



Agenda

Planning and Licensing Committee

Tuesday, 13 November 2018 at 7.00 pm

Becket Keys C of E School, Sawyers Hall Lane, Brentwood CM15 9DA

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

Agenda

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5. **33-37 HIGH STREET, BRENTWOOD, ESSEX. CM14 4RG - APPLICATION NO: 18/00959/FUL** Brentwood North 35 - 48

DEMOLITION OF 35 AND 37 HIGH STREET BRENTWOOD, THE PART DEMOLITION, PART RETENTION OF NO. 33 AND CONSTRUCT OF PART 3 PART 4 STOREY BUILDING COMPRISING FIVE GROUND FLOOR RETAIL UNITS AND 14 NO. RESIDENTIAL UNITS (8NO. 1 BED UNITS; 6NO. 2 BED UNITS). ADDITIONAL CONSTRUCTION OF FIVE STOREY BUILDING TO REAR OF THE SITE COMPRISING GROUND FLOOR SME (FLEXIBLE RETAIL/OFFICE) USE, AND 4NO. 2 BED UNITS.

6. **MARCOT, CHIVERS ROAD, STONDON MASSEY, ESSEX. CM15 0LJ - APPLICATION NO: 18/01127/FUL** Tipps Cross 49 - 58

EXISTING DWELLING TO BE DEMOLISHED AND REPLACED WITH A PROPOSED NEW DETACHED DWELLING.

7. **Urgent Business**

Chief Executive

Town Hall
Brentwood, Essex
05.11.2018

Information for Members

Substitutes

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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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.

Point of Order/ Personal explanation/ Point of Information

Point of Order

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

Personal Explanation

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

Point of Information or clarification

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

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these activities, in their opinion, are disrupting proceedings at the meeting.

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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

Planning and Licensing Committee Tuesday, 16th October, 2018

Attendance

Cllr Ms Sanders (Chair)
Cllr McCheyne (Vice Chair)
Cllr Haigh
Cllr Chilvers
Cllr Keeble

Cllr Mynott
Cllr Reed
Cllr Mrs Slade
Cllr Trump

Apologies

Cllr Pound
Cllr Nolan
Cllr Morrissey

Substitute Present

Cllr Wiles
Cllr Middlehurst

Also Present

Cllr Parker	
Cllr Terry Lockhart	- Blackmore Parish Council
Cllr Colin Foan	- West Horndon Parish Council

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Nick Howard	-	Development Management Team Leader
Caroline McCaffrey	-	Development Management Team Leader
Daryl Cook	-	Assistant Planner
Max Gibson	-	Assistant Planner
Claire Mayhew	-	Corporate and Democratic Services Manager
Lorne Spicer	-	Business Development and PR Manager

161. Apologies for Absence

Apologies were received from Cllr Nolan and Cllr Ms Middlehurst was present as a substitute and Cllr Pound and Cllr Wiles was present as a substitute. Apologies were also received at the beginning of the meeting by Cllr Morrissey, no substitute was present.

162. Changes to Animal Welfare Licensing

The Council is currently the Licencing Authority for dog breeding establishments, animal boarding establishments, riding establishments, pet shops and the registration of performing animals. Each of these areas of licensing are subject to separate Legislation.

The Animal Welfare Act 2006 provides the Secretary of State, by The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 the power to repeal the existing licensing laws and introduces an updated licensing system in England for five activities involving animals, namely:

- Selling animals as pets;
- Providing for or arranging for the provision of boarding for cats or dogs;
- Hiring out horses;
- Dog Breeding; and
- Keeping or training animals for exhibition.

Animal Welfare (Licensing of Activities Involving Animals) Regulations come into force on 1st October 2018 and requires the Council to have in place procedures (together with fees and charges) for the new licensing system.

The Planning & Licensing Committee are requested to consider a report and make recommendations to Full Council with respect to the forthcoming changes to animal licensing. In particular, Members are requested to consider the fees and charges associated with the new regime, the scheme of delegation and the determination of the appeals procedures with respect to a risk rating.

After a full discussion, Cllr Ms Sanders **MOVED** and Cllr McCheyne **SECONDED** the recommendations in the report be **APPROVED**.

1. That the Planning and Licensing Committee Recommends to Full Council:

2. To set the fees and charges with respect to The Animal welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 as set out in table 1 of Appendix A for the period from 1st October 2018.

3. To approve the procedure for determining an appeal against a risk rating following the inspection/renewal of an operator as set out in Appendix C.

4. To note the scheme of delegation as set out in table 2 of Appendix B.

A vote was taken by as shown on hands and it was **RESOLVED UNANIMOUSLY**.

**163. The Birches, 71 Peartree Lane, Doddinghurst Road, Essex CM15 0RJ
Application No. 18/01236/FUL**

Loft conversion to include two dormers to the front and one at rear of dwelling and add single storey rear extension to include a roof lantern. existing garage to be demolished and construction of new attached garage with dormer to front and rear plus the removal of a chimney.

Mr Reed, a supporter was present and addressed the committee his support to the application.

Mrs Wright, the applicant, was also present and addressed the committee in support of her application.

Cllr Parker, Ward Member was present and addressed the committee of his support to the application.

Cllr McCheyne, Ward Member addressed the committee in support of the application and expressed concerns relating to the accommodation value as a bungalow in the village and the call for family homes and will not be of interest to elderly residents in the area due to the road not having any street lights, and that a precedent had been set up the road. .

Member expressed concerns that the policy H7 was being ignored, that it applied Borough wide, and is still a relevant policy

Cllr McCheyne **MOVED** a motion for the application to be **APPROVED** this was **SECONDED** by Cllr Wiles.

A vote was taken by a show of hands.

Members voted as follows:

FOR: Cllr Ms Sanders, Cllr McCheyne, Cllr Wiles, Cllr Ms Middlehurst and Cllr Reed (5)

AGAINST: Cllr Chilvers, Cllr Mynott, Cllr Keeble, Cllr Haigh and Cllr Trump (5)

ABSTAIN: Cllr Ms Slade (1)

The Chair had the casting vote and it was **RESOLVED** that the application be approved subject to the following conditions.

Development within 3 years for start time; in accordance with plans and materials to match existing dwelling.

(Cllr Haigh declared a non-pecuniary interest under the Council's Code of Conduct by the virtue of knowing a person that lives in the vicinity of the property).

164. The Coach House, Merrymeades Chase, Brentwood, Essex

Improvement of external areas to include construction of external pathway, repair and resurfacing of hardstanding in parking area, new timber play equipment and seating, repair to sandpit, new fencing and clad to existing compound, repair and addition of areas of artificial grass.

Cllr Mynott, Ward Member spoke in support of the application.

Cllr Slade, Ward Member also give her support to the application.

Cllr Mynott **MOVED** and Cllr Chilvers **SECONDED** that the Application be APPROVED.

Members voted as follows:

FOR: Cllr Ms Sanders, Cllr McCheyne, Cllr Mynott, Cllr Chilvers, Cllr Haigh, Cllr Keeble, Cllr Trump, Cllr Ms Slade, Cllr Reed, Cllr Ms Middlehurst and Cllr Wiles (11)

AGAINST: (0)

ABSTAIN: (0)

It was **RESOLVED UNANIMOUSLY** to **APPROVE** the application 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 Landscaping – Details Submitted

The site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. The

landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme that has been agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area and the setting of the heritage asset

(Cllr Reed declared a non-pecuniary interest under the Council's Code of Conduct by the virtue of his employment by Brentwood Leisure Trust who lease Merrymeade House which is adjacent to the property).

165. 66 High Street, Brentwood, Essex CM14 4AN Application No. 18/01302/FUL

Change of use of commercial units from A1 (retail) to A3 (restaurant) and construct extraction duct to rear of premises.

Mr Mass, the applicant was present and addressed the committee in support of the application.

Cllr Wiles, Ward Councillor spoke in support of the application.

Members expressed concerns that the application failed to meet local plan Policy TC7 and that the volume of Restaurants within A3 use was already substantial within that area. However, some Members expressed a view that the benefits of the unit being occupied and not empty was important, and were led to believe that there appears to be a interest for more restaurants in the High Street.

Cllr Mynott **MOVED** and Cllr Chilvers **SECONDED** to **REFUSE** the application.

A vote was taken by a show of hands.

Members voted as follows:

FOR: Cllr Chilvers, Cllr Mynott, Cllr Haigh, Cllr Keeble, Cllr Reed and Cllr Middlehurst (6)

AGAINST: Cllr Trump and Cllr Ms Slade (2)

ABSTAIN: Cllr Ms Sanders (1)

Cllr Wiles referred this item to committee, therefore is unable to vote. Cllr McCheyne didn't vote due to his non-pecuniary interest.

The Motion was **RESOLVED** to **REFUSED** for the following reason:-

R1 U27287

The proposed change of use of this unit, currently in an operative A1 retail use, to a non retail use would further increase the percentage of non retail uses in this central high street shopping frontage location which is already far in excess of the 40 percent limit contained in the Policy. It would also lead to a row of four substantially non A1 units together. The National Planning Policy Framework 2018 confirms the legitimacy of seeking to retain uses within primary shopping areas such as this. The proposal therefore would further challenge the vitality of retail in this high street location contrary to Policy TC7 of the Brentwood Replacement Local Plan 2005 and the National Planning Policy Framework 2018.

(Cllr Reed declared a non-pecuniary interest under the Council's Code of Conduct by the virtue as Chairman of Brentwood/Ongar Conservative Associations whose Offices are situated close the application site. Cllr McCheyne declared a non-pecuniary interest under the Council's Code of Conduct by the virtue knowing the Applicant and therefore didn't take part in the debate or vote. Cllr Ms Sanders declared a non-pecuniary interest under the Council's Code of Conduct by the virtue of applicant being known to a member of her family)

166. Urgent Business

There were no items of urgent business and the meeting concluded at 20.42.

SITE PLAN ATTACHED

**SOUTH ESSEX GOLF AND COUNTRY CLUB BRENTWOOD ROAD
HERONGATE ESSEX CM13 3LW**

**REDEVELOPMENT OF EXISTING COMMERCIAL BUILDING TO PROVIDE 30
DWELLINGS; REPLACEMENT D2 FACILITY (AS EXTENSION TO THE
EXISTING CLUBHOUSE); AND ASSOCIATED LANDSCAPING AND CAR
PARKING.**

APPLICATION NO: 18/01291/FUL

WARD	Herongate, Ingrave & West Horndon	8/13 WEEK DATE	02.11.2018
PARISH	Herongate & Ingrave	POLICIES	
CASE OFFICER	Mr Nick Howard	01277 312500	

The application is presented to committee as it is a major application in the Green Belt.

1. Proposals

The proposal seeks full planning permission for 30 dwellings and an extension to the golf clubhouse. The residential element of the scheme provides a mix of house types including four 5-bedroom houses, three 4-bedroom houses, nine 3-bedroom houses and 14 apartments, consisting of one and two bedrooms.

The proposal includes a parking provision of 62 car spaces and secure storage facilities for bicycles. Further to the proposed residential development the proposal includes an extension to the existing club house and provides space for a gym facility (Class D2).

2. Site Description

The site comprises South Essex Golf Centre and is approximately one mile south east of Herongate. It is accessed from a long private drive off Brentwood Road 750 metres north of the A127. This drive leads to the golf course site which is currently accommodated by a large vacant building, the club house and driving range building.

Although originally built as an agricultural building, the vacant building had more recently been occupied and used as an indoor bowls club and green keeper store.

The Club closed and relocated in May 2017 but it's current lawful use is that of either D2 – leisure.

To the north, north east and east of the site is the golf course. To the south is a driving range and to the west of the site is Brentwood Road, adjacent to which is Cockridden Farm Industrial Estate.

The site is in the Green Belt as defined in the proposals map of the Brentwood Replacement Local Plan 2005. The topography of the site results in a 'bowl' feature, with higher ground to the north and south of the site. A public footpath follows the line of the access drive before turning north and before the site is reached. Part of the site is within Flood Zone 3 which is an area with a higher risk of flooding and the remainder of the site is located within Flood Zone 1 which is at a low risk of flooding. As such the application is accompanied by a Flood Risk Assessment.

3. Relevant History

- BRW/791/92 Change of use of an existing building to golf club house, professional shop, stewards flat and store- Approved at appeal September 1993
- BRW/792/92 Extension of existing building and use as an indoor bowling green with ancillary facilities- Approved at appeal September 1993
- BRW 528/96- Erection of golf club house together with the continued use of a former agricultural building as an implement store. Approved 1997 (part) implemented.
- 17/01528/FUL redevelopment of the site to provide 30 residential dwellings- refused

4. Neighbour Responses

38 letters of objection on the grounds of:

- Development would affect the openness of the area
- The development would affect local services
- Lack of amenity space for flats
- Lack of car parking
- Congestion on local roads
- Poor access arrangement
- Site on a floodplain

5. Consultation Responses

- **Highway Authority:**

A site visit has been undertaken and the documents accompanying the planning application have been duly considered. Given that the proposals are not expected to increase the number of trips to / from the site in comparison to its existing lawful use, parking provision complies with Brentwood Borough Council's adopted parking standards and the existing site access conforms to current highway standards, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions:

- **Schools & Education (from previous application):**

Early Years and Childcare

The proposed development is located within the Herongate, Ingrave and West Horndon Ward. According to Essex County Council's childcare sufficiency data, published in summer 2017 there are 3 providers of early years and childcare in the area. Of these there are 2 Pre-schools and 1 Childminder. Overall a total of 6 unfilled places were recorded for 2-year olds and 11 unfilled places were recorded for 3 and 4-year olds. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. As there are sufficient places available a developer's contribution towards new childcare places will not be required for this application at this point in time.

Primary Education

This development sits within the priority admissions area of Ingrave Johnstone CE Primary School, which has a planned admission number of 30 pupils each year. Due to pressure in the area the school has taken slightly higher numbers in some year group and, thereby, has a total of 216 on roll. To accommodate this number the School has to utilise temporary accommodation in addition to its permanent buildings. According to Essex County Council's document 'Commissioning School Places in Essex', the Brentwood area as a whole (group 1) will require 61 additional spaces to meet demand by the academic year commencing 2020.

It is clear from the above data that additional primary school places will be needed. This development would add to that need and, thereby, the scope of projects to provide additional school places are directly related to the proposal. The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution will thus be fairly and reasonably related in scale and kind to the development and, thereby, Community Infrastructure Levy regulation 122 compliant.

Secondary Education

Demand for places at the priority admissions area secondary school, St Martin's, is also rising. Prior to the implementation of the revised Community Infrastructure Levy

Regulations on the 6th April 2015 the County Council would have sought a developer contribution from this proposed development for additional secondary school places. However, the implementation of the revised Regulations now restricts the pooling of contributions for a specific item of infrastructure, such as the expansion of a school, to contributions from five separate planning obligations. Under these changed circumstances the County Council has decided not to request a contribution for the provision of additional secondary school places from this proposed development. This is because the scale of this development is relatively small. Seeking contributions from a number of small developments might, in the future, preclude the County Council from seeking a contribution from a larger development, should there already be 5 obligations pertaining to a project to add school places in the area.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will be seeking a school transport contribution for school transport, only in the event that the developer has not included safe direct walking and cycling routes to local schools within their application.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, education and school transport. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

For information only please see below calculations based on the below housing mix.

Based on the 30 dwellings with a unit mix of 16 x 2+bed houses, 9 x 2bed flats & 5 x 1bed flats (discounted) we would ask this development to contribute funding for 1.85 EY&C places and 6.15 Primary school places.

Primary school –

6.15 places x £15,281 per place = £93,978.15 + indexation from April 2018

Primary school Transport –

6.15 places x £9.50 per place x 190 school days x 7 years = £77,705.25 + indexation from April 2018

Secondary school Transport –

4.10 places x £3.65 per place x 190 school days x 5 years = £14,216.75 + indexation from April 2018

Total contribution requested from this development = **£185,900.15**

Please note that all the above amounts are not including indexation which will be added at the time of invoicing, this will be based from April 2017 BCIS PUBSEC.

- **Design Officer:**

Thank you for consulting on this application which concerns the redevelopment of an existing commercial building to provide 30 dwellings; replacement D2 facility (as extension to the existing clubhouse); and associated landscaping and car parking.

The proposals within this application mirror the previously application (ref: 17/01528/FUL), as such please refer to my previous Design comments. In summary, I support this application for approval subject to conditions.

- **Environment Agency:**

We are writing to confirm that we are able to remove our previous holding objection detailed in our letter AE/2018/123171/01, dated 10 September 2018. We have had further contact with the applicants who have provided us with a site plan confirming the finished floor levels. We are satisfied that there would be no risk from flooding, to the site, subject to conditions.

- **ECC SUDS:**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, acting on behalf of ECC we would recommend the issue of a holding objection on the basis of the following:

- Verification of the unsuitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved.
- Where it is proposed to divert and daylight the existing culvert which traverses the site, flows shall not be discharging at a rate which increases flood risk downstream. Please provide verification that the diversionary proposals shall not increase flows draining to the existing ditch in a critical event.
- No proposed levels and exceedance routes have been provided on plan for the development. Please provide this additional information, which should include proposed bank and bed levels of the swale as well as proposed levels within the development.

Revised Comment-

Following up from, Kris' email. I am satisfied that the desktop assessment of infiltration potential would be suitable at this stage of the application process, subject to the inclusion of a condition requiring further on site testing at the detailed design stage of the process. It did seem likely having spoken to Chris that the remaining two points should be relatively easy to address. The levels and exceedance plan is a fairly straight forward piece of work. It should be noted that I have asked that Kris or his team to also clarify that the length of the diverted culvert will not significantly shorten the route to the point of discharge and I would require this clarification before lifting our holding objection. It is however acknowledged that the variation of

roughness coefficients between the old and new culvert is unlikely to have a significant impact on downstream flood risk.

Further email dated 5/11/18- No objections subject to conditions

- **Anglian Water Services Ltd (consultation from previous application):**

No objections subject to a drainage condition

- **Sport England:**

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application.

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

- **Open Space Strategy Coordinator (consultation from previous application):**

Although the developer has confirmed the percentage of open space against the overall size of the site is at least 15%, the Council's policy does not preclude the applicant from a financial contribution even if some of the site is set aside as open space. The proposal does not include a central green or area that would be of sufficient size to be considered as usable public realm.

Overall the proposal may meet the Council's policy, however the reality is that taken as individual areas they do not really offer anywhere for social recreation and are merely landscape features to make the development more appealing to buyers.

As it stands I will still seek a contribution based on my previous emails but am still happy for this to be paid in a phased approach.

At this time the level of financial contribution being sought towards the improvement of existing open space will be £150,000, although this could be paid on a phased approach. On this basis there are no objections from an open space's perspective

- **Essex Badger Protection Group:**

The Essex Badger Protection Group has no record of any badger setts close enough to be affected by this immediate scheme and therefore has no objection to the proposals provided they are carried out strictly in line with the mitigation set out in the Environmental Report.

- **Basildon Fire Station:**

The proposal itself does not affect fire service access to existing premises in the vicinity. Fire Service vehicular access to both the dwellings and clubhouse appear sufficient provided the requirements of Approved Document B Section B5 Volumes 1 & 2 are achieved and maintained.

- **West Horndon Parish Council:**

Parish Councillors noted that this application is very similar to that made under Planning Application No. 17/01528/FUL but now includes what appears to be a larger extension to the golf clubhouse. Many of the problems associated with the earlier application have now been addressed by the developers. It has been clarified that the commercial building which is to be developed - the former indoors bowls club - had previously been reclassified from only being designated for agricultural use. This recognises the footprint of the building upon Green Belt land. As the developer is proposing to contain the housing development within the existing space available, then questions of encroachment of the Green Belt go away. The level of social housing on the development has also been examined by increasing the number of properties included within this category.

However, the Parish Councillors continued to have concerns regarding access issues to the site. The access road has a junction with the A128. It is noted that there is a hollow in the A128 close to this junction and hence visibility issues for vehicles approaching at speed.

Flooding at the site has still to be addressed by the Environmental Agency. Three drainage holes have been included and the views of the Environmental Agency are awaited with interest. West Horndon Parish Councillors will be guided by these.

Parking on the site remains a matter of disquiet. It is felt that not enough provision has been made for residential purposes although it is understood that the level incorporated within the development design meets policy as set by Brentwood Borough Council. The developer has stated that if the parking proves insufficient then the parking provision for recreational purposes - those using the golf course and golf clubhouse facilities - could be utilised. However, it is known that within the proposed extension to the clubhouse a social club/function suite is planned. It is clearly unknown at this time how popular this function suite will prove. Nevertheless, when in use the function suite will attract a number of visitors to the site, the majority of whom will undoubtedly have travelled by their own vehicles. This will create a significant parking problem.

West Horndon Parish Councillors object to the planning application for the listed reasons.

Herongate Parish Council:

The Parish Council would like to object to the planning application as:

1. The proposal is contrary to the provisions of the Framework and Policies GB1 and GB2 of the Brentwood Replacement Local plan as it represents inappropriate development in the Green Belt. The existing buildings were previously agricultural and then in use as a sporting facility. Such buildings represent allowable building in Green Belt under the National Planning Policy Framework paragraph 89. The developers claim that this application represents "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land)". The Parish Council would argue that this is not the case. The original reason for building on this area of Green Belt was to allow agricultural and sporting use - not to build houses. This application represents further incursion into the Green Belt than the existing buildings and would have a greater impact on the openness of the Green Belt which is against paragraph 79 of the National Planning Policy Framework.

Furthermore, there is great concern that if this application is granted it will establish a precedent and other agricultural buildings in the area will also be re-developed into housing. This will lead to the infilling of the Green Belt and to the merging of Herongate and Ingrave with West Horndon. The Green Belt was created in order to stop such merging (NPPF para 80) and that is why any further incursion to the Green Belt must be opposed.

2. The amount of affordable housing continues to be below the Council's requirement and the only justification given is that of "insufficient profit". No actual figures have been provided to support this and as such the proposal is contrary to Policy H9 of the Brentwood Replacement Local Plan and the provisions of the National Planning Policy Framework 2012.

3. We note that ECC SuDS and the Environment Agency have both raised holds on the application on grounds of flood risk. The Environment Agency have also stated that the Flood Risk Assessment submitted by the developers is inadequate and does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306.

4. There is a lack of doctor's surgeries, school places and daycare places in the area which the addition of 30 new homes will exacerbate.

The Schools, Children Families Directorate commented on the previous application (which is essentially identical to this application)"I would be grateful if the lack of surplus childcare, education and school transport provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal" which supports numerous objections from residents on these grounds.

6 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:GB1, GB2 Green Belt Development

Policy H6 – Housing Mix

Policy H9- Affordable housing

Policy T2 – Highway issues

Policy T5 Parking

NPPF Sections: Paragraph 145 Green Belt

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 was the subject of site-focused consultation (Regulation 18) between January and March 2018, identifying proposed development allocations. Where 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 48 of the National Planning Policy Framework 2018. 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 Pre-Submission Draft (Regulation 19) will be considered for publication and consultation at Extraordinary Council on 8 November 2018. Once public consultation has concluded, the LDP will be submitted to the Secretary of State (Regulation 22), likely to be in Q1 of 2019. Provided the Inspector finds the plan to be sound, following an Examination in Public, it is estimated that it could be adopted in mid-2019.

7. Summary of Issues

Members will recall that a previous application for 30 dwellings was refused on the following three grounds:

- ☐ Impact on openness of Green Belt;
- ☐ Insufficient affordable housing provision; and
- ☐ Loss of indoor sport facility.

The applicant has appealed against the Council's decision and a public inquiry is to be held next year. In discussions with the Council's appointed barrister and a viability consultant it is considered that reasons two and three cannot be sustained in a future inquiry. The viability consultant agrees with the original consultant's findings and the barrister does not consider that the Council have a defensible position in relation to the loss of an indoor sport facility. Therefore, the issue relating to the openness of the Green Belt remains and is dealt with below.

Green Belt

The site is located within the Green Belt. The Framework, paragraph 145 sets out exceptions to inappropriate development in the Green Belt. One such exception is 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.

In September 1993, the Secretary of State granted a planning permission for the change of use of an existing building to a golf club house, professional shop, stewards flat and store, and to extend an existing building and use as an indoor bowling green with ancillary facilities. This permission was implemented. The building, which was used as an indoor bowling green and to be demolished as part of this proposal is considered to be previously developed land as per the definition set out in the National Planning Policy Framework 2018.

With regard to the openness of the Green Belt, the applicant has amended the proposal from the previous scheme in that the southernmost gabled end of the club house has been removed. As a result, 54 square metres of proposed footprint has been removed which results in a reduction in volume of 340 cubic metres. The following figures are a comparison between existing and proposed:

<u>Existing</u> <u>metres)</u>	<u>Volume (cubic</u>
Bowls Club Building/Green Keepers Store	14461
Remaining Extant permission	2427
Total	16888

<u>Proposed</u> <u>metres)</u>	<u>Volume (cubic</u>
Proposed residential development	14423
Proposed Clubhouse extension	1960
Total	16383

3 % reduction in built form

The applicant has included a component which identifies an extant permission for an extension to the club house which has not been implemented. The applicant contends the volume of this extant permission should be included in the calculation when assessing the openness of the Green Belt. In support of this contention the applicant refers to an appeal decision at North Weald Golf Club which allowed a development of 20 dwellings and replacing the existing club house which had previous planning permission for an extension which had been partially implemented. However, the element to be completed was included within the assessment for the openness of the Green Belt, which is a similar scenario to this current application. Overall the proposal would result in reduction of the built form by 3%, which would suggest that the harm to openness through additional built form is neutral when compared to the extant permission.

The second element in assessing the openness of the Green Belt is the extent of the development. At present the site comprises a large building with a car park to the south and east of the building. The development would spread to the east of the building and slightly to the south and although it would have an increased extent of development it would be on a considerably lower scale and on hard surfaced areas associated with the golf club. Furthermore, the development would be positioned in the lower part of the site and the surrounding area. To the north there is a large embankment with rising ground and to the south there is rising ground and therefore the development would not be harmful to the openness of the Green Belt and would integrate into the rural landscape.

The proposal therefore complies with the Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan in that the development would fall into the range of exceptions to inappropriate development in the Green Belt.

Housing Need

The Council currently can only demonstrate a housing supply of 4.14 years which is well below the five-year requirement as set out in the Framework. The proposed development will provide 30 dwellings which will make a not insignificant contribution to the Council's housing need. This issue weighs in favour of the development.

Housing Mix

Policy H6 of the Local Plan requires that for developments of six or more dwellings, at least 50% of the units should be small i.e. comprise one or two-bedroom dwellings. Of the 30 dwellings the proposal includes 14 apartments which are either one or two-bedroom units. This represents 47% of the development which is just below the policy requirement. However, given the proposal is just below the policy requirement and from the larger dwellings a significant proportion are three bedroomed, the mix of units is considered acceptable and complies with Policy H6.

Affordable Housing

The proposal is for 30 dwellings and normally Council Policy H9 requires 35% of the total development to be affordable housing (10 dwellings) subject to criterion (v) 'the economics of provision, including the particular costs associated with development and the realisation of other planning objectives'. The applicant previously submitted a viability report (and which has been resubmitted) that was assessed by consultants appointed by the Council and which has been reviewed a second time by a different financial consultant. The report on the viability of the scheme was previously agreed by the consultants and the applicant's consultants and the previous proposal included the provision of three shared ownership properties.

The applicant has increased this number to four affordable apartments in lieu of open space contribution. The comments of the Open Space Co-ordinator officer are noted, but at this time officers are of the view that there is a greater need for an additional affordable unit compared to the open space contribution, given the context and location of the site. To require a greater level of provision would make the scheme unviable and it would not be built. On this basis, it is considered that the development would comply with Policy H9.

Design

The proposed development is centered around two courtyards. The north western courtyard comprises seven large detached dwellings and the south eastern courtyard consists of 23 units with a mixture of dwellings and apartments. The part of the site to be developed is set within a slight bowl with land rising in all directions around the site.

The design intent itself, is for contemporary barn style buildings with seamless detail and high-quality materials. The development is set around the principle of rural clusters and courtyards with varying heights. There is little by way of technical design detail within the submission, therefore should the application be recommended for approval the design officer advises that conditions are applied in this respect.

Traffic Impact, Access and Car Parking

The Highway authority considers that given that the proposals are not expected to increase the number of trips to / from the site in comparison to its existing lawful use. Furthermore, the parking provision complies with Brentwood Borough Council's adopted parking standards and the existing site access conforms to current highway standards, from a highway and transportation perspective. The impact of the proposal is therefore acceptable to the Highway Authority subject to conditions. In addition, the proposal would require the diversion of a public right of way which would be dealt with under separate legislation.

Impact Upon Ecology and Biodiversity

The applicant has submitted an ecology report, it concludes that none of the habitats present are considered to be of special importance. The receptors on site comprise buildings, hardstandings, amenity grassland, small areas of shrubs and small trees. The report also states that badgers may venture in the area, therefore mitigation measures should be included which can be dealt with by condition. The proposal involves a significant landscaping scheme which again can be secured by condition.

Other Matters

The Council have received a number of objections from local residents. The issue of brownfield development in the Green Belt is dealt with in the main body of the report. There is no evidence presented by the objectors that the proposed development would affect local services. Furthermore, the proposal includes a financial contribution to education provision. There is considered sufficient shared amenity space for the proposed flats. In terms of car parking the scheme provides 62 car parking spaces for the residential development. House types A-D are also provided with integral garages. Furthermore, secure storage for bicycles is also provided. The golf course car park totals 147 parking spaces with more overflow parking areas available if needed. Officers consider there is sufficient parking to serve the development. The Highway officer does not object to the level of traffic the proposal will generate and considers the access arrangement is acceptable. With regard to flooding, part of the application site is located within Flood Zone 3 and as such, is considered to be at risk of flooding. The remainder of the site falls within Flood Zone 1 which is at low risk of flooding. The applicant's consultants have prepared a Flood Risk Assessment that considers flood risk and drainage across the site and proposes mitigation measures to be implemented alongside the proposed development. The Environment Agency accepts the consultant's report.

Conclusion

The application is a resubmission of a previous refusal which has been appealed by the applicant. The affordable housing issue and loss of indoor sports facility has been assessed by the Council's appointed barrister in connection with the appeal and it is

considered that these issues cannot be defended. Therefore, the sole issue is the impact the proposal would have on the openness of the Green belt.

The proposal is to redevelop a brownfield site within the Green Belt. The applicant has reduced the proposed built form by reducing the size of the extension to the clubhouse. The proposal would represent a 3% reduction on the existing built form (if including the extant permission) which is a positive gain on the effect on the openness of the Green belt.

Essex County Council as Local Lead Flood Authority (LLFA) has submitted a holding objection.

The building was previously used as an internal bowls centre, which has now ceased. Members of the club have found other bowls clubs in the area to relocate. The loss of the bowls club has been mitigated by the provision of a new gym and improved golf facilities. The loss of the existing sports building is therefore considered acceptable.

The provision of 30 dwellings will make a not insignificant contribution to the Council's housing requirements.

The proposal will result in a high-quality development which will complement its rural surrounds.

Overall the proposal is compliant with the Framework and the Council's Local Plan policies. The recommendation is therefore to approve subject to a S106 agreement requiring a financial contribution for education and the provision of affordable housing.

7. Recommendation

The Application be APPROVED subject to a Section 106 agreement and the following conditions:-

The S106 should include reference to the financial contributions towards education and the provision of shared ownership properties.

1. 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. 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. A schedule of all external surface materials including walls and roofs, and a schedule of all external joinery, indicating the proposed finish and decoration to be used, shall be submitted to and approved by the local planning authority in writing prior to the commencement of any works. The development shall be constructed in full accordance with the approved details.

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

4. Development shall not be commenced until sample panels of 1 square metre minimum shall be erected on site to show areas of new, exterior walling, have been approved in writing by the local planning authority. Where appropriate, these panels shall indicate: brick bond, copings, mortar mix, colour and pointing profile, render mix, finish and colour. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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

5. development shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges, cills and coping to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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

6. No electricity, gas or water meter boxes shall be fixed to the external fabric of the building. All electrical and telephone services to the development shall be run underground.

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

7. All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

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

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

occupation of the development and shall thereafter be permanently retained and maintained.

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

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

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

10. Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials

- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

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

12 The proposed development shall not be occupied until such time as the vehicle parking area including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at 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.

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy T2 of the Brentwood Replacement Local Plan.

13. Cycle parking shall be provided in accordance with the EPOA 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

14. Prior to first 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.

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

15. Prior to first occupation, the existing bus stops on both sides of the A128 Brentwood Road south of the site access shall be improved. This shall include raised and dropped kerbs to facilitate pedestrian and wheelchair access, two new bus shelters, new flags and timetable displays.

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

16. Prior to first occupation, the proposed new pedestrian footway alongside the site access road and connecting to the bus stops (referred to above) shall be hard-

surfaced, provided with a minimum 2 metre width for its entire length and include tactile paving at the proposed crossing point as shown in principle in drawing Figure 2.3 (Proposed Footway Connection – Site/A128) in Appendix C of the Transport Assessment.

Reason: To provide a safe link for pedestrians in the interest of accessibility

17 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

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

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

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

19. No more than 14 dwellings of the proposed development shall be occupied until the proposed 'D2 use' is first brought into use.

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwellings hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reason: To prevent the creation of dwellings of disproportionate size that would conflict with the policies of restraint within the Green Belt

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

Reason: To prevent the construction of buildings which would be harmful to the openness of the Green Belt and that would conflict with the policies of restraint within the Green Belt

22. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) referenced 518-0001 and dated Aug 2018 and the following mitigation measures detailed within the FRA:

1. Finished ground floor levels are set no lower than 42.43 metres above Ordnance Datum (AOD).
2. The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

23. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include:

- . Infiltration testing in accordance with BRE365 procedures to assess the suitability of the site for infiltration SuDS. Should rates be deemed suitable discharge of surface water from the site should be based on infiltration
- . Limiting discharge rates to 27.4l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- . Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- . Final modelling and calculations for all areas of the drainage system.
- . The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- . Detailed engineering drawings of each component of the drainage scheme.
- . A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- . A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to occupation.

Reason

- . To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- . To ensure the effective operation of SuDS features over the lifetime of the development.
- . To provide mitigation of any environmental harm which may be caused to the local water environment

- . Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

24. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

25. No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. The surface water drainage system shall be maintained by the approved maintenance plan thereafter.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

26. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Informative(s)

1 INF01 Reason for approval (no objections)

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

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, GB1, GB2, T2, T5, the National Planning Policy Framework 2012 and National Planning Policy Guidance 2014.

4 INF16 Section 106

This planning permission is the subject of a planning obligation made under Section 106 of the Town and Country Planning Act and the developer must ensure that the provisions of that obligation are fully implemented.

5 INF22 Approved Following Revisions

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

6 Anglian Water recommends that petrol/oil interceptor to be fitted in all car parking areas. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

7 Anglia Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewerage flooding and consequential environmental and amenity impact and may constitute an offence.

8 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 59 (Herongate and Ingrave parish) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

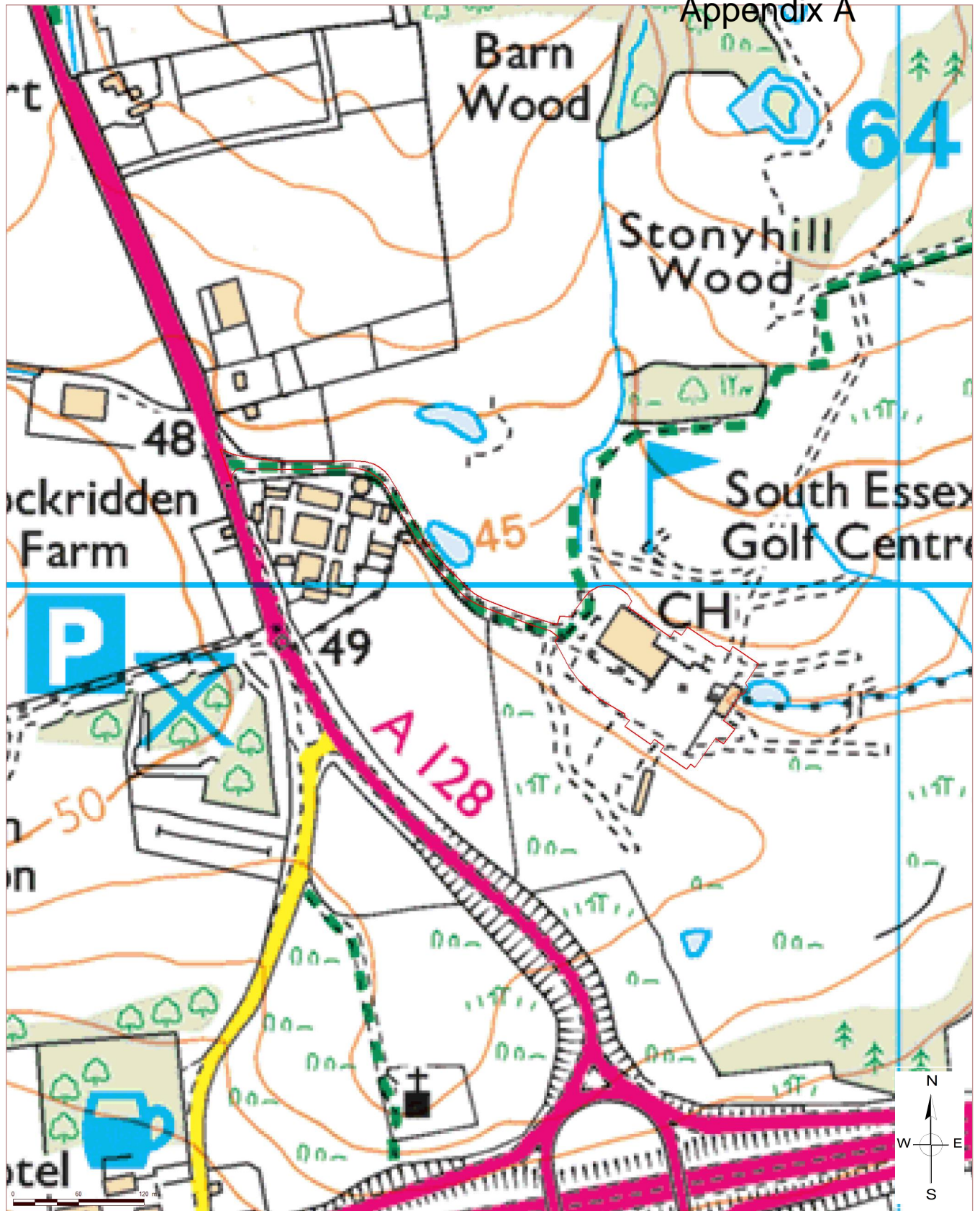
9. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

10. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

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

BACKGROUND DOCUMENTS

DECIDED:



Title : South Essex Golf & Country Club, Brentwood Road, Herongate

18/01291/FUL

Scale at A4 : 1:5000

Date : 13th November 2018

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



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SITE PLAN ATTACHED

33-37 HIGH STREET BRENTWOOD ESSEX CM14 4RG

DEMOLITION OF 35 AND 37 HIGH STREET BRENTWOOD, THE PART DEMOLITION, PART RETENTION OF NO. 33 AND CONSTRUCT OF PART 3 PART 4 STOREY BUILDING COMPRISING FIVE GROUND FLOOR RETAIL UNITS AND 14 NO. RESIDENTIAL UNITS (8NO. 1 BED UNITS; 6NO. 2 BED UNITS). ADDITIONAL CONSTRUCTION OF FIVE STOREY BUILDING TO REAR OF THE SITE COMPRISING GROUND FLOOR SME (FLEXIBLE RETAIL/OFFICE) USE, AND 4NO. 2 BED UNITS.

APPLICATION NO: 18/00959/FUL

WARD	Brentwood North	8/13 WEEK DATE	10/09/2018
CASE OFFICER	Mr Nick Howard	01277 312500	
Drawing no(s) relevant to this decision:	D301 D; D302 E; D304 A; D305; D306 A; D200 A; D201 A; D202 A; D203 B; D204 B; D301 Visual image C; D302 Visual image D; E000 3;		

The committee refused a planning application for a similar development on this site at its meeting in March 2018. This application is for a revised form of development.

1. Proposals

The site comprises two linked parcels of land, a roughly rectangular plot which covers units 33-37 High Street (plot A), with a ribbon of land extending to William Hunter way, and a triangular plot to the north (plot B) facing William Hunter Way. Both plots are within the Brentwood town centre and conservation area. The building structures of units 33, 33a and 33b would be retained at ground and first floor level, with internal/external alterations. Units 35 and 37 would be demolished and replaced in their entirety.

Unit 33 would have three storeys including a pitched roof with front facing dormers behind a low parapet. The ground floor would have three retail units, and there would be 3 flats on each of the first and second floors totalling 2 x one bed units and 4 x two bed units - providing a total of 6 residential flats. The total height of the building is 650mm lower than previously proposed.

Unit 35 would have four storeys including a pitched roof with front facing dormers behind a parapet. The ground floor would have one retail unit, and there would be 2

x one bed units on each of the three floors above – providing a total of 6 residential flats. The total height of the building is approximately 1290 mm lower than previously proposed.

Unit 37 would be three storeys, with a front façade of similar proportions to unit 35 but without the pitched roof. It would have retail use on the ground floor, and 1 x two bed unit on each of the floors above. It would provide in total 2 residential flats. The total height of the building is one storey lower, approximately 3135 mm, than previously proposed.

In total, Plot A would retain all five retail units on the ground floor and provide 14 residential units. CGIs submitted with the application (referred to as 'View points') show the High Street elevation to have articulated frontages of finely detailed brickwork with fenestration having generous reveals. The other change is to the material colour of Block A, this variation in the finish provides more visual variety to the scheme. The front elevation has a sympathetic relationship to the massing of its neighbours to each side.

The proposal for Plot B a five-storey building with flexible retail/office use at the ground floor, and four floors of residential units above; each residential floor would provide 1 x two-bedroom unit. The ground floor would also include cycle and bin storage. In total the proposal would provide one commercial unit and four residential units above. The height of this building is the same as previously proposed and it would be mostly brick clad facing William Hunter Way, with a part glazed aluminium curtain wall stair tower to its rear elevation rising just above the main body of the building. There is a minimum of windows to its flanks.

2. Policy Context

National Planning Policy Framework (NPPF) 2018
National Planning Practice Guidance (NPPG)

Brentwood Replacement Local Plan (BRLP) 2005:

Policy CP1 General Development Criteria
Policy H6 Small Unit Accommodation
Policy H9 Affordable housing
Policy C14 Conservation area
Policy T5 parking
Policy T14 Cycling
Policies TC3/H4 Mixed Use Development
Policies TC4/H5 Use of Upper Floors Above Commercial Properties

Emerging 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 48 of the National Planning Policy Framework 2018. 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 2019. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted later in 2019.

3. Relevant History

- 17/01533/FUL: Demolition of no 35 and no 37, part demolition, part retention of no. 33 and construction of part 3, part 4, and part 5 storey building comprising of five ground floor retail units, and 15no. residential units (8no. 1 bed units; 7no. 2 bed units). Construction of additional five storey building to rear of the site comprising ground floor, SME (flexible retail/office) use, and 4no. 2 bed units. - Application Refused April 2018.
- 14/01261/FUL Construction of a building accommodating retail (Class A1) at Ground floor level, 13 No. residential flats over the three upper floors and a pedestrian footpath link between William Hunter Way and High Street. Approved 16 February 2015. This refers to an adjacent site in Culvers Yard which has been built.

4. SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses. 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/>

Neighbour Responses

- Four letters of objection received which can be summarised as follows:
- The proposal due to the height of the building will block current views.
- Loss of privacy,
- Will affect the current ventilation,
- Will reduce the amount of sunlight entering the windows and overshadowing of the building.
- Its massing is not in keeping with buildings in the immediate vicinity,
- The peak of the building which can be seen from the high street is also not in keeping with the current views from the high street.
- There are windows directly facing windows in habitable rooms within Culyers Yard

- Should the walkway outside our building entrance become a passageway to the high street, it would instantly lose its privacy factor.
- **Historic Buildings and Conservation Officer:**

The revised application is supported for approval.

- **Highway Authority:**

The Transport Statement that accompanies the planning application has been considered. Although the proposal makes no provision for off-street vehicle parking, this would not impact highway safety as the local highway network is protected by parking restrictions. The site is in a sustainable location with good access to all of the town centre's facilities including frequent and extensive public transport services. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions.

- **County Archaeologist:**

The above planning application has been identified on the weekly list by the Historic Environment Advisor of Essex County Council.

The Essex Historic Environment Record (EHER) shows that the proposed development lies within the medieval settlement of Brentwood (EHER 525), which was first mentioned in 1176. In addition to this possible medieval activity there is a line of properties are marked on the 1st edition OS mapping; meaning these buildings pre-date 1880. The demolition of the existing building would give a rare opportunity to examine the medieval road frontage of Brentwood High Street. Recent archaeological work carried out in the vicinity, revealed extensive medieval and post-medieval remains and it is likely that these deposits would continue into the proposed development area. These deposits would be destroyed or disturbed by the proposed development.

In view of this, the proposal is supported subject to conditions.

- **Essex & Suffolk Water:**

Our records show that we do not have apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwellings for revenue purposes.

- **Arboriculturalist:**

The comments on the previous application were that the only vegetation growing on the site are a number of small self-sown sycamores and shrubs on the boundaries of

the car parking area off William Hunter Way. They do not have any significant amenity value and there is no objection to their removal. The proposed layouts would not provide any opportunity for new planting; however, this is not considered to be an issue and would be in keeping with the adjacent Culvers Yard.

Two mature street trees within the footway of the High Street are likely to be affected by the raised elevations. The Lime near No 33 and the London Plane near No 37 have branches that extend towards the buildings. It is likely that some works would be required to reduce/remove some branches to avoid them being damaged during construction. If these works are done sympathetically it is not considered that there should be any significant issues. The trees are on highway land and it is assumed that the developer would cover the costs of any works. Due to the proximity of the trees to the facades it is likely that there would be ongoing post-development pressure to cut the trees back.

5. Summary of Issues

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2018 and National Planning Policy Guidance (NPPG) 2014. The relevant policies are listed in section 2 above.

One of the material considerations is the previous application on the site. Members will recall that the previous application was refused for the following reason:

“The proposed development by reason of its size, scale and design would have a dominant impact on the street scene and have an unacceptable detrimental impact on the character and appearance of the Brentwood High Street Conservation Area and therefore be contrary to Policies CP1 and C14 of the Brentwood Replacement Local Plan and the National Planning Policy Framework”

The refusal therefore related to design related issues. There were no objections on matters of principle, unit size mix, no requirement for provision of affordable housing, highways and parking, archaeology, landscape, amenity of neighbours. The proposal does not change those matters.

Design, character and appearance

Policy CP1 sets out that development should have an acceptable impact on visual amenity, residential amenity and be of a high standard of design; satisfactorily accommodate travel demand, and should not give rise to an unacceptable detrimental impact on health, the environment or amenity; and should be expected to take full account of the need to conserve or enhance the character, appearance, biodiversity and historical and archaeological heritage of the site and the surrounding area.

Policy C14 refers to development affecting conservation areas, and this directs that when considering applications for development within and in the vicinity of conservation areas, special attention will be given to the need to preserve or enhance their character or appearance.

Since the refusal of the last application, discussions have been held with the applicant. These included a reduction in massing at the western section of the development at High Street and the testing of key viewpoints to demonstrate in three dimensions how the proposals would affect the Conservation Area. It is evident that advice given at preapplication has been incorporated into the revised scheme. The proposed architecture and scale respond to the context of the High Street; in terms of grain there is clear definition and division of buildings, this is important in respect of character and appearance.

A series of 'views' have been submitted to convey the impact the development would have upon the character and appearance of the conservation area, in terms of massing and viewpoints.

The alterations made to the proposal as part of this application are described in section 1 above. It is considered that the slight reduction in scale, improved design and materials result in a superior and acceptable scheme. In summary the HBO advises this application is supported by Conservation and Urban Design and considers the development would serve as an enhancement to the Conservation Area. The proposal complies with Policy CP1 and C14 of the Local Plan.

Potential retention of No 35

This was an issue that emerged from the previous application when it was discussed at committee. The applicants have relooked at the building and advise there are significant reasons for not retaining No 35.

- The building has internal supporting columns and associated foundations which would not have the capacity to support an additional storey of residential units. The whole of the internal structure would need to be demolished to enable an additional storey to be added.
- First floor levels that are different to the adjoining buildings thus preventing any connectivity between the buildings. Floor levels cannot be adjusted due to the existing windows and sill heights. The first-floor levels of the adjoining buildings are higher at 33 High Street and lower at 37 High Street, which makes it impossible to integrate 35 into the proposed scheme without full demolition
- Pitched timber roof structures that would need to be demolished if additional storeys are to be added
- A rear and more recent single storey extension, which has no ability to support additional storeys above. The existing flat roof has not been designed to act as a floor structure
- Some structural modifications to front part of the building and potential wall removal at first floor, which reduces the integrity of the structure and its ability to be extended vertically

- Cracking to masonry, which is likely to be exacerbated with additional loads from an extra storey
- Structural elements that are very old that would need replacement in a redeveloped scheme to achieve Building Regulation approval.

Overall the points raised in the applicant's structural survey means that No 35 cannot be retained in the proposed redevelopment. Although No 35 has C19th origins the loss of this non-listed building is outweighed by the benefits derived from the redevelopment of this and the neighbouring properties and therefore its replacement is accepted.

Residential Amenity

Although members previously accepted the relationship between the proposal on Site B and Culyers Yard, this issue has now re-emerged due to residents now occupying Culyers Yard. Culyers Yard is situated to the west of site B and is a four-storey development with residential above a commercial ground floor, fronting onto William Hunter Way. The buildings are separated by a distance of about 5 - 6 metres.

Within the residential element of Culyers Yard there are number of windows facing towards site B. These include on the first floor, starting from William Hunter Way, a secondary lounge window (the main window overlooks the road), a window serving the second bedroom, a window serving the communal staircase and a further window serving the second bedroom for the rear flat. This arrangement is repeated on the second floor. With regard to the third floor only the front flat exists, therefore it consists of a secondary lounge window, a window serving the second bedroom and a window serving the communal staircase.

A daylight and sunlight report, prepared by the applicant, assessed the impact of the proposal on the neighbouring building. The report notes that the existing access to light within living/kitchen/dining rooms at Culyers Yard are already below levels recommended by the Building Research Establishment (BRE), and that rooms are further hampered by heavily recessed windows. Even before factoring in the effect of the proposed development, the report states the access to light at Culyers Yard is already heavily compromised

The report concludes that with regard to Culyer's Yard, this property is unduly sensitive and reliant on light from across the site due its extremely close 'unneighbourly' positioning along the site's boundary; its self-imposed design constraints, which exaggerate the sensitivity to changes in massing on the site; the low-rise nature of the existing massing on the site. Under these circumstances, any meaningful development, more in keeping with the height of taller surrounding buildings, will inevitably result in deviations from the default target values of the BRE guide opposite this property. Nevertheless, most of the windows and rooms below guideline levels are either minor deviations, satisfy at least one of the daylight tests or relate to bedrooms, which are less important than other room uses. The detailed assessment reveals that the majority of rooms will satisfy the guideline and it is worth noting that, if one were to factor in all rooms within Culyer's Yard on this basis (i.e. including those facing away

from the development), the vast majority of habitable space will either satisfy the guidelines or be unaffected.

On the basis of the submitted report, officers consider the proposal on site B will not be materially harmful to the living conditions of the neighbouring residents in Culyers Yard or the potential residents in terms of loss of light.

Other Matters

With regard to the other matters raised; loss of view is held by the courts not to amount to a material consideration; there are no windows proposed on the elevation facing Culyers Yard and therefore there will be no loss of privacy through inter-overlooking; no evidence has been presented that the proposal will affect ventilation to the flats at Culyers Yard; the massing of the proposed building is similar to Culyers Yard building. Based on the comments of the Design and Conservation Officer, the massing and height of the building is considered to be in keeping with the area; the comment that the 'peak' would be seen in the high street and is not in keeping with current views is noted but the overall visual effect is not considered to result in harm to the character and appearance of the Conservation Area. With regard to residents suffering a loss of privacy from use of the passageway, all the flats are on upper levels and pedestrians could not view private areas of their flats.

Accordingly, while the representations are noted officers are of the opinion that the weight afforded to them would not result in a different recommendation to that arrived at previously.

Planning balance

It remains the case that the Council cannot demonstrate a five-year supply of housing land and this proposal would make a contribution towards it. This weighs in favour of the proposal although the proposal is not reliant on this as it is, as indicated above, acceptable on its own merits.

6 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 U23857

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

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

4 U23856

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

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

5 U23858

No development shall take place until a sample panel of the pattern to be used on the external wall adjacent to the proposed footpath link hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

6 U23859

Notwithstanding the details illustrated on the approved plans and accompanying documentation, prior to the commencement of works a detailed section plan at a scale of 1:20 showing the balcony, landscaping/railings and amenity area of a top floor apartment shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in strict accordance with the agreed details.

Reason: In the interests of preserving the character of the Conservation Area.

7. Before the development is first brought into use cycle parking shall be provided in accordance with the EPOA Parking Standards in a secure, convenient and covered facility, and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T14 of the Brentwood Replacement Local Plan.

8. Prior to first 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.

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety

10. Prior to the commencement of any works of demolition or construction, including preliminary groundworks, a scheme for the archaeological investigation of the site, including a timetable for that investigation, shall be submitted to and agreed in writing by the local planning authority. The results of the investigation shall be submitted to the local planning authority prior to the commencement of any works and, if necessitated by the findings of the investigation, those results shall be accompanied by a programme of excavation, recording and where necessary the protection and preservation of remains of archaeological or historic significance. No development or preliminary groundworks shall take place until the local planning authority has approved that programme and the development shall only take place in accordance with that programme or any variation as may be agreed in writing by the local planning authority.

Reason: To enable archaeological records to be made if necessary on a site that lies within an area of known archaeological interest.

11. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

Reason: The site lies within an area of known archaeological interest.

12. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason: The site lies within an area of known archaeological interest.

13. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork,

unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site lies within an area of known archaeological interest.

Informative(s)

1 INF01

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

2 INF04

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

3 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H6, H9, C14, T5, T14, TC3/H4, TC4/H5, National Planning Policy Framework (NPPF) 2018 and NPPG 2014.

4 INF22

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

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. An archaeological brief outlining the level of investigation will be issued from this office on request.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

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

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

BACKGROUND DOCUMENTS

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:
www.brentwood.gov.uk/planning

Appendix A



Title : 33-37 High Street, Brentwood, Essex

18/00959/FUL

Scale at A4 : 1:1250

Date : 13th November 2018

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



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SITE PLAN ATTACHED

MARCOT CHIVERS ROAD STONDON MASSEY ESSEX CM15 0LJ

**EXISTING DWELLING TO BE DEMOLISHED AND REPLACED WITH A
PROPOSED NEW DETACHED DWELLING.**

APPLICATION NO: 18/01127/FUL

WARD	Tipps Cross	8/13 WEEK DATE	31.08.2018
PARISH	Stondon Massey	POLICIES	
CASE OFFICER	Ms Tessa Outram	01277 312500	

**Drawing no(s)
relevant to this
decision:**

20/B;
21/D;
22/D;
23/A;
24;

This application has been referred by Councillor Sanders on the grounds that the dwelling could be extended under permitted development to a greater extent than what is proposed here and thereby having a greater impact on the openness of the Green Belt.

1. Proposals

Planning permission is sought for a detached dwelling with front and rear dormer windows at Marcot, Chivers Lane, Stondon Massey.

The proposed dwelling would have a length of 14.7 metres, a maximum width of 11 metres and a height of 6.4 metres. The dwelling would have different forms and sizes of dormer windows, two rooflights, a pitched roof porch, windows in a variety of sizes and positions, a cross wing front to back and materials would be brick and weatherboarding with plain roof tiles. The application form indicates that the existing house which stands closer to the front of the site in comparison to the proposed dwelling would be demolished after the completion of the new dwelling.

2. Policy Context

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria

- Policy GB1 New Development
- Policy GB2 Development Criteria
- GB6 Replacement Dwellings

National Planning Policy Framework (2018)

National Policy Guidance

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 was the subject of site-focused consultation (Regulation 18) between January and March 2018, identifying proposed development allocations. Where 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 48 of the National Planning Policy Framework 2018. 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 Pre-Submission Draft (Regulation 19) will be considered for publication and consultation at Extraordinary Council on 8 November 2018. Once public consultation has concluded, the LDP will be submitted to the Secretary of State (Regulation 22), likely to be in Q1 of 2019. Provided the Inspector finds the plan to be sound, following an Examination in Public, it is estimated that it could be adopted in mid 2019.

3. Relevant History

- 16/01300/PN42: Single storey rear extension. The proposed extension would extend 8m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 3.5m and the proposed eaves height would be 3.00m - Prior Approval is Not Required
- 16/01301/S192: Application for a Lawful Development Certificate for a proposed use or development for the construction of two single storey side extensions, two side facing dormers and alterations to fenestration -Application Permitted
- 17/01732/FUL: Demolition of existing garage/store and construction of a new detached garage, raise roof ridge height to incorporate loft extension, to include dormers to both sides and Juliette balcony. Single storey side and rear extension to include roof lanterns and new canopy over entrance door. -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.

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

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

5. Consultation Responses

- **Parish Council:** Stondon Massey Parish Council has no objection to this application but would urge BBC to ensure that the Green Belt and the agricultural policy restrictions are not compromised and we would additionally ask BBC to impose a time limit on the demolition of the existing property.
- **Highway Authority:** A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal would utilise the existing access and includes adequate vehicle parking and turning space for the dwelling, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

6. Summary of Issues

The application site is within the Metropolitan Green Belt on the western side of Chivers Road and is occupied by a modest chalet bungalow. The main considerations in the determination of this proposal are the impact on the Green Belt, on the character and appearance of the surrounding area, on residential amenity and highway considerations.

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 2018 (NPPF) and National Planning Practice Guidance (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

Policies GB1 and GB2 aim to control development but support a limited range of

development, subject to being appropriate to the greenbelt and protecting its openness. These policies are broadly consistent with the NPPF, which is a significant material consideration. Where there is a difference between it and the development plan, the NPPF, which is newer than the development plan, takes preference although in this case there is no significant inconsistency between the two documents with regard to general approach to development in the greenbelt.

Policy GB6 of the Brentwood Replacement Local Plan (RLP) 2005 is concerned with replacement dwellings and sets a threshold of 37sqm above which proposals will not be allowed. However, the Framework at paragraph 145 advises that the construction of new buildings in the Green Belt should be regarded as inappropriate except when, amongst other things, it involves the replacement of an existing building. This is provided that the new building is in the same use and is not *materially larger* than the one it replaces. As the NPPF is newer than the development plan its preferred measure of 'not materially larger' supersedes the explicit size limits given in development plan policy GB6.

In this case, a relatively modest chalet bungalow would be replaced by a much larger 4 bedroom chalet. The reference in the NPPF to the 'one it replaces' must logically be taken as the building as it exists. On the basis of the submitted plans the floor area would increase by 88% with a volumetric increase of around 48%. The proposed dwelling would be wider and deeper than the overall dimensions of Marcot and its footprint would be greater by around 61% compared to the existing. Using these objective measures the proposed dwelling is considered to be materially larger than the existing one. Therefore, the proposal would be inappropriate development in the greenbelt and conflict with the aims of the development plan and the National Planning Policy Framework.

Openness and Character and Appearance.

By reason of its dimensions the proposed dwelling would significantly increase the physical presence of built development in the Green Belt. This would reduce openness and undermine the purposes of including land within the Green Belt, contrary to Policy GB2 of the RLP which seeks to avoid harm in this respect.

The application site has a rural setting with the only immediate neighbour to the north of the site. The proposed dwelling would be set further back from Chivers Road than the existing dwelling and be located close to the boundary with the neighbouring property. The footprint of the new house would extend across most of the width of the plot and the existing garage demolished. No replacement garage is indicated. The design of the new dwelling is stated to be a 'chalet house'. The main ridge would be perpendicular to the road with a two storey gable front and rear wing. Dormers are proposed in the front, one side and the rear roof slopes. The proposed dwelling would be more obvious than the existing house and more bulky than with the alterations granted planning permission earlier this year but on balance the building would be an adequate standard of design.

Green Belt Balance

As indicated above, the proposal would be inappropriate development in the Green Belt. The NPPF says the following with regard to inappropriate development:

“143 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

The applicant hasn’t addressed the issue of very special circumstances and therefore hasn’t made a case that demonstrates the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Without very special circumstances the proposal should not be approved.

The proposed development would also reduce openness. To set against the harm, found the likelihood of visually unsatisfactory permitted development extensions being carried out should be given very limited weight. The likelihood of the 2017 permission not being implemented should this application not be granted is given less than moderate weight.

Therefore while there are a number of considerations that support the proposal it is considered that none of them are afforded the substantial weight that is given to the harm to the Green Belt. Even when taken together, they do not clearly outweigh the totality of the harm that would arise. As such, very special circumstances do not exist and the proposal would be contrary to the Local Plan Policy GB1 which states that permission for inappropriate development should not be granted.

Other Considerations

The applicants case largely rests on the contention that the proposal is smaller and less harmful than developments that could be erected as permitted development. A lawful development certificate in respect of two proposed single storey flat roofed side extensions and two mono pitched dormer windows was granted in 2016. A prior notification for a larger single storey rear extension was submitted but did not require prior approval. According to the applicant these ‘permitted development’ works would result in a greater total floor area and overall footprint than what is proposed here. Planning permission was granted for extensions to the existing house under reference 17/01372/FUL, are much better resolved and less harmful than the ‘permitted development’, even though much of the latter is only single storey.

The weight attributed to permitted development or an existing planning permission will depend on the likelihood of those developments being carried out. The applicant has indicated that the layout and design of those works would not be satisfactory and the

applicants supporting case for this application contains a critique of the permitted development schemes such that there is no indication of a strong likelihood of such works being carried out. On that basis little weight should be attached to the permitted development schemes. Given the extant permission, 17/01372/FUL, it is considered that the inferior permitted development works would be less likely to be implemented further limiting their weight for this application.

The 17/01732/FUL permission for extensions is afforded greater weight. The calculations submitted indicate that the current proposal would be 47.sq.m smaller in terms of footprint, 33.7sq.m smaller in terms of floor area and 19.7 m³ (4%) smaller in terms of volume than the 2017 permission. However, in this case dimensional comparisons are not particularly informative. A visual comparison between the existing, approved and proposed schemes gives a more accurate indication of whether the replacement building is 'materially larger'.

The scale and design of the replacement dwelling would result in a much larger and bulkier building with all the mass of built form at one and a half or two storeys compared to the 2017 permission which had a majority of built form at single storey level and predominately to the rear of the main building. In addition, the proposed replacement dwelling would spread the footprint of the building across virtually the whole width of the site which at present is devoid of built form. The spread of development would be far less if the 2017 permission were to be implemented; it would allow views through the site and to the trees and vegetation behind, and as such the actual and perceived increase in the size of the 2017 dwelling and its impact on the openness of the Green Belt would not be as significant as the application proposal.

Impact on Neighbour Amenity

The only immediate neighbour to the site is 'Beulah' (marked Sarion on the submitted drawings) to the north. The proposed dwelling is positioned a sufficient distance from the neighbouring property as to not result in an overbearing impact or loss of outlook or light that would be detrimental to the living conditions of the occupiers. No flank windows are proposed facing 'Beulah' and the side dormer windows would overlook farm land to the south. As such it is considered the proposal would not result in any material overlooking or loss of privacy to the neighbouring occupiers and would provide a good standard of amenity to all existing and future occupiers in accordance with policy CP1 (ii) of the local plan and paragraph 127 (f) of the NPPF.

Highway and Parking Considerations

The proposal would not result in a loss of off-street parking provisions and would retain the existing access. The proposal therefore is in accordance with the adopted parking standards and would not result in any highway safety issues.

Conclusion

It is concluded that the proposed development would be inappropriate development and reduce openness and there are no very special circumstances to justify the

development. The conflict with the development plan is not outweighed by other material considerations. It is therefore recommended that the application be refused.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U27373

The proposed replacement dwelling represents inappropriate development in the Green Belt and as a result of its scale, size and bulk would result in a reduction in the openness of the Green Belt. As such the proposed development is contrary to National Planning Policy 2018 paragraphs 144 and 145 and planning policies GB1 and GB2 of the Local Plan saved policies 2005.

R2 U27378

Other matters that weigh in favour of the proposed development have been considered, but collectively they do not clearly outweigh the harm to the Green Belt. Therefore 'very special circumstances' to justify inappropriate development in the Green Belt do not exist.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1GB1, GB2, GB6, National Planning Policy Framework (NPPF) 2018 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF24

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. Details of the pre-application service can be found on the Council's website at www.brentwood.gov.uk/preapplicationadvice

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title : Marcot, Chivers Road, Stondon Massey

18/01127/FUL

Scale at A4 : 1:2500

Date : 13th November 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.