



# Agenda

## Planning and Licensing Committee

Tuesday, 17 July 2018 at 7.00 pm

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

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### Membership (Quorum – 4)

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

### Substitute Members

Cllrs Aspinell, Barrett, Mrs Davies, Mrs Fulcher, Mrs Hones, McLaren, Mrs Middlehurst and Wiles

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### Agenda

| Item | Item  | Wards(s)<br>Affected | Page No |
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| 1.   | <b>Apologies for Absence</b>  |                      |         |
| 2.   | <b>Minutes of the Previous Meeting</b>  |                      | 7 - 12  |
| 3.   | <b>Minutes of the Licensing Appeals Sub Committee</b>   |                      |         |
| 4.   | <b>Planning Code of Good Practice</b><br>Report to follow.  | All Wards            |         |
| 5.   | <b>Application 18/00663/FUL - 37 Nags Head Lane, Brentwood, Essex CM14 5NL</b><br>Raise ridge, extend hipped roof to gable and add side dormer with part single part two storey rear extension incorporating juliette balcony and single storey side extensions (part | South<br>Weald       | 13 - 22 |

retrospective).

- |            |   |   |         |
|------------|---|---|---------|
| <b>6.</b>  | <b>Application Number: 18/00843/OUT Hulletts Farm, Hulletts Lane, Pilgrims Hatch, Brentwood, Essex CM15 9RX</b><br>Outline application with all matters reserved for the development 71 units with associated parking and amenity space.  | Pilgrims Hatch                                  | 23 - 38 |
| <b>7.</b>  | <b>Application Number: 18/00272/FUL Ingatestone &amp; Fryerning Tennis Club, 7 High Street, Ingatestone, Essex CM4 9ED</b><br><br>Installation of 12 x 6.7m high lighting columns with 16 luminaires and a control unit to provide floodlighting for tennis courts to extend the current playing and coaching use into evenings until 10pm.   | Ingatestone,<br>Fryerning<br>and<br>Mountrising | 39 - 50 |
| <b>8.</b>  | <b>Application Number: 8/00309/FUL 59 Crown Street, Brentwood, Essex CM14 4BD</b><br>Demolish dwelling and construct part two storey part three storey block plus basement level to create 10 x 1 and 2 bed flats plus part demolition of breakthru church and convert into two flats, additional fenestration and balcony at first floor level with associated vehicular access from crown street to a new underground car park, private and communal amenity space, refuse and cycle storage. (in total 4no. X one beds, 7no x two beds and 1no x three bed). | Brentwood<br>and South                          | 51 - 74 |
| <b>9.</b>  | <b>Application Number 18/00270/OUT - Karma Court, Ashwells Road, Pilgrims Hatch, Essex CM15 9SG</b><br>Proposed new detached dwelling. (All matters reserved)   | Pilgrims Hatch                                  | 75 - 86 |
| <b>10.</b> | <b>Urgent Business</b>  |   |         |



Chief Executive

Town Hall  
Brentwood, Essex  
09.07.2018

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**Information for Members**

**Substitutes**

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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.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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**Rights to Attend and Speak**

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Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

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.

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

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**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.

## Information for Members of the Public

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

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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.

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### **Private Session**

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 Committee does so, you will be asked to leave the meeting.

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### **Access**

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### **Evacuation Procedures**

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



## Minutes

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### Planning and Licensing Committee Tuesday, 12th June, 2018

#### Attendance

|                              |                |
|------------------------------|----------------|
| Cllr Ms Sanders              | Cllr Mynott    |
| Cllr McCheyne (Deputy Chair) | Cllr Nolan     |
| Cllr Chilvers                | Cllr Mrs Pound |
| Cllr Haigh                   | Cllr Reed      |
| Cllr Keeble                  | Cllr Mrs Slade |
| Cllr Morrissey               | Cllr Trump     |

#### Also Present

Cllr Aspinell  
Cllr Wiles  
Cllr Foan - West Horndon Parish Council  
Cllr Kingsford - Herongate and Ingrave Parish Council  
Cllr Lockhart - Blackmore Parish Council

#### Officers Present

|                     |   |                                       |
|---------------------|---|---------------------------------------|
| Surinder Atkar      | - | Planning Solicitor                    |
| Zoe Borman          | - | Governance and Member Support Officer |
| Nick Howard         | - | Development Management Team Leader    |
| Brendon Johnston    | - | ECC Highways Officer                  |
| Paulette McAllister | - | Design & Conservation Officer         |
| Tessa Outram        | - | Planning Officer                      |
| Jean Sharp          | - | Governance and Member Support Officer |

#### 17. Apologies for Absence

There were no apologies for absence – all members of the committee were present.

#### 18. Minutes of the Previous Meeting

In relation to Minute 348 – South Essex Golf and Country Club, Brentwood Road, Herongate, Essex CM13 3LW, Application No 17/01528/FUL – the Planning Officer advised that incorrect information had been included in the

original report and reflected in the minute in the eighth paragraph where it was stated “ the use is lawful through the passage of time”. In fact the building referred to had been granted planning permission on appeal in 1990.

Cllr Mynott had moved that the application be refused at the 24.4.18 meeting and confirmed that he was clear on his reasons for refusal and remained content with them as minuted.

Members **RESOLVED UNANIMOUSLY** to **APPROVE** the minutes of the Planning and Licensing Committee meeting held on 24.4.18 as a true record **SUBJECT TO THE AMENDMENT ABOVE.**

**19. Minutes of the Licensing Appeals Sub Committee**

It was **RESOLVED UNANIMOUSLY** to **APPROVE** the minutes of the Licensing Sub Committee meeting held on 25 April 2018.

**20. HERON COURT 198 BRENTWOOD ROAD HERONGATE ESSEX CM13 3PN PROPOSED REDEVELOPMENT OF HERON COURT CARE HOME.**

**APPLICATION NO: 18/00099/FUL**

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.

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

Mr Branton, the agent, was also present and addressed the committee in support of the application.

Cllr Kingsford, Herongate and Ingrave Parish Council, was present and expressed the concerns of the Parish Council in relation to the proposed increase in size of Heron Court care home, insufficient parking spaces proposed and potential problems caused by more vehicles using the access road from the A128.

Cllr Mrs Tierney, Ward member, advised that whilst she supported the concept, she had concerns over the proposed increase in scale of the care home and the lack of parking.

Cllr Mynott **MOVED** and Cllr Chilvers **SECONDED** that the application be **REFUSED** as he considered the scale of the proposal was unacceptable since it tripled the current footprint, the proposal would not enhance the host building and would not preserve the character of the conservation area in which it was situated.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs Chilvers, Haigh, Keeble, Morrissey, Mynott, Mrs Pound, Reed and Mrs Slade,(8)

AGAINST: Cllrs McCheyne, Nolan, Sanders and Trump (4)

ABSTAIN: (0)

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

The proposal extension, due to its size would amount to an excessive scale in relation to the size of the original building. As such it would represent inappropriate development in the Green Belt that would have materially greater impact on the openness of the Green Belt than the original building, to the detriment of the open and rural character of the locality. The proposal therefore conflicted with Brentwood Replacement Local Plan Policies GB1 and, GB2 and the provisions of the Framework as regards development in the Green Belt.

Other matters that might weigh in favour of the proposal had been considered but collectively they did not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore very special circumstances to justify inappropriate development in the Green Belt did not exist.

The proposed development, by reason of its size and design would result in a building that would be harmful to the character and appearance of the Conservation Area. The proposed development would therefore be contrary to Policies CP1 and C14 of the Brentwood Replacement Local Plan and the provisions of the Framework.

**21. KARMA COURT ASHWELLS ROAD PILGRIMS HATCH ESSEX CM15 9SG. PROPOSED NEW DETACHED DWELLING**

**(ALL MATTERS RESERVED) APPLICATION NO: 18/00270/OUT**

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

Mr Lunnon, the applicant, was present and addressed the Committee in support of the application.

Mr Laws was present and addressed the Committee in support of the application.

Cllr Chilvers expressed concern that representations received after the officer's report had been published had not been provided to Committee members in hard copy. Other Members agreed that these papers may have influenced their decision regarding the application and in light of this the Chair

**DEFERRED** the item to be considered at the next Planning and Licensing Committee meeting.

**22. 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**

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

Mr Peterkin, the applicant, was present and addressed the Committee in support of the application.

Cllr Keeble, Ward and Committee Member had referred the application and spoke in support of it.

Cllr Lockhart, Blackmore Parish Council, advised that the Parish Council had no objection to the proposed extension and commended the design.

Members acknowledged the good design of the proposed extension but were concerned that approving it would set a precedent for future applications.

Following a debate Cllr Trump **MOVED** and Cllr Mynott **SECONDED** that the application be **REFUSED** due to the proposed significant increase to the volume of the building which would extend the footprint of the building excessively.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs Chilvers, Haigh, Mynott, Reed and Trump (5)

AGAINST: Cllrs McCheyne, Nolan, Ms Sanders and Mrs Slade (4)

ABSTAIN: Cllrs Morrissey and Mrs Pound (2)

Cllr Keeble did not vote as he had referred the application and therefore fettered his vote.

The Motion was **CARRIED** to **REFUSE** the application for the following reason:

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.



**23. Urgent Business**

There were no items of urgent business.



The meeting ended at 8.45pm

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**SITE PLAN ATTACHED**

**37 NAGS HEAD LANE BRENTWOOD ESSEX CM14 5NL**

**RAISE RIDGE, EXTEND HIPPED ROOF TO GABLE AND ADD SIDE DORMER WITH PART SINGLE PART TWO STOREY REAR EXTENSION INCORPORATING JULIETTE BALCONY AND SINGLE STOREY SIDE EXTENSIONS (PART RETROSPECTIVE)**

**APPLICATION NO: 18/00663/FUL**

**WARD** South Weald

**PARISH**

**CASE OFFICER** Mrs Carole Vint

01277 312500

**The application has been referred to committee by Cllr McLaren on the grounds that this recommendation is inconsistent with previous decisions made on Nags Head Lane.**

**1. Proposal**

The proposal is for the raising of the ridge, extend hipped roof to gable and add side dormer with part single part two storey rear extension incorporating Juliette balcony and single storey side extensions (Part retrospective).

**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 Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in September 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 2019.

### Brentwood Replacement Local Plan (2005)

Relevant policies include:

Policy CP1 General Development Criteria

Policy GB1 New Development

Policy GB2 Development Criteria

Policy C7 Development Affecting Preserved Trees, Ancient Woodlands and Trees in Conservation Areas

Policy H17 Dormer Windows

### 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**

- 17/01347/FUL: Raise roof to create two storey dwelling. Two storey rear extension and single storey side extension. -Application Refused
- 13/01350/FUL: Demolition of existing dwelling and construction of 2 semi-detached dwellings. -Application Permitted
- 13/00751/FUL: Demolition of existing dwelling erection of two semi-detached dwellings. -Application Refused
- 10/00604/FUL: Erection Of New Dwelling - (Brw/712/2003) -Application Permitted
- 08/00836/FUL: Erection Of 2 Single Storey Buildings And Change Of Use From Residential Curtilage To Boarding Cattery At Rear Of 37 Nags Head Lane - Application Refused
- 03/00712/FUL: Erection Of A Replacement Dwelling -Application Permitted
-

#### 4. Neighbour Responses

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

No comments received.

#### 5. Consultation Responses

- **Gas Pipeline:**

No comments received at time of writing report.

- **Arboriculturalist:**

The oak at the front of the property, it is a very good specimen. I would be confident that the development would not have any adverse effects on the tree subject to it being properly protected during the construction period to avoid materials being stored against it.

#### 6. Summary of Issues

The main issues which require consideration as part of the determination of this application are:

- Impact of the proposal on the Green Belt;
- The impact of the proposal on the character and appearance of the area;
- Impact on the living conditions of the occupiers of neighbouring properties;
- Impact of the proposal on the preserved tree;

The site has history for a similar proposal application, reference 17/01347/FUL to raise the roof to create two storey dwelling with a two storey rear extension and single storey side extension, which was refused for the following reasons:

1. *The proposal represents inappropriate development in the Green Belt unsupported by very special circumstances in conflict with the NPPF and policy GB1.*
2. *The proposal would have a greater impact on the openness of the Green Belt than the current bungalow and is therefore in conflict with the NPPF and policy GB1.*
3. *The proposal fails to demonstrate a sufficiently high quality of design in conflict with policy CP1.*

The current application seeks to overcome the reasons for refusal, with the proposal reduced in bulk at first floor, maintaining the low eaves. The submitted supporting

statement has included photographs of the dwelling, that show works have started on the site and therefore the proposal is part retrospective.

### Green Belt

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

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

The NPPF does not define how proportionality should be measured, however it is reasonable to assess increases in footprint, habitable floor space, volume, bulk and mass and their relation to the original building as a consideration. When calculating the floorspace of the building, any additional alterations made to the dwelling since the original dwelling house was built are taken into consideration. However, it is unclear from the history whether the conservatory and garage are later additions, therefore these have been treated as original when making the following calculations.

|                    | Original             | Proposed             |
|--------------------|----------------------|----------------------|
| Floorspace approx. | 111.37 square metres | 115.32 square metres |
| Footprint approx.  | 113.32 square metres | 66.24 square metres  |
| Volume             | 387.67 cubic metres  | 439.35 cubic metres  |

The floorspace of the dwelling would be increased by a further 103% over the original floorspace of the dwelling and the footprint of the dwelling would be increased by a further 58%. The proposal involves a two storey full width rear extension, with a single storey side extension and dormer added above. Raising the ridge and formation of a hipped roof to gable end, thus enlarging the habitable space at first floor and the formation of additional volume in depth at two storey and single storey, resulting in an increase in volume of 113% over the original dwelling.

The submitted supporting statement has included photographs of the dwelling, works have started on the site and the proposal is part retrospective. The site has history for the demolition and construction of a pair of semi-detached dwellings, reference 13/01350/FUL which was approved 17 February 2014 under Policy GB4 which it has been now held to be non-Framework compliant on recent appeals.

Pre-commencement conditions have not been discharged and the works on site relate, according to the applicant, to this application and are not intended as a material start to the previous approval. As this permission is not extant, it does not form a material consideration and does not represent a fallback position.

The built form of the original dwelling is a chalet bungalow of a hip roof design with a single projecting gable element at the front, with an attached flat roof garage and a single pitched roof dormer to the front. The depth of the building would be increased by 5.5 metres at the rear with a full width extension, including the single storey side element added to the rear of the garage, forming a part catslide roof where it joins the gable. The roof design will alter from a hip roof, to a gable roof, with a side dormer added (facing No. 36). The ridge height would be increased by 1.5 metres, with the gable extending the full depth of the existing dwelling and the extended part at the rear, increasing the depth of the two storey element from 9.5 metres to 15 metres.

The above figures indicate a significant increase in the size of the built form. The increase in bulk would have a detrimental impact on the openness of the Green Belt. As such it is considered the proposed alterations to the original dwelling would result in disproportionate additions over and above the size of the original dwelling and would be inappropriate development as set out in paragraph 89 of the NPPF. Inappropriate development, by definition, is harmful and contrary to Part 9 of the NPPF and Policy GB1 and GB2 of the Brentwood Replacement Local Plan. The applicant has not put forward any 'very special circumstances' to clearly outweigh the harm that the development would cause to the Green Belt. Therefore, the proposal is contrary to Green belt policy.

#### Planning History of the area

Recent approvals include

No 48 (17/00658)- this was approved due to previous extant permissions which were not dissimilar and were approved under Policy GB4

No 33 (16/00881) -officers considered this was not a disproportionate extension

No 36 (13/01138) This extension was approved under GB4.

No 38 No recent history apart from a single storey rear extension.

#### Design and Character and Appearance of the Area

The application site is located on the northern side of Nags Head Lane and is occupied by a detached chalet bungalow, with open fields to the rear and opposite the site. The proposal would involve an increase in ridge height of 1.5 metres, which would result in an increase in bulk and height to the built form, but the size and siting is not dissimilar compared to the adjoining dwellings, although, the proposed side elevations will add considerable bulk and massing to the host dwelling. Given the mixed character of the area, the proposed extensions would be in keeping with other dwellings, however, the harmful impact on the openness of the Green belt as discussed above is the determining factor.

## Preserved Tree

The Council's Arboricultural Officer has commented that the Oak at the front of the property, the proposal would not have any adverse effects on the tree subject to it being properly protected during the construction period to avoid materials being stored against it in accordance with Policy C7.

## Conclusion

The proposal would therefore be contrary to Policies GB1 & GB2 of the Brentwood Replacement Local Plan and the provisions of the Framework. The application is recommended for refusal.

## **7. Recommendation**

The Application be REFUSED for the following reasons: -

R1 U25669

The proposal extension, due to its size and massing would amount to an alteration of the building resulting in a disproportionate addition over and above the size of the original building. As such it would represent inappropriate development in the Green Belt that would have materially greater impact on the openness of the Green Belt than the original dwelling. The proposal therefore conflicts with Brentwood Replacement Local Plan Policies GB1 and GB2 and the provisions of the Framework as regards development in the Green Belt.

R2 U25671

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, C7, H17, GB1, GB2 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:**

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Appendix A



Title : 37 Nags Head Lane

18/00663/FUL

Scale at A4 : 1:1250

Date : 17th July 2018

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



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**SITE PLAN ATTACHED**

## **HULLETTS FARM HULLETTS LANE PILGRIMS HATCH ESSEX CM15 9RX**

### **OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE DEVELOPMENT OF 71 UNITS WITH ASSOCIATED PARKING AND AMENITY SPACE**

#### **APPLICATION NO: 18/00843/OUT**

**WARD** Pilgrims Hatch

**Plan numbers:** 303/15/SK\_1001/A; 303/15/SK\_1002; 303/15/SK\_1001;

**Case Officer** Mr Nick Howard

**The application is presented to committee as it a major application in the Green Belt and is of strategic importance to the Borough**

#### **1. Proposals**

The proposal is in outline, with all matters reserved for 71 dwellings on land off Hulletts Lane, Pilgrims Hatch. The applicant has submitted an illustrative layout which shows a housing mix of 48 three-bedroom dwellings, 18 four-bedroom dwellings and 5 five-bedroom dwellings. The proposal includes 46 market housing with 25 affordable dwellings (35% of the total). The illustrative plan shows a proposed access onto Ongar Road, although access is a reserved matter for later consideration.

The site comprises 3.3 hectares on an irregular site. The site area can be divided into three main elements. The first element and largest is a field to the rear of properties fronting onto Orchard Lane and at the end of two cul-de-sacs Ash Close and Vale Close. The field has a number of boundary trees running along the northern and southern boundaries. A post and rail fence form the eastern boundary and the western boundary is open and is joined to the second element.

The second element is another field forming the northern part of the site, which is located mainly to the rear of properties fronting onto Hulletts Lane and wraps around the properties Fiesta and Cedars.

The third element is a triangular area of land that is between Ongar Road and Hulletts and includes an area of land to the south of Hulletts Farm. This area includes an overgrown enclosure, an open paddock and a group of farm buildings.

## **2. Policy Context**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policies GB1 & GB2: Development in the Green Belt
- Policy H6: Small unit Accommodation
- Policy H9: Affordable housing on larger sites
- Policy H14 Housing density
- Policy T2 New development and highway considerations
- Policy C5 Retention and Provision of Landscaping and Natural Features in Development
- Policy C16- Development within the vicinity of a listed building
- Policy PC1- Land contaminated by hazardous substances

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**

- None

## **4. Neighbour Responses**

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

139 objections have been received on the grounds of building in the countryside, increased traffic in a problem area, not in keeping with the area loss of wildlife and flooding.

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/>

## **5. Consultation Responses**

- **Essex Wildlife Trust:**

We must advise you that at present there is insufficient information provided with this application to enable determination. The application site includes priority habitats and may support protected species. In these circumstances, Brentwood BC's own Local List of Validation Requirements makes it clear that ecological surveys are required for all applications:

Essex Wildlife Trust therefore currently objects to this application on the basis that insufficient information has been provided by the applicant to enable determination.

We would advise that a Phase 1 Habitat survey is required. Additional protected species surveys may also be required, in particular for bats and reptiles. Once these surveys have been conducted we will be happy to examine the ecological reports and may be able to review our position depending on the findings of the reports and any recommended mitigation and/or enhancement proposals.

- **Essex Badger Protection Group:**

Members of the Essex Badger Protection Group considered view is that badgers would be put at risk should this scheme be given the go ahead. With these points in mind, we OBJECT to this scheme.

- **Historic Buildings and Conservation Officer:**

Object the Historic Buildings Officer comments are included in the report below.

- **Basildon Fire Station:**

The proposal itself does not affect fire service access to existing premises in the vicinity. With the exception of the northern spur road located as the development is entered; fire service vehicular access to the remainder of the site appears to meet with the requirements Approved Document "B" Sec B5 Volume 1 of the Building Regulations. 2010. (The spur road in question will require re-configuration / provision of an approved turning head to be acceptable to this Authority).

- **Highway Authority:**

The documents accompanying the application have been duly considered and, from a highway and transportation perspective, the impact of the proposal is NOT acceptable to the Highway Authority for the following reason;

1. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency and accessibility. The proposal is therefore contrary to policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Notes:

The applicant should be advised that, consistent with Essex County Council's Development Management Policies, a full Transport Assessment should be provided to support a planning application of this kind. It should consider all the traffic and transport aspects of the proposed development and its impact on the local highway network.

The applicant's attention should also be drawn to the fact that much of Hulletts Lane is a registered byway (path no 164, Brentwood parish) and is not suitable for significant levels of vehicle usage.

- **Essex Bridleways Association:**

The proposed development encompasses an existing right of way - Byway 272\_15 - which is not mentioned within the application documents. It is of course imperative that this Byway is preserved and remains open to all legal users without obstruction or restriction, both during construction works and in perpetuity.

- **ECC SUDS:**

Having reviewed the submitted information we consider that the drainage strategy does not meet requirements of NSTS nor ECC SuDS Design Guide Locals Standards 1 and 2.

Surface water drainage details, details of SuDS measures, management of flood risk, discharge locations, and consent(s) to discharge are to be provided for review as a minimum. NSTS standards should be satisfied by the proposed design.

Having considered the above, we would offer a Holding Objection to the proposals in their current form until sufficient detail in relation to the above has been provided.

- **Environmental Health & Enforcement Manager:**

Contaminated Land

The previous use of the building(s) and adjacent land for agricultural purposes may have given rise to contamination. Prior to the commencement of development, a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site. A copy of the survey findings together with a remediation



scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and 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 and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

#### Construction

A site-specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard - BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iii) The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (iv) Measures to control the tracking of mud off-site from vehicles.
- (v) Measures to control dust from the demolition and construction works approved along with land disturbance in general.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.

#### Air Quality

An assessment of the likely impact of the development on air quality should be undertaken and submitted. The assessment should be carried out by a suitably qualified person. The assessment should consider the impact the proposed development will have in terms of the air quality objectives described in the National Air Quality Strategy and EU limit values. The cumulative impacts of other development in the area should be taken into account. It is recommended that the Environmental Protection Team is contacted for further advice on what should be considered in the assessment and to obtain the latest air quality data.

#### Green Development

Energy saving, and renewable technologies should be considered for this development, such as solar panels, ground source heat pumps, electrical car charge points etc in the interests of Carbon saving and energy efficiency.

- **Open Space Strategy Coordinator:**

Looking at the site itself an attempt has been made to provide some publicly accessible formal open space in the form areas surrounding the three open water courses and around two existing properties off Hulletts Lane that do not form part of the development. However, there is no detail of the percentage of land this equates to within the overall area of development. I would be grateful if the developer could confirm at their earliest opportunity what the percentage figure is in this case Under the Councils current Replacement Local Plan a development of this size is required to:

'Within larger housing area (sites of 50 units and above) at least 15% of the site area should be set aside for public open space, part of which should be suitably hard surfaced. In areas deficient in open space or having densities and/or smaller gardens more open space will be sought.'

In addition to the above the document goes on to state:

'Developers of residential sites greater than 1.0 ha (or 50 units) will normally be required to provide a LEAP with a minimum area of 400 sq.m and 5 types of play equipment (either on or off-site) and a least 1 LAP on-site with a minimum area of 100 sq.m and make a financial contribution towards the provision of a NEAP. [A NEAP should have a minimum area of 1000 sq.m and 8 types of play equipment]'

At this junction the level of financial contribution being sought towards the improvement of existing open space will be in the region of between £250,000. In terms of justification, this is broken down as follows:

- o Cost to provide contribution towards a LEAP with fencing, footpaths and ancillary items such as furniture - £90,000 (overall cost to provide such a facility would be in excess of £90,000)
- o Cost to provide a LAP (minus land cost) - £5,000
- o Cost to provide contribution towards a NEAP - £150,000 (overall cost to provide such a facility would be in excess of £200,000)

Details on any landscaping and plantings is limited and further information about species and quantities and scope of the plantings will be needed be a substantive opinion can be made.

Due to the general openness of the surrounding area I do not believe there will be an impact on the public's ability to access general open space amenity especially as this site has, for many years, been a privately-operated farm/farm land and therefore not readily available to the general public in the first instance. Although gardens are being provided it is inevitable that the development will have an impact on the demand of existing open spaces provision such as parks, play area, sports pitches and cemeteries just by its very nature and design i.e. family orientated housing mix, therefore the contribution is sought to assist and enhance existing provision within the Borough to mitigate any additional demand and usage of these areas. If required then specific projects that the monies will be expended on can be provided, however due to the length of time a planning application can take to progress to approval it is likely that those projects identified may change from this point to that of approval. With this in mind I would be happy to provide a list of projects prior to the approval stage that will realistically reflect the Council's current position within its project management progression.

I would also expect to see a full Arboriculture impact survey/assessment completed for examination along with an ecological impact assessment before any comment could be made on this area.

At this stage there is no initial objection from an open spaces perspective.

- **Planning Policy:**

Object- Comments are within the 'summary of issues' part of the report

- **Anglian Water Services Ltd:**

The foul drainage from this development is in the catchment of a Thames Water Recycling Centre. Anglian Water can confirm that there is capacity to receive the foul discharge, but we cannot confirm that a Water Recycling Centre will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. Via a gravity discharge regime.

#### Section 4 - Surface Water Disposal

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

## **6. Summary of Issues**

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2012 (NPPF) and National Planning Practice Guidance 2014 (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

Green belt

The majority of the site is within the Green Belt, as defined from the Brentwood Replacement Local Plan. The extreme south west of the site, a small area to the south of Hulletts farmhouse which comprises some outbuildings, is situated within Brentwood Urban area. The green belt boundary then runs along the rear boundaries of properties fronting onto Orchard Lane, Ash Close and Vale Close.

Paragraphs 89 & 90 of the Framework provide exceptions to inappropriate development in the Green Belt. However, none of those apply to the proposal which represents inappropriate development and therefore as paragraph 87 states that it is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Turning to the five purposes of the Green Belt as set out in the Framework, the most relevant ones to this development is to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. At present the area to the south of the site is a large residential estate served off Orchard Lane. The proposal would lead to a further extension of development alongside the existing built form plus an area extending north further into the Green Belt. The proposed development would therefore lead to a clear sprawl of a large built up area. The site in the main comprises of mown grass with the paddocks located between Ongar Road and Hulletts Lane comprising overgrown grass. The site, apart from the small area forming the south western area and within the urban area comprises of a significant area of countryside in excess of three hectares. The proposal would therefore lead to a significant level of

encroachment to the countryside. Accordingly, the proposal would be contrary to two purposes of the Green Belt as set out in the Framework.

With regard to the emerging draft local plan, the site has previously been submitted for consideration as part of the Local Plan process (site ref 011 and 011B). In the Draft Local Plan Preferred Site Allocations published in January 2018 site 011 and 011B were not proposed allocations. The strategy has focused on developing urban brownfield sites first with any Green Belt releases being within sustainable locations and having strong defensible boundaries.

The Council is in the process of producing the final Pre-Submission version of the Local Plan (Regulation 19) ready for consultation in the autumn. It is not anticipated that the strategy is likely to change significantly from what was previously published. Whilst the Local Plan process still has a number of stages to go through before it can be adopted including Examination in Public it is not currently anticipated this site is likely to be allocated.

Notwithstanding, the emerging draft local plan the applicant has not put forward any very special circumstances and therefore the proposal is contrary to Green Belt policy. The proposal is contrary to paragraph 89 of the Framework and Policies GB1 & GB2 of the Local Plan.

#### Small Unit Accommodation

Policy H6 of the Local plan refers to the provision of small unit accommodation. The proposal states that in a new housing development the Council will seek the provision of a mix of units on suitable sites of 6 units and above or on suitable sites of 0.2 of a hectare or more, with at least 50% of total units being 1 and 2 bedroom properties, except where it can be demonstrated that such a mix of units will be inconsistent with the character of existing development in the area or where such provision cannot be adequately accommodated on the development site.

The proposal is for 71 dwellings with a mix of 3-5-bedroom properties. No provision has been made for smaller units and no exception to this policy has been demonstrated. The proposal is therefore contrary to Policy H6.

#### Affordable Housing

Policy H9 of the Local plan refers to affordable housing on larger sites. The policy states on suitable sites for housing development of 20 units and above or on suitable residential sites of 0.66 hectares or more within the Brentwood urban area, and on sites of 5 units and above or on suitable sites of 0.16 hectares or more within the defined settlements elsewhere in the borough, the Council will seek a proportion of 35% of the number of dwelling units to provide for affordable housing in a manner to be agreed with the Council.

The proposal includes provision of 25 affordable dwellings, which is 35% of the total development. This level of affordable housing represents a significant benefit of the scheme and accords with Policy H9.

## Housing Density

Policy H14 refers to the housing density of proposed development. The policy states that the Council will expect any proposal for new residential development to be of an appropriate density that makes efficient use of land. Residential densities will be expected to be no less than 30 dwellings per hectare net unless the distinctive character of the surrounding area determines that such densities would be inappropriate. The character of the area, particularly along Orchard Lane is of higher density housing primarily comprising semi-detached properties. The proposal comprises mainly of detached dwellings and represents 21 dwellings/ha which is significantly below the requirement set out in policy H14 and is considered to be out of keeping with the prevailing character of the surrounding area.

## Open Space

Appendix 5 of the Local Plan refers to the level of open space that is required to be provided. The policy states of residential sites greater than 1.0 ha. (or 50 units) will normally be required to provide a Local Equipped Area for Play (LEAP) with a minimum area of 400 sq.m and 5 types of play equipment (either on-site or off-site) and at least 1 Local Area for Play (LAP) on-site with a minimum area of 100 sq.m and make a financial contribution towards the provision of a Neighbourhood Equipped Area for Play (NEAP). A NEAP should have a minimum area of 1000 sq.m and 8 types of play equipment.

The proposed layout plan although illustrative does not provide any provision for a LEAP and/or a LAP. The provision of 71 dwellings largely fills the application site, leaving little scope for either play facility.

The second element of the open space policy is that within larger housing areas (sites of 50 units and above) at least 15% of the site area should be set aside for public open space, part of which should be suitably hard surfaced. In areas deficient in open space or having higher densities and/or smaller gardens more open space will be sought.

The layout plan shows three pond areas with a small area of land around them plus an area of land close to the mini roundabout on Ongar Road, situated to the south west of the site. Little other provision for open space is provided other than small verge areas. The applicant has not demonstrated that 15% of the site has been set aside for public open space. However, in assessing the layout plan it is considered that the level of usable open space is well below the required 15% of the site. The proposal is therefore contrary to Appendix 5 of the Local Plan.

## Highway matters

No transport assessment has been submitted with the planning application. The application shows an illustrative access point onto Ongar Road, although access is a matter reserved for later consideration. The Highway Authority object to the proposed on the grounds the impact of the proposal is not acceptable. Furthermore, the proposal

includes a significant level of usage along Hulletts Lane which is not suitable as it is a registered byway (path no 164).

#### Heritage issues

The site is within the immediate context of Nationally Designated Heritage Assets including the GVII listed buildings of Name: HULLETTTS FARMHOUSE (List entry Number: 1187222) and GENTS FARMHOUSE (List entry Number: 1297237). Having assessed the submission, the Historic Buildings Officer advises the submitted information does not provide any assessment of the impact the proposals would have upon the significance of Heritage Assets, this is a requirement of National Planning Policy; in the absence of any Heritage Statement/assessment and to be constant with her advice at preapplication. Even if the principle was acceptable in planning terms, Conservation strongly oppose the proposals which would result in urban sprawl in an open countryside setting and thus constitute a high level of harm to the setting of listed buildings. This location with the interplay of landscape with the listed buildings is intrinsic to setting, development of this nature should not be encouraged here in the interests of the setting of GVII listed buildings.

#### Other matters

The Council acknowledges that it cannot demonstrate a five-year supply within the Borough. However, Paragraph 34 of the Government's Planning Practice Guidance (PPG) advises that unmet housing need is unlikely to outweigh the harm to the Green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt.

The applicant has not submitted many documents that would normally accompany an application of this nature and size. Policy C5 refers to Retention and Provision of Landscaping and Natural Features in Development. The policy states that all development schemes must be accompanied by site survey showing existing landscape and natural features and existing ground levels. Overall a Phase 1 Habitat survey including a badger survey is required to be submitted. In the absence of such documentation the proposal is contrary to Policy C5. Other documents that have not been submitted include an Arboriculture impact survey/assessment, surface water drainage strategy and plan layout, flood risk assessment (as site is bigger than 1 Hectare), contamination report, Construction Environmental Management Plan and Air quality report.

#### Conclusion

The site is within the Green belt and the proposal represents inappropriate development. No very special circumstances have been demonstrated to outweigh the harm to the Green Belt which is exacerbated by the creation of urban sprawl and the loss of a significant area of countryside. The proposal includes a number of affordable housing which is a benefit, however the significant harm to the Green Belt and the absence of

many documents outweigh the benefits of the scheme and therefore the recommendation is to refuse the application.

## **7. Recommendation**

The Application be REFUSED for the following reasons: -

1. The proposal would be inappropriate development in the Green Belt would materially detract from openness, would represent an encroachment of development into the countryside and it would result in sprawl of a large built up. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.
2. Other matters that may weigh in favour of the proposal have been considered individually and collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.
3. The proposed development would represent a high level of harm to the setting of the adjacent Grade II listed buildings, Hulletts Farmhouse and Gents Farmhouse, by reason of the proposal's urban sprawl in an open countryside setting where the interplay of landscape with the listed buildings are intrinsic to their setting. Furthermore, the proposal does not provide any assessment of the impact the proposal would have upon the significance of the Heritage Assets. The proposed development would lead to substantial harm to the significance of the designated heritage assets as set out in paragraph 133 of the National Planning Policy Framework, the substantial harm would not be outweighed by the public benefits of the scheme. The proposal is therefore in conflict with the Brentwood Replacement Local Development Plan Policy C16, and the aims and objectives of the NPPF and guidance set out in the NPPG.
4. The proposed housing density is significantly below that of the requirement set out in Policy H14 of the Brentwood Local Plan and is at odds with the prevailing pattern of built development in the surrounding area which is considered harmful to the character and appearance of the area. The proposal is therefore contrary to Policy H14 and the provisions of the Framework.
5. The proposed development does not provide any small dwellings, i.e. one or two-bedroom properties, which will provide a harmful imbalance in the population structure of the future residents. Furthermore, the proposal, by not providing a range of units, would not fully meet the type of housing needs required in the Council's objectively assessed needs. The proposal is therefore contrary to Policy H6 and the provision of the Framework.
- 6 The proposal development from the submitted layout plans does not show a level of usable open space or provision for a LEAP/LAP which would adequately serve the future residents of the development. The proposed lack of public open space would be harmful



to the well-being of the future residents and would be contrary to Appendix Policy 5 of the Brentwood Replacement Local Plan and the provisions of the Framework.

7. The proposal would be detrimental to highway safety and pedestrian convenience due to the lack of an acceptable transport assessment and the potential significant increase in level of vehicle usage along Hulletts Lane, which is a registered byway (path no 164, Brentwood Parish) and is not suitable for such an increase in usage. The proposal is therefore contrary to Policy T2 of the Brentwood Replacement Local Plan and the provisions of the Framework.

8. The proposal would be harmful to the ecology and the habitat of the site and surrounding area due to the lack of appropriate ecological surveys to inform mitigation. The proposal is therefore contrary to Policy C5 of the Brentwood Replacement Local Plan and the provisions of the Framework.

9. The applicant has not demonstrated that the proposal can adequately drain the site due to the lack of a surface water drainage strategy and plan layout and flood risk assessment (as site is bigger than 1 Hectare). The proposal is therefore contrary to the provisions of the Framework.

10. The applicant has not demonstrated adequately that the site is free of contamination by hazardous substances due to the lack of contamination report, given the previous use of the building(s). The proposal is therefore contrary to Policy PC1 of the Brentwood Replacement Local Plan and the provisions of the Framework.

#### Informative(s)

1 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, H6, H9, H14, T2, C5, C16, PC1, the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 U05637

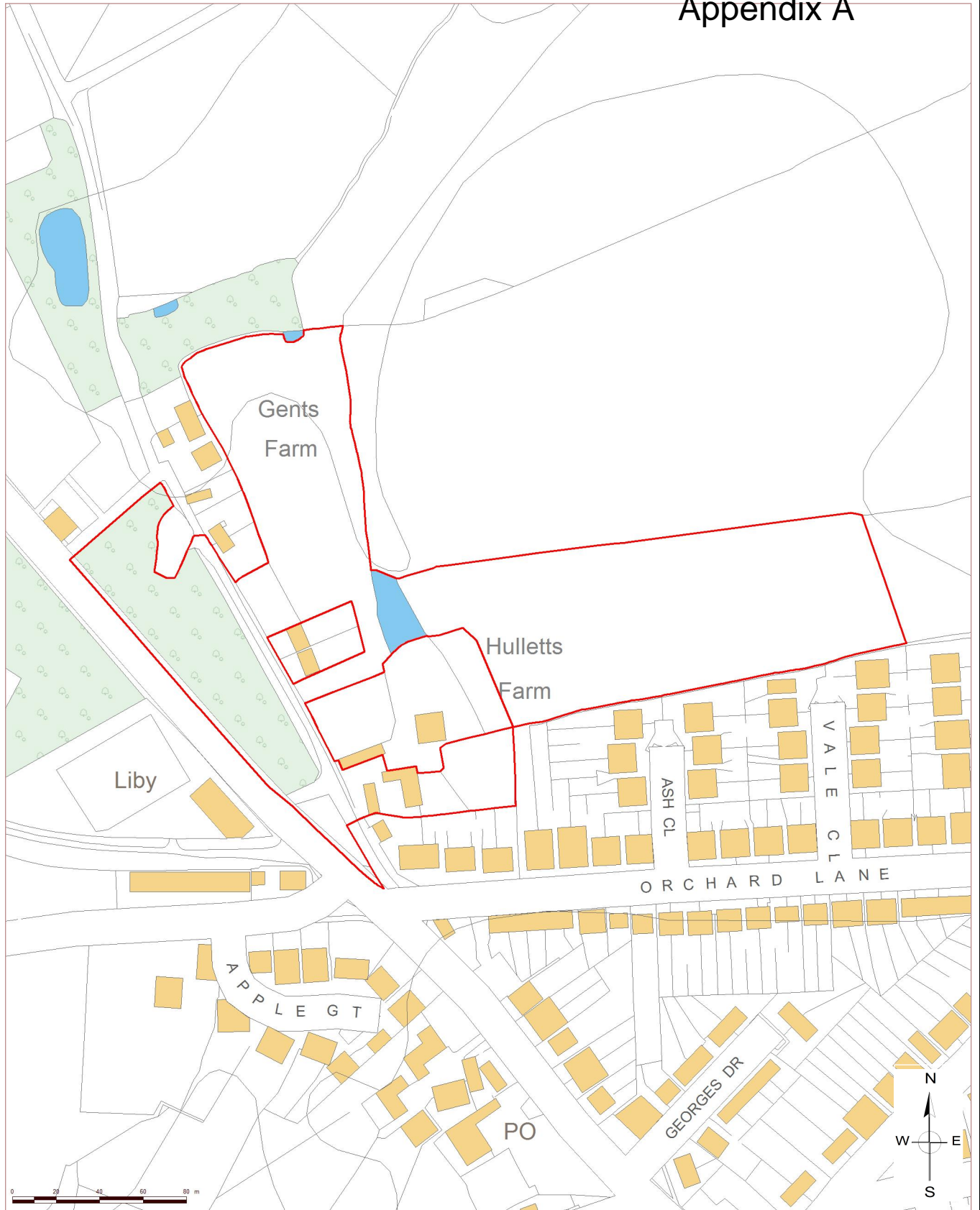
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. 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:**

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# Appendix A



Title : Hulletts Farm, Hulletts Lane, Pilgrims Hatch

18/00843/OUT

Scale at A4 : 1:2500

Date : 17th July 2018

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



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**SITE PLAN ATTACHED**

**INGATESTONE AND FRYERNING TENNIS CLUB 7 HIGH STREET  
INGATESTONE ESSEX CM4 9ED**

**INSTALLATION OF 12 X 6.7M HIGH LIGHTING COLUMNS WITH 16  
LUMINAIRES AND A CONTROL UNIT TO PROVIDE FLOODLIGHTING FOR  
TENNIS COURTS TO EXTEND THE CURRENT PLAYING AND COACHING  
USE INTO EVENINGS UNTIL 10PM**

**APPLICATION NO: 18/00272/FUL**

|                     |  |             |
|---------------------|--|-------------|
| <b>WARD</b>         | Ingatestone, Fryerning &<br>Mountnessing |             |
| <b>PARISH</b>       | Ingatestone & Fryerning                  |             |
| <b>CASE OFFICER</b> | Mrs Nikki Dawney                         | 01277312500 |

**The application has been referred by Ingatestone Parish Council on the grounds that the proposal would be harmful to residential amenity.**

## **1. Proposal**

The lighting columns and luminaries would be located at the perimeter of courts 1, 2 and 3. The proposed lighting columns are required to facilitate play during the winter months from October to March. The columns are located to ensure light distribution is adequately even for safety during play.

## **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 Pre-Submission Draft (Regulation 19) which is currently anticipated to be published September. 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 2019.

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Policy CP1 General Development Criteria

Policy LT2 Development of Existing Urban Open Spaces

### **3. Relevant History**

- KM/16/06383/PREAPP – Advice sought for the installation of flood lighting. Agreeable in principle however, detailed information regarding luminosity required for future applications would be a key factor in the decision process.

### **4. Neighbour Responses**

Detailed below is a summary of the consultation responses:

6 Pine Drive – Visual impact, increase noise and disturbance.

10 Pine Drive - Proximity, lighting impact, noise and disturbance, visual impact. Incorrect representation of fence heights.

12 Pine Drive - Proximity, lighting impact, noise and disturbance, visual impact.

16 Pine Drive – Proximity, light and noise pollution, negative impact to property values.

20 Pine Drive – Visual impact, proximity, glare, number of columns out of proportion to size of courts.

47 Stock Lane – Excessive number of columns and lights, noise and light invading privacy.

### **5. Consultation Responses**

- **Environmental Health & Enforcement Manager:**

The applicant has adequately demonstrated that the lighting levels proposed will have minimal impact on surrounding properties and are within the engineering levels accepted by this Service.

With regards to the noise impact, tennis is not one of the noisier sports activities and generally has less shouting and spectator noise. With good management of the courts and coaches the noise impact should be acceptable to a point, however, 10pm is quite late 7 days a week and if fully used every evening could cause disturbance therefore you may wish to restrict the hours to finish at 9pm.

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal makes no alterations to the existing off-street parking provision, therefore;

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

- **Parish Council:**

Ingatestone & Fryerning Parish Council raise OBJECTION to planning application 18/00272/FUL - Ingatestone & Fryerning Tennis Club, High Street, Ingatestone, CM4 9ED, on the grounds that the proposal will have a detrimental impact on the residents of Pine Drive, Ingleton House and The Hoppet all of which back on to the tennis courts. In the case of Pine Drive whose houses are only 8 metres away from the boundary to the tennis courts this will result in significant light pollution due to a lack of screening and will reduce the residents' enjoyment of their properties and gardens.

No other examples of floodlit tennis courts in such close proximity to houses and gardens exist with the Brentwood Borough area.

Therefore, the Parish Council believes the application should be refused.

## **6. Summary of Issues**

- Location

The existing tennis courts are located to the south-east of Ingatestone High Street with the community centre to the west and a bowling green to the east. Residential properties abut the northern and southern boundaries of the site. The site is located within an area allocated as protected Urban Open Space within the Brentwood Replacement Local Plan.

- Residential amenity

The effect of the proposal upon residential amenity is a key issue for consideration. The amenity spaces to the rear of residential dwellings forming Pine Drive are between 5-8m deep which is relatively shallow. Many of these dwellings define the rear boundary with fencing and due to the shallow nature of these gardens, trees

and shrubs which would traditionally line the common boundaries would further reduce these open spaces and are not favourable here. As such, the first-floor rear windows of dwellings forming Pine Drive have close and direct views of the tennis courts. Residents of Stock Lane are within close proximity but benefit from marginally deeper rear gardens and a sporadic coverage of trees and shrubs, however the limited trees available are not evergreen and would provide no screening during the proposed time of use.

The installation of floodlighting would have the potential to cause nuisance but whether or not material harm would be caused would depend on the hours of use of the floodlighting and whether or not adequate measures were in place to ensure that light spillage beyond the courts themselves was minimised. It would be expected that an application of this type was accompanied by technical light spillage diagrams for the lighting proposed.

Such information has been provided in the form of a Lighting Assessment which has been produced by Luminance Pro Lighting systems in line with the Institution of Lighting Professional's Standards. This information has informed the comments provided by Brentwood Borough Council Environmental Health Officers (EHO).

Objections have been raised regarding the misrepresentation of fence heights in the submitted data. The applicant has provided the following supporting information in order to address these concerns.

*"The contour plan on page 26 of the Lighting Design report shows light spillage levels calculated from the surveyed drawing of the site which also has been used to produce the topographical plan. The spillage levels are also based on the type and alignment of light deflectors and the light attenuation afforded by the fencing, both of which are shown in the report on the rear of page 27 (Deflector and vertical grid locations).*

The 'correct' heights of the fencing are already shown on the topographical survey. The heights shown were measured during the site survey using a tape from the base to the top of the fence (which is normal surveying practice), including in many cases any fixed trellis fencing that tops the solid fencing. The measurements were taken from the gravelled area between the garden fences and the tennis court chain-link boundary fence. Some small allowance may need to be made for variation in the base level in that area and it must be recognised that the heights quoted are likely to be higher than if measured from the gardens themselves. This is because the fence posts and any gravel boards are exposed on the IFCA side of the fence and likely to be hidden or covered by soil and vegetation on the garden side of the fence.

*There are additional considerations that mean the light spillage will be even less than shown.*



1. *the spillage levels calculated assume that the base of all the fences are precisely level with the tennis court surface. In fact, most of the fences bases are higher than the court surface. Light spillage is calculated from the proposed height and location of the luminaires above the court surface. The topographical survey plan shows that the difference in ground height in the gardens compared with the court surface increases in the direction from No.6 to No.12. Thus, any measurement of the height of the fence alone does not reflect the true height from the ground surface on the court perimeter to the top of the fence line. For example, the height of the base of the proposed lighting column along the boundary of the court behind No.10 is shown as 68.17 while the height of the ground in the garden of No.10 is shown as 68.38 i.e. 21cm higher than the court surface. This difference is quite visible when viewed from the courts. This difference therefore means that the true height of the top of the fencing relative to the court surface is greater than shown in the survey drawing and will add to the light attenuation achieved.*

2. *The spillage calculations take no account of the 3.6m high chain-link fencing along the court perimeter and 70% obscuration screens /windbreaks on the tennis court perimeter. As I have previously indicated the Tennis Club has offered to increase the extent and height of the screening if required to do so.*

3. *The spillage levels do not take into account the additional light attenuation afforded by extant vegetation which is prevalent behind No's 4,6 & 8 Pine Drive. While this cannot be relied upon in reality much remains present in winter months and further reduces light spillage as well as providing a more attractive boundary.*

*I understand that the light spillage calculations assume the fence is solid for its entire height. This is not the case and the trellis section of the fences is 33cm high on the 2.2m high fence behind No's 8 &10 Pine Drive and constitutes 64cm of the 2.8m high fence behind No.12. I have spoken with our contractor who advises that any recalculation of the spillage levels would not affect the overall levels shown in the contour drawing, especially in light of the above factors.*

*Notwithstanding the fact that the proposal does not pose a threat of nuisance, the IFCA CIO and the Tennis Club have agreed to enhance the screening to the courts along the Pine Drive boundary with the aim of further minimising any residual spillage."*

*This additional information has been sent to EHO who have provided the following comment "after consideration of all the lighting information submitted with the planning application, this service is of the opinion that the lighting arrangement for this application is satisfactory and unlikely to cause nuisance to nearby residential properties".*

*In light of the technical data provided and the comments submitted by EHO it can be concluded that the proposed lighting due to the anticipated levels of luminance*

would not result in light nuisance to such a degree as to warrant refusal of the scheme.

Moving to noise and disturbance, the applicant has requested the use of lighting until 10pm. EHO have suggested that a condition is imposed to restrict the use of the courts to Monday to Sunday from 8am to 9pm in order to reduce the increase in noise during the winter months.

The applicant has provided the following response *“(a 9pm curfew) would prove prohibitive for the completion of evening District LTA league matches and would detract from one of the principal aims of floodlighting. As mentioned we believe that where other Clubs have a curfew, the time limit is 9.30 or 10pm. The Tennis Club would be content to accept a compromise of a 9.30pm curfew or another arrangement that would allow league matches to be played to their completion.”*

This compromise would suitably address the increase to the levels of noise and activity which already exists from the existing use and a condition is suggested to limit the times of use until 9:30pm.

- Visual amenity

The proposed columns would be within close proximity to the rear common boundary of the residential dwellings and would exceed the height of the rear fencing currently used by these dwellings. The proposed columns would be viewed from the rear windows of residential dwellings creating a visual impact but whether material harm would be caused would depend on the scale and bulk of the columns and the proximity to each other.

The columns are slender and evenly distributed throughout the site. The collective impact of the development upon residential visual amenity is therefore limited as views into and out of the site would not be restricted. One neighbour objection highlights the colour of the proposed columns and suggests that a grey column would be less intrusive than one which is green due to the connection with the skyline and lack of verdant trees and shrubs within this site. This is a valid point and a condition is suggested to ensure that the columns are grey and should be maintained as such.

## **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 U24622

The flood lights shall not be in use outside the following hours: 8am to 9:30pm Monday to Sunday.

Reason: To safeguard the living conditions of nearby residents.

4 U24623

The lighting hereby permitted shall be constructed of grey materials and maintained to the standards outlined in the submitted technical submission and should not deviate from this.

Reason: To safeguard the living conditions of nearby residents.

5 U24624

A block plan and elevations which show the location and height of the additional screening as well as manufacturers design and specification should be submitted to and approved by the Local Planning Authority prior to the installation of the lighting columns.

Reason: To safeguard the residential amenity of surrounding neighbours.

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. 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 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.

3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

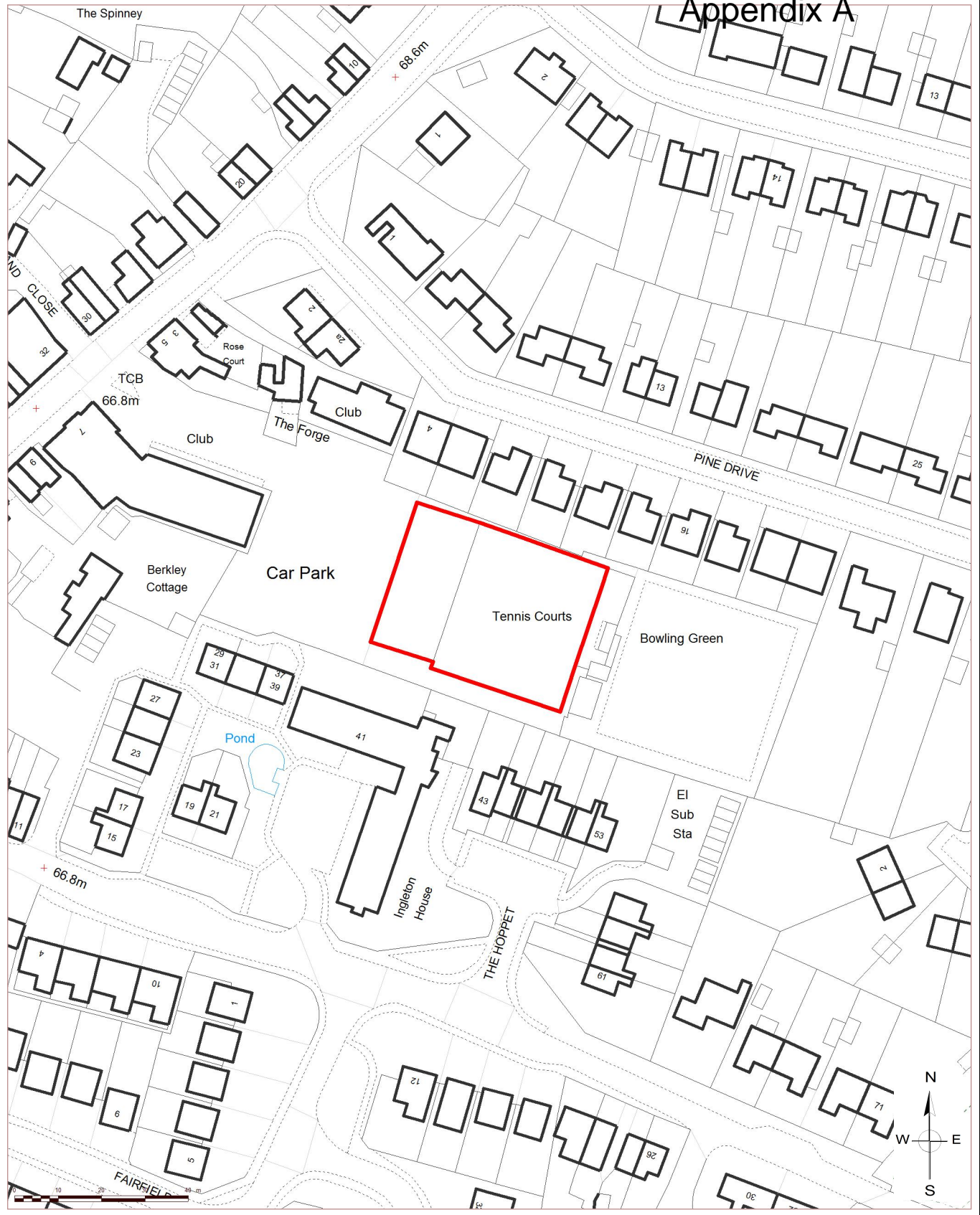
planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

*BACKGROUND DOCUMENTS*

**DECIDED:**



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Title : Ingatestone & Fryerning Tennis Club, 7 High Street, Ingatestone

18/00272/FUL

Scale at A4 : 1:1250

Date : 17th July 2018

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



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SITE PLAN ATTACHED

## 59 CROWN STREET BRENTWOOD ESSEX CM14 4BD

**DEMOLISH DWELLING AND CONSTRUCT PART TWO STOREY PART THREE STOREY BLOCK PLUS BASEMENT LEVEL TO CREATE 10 X 1 AND 2 BED FLATS PLUS PART DEMOLITION OF BREAKTHRU CHURCH AND CONVERT INTO TWO FLATS, ADDITIONAL FENESTRATION AND BALCONY AT FIRST FLOOR LEVEL WITH ASSOCIATED VEHICULAR ACCESS FROM CROWN STREET TO A NEW UNDERGROUND CAR PARK, PRIVATE AND COMMUNAL AMENITY SPACE, REFUSE AND CYCLE STORAGE. (IN TOTAL 4NO. X ONE BEDS, 7NO X TWO BEDS AND 1NO X THREE BED)**

### APPLICATION NO: 18/00309/FUL

|   |   |                          |            |
|---|---|--------------------------|------------|
| <b>WARD</b>                                     | Brentwood South   | <b>8/13 WEEK DATE</b>    | 24.05.2018 |
|   |   | <b>Extension of time</b> | 20.07.2018 |
| <b>CASE OFFICER</b>                             | Mr Mike Ovenden   | 01277 312500             |            |
| <b>Drawing no(s) relevant to this decision:</b> | 372/17/PL1000; 372/17/PL1002; 372/17/PL1003; 372/17/PL10.01; 372/17/PL1005 REV A; 372.17.PL10.02 REV A; 372.17.PL10.03 REV A; |                          |            |

### **Application referred at officers' discretion**

#### **1. Proposals**

This application relates to the demolition of the existing dwelling on the corner of Crown Street and Primrose Hill and the erection of a new building providing ten dwellings (7 flats and 3 duplexes), with 10 basement car parking spaces. The existing Chapel building to the west would be retained and converted to form two flats – one on each floor. Amenity space would be provided through a combination of communal space and balconies.

#### **2. Policy Context**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy H6 – Small Unit Accommodation

- Policy T2 New Development and Highway Considerations
- Policy T5 Parking – General
- Policy C5 Retention and Provision of Landscaping and Natural Features in Development
- LT11 Retention of Existing Local Community Facilities
- PC1 Land Contaminated by Hazardous Substances

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**

- 13/01076/FUL: Demolition of existing church building and manse, and the construction of 17 apartments with onsite underground parking -Application Refused. Appeal dismissed.
- 15/01430/FUL: Demolition of existing house and construction of apartment block comprising 10 units and undercroft car parking. -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/>

- Highway, traffic and parking concerns
- Noise of people and cars
- Inadequate parking proposed
- Overcrowded narrow busy road
- Will add congestion and parking; no parking permits for new residents
- no space for deliveries to occupiers
- Concerns about recycling bins/noise increase existing 'recycling issues'

- Would result in wrong ilk of people
- Loss of cherished community facility and destroying part of Brentwood heritage
- Current building is lovely characteristic property
- no need to build on the site
- Density is unreasonable, too large, overdevelopment, overwhelming
- Too many /yet more flats proposed, many currently on sale
- Overall look, out of character
- concerns for our own property withstanding a build of this size and magnitude
- Possibility of further redevelopment elsewhere
- Too near the church
- Will affect skyline
- Although aesthetics and scale have clearly been considered by developer it is excessive in scale
- losing our view, loss of scenery and sunlight
- overlooking from the Primrose Hill elevation and loss of light
- Overlooking from first floor balcony of converted chapel
- Loss of views from my back windows (Regency Court)
- the pedestrian access to Primrose Hill will add to difficulties of use
- building work will cause inconvenience and disturbance
- reference to 2014 appeal decision
- With so many new flats being built has Brentwood got the infrastructure to support even more families
- Concern about construction vehicles
- another major construction would add more stress to lives of the residents.
- whatever building proceeds there should be no blockage of Primrose Hill
- Affect value of properties in the locality
- Potential release of pollutants due to excavations
- Overloading of local infrastructure
- Relieved that 1845 Wesleyan Chapel is to remain
- Require full compliance with party wall act
- A petition has been submitted against the proposal
- support the proposed development as it will provide much needed regeneration
- plans are designed to be sympathetic to the local architecture
- The current buildings are run down and significantly degrade the appearance of this part of the town
- There have been no activities on site since September 2017 when Breakthru Church vacated the site (note: I am the Pastor of Breakthru Church)
- Some have claimed the church to be a valued centre and hub for the community. This has certainly not been the case since 2010. The church was forced to shut down activities because of the dilapidated state of the church building.
- The church has now relocated to The Christian Centre in Hanging Hill Lane, Hutton
- Would make it much less attractive as a site for drug users or a target for vandals
- Much needed housing and excellent use of old building and now derelict-looking site

## 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/>

- **Schools & Education** – None received (Note - the size of this development falls below the threshold at which a financial contribution to education would be required).
- **Anglian Water Services Ltd-**

Wastewater Treatment - The foul drainage from this development is in the catchment of Shenfield and Hatton Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network – The sewerage system at present has available capacity for these flows.

Surface Water Disposal - The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. (See suggested condition). We request that the agreed strategy is reflected in the planning approval

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal: No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

- **Arboriculture Officer -**

The site does not contain any trees or other landscape features of amenity value. A large sycamore in a neighbouring property to the rear of the plot would not be adversely affected by the development.

The block plan indicates potential new planting and the elevation drawings show features such as new railings. These treatments should help enhance the local streetscape. There are no objections to this scheme on landscape grounds.

- **Building Control -**

As a general comment, the access routes will need to comply with part B volume 2 for fire brigade access.

- **Open Space Strategy Coordinator – none received**
- **Environmental Health & Enforcement Manager - none received**
- **Operational Services Manager-**

I foresee no issues with waste and recycling collection from this proposed development provided the waste storage area conforms to our terms and condition as in the informative.

- **County Archaeologist-**

The Essex Historic Environment Record shows that the proposed development will affect a historic Wesleyan Methodist Chapel, which is to be converted to 2 flats. This chapel is recorded on the 1st edition OS map (1870's). As original fabric, features and fittings are likely to survive within the building, it is important that a survey is undertaken to 'preserve by record' the buildings fabric prior to any conversion works or alterations taking place.

In view of this the following recommendation is made in line with the National Planning Policy Framework. Recommendation: Full condition - Building Record

"No demolition or development of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority."

A professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. A brief outlining the level of investigation will be issued from this office on request and in this instance, there will be a cost implication for the developer.

- **Design Officer -**

The proposed development site is within view of the southern boundary of the Brentwood Town Centre Conservation Area at the junction of Primrose Hill and Crown Street. The site currently presents buildings of architectural merit and local significance, including a church building and Victorian Villa (59 Crown Street). The existing buildings require upgrading and external enhancement; nevertheless they contribute to the character and appearance of the location by way of their appropriate scale and architectural interest.

Should the principle of development be accepted, I advise this latest approach to the redevelopment of the site has improved from the previously refused schemes. The retention and adaptation of the church building is welcomed by Conservation, if undertaken as a sensitive conversion, it would serve as a positive contribution to the character and appearance of the approach to the Conservation Area and to the character of Primrose Hill. Should the principle of conversion be accepted in planning terms given the community use, it is important a schedule of retention and detailed information in respect of materials/fenestration/doors etc. is developed further, some of the 'as proposed' doors/windows require further consideration; these matters could be Conditioned to ensure an appropriate response to the host Church building is implemented during the technical design development stage; ultimately this is in the interests of the character and appearance of the character of Primrose Hill.

In terms of the proposed core block of development with basement parking, the architect has largely proposed massing to be located upon Crown Street; having assessed the scale and street scene at this location, I advise this is an acceptable approach, however, the return block, which leads into Primrose Hill, the massing should be articulated further and marginally decreased, this articulation should also be in conjunction with alterations to the hierarchy of fenestration and detailing. At present the design intent for openings and detailing remains consistent throughout the scheme, but the character of Primrose Hill is distinctively different to that of Crown Street as referred to by the Inspector within the dismissed Appeal (APP/H1515/A/14/2220682), such refinements will ensure a more human scale to this characterful thoroughfare is complemented and responded to.

In terms of architectural language, the elevational treatment is of a traditional narrative, fairly well proportioned and not overly ornate, again this approach is not disputed by Conservation but as set out in my previous comment, the design would benefit from a less uniformed approach throughout the whole scheme, a slight refinement to detail language upon the return block will assist and convey a more surgical approach to the contextual analysis. Chimneys are a useful design feature but do appear a little too shortened here and could be revised.

Conditions must be apportioned to any future permission in order to ensure quality of materials and suitable detailing are developed prior to the commencement of works above ground.

Recommendation

Subject to minor revisions set out in my comments above and subject to Conditions of planning, I raise no 'in principle' objections to the redevelopment of this site.

Revised plans: These show the minor changes requested and are acceptable.

- **Highway Authority -**

A site visit has been undertaken and the documents accompanying the planning application have been given due consideration. Given the existence of parking restrictions in the area around the site and the location of the development with good access to the town centre and all its associated facilities including extensive public transport, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. Construction Management Plan
2. Vehicular access geometry
3. The redundant part of the existing site access to be closed
4. Prior to occupation, a bollard or similar means to preclude any vehicle access shall be provided within the confines of the development at the pedestrian access from Primrose Hill between Plots 5 and 12, as shown in the Proposed Site Plan (Drawing no 372/17/PL1002).
5. Provision of parking as approved prior to occupation and subsequent retention.
6. There shall be no discharge of surface water onto the Highway.
7. Cycle parking shall be provided in accordance with adopted parking standards.
8. Provision of a Residential Travel Information Pack prior to occupation.

## **6. Summary of Issues**

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2012 (NPPF) and National Planning Practice Guidance 2014 (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

### Design

Policy CP1 (General Development Criteria) is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure. These issues are considered in the following sections.

The site is not in a conservation area and there are no listed buildings on or near the site. The existing dwelling on the site dates from the turn of the C19th/C20th. It occupies a slightly raised position with steps up to the front door and has raised eaves and steep pitched roofs. It is a pleasant building, though currently has a tired appearance, is not listed and while it has some limited local worth officers do not consider it is of sufficient quality to object to its removal, particularly set against the potential for developing the site. This is consistent with the previous planning decisions (two applications and one appeal) where the removal of the existing dwelling was not part of the reasons for refusal.

The replacement building would be set into the ground and be 11.8 metres tall at the frontage, reducing to 10.4 and then 9 metres along Primrose Hill. The height of the frontage building would be comparable to the existing building. The Chapel building is approximately 8.0m tall.

The proposed new building is a well proportioned formal building using historic design elements – including door cases, panelled doors, well proportioned windows, ground floor plasterwork, metal railings. Subject to conditions on detailed design matters and materials the design is considered to be acceptable.

The Chapel building further along Primrose Hill has a more traditional form and the applicant proposes to retain it and convert it to two flats, unlike previous proposals which either ignored the building or proposed its removal as part of a larger scheme. The proposed conversion would be sensitive to its external appearance and it is a positive aspect of the scheme that the applicant has been able to retain the building.

#### Amenity

The front elevation of 1 Primrose Hill is approximately 8 metres from the site boundary. The side elevation of the proposed block would be approximately 3.5 metres away from the boundary. That would result in a distance in the order of 11 metres window to building, although as the two buildings are not parallel this is not constant and increases to the west.

A standard 'rule of thumb' assessment to judge the impact of a building on the light received inside rooms having windows facing a development, uses a 25 degree guideline drawn from potentially affected windows towards the proposed development. If a building does not breach that line it is considered that sufficient light would be received through that window, while if it is breached the light might be affected to some degree. In this case such a line drawn from one front elevation ground floor front window of 1 Primrose Hill to the proposed facing elevation would have a marginal breach of that line. This indicates that there may be an impact on the daylight received through that window. However just after this point the proposed building steps down below such a line. Lines from the other windows in the facing elevation would not be breached, partly due to the greater distance but also the lower height of the end of the proposed building. However, the affected room is not solely reliant on that window for its light. The room appears to run the length of the dwelling and receives light from windows at the rear and three rooflights on its lean-to roof supplement light to the room.



For these reasons it is considered that the proposal is likely to permit 1 Primrose Hill to retain an acceptable level of daylight in its rooms.

With regard to sunlight, most buildings in an urban context experience some shadowing during the day and this is transient as the course of the sun moves throughout the day. In this case shadowing from the proposed building is likely to have left 1 Primrose Hill by the early part of the afternoon. With regard to sunlight and daylight the proposal is considered to be acceptable with regard to 1 Primrose Hill. Due to differences in relative positions other buildings around the site would be less affected with regard to sunlight and daylight.

With regard to potential overlooking of 1 Primrose Hill it would be possible by use of a planning condition to omit the proposed front balcony and require obscure glazing in the lower half of facing windows above ground floor level on this part of the north elevation to avoid building-building overlooking.

On the corner on the opposite of Primrose Hill is a car park serving the commercial building in a Regency style building. That has two windows on its side elevation and would not be materially affected by overlooking from the three windows proposed in the side elevation of the main element of the building or the window to the stairs. It is noted that the existing building on the application site has windows on the ground and first floor level. A note on drawing 372/17/PL10.03 A states that all first and second floor windows on the Primrose Hill elevation will have obscure glazing in their lower panes.

The building on the opposite side of Crown Street is a relatively modern three storey flat block, built up from street level. It has some windows facing the site and some enclosed balconies. The window to window distance would be just over 16 metres. The proposed building would have a balcony to the first floor front unit (unit 6), and another lower one just above the basement entrance. Front elevations of buildings particularly in town locations tend to have a reduced level of privacy than in more secluded locations and this distance is considered to be acceptable.

To the south of the site is an older building (65-71 Crown Street) which is set in from the common boundary and has windows in irregular positions and sizes. With regard to windows on the side (south) elevation of the proposal, these would be a secondary window to a lounge diner (the lower half of which could be obscure glazed). This would avoid direct window-window overlooking. Further back there would be windows to four bedrooms and two ensuites (total) on the first and second floors but they would largely look towards land to the rear which is used for garaging and hardstanding.

Unit 10 would have a terrace provided in the form of an 'inverted dormer' This would provide a form of semi open space that constrains views and users would be kept back from the side elevation by a railing approximately 1.6 metres in from the elevation. From the other side the terrace is hidden and appears to be a conventional roof. The views would be distance views rather than direct overlooking.

The proposed Chapel conversion would have a first floor terrace for its first floor unit. This has been discussed with the application and a method of screening is necessary

and capable of control by a planning condition. This issue has also been raised in representations.

#### Standard of accommodation

The Council has no up to date adopted space standards for residential accommodation; however, underlying all planning decisions is the core planning principle (as set out in paragraph 17 of the Framework) that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The Department for Communities and Local Government March 2015 Technical Housing Space Standards (THSS) has standards for the types of accommodation proposed. The dwellings proposed in the development are 4 one bed units, 7 two beds and 1 three bed unit. The development meets or exceeds the standards in each case.

The space standards have not been adopted by the Council and therefore they do not carry the weight of development plan policies or supplementary local guidance. Nevertheless the THSS gives an indication of what the Government considers is a good standard of accommodation and are used for development management decisions in the borough.

The flats would be provided with small balconies and a small area of the site would be available for sitting out in the area to the rear of the church currently occupied by some utilitarian single storey structures. These facilities would be acceptable.

#### Highways and parking

The development would have one vehicular access on to Crown Street to reach the 10 basement parking spaces. The highways authority having visited the site and considered the application raises no objection subject to conditions.

The development would have ten car parking spaces in the basement. The standards indicate that one bed dwellings should have 1 space and 2+ bed dwellings have 2 spaces. However, the adopted parking standards indicate that for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment. This site is the basis the highway authority raises no objection to this level of parking provision. With regard to concerns about future deliveries to occupiers, there is no requirement in parking or highway standards for providing such facilities and the lack of them in this case does not weigh against the scheme.

#### Loss of community building

Policy LT11 seeks to retain existing community facilities including shops, public houses, community halls etc unless they are not viable or there is no interest in them. The Inspector when determining the appeal in 2014 included the loss of the hall as part of his reasons for dismissing the appeal, which was also considered unacceptable for

other reasons. At that time there was some degree of community use occurring although that has since ceased. The Breakthru Church has moved to facilities elsewhere, the existing chapel building is in poor condition and has been unused for some time. Furthermore, the issue has been discussed with the Council's leisure team and it is noted that there remains a range of facilities in the locality including six community halls in Brentwood and Hutton owned by the Council and managed through trusts, another owned by the County Council, sublet to the Borough Council as well as other private facilities. It is not anticipated that if this redevelopment was not to go ahead that the hall would be brought back into community use. For these reasons it is considered that the conversion of this building to residential use would be acceptable.

#### Trees and landscape

The site does not contain any trees or other landscape features of amenity value. A large sycamore in a neighbouring property to the rear of the plot would not be adversely affected by the development. The block plan indicates potential new planting and the elevation drawings show features such as new railings. Details could be required by condition. These treatments should help enhance the local streetscape. There are no objections to this scheme on landscape grounds.

#### Other matters raised in representations

There have been two previous proposals for the redevelopment of the site. The first in 2014 was to remove all buildings and erect a new four storey building, plus basement, to create 17 (16 net) dwellings. This was refused and dismissed on appeal. An application in 2015 omitted the chapel from the site by proposed erect a new four storey building, plus basement, to create 10 dwellings. This was refused but not appealed. Officers consider that the current proposal is a significant improvement on the previous scheme – see Design Officer's comments.

The quantum of development proposed falls below the threshold for education payments and no request has been received for payments on other matters.

Concerns about possible land contamination due to past uses can be addressed by planning condition. Concerns about overloading infrastructure are not supported by consultees. Some level of disturbance during the construction process is almost unavoidable but can be mitigated to some degree by a Construction Management Statement and if the developer follows the principles of considerate contractors.

Property values and loss of a view are not material planning considerations.

#### Housing land supply

The Council cannot demonstrate a five year housing land supply and therefore as set out in paragraph 49 of the NPPF the Council's planning policies relating to housing supply cannot be considered to be up to date. In the absence of relevant up to date development plan policies, national planning policy states that the balance (in the decision making process) is tilted in favour of sustainable development and granting

planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise. The units are of smaller size required by Policy H6. This proposal for an additional 11 dwellings would make a small contribution to the supply of housing and it is officer's view that such a benefit is not 'significantly and demonstrably' outweighed by adverse impacts.

For the reasons given above the recommendation is to grant planning permission subject to conditions.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

### **1 TIM01 Standard Time - Full**

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

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

### **2 DRA01A Development in accordance with drawings**

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

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

### **3 Archaeological recording**

No demolition or development of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.

(A professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. A brief outlining the level of investigation will be issued from this office on request and in this instance, there will be a cost implication for the developer).

Reason: To ensure that items/features of potential archaeological importance are recorded.

### **4 Construction Method Statement**

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
- v. the erection and maintenance of security hoarding
- 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: 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 to protect the amenity of neighbours.

#### 5 Vehicular access geometry

Prior to occupation of the development, the proposed vehicular access, as shown in the Proposed Site Plan (Drawing no 372/17/PL1002), shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not exceed 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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

#### 6 Redundant part of existing site access to be closed

The redundant part of the existing site access shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

#### 7 Preclude vehicular use of pedestrian access

Prior to occupation, a bollard or similar means to preclude any vehicle access shall be provided within the confines of the development at the pedestrian access from Primrose Hill between Plots 5 and 12, as shown in the Proposed Site Plan (Drawing no 372/17/PL1002).

Reason: To ensure pedestrian and wheelchair access is not compromised by parked vehicles, to prevent vehicles from potentially unsafe manoeuvring into / out of this space, and in the interest of highway safety and accessibility.

#### 8 Provision of car parking

The development shall not be occupied until the proposed vehicle parking area has been constructed and marked in bays in accordance with Drawing no 372/17/PL10.01. The vehicle parking area shall be retained in this form at all times. The vehicle parking area 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.

#### 9 No water discharge to highway

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.

#### 10 Cycle parking

Cycle parking shall be provided in accordance with the adopted parking standards. The approved facility 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.

#### 11 Travel pack

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 for each dwelling, as 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.

#### 12 Surface water management strategy

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance

with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

#### 13 Omission of balcony to unit 8

The development shall not proceed above slab level until a revised drawing has been received omitting the proposed balcony shown on the 'Proposed Primrose Hill Elevation – North drawing number 372/17/PL10.03 (Rev A). The development shall thereafter be carried out in accordance with the revised drawing.

Reason: To avoid direct overlooking of the dwelling opposite.

#### 14 Privacy screen to converted chapel

The converted chapel building shall not be occupied until a privacy screen of position, dimensions and specification that shall previously have been submitted and approved in writing by the local planning authority has been erected. The approved screen shall be thereafter retained.

Reason: To avoid direct overlooking of the adjacent property.

#### 15 Details of materials

The development hereby permitted shall not progress above slab level until details of the following have been submitted to and approved in writing by the local planning authority:

- Fenestration
- Eaves, fascia, trim, canopy
- balconies
- doors
- cills

The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the character and appearance of the building.

#### 16 Sample panel

The development hereby permitted shall not progress above slab level until a sample panel showing bricks and tiles has been erected on site and agreed in writing by the local planning authority

Reason: To protect the character and appearance of the area.

#### 17 Obscure glazing

The windows identified on the approved drawings as being obscure glazed, and the south elevation kitchen windows to units 3 and 7, shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window(s) 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.

#### 18 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.

#### 19 Potential land contamination

A) Prior to commencement, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: The previous use of the building(s) and adjacent land for agricultural purposes may have given rise to contamination and investigation and potentially mitigation measures carried out to protect the health and wellbeing of future occupiers of the dwelling.

Informative(s)



#### 1 INF02 Reason for approval (objections)

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. 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 INF04 Amendments to approved scheme

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 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H6, T2, T5, C5, LT11, PC1, the National Planning Policy Framework 2012 and NPPG 2014.

#### 4 INF22 Approved With Amendment

The Local Planning Authority has acted positively and proactively in seeking revisions and 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.

#### 5 Party Wall Act

The developer is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the proposed works to affected neighbours. Detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. Further information may be viewed at <https://www.gov.uk/party-wall-etc-act-1996-guidance>

#### 6 Highways 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](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Estate, Hall Drive, Brentwood, Essex CM13 3HD.

#### 7 Water authority informatives

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 either 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.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

#### FOR THE ATTENTION OF THE APPLICANT:

##### Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx> Once submitted, we will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

##### Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)

Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)

Feasible mitigation strategy in agreement with Anglian Water (if required)

##### Surface water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

- Development hectare size
- Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website - <http://www.uksuds.com/drainage-calculation-tools/greenfield-runoffrate-estimation>. For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
- Connecting manhole discharge location

Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

## 8 Waste collection informative

The following is an extract from the standards of service.

### 5. Collection

- (a) The Customer shall ensure Container(s) are ready for collection at the times and place notified by the Council.
- (b) The Council shall be under no obligation to provide the Service if the Council is unable to gain access to the Container.
- (c) If through operational difficulties, the Council is unable to collect the Customer's waste and recycling on the scheduled day, the Council reserves the right to reschedule the service to the earliest opportunity.
- (d) The Customer shall provide access to the Container(s) from 6am until 3pm, on the agreed collection day.
- (e) The Customer shall ensure the waste storage area is designed that the Container(s) are accessible safely and that the surface is smooth, flat and hard, free of any hazards; such as potholes.
- (f) The Customer shall ensure that the route from the waste storage area to the waste collection point:

- is no more than 25m,
- avoids vehicular traffic,
- avoids car parking areas, or other obstacles,
- has a hard base,
- is rendered with a smooth continuous finish, free of any potholes or other imperfections,
- is free of steps or kerbs,
- is a minimum width of 2.0m for 1100 litre containers, 1.5m for 770 litre containers or 1.0m for 360 litre containers or less,
- has a gradient and level areas as follows:

| Gradient | Maximum travel distance before a level area is required (m) |         |         |           |          |    |
|----------|---|---------|---------|-----------|----------|----|
| 1:11     | 1, 1:12   | 2, 1:13 | 3, 1:14 | 4, 1:15   | 5, 1:16  | 6, |
| 1:17     | 7, 1:18   | 8, 1:19 | 9, 1:20 | 10, 1:21+ | No limit |    |

- (g) The Customer must report missed collections to the Council within one day of the normal collection day, in order that the issue can be investigated and remedial action taken where appropriate.

(h) The Council will Charge for extra collections, when requested by the Customer, which are outside the scope of the contract- refer to the Council's website for the Charges.

*BACKGROUND DOCUMENTS*

**DECIDED:**



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# Appendix A



Title : 59 Crown Street, Brentwood

18/00309/FUL

Scale at A4 : 1:1250

Date : 17th July 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.

The application was deferred from the previous committee on the 12<sup>th</sup> June on the grounds that councillors had not been made aware of the late representations that had been submitted that may hold weight in their assessment and decision of the application. Details are summarised below.

## **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/>

At the time of writing this report the planning agent has submitted 29 letters from local residents - 23 of those letters address the use of the site for commercial purposes relating to the previous S191 applications and are not directly relevant to this application. As such, no weight is attached to their relevance.

The remaining 6 letters are in support of the application for a residential dwelling.

## **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 'Certificate of Lawful Use for an Existing Development' 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 recent site visit has revealed the site at present is entirely hard surfaced and now has a mobile homes, a portacabin, a storage container and is used for parking vehicles.

As part of the submissions for the Certificate applications an evidence pack, statutory declaration and support letters from local residents were included and assessed by officers. The majority of the letters submitted as part of this current application relate to the previous Certificate applications and therefore hold no weight when assessing this application.

## 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 (mobile homes, portacabin 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 active enforcement case (15/00039/UNLCOU).

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. Very Special Circumstances would need to exist that clearly outweigh the harm to the openness of the Green Belt if permission were to be granted. Such a test is a very high threshold, and should only be considered very special if, for example, they cannot be repeated on another site.

#### 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.

#### 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 the harm 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*

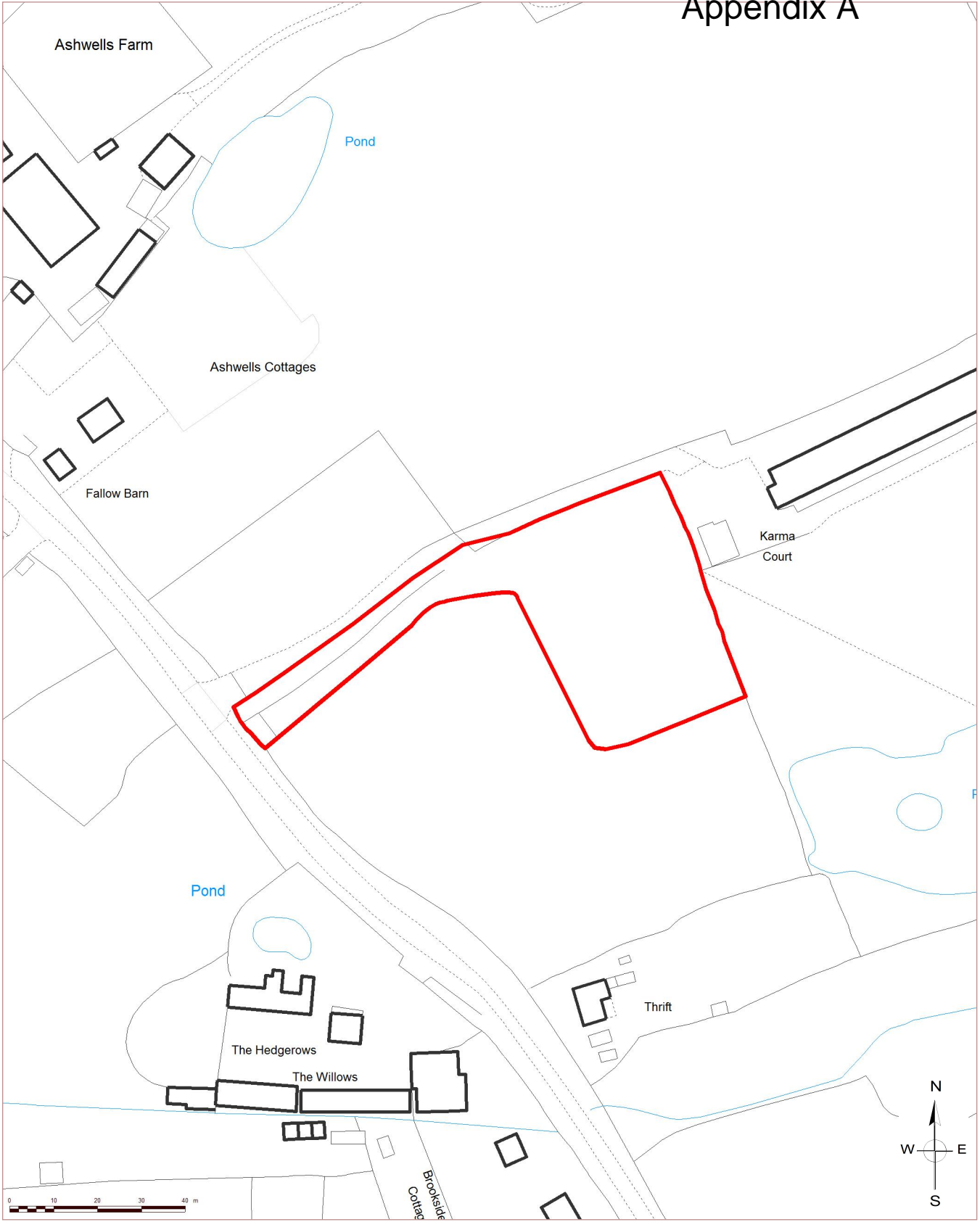
**DECIDED:**





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Appendix A



Title : Karma Court, Ashwells Road, Pilgrims hatch

18/00270/OUT

Scale at A4 : 1:1250

Date : 17th July 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.