



Agenda

Planning and Licensing Committee

Tuesday, 12 June 2018 at 7.00 pm

Brentwood County High School, Shenfield Common, Seven Arches Road,
Brentwood CM14 4JF

Membership (Quorum – 4)

Cllrs Ms Sanders (Chair), McCheyne (Deputy Chair), Chilvers, Haigh, Keeble, Morrissey, Mynott, Nolan, Mrs Pound, Reed, Mrs Slade and Trump

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4.	HERON COURT 198 BRENTWOOD ROAD HERONGATE ESSEX CM13 3PN PROPOSED REDEVELOPMENT OF HERON COURT CARE HOME.	Herongate, Ingrave and West Horndon	15 - 32
5.	KARMA COURT ASHWELLS ROAD PILGRIMS HATCH ESSEX CM15 9SG. PROPOSED NEW DETACHED DWELLING	Pilgrims Hatch	33 - 42
6.	THE TOLL HOUSE FINGRITH HALL LANE BLACKMORE ESSEX CM4 0JN DEMOLITION OF EXISTING	Tipps Cross	43 - 50

**CONSERVATORY AND EXTENSION. CONSTRUCTION OF
TWO STOREY SIDE/REAR EXTENSION.**

7. Urgent Business

A handwritten signature in black ink, appearing to read 'P. L. R. B.', with a large, sweeping underline stroke.

Chief Executive Officer

Town Hall
Brentwood, Essex
04.06.2018

Information for Members

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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.

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Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor 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 Mayor on the point of order will be final.

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 Mayor on the admissibility of a personal explanation will be final.

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 Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor 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 Mayor on the admissibility of a point of information or clarification will be final.

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Minutes

Planning and Licensing Committee Tuesday, 24th April, 2018

Attendance

Cllr Ms Sanders (Chair)	Cllr Morrissey
Cllr Faragher (Vice-Chair)	Cllr Mynott
Cllr Bridge	Cllr Reed
Cllr Chilvers	Cllr Mrs Slade
Cllr Mrs Middlehurst	Cllr Wiles

Apologies

Substitute Present

Cllr Mrs Fulcher
Cllr Trump

Also Present

Cllr Lockhart	-	Blackmore Parish Council
Cllr Foan	-	West Horndon Parish Council
Cllr Aspinell		

Officers Present

Surinder Atkar	-	Planning Solicitor
Nick Howard	-	Development Management Team Leader
Caroline McCaffrey	-	Development Management Team Leader
Claire Mayhew	-	Corporate and Democratic Services Manager
Paulette McAllister	-	Design, Conservation Officer
Tessa Outram	-	Planning Officer

346. Apologies for Absence

Apologies were received by Cllr Mrs Murphy, Cllr Trump was present as her substitute and Cllr Newberry, Cllr Ms Fulcher was present as his substitute.

347. Minutes of the Previous Meeting

The minutes of the meeting held on 26th March 2018 were approved as a true record.

348. SOUTH ESSEX GOLF AND COUNTRY CLUB, BRENTWOOD ROAD, HERONGATE, ESSEX CM13 3LW APPLICATION NO: 17/01528/FUL

Redevelopment of existing commercial building to provide 30 dwellings, replacement D2 facility (as extension to the existing clubhouse); and associated landscaping and car parking.

Ms Burton was present and addressed the committee in objection to the application.

Mr Maxwell, the Agent was also present and addressed the committee in support of the application.

Cllr Foan, West Horndon Parish Council was present and expressed the concerns of the Parish Council in relation to their strong policy relating to development in the Green Belt and potential for increased parking issues at West Horndon Station.

There is no evidence for the change of use from agricultural building to a Bowls Club.

Highways issue relating to the pattern of travel arising from the development from A128 that will exceed past rush hour. Concerns over the increase of construction vehicles and the increase in commuters going into London using car parks in West Horndon, which is already an issue.

Members expressed concerns relating to storage of agricultural machinery currently stored on site and where these be stored in the future. Issues relating to the openness of the Green Belt (GB1), the lack of affordable housing (H9), traffic movement on what is a busy road with no bus route and no change of use from agricultural use.

The Officer, Mr Howard explained that in 1996 there was an application for the erection of the golf club house together with the continued use of the former agricultural building as an implements store, and that notwithstanding this, the use is lawful through the passage of time; it qualifies as 'previously developed land'.

A motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Chilvers to refuse the application due to the inappropriate development in the Green Belt (GB1 and paragraph 89 of NPPE), fails to meet the required provision for affordable housing (H9) and the result in the loss of indoor sports facility to the local community (LT8).

A recorded vote was taken, and the members voted:

FOR: Cllrs Chilvers, Morrissey, Mynott, Reed, Ms Slade, and Ms Fulcher (6)

AGAINST: Cllrs Ms Sanders, Faragher, Bridge and Trump (4)

ABSTAIN: Cllrs Ms Middlehurst and Wiles (2)

The Motion was **CARRIED** to **REFUSE** the application for the following reasons.

1. The proposed development, by reason of its siting, would have a greater impact on the openness of the Green Belt than the existing building. The proposal therefore represents inappropriate development in the Green Belt and in the absence of very special circumstances would be harmful to the Green Belt. The proposal is therefore contrary to the provisions of the Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan.
2. The proposed development does not make provision for sufficient affordable as required by the Local Plan. Furthermore, in the absence of sufficient justification to demonstrate why the amount of affordable housing is below the Council's requirement, the proposal is contrary to Policy H9 of the Brentwood Replacement Local Plan and the provisions of the Framework.
3. The proposed development would result in the loss of an indoor sports facility, to the detriment of the local community. The proposal is therefore contrary to Policy LT8 of the Brentwood Replacement Local Plan and the provisions of the Framework.

**349. LABURNHAM COTTAGE, ONGAR ROAD, PILGRIMS HATCH, ESSEX
CM15 9SA APPLICATION NO: 17/01121/FUL**

Demolition of existing guest house/swimming pool and construct 3 bedroom bungalow.

Mrs Keane, was present and addressed the committee in objection to the application.

Mr Boddington, the Agent was also present and addressed the committee in support of the application.

Cllr Aspinell, Ward Member was present. There are no objection from the Ward Members on the building of the dwelling, however their concerns relate to the drainage and sewage. He suggested that a S106 be implemented relating to drainage/sewage. Highways issue, relating to the applicant gaining established use via the objectors dwelling.

After a full discussion. A motion was **MOVED** by Cllr Faragher and **SECONDED** by Cllr Bridge to approve the application subject to the condition within the report and an amendment to condition 4 to be designate to the

officer, Ms McCaffrey in consultation with the Chair, Vice Chair and Ward Members.

A recorded vote was taken, and the Members voted:

FOR: Cllrs Ms Sanders, Faragher, Bridge, Ms Middlehurst, Reed, Slade, Wiles and Trump (8)

AGAINST: (0)

ABSTAIN: Cllrs Mynott, Chilvers, Morrissey and Ms Fulcher (4)

The motion was **CARRIED** to approve the application. Subject to an amendment to condition 4.

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 DEM01 Demolition of Buildings on site green belt

The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently be removed from the site prior to the first occupation of any part of the development hereby permitted.

Reason: In the interests of maintaining the openness of the Green Belt.

4

Excluding preliminary groundworks, the construction of the dwelling hereby permitted shall not be commenced until full details of the proposed method of treating foul water from the permitted dwelling have been submitted to and approved in writing by the local planning authority.

The local planning authority shall be given at least 7 days written notice* of the commencement of the installation of the approved system and afforded access (or its appointed representatives) to inspect the

installation including a test demonstrating its effective operation. The system shall be fully installed as approved prior to the first occupation of the approved dwelling.

* Notice shall be provided by email to planning@brentwood.gov.uk

Reason: To avoid pollution of the local environment.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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.

Reason: To protect the openness of the greenbelt

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reason: To protect the openness of the greenbelt

- 7 Construction and/or deliveries shall not take place outside the hours of;
Monday - Friday.....8.00 - 18.00
Saturday.....8.00 - 13.00.
No Construction and/or deliveries on Sundays or Public Holidays.

Reason: To protect the amenity of residential properties in the locality.

(Due to the chair having difficulties sitting due to a recent operation, Cllr Faragher chaired for the duration of this item only).

**350. TOWN HALL, INGRAVE ROAD, BRENTWOOD, ESSEX CM15 8AY
APPLICATION NO: 17/01838/FUL**

Ward Members, expressed concerns relating to the residents consultations and the increased noise.

Miss Outram to advice the members of the residents that were consulted.

A motion was **MOVED** by Cllr Morrissey and **SECONDED** by Cllr Wiles to approve the application subject to the condition sent out in the report.

A recorded vote was taken, and the Members voted:-

FOR: Cllrs Sanders, Faragher, Bridge, Chilvers, Morrissey, Mynott, Reed, Ms Slade, Wiles, Ms Fulcher and Trump (11)

AGAINST: (0)

ABSTAIN: (0)

The motion was **CARRIED** to approve the application subject to the following conditions:-

1 TIM08 Temporary Permission - Use (Building)

The building hereby permitted shall be removed and the land restored to its former condition on or before 1st November 2019 in accordance with a scheme of work to be first agreed in writing by the local planning authority.

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

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.

(Cllr Ms Middlehurst was unwell and left the Meeting. Therefore, didn't take part in the debate or vote).

351. Urgent Business

There were no items of urgent business.

The Chair thanked the Members and Officers of the Planning and Licensing Committee for their support and help throughout the year. She especially thanked her Vice Chair, Cllr Faragher.

Cllr Mynott, returned the thanks to the Chair.

The meeting concluded at 8.44pm



Minutes

Licensing Sub-Committee
Wednesday, 25th April, 2018, 7.00pm

Attendance

Cllr Ms Sanders
Cllr Mrs Slade

Cllr Wiles

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Caroline Harrison	-	Licensing Officer
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer

352. Appointment of Chair

The Sub-Committee resolved that Cllr Wiles should chair the meeting.

353. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

354. Declaration of Interests

No declarations of interest were made.

355. Licensing Sub-Committee Hearing in respect of an Application for a New Premises Licence - Licensing Act 2003 - Shenfield Station News, Shenfield Station, Hutton Road, Shenfield CM15 8JD

The report before the Sub-Committee provided information relating to an application for a new premises license at **Shenfield Station News Kiosk, Shenfield Station, Hutton Road, Shenfield, Essex CM15 8JD.**

Members were requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of licensing policy and the four Licensing objectives.

Members were reminded that an authorisation was required in respect of any premises where it was intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

An appropriate authorisation was either a premises licence, a club premises certificate or a Temporary Event Notice.

Licence holders were required, when offering any licensable activity, to ensure that they promoted the licensing objectives at all times. The operating schedule of the application contained details of the activities applied for and the control measures that the applicant would have in place in order to promote these objectives. Such measures would, where appropriate, be converted into enforceable conditions on any licence issued.

The four licensing objectives were;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Any representation must be able to demonstrate that on the balance of probability the application in its current form would fail to adequately promote one or more of the licensing objectives. No other matters might be considered.

The application was received on 8th March 2018 from Mr Mitul Mahendrabhai Patel in respect of Shenfield Station News, Shenfield Station, Hutton Road, Shenfield, Essex, CM15 8JD and a copy of the application was appended to the report in the agenda as Appendix A.

The premise was a small news kiosk situated within the Shenfield Station ticket office area, currently selling newspapers, drinks, sweets and confectionery. An OS Street Map and frontage images were appended to the report as Appendix B and the applicant provided an amended plan of the kiosk to the Sub-Committee at the meeting.

The applicant sought a new premises licence to conduct the following licensable activity:

- Supply of Alcohol - 06:00 to 21:00 Monday to Sunday

Two valid representations had been received from the Responsible Authorities.

The first representation was from British Transport Police which related to all the licensing objectives focusing on the theft of alcohol, increased issues relating to the consumption in the station and increased public safety risk. A copy of the full representation was attached to the report at Appendix C and Mr Stephen Morrison attended the meeting to address Members regarding the concerns raised.

The second representation was from the Licensing Authority and related to the prevention of crime and disorder objective, around the supervision of the alcohol and risk of theft from its location. A copy of the full representation was attached to the report as Appendix D and Mr Dave Leonard attended the meeting to address Members regarding the concerns raised.

Members were reminded that any matters recorded in the operating schedule (Section O of the application form) would become conditions on the licence if this application was granted therefore the following conditions would be attached unless modified by the Sub-Committee:

- Suitable staff training shall be provided which must include the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment), drunks, and other relevant matters as regards the licensing act, and the responsibilities of staff. This training shall be recorded and updated every 6 months.
- The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol. The refusal register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register. At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer.
- There shall be a documented reporting structure back to the Designated Premises Supervisor (DPS) and premises licence holder which shall include telephone contact numbers. This reporting document shall be immediately available upon request of an authorised officer.
- A 'Challenge 25' policy must be adopted on the premises at all times. Signage of the 'Challenge 25' policy shall be prominently displayed on

the premises. Acceptable identification accepted shall be a passport, photo driving licence or PASS accredited identity card.

- Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
- Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.
- There must be a suitable colour digital CCTV RECORDING system installed at the premises. The system must be capable of providing a minimum of 21 days recording. The images recorded are to be retained for 21 days and made available to the Police or other enforcement agencies upon a lawful request. DVD/USB copies of relevant footage to be provided to the Police or other enforcement agencies at no cost.
- The CCTV system shall be checked REGULARLY to ensure it is working in line with the requirements of the license. Any failure to be rectified within a two-week period.

Following the representations made by representatives of the Responsible Authorities, Mr Robert Jordon, the applicant's agent, addressed the Sub-Committee in support of the application and in response to the concerns outlined by the Responsible Authorities' representatives. The applicant, Mr Patel, responded to questions put to him by the Sub-Committee.

The Sub-Committee considered the written and oral information provided and advised that having listened to the application and having balanced the written and oral objections received against the licencing objectives to GRANT the application subject to the following conditions, being:-

1. The hours of licenced activity will be 8.00am to 8.00pm Monday to Sunday.
2. The beer chiller in the open area of the kiosk will be fully covered prior to 8.00am.
3. Two members of staff must be present during the hours of 8.00am to 10.am and 5.00pm to 7.30pm.
4. Staff will wear 'Challenge 25' badges at all times.
5. The kiosk's CCTV equipment and staff training must ensure that footage can be made immediately accessible to Police or other enforcement agencies upon a lawful request.

The Committee advised that the full decision notice would be sent to the applicant in 5 working days.

SITE PLAN ATTACHED

HERON COURT 198 BRENTWOOD ROAD HERONGATE ESSEX CM13 3PN

PROPOSED REDEVELOPMENT OF HERON COURT CARE HOME. PROPOSED DEMOLITION OF THE 20TH CENTURY WINGS AND SOUTHERLY DAY ROOM. NEW EXTENSION ON THREE FLOORS TO BE CREATED, FORMING A SECURE COURTYARD ENCLOSURE. EXISTING GROUND LEVEL TO BE REDUCED. INCREASE IN BEDROOM NUMBERS FROM 33 TO 65 BEDROOMS.

APPLICATION NO: 18/00099/FUL

WARD Herongate, Ingrave & West
Horndon

PARISH Herongate & Ingrave

CASE OFFICER Mr Nick Howard

The application has been referred to committee as it a large extension to an existing care home situated in a Conservation Area and the Green Belt. The application, which has attracted objections from the Parish Council and local residents, raises issues of design and very special circumstances to outweigh the harm to the Green Belt.

1. Proposals

Heron Court is a residential care home, it comprises an original half-timbered building of three storeys in height with a single storey extension to its south. It currently has 32 resident bedrooms (31 single rooms and 1 double room) and one staff bedroom (15 bedrooms within the original house and 18 bedrooms within the C20th extension). The building is set in generous grounds which slope down and away from the building to the south east.

The total proposal is to redesign the layout of the original house to comprise nine larger resident bedrooms and one existing staff bedroom within the original house and demolish the existing 20th century additions and replace with a larger extension to comprise of 56 bedrooms. The extension, will comprise part three storey, two storey and single storey and will take the form of a courtyard arrangement, which creates a formal and secure central amenity area. The proposal provides a more efficient plan layout with 'service corners' and a formal arrangement of functional spaces for residents to access communal living areas, along with staff facilities. The

proposal would also include single storey glazed links between the host building and the extension and therefore provides a visible connection around the remaining 19th century house.

The site is situated in the Green Belt and Herongate Conservation Area.

2. Policy Context

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations.

Brentwood Replacement Local (2005):

Relevant policies include:

- CP1 General Development Criteria
- T2 New Development and Highway Considerations
- GB1 New Development in the Green Belt
- GB2 Development Criteria in the Green Belt
- C14 Development Affecting Conservation Areas

National Planning Policy Framework (NPPF) (2012)

The Government through the NPPF 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 (para 79).

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87).

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para 88).

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exception to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (para 89).

The draft revised NPPF (2018) has recently been the subject to consultation and continues to place a strong emphasis on the importance of Green Belts.

3. Relevant History

Planning application BRW/1047/2001 was allowed on appeal in 2003 for a 40-bed care home, which included a new first floor extension. This scheme was never implemented.

A previous planning approval from Brentwood Borough Council (reference 11/00607/FUL), to increase the bedroom number to 44 was approved in 2011 with permission expired in 2014.

4. Neighbour Responses

6 letters of objection on the following grounds:

- The scale of the development
- The development encroaches onto Green Belt
- It will have a detrimental impact on the view when approaching Herongate from the A127.
- The style of the building does not fit in with the existing property, the street scene or the conservation area because of the materials used and the mass of the building. As the plans are not sympathetic to the architectural merit of the existing building the redevelopment will make no positive contribution to preserving or enhancing the character of the existing building or the Herongate Conservation area.
- The impact would result in a wider change to the setting of 'Friars and Button Hall' which are listed buildings
- Inadequate provision of parking. The number of parking spaces on site will increase from 12 to 15, yet it is proposed that the number of residents' bedrooms will increase from 33 to 65. There is only one vehicular entrance to the Care Home site, with a very limited curtilage for parking.

5. Consultation Responses

- **Essex Badger Protection Group:**

The Essex Badger Protection Group is not aware of any badger setts close enough to be adversely affected by this proposal. With this in mind and noting the findings

of the supporting habitat survey which found no sign of badgers on site, we have no objections to this scheme as proposed.

However, given the presence of badgers in the wider area, the foraging area offered by the site and the edge of woodland location, we would request that the following conditions be added to any approval granted:

- o That all excavations are covered overnight with strong boards to prevent foraging badgers from falling in and becoming trapped, or planks are placed within the excavations to give badgers an easy exit route.
- o That all liquids associated with the building work are removed from the site or otherwise made safe each night in order to prevent any possibility of badgers being poisoned.
- o That a walkover survey is completed prior to the commencement of works to ensure badgers have not taken up occupation since the habitat survey was completed.

- **Essex Wildlife Trust:**

I can confirm that we have no comments to make.

- **Parish Council:**

Following discussion amongst the Councillors it was agreed that we object to the development on the following grounds:

1. The extension will encroach into Green Belt, and the Parish Council as a whole object to building on Green Belt.

2. We have grave concerns regarding the access road Heron Court. There are already major issues regarding parking on Heron Court restricting access to the Care Home and Heron Chase. On many occasions ambulances, delivery vehicles and bin lorries have had to drive over the verges in order to get past parked cars and as a result the verges and kerbstones have been severely damaged and in the case of the verges largely destroyed. An extension of this size will inevitably lead to more traffic and therefore more problems regarding the access road.

The residents would like there to be parking restrictions in the form of double yellow lines put in place in Heron Court as part of any planning application.

3. We feel the number of parking spaces as detailed in the application is woefully inadequate especially given the proposed increase in beds from 33 to 65. This will inevitably mean more staff will be needed as well as more visitors to residents and the degree of increase in parking spaces is by no means enough to cope. There are no other parking facilities available (I refer you also to point 2 above) for the overflow.

4. We feel the size of the extension and the planned increase from 33 to 65 beds is an over-intensification of the site. The Care Home is located in quite a small discreet location with limited access and the planned extension is a large increase in the overall footprint of the Care Home.

5. We feel the building materials as described in the application are completely out of keeping with the Conservation Area Guidelines which all other residents are held to. The Care Home is in a Conservation Area and we feel the proposed development

materials and style are completely unsympathetic to the Conservation Area appearance.

The Parish Council hopes you will take their objections into account when coming to your decision on this planning application.

- **Historic Buildings and Conservation Officer:**

No objections subject to conditions. The HBO's comments are summarised later in the report.

- **Horongate And Ingrave Preservation Society:**

Although in principal we would not oppose improvements and development at this property, at this stage we oppose the plans as submitted.

We feel that the development is not in keeping with the conservation area, indeed on the plans submitted the street scene is shown in summer when the deciduous trees in the front of the building are in leaf. In the winter months the modern property would be very visible.

We would prefer to see any building use materials sympathetic to the existing street scene and the attached building.

We also feel that the building is an over development of the site and we object to the fact that it encroaches into Green Belt.

Provision of parking for this development, which amounts to doubling in size, is another concern. The access road has existing difficulties and we would not want to see these exacerbated by parking from Heron Court overflowing into the access road.

With appropriate changes to the above factors we would not have an objection to an extension at Heron Court.

Further, we support the application of the immediate neighbours to Heron Court who have requested that parking restrictions in Heron Court are provided as a condition of planning approval.

- **Basildon Fire Station:**

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and the Building Regulations 2010. The proposal itself does not affect fire service access to existing premises in the vicinity.

- **Highway Authority:**

The documents accompanying the application have been duly considered and, given the existing access and use of the site plus the increase in parking provision,

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

- **Essex & Suffolk Water:**

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

6. Summary of Issues

The site is a non-designated heritage asset and located within the Herongate Conservation Area (a designated heritage asset). The site is within the Green Belt. The proposal to demolish the 20th century additions to the Care Home and replace with a large extension. The main issues are as follows:

Design and Heritage Issues:

Comments have been sought from the Heritage, Conservation and Design officer in relation to the effect of the proposals on the existing building and Conservation Area, and are presented as follows:

The host building is not conducive to the efficient, functional and practical needs of the care home, particularly given the specialist care which is offered here. Indeed, it would be counterproductive to attempt to rationalise the internal spaces within this host Arts and Crafts building to meet the needs of the current occupiers, potentially resulting in a loss of significant fabric and architectural detail, which could not be resisted given the building has no statutory protection.

The proposals seek to demolish later elements of the complex to provide new fit for purpose accommodation. The design of the proposal has developed positively, for example, the flatted roof and render materiality options viewed at the preapplication stage have been substituted for softer pitched sculptural shapes with a more subordinate materiality; such contrasts in shape and detail with the use of vertical timber is complementary to context and not seeking to challenging the strong architectural style of Heron Court at its inception, nor is the proposed design trying to replicate the host building.

Whilst an architectural contrast of this nature may be viewed as 'at odds' with the host building, it is quite the contrary. Such contemporary contrasting extensions and buildings in Conservation Areas and indeed at Listed Buildings, if executed well with the highest quality of materiality and detailing, will actually serve to enhance the setting and significance of the host building, acting as a counterpoint back to the original and most important architecture in the curtilage, in this case, Heron Court.

National Planning Policy Framework clearly states that it is not for Local Authorities to impose a style, but to reinforce local distinctiveness and promote Good Design. Given the overarching style within the context is Georgian, original and pastiche, and there is a wealth of variety serving domestic architecture, the design intent proposed here refrains from an overambitious narrative and offers a neutral contrast.

In design terms, the proposed weight of form and layout is set to the south and rear, with light 'links' connecting the old and new, this will open up the site and create a new courtyard at the rear, relieving the host building of the later additions; the private garden space at the rear is unusable at present given the topography and current layout, this proposed layout serves as a better quality of living for residents and their needs whilst conserving the most important Asset within the curtilage.

Based on these comments, it is considered that the proposed development will not be harmful to and will preserve the character and appearance of the Conservation Area and therefore complies with Policy C14.

Impact on the openness of the Green Belt.

The proposal is for a large extension to the south of the host building. Paragraph 89 of the Framework provides exceptions to inappropriate development in the Green Belt. One exception is that the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The table below shows the extent of the extension compared to the host building, expressed in Gross External Area (square metres).

	Existing	To be demolished	Proposed New	Total
Proposed				
Lower Ground Floor	-	-	1179.0	1179.0
Ground Floor	1062.2	591.9	1287.3	1757.6
First Floor	327.1	0	819.2	1146.3
Second Floor	139.0	0	0	139.0
TOTAL	1528.3	591.9	3285.5	4221.9

Even though the proposal will result in some demolition the net gross external area increase would be 2693,6 square metres which represents an increase of 176%. This level of increase is therefore considered a disproportionate addition over and above the size of the original dwelling. Accordingly, the proposal is considered to be inappropriate development in the Green Belt. Therefore, it is incumbent on the applicant to demonstrate that very special circumstances exist to overcome the harm to the Green Belt.

Very Special Circumstances

Planning History

The inspector's report on the 2001 application appeal found the arguments persuasive for the general improvement of the care home, in relation to the size, shape and layout of rooms, particularly in the older parts of the building, with the ability to provide a high standard of care hampered by the high dependence of elderly occupants on wheelchairs and the need for specialist lifting equipment. In addition, there was inadequate communal dining areas and insufficient space for storage, administration, private meetings areas and facilities for medicinal and personal services.

It was considered that the proposed extension would facilitate a considerable improvement to the quality of occupants' living conditions and the quality of care at the existing home, which was considered to be in the wider public interest.

Population Need

The Local Plan acknowledges that the Boroughs population is ageing and that just over a fifth of the population is over 65 years. The forecast change in population by broad age groups for the next 15 years predicts an increase of 26.7% of the over 65 age group. A similar picture is painted in other forecasts.

The Essex Joint Strategic Needs Assessment for Brentwood anticipates that up to 2025, the number of individuals aged 65 and over increases by 17% to 2600 and will represent almost a quarter of the total population of the District. By 2030 the number of residents living with dementia is likely to have risen to 1,740. The need for residential care beds will therefore continue to be pressing, particularly for people living with dementia.

At the time of print, the Preferred Site Allocations consultation document and Strategic Housing Market Assessment (Part 2) set out a residential care need of approximately 424 beds across the plan period (2013-33).

The current home is rated good by the Care Quality Commission and is an important provider of specialist dementia care providing bed spaces for both self-funded residents and commissioned placements for both Essex County Council and Thurrock Councils.

Residential Care – Its Changing Nature

The application is accompanied by a 'Fit for Care?' report by Roger Sinden which sets out of the changing nature of residential care, including:

- The development of home base community care services, development of assisted technology, the prioritised acute care focus of the NHS and various stepped care solutions (such as extra care housing) means that the age and needs profile of residents entering care homes is significant different to say 20

years ago – residents are generally older, frailer at the point of admission and have specialist needs.

- More dependent residents now require the support of mobility equipment including wheelchairs, hoists and profile beds. Reduced mobility makes en-suite wet rooms essential and there is well documented research evidencing the importance of specialist facilities, which are designed to meet the needs of residents with dementia

Discussions with Essex County Council who place residents at Heron Court, also indicates that by having an increased number of beds in this area this would assist in flexibly managing planned respite, nursing or nursing dementia care, residential reablement or interim placements.

Current Care Facilities – Layout and Design

Historically, the Care Quality Commission (CQC) used narrowly defined national minimum room and facility standards in determining the fitness for purpose of care facilities. While guidance still exists around the necessity for rooms to be no smaller than 12 square metres and to have access to en-suite, the CQC has now adopted the wider and more comprehensive Essential Standards of Quality and Safety (ESQS), which consists of 28 regulations, including:

- the care and welfare of people who use services;
- safety and suitability of premises;
- respecting and involving people who use services, and
- requirements relating to workers, staffing and supporting workers.

A series of site visits have been undertaken with regard to this application and the following observations have been made:

- Limited circulation space - a significant proportion of Heron Court residents require assistance with mobility and the use of hoists and lifting apparatus requires good levels of circulation space for equipment and staff, particularly within resident bedrooms. Within the sample of bedrooms visited (both within the original house and extension) it was noted that rooms had limited door access widths and cramped bedroom spaces for the movement of equipment.
- Current design restrictions - resident bedroom spaces could not easily be redesigned within the original house and the 1980's extension would require significant remodelling, which with the possible loss of bedrooms may result in an unviable project. Corridor widths were narrow and the older building featured various pinch points
- Privacy and Dignity – en-suite facilities were generally not available, with shared bathroom facilities noted within the extension.

- Limited communal, staff and visitor spaces – it as noted that while the resident lounges were comfortable they were of a limited scale and cramped in parts. No designated staff space was identified for storage and changing and the level of visitor facilities / meeting space was very limited.
- Garden - although the site features a change in elevations, the garden was an unexploited asset.

The Fit for Care Report compares the current facilities at Heron Court with the ESQS and indicates that:

- Heron Court at present has eighteen single rooms which fall below the previous minimum requirements, with the smallest room being only 9.7 sq metres. Rooms below this basic standard limit the comfort and quality of life of residents, whose ability to personalise their rooms is adversely affected through reduced space. Such rooms are difficult to allocate to residents whose frailty and dependency requires the daily use of equipment and aids. Often this is the requirement of individuals seeking care home vacancies now. The proposal will ensure that all bedrooms which have access to the external terraces will have a small garden area as outside amenity space. This helps create a more intimate scale to the open areas and provides some private outdoor space.
- Furthermore. smaller rooms pose challenges for staff who attempt to undertake daily caring tasks, often involving hoists and other independence promoting equipment. The current limited availability of rooms of sufficient floor space is adversely impacting upon the ability of the home to meet resident needs and expectations.
- Only just over half the bedrooms have en-suite facilities which limits resident's dignity and their potential to be independent in terms of toileting and bathing. The preventive management of incontinence is significantly assisted by accessible shower and toilet facilities. It is currently the industry norm for operators to build single rooms around 20 square metres, including integral en-suite wet room for facilitated activities, which is what is being proposed here.
- With regard to communal rooms it is the Regulator's expectation that people who use the services have access to such rooms that are of sufficient size and that provide opportunities to comfortably participate in social, therapeutic, cultural, daily living or educational activities, either individually or with others. The proposal includes a number of new communal rooms which meets modern standards.
- In addition, the existing treatment/medical consultation area is cramped, the visitors room is cramped and limiting (an issue where bedrooms are small or are shared and therefore privacy/confidentiality cannot be guaranteed) and there is no designated meeting room for supervision/sensitive meetings. This is an issue as

the Manager shares the office with an Administrator. The proposed extension will free up much needed space within the host building.

Economic Viability

The applicant has carried out an economic review of the home and it has been established that Heron Court needs to increase in size to remain effective, and to meet the growing demand. To remain viable, the number of bedrooms needs to increase significantly. On new builds, Essex County Council has confirmed that a new care home needs to be at least 50-60 beds as a minimum to make a development financially viable. Essex County Council has also stated that it cannot afford to lose 33-35 beds in the Brentwood Borough. The County Council's future commissioning framework is looking to only focus placements in homes rated good or outstanding by CQC. Meaning at the time of assessment (April 2018) of the 44 vacant beds in the Borough only 22 are in homes rated good by the CQC and of these only 10 are available at rates ECC predominately pays (3 of the 10 beds were within Heron Court).

While there is a history on this site of non-implemented permissions, it is understood that the applicant has undertaken similar refurbishment and expansion developments in a timely and successful manner in Essex. The average occupancy across all of Runwood Essex homes currently stands at 92.75%. This would imply the stated occupancy rate of 96.4% as indicated in the applicant's financial appraisal is broadly achievable.

The emerging new local plan sets out a number of sites and locations for specialised residential care accommodation, but these opportunities could be some 5-7 years in the future. It is also generally understood that the accommodation costs for residents at Heron Court are reasonable, with new build care homes often charging values well in excess of that which could be afforded by Essex County Council for resident placements.

Overall in consideration of the above issues, officers accept cumulatively that the applicant has demonstrated very special circumstances which will outweigh the harm to the Green belt. The proposal accords with Policies GB1, GB2 and the Framework.

Other Matters

Concerns have been raised that the proposal will have a detrimental impact on the view when approaching Herongate from the A127. The applicant has produced a visual assessment in support of the application. It considers that the site is well bounded by mature tree and woodland vegetation to the west and south helping to screen most of the development area from Public Rights of Way, the A128 and wider settlements, as well as many publicly accessible locations. The report states in detail the following:

Views from the A128 towards the Site (which is not the focus of the view along the road) are afforded through gaps in the roadside vegetation at the edge of Button Common and down Heron Court (the street), and would predominantly be glimpses as vehicles, cyclists or pedestrians travel along the road. The combination of mature roadside vegetation and sections of vegetation on the boundary would maintain the limited views towards the new building seen together with the existing façade of the main house. Pedestrians using the pavement on the side of the A128 in Herongate (which does not extend beyond Heron Court) as illustrated from example photo location 4 may experience some longer lasting glimpse views of the proposed extension and more open views of the older building as a result of hedge thinning on the western boundary but this will likely be perceived as an enhancement of the visual relationship between the townscape and the façade of the historic building.

Officer's agree with this assessment and conclude the proposal would be largely screened by mature vegetation when viewed from the road.

Neighbours have raised an issue that the proposal would result in a wider change to the setting of 'Friars and Button Hall' which are listed buildings. However, these two buildings are situated to the north of Heron Court and given the extension is positioned to the south of the host building, the impact on the setting of these listed buildings would be insignificant.

There have been a number of concerns about inadequate provision of parking. The number of parking spaces on site will increase from 12 to 15, however this does not directly relate to the significant increase in bedrooms. However, given the use of the building, the number of bedrooms does not directly correlate with the amount of parking provision. Furthermore, the highway authority raises no objections to the proposal.

The issues raised by residents, the Parish Council and the Preservation Society are therefore non-determinative in this planning application.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

- 3 MAT01 Samples (details acceptable)
No development shall take place until details 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 U24489
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.

- 5 U24490
Notwithstanding the details shown on the Proposed Site Plan, the proposed development shall not be occupied until such time as the vehicle parking area, including a minimum of 3 parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. Each parking space shall have minimum dimensions in accordance with current parking standards. 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. Full details of the revised layout to be submitted to and approved by 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 T2 of the Brentwood Replacement Local Plan.

- 6 U24492
Prior to first occupation of the proposed development, the northbound bus stop on the A128 Brentwood Road adjacent to Park Lane shall be improved to Essex County Council specifications. The stop shall be provided with raised kerbs to enable disabled access.
- Reason: To encourage trips by public transport and in the interest of accessibility in accordance with Policies T2 of the Brentwood Replacement Local Plan
- 7 U24493
Prior to first occupation of the proposed development cycle parking shall be provided on site. The approved facilities shall be secure, convenient, covered and provided prior to occupation 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 T2 of the Brentwood Replacement Local Plan
- 8 U24494
Prior to the commencement of development a walkover survey shall be completed to ensure badgers have not taken up occupation since the habitat survey was completed. The survey shall be submitted to and approved by the Local Planning Authority. Furthermore all excavations in connection with the proposed development shall be covered overnight with strong boards to prevent foraging badgers from falling in and becoming trapped, or planks are placed within the excavations to give badgers an easy exit route and all liquids associated with the building work are removed from the site or otherwise made safe each night in order to prevent any possibility of badgers being poisoned.
- Reason: To ensure any badgers are protected during the construction process
- 9 BOU01 Boundary treatment to be agreed (gen)
The development shall not be occupied 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.
- 10 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.

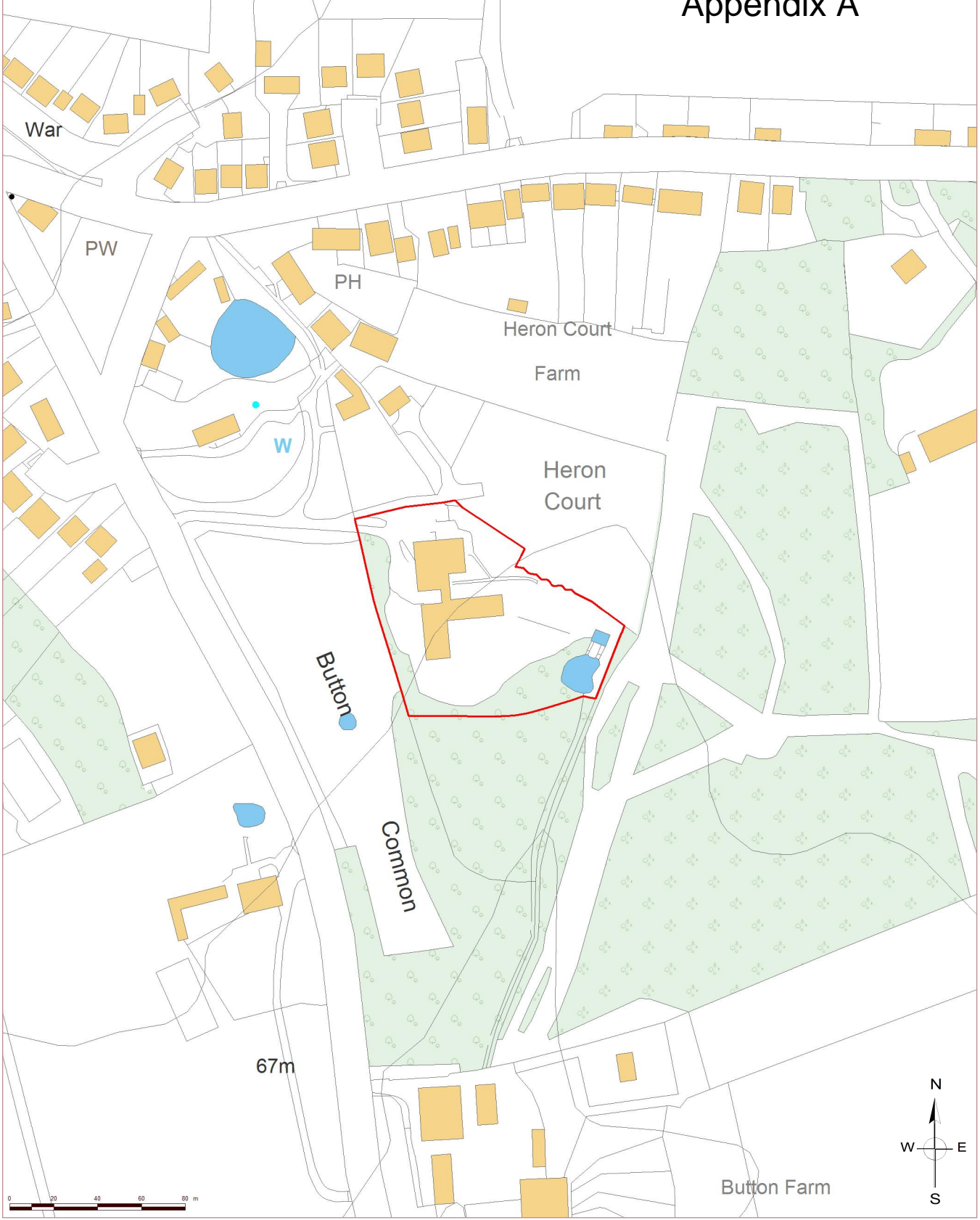
Informative(s)

- 1 INF02
The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.
- 2 U05405
The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, GB1, GB2 & C14; the National Planning Policy Framework 2012 and NPPG 2014.
INF21
- 3 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 The proposal represents "inappropriate development" as defined by NPPF (National Planning Policy Framework 2012): Green Belt; however the Council considers that there are other material matters sufficient to outweigh the harm due to inappropriateness and any other harm and that very special circumstances exist to justify the granting of planning permission.

BACKGROUND DOCUMENTS

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Appendix A



Title : Heron Court, 198 Brentwood Road, Herongate

18/00099/FUL

Scale at A4 : 1:2500

Date : 12th June 2018

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



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SITE PLAN ATTACHED

**KARMA COURT ASHWELLS ROAD PILGRIMS HATCH ESSEX CM15 9SG
PROPOSED NEW DETACHED DWELLING. (ALL MATTERS RESERVED)**

APPLICATION NO: 18/00270/OUT

WARD Pilgrims Hatch **8/13 WEEK DATE** 05.04.2018

PARISH **POLICIES**

CASE OFFICER Ms Tessa Outram 01277 312500

**Drawing no(s)
relevant to this
decision:** Indicative Design;
1;
2;

This application has been referred by Councillor Aspinell on the grounds that granting permission for a building on this site would make the area much more attractive than the existing commercial use.

1. Proposals

Outline permission is sought for the construction of a new dwelling on the site with all matters reserved. The application is seeking to determine whether the principle of constructing a dwelling on the site is acceptable.

2. Policy Context

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: Policy CP1 General Development Criteria

Policy GB1 New Development
Policy GB2 Development Criteria
Policy T2 New Development and Highway Considerations

NPPF Sections: Core Planning Principles
Protecting Green Belt Land (Chapter 9)

Local Development Plan:

The successor document for the Brentwood Replacement Local Plan 2005, the new Local Development Plan (LDP), underwent draft stage consultation (Regulation 18) in 2016 and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The emerging LDP was the subject of site-focused consultation (Regulation 18) between 29 January and 12 March 2018, identifying proposed development allocations. This will be followed by the Pre-Submission Draft (Regulation 19), currently anticipated to be published in Q3 of 2018. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q4 of 2018. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in early/mid 2019.

3. Relevant History

- 15/01088/S191: Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning application for use of land as Builders merchants/Depot. -Application Refused
- 17/00890/S191: Application for Lawful development certificate for an existing use or operation or activity for commercial storage yard with sales and siting of residential mobile home/caravan -Application Refused

4. Neighbour Responses

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via

Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

No neighbour representations have been received at the time of writing this report.

5. Consultation Responses

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

- - **No consultation responses received.**

6. Summary of Issues

The main part of the site the subject of the application is a roughly rectangular area of about 55m by 40m to the north east of Ashwells Road. It is set back about 65 m from the road and the application site includes a narrow strip of land linking the main body of the site to Ashwells Road from where there is a gated access.

Planning History

The planning history indicates the site has previously been used for storage purposes, however two recent S191 applications (15/01088/S191, 17/00890/S191) have determined that the site does not have a lawful use as a commercial storage yard or for the siting of a residential mobile home and is therefore subject to enforcement action. A site visit has revealed the site at present is entirely hard surfaced and now has two mobile homes, a storage container and is used for parking vehicles.

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:

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development 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 and the purpose of including land within it than the existing development.

It is not considered the site would amount to an infill plot. However it is necessary to consider the definition of previously developed sites as outlined in the NPPF:

Previously developed land: 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 have blended into the landscape in the process of time.

The site is entirely hardsurfaced and therefore whilst not occupied by any permanent structures it can be considered previously developed land (constituting fixed surface infrastructure), although in accordance with the NPPF definition it should not be assumed that the whole of the curtilage should be developed and for the development to satisfy this exception to inappropriate development it is also necessary for the development to have no greater impact on the openness of the Green Belt or the purposes of including land in the Green Belt than the existing situation (discussed below). The three temporary structures (two mobile homes and storage container) on the site are noted, however this exception to inappropriate development specifically excludes temporary buildings.

Openness and purposes of the Green Belt:

The proposed development would result in the construction of a permanent three bedroom dwelling in the Green Belt, occupying an area of 80sq.m with an indicative height of 7.5metres. Planning history indicates that the land has previously been used for external storage purposes and the site at present has a number of temporary structures and vehicles on the site that are required to be removed as part of the open enforcement case (15/00039/UNLCOU). In any case this does not constitute any permanent buildings or structures on the site.

As such it is considered that this development would have a material detrimental impact on the openness of the Green Belt and would result in further encroachment into the Green Belt, compared to the existing situation where there is lawfully only hardstanding on site; contrary to one of the purposes of including land in the Green Belt.

The proposed development therefore constitutes inappropriate development in the Green Belt and is contrary to Chapter 9 of the NPPF and Policies GB1 and GB2 of the Local Plan.

Sustainability

The site is not located in the most sustainable location; however, it is not so removed from local shops and services and would have some limited alternatives available to them other than private vehicles. As such, no objection is raised on this basis.

Design, Character and Appearance

The character of Ashwells Road and the surrounding area is varied and there is no strong or continuous frontage of development. It is not uncommon for surrounding dwellings to be set off the main highway with long private driveways. Whilst all matters are reserved, including the scale, siting and appearance of the proposed building, it is not considered a dwelling in this location would be so out of character with the pattern of development within this area.

Residential amenity

As all matters are reserved, the plans submitted are only indicative. Given the location of the site with no immediate residential neighbours it is considered that the development could be designed to result in no material harm to the residential amenity of adjoining residents in terms of dominance, an overbearing impact, loss of light and outlook or overlooking and loss of privacy.

Tree and Landscaping Considerations

A site visit has revealed a large mature tree on the eastern boundary of the site. The indicative plans indicate the dwelling would be located a fair proximity from the tree but could still be within its root protection area. However, it is considered that subject to condition, tree protection measures could mitigate any adverse harm that may arise as a result of the development.

Parking and Highway Considerations

Matters relating to access are reserved, however the existing access and entrance is to be retained and there is adequate off the street parking within the application site, in accordance with the adopted parking standards.

Other matters and any very special circumstances

It has been established that the development would constitute inappropriate development in the Green Belt that would result in material adverse harm to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. However, it is necessary to consider whether there are any very special circumstances in this instance which would clearly outweigh these harms identified:

The applicant has not outlined any very special circumstances within their application submission. The Council recognise that it cannot currently identify a 5 year housing supply. However, the provision of an additional dwelling would have a very limited impact on the housing supply of the Borough, and the NPPG makes it clear that an unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances to justify inappropriate development within the Green Belt.

As such it is considered that there are no very special circumstances or other considerations in this instance that clearly outweigh the harm identified. An objection is therefore raised in terms of Chapters 7 and 9 of the NPPF, the NPPG and Policies GB1, GB2, and CP1 of the Local Plan.

The application is therefore recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 The site lies outside the areas allocated for development in the Brentwood Replacement Local Plan and is located within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed development constitutes inappropriate development in the Green Belt and would result in significant and demonstrable harm to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. The proposal therefore is contrary with Policies GB1 and GB2 of the Brentwood Replacement Local Plan and the provisions of the Framework as regards development in the Green Belt.

R2 There are no matters in support of the application which would 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 very special circumstances exist to justify the grant of planning permission for the inappropriate development.

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, the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

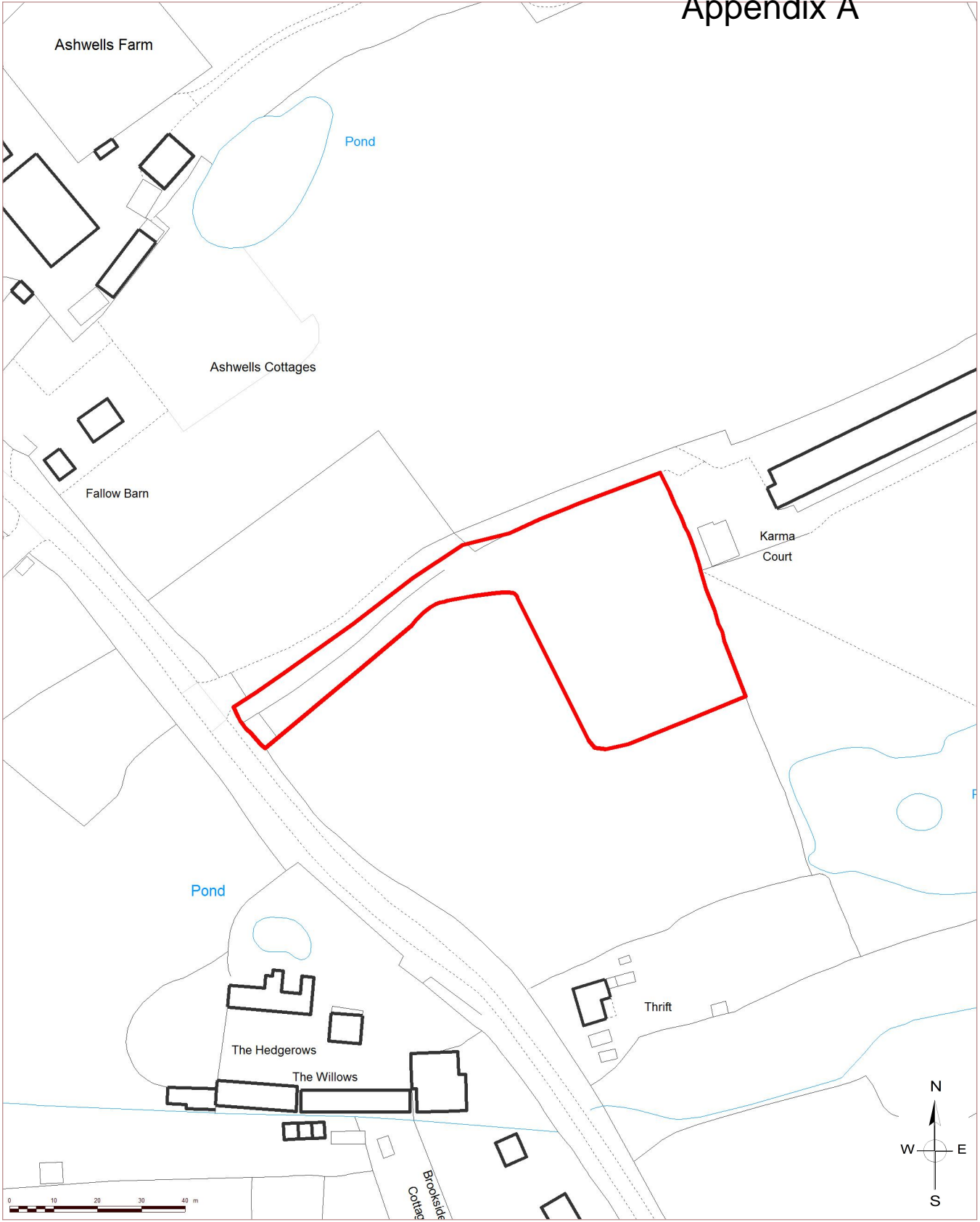
3 INF23

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

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : Karma Court, Ashwells Road, Pilgrims Hatch

18/00270/OUT

Scale at A4 : 1:1250

Date : 12th June 2018

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



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SITE PLAN ATTACHED

THE TOLL HOUSE FINGRITH HALL LANE BLACKMORE ESSEX CM4 0JN

**DEMOLITION OF EXISTING CONSERVATORY AND EXTENSION.
CONSTRUCTION OF TWO STOREY SIDE/REAR EXTENSION.**

APPLICATION NO: 18/00450/FUL

WARD Tipps Cross

PARISH Blackmore, Hook End and
Wyatts Green

CASE OFFICER Mrs Nikki Dawney 01277312500

The application has been referred to committee by Councillor Keeble on the grounds the existing elevation facing the road remains unaffected and the proposed development will extend up to the east boundary overlooking open countryside. Furthermore, the design of the extension is sympathetic to the host property and of good design with appropriate use of materials. It is not incongruous to the street scene and there is no visual harm to the amenity or openness to the Green Belt

1. Proposals

The proposal is for the demolition of the existing conservatory and extension and the construction of a two-storey side/rear extension.

2. Policy Context

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan will be a site-focused consultation (Regulation 18) in July-August 2017 followed by the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published early in 2018. Following this, the Draft LDP will be submitted to the Secretary of State for

an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in late 2018 or early 2019.

National Planning Policy Framework (NPPF) (2012)

The Government through the NPPF 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 (para 79).

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87).

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exception to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (para 89).

3. Relevant History

None

4. Neighbour Responses

No comments received from neighbours.

5. Consultation Responses

- **Parish Council:**

We are aware that this property lies within the Green Belt, but the design of the proposed extension is sympathetic to the host property and in accordance with para.56 in NPPF (Requiring Good Design) and CP1 (i), (ii) & (iii) There will be no harm or visual impact to the Green Belt and therefore we offer no objection.

6. Summary of Issues

Toll House is a stand-alone two storey cottage dwelling located on the east side of Fingrith Hall Lane with no immediate neighbours. The dwelling is located close to the highway but set behind verdant shrubs which line the common boundary. The site has a narrow linear spread along the highway. Both the front and side elevations of the dwelling can be seen from various public vantage point along the highway. The dwelling is located within the Green Belt.

The proposed two storey extension would increase the depth of the existing single storey additions to be demolished by 1.7m creating a total depth of 3.75m from the rear elevation of the host dwelling. This addition would run full width of the dwelling. A subordinate double pitched, gabled roof is proposed. Materials are grey slate roof tiles, black timber weather boarding and cream render to match the host dwelling.

The site is situated in the Green Belt. The Framework at paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. A notable listed exception is:

- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*

Whilst disproportionate additions would not be supported, there is scope for limited additions to residential dwellings within the Green Belt. Each site should be assessed on its own merit and specific guidance with regard to what constitutes limited development is not provided. In addition to the size of the extension, if the proposed development was well designed and compact and not extending the footprint excessively in a prominent location, this would weigh in its favour.

The proposal would result in the demolition of existing historic extensions which create a volumetric increase of 15%. The proposed development would result in a volumetric increase of approximately 68% to the original building.

In pure size terms, the proposal would be considered a significant increase to the volume of the building, but it is noted that the addition is well designed and subordinate in terms of height. However, the proposal extends the footprint of the building excessively. As a stand-alone property within close proximity to the highway, the dwelling is visible from public vantage points and it should be considered whether this increase in mass would result in material harm to the openness of the Green Belt. It is considered that although an overall improvement to the design aesthetic can be achieved an excessive increase in footprint is not required to do so. The resultant bulk and massing of the proposal outweighs the design in this instance and the increase in volume would create a larger dwelling which would reduce the openness of the Green Belt causing material harm.

It has been suggested to that agent that a reduction in the volumetric increase is more appropriate here. In terms of moving forward, it has been suggested that the design and subordinate height of the scheme is retained but the projection of the extension is reduced from 3.75m to 2.5m thus reducing the overall massing of the scheme to approximately 50% which would be more acceptable in this Green Belt location. However, the agent feels that the proposal should be determined as originally proposed

7. Recommendation

The Application be REFUSED for the following reasons: -

R1 U24843

The extension proposed, due to its excessive footprint and resultant increase in mass and bulk, would result in a disproportionate addition over and above the size of the original building and would be visible from public vantage points within the Green Belt to the detriment of its openness contrary to the NPPF and Policy GB1 of the Brentwood Replacement Local Plan.

Informative(s)

1 INF05

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

2 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. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. Details of the pre-application service can be found on the Council's website at www.brentwood.gov.uk/preapplicationadvice

3 INF20

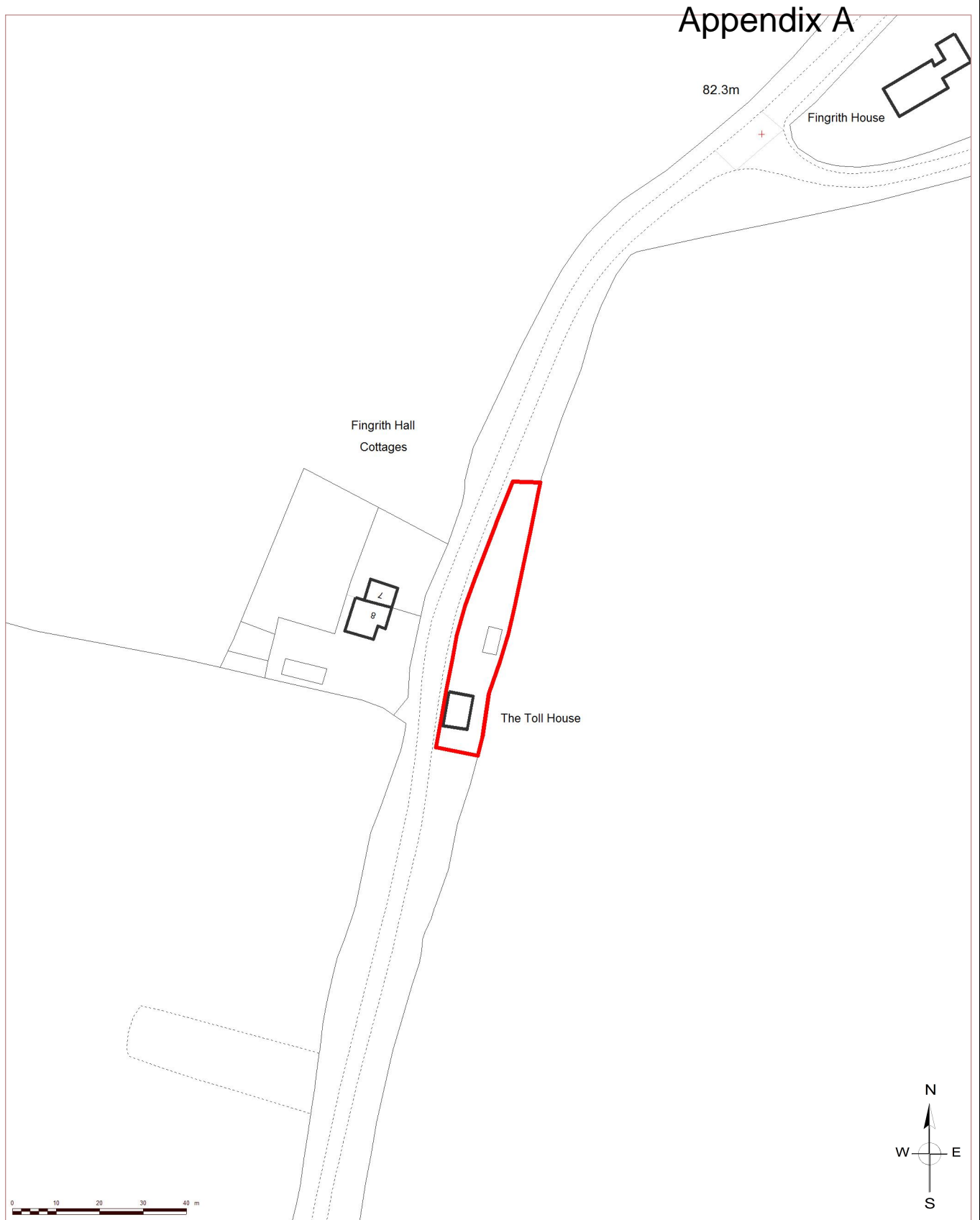
The drawing numbers listed above are relevant to this decision

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title : The Toll House, Fingrith Hall Lane, Blackmore

18/00450/FUL

Scale at A4 : 1:1250

Date : 12th June 2018

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

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

- **Other Pecuniary Interests**

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

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

- **Non-Pecuniary Interests**

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

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

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

Planning and Licensing Committee

Planning

(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.

- (i) To guide the Council in setting its policy objectives and priorities.
- (ii) To carry out the duties and powers of the Council under current legislation;
- (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
- (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (v) To consider and approve relevant service plans;
- (vi) To comply with the standing orders and financial regulations of the Council;
- (vii) To operate within the budget allocated to the committee by the Council.
- (viii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

(d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

Licensing

(a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.

(b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.

(c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.

(d) To exercise all other functions relating to licensing and registration including

- i. Trading Requirements
- ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
- iii. Animal Welfare and Security
- iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
- v. Sex establishments (including Sex Entertainment Venues (SEV))
- vi. Pavement Permits
- vii. Charitable Collections
- viii. Camping, Caravan Sites and Mobile Homes
- ix. Scrap Metal
- x. Game Dealers

(e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.