected species identified on the site and concludes that the site currently has low potential for supporting protected species but recommends some management procedures during construction and enhancements with respect to the proposed bund, to comply with the NPPF (paragraph 109) and Policy C3. A reptile survey is to be undertaken in accordance with the recommendations set out in the report.

With respect to trees, two of the 10 preserved trees no longer exist, two further trees have fallen and two further trees are proposed for removal to facilitate the construction of the bund. Four preserved trees are proposed to be retained. Additional landscaping would be carried out including replacement for the six preserved trees lost.

With respect to contamination, contamination was found on site but a strategy for remediation has been proposed.

The noise assessment states that, with the proposed bund, the occupiers of the proposed dwellings would not be adversely affected by noise from the A127.

In terms of air quality, the assessment submitted concludes that the levels of nitrogen dioxide and particulate matter do not exceed air quality standards at the development site and that no mitigation measures are required.

The Sustainability Assessment concludes that the proposal contributes to the economic role of sustainable development by providing housing close to areas of high economic activity, being easily accessible to employment centres in Essex and London. The proposal contributes to the social role by providing family housing and with good access to existing local services. The houses would be built to Level 4 of the Code for Sustainable Homes. The use of solar water heating, photo voltaics, biomass boilers, air source heat pumps, ground source heat pumps and positive input ventilation systems will be considered.

West Horndon village and its shops, church and community hall is 1.4km travelling distance away accessed via footpaths along A128 and Station Road. There is a large restaurant/public house on the other side of A127. Thorndon Country Park is around 1km from the site. There is one NHS doctors surgery within 1 mile of the site. The nearest pharmacy is 2.7miles, the nearest dentist is within 2 miles (but is not currently accepting new patients) and the nearest primary school is West

Horndon Primary School (within 1 mile straight line distance) and the nearest secondary school is Brentwood County High School (3.5miles straight line distance). The employment centres of Horndon Industrial Park and Ford Dunton Technical Centre are referred to. It is concluded that the site has 'excellent public and private transport links'. It is intended that all houses will be provided with a home office, private garden and cycle store.

The Ecological Report concludes that there are no significant issues which would prevent the development of the site for ecological reasons. There are no designated sites within 2km. The scattered mature trees have some potential to support nesting birds and parts of the site have the potential to support native reptiles but these habitats are common on brownfield sites which have been left undisturbed for a significant period of time. The habitats present are common and easy to create. Japanese Knotweed was identified as being present on the site. Practical measures to deal with the issues identified are set out in the report.

The Transport Statement concludes that the development is consistent with the aims of national, regional and local transport policies. Tilbury Road is subject to the national speed restrictions of 60mph. Removal of vegetation around 2.4m back from the edge of the carriageway would be required to provide adequate visibility splays. The traffic generated by the previous uses of the site would have been greater than those which would be generated by the development proposed.

The Noise Assessment Report concludes that, with the proposed bund, the proposed residential properties would achieve a 'reasonable' level internally and below a limit of 'moderate annoyance' for external amenity spaces. In the light of this, the report concludes that noise does not present a constraint to the granting of planning permission.

The Flood Risk report states that the site is located in Flood Zone 1 - Low Probability of flooding (coastal or fluvial) and, as the site is less than 1ha in area, a Flood Risk Assessment is not required unless the area is subject to critical drainage problems or subject to other sources of flooding which the author concludes is not the case. The site is within a Critical Drainage Area in the Brentwood Surface Water Management Plan but the site itself falls outside the 'key flooding areas' or hotspots within the CDA.

Contamination Desk Top Study identifies 13no. underground storage tanks associated with the former filling station which have been water filled but were never permanently decommissioned. A number of recommendations for further investigations are made as a result of which the application is also accompanied by a Chemical Interpretive Report (CDA) which recommends that site soils are excavated and the underground storage tanks are removed from the site and suitable remediation strategy is agreed with the local authority. The Geotechnical Interpretive Report recommends that piled foundations are used due to the extent of made ground.

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', 'Travel plans, transport assessments and statements in decision-taking', '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 of public rights of way, existing landscape features and the location of any building in respect of the surrounding landscape and adjoining buildings.

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

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

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.

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.

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.

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

PC1 (Land Contaminated by Hazardous Substances) requires that, where necessary, remediation is carried-out to land to be developed is contaminated by hazardous substances.

PC4 (Noise) aims to protect noise sensitive development from noise disturbance.

LT4 (Provision of Open Space in New Development) requires that proposals for residential development make provision for public open space which is made necessary by the proposed development.

3. Relevant History

- 12/00186/ADV: Continued use of advertising display panel with the addition of overhead lighting. -Application Permitted
- 11/00970/EXT: Redevelopment of the site for restaurant, conference facilities and specialist car sales building (Extension of time to planning permission BRW/222/2007) -Approve (Subject to Section 106)

- 09/00724/FUL: Outline Planning Application For Residential Development (8no. Three Bedroom Houses, 8no. Two Bedroom Houses, 20no. Two Bedroom Flats And 10no. One Bedroom Flats) With All Matters Of Details Reserved For Future Determination Except For Access, Layout And Scale. -Application Withdrawn
- 07/00222/FUL: Redevelopment Of The Site For Restaurant, Conference Facilities And Car Showroom. -Approve (Subject to Section 106)

4. Neighbour Responses

11 letters of notification were sent out, a site notice was displayed at the site and a press notice was published. Three letters of objection have been received, raising the following concerns:-

- access adjacent their boundary and would increase traffic
- site levels rise towards A127 by 1-2m. Have issue with height of gable wall nearest their property and adjacent to the access, and the windows to the rear and side of the properties running parallel to their boundary
- tree screen should not be relied upon as deciduous - unsure of ownership of tree and their retention and protection would need to be ensured
- unclear what the plan is for fencing along their boundary with the site
- proposed density in excess of national standards - 15 units or less is favourable
- traffic from 20 units would create excessive hazard and would be in addition to existing flow of HGVs from East Horndon Hall site
- would add to drivers driving wrong way along A127 one-way slip road
- ground level needs to be lowered to preserve privacy and avoid further damage/deterioration to the boundary wall
- two preserved trees were removed previously and should be replaced.
- not convinced that proposed 'bunds' would not have an adverse impact on surface water drainage from the road adjoining the properties

5. Consultation Responses

- **Design Officer:**

Please find these comments relating to Design Advice for the above site to assist you in the determination of this application.

My pre-application advice regarding this site was that if the principal of development was acceptable in planning terms given the Green Belt location, then the subsequent architectural narrative should be developed with regard to the wider context and through an understanding of the historical evolution of the location and nearby settlements. The submitted Planning Statement evidences limited precedents within the immediate context although these have not translated into the selected design approach nor is the design approach contrasting.

The house typologies proposed are urban in style, contradictory to context which is open and verdant. For a scheme in a landscape area the massing is fairly continuous; variation and hierarchy is not proposed sufficiently despite stepped ridge lines and the application of gables.

In respect of boundary treatments and material intent, again these are of an urban nature and are conflicting with the context.

I advise a fresh approach to the architectural narrative is embarked upon should the principal of development be acceptable in the first instance. I would be pleased to discuss in more detail my assessment of this application, as my concerns regarding the design cannot be overcome through information submitted through planning conditions.

Consequently I do not advise this scheme of is Good Design and recommend refusal in order to protect the character and local distinctiveness of the location.

- **Operational Services Manager:**

Having looked at the site proposal plan I cannot see, with the information given, any issues regarding waste collection. Provided there is level access with no steps or slopes and a good vehicular turning point to access waste collection points.

- **Parish Council:**

This is to inform you that West Horndon Parish Council voted to raise no objections to the above planning application for the former Elliots Nightclub site at their meeting held on Monday 8th December subject to the following comments regarding the site.

1. Flood Risk

The Planning statement states that a Flood Risk Assessment identifies that this site is not within a flood risk area and that the NPPF only requires site specific drainage assessment to that there are no critical drainage problems. It is indeed correct that the site is not within either a Flood Zone 2 or 3 area as published by the Environment Agency (data last corrected 14th August 2104) however this risk assessment only applied to flooding from river and/or sea flood sources. The area in and around West Horndon has historically been subject to surface water flooding. The A127 which is adjacent to this proposed site has a long history of serious surface water flooding resulting in the road being closed and this has occurred at least twice in the last two years. Statements in the application about the use of Sustainable Urban Drainage Systems (SUDS) are in our view not sufficient in their own right. SUDS are not as efficient at open land at containing surface flood water, they are just better than straight paved areas.

West Horndon Parish Council asks that in the event that the application is approved conditions are applied that prevent work starting before a full surface water flood assessment has been carried out that clearly demonstrates:

- i. that the new properties will not be subject to significant risk of surface water flooding and,
- ii. that the development will not significantly increase the risk of surface water flooding to adjacent properties and roads.

2. The Chemical Contamination of the Site

The fairly basic examination of the chemical contamination of the site clearly shows significant chemical contamination primarily due to its former use as a fuel station. West Horndon Parish Council asks that in the event of the application being approved conditions are applied to prevent work starting until detailed proposals to remediate the land are submitted and approved. These need to demonstrate that:

- i. occupants of the new houses are not placed at any significant risk of exposure to the contamination
- ii. workers on the site during the development are not placed at any significant risk of exposure to the contamination
- iii. the remediation and construction work does not create any significant risk of the contamination to surrounding land, properties or water courses.

3. A condition is included whether by the applicant and or Essex Highways to repair/improve the traffic island at the junction of the Tilbury Road/A127 so as the kerbs are of sufficient height to prevent traffic driving over the island and onto the A127 slip road.

4. A condition is included whether by the applicant and or Essex Highways, to ensure clear and appropriate road signage is installed to direct traffic the "correct" way down Tilbury Road.

5. The applicant gives due consideration to approaching the appropriate landowner, to create a landscaped pedestrian/cycle way from the development into West Horndon park, thus giving the "new" residents' safe and direct access to the central part of the village.

- **Housing Services Manager:**

No response at the time of writing report.

- **Open Space Strategy Coordinator:**

No response at the time of writing report.

- **Arboriculturalist:**

I have made a site visit with the landscape architect and all arboricultural issues are now resolved there is no objection provided that the arboricultural conditions are complied with

- **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

No works shall commence until such time as the footway is extended from the site to join the existing footway along the A127 slip road, and has been provided entirely at the Developer's expense. Reason: To make adequate provision within the highway for the continued safe passage of pedestrians and accessibility as a result of the proposed development in the interest of highway safety.

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. Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage - including surface water runoff from the proposed noise bunds) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. The junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials. Reason: To ensure that the junction is constructed to the appropriate standard in the interests of highway safety in accordance with Policy DM1 and Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the A127 slip road to the north and 2.4 metres by 215 metres to the south, 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 any obstruction 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.

6. The proposed development shall not be occupied until such time as the vehicle parking area indicated on Drawing no.D.01 Revision D, 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 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.

7. The cycle parking facilities as shown on Drawing No. D.01 Revision D, are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. 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, (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informative

All 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.

Although a street lighting scheme has not yet been submitted for approval, the Applicant should take into consideration the lighting level to ensure this does not have an adverse effect on vehicles using the A127.

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

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

- **Environmental Health & Enforcement Manager:**

The Air Quality Assessment and the Noise Report submitted by the applicant is satisfactory. I would recommend that the recommendations made in the Chemical Interpretive Contaminated Land Report on pages 20 and 21 carried out by Chelmer Consultancy Services are imposed.

- **Essex & Suffolk Water:**

No response at the time of writing report.

- **Anglian Water Services Ltd:**

No response at the time of writing report.

- **Environment Agency:**

No objection but offer the following advisory comments.

Advice to Council and Applicant

It is acceptable for material to be excavated on-site and used to raise the land and/or use for constructing earth bunds. However, the construction of the bunds can potentially cause an increase in surface water run-off, which may impact upon neighbouring properties or land. The applicant should therefore provide a satisfactory method for managing any increased run-off from the proposed bunds. If material is imported from off-site to raise land an Environmental Permit may be necessary. Additionally, in certain situations, the importation of material may fall to be regarded as a waste disposal operation, which again would bring it within the Environmental Permitting Regulations 2010. If it is the intention to use off-site material to raise land then the applicant should contact our Essex Environmental Management Team. In the situation where material is imported on site, we would suggest that the planning permission allows the importation of uncontaminated soils only.

The granting of planning approval must not be taken to imply that we will grant, where required, an Environmental Permit in relation to the importing of material.

- **County Archaeologist:**

The Historic Environment advisor of Essex County Council has been consulted on the above planning application. This application has no archaeological implications and there is no requirement for any archaeological investigation for this application.

- **Schools, Children Families Directorate:**

According to our forecasts, there should be sufficient early years and childcare provision to meet the needs of the development. This development is located within the priority admissions area of West Horndon primary School. The school has a capacity of 105 places. The school is forecast to be full to capacity by the school year 2017-18. According to our forecasts there should be sufficient places at Brentwood County High School to meet the needs of this development. In view of the above Essex County Council requests that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on education. The formula for calculation education contributions is outlined in our Developers' Guide to Infrastructure Contributions, 2010 Edition. Out standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010, should the final development result in the suggested net increase of 20 houses with two or more bedrooms, the primary school contribution sum would be £64,998. This amount would be index linked to April 2014 costs.

6. Summary of Issues

The site is located within the Metropolitan Green Belt and a Landscape Improvement Area. The site also contains a number of preserved trees (reference TPO/24/1998) in the north-west corner of the site. The site is included within the 'Strategic Growth Options Consultation' document.

The existing buildings are shown to be a maximum of 5.5m in height but are mostly below this height.

The site falls away to the south. The west of the site is largely open and there are far reaching views over undulating countryside from this aspect.

The current access to the site is via the south corner 3m from the boundary with a residential property known as 'Glencar'.

An Enforcement Notice under Section 215 of the Town and Country Planning Act 1990 was served on 5 December 2011 requiring the demolition of the existing buildings, clearing the site and leaving the site in a clean and tidy state (reference 10/00031/ENF). No action was taken following non-compliance with this Notice as planning permission for the re-development of the site was granted (reference 11/00970/EXT).

The original planning permission for the re-development of the site (reference 07/00222/FUL) for restaurant/conference facilities and car showroom together with associated canopies, parking and circulation areas was granted following the completion of a Section 106 Agreement relating to highway matters. This planning permission has subsequently been renewed (reference 11/00970/EXT) but has not been implemented and has now expired. The original planning permission was granted as it was considered that, on balance, the development was acceptable and very special circumstances existed on the basis that the development would have significantly improved the neglected state of the site, the restaurant would have generated less noise than the former nightclub, the proposal was for a use akin to the lawful use of the site and the proposed building would have had roughly the same footprint as the existing building(s). It was not considered that the scale and mass of the development would have been inappropriate or out of character to the existing building forms on the site and the proposal would have sat within the current pattern of development. There was also to be an overall net loss in floor space as a result of the proposal (728.5sq.m. compared to 744.8sq.m.) and an increased area of the site available for soft landscaping. There would have been an increase in height of the restaurant/conference suite by 1.3m compared to the existing building, but this would have been largely offset by the slope of the land, the highest section being towards the rear and therefore encompassed by the slope. The previously proposed car showroom building followed a similar form to the former petrol station with an increase in height of approximately 1.9m with a canopy

above with a maximum height of 12m. It was accepted that this roof form would have appeared more intrusive in this Green Belt location than that of the original garage complex, but it was accepted that this was typical of modern garages compared to previous forms and, as a result, the application to re-develop the site as a garage forecourt would have been difficult to resist.

The site is in a prominent corner position situated on the south side of the Southend Arterial Road (A127), taking its access from Tilbury Road. The site is stated as having an area of 0.9ha and is roughly L-shaped. The site measures a maximum depth of around 70m and a maximum width of around 140m. To the south and west of the site are a number of residential properties - to the south lies 'Glencar' a detached house lying approximately 30m south of the sites' boundary, to the west lies 'Dorset' lying approximately 7m from the sites' western boundary. The dwelling to the east of Tilbury Road is a Listed Building to the rear of which is a commercial yard. To the north, on the opposite side of the A127 is a public house, motel and roadside cafe.

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

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.

Principle

The NPPF does exclude the re-development of previously developed sites in the Green Belt from inappropriate development but only where the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development (paragraph 89). On the basis that the proposal would result in a loss of openness (see below), the proposal constitutes inappropriate development in the Green Belt. The development, by reason of its inappropriateness, would cause significant harm to the Green Belt within which it would be located and so other matters, which clearly outweighed all the harm the development would cause, would need to exist for there to be very special circumstances to justify planning permission being granted.

Planning permission has previously been granted for the redevelopment of the site (most recently 11/00970/EXT) but this planning permission has now expired and, as a result, should be afforded very limited weight in the determination of this application.

In addition, the application site is located in a unsustainable location as the residents of the site would have little alternative in reality to using a private motor vehicle to gain access to services and facilities such as schools, employment, shops, medical services and leisure activities. The development is considered to be unacceptable in principle for this reason. 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. In the Design and Access Statement, the applicant acknowledges that the site, partly due to its location adjacent to the A127 does not lend itself to permeability for pedestrians, cyclists and motor vehicles both within the development and the surrounding area. The Parish Council has suggested that consideration be given to the provision of a footpath across third party land to link the site with the village but, it is considered that this would not overcome Officers' concerns regarding the sustainability of the site's location.

Only 20% of units proposed would be two bedroom accommodation which would not comply with the requirements of Local Plan Policy H6 with respect to small unit accommodation which requires that 50% of units are one or two bedroom units and, therefore, would not make an adequate contribution to the housing needs of the Borough.

Green Belt Openness

The total footprint of the buildings proposed would be around 1240sq.m. compared to a total floor area of the existing buildings of around 745sq.m.. The proposed buildings would be up to 9m in height compared to the existing buildings which are a maximum of 5.5m in height. The dwellings proposed would also extend more than 40m further to the west of the existing buildings into an area of the site which currently does not contain any existing buildings or hardsurfacing. The proposed noise barrier (bund and fencing) along the northern, most of the eastern and part of the western boundaries of the site would further reduce the openness of the site.

As a result of the size, height and bulk of the buildings proposed and the layout of the site, along with the noise barrier and car parking proposed, the development would significantly reduce the openness of the Green Belt compared to the buildings which exist and be contrary to the purpose of including the land within the Green Belt, specifically to assist in safeguarding the countryside from encroachment. The proposal would represent an encroachment of development 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.

Character and Appearance

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.

The house typologies proposed are urban in style, contradictory to context which is open and verdant. For a scheme in a landscape area the massing is fairly continuous; variation and hierarchy is not proposed sufficiently despite stepped ridge lines and the application of gables. In respect of boundary treatments and material intent, again these are of an urban nature and are conflicting with the context. These concerns regarding the design cannot be overcome through information submitted through planning conditions.

It is acknowledged that the site as it exists does not positively add to the character and beauty of the countryside but, as a result of the scale, layout, design and nature of the development proposed, the development would be an encroachment of development which would unacceptably detract from the character and appearance of the area and would not protect the character and local distinctiveness of the location. The proposed development would urbanise the site and would be visually incongruous in this rural location. It would therefore conflict both with the Framework and Policy CP1 which seek to safeguard the character of the countryside. Landscaping would also reduce the visual impact of the development on its surroundings but would not be sufficient to satisfactorily assimilate the development into its surroundings. On the basis of the above, the development would be contrary to the NPPF (section 7) and Policies CP1 (criteria i and iii).

However, based on the advice of the Arboriculturalist, it is considered that the development would not have an adverse impact on any existing visually important trees on the site (including those subject to the Tree Preservation Order), in compliance with Policies C5 and C7.

The site is located within an area identified as a Landscape Improvement Area where Policy GB28 seeks environmental improvements. The proposed development would potentially provide opportunities to improve the local environment. However, it is considered that the harm the new development would cause as set out above would outweigh any benefit to the local environment which may accrue.

Neighbours' Amenity

It is considered that the proposed development, as a result of the size, height and design of the buildings proposed and their distance from the boundaries of the site, would not cause harm to the amenity of the occupiers of any neighbouring residential property by reason of dominance, loss of sunlight, loss of daylight, loss of outlook or loss of privacy, in compliance with the NPPF (paragraph 17) and Policy CP1 (criteria ii).

Quality of Life for Future Occupiers

The application has been accompanied by an Air Quality Assessment and Noise Assessment Report. Based on these and the advice of the Environmental Health Officer, it is considered that, in terms of noise and air quality, the quality of life for the future occupiers of the development would be acceptable, subject to the construction of the noise barrier proposed and the imposition of conditions as recommended by the Environmental Health Officer. On this basis, the proposal complies with the NPPF (paragraph 123) in this respect and Policy PC4.

The level of off-street parking proposed would comply with the adopted parking standards (of at least two parking spaces per dwelling). The proposed dwellings would each be provided with private amenity space most of which would be of an adequate size except for plots 3-6 which would be two bedroom properties but would have rear gardens stated as measuring between 50 and 63sq.m.. As a result, there is concern that the quality of life for the occupiers of these three dwellings would be below an acceptable level, contrary to the NPPF (paragraph 17) and the Policy CP1 (criterion ii).

Contamination

The application has been accompanied by a number of documents which set out the results of investigations into the contamination of the site given its former use as a petrol filling station and dumping which is known to have occurred since its beneficial use ceased. Based on this information and the advice of the Environmental Health Officer, it is considered that the proposed development would not pose an unacceptable risk of pollution from contamination, subject to the imposition of conditions as recommended by the Environmental Health Officer. On this basis, the proposal complies with the NPPF (paragraph 121) and Policy PC1.

A condition could be imposed requiring that only uncontaminated soils are imported to the site as suggested by the Environment Agency if planning permission is granted.

Highway Safety

Each of the proposed dwellings would be provided with off-street parking (at least 2 spaces) which would comply with the adopted parking standards.

Based on the advice of the Highways Officer, it is considered that the proposed development would not cause harm to highway safety (subject to the imposition of appropriate conditions and a S106 Agreement to extend the footway from the site to join the existing footway along the A127 sliproad), in compliance with the NPPF (section 4) and Policies T2 and CP1 (criteria iv and v). The conditions would need to cover requirements for a Construction Method Statement, estate road and footway details, visibility splays, provision of car and cycle parking and a Residential Travel Information Pack.

The Highways Authority has not recommended that the developer carries-out works to the traffic island at the junction of Tilbury Road/A127 or that signage is improved as requested by the Parish Council.

Drainage/Flooding

Whilst the site is not located in a Flood Zone as identified by the Environment Agency, the site is identified as part of a Critical Drainage Area in the Brentwood Surface Water Management Plan. However, the site falls outside the 'key flooding areas' or hotspots within the CDA and, therefore, the development would not be unacceptable for drainage/flooding reasons provided that careful consideration of surface water management is given, mainly in terms of the effects of surface water disposal on off-site or downstream locations, as well as the risk of flooding to the site itself. It is considered that this matter could be addressed through the imposition of a suitably worded condition attached to any planning permission granted to ensure that surface water drainage from the site does not exacerbate any existing problems.

Obligations

It would be expected that a financial contribution of at least £60,000 is made towards Public Open Space.

Essex County Council, as Education Authority, has requested that the developer makes a financial contribution of £64,998 towards the provision of primary school places.

Essex County Council, as Highways Authority, has requested that the developer extending the footway from the site to join the existing footway along the A127 sliproad.

The applicant has confirmed that they would be willing to enter into a Section 106 Agreement to secure all of the above except for the affordable housing provision, in accord with the NPPF, NPPG and Policies CP4 and LT4.

However, to comply with Policy H9, it would be expected that 35% of the units proposed (i.e. at least 7) would be affordable units but no affordable housing is being offered. A Viability Report for the development was received on 16 March 2015 which concludes that the development cannot support any affordable housing on-site and that, in their view, there is a clear case for the scheme to be granted planning permission without any obligations in respect of affordable housing. The Viability Report is in the process of being independently assessed on the Council's behalf by Mass and Co. and their report is expected prior to the date of the Planning Committee. Members will be updated verbally at the Committee regarding the conclusions of the assessment. However, in the meantime, it is recommended below that one of the reasons for refusal relates to the lack of affordable housing provision, being contrary to the NPPF, NPPG and Policies CP4 and H9.

Green Belt Balance

As the development constitutes inappropriate development in the Green Belt, there would need to be other matters which clearly outweigh this harm, along with all other harm the development would cause, for there to be very special circumstances justifying planning permission being granted in this case. The other harm which has been identified is the loss of openness of the Green Belt, the conflict with the purposes of including the site within the Green Belt, harm to the character and appearance of the area as well as the inadequate size of the private amenity space for three of the dwellings proposed, the lack of one or two bedroom units, the degree to which the occupiers of the proposed dwellings would rely on the private motor vehicle and the lack of affordable housing.

The applicant has not made reference to any 'very special circumstances' but has made reference to the following matters in support of their proposal:

- The proposal would make a contribution towards meeting Borough's housing need
- The development would remove unsightly, derelict buildings that currently occupy the site
- The Council's policies on housing are out-of-date

Officer Comments

Housing Need

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'.

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.

Visual Improvements

The development would remove the existing unsightly elements of the site. However, it is considered that the site's unsightly character is not unique within the Green Belt and is not a matter which amounts to a 'very special' circumstance which clearly outweighs the substantial harm the development would cause. Furthermore, if planning permission is refused, the Council could re-visit the option of utilising powers under Section 215 of the Town and Country Planning Act relating to 'untidy' land.

Policies

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.

Other matters

The concerns raised as part of the representations received have already been addressed above.

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 due to the nature, scale, size, layout and design of the development proposed. Furthermore, the occupiers of the proposed houses would largely be dependant on the private car to gain access to the majority of facilities and services which would be contrary to the principles of sustainability and three of the units would not be provided with a large enough private amenity

space. There would also not be sufficient smaller (two bedrooms and below) units within the development and insufficient affordable housing. 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 to amount to very special circumstances. 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 U09346

The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size and height of the buildings and the 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 U09347

The proposed development would be, as a result of the nature, scale, size, layout and design of the development, would harm the character and appearance of this rural area, contrary to the NPPF (in particular section 7) as well as Policies CP1 (criteria i and iii) of the Brentwood Replacement Local Plan.

R3 U09348

The occupiers of the proposed houses would be dependant on the private car to gain access to facilities and services, contrary to the NPPF (section 4) and Policies CP2 and CP3 of the Brentwood Replacement Local Plan.

R4 U09462

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 U09354

The private amenity space for Plots 3-6 would be of inadequate size resulting in an unacceptable quality of life for the occupiers of these properties, contrary to the NPPF (paragraph 17) and Policy CP1 (criterion ii) of the Brentwood Replacement Local Plan.

R6 U09355

The development would not include a sufficient proportion of smaller unit accommodation (one and two bedroom properties) and so would not make an adequate contribution towards the housing needs of the Borough, contrary to Policy H6 of the Brentwood Replacement Local Plan.

R7 U09349

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, car dependency, lack of affordable housing, inadequate proportion of smaller units and inadequate quality of life for the occupiers of some of the units proposed. 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, T1-2, C5, C7, PC1, PC4, LT4 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:

Appendix A



Title: FORMER ELLIOTS NIGHTCLUB AND PETROL STATION SOUTHEND ARTERIAL ROAD
14/01247/FUL

Scale 1:1250 at A4

Date 14th April 2015

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



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SITE PLAN ATTACHED

07. WYNBARNES FARM 148 CHELMSFORD ROAD SHENFIELD ESSEX CM15 8RT

CONSTRUCTION OF 2 DETACHED DWELLINGS AND GARAGES.

APPLICATION NO: 15/00024/FUL

WARD	Shenfield	8/13 WEEK DATE	09.04.2015
PARISH		POLICIES	NPPG NPPF CP1 GB1 GB2 T2 LT4 H10
CASE OFFICER	Caroline McCaffrey	01277 312603	
Drawing no(s) relevant to this decision:	PO1A; PO2A; PO3B; PO4A; PO5A;		

1. Proposals

The application site comprises a roughly rectangular area of land on the north side of Chelmsford Road between the detached house at No 148 and the semi-detached pair at No's 150 and 152. The site has a road frontage of about 36m and extends back just over 30m from the hedgerow that marks the back edge of the footpath cycleway alongside the Chelmsford Road carriageway.

Permission is sought to construct a handed pair of two detached dwellings. Each house would have three floors of accommodation with the top floor being within the roof space and lit by roof lights in all of the roof planes. The drawings indicate that the houses would have five bedrooms (one en suite) together with a lounge, kitchen/day room, dining room, two studies and two bathrooms. A pitched roof building is proposed between the houses with provision for a single garage for each dwelling. A block-paved parking and turning space is indicated at the front of the plots with the houses sharing a new access from Chelmsford Road.

It is indicated that the dwellings would be finished in facing brick to match the adjacent cottages with plain tiled roofs.

The application is accompanied by letters of support from Hutton Football Club and Essex County Football Association and a drawing indicating a proposal to develop land to the north east of No 152 Chelmsford Road as playing fields; however that proposal does not form part of the planning application.

2. Policy Context

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

Local Plan Policies

CP1 - General Development Criteria.

GB1 - New Development (in the Green Belt).

GB2 - Development Criteria (in the Green Belt).

H10 - Affordable Rural Housing

LT4 - Provision of Open Space in New Development

T2 - New Development and Highway Considerations

3. Relevant History

- : - None

4. Neighbour Responses

None.

5. Consultation Responses

- **Highway Authority:**
The Highways Authority raises no objection to the additional access

- **Anglian Water Services Ltd:**

No reply at time of writing report.

- **Essex & Suffolk Water:**

We will have no objection to the proposed development of two detached dwellings and garages.

We would advise you that our existing apparatus does not appear to be affected by the proposed development. We will give consent to this development on the condition that a metered water connection is made onto our Company network for each new dwelling for revenue purposes.

Should you require any further information, please do not hesitate to contact us.

- **Arboriculturalist:**

There are no details of trees on site, these need to be provided along with mitigation strategy- AIA, AMS, TPP, also will all construction operations be within red line eg storage of materials, plant if not off-site trees which may be affected must be included in the survey

Comment - There are fruit trees on the land but the proposal would not affect trees of amenity value.

6. Summary of Issues

Green Belt

The application site lies to the north east of the settlement boundary in the Green Belt and is therefore subject to the local and national policies that apply in the Green Belt. The National Policy for Green Belts appears in Part 9 "Protecting Green Belt Land" of the National Planning Policy Framework. The Framework indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt.

The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. These exceptions are set out in Paragraph 89 of the Framework.

Paragraph 89 Indicates that limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plan may not be inappropriate (Bullet point 5). It also indicates (bullet point 6) that the limited infilling or redevelopment of previously developed sites may not be inappropriate provided that the new development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. A further exception is buildings for agriculture or forestry.

The application site is within a loose-knit frontage of four dwellings (including a semi-detached pair). The term "infilling" is not defined in the Framework but it is generally understood to mean the filling of a small gap in an otherwise developed frontage. It is considered that this interpretation would reflect the Framework objective of preserving openness. The application site is not within a built up frontage and it is considered that the proposal would therefore not amount to infilling. If the site was considered to be infilling it would create opportunities for infilling on each side which would result in a consolidation of the frontage and an encroachment of the settlement into the Green Belt. It is considered that the proposal does not satisfy the criteria of bullet point 5.

The application site is described by the applicant as part of the long established residential curtilage of the Farmhouse at No 148. Private residential gardens outside built-up areas are not excluded from the Framework definition of "previously developed land" (PDL). The site is distinct from the garden area immediately around the house and does not have the character of a domestic garden; however this application is not a vehicle for the determination of its lawful use and this report is written on the basis that it is part of the curtilage of a permanent structure (the dwelling at No 148).

Whilst the site falls within a developed curtilage it is not occupied by any buildings and there is no evidence to indicate that it has been in the past. The Framework definition of PDL indicates that it should not be assumed that the whole of the curtilage of PDL should be developed. Taking account of the character of this land it is considered that it cannot be reasonably assumed that the proposal would amount to the redevelopment of PDL.

If the view was taken that it was the redevelopment of PDL consideration must be given to its effect on the Green Belt. There can be no doubt that the proposed dwellings would materially detract from openness and they would represent an encroachment of residential development into the Green Belt, thereby conflicting with one of the purposes of including land in the Green Belt. For these reasons the proposal does not satisfy the criteria of bullet point 6 in paragraph 89.

The proposal is not for affordable housing and, if it was, it would not comply with the provisions of Policy H10. The proposed dwellings are not for agriculture or forestry.

Although adopted some years before the Framework the aims of the general Green Belt Policies (GB1 and GB2) within the Brentwood Replacement Local Plan (RLP) are consistent with those of the Framework and therefore they still carry weight. The RLP has no policies that would enable the development of dwellings in the Green Belt unless they were replacements or essentially required for agriculture, neither of which is the case here.

For the reasons set out above the proposal would not fall into the categories of development that may not be inappropriate in the Green Belt as indicated in paragraph 89 of the Framework. It would therefore be inappropriate development. It would cause further harm to the Green Belt by materially detracting from openness.

Character and appearance

The settlement boundary marks a sharp divide between the urban area of Shenfield and the open Green Belt countryside. Whilst the dwellings incorporate some of the features the nearby properties their overall height and bulk would consolidate the built up frontage giving it a more urban character. The repetition of the built form resulting from the handing of identical buildings would be incongruous in this informal frontage and would further detract from the character and appearance of the area. The proposal would represent a bulky and prominent development that would unacceptably detract from the character of the countryside around the built up area. The proposal would conflict with RLP Policy CP1 and one of the objectives of the Framework which indicates that the intrinsic character of the countryside should be recognised.

Highways issues

No response

Open space contributions

RLP Policy LT4 indicates that new residential development should make provision for public open space that is made necessary by and is fairly and reasonably related to the proposed development. Appendix 5 of the RLP indicates that developers of sites of less than 20 units would normally be required to make a financial contribution towards a range of local play facilities (but not playing fields). It would therefore be reasonable to expect the applicant to undertake to make such payments as part of a pool of funding for play facilities.

However recent government policy as set out in a ministerial statement by the Minister of State, Department for Communities and Local Government (Brandon Lewis) (Included as a revision of on-line Planning Practice Guidance on 27 February 2015 Paragraph: 012 Reference ID: 23b-012-20150227) indicates that tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development and that contributions should not be sought from residential developments of 10 units or less (or 5 units in designated rural areas). A requirement to make a contribution in this case would be contrary to government policy and should not therefore be sought.

Other considerations

The applicant points out the proximity of local schools and services and public transport links and it is not disputed that the site is in a sustainable location. However these considerations are not sufficient to outweigh the harm to the Green Belt.

The Council cannot currently identify sufficient land for housing that would satisfy the requirements of the Framework and the two houses proposed would make a small contribution to the land available for development. However the 6 October 2014 revision to the on-line Planning Practice Guidance (Paragraph: 034 Reference ID: 3-034-20141006) made it clear that when taking decisions in respect of proposals in the Green Belt an unmet need for housing is unlikely to outweigh the harm to the Green Belt such as to constitute very special circumstances justifying inappropriate development within the Green Belt. It is considered that there is no reason why this approach should not apply to this proposal.

Related matter

The applicant draws attention to a proposal by Hutton Football Club to develop land to the north east for pitches, together with changing rooms and parking. The design and access statement indicates that the provision of the football pitches is reliant on the outcome of the planning application for the dwellings as it is intended that the profit from the sale of the dwellings would go towards the layout of the football pitches.

The development of the land for pitches requires planning permission and no application has been submitted. The land falls outside the application site for the houses and the pitch proposal has not been the subject of publicity or consultation. It is therefore not appropriate to make any comment on that proposal in considering the current application.

The applicant indicates that there would be a financial link between the application proposal and the proposed pitches but no formal undertaking has been made to make a financial contribution. It is essential that when determining the application the Committee is clear about the potential linkage between the developments.

The Framework makes it clear that planning obligations should only be sought where they meet all of the three tests set out in paragraph 204. Those tests require that requirements of obligations are:-

- o necessary to make the development acceptable in planning terms
- o directly related to the development; and
- o fairly and reasonably related in scale and kind to the development

There is no requirement for a development of this nature to fund playing fields; either public or for a private club as proposed here. A planning obligation requiring the proposed dwellings to make a contribution to the proposed pitches would therefore not be directly related to or necessary to serve the dwellings. The amount of funding proposed to be used to support the pitches is not indicated and therefore an informed judgment as to whether it would be reasonably related in scale cannot be reached. However it is considered unlikely that any substantial amount would be "reasonably related". In short a requirement for the proposal to make a contribution towards the proposed pitches would fail to satisfy two of the tests and would be likely to fail all of them.

If planning permission was to be granted for the development the beneficiary of any profits could of course make a contribution to a local organization; however this cannot be reasonably required through the planning process and therefore could not be guaranteed.

CIL Regulation 122 provides that when making a planning decision it is unlawful to take account of a planning obligation that does not meet the three tests in Paragraph 204 (see above). A requirement for a planning obligation requiring contributions towards the playing pitches would therefore be both directly in conflict with government policy and would be unlawful. It is therefore imperative that the Planning Committee gives no weight to this matter when determining the application.

Framework balance and conclusion

The proposal would be inappropriate development that would materially detract from openness. It would also detract from the character and appearance of the area. The Framework indicates that when considering any planning applications local planning authorities should ensure that "substantial weight" is given to any harm to the Green Belt. It goes on to indicate that "very special circumstances" to justify inappropriate development 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.

In this case it is considered that there are no consideration that clearly outweigh the harm to the Green Belt and the other harm identified above and that very special circumstances necessary to justify inappropriate development do not exist.

It is therefore recommended that the application is refused permission.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U09729

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 and identified by local planning authority 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.

R2 U09730

The proposal would detract from the character and appearance of the countryside 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 and beauty of the countryside should be recognized.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, T2, LT4, H10 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF23

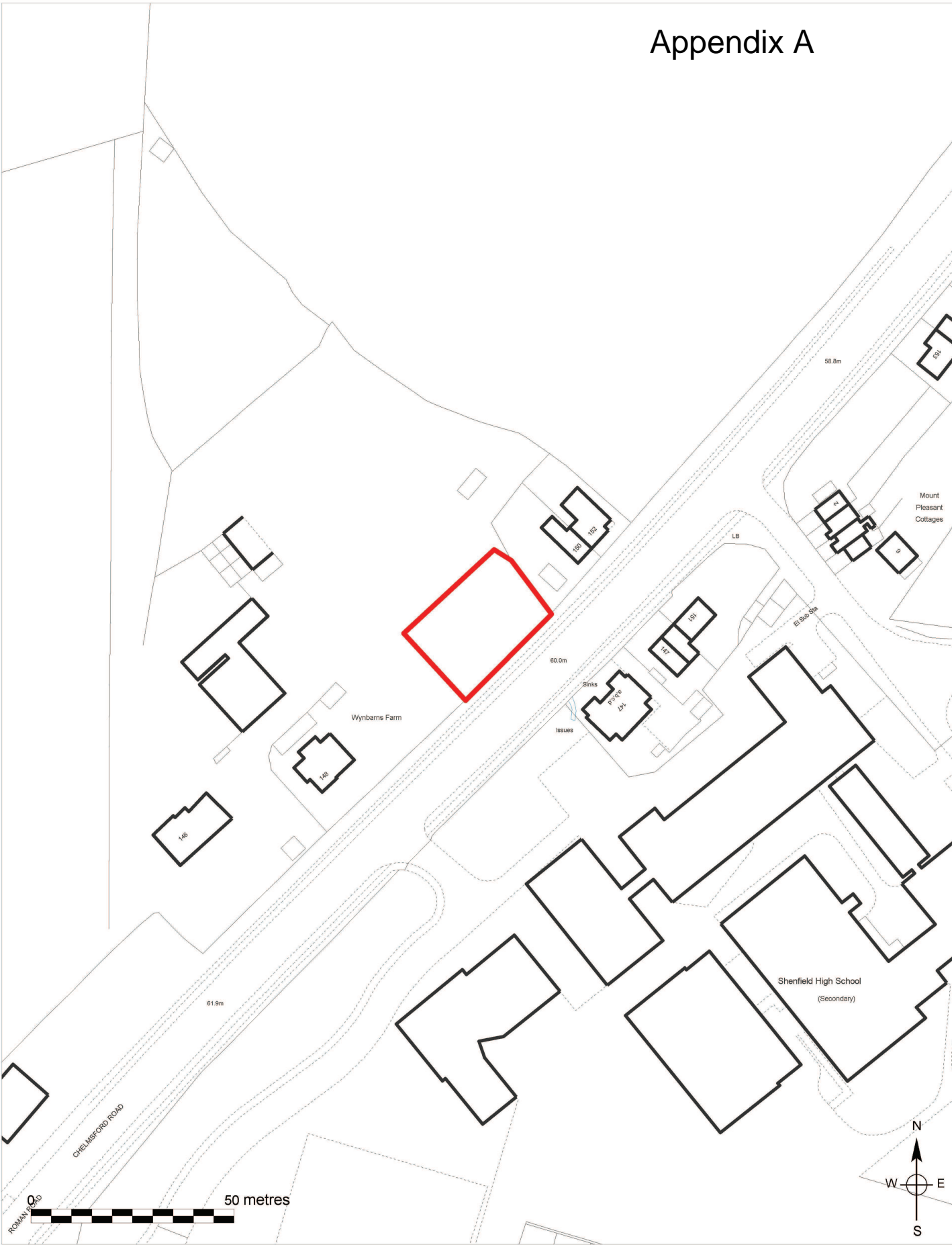
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory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

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: WYNBARNs FARM, 148 CHELMSFORD ROAD, SHENFIELD
15/00024/FUL

Scale 1:1250 at A4

Date 14th April 2015

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



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SITE PLAN ATTACHED

08. 9 THORNDON AVENUE WEST HORNDON ESSEX CM13 3TT

DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF SEVEN DETACHED DWELLINGS

APPLICATION NO: 14/01473/FUL

WARD	Herongate, Ingrave & West Horndon	8/13 WEEK DATE	16.02.2015
PARISH	West Horndon	POLICIES	NPPF NPPG CP1 H6 H9 H14 T2
CASE OFFICER	Mrs Charlotte White		01277 312536
Drawing no(s) relevant to this decision:	9-22D ; 9.23B ; DESIGN STATEMENT ;		

This application was referred by Parish Councillor from Weekly Report No 1678 for consideration by the Committee. The reason(s) are as follows:

West Hordon Parish Council referred the application as the Parish Council voted not to support the application on the following grounds: - Density is too high compared to surrounding area. - Design is out of character with surrounding area. - Development would encroach on privacy of neighbours.

Update since publication of Weekly List 1678

None

1. Proposals

Planning permission is sought for the demolition of the existing dwelling and the construction of 7 detached dwellings on the site. The proposed houses are of a chalet style with 3x 5-bedroom dwellings at the front of the site and 4x 4-bedroom dwellings at the rear of the site. There is a road proposed to the north of the site to provide access to the rear houses. The plans also indicate that this access would provide a 'size 3 tuning bay' which could enable the access to and from Thorndon Avenue from the A127 to be closed. However, this does not form part of the application. The three dwellings at the front of the site have 2 off-street parking

spaces to the front of the site and the dwellings at the rear of the site have a garage and a parking space. There are 3 visitor spaces to the north of the site.

2. Policy Context

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

Local Plan Policies

CP1 - General Development Criteria

H6 - Small Unit Accommodation

H9 - Affordable Housing on Larger Sites

H14 - Housing Density

T2 - New Development and Highway Considerations

3. Relevant History

- 13/01172/FUL: Demolition of existing dwelling and erection of 4 no. 5 bedroom detached dwellings -Application Permitted
- 12/00816/OUT: Demolition of existing dwelling and erection of 4 no. 5 bedroom detached dwellings (outline application with landscaping reserved). -Application Permitted

4. Neighbour Responses

11 letters were sent out and a site notice displayed. 2 neighbour letters of objection have been received to date which make the following comments:

- Windows to south elevation overlook several gardens.
- Mature conifers which assume will be lopped - if removed front windows of rear property would overlook rear patio area of No.11.
- If large Willow removed would increase water table which could cause problems to old foundations and result in legal action.
- Bungalow was built on a natural pond; soil samples would be needed.
- Inadequate visitor parking - visitors may park along the road and increase traffic.

- If approved a street cleaner to be regularly used each day to remove mud should be used.
- Raise no objection to principle of redevelopment and are content with approved scheme ref. 13/01172/FUL.
- Layout and design proposed is harmful to the character of the area and the amenity/living conditions.
- The backland/tandem development is unsatisfactory.
- In comparison with the existing grain and character this would be overdevelopment; cramped and incongruous.
- Relationship of the fronts of houses 5-7 and 1-3 appears poor.
- Doubt how functional rear access drive would be with potential for obstruction.
- Attractive willow will be lost and survival of oaks is questionable.
- Retention of conifer with 50 percent reduction appears impractical, as does the retention of the rear conifers as it will affect the sunlight enjoyed to the rear of houses 4-7.
- Question the indicated closure of the vehicular access from Thorndon Avenue to A127 - object to this and any Highway order.
- Without closure access point will involve traffic conflicts.
- Loss of privacy as a result of first floor windows in southern flank of unit 7 and its front gable.
- Flank of unit 7 will be overbearing on garden and is close to the boundary affecting the enjoyment of the garden.
- Not in accordance with CP1, Essex Design Guide and conflicts with the NPPF with regard to design.

5. Consultation Responses

• Highway Authority:

From a highway and transportation perspective the impact of the proposal is acceptable, subject to the following conditions being attached to any approval, given the existence of the site, the scale and nature of the proposed development and the area to be available for parking for each proposed dwelling will comply with Brentwood Borough Council's adopted parking standards.

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. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the slip road coming off the A127 (to the north) and 2.4 metres by distance appropriate with speed of travelling vehicles (to the south), as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access 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.

3. The development shall not be occupied until the proposed vehicle accesses have been constructed at right angles to the carriageway in Thorndon Avenue in accordance with submitted Drawing no. 9.22 D and the terms, conditions and specification of the Highway Authority, Essex County Council.

Reason: To ensure that vehicles can leave the highway in a controlled manner in the interest of highway safety.

4. Each dwelling on the development shall not be occupied until its vehicle parking area has been provided in accordance with submitted Drawing no. 9.22 D. The vehicle parking area shall be retained in this form at all times and 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 avoid on street parking of vehicles in Thorndon Avenue in the interests of highway safety and to ensure that appropriate parking is provided in accordance with Policy DM8 of Essex County Council's Development Management policies and Brentwood Borough Council's adopted parking standards.

5. The cycle parking facilities as shown on Drawing no. 9.22 D are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. 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. (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informative

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

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

- **Environmental Health & Enforcement Manager:**

I do not in principle have any objections to this application. However, if permission is granted, I would recommend that the following condition be imposed:

- A scheme to assess the likely noise impact from road traffic noise upon the dwellings and shall propose appropriate measures to ensure that the noise level within any habitable room shall not exceed 35dB LAeq (23:00 to 07:00) and 45 dB LAeq (07:to 23:00)

The applicant shall submit to the local planning authority the results of an Acoustic Insulation Assessment check confirming that the acoustic works carried out have been completed in accordance with the said scheme.

- **Essex & Suffolk Water:**

No response received to date

- **Anglian Water Services Ltd:**

No response received to date

- **Arboriculturalist:**

Further to the site meeting I am happy to see the landscaping conditioned in order to get it right.

- **Housing Services Manager:**

No response received to date

- **Design Officer:**

Proposal

Demolition of existing dwellings and construction of seven detached dwelling.

Discussion

This application has been subject to pre-application discussions. There is an extant permission at the development site which has been revisited (ref: 13/01172/FUL).

The extant permission concerns the demolition of the existing detached dwelling and the erection of 4 detached chalet style dwellings. These current proposals seek to increase the quantity of built form at the rear of the site and reduce the built form to three dwellings upon the principal frontage.

Having reviewed the information within this application I advise the design is acceptable in both layout and elevation treatment. I did raise concerns during the pre-application process in respect of the massing of the properties at the rear of the development site; this bulk has been addressed through a reduction in ridge height and given the well screened nature of the site I raise no fundamental objection.

The increased landscaping at the north of the site is an important element within these proposals and will soften the visitor car parking area; overall landscaping is vital to a successful development in this location, this includes boundary treatments.

There is no information submitted within the application regarding materials and detailing, this aspect must be conditioned and should include the following;

- Development shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority.
- Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- No electricity, gas or water meter boxes shall be fixed to the external fabric of the buildings.

Recommendation

Consequently I have no objections on design grounds subject to conditions.

- **Parish Council:**

This is to inform you that West Horndon Parish Council at their meeting held on 29th January 2015 voted not to support the application 14/01473/FUL - 9 Thorndon Avenue for the following reasons:

- The proposed development is at a high density compared to the surrounding area which is contrary to BBC's planning policies CP1 (i) & H14
- The proposed development is of a design which is out of character with the surrounding area. This is contrary to BBC's planning policies CP1 (i) & H14
- The proposed development would encroach on the privacy of the neighbouring property

West Horndon Parish Council wishes to refer the planning application 14/01473/FUL - 9 Thorndon Avenue, West Horndon to the Planning Committee.

The reasons being:

The Parish Council voted not to support the application on the following grounds:

- o Density is too high compared to surrounding area
- o Design is out of character with surrounding area.
- o Development would encroach on privacy of neighbours.

6. Summary of Issues

The application site is located on the western side of Thorndon Avenue. The site is bounded to the north by the Southend Arterial road (A127) and to the south by a chalet dwelling; No.11 Thorndon Avenue. The site accommodates an extended, largely single storey dwelling. The road is residential in nature and is typified by dwellings of varying sizes and ages, although the streetscene is mainly characterised by bungalows and chalet-type dwellings.

The site is located in a residential area and as such the main considerations in the determination of the proposal are the principle of the development, design, residential amenity, living conditions, highway considerations and landscaping considerations:

Recent History

Planning permission was relatively recently permitted for the redevelopment of the site for 4x 5-bedroom houses (ref.13/01172/FUL). This permission is yet to be implemented.

Principle of the Development

The site is a brownfield site located within an existing residential area with good road and public transport links close by. The plot is generous and it is not considered that the site being used for one dwelling makes the best use of the land. Planning permission has already been granted for the redevelopment of the site for 4 houses. As such, the principle of the development is acceptable, subject to other considerations such as design and residential amenity considerations:

Design

The Council's Design Officer has commented that the design is acceptable in terms of both layout and elevation treatment. The Design Officer refers to pre-application advice given and comments that the bulk of the dwellings as previously submitted at pre-application stage has been reduced with the ridge height now reduced in this formal submission and raises no fundamental objection to the proposal. The Design Officer comments that landscaping will be vital and recommends that conditions are attached to any grant of consent. Subject to such conditions the Design Officer raises no objection to the proposed development.

This proposal is for a 'tandem' development with dwellings located behind dwellings that front the road frontage. In terms of the urban grain/existing layout of the area, the area mainly has a linear/ribbon character. However, there are some examples of development located behind the main ribbon frontage development, for example, on the other side of the road, to the south of the application site there is an existing vehicle accessway between No's 10 and 14 Thorndon Avenue, leading to Law Farm; No.12 Thorndon Avenue. Therefore whilst not particularly common, there are other existing examples of development to the rear of the frontage development in the immediate area. As such it is not considered that the development to the rear of the site would be harmful to the character or appearance of the area or result in an incongruous development in the streetscene.

The NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proposer to seek to promote or reinforce local distinctiveness. This part of Thorndon Avenue is mainly characterised by bungalow and chalet type dwellings, and it is considered that the chalet type designs proposed would be in-keeping with this existing character and would reinforce the local distinctiveness of the area.

In terms of scale, the proposed chalet dwellings are not too dissimilar to the dwellings previously granted planning permission (ref. 13/01172/FUL), with the dwellings actually reduced in overall height compared to the extant permission. The maximum height of the dwellings now proposed is 6.9m, compared to around 7.5m in the extant permission. The size, scale and bulk of the dwellings is therefore considered acceptable.

The siting of the dwellings is also considered acceptable, with the dwellings at the front not projecting beyond the front building line of the existing dwellings to the south. A 1m isolation gap is proposed between the flank wall of each dwelling and the side boundaries of the site which prevents unrelated terracing.

The size, siting, scale, style and design of the dwellings is therefore considered acceptable and it is not considered that the proposed development would appear incongruous in the streetscene or harm the character or appearance of the area. No objection is therefore raised in terms of Chapter 7 of the NPPF or Policies CP1(i) or CP1(iii) of the Local Plan.

Housing Policies

Policy H6 of the Local Plan requires the provision of smaller units on development sites unless the character of the area is such that smaller units would be inconsistent with the character of the area. No such housing mix has been proposed with large 4/5 bedroom dwellings proposed, contrary to this policy. Within this part of Thorndon Avenue there are a mixture of dwelling sizes and as such it is not considered that the provision of smaller units would be incompatible with the character of the area.

However, given that the site already has permission for 4 large dwellings, given that the NPPF states that housing applications should be considered in the presumption in favour of sustainable development and given that the site seeks to make better use of the previously developed land than the extant permission, it is not considered that a reason for refusal on this basis could be justified in this regard, in this instance. No objection is therefore raised in terms of Policy H6 of the Local Plan.

Policy H14 requires a minimum density of 30dph. The proposed density is below 30dph, however, given that there is an extant permission for 4 dwellings on this site, and given that this proposal seeks a higher density it is not considered that a reason for refusal on this basis could be fully sustained.

Policy H9 of the Local Plan requires sites of 5 units or more outside the Brentwood Urban Area to provide 35 percent affordable housing. The applicant has not included any details of affordable housing within the submission, however, has indicated that he would be willing to enter into a S106 agreement to provide any necessary affordable housing. The Council's housing department has confirmed that affordable housing would be required on this site. Subject to a S106 agreement, no objection is therefore raised on this basis.

Residential Amenity

In terms of an overbearing impact, given the location of the site, the only dwelling that could be adversely affected in this regard is No.11 Thorndon Avenue to the immediate south of the site. The dwellings proposed at plots 1-3 at the front of the site would not adversely impact No.11 in terms of dominance or an overbearing impact given the similar depth of the dwellings and the relationship between the existing and proposed dwellings. The dwellings to the rear of the site at plots 4-7 would be significantly removed from the dwelling at No.11. Whilst the proposal would result in further built form to the rear of the site near the boundary with No.11, given the size of the garden at No.11 and given that No.11 is located to the south of the application site it is not considered that the proposal would result in any significant or demonstrable harm to the occupiers of No.11 in terms of dominance, overbearing impact, loss of outlook or loss of light. No objection is therefore raised on this basis.

In terms of overlooking, the ground floor windows could be screened by standard boundary treatments and as such would not result in any undue overlooking. The front windows in plots 1-3 would overlook the public highway which is within the public realm and would not therefore result in any undue loss of privacy.

Plots 1-3 have no first floor side windows. Plots 4-7 have one first floor side window per dwelling, however, this window serves a bathroom and as such any overlooking can be mitigated with a condition requiring this window to be obscure glazed with limited openings. The front windows of the rear plots (plots 4-7) would be located some 22m from the rear of the dwellings at the front plots (Plots 1-3). Whilst there will be some mutual overlooking in this regard and whilst the dwellings to the rear would result in some overlooking of the gardens of the dwellings at the front of the site, given the distance provided between these windows it is not considered that this would be such a poor relationship as to result in significant or demonstrable harm to the residential amenity of the occupiers of the new dwellings. It is not uncommon for a degree of mutual overlooking to occur in urban areas such as this.

It is noted that concerns have been raised regarding the first floor front window proposed to the dwelling at Plot 7 in terms of its impact on No.11. However, the first floor window to Plot 7 would be located approximately 17m from the rear of No.11 and any overlooking would be at an oblique angle. However, given that this window is not the only window that serves this bedroom, it is considered that the first floor front window to the projecting front bedroom in plot 7 could be obscure glazed with limited openings to prevent any perceived overlooking from the existing residents at No.11 without harming the living conditions of the future occupiers of Plot 7.

The rear windows of Plots 4-7 overlook a field and as such would not result in any overlooking.

Plots 4 and 5 are handed and as such the first floor side windows to the projecting bedrooms would be located only approximately 7.5m apart which would result in unacceptable harm to the residential amenity of the future occupiers of this site in terms of overlooking. However, these bedrooms are also served by front windows and as such any overlooking can be overcome with a condition requiring the first floor side windows serving the front bedroom to Plot 4 to be obscure glazed.

Therefore, subject to conditions restricting some of the proposed windows to be obscure glazed with limited openings, no objection is raised to the proposal in this regard.

It is not considered that the proposed development would result in any undue noise and disturbance to nearby existing residents given the location of the site and the nature of the proposal. It should be noted that the Environmental Health Officer has raised no objection in this regard.

Living Conditions

Each dwelling will be provided with adequate living conditions; with parking provided and adequate sized gardens provided.

The site is located in very close proximity to the A127 and it is therefore necessary to consider the impact of this busy road on the living conditions on any future occupiers of the site. In this regard, the Environmental Health Officer has been consulted and has commented that there is no objection to the principle of the development, however, a condition is needed requiring a noise impact scheme to be submitted. Subject to such a condition it is not considered that the location of the site in close proximity to the A127 will harm the living conditions of the future occupiers of the dwellings. Subject to such a condition no objection is therefore raised in this regard.

Highway Considerations

The Highway Authority has commented that from a highways and transportation perspective the impact of the proposal is acceptable, subject to conditions, given the existence of the site, the scale and nature of the proposed development and the area to be available for parking for each proposed dwelling.

It is noted that the plans submitted indicate that the access/egress between Thorndon Avenue and the A127 will be closed. However, this is not part of the actual application; it is outside the red line application area and is not necessary to make the development acceptable. However, the layout of the development provides a potential turning head which may enable the road to be closed at a later date if necessary and subject to the correct highway consents having been obtained.

Subject to the conditions recommended by the Highway Authority it is not therefore considered that the proposal would harm highway safety and no objection is therefore raised in this regard.

Landscaping Considerations

The Council's Tree Officer originally raised concerns to the landscaping scheme shown on the proposed plans, but following discussions with the Agent, is satisfied that this concern can be addressed with a condition requiring no development to commence until a landscaping scheme has been submitted to and approved by the LPA. Subject to such a condition, no objection is raised in this regard.

Other Matters

The majority of the neighbour concerns raised have already been considered, such as residential amenity issues, landscaping, parking provisions and highway safety, design and layout and living conditions. Issues such as the water table, foundations and soil will be dealt with at building regulations stage. A condition requiring a construction method statement can be attached to any grant of consent to deal with issues such as wheel washing facilities to prevent mud being brought onto the highway.

Conclusion

Subject to conditions and a S106 agreement for the necessary affordable housing to be provided, the proposal is considered to comply with National and Local Planning Policy and is therefore recommended for approval.

7. Recommendation

The Application be APPROVED subject to completion of a Section 106 Agreement and to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 MAT01 Samples (details acceptable)

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4 BOU01 Boundary treatment to be agreed (gen)

The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

5 BOU09 No walls or fences - except as approved

Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), and with the exception of those approved as part of this permission, no walls, fences or other means of enclosure shall be erected within the application site.

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

6 CON1 Construction Method Statement

No development shall take place, including any works of 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

7 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.

8 MAT04 Surfacing materials

Details of the surfacing materials of driveways and parking areas shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved and construction shall be in strict accordance therewith.

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

9 PARK01 Garage for parking only

Vehicular access to the garage shall not be restricted by any reduction in the size or change in the nature of the garage door and the clear space within the garage shall not be reduced in size through the construction of internal walls. The garage shall not be used or adapted for use for any purpose other than domestic storage and the parking of private motor vehicles associated with the dwelling and it shall not be used for habitable living accommodation of any kind.

Reason: To ensure that adequate on-site parking is available in the interests of highway safety and maintaining the character and appearance of the area.

10 U09487

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reasons: To safeguard the living conditions of the occupiers of neighbouring dwellings.

11 RESL04 No PD for windows etc

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows, dormer windows, glazed doors or rooflights shall be constructed without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

12 SIT01 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

13 U09489

The first floor bathroom window in plots 5,6 and 7, the first floor front window serving the projecting bedroom at plot 7 and the first floor flank windows serving the projecting bedroom at plot 4 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 windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

14 U09490

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the slip road coming off the A127 (to the north) and 2.4 metres by distance appropriate with speed of travelling vehicles (to the south), as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety

15 U09491

The development shall not be occupied until the proposed vehicle accesses have been constructed at right angles to the carriageway in Thorndon Avenue in accordance with submitted Drawing no. 9.22 D and the terms, conditions and specification of the Highway Authority, Essex County Council.

Reason: To ensure that vehicles can leave the highway in a controlled manner in the interest of highway safety.

16 U09492

Each dwelling on the development shall not be occupied until its vehicle parking area has been provided in accordance with submitted Drawing no. 9.22 D. The vehicle parking area shall be retained in this form at all times and 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 avoid on street parking of vehicles in Thorndon Avenue in the interests of highway safety and to ensure that appropriate parking is provided

17 U09494

The cycle parking facilities as shown on Drawing no. 9.22 D are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate bicycle parking is provided in the interest of promoting sustainable transport.

18 U09496

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. (to include six one day travel vouchers for use with the relevant local public transport operator)

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport

19 U09497

No development shall take place until a scheme to assess the likely noise impact from road traffic noise upon the dwellings which shall propose appropriate measures to ensure that the noise level within any habitable room shall not exceed 35dB LAeq (23:00 to 07:00) and 45 dB LAeq (07:to 23:00) has been submitted to and approved in writing by the local planning authority. The results of an Acoustic Insulation Assessment check confirming that the acoustic works carried out have been completed in accordance with the said scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby permitted.

Reason: In the interests of the living conditions of the future occupiers of the site.

Informative(s)

1 INF04

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

2 INF05

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

3 INF21

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

4 U02264

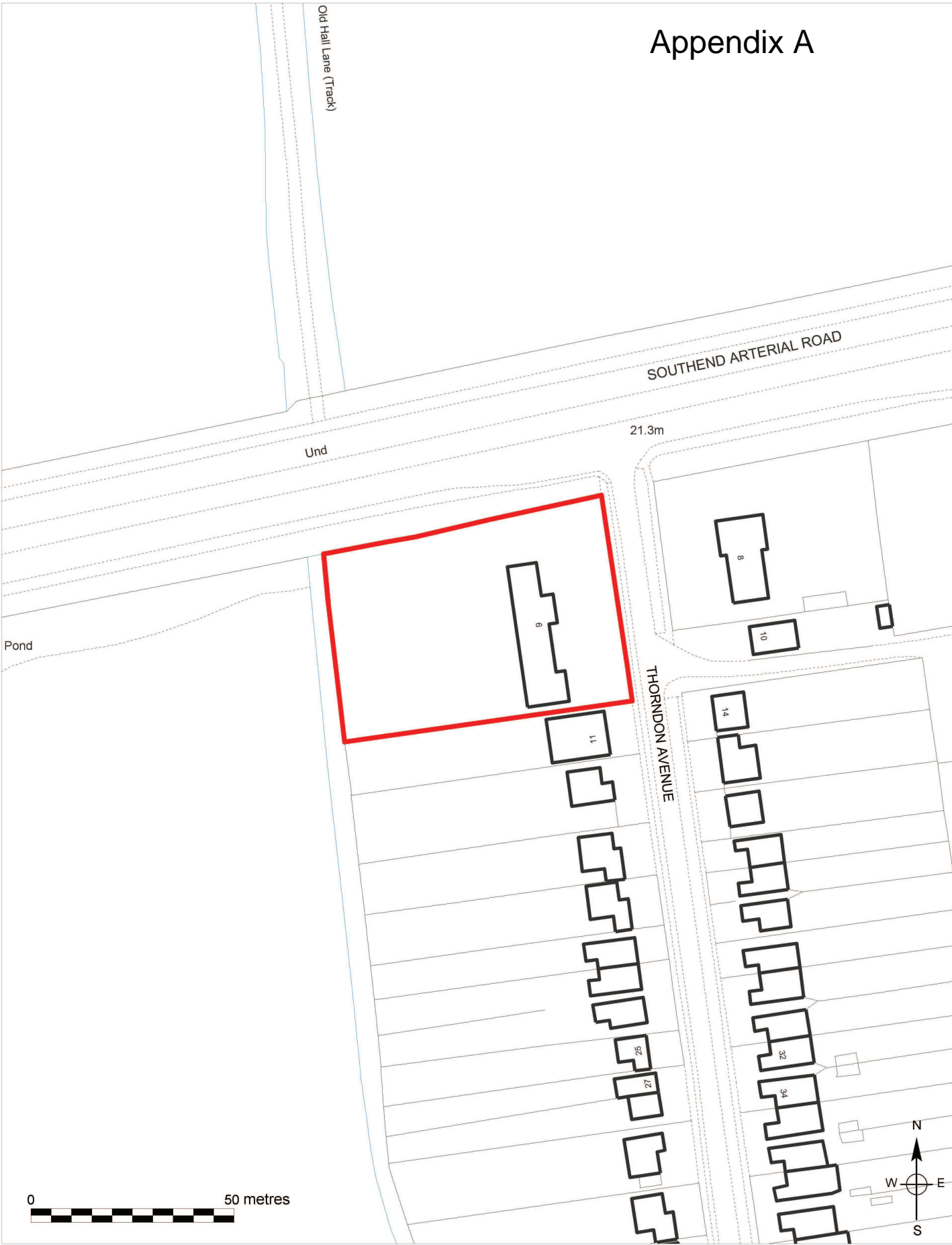
All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title: 9 THORNDON AVENUE, WEST HORNDON, CM13 3TT
14/01473/FUL

Scale 1:1250 at A4

Date 14th April 2015

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



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SITE PLAN ATTACHED

**09. KELROSE LITTLE WARLEY HALL LANE LITTLE WARLEY ESSEX CM13
3EU**

**DEMOLITION OF COMMERCIAL BUILDINGS AND CONSTRUCTION OF
DWELLING**

APPLICATION NO: 15/00011/FUL

WARD	Warley	8/13 WEEK DATE	18.02.2015
PARISH		POLICIES	GB1 GB2 CP1 T2 NPPF NPPG
CASE OFFICER	Kathryn Mathews		01277 312616
Drawing no(s) relevant to this decision:	SUPPORTING STATEMENT; 1413-B-02; 1413-B-03; 1413-B-04; 1413-B-05; 1413-B-06; 1413-B-07;		

This application was referred by Cllr Tee from Weekly Report No 1678 for consideration by the Committee. The reason(s) are as follows:

- 1) I have known this site for 43 years and for many of those years it was a garden nursery and then a small swimming pool centre manufacturing and selling swimming pools and related chemicals. Business ceased 10 or 12 years ago and we are delighted that this application is for a single residence and not to restart light industrial.
- 2) The development is set well back from the road and well separated between Kelrose and Westside.
- 3) The fall of the land reduces the height and the bulk of the proposed development.
- 4) Large mature oak trees in front of this development will completely screen this building from Little Warley Hall Lane.
- 5) Finally through the Village Hall Association and other groups in the village whom I have meet there seems to be complete support.

Update since publication of Weekly List 1678

None.

1. Proposals

Proposed three bedroom dwelling: 13.2m x 14.2m (maximum dimensions) and 6.9m in height (maximum dimension) pitched roofs with first floor accommodation within the roof space.

The materials to be used to construct the external surfaces of the dwelling would include timber weatherboarding above a brick plinth for the walls and clay tiles to the roof.

The footprint of the proposed dwelling is stated as 136.4sq.m. with a total floor area of 185.5sq.m. and a volume of 701.2cu.m. An existing workshop/storage building, glass building and a shed would be demolished which, it is stated, would represent a reduction of 118.3sq.m. in footprint, 32sq.m. in floor area and 110.9cu.m in volume.

The existing vehicular access (which is located in the south-eastern corner of the site) would be shared with the proposed dwelling.

The application is accompanied by a supporting statement which provides the following information:-

- The workshop building was built as a storage building for Kelrose Nursery in the 1970s and the glass building was built later for the swimming pool business which the former site owners ran after the nursery closed. The existing buildings are in reasonable state of repair and built of substantial materials. The buildings are substantial and detract from the amenity and openness of the Green Belt.
- The current owners purchased the site around 12 years ago.
- The proposal would enhance the appearance of the site, increase openness of the Green Belt by reducing the bulk of the total built development and by opening-up views through the site towards the countryside beyond.
- The proposed dwelling would partly overlap the footprint of the existing glass building.
- The proposed building makes use of the site's topography incorporating a split-level ground floor
- The new dwelling would harmonise with the existing buildings nearby and relate well to the setting of the site

2. Policy Context

National Policy

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

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPG relating to 'Noise' is considered to be of particular relevance to the consideration of the current proposal.

Local Plan Policy

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

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

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

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

3. Relevant History

- 96/00774/FUL: Erection Of Dwellinghouse And Garage.) -Application Refused

4. Neighbour Responses

One letter of notification was sent out and a site notice was displayed at the site. No letters of representation have been received.

5. Consultation Responses

- **Highway Authority:**

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal; given the existing use of the site, the area available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposed additional dwelling.

- **Essex & Suffolk Water:**

No response at the time of writing report.

- **Anglian Water Services Ltd:**

No objection to the proposed development.

6. Summary of Issues

The application site is located within the Metropolitan Green Belt and currently forms part of the property known as 'Kelrose'. The application site accommodates a glass building, a swimming pool and part of an existing barn.

The property is located on the western side of Little Warley Hall Lane around 200m from its junction with the A127. To the north and south are residential properties with open land to the east (beyond Little Warley Hall Lane) and to the west. Kelrose has a frontage with Little Warley Hall Lane of around 60m and a depth of around 62m. The property currently accommodates a chalet bungalow, a workshop/storage building adjacent to the rear/western boundary (18.5m x 10.7m and a volume of 660.5cu.m.), a swimming pool (formerly a display pool), an aluminium and glass building (6.2m x 9.2m and a volume of 151.5cu.m.), and hardstanding (located between the chalet bungalow, glass building and workshop/storage building). Ground levels reduce in a north to south direction and, to a lesser extent, in an east to west direction. The existing workshop/storage building and glass building are both single storey structures estimated as measuring less than 4.5m in height.

The main issues which require consideration as part of the determination of this application is the impact of the development on the Green Belt, the impact of the development on the character and appearance of the area, any adverse impact on the amenity of the occupiers of nearby properties as well as highway safety issues.

Impact on Green Belt

The development consists of a new dwelling to replace existing buildings at the site.

The NPPF states that the redevelopment of previously developed site (brownfield land) is not inappropriate development but only where the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The proposed dwelling would have a smaller footprint and volume than the total footprint and volumes of the two buildings it would replace but the existing buildings are single storey measuring just over 4m in height above the existing ground levels. The ground levels within the site reduce in a north to south direction and, to a lesser extent, in an east to west direction and the proposed dwelling would be cut into the ground a maximum of 0.5m on its eastern elevation. However, the ridge of the new building would still be around 2.5m greater in height above the existing ground levels than any of the existing buildings to be demolished. This significant increase in height would result in a material reduction in the openness of the Green Belt. On this basis, it is considered that the proposed development would be inappropriate development in the Green Belt and, therefore, other matters, which clearly outweighed the harm the development would cause to the Green Belt and all other harm which would be caused, which amounted to very special circumstances would need to exist for permission to be granted (NPPF (section 9) and Policy GB1).

The reduction in openness would cause harm which would be in addition to that caused by reason of inappropriateness referred to above, contrary to the NPPF (paragraph 79) and Policy GB2.

Character and Appearance

The application site is located in the rural area and it is acknowledged that the existing buildings which would be removed as part of the development proposed do detract to a limited degree to the character and appearance of the area. Compared to the existing site, as the design of the proposed dwelling would not be out-of-keeping with its surroundings and as the new dwelling would be located on land already in residential use, it is considered that the proposed development would have a neutral impact on the character and appearance of the area, in compliance with the NPPF (section 7) and Policies CP1 (criteria i and iii).

Residential Amenity

As a result of the distance between the proposed dwelling and the northern boundary of the site, it is considered that the proposed dwelling would not have a materially adverse impact on the occupiers of the neighbouring dwelling to the north by reason of overlooking. The proposed dwelling would be located less than 14.5m from the side elevation of the existing dwelling at Kelrose, would be located on higher ground level (around 1m higher) and the southern elevation of the dwelling proposed would contain habitable room windows (a bedroom window and bi-fold doors to a living room) at ground floor level. As a result, there is the potential for mutual overlooking between the occupiers of the proposed and existing dwellings. However, it is considered that this matter could be resolved through the erection of suitable screening which could be required by condition. The proposed dwelling would be a sufficient distance away from both neighbouring properties so as not to cause any harm through dominance, loss of outlook, loss of daylight or loss of sunlight. On the basis of the above, the proposal complies with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

Highways and Parking

On the basis of the nature and scale of the development proposed, as off-street parking would be provided for at least two vehicles, and as an existing vehicular access would be used, it is not anticipated that the proposal would cause harm to highway safety, in compliance with the NPPF (section 4) and Policies CP1 (criteria iv and v) and T2. The Highways Authority supports this view.

Green Belt Balance

The proposed development would be inappropriate development in the Green Belt which would cause additional harm through a reduction in openness. The applicant has not made any reference to very special circumstances but has made some comments in support of the proposal which are referred to above. It is considered that there are no matters in support of the application which would outweigh the harm the development would cause to the Green Belt and all the other harm which would be caused and, therefore, the very special circumstances that are needed to justify the grant of permission for inappropriate development do not exist.

Since the Weekly List report relating to this application has been published, the applicant has started to explore ways to reduce the height of the proposed dwelling. Officers are of the view that the applicant may be able to overcome the recommended reasons for refusal below with a revised scheme which reduced the height of the proposed dwelling to no more than that of the existing buildings (i.e. just over 4m above existing ground levels). This could be achieved, for example, through a further reduction in ground levels and/or a reduction in the height of the dwelling proposed.

7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 U09482

The proposed development would be inappropriate development within the Green Belt and, as a result of the height and bulk of the building 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 U09483

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

Informative(s)

1 INF05

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

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF24

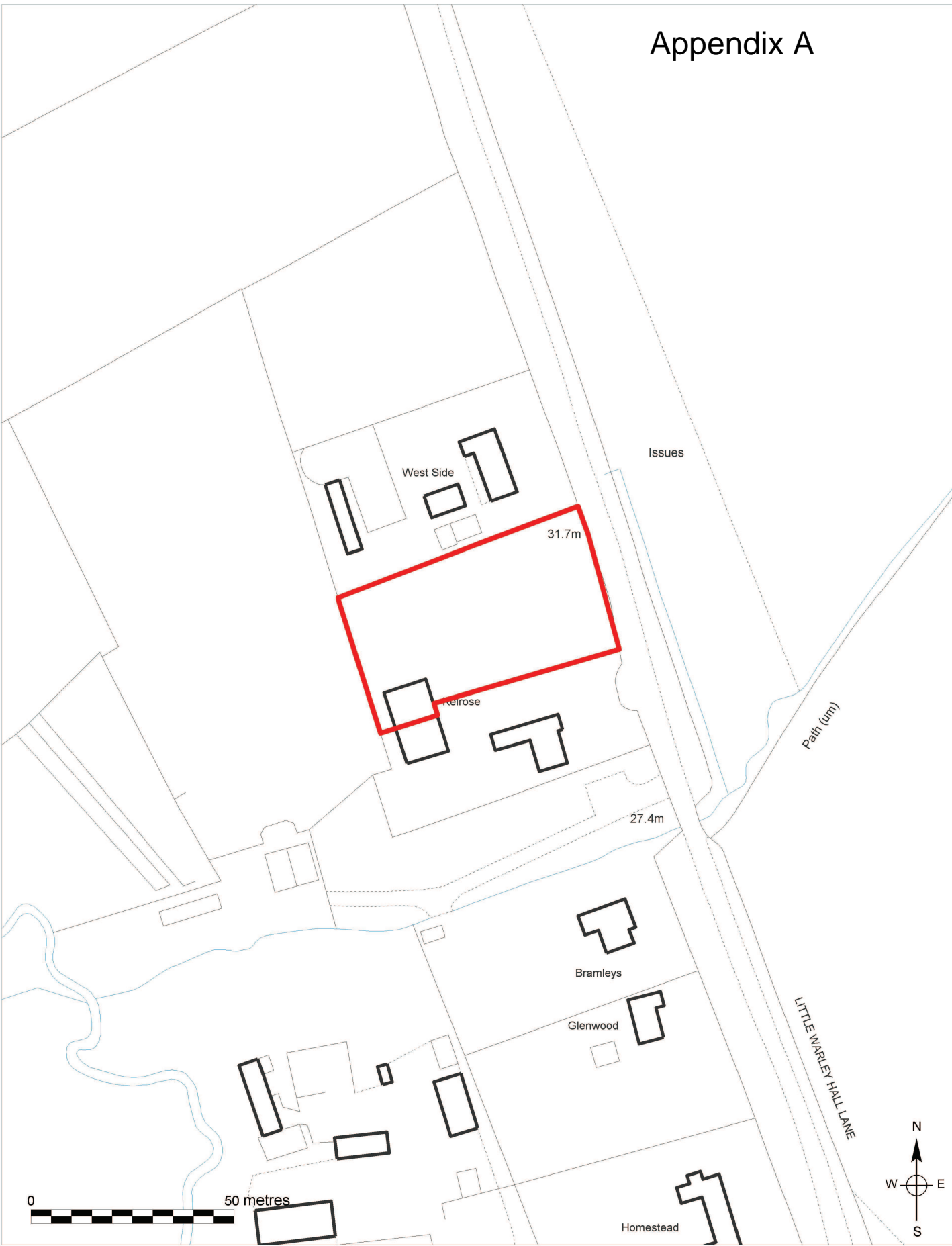
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is 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: KELROSE, LITTLE WARLEY HALL LANE, LITTLE WARLEY, CM13 3EU
15/00011/FUL

Scale 1:1250 at A4

Date 14th April 2015

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



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Members Interests

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

- **What are pecuniary interests?**

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

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

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

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

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

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

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

- **Other Pecuniary Interests**

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

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

- **Non-Pecuniary Interests**

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

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

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

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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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