



Agenda

Planning Committee

Wednesday, 22 March 2023 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 4)

Cllrs Tanner (Chair), Barber (Vice-Chair), Dr Barrett, M Cuthbert, Fryd, Gelderbloem, Jakobsson, Laplain, Mrs Murphy, Mynott, Parker and Sankey

Substitute Members

Cllrs Barrett, Mrs N Cuthbert, Mrs Davies, Heard, Mrs Hones and Mrs Pearson

Agenda

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Live Broadcast

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A handwritten signature in black ink, appearing to read 'Jonathan Stephenson', is written over a horizontal line.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
14.03.2023

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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The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

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

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 **Evacuation Procedures**

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



Minutes

Planning Committee
Tuesday, 14th March, 2023

Attendance

Cllr Tanner (Chair)	Cllr Gelderbloem
Cllr Barber (Vice-Chair)	Cllr Laplain
Cllr Dr Barrett	Cllr Mynott
Cllr M Cuthbert	Cllr Parker
Cllr Fryd	Cllr Sankey

Apologies

Cllr Mrs Murphy

Substitute Present

Cllr Mrs Hones
Cllr Mrs Pearson

Also Present

Cllr Jakobsson
Cllr Heard
Cllr Hossack
Cllr Lockhart
Cllr Wagland
Cllr Keeble

Officers Present

Caroline Corrigan	- Corporate Manager (Planning Development Management)
Jonathan Quilter	- Corporate Manager (Strategic Planning)
Julia Sargeant	- Senior Planning Officer
Claire Mayhew	- Corporate Manager (Democratic Services) and Deputy Monitoring Officer
Paulette McAllister	- Programme Lead - Strategic Housing Development Programme
Zoe Borman	- Governance and Member Support Officer
Brendan Johnston	- Strategic Development Engineer, Essex Highways

402. Apologies for Absence

Apologies were received from Cllrs Murphy and Jakobsson. Cllrs Pearson and Hones attended as substitutes.

403. Minutes of the Previous Meeting

The Minutes of the last Planning Committee held on 21st February were approved as a true record.

404. APPLICATION NO: 22/01411/FUL LAND NORTH OF WOOLLARD WAY NINE ASHES ROAD BLACKMORE ESSEX

This application is of a strategic nature identified within the Brentwood Local Plan and as such was deferred to the Planning Committee for decision at the discretion of the Director of Place Services.

Ms Julia Sargeant presented the report to Members in the absence of Ms Dunning.

Members then heard from Mr Bill Ratcliffe, Blackmore Village Heritage Association (BVHA) and Mr Tim Chilvers, Agent in support of the application.

Cllr Keeble, Parish Councillor, addressed the committee commending the Agent, Andersons for their collaboration with the Parish Council and BVHA resulting in a sympathetic application for the village. He also stressed the need for s106 to mitigate the harm on local services.

Cllr Jakobsson addressed the Committee as Ward Councillor in support of the application.

The Chair then read a statement from Cllr Bridge, Ward Councillor, in support of the application.

The committee also heard from Cllr Wagland, Essex County Councillor, commending the local community in defending their village and their ongoing work with the agent resulting in a favourable response from the developer.

Cllr Tanner also spoke in support and **MOVED** that the application be **APPROVED**. Cllr Barber **SECONDED** the motion.

Following a full debate, Members voted as follows:

FOR: Cllrs Barber, Dr T Barrett, Cuthbert, Fryd, Gelderbloem, Hones, Laplain, Mynott, Pearson, Parker, Tanner, Sankey (12)

AGAINST: (0)

ABSTAIN: (0)

The motion was **CARRIED UNANIMOUSLY** to **APPROVE** the application subject to S106 and conditions as outlined in the report.

[Cllr Mynott declared a non-pecuniary interest as a member of the Essex Wildlife Trust.]

405. APPLICATION NO: 22/01640/FUL BAYTREE SHOPPING CENTRE BRENTWOOD ESSEX CM14 4BX

This application is a scheduled Committee item because the application had been submitted by Seven Arches Investment Limited (SAIL). Seven Arches Investment Limited is Brentwood Borough Council's development arm and the proposal concerns council owned land.

Ms Julia Sargeant presented the report to Members.

The committee then heard from Mr Graham Clegg from Beckett House Leaseholders' Association. Although not opposed to the development, concerns were raised regarding noise, air quality and amenity which Mr Clegg confirmed had been satisfied within the conditions.

Ward Cllr Dr Barrett spoke in support of the application. However, an issue around the controlled parking zone was raised and requested that an extension of 5 parking places for residents in South Street be added as a condition. Officers were instructed to explore the potential of extending the CPZ within South Street and where possible to include a suitably worded condition.

Cllr Parker welcomed this application and its benefits to the Town Centre and **MOVED** that the application be **APPROVED**. This was **SECONDED** by Cllr Barber.

Cllr Mynott although in favour in principle and welcoming of a cinema, opposed the application for reasons including public realm, unsatisfactory retail provision, pedestrian movement and non-integration route of the Town Centre.

Following a full discussion, Members voted as follows:

FOR: Cllrs Barber, Dr T Barrett, Cuthbert, Fryd, Gelderbloem, Hones, Laplain, Pearson, Parker, Tanner, Sankey (11)

AGAINST: Cllr Mynott (1)

ABSTAIN: (0)

406. APPLICATION NO: 22/00572/BBC GARAGE BLOCK SIR FRANCIS WAY BRENTWOOD ESSEX

This application is a scheduled Committee item because the application had been submitted by the Brentwood Borough Council's Housing Team and concerns Council owned land.

Ms Julia Sargeant presented the report.

Mr Fisher, Agent on behalf of the Applicant addressed the committee in support of the application. The committee also heard from Ms Paulette McAllister on behalf of the Strategic Housing Delivery Partnership which seeks to bring zero carbon affordable homes across the borough. Ms McAllister reported this was the first site within the Town Centre, a walkable neighbourhood and offering much needed 3-bed homes.

Ward Cllr Russell addressed the committee in support of the application.

Members welcomed this report. Cllr Tanner **MOVED** and Cllr Barber **SECONDED** that the application be **APPROVED**.

Following discussion members voted as follows:

FOR: Cllrs Barber, Dr T Barrett, Cuthbert, Fryd, Gelderbloem, Hones, Laplain, Mynott, Pearson, Parker, Tanner, Sankey (12)

AGAINST: (0)

ABSTAIN: (0)

The motion was **CARRIED UNANIMOUSLY** to **APPROVE** the application subject to conditions as outlined in the report.

407. Essex County Council Developers' Guide to Infrastructure Contributions proposed revisions 2023

Essex County Council are consulting with Local Planning Authorities on a new edition of the Developers' Guide to Infrastructure Contributions (Appendix B), which will replace the previous edition published in 2020. Planning Licensing Committee formally acknowledged the Developers' Guide to Infrastructure Contributions (revised edition 2016) as having material weight for planning applications (Item 104, 19 July 2016).

Following a full discussion Members were asked to:

**R1. Note the content of the response to the Essex County Council
Developers' Guide to Infrastructure Contributions proposed
revisions 2023 consultation as set out in Appendix A.**

408. Urgent Business

There were no items of urgent business.

The meeting concluded at 21:18

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SITE PLAN ATTACHED

**DE ROUGEMONT MANOR GREAT WARLEY STREET GREAT WARLEY
BRENTWOOD ESSEX CM13 3JP**

**PROPOSED REDEVELOPMENT OF THE DE ROUGEMONT MANOR HOTEL AND
GROUNDS (C1) TO CREATE 43 RESIDENTIAL DWELLINGS (C3) INCLUDING
CONVERSION AND NEW BUILD HOMES, WITH ASSOCIATED ACCESS, PARKING
AND LANDSCAPING**

APPLICATION NO: 22/01562/FUL

WARD	Warley	8/13 WEEK DATE	30 January 2023
PARISH		Extension of Time	31 March 2023
CASE OFFICER	Kathryn Williams		

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

Drawings (937-PL-01; 937-PL-02; 937-PL-03 G; 937-PL-04 F; 937-PL-05 F; 937-PL-06 F; 937-PL-07 E; 937-PL-08 F; 937-PL-09 G; 937-PL-10 F; 937-PL-11 D; 937-PL-12 B; 937-PL-13 D; 937-PL-14 E; 937-PL-15 D; 937-PL-17 D; 937-PL-18 D; 937-PL-20 B; 937-PL-21 B; 937-PL-22 B; 937-PL-23 B; 937-PL-24 B; 937-PL-25 B; 937-PL-26 D; 937-PL-27 C; 937-PL-28 C; 937-PL-29 E; 937-PL-30 C; 937-PL-31 A; 937-PL-32 A; 937-PL-33 B; 937-PL-34 A; 937-PL-35 B; 937-PL-36 B; 937-PL-37 C; 937-PL-38 C; 937-PL-39 C; 937-PL-40 D; 937-PL-41 D; 937-PL-42 C; 937-PL-43 C; 937-PL-44 C; 937-PL-45 E; 937-PL-46 E; 937-PL-47 C; 937-PL-48 C; 937-PL-49 C; 937-PL-50 D; 937-PL-51 C; 937-PL-52 B; 937-PL-53 D; 937-PL-54 A; 937-PL-55; 937-PL-56; 937-PL-57 A; 937-PL-58 B; 937-PL-59 B; 937-PL-60; 937-PL-62; 937-PL-61)
Planning Statement and Addendum; Heritage Statement and Addendum; Design and Access Statement and Addendum; Landscape Strategy Plan; Landscape Visual Impact Statement; Draft s106 Head of Terms; Financial Viability Assessment; Statement of Community Involvement; Transport Statement; Flood Risk Assessment and Drainage Strategy; Preliminary Ecological Appraisal; Bat Survey; Biodiversity Net Gain Assessment; Arboricultural Impact Assessment incorporating Tree Survey; Landscape Management Statement; Estate Management Strategy; Energy and Sustainability Statement; Heritage Statement and Addendum; Noise Impact Assessment; Tree Constraints Plan; Tree Protection Plan; Topography Survey.

This application has been referred to the committee at the discretion of the Corporate Director - Planning and Economy - as a major application that is likely to be of interest to the committee.

1. Proposal

The proposal is submitted following two previous applications (20/01913/FUL; 22/00148/FUL) that were refused planning permission in January 2022 and July 2022 by Brentwood Borough Council. These decisions and the reasons for refusal are a material consideration in the assessment of the current application and are to be weighed in the planning balance.

The current proposal relates to the residential redevelopment of the De Rougemont Manor Hotel site, to create 43no. dwellings with associated access, parking, and landscaping works.

The application site is in the Green Belt, just south of the village of Great Warley, within the Great Warley Conservation Area.

This planning application has been subject to extensive discussion and revisions have been received during the course of determination.

The site has an overall area of approximately 3.4 hectares, of which approximately 1.03 hectares is proposed for development, including the conversions, extensions, ancillary areas and other new builds.

It is proposed to deliver:

- 18no. dwellings through the conversion, remodelling, and extension of the main hotel building;
- 4no. dwellings from the conversion of the stable building (Goldings); and
- 21no. new build dwellings.

The new build dwellings would be mostly on the existing car park, the surface of which is part tarmac/part road planings, and it would replace some low buildings adjacent to the road frontage.

In terms of layout, the application site has been divided into three sections:

- The north of the site, comprising the proposed play area and the forest school;
- The central part of the site, comprising the new residential development; and
- The south of the site, comprising the area of proposed Public Open Space (POS).

The north and the south of the site are addressed later in this report, in the Landscape section.

The residential development is divided into three character areas; defined by the housing typologies, with parking clusters.

Residential development: the north

To the north, plots 23 to 35, there are simple long forms set around a loose courtyard, reorientated to closeup the end of the access road. These elements will feature slate roofs and a mixture of brick and timber cladding, taking reference from the nearby Forge Close development. The courtyard feature was not present in the refused applications.

Units 27 to 32 would extend into the existing green area towards the north of the site. Units 23 to 26 have been set back from Great Warley Street, to avoid giving them prominence in the local townscape. For the same reason, a car park has been located to the north of plot 26, avoiding the presence of additional buildings fronting Great Warley Street. This is a welcome improvement to the layout from the refused application.

Units 23 to 34 are 2 storeys high, whilst unit 35 is 3 storeys.

Residential development: the centre, including the stable

In the centre, plots 36 to 39 propose a less uniform, more articulated roof scape, and the distance between units 38 and 39 has been increased, following discussions with Officers, to ensure separation between units.

Units 36 and 37 are 2 storeys high, whilst units 38 and 39 are 3 storeys.

Proposed units 19 to 22 would be created from the conversion of the two-storey stable building, adjacent to the main access. This has the proportions of a large two-storey dwelling and would regain its original quadrangle form, with the central infill removed and the area becoming a communal courtyard for the four units created through its conversion. The proposal would involve the removal of previous additions and adjacent outbuildings and the conversion works would have limited effect on the appearance of the building.

Another car parking area has been located to the north of the stables, avoiding the presence of additional buildings fronting Great Warley Street.

Residential development: the south, including the hotel building

To the south are plots 40 to 43 and 1 to 18 (the hotel building).

The hotel, a locally listed building, would be retained with external changes, which replace extensions and alterations that were carried out after a fire in 2001. Specifically, at the rear of the main building, the restaurant addition and two relatively recent two and a half storey additions would be removed. The northern most addition would be replaced by a 'freestanding' three storey building, containing 2 units – number 6 (2 bedroom, flat) and 13 (2 bedroom, duplex). The southern rear additions would be replaced with a three storey extension, providing two flats on each of the ground and

first floors and a further one at second floor level (all 2 bedroom). Under this part of the new building would be a semi enclosed basement providing 3 parking spaces, cycle parking and lift access to the main building.

The former clocktower adjacent to the main access along the road frontage, which has long since lost its upper section, including clocks, would be restored, with its clock faces and copper top reinstated.

Plots 40 to 43 feature detached dwellings (2 and 3 storey high) finished in a mixture of brick and render, complementing the hotel.

Open space

The proposal comprises an extensive area of public open space (POS) to the south of the site, including the existing Italian Gardens, and a publicly accessible playground to the north. These are accompanied by a detailed management strategy.

There is a wooded area to the north of the playground, and it is proposed to donate it on a peppercorn rent to the Nappies and Paddies Day Nursery, located on the other side of Great Warley Street, for use as a forest school.

Access and parking

Pedestrian and vehicular entrances to the site would be from the existing main access, widened to allow two vehicles to pass. A new pedestrian entrance into the POS is proposed to the south of the site, together with a new pavement, which will run along the frontage from the main entrance to the southern edge of the site. Dropped kerb and tactile paving will be provided at the edge of the existing layby on Great Warley Street, to facilitate pedestrian crossing.

Parking would be provided in a mix of basement parking (main hotel building); outside parking spaces; carports; and garages.

Unit mix

The table below illustrates how the proposed size and mix of units has been amended since the first planning application.

Table 1 – Unit mix comparison: current and refused applications

Bedrooms per dwelling	20/01913/FUL	22/00148/FUL	22/01562/FUL
1	N/A	N/A	4 dwellings (9%)
2	24 dwellings (53%)	18 dwellings (40%)	20 dwellings (47%)
3	12 dwellings (27%)	19 dwellings (42%)	11 dwellings (25%)
4	9 dwellings (20%)	8 dwellings (18%)	6 dwellings (14%)
5	N/A	N/A	2 dwellings (5%)
Total	45 dwellings (100%)	45 dwellings (100%)	43 dwellings (100%)

The affordable dwelling provision has changed from 5 shared ownership dwellings (20/01913/FUL), to 4 shared ownership and 2 affordable rent (22/00148/FUL), to no affordable housing in this application. The Viability Report was independently reviewed, and the Council's consultant has commented that 3 shared ownership units should be provided on site. The applicant has agreed to provide this in line with the recommendations.

The refused and proposed schemes

The main differences to the application refused by the Committee in July 2022 are:

- A reduction from 45 to 43 dwellings, including the replacement of 8 houses with an apartment block of 6 units. This has led to a reduction of floorspace required to deliver the 43 units.
- Layout is now appropriate further to a number of reconfigurations. Compared to the refused application, there is a slight reduction of hardstanding outside previously developed land (PDL), and a significant reduction of ancillary space (i.e. private gardens) outside PDL.
- The Historic Buildings and Conservation Officer, agrees with the conclusions of the Heritage Advisors that there is a low level of less than substantial harm to the designated heritage asset (Great Warley Conservation Area).
- The Historic Buildings and Conservation Officer has a 'no objection' in principle to the conversion of the Non-Designated Heritage Asset (NHDA), the hotel.
- Reduction in the amount of proposed built form along the eastern side of the proposed new build element. The only building still fronting Great Warley Street has been further set back from the site boundary.
- Replacement of car parking spaces to the south-west of the stable block building with new planting and soft landscaping.
- Re-arrangement of the car parking layout of the new buildings, to deliver an improved and more open urban environment.
- Provision of a new publicly accessible play area and a forest school to the north of the site.
- Re-configuration of the extensive area of public open space (POS), accompanied by a management plan.
- Significant biodiversity net gain (35.69%).
- 42.8% carbon reduction on Part L1 compliance build.

2. Site and Surroundings / Background

The De Rougemont Manor Hotel has its origins in the 1880s and was converted into a hotel in the 1960s. Designed by architect Ralph Neville in Arts and Crafts style, it is now a locally listed building.

The site is roughly L shaped and comprises the main Manor building, the stable block building, a tower clock as well as associated parking spaces, landscape, and leisure facilities. Both vehicular and pedestrian access is provided by way of two entrances off Great Warley Street to the east.

The hotel was closed from March 2020 to July 2020 due to Coronavirus restrictions, closed for a month in November 2020, and opened for a fortnight in December 2020 before closing again to reopen in May 2021. It is currently in operation and making a profit, although the applicant contends that this is very far from pre-COVID levels.

The site is situated on undulating ground that rises to the north-east towards Brentwood and falls away to the south towards the River Thames basin.

The application site is located approximately 300m south of the centre of Great Warley village and fronts onto Great Warley Street which abuts the eastern site boundary. The eastern boundary consists of a wall, hedgerows and trees which screen much of the site from the road.

To the north of the site, there is a small undeveloped land parcel with residential properties beyond this. To the east of the site, beyond Great Warley Street, there are residential properties and the Nappies and Paddies Day Nursery. To the south of the site, there are further residential buildings. To the west, there is farmland which extends between the site, adjacent properties and the M25 corridor further to the west.

3. Policy Context

Adopted Brentwood Local Plan (the Local Plan) 2016-2033:

- Policy MG01: Spatial Strategy
- Policy MG02: Green Belt
- Policy MG05: Developer Contribution
- Policy BE01: Carbon Reduction and Renewable Energy
- Policy BE02: Water Efficiency and Management
- Policy BE04: Managing Heat Risk
- Policy BE05: Sustainable Drainage
- Policy BE07: Connecting New Developments to Digital Infrastructure
- Policy BE09: Sustainable means of travel and walkable streets
- Policy BE11: Electric and Low Emission Vehicles
- Policy BE12: Mitigating the Transport Impacts of Development
- Policy BE13: Parking Standards
- Policy BE14: Creating Successful Places
- Policy BE15: Planning for Inclusive Communities
- Policy BE16: Conservation and Enhancement of Historic Environment
- Policy HP01: Housing Mix matrix
- Policy HP03: Residential Density
- Policy HP05: Affordable Housing
- Policy HP06: Standards for New Housing
- Policy PC10: Protecting and Enhancing Community Facilities
- Policy PC04 (Retail Hierarchy of Designated Centres).
- Policy NE01: Protecting and Enhancing the Natural Environment
- Policy NE02: Green and Blue Infrastructure

- Policy NE03: Trees, Woodlands, Hedgerows
- Policy NE05: Open Space and Recreation Provision
- Policy NE09: Flood Risk

National Policy:

- National Planning Policy Framework (NPPF) 2021
- National Planning Practice Guidance (NPPG)
- National Design Guide (2021)

4. Relevant History

20/01913/FUL: Proposed redevelopment of the De Rougemont Manor Hotel and grounds (C1) to create 45 residential dwellings (C3) including conversion and new build homes, with associated access, parking, and landscaping works. - Application Refused

22/00148/FUL: Proposed redevelopment of the De Rougemont Manor Hotel and grounds (C1) to create 45 residential dwellings (C3) including conversion and new build homes, with associated access, parking, and landscaping works. - Application Refused

5. Neighbour Responses

Where applications are subject to public consultation, those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>.

At the time of writing this report, 13 neighbour objections have been received for this application. The issues raised have been addressed throughout this report.

- The proposal will significantly harm the Green Belt and conservation area due to unsustainability, reduction in openness, wildlife destruction and urban sprawl.
- There are already enough open public spaces in Great Warley.
- Concerns that the addition of residential dwellings will negatively alter the character and attraction of the village.
- More sustainable methods of transport should be supported in the application rather than encouraging car use.
- The increased traffic generation and potential highway safety issues have not been addressed.
- The density of dwellings proposed could put significant pressure on surrounding infrastructure and services including doctors, schools and the busy B186 as there are no amenities in close proximity to the development.
- No improvement in local infrastructure has been provided in the area, despite population growth.

- Concerns about the safety of young children from the nursery school using the pedestrian crossing to reach the site, when school already has access to open land and a footpath.
- The current development is one of few venues in the Brentwood area which facilitates weddings and large gatherings.

At the time of writing this report, 27 neighbour supporting comments have been received for this application and they are summarised as follow.

- The building will be kept and maintained by the development.
- There is a housing shortage in the local area and the development will bring new housing opportunities.
- The proposed road work will calm the local traffic and the zebra crossing is welcomed.
- The plans have taken into consideration the historical and aesthetics of the existing hotel.
- The hotel is no longer fit for purpose and regeneration opportunities are desperately needed in Warley.
- The layout will enhance the environment of the neighbourhood.
- Noise from the existing car park will be reduced as a result of the development.
- The proposal has been planned sympathetically with local residents and the surrounding countryside.

6. Consultation Responses

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

- **Design and Conservation Officer**

SECOND RESPONSE

Since my initial advice letter 7th December 2022 (see appendix 1) three virtual sessions focused on Built Heritage have been undertaken by myself with the applicant's Heritage Advisors (see Heritage Addendum); mainly to address how our understanding of the Non-Designated Heritage Asset (NDHA) of De Rougemont Manor and its setting within the conservation area, should influence and shape architectural proposals, in addition to address appropriate revisions to improve the design of the current new dwellings as proposed in the current submission.

This advice letter, therefore, is offered in relation to recently submitted revisions which have output from those Built Heritage sessions. However, to be clear and as stated to the LPA in this current application and in both the previously refused applications) my advice is based on the OVU of the NDHA being demonstrated, and on the basis development is compliant with the Green Belt Policies.

The main building of De Rougemont Manor (Brentwood Local Heritage List (IUD GW-DRH)) has been subject to design revisions since my initial advice letter in December as stated earlier.

In summary, I have no 'in principle' objection to the conversion of the Hotel to residential if this is demonstrated as the optimum viable use, Paragraph 197 of the NPPF states that applications should consider "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". In respect of the extensions and architectural design adopted for the NDHA I find these to be improved and acceptable in conservation terms subject to Conditions to include the retention of accredited historic buildings advisors.

It then falls in my balance to the new dwellings, which are also of material impact upon the character and appearance of the conservation area. The submitted report summarises 'it is considered that the proposals, including the demolition of the existing extensions and spa building, and their replacement with new extensions and new build units on the existing car park, would cause a low level of less than substantial harm on the character and appearance of the Great Warley Conservation Area. While the new-build elements on the existing car park would impact the openness of the conservation area, this part of the conservation area does not make a positive contribution towards its character and appearance. As such, the proposed design mitigation measures which have been agreed with the Council as part of a context and conservation-led scheme would appear appropriate within the current context and continue the changing hierarchy across the Site'.

The Addendum to the Built Heritage Assessment concludes a low level of less than substantial harm has been identified to the conservation area as a consequence.

I have no reason to find in contrast to this conclusion and also engage Para 202.

However, notwithstanding 202, in regard to the legislative test, the proposals would as a consequence of the above be considered contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Local Planning Authority should be reminded that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), in this case the Great Warley Conservation Area, should require clear and convincing justification.

- **Housing Manager**

No response.

- **Landscape and Ecology**

The Arboricultural Impact Assessment has identified 36 individual trees and 4 tree groups, assessed as Category C (Low Value) or Category U (Unsuitable for retention), as requiring felling to facilitate development. I do not consider that removal of these trees should be a constraint to development.

A preliminary ecological appraisal has been submitted. It is considered that there are not important roosting sites that would be affected by the proposal; however further emergence surveys would be required to establish if a Protected Species license before any works commence. This should be conditioned.

The proposed development site is assessed as of low ecological value. This is considered appropriate; however precautionary measures will need to be adopted including timing of vegetation clearance to avoid disturbance of nesting birds. External

lighting during construction and operation will need to be designed to avoid light spill over vegetation on the boundaries to minimise disturbance of commuting and foraging bats. I would request a condition requiring details of external lighting be submitted to and approved by the LPA prior to commencement.

Japanese knotweed and another stand in the scrub woodland north of the car park. These stands will require eradication to prevent their spread.

An appropriate badger method statement should be adopted during construction to ensure there are no adverse effects on badgers accessing the site.

The landscape strategy also sets out proposals for providing play equipment and a 'Forest School'. In principle these are seen as beneficial; however Forest Schools normally are run by trained staff; no mention of these is mentioned within the DAS.

It is considered that improved enhancement and management of the existing landscape features would be beneficial for their landscape and biodiversity value and would provide an area of public open space for residents in the wider community. However the scale of works required to bring these areas into an appropriate condition are relatively large and will require a long-term commitment to ongoing management. The DAS states that the detail of the landscape management plan can be finalised through a condition. It is considered however that this is an important component for the success of the scheme. It is important therefore for the LPA to better understand how the resources for managing the soft landscape zones and communal open spaces will be secured prior to determining the application. I do consider however that prior to the application being determined the LPA will need to be confident that the scheme can deliver the landscape management works needed to bring the communal spaces into a good quality condition and maintain them in the long term.

SECOND RESPONSE

In terms of landscape character the large car park is already a negative feature and the introduction of the residential, while visible and adverse, could not be assessed as a significant effect given its limited scale and the surrounding land uses.

I agree that any visual effects would be very limited due to the existing trees and buildings bounding the site. It would only be visible from a short section of Great Warley Street where there are existing residential properties.

I agree that I would not consider the visual effect on openness to be overly detrimental as views through the site are limited and contain several existing buildings and areas of hardstanding.

The note on the proposed Estate Management Plan confirms that the open space areas will be retained by the company and funded through resident service charges. If the scheme is permitted there will need to be a condition requiring the full Landscape Management Plan to be submitted which will establish the amount of work that will be required. Will the provision of the open space form part of a s106?

As I concluded in my previous comments I do not have any significant objections to the proposal on landscape or ecology grounds, and consider that if properly resourced the scheme could result in positive improvements the gardens and woodland areas.

- **Environmental Health Manager**

Noise

In accordance with the Noise Impact Assessment, a good internal noise environment would be achieved for the properties in the middle and to the West of the development using the proposed glazing and natural ventilation: Wall: x2 100mm Block (90mm Filled Cavity + Butterfly Tie, Windows: Standard Double Glazing Units, Trickle Ventilators: Trimvent 4000

Therefore, these materials, or similarly performing materials (including concealed trickle vents) should be used within the construction, ensuring the calculated internal noise levels presented can be achieved.

The houses on the East of the development, closer to the B183 road require a further 9dB of sound attenuation to achieve the same performance as the acoustic properties of the other dwellings. The use of acoustic double glazing and acoustic trickle vents with acoustic ratings of 33dB Rw or better would achieve the internal noise requirements of BS8233:2014, along with considering the location of noise sensitive rooms. If similar acoustic attenuation can be achieved using concealed trickle vents, these are also appropriate to use.

Noise in external amenity areas recorded above the recommended BS8223:2014 standards, which suggest external amenity areas should be between 50 and 55dB(A). A barrier should be added to the eastern boundary of any amenity space proposed to border the site along the eastern boundary will cause attenuation to reduce noise levels to appropriate standards. The barrier should be a close-boarded timber fence / clay brick wall, at least 1.8m in height. This should be solid and imperforate and have a minimum mass per surface area of 12 kg/m². Where timber is to be used, the barrier should be close-boarded using good quality wood without holes, knots or damage. The sheets should be 20mm thick in all places and where timber overlaps there should be a minimum overlap of 25mm.

Construction and Vibration

Once demolition method statements have been drafted, full and dedicated noise and vibration assessments should be undertaken to ensure both compliance and minimal adverse effect on surrounding residences. I would request to see this documentation. This could be accomplished by the submission of a Construction Environmental Management Plan (CEMP) for approval prior to works commencing. The CEMP should as a minimum deal with the control of dust during construction and demolition and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.

- **Operations Manager (chased)**

No response received.

- **Great Warley Conservation Society (chased)**

No response received.

- **Highway Authority (Essex County Council)**

The documents accompanying the application have been duly considered and a site visit was carried out when assessing earlier applications. In terms of impact on the

highway, the changes from the two previous applications are immaterial. Consequently, the Highway Authority would offer the same comments as before. They are as follows; The development upgrades an existing access onto the highway and complies with the minimum parking standards for residential developments, as adopted by Brentwood Borough Council. The proposals are also not expected to result in an increase in trip numbers to and from the site compared to its existing permitted use when fully operational. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to a number of conditions.

- **Essex County Council (ECC) SUDS**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on conditions

- **Essex County Council (ECC) Education**

No response received.

- **Essex County Council (ECC) Archaeology**

In view of the historic value of the site, the officer recommends that a number of conditions are attached to any consent.

- **Mid & South Essex Health Care**

The ICB has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that these are secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.

- **Essex Police**

No response received.

- **Essex Badger Protection Group**

This reports the presence of five badger setts - all of which are claimed to be "outlier" setts and were considered to be potentially dormant based solely on a visual inspection. The Essex Badger Protection Group currently has records of eight badger setts within a 1km distance of the application site, in addition to the five reported by the applicant's ecologist and is of the view that the area contains considerable badger activity. We would also highlight the difficulties in assessing sett activity based solely on a visual inspection. Outlier setts do not always have fresh spoil/digging and an assessment of activity levels is more properly made via an extended 21-day survey using camera traps.

Badgers live in close knit groups, referred to as clans, with each clan usually having multiple setts within its territory. A territory will generally have a single 'main' sett - which is occupied by some of the clan throughout the year - and other setts of varying classifications depending mainly on size and distance from the 'main' sett. Unusually, in this case we are led to believe that there are five 'outlier' setts within a relatively small

space to the south of the site. Very little information is actually given to support this classification assessment. No photographs are provided and no formal 21-day surveys have been undertaken in order to properly establish the levels of activity at these setts and thereby establish the potential impacts on the badger clan should one or more be closed under licence as seems to be proposed. In fact, the entire mitigation plan is rather vague for a number of reasons.

Whilst it's likely that some of this confusion is purely a result of poor wording and/or typographical error, we believe that these issues should nevertheless be clarified in order to properly understand exactly what's being proposed. We are particularly concerned at the possibility that a "main" badger sett could be being misrepresented as a series of outlier setts instead. Whilst this is of minimal consequence if the sett/setts are to be left unharmed by this scheme, we would still expect full clarity in that regard before any serious consideration is given to the determination of this application. We would also expect to see better justification for a sett closure than simply to accommodate some site landscaping features. Indeed, even the survey itself states "further information is required to make an informed mitigation strategy relating to the landscaping such as how the proposed works will be undertaken. However, the mitigation hierarchy will be followed i.e. avoid, mitigate, compensate, enhance." thereby acknowledging that an informed mitigation strategy has yet to be devised.

Finally, we would expect any badger survey to detail the construction related mitigation measures to be employed during the completion of the project. We would expect the following to be included as a minimum.

- **Natural England**

No response received.

- **Historic England**

No response received.

- **Environment Agency**

No response received.

- **Anglian Water**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask text to be included within your Notice should permission be granted. The foul drainage from this development is in the catchment of Upminster Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. We are unable to provide comments in the suitability of the surface water management.

- **Affinity Water**

No response received.

- **Essex & Suffolk Water**

No response received.

- **Essex Wildlife Trust**

No response received.

7. Summary of Issues

The starting point for determining a planning application is the current development plan, which is the Brentwood Local Plan 2022 ('the Local Plan'). Planning legislation states that applications must be determined in accordance with the relevant development plan policies unless material considerations indicate otherwise. Although individual policies in the Local Plan should not be read in isolation, the adopted plan contains policies of particular relevance to this proposal which are listed in section 3 above.

Additional policies, as relevant material considerations for determining this application, are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). The planning history of the site, particularly the decision in July 2022 and January 2022 to refuse similar proposals, is a significant material consideration for this application.

Green Belt

The application site is in the Metropolitan Green Belt which washes over the locality and continues a significant distance away from the site.

The government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Green Belt is a spatial designation, not a qualitative one, and the requirement to protect openness applies just as much to less attractive areas of Green Belt as to attractive countryside.

Policy MG02 (Green Belt) seeks to preserve the Brentwood Metropolitan Green Belt from inappropriate development and states proposals in the Green Belt will be assessed in accordance with the provisions of national planning policy (the NPPF). It is noted that the application of Green Belt policies has not changed since the time of the last application.

As was the case for the previous two applications, the proposal falls into three parts:

- 1) Change of use from hotel to residential
- 2) Extension/remodeling of existing building
- 3) New buildings

The NPPF considers changes of use, extensions and redevelopment in different ways. This report considers each part of the proposal against policy compliance, and then considers cumulatively as a whole.

The proposed work for the main hotel comprises the removal of significant modern extensions and the erection of two new rear extensions blocks. The removal of the existing blocks, ensures no net increase in the building footprint of the site and would have a largely neutral effect on the openness of the Green Belt.

The works to reinstate the top of the clock tower would increase its stature, as these works are reinstatement, its effect on the Green Belt would be neutral.

The works proposed for the conversion of the stable building are largely limited to a change of use and internal works.

These works are considered to comply with paragraph 149 of the NPPF, which supports the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, and preserves the openness of the Green Belt. Whilst the extensions removal do not revert the hotel building back to the original built form, the replacement extensions are more complimentary to the architectural design and urban grain of the original hotel building.

The most significant element of the proposal, in terms of impact on the Green Belt, is the erection of the new 21no. dwellings on the existing car park.

As before, proposals for buildings in the Green Belt are inappropriate development unless they fall within a limited number of exceptions listed in the NPPF. The exception below is relevant to the proposal and is considered in the following paragraphs:

“149(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

The car park is previously developed land though its visual impact outside of the site, even when occupied by parked vehicles is minimal, due to the site being highly contained by vegetation. Likewise, the small buildings to the north of the stable building have little impact on the openness of the site or character of the area and their loss would not be a significant benefit.

In contrast the erection of the 21no. two storey dwellings, as proposed, would have a greater impact on the openness of this part of the Green Belt and the character of the area, than the current state of the site.

In this third design iteration, the applicant has been able to demonstrate that most of the proposed development is contained within previously developed land (PDL), as shown on plan ref. 937-PL-61. However, the plan also shows that there are still sections of the residential development to the north-west and south-west which, are beyond the existing previously developed land. While the extent / floorspace of development in these areas has been reduced compared to the refused applications, where there was a much higher proportion of ancillary space to the north and west, outside the PDL, overall the development still has a greater impact on the openness of this part of the Green Belt and the character of the area than the current status of the site. As such, the proposal as before would be more harmful on the openness of the Green Belt than the existing development and therefore is inappropriate development. The applicant acknowledges that the proposal would have a greater impact on the openness of the Green Belt, but contends that its impact on openness would be limited.

Similarly, to the previous application, the proposal is predominantly for market housing and reference to affordable housing in the above section of 149 (g) has limited relevance to the proposal.

The NPPF makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 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 result from the proposal, is clearly outweighed by other considerations.

As a consequence of the proposed amendments, the impact on openness is considered by officers to be less significant compared to the refused applications:

Openness is both a spatial and visual concept: In terms of the spatial aspect of openness, the proposed layout has been designed so that there is a significant proportion dedicated to ancillary spaces (the private gardens and the two parking areas) that reduce the amount of floorspace. As a consequence, there will be close to 50% reduction in the net hardstanding area of the site from 6564sqm to 3653sqm.

In terms of the visual impact on the openness, the site is largely self-contained by mature planting to the north, west and south. To the east is the boundary wall with Great Warley Street and mature hedgerow, with some direct views into the site. The proposed development will not have a significant impact on local views, even where there are views into the site (by the vehicular entrance), as these would still be experienced in the context of the existing housing along Great Warley Street.

Due to the existing vegetation and buildings, there are no open views across the site. Therefore, there will be no significant harm to the visual openness of the wider site.

Notwithstanding the above considerations, the proposal remains inappropriate and it can only be considered appropriate if justified by Very Special Circumstances (VSC).

Effect on the Great Warley Conservation Area and locally listed building

The Heritage & Buildings Design officer has no 'in principle' objection to the conversion of the Hotel to residential if this is demonstrated as the optimum viable use, noting how Paragraph 197 of the NPPF states that applications should consider *"the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation"*.

The Heritage Statement comments that, as De Rougement Hotel itself is a non-designated heritage asset, paragraph 203 of the NPPF is relevant. This states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Officers are satisfied that the proposed development will cause neutral harm to the significance of the building itself and less than substantial harm to the setting of the non-designated heritage asset. This is outweighed by the benefits of this proposal: refurbishment of the NDHA, improvements of its immediate setting (by removing the existing swimming pool outbuilding and enhancing the landscape of the Italian Garden), and other public benefits discussed later in this report.

With regards to the new dwellings, the Heritage & Buildings Design Officer commented:

"In relation to setting which is proposed to accommodate new dwellings on PDL (Previously Developed Land) I advised previously that the existing car park is not contributory to the setting of the conservation area or the NDHA of De Rougement, whilst this point is not in dispute, an open setting is less harmful than urban intensification and it cannot be argued the tarmac prevents the building being appreciated."

In light of the evolution of the proposal from previous applications, the Heritage & Buildings Design Officer now agrees with the conclusions of the Addendum to the Heritage Statement: that the proposed new buildings will lead to a low level of less than substantial harm to the conservation area (a designated heritage asset).

Paragraph 203 of the NPPF relates to development proposals that would lead to less than substantial harm to the significance of a designated heritage asset, stating that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that there are sufficient public benefits to this development to outweigh the anticipated low level of less than substantial harm to the setting of the conservation area.

The Heritage & Buildings Design Officer noted that, notwithstanding paragraph 202, in regard to the legislative test, the proposals would as a consequence of the above be considered contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which relates to conservation areas.

Section 72 of the Act requires the decision maker to pay 'special attention [...] to the desirability of preserving or enhancing the character or appearance of that area'. The duty to give special attention is considered commensurate with that under section 66(1) to give special regard, meaning that the decision maker must give considerable importance and weight to any such harm in the planning balance.

The proposal will lead to a low level of less than substantial harm to the setting of the conservation area, and it must therefore follow that it would not in its entirety preserve or enhance the character or appearance of the area.

This must be weighted in the overall planning balance against real or perceived benefits of the scheme (on the Conservation Area). The impact is considered to be neutral in light of the HBO's comments and assessment. The proposal will deliver important public benefits in the form of the access to the landscaped gardens, play areas and the forest school. On balance, therefore, it is considered that the anticipated impact to the setting of the conservation area is acceptable.

The proposal is subsequently compliant with Policies BE14 (Creating Successful Places), BE15 (Planning for Inclusive Communities) and BE16 (Conservation and Enhancement of Historic Environment), chapter 16 of the NPPF (Conserving and enhancing the historic environment).

Layout

The layout has already been explained above in the proposal section and, has been through several iterations.

There are several improvements compared to the refused application. Having created two dedicated car parking areas, both located to the east of the site, the residential development is no longer car dominated and the proposed units benefit from enhanced defensible space.

The creation of a courtyard to the north and the increased space between units are also positive amendments, which contribute to a more spacious arrangement.

The current proposal has a reduction in the amount of built form along the eastern side of the new build element. In the refused application, two terraced buildings would front

Great Warley Street, at a distance of between 10.8m and 14.9m from the site boundary, appearing prominent in the local townscape.

In the current proposal, there is only one terraced building (plots 23-26) in this location, set further back from the site boundary: the distance from the site boundary now ranges between 17.5m and 20.8m. This, together with additional landscaping, has softened the visual impact of the proposal when seen from Great Warley Street.

The buildings behind the proposed parking lots (plots 27-32 and 36-37) have been located at a significant distance from the boundary: between 17.1m and 20.8m and between 50m and 52.6m respectively. They will therefore not be prominent in local views, with the help of the existing and proposed trees and landscaping.

The setting of the stable building has been improved compared to the refused application, where the south-west corner used to accommodate car parking spaces and is now a mix of private amenity and defensible space.

Officers also consider that from an environmental perspective, basements are not a sustainable form of development, and impact on the overall viability of a scheme, which in turn impacts on the delivery of other contributions such as affordable housing.

Nonetheless, in the overall balance, the layout is considered to be acceptable, and complies with Policies BE14 (Creating Successful Places) and BE15 (Planning for Inclusive Communities).

Density and scale

Policy HP03 (Residential Density) expects new residential developments to achieve a net density of at least 35 dwellings per hectare, rising to above 65 dwellings per hectare in the town centre.

The proposal will deliver 43 units consisting of apartments, detached, semi-detached and terraced properties, with a density of 12.6 dwellings per hectare across the site, or 41.7 dwellings per hectare in its built-up section.

Although it is acknowledged that the proposed density is higher than that seen across the village of Great Warley, it is still considered low and appropriate in a rural location.

The scale of the proposed buildings complements that of the De Rougemont Hotel and stable building and is considered appropriate in this context.

Unit mix

The proposal seeks to provide 43 market dwellings, which would make a welcome addition to the Council housing supply. The following unit mix is proposed:

Table 2 – Unit mix

Size / Type	Total
1 bed apartment	4
2 bed apartment /maisonette	20
3 bed house	11
4 bed house	6
5 bed house	2
Total	43

The overall unit mix is considered acceptable and compliant with Policy HP01 (Housing Mix). All new built units and new extensions to the main building will be constructed to meet requirement M4(2) accessible and adaptable dwellings, as per policy requirement.

In accordance with Policy HP06 (Standards for New Housing), all new units meet the Nationally Described Space Standards.

Not all standards can be met in the units within the hotel and stable conversion. This is acceptable, as it is due to the physical and heritage constraints of the existing hotel and stable buildings.

Affordable housing provision

Policy HP05 (Affordable Housing) requires the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development sites on proposals of 10 or more (net) units.

This planning application is accompanied by a Financial Viability Appraisal that has been independently reviewed. It concludes that any affordable housing contribution would make the scheme unviable and as a consequence, all the proposed 43 units will be market housing. The independent review by Ark differs stating that 3no. affordable shared ownership units should be provided on site. The application has agreed to this and consequently there will now be 3no. affordable units on site.

Private amenity

All residential units benefit from generous back gardens, which comfortably exceed the standards of the Essex Design Guide.

Landscape

The landscape strategy is embedded in the overall scheme. A detailed hard and soft landscape plan and a landscape management plan has been developed in support of the application.

Compared to the refused applications, this aspect of the proposal has been significantly refined. The landscape strategy is now well articulated, provides significant benefits to the local community and is accompanied by a Landscape Management Statement and an Estate Management Strategy.

It is noted that the site does not currently offer open public access since the grounds and facilities are only available for hotel or paying customers to use.

The applicant confirmed that a total of 23,746sqm sqm of POS is proposed with access and a network of paths for the public. This represents 70% of the site, and excludes all hard standing as well as ancillary residential gardens and defensible spaces. There will also be a close to 50% reduction in the net hard standing area of the site from 6564sqm to 3653sqm.

A new pedestrian entrance is proposed from Great Warley Street into the area of POS, which is a welcome addition to the proposal and will contribute to making the POS accessible to the local community. This together with the new paving to the pedestrian entrance improve the accessibility to the gardens and will be secured within the legal agreement.

To the south-east of the site, the existing Italian Garden will be retained and enhanced through the removal of unsympathetic modern additions and with new seating and planting proposals. A community orchard is also proposed at the front of the site adjacent to the Italian Garden, replacing the existing run-down tennis courts.

To the south of the site, the POS includes the enhancement of the existing pond and lily garden, through clearance of overgrown vegetation, additional planting and the provision of a timber deck. An extensive grass lawn is also proposed, which can be utilised for picnics and community gatherings.

The woodland area in the south-west part of the site will be enhanced through the creation of a nature trail with ecological enhancements, such as bird and bat nest boxes, hibernacula, bug hotels, bee hives and hedgehog boxes.

To the west of the residential development, it is proposed to enhance the existing landscaped buffer by incorporating new tree planting.

To the north of the site, there is a publicly accessible, LAP (Local Area of Play) sized playground which incorporates equipment made of natural materials, in keeping with its woodland setting.

Further north, the tip of the site will be reserved for the creation of a forest school, to be used by the Nappies and Paddies Day Nursery, located on the other side of Great Warley Street, on a peppercorn rent. The local nursery confirmed their interest in renting this space as it would significantly enhance the range of facilities available to their pupils. The nursery is part of a larger group of nurseries located in the proximity of

Great Warley, which would also benefit from using the forest school. The applicant confirmed that, should the local nursery decide to stop using the forest school, the area would be returned to POS.

Forest school details (such as rental agreement, management, and alternative uses) will need to be included in the section 106 agreement.

To conclude, this aspect of the proposal is a significant benefit of the proposal, as it will provide substantial community benefits for educational purposes, as well as providing new landscaped gardens for the local. It also represents an important improvement compared to the refused application, where the POS offer lacked details and was not supported by any management arrangement.

The Landscape, Ecology and Arboriculture Officer confirmed that there are no significant objections to the proposal on landscape or ecology grounds, and considers that if, properly resourced the scheme could result in positive improvements the gardens and woodland areas. Therefore, a full Landscape Management Plan has been conditioned and it is recommended that open space is included in the legal agreement.

To assess the impact of the proposal on the wider landscape, this planning application is supported by a Landscape Visual Impact Assessment (LVIA), which was not submitted for the refused applications. The LVIA provides an analysis of the baseline conditions of the site, assesses the capacity for landscape change and whether the development proposed can be integrated into the existing landscape.

A series of viewpoints have been analysed, which demonstrate how the site is largely visually self-contained by the mature planting to the north, west and south and how the key direct views into the site are only from Great Warley Street, in proximity to the site entrance.

On the eastern boundary, there is mature hedgerow to the north and south of the hotel and stable building. However, even where there are views into the site (by the vehicular entrance), these would still be experienced in the context of the existing housing along Great Warley Street.

The LVIA comments that the local setting of the site and corresponding area of Great Warley Street aligns more with spatial arrangement and characteristics of the village to the north, than open countryside further to the south. Officers agree with this observation.

The Landscape, Ecology and Arboriculture Officer reviewed the LVIA and commented that, in terms of landscape character, the large car park is already a negative feature. Therefore, the introduction of the residential element, while visible and adverse (compared to the open character of the car park), could not be assessed as a significant effect given its limited scale and the surrounding land uses.

The Landscape, Ecology and Arboriculture Officer confirmed that any visual effects of the proposal on the surroundings would be very limited due to the existing trees and buildings bounding the site. It would only be visible from a short section of Great Warley Street where there are existing residential properties.

Subject to conditions and legal agreement, the proposal complies with Policies BE14 (Creating Successful Places), BE15 (Planning for Inclusive Communities), NE01 (Protecting and Enhancing the Natural Environment), NE02 (Green and Blue Infrastructure), NE03 (Trees, Woodlands, Hedgerows), NE05 (Open Space and Recreation Provision).

Ecology and Biodiversity

The application is accompanied by a Preliminary Ecological Appraisal and Bat Survey as well as Biodiversity Net Gain calculation. It confirms that the site does not fall within or adjacent to any statutory sites and the Impact Risk Zones do not indicate the development will have any likely impact on statutory designated sites.

The site includes priority habitat deciduous woodland, and most of the woodland will be retained and enhanced. The small losses to the woodland will be offset by the enhancements to the existing woodland and new landscape planting.

The proposed development will enhance the existing woodland and includes additional planting, which will result in the development achieving biodiversity net gain. The proposed development will result in a significant 35.69% net gain in habitat units and a 108.85% net gain in hedgerow units.

It is noted that the Environment Act 2021 places greater emphasis on development achieving a measurable biodiversity net gain. The Environment Act will establish, through an amendment to the Town & Country Planning Act that is expected to take place in autumn 2023, a mandatory requirement for development proposals to achieve a minimum of 10% net gain in biodiversity, utilising Defra's Biodiversity Metric.

Therefore, the proposed 35.69% net gain in habitat units is a significant benefit of the proposal, which is strongly supported. It is also an improvement on the refused applications, which only briefly listed proposed ecological enhancements to the site and provided no details.

The woodland provides suitable foraging and commuting opportunities and will be retained as part of the proposed development. The enhancement of the woodland will enhance opportunities for bats post-development. Enhancements and the installation of bat boxes will increase roosting opportunities.

The Landscape, Ecology and Arboriculture Officer supports the proposal, subject to additional bat emergence surveys, details of external lighting and a badger method statement.

Subject to conditions, the proposal complies with Policies NE01 (Protecting and Enhancing the Natural Environment) and NE02 (Green and Blue Infrastructure).

Arboricultural considerations

Tree Survey and Arboricultural Impact Assessment supports this application. This demonstrates that the proposed development can take place without the removal of any category A and B trees. Those trees that are recommended for removal are category C and U trees and of a low landscape significance, with 14 requiring removal because they are decaying and should be removed regardless of the proposed development.

The Landscape, Ecology and Arboriculture Officer confirmed that the removal of these trees is not a constraint to the development.

The proposal complies with Policies NE01 (Protecting and Enhancing the Natural Environment) and NE03 (Trees, Woodlands, Hedgerows).

Access, Parking and Highway Considerations

The proposed development includes the improvement of the current main site access point from Great Warley Street. A 5.5m wide carriageway and 2m wide footway will be extended 15m into the site to enhance accessibility, allowing two cars to pass. The design is compliant with ECC Design Guide for site access roads.

The proposal will include the addition of a pedestrian access gate on Great Warely Street to the south-east of the site for community access, allowing local residents to enjoy the POS without having to enter the residential development. Details of this entrance have been conditioned.

A 2m wide pavement along Great Warley Street, from the main vehicular entrance of the site to its southern boundary, is also proposed to ensure the safety of the new pedestrian entrance. Dropped kerb and tactile paving will be provided at the edge of the existing layby on Great Warley Street, to facilitate crossing. This will improve the permeability of the site for both pedestrians and cyclists.

It is noted that the applicant sought to provide an uncontrolled crossing point alongside dropped kerbs. However, the Highways Officer advised that Great Warley Street would not qualify for such crossing which, therefore, cannot be delivered.

The bus stop on the east side of the road will be reinstated with a pole and a flag along with timetable information and raised kerbs. This is welcomed.

The proposed development includes 93 parking spaces (11 for visitors and 82 for residents) in line with ECC parking standards, which requires 1 parking space per 1 bedroom dwelling or 2 spaces for 2+ bedroom dwellings. Parking for the flats will be

provided in an undercroft at the rear of the building. The undercroft parking has been rationalized to reduce its presence in the surrounding greenspace.

All parking spaces will accommodate electric vehicle charging to maximize the opportunity for the use of low-emission vehicles.

The site has good cycle accessibility with multiple on and off-road cycle routes located in close proximity. As outlined in the Transport Statement, all residents will be provided with cycle parking in accordance with ECC parking standards, which is welcomed and contributes to the use of sustainable transport modes. Charging plugs will also be provided to accommodate electric bikes.

The applicant confirmed that a Residential Travel Information Pack (RTIP) will be prepared and provided to each household at the Proposed Development upon occupation, including six-day travel vouchers for use with the relevant local bus operator. This has been conditioned.

The applicant has also committed to investigate the potential for providing a car club bay within the proposed development which could encourage residents to choose to either reduce the number of cars within the household from two to one or not have a car at all.

The Highways Officer confirmed that the development upgrades an existing access onto the highway and complies with the minimum parking standards for residential developments, as adopted by Brentwood Borough Council. The proposals are also not expected to result in an increase in trip numbers to and from the site compared to its existing permitted use when fully operational.

It is also noted that the 'Nappies and Paddies' nursery, located to the east of the site, will make use of the forest school and will access the site through the main entrance from Great Warely Street, by bus. The bus will also pick up children from other nurseries belonging to the same nursery company, and will have a designated parking space within the development. This will avoid the need for children and staff to cross Great Warley Street.

The Highways Officer confirmed that there are no concerns with regards to this element of the proposal.

Subject to conditions, the proposal is therefore considered to comply with Policies BE13 (Parking Standards), BE11 (Electric and Low Emissions Vehicles), BE12 (Mitigating the Transport Impacts of Development), BE09 (Sustainable Means of Travel and Walkable Streets).

Sustainability

The proposed development will incorporate a number of sustainable features as set out in the Energy and Sustainability Statement which will allow for a 42.8% carbon reduction from a base Part L1 compliance build. Therefore, the proposed development complies with Policy BE01 (Carbon Reduction and Renewable Energy) as the figure significantly exceeds the 10% minimum carbon reduction requirement. This is a very welcomed aspect of the proposal, providing significant benefits to the future residents and contributing to climate change adaptation. It is also an important improvement on the refused application, where this element of the proposal was found to be 'underwhelming'.

As outlined in the Energy and Sustainability Statement, the use of a water consumption calculator tool to manage the final water consumption of the development will allow consumption to be effectively monitored. The proposal therefore complies with Policy BE02 (Water Efficiency and Management) as the target of reaching 110 litres/person/day will be achieved.

Energy efficiency measures will be included to ensure the building is adequately insulated. The proposed development will incorporate glazing with a low shading coefficient to ensure that overheating does not occur in summer months and to allow for adaptation to the effects of climate change. In addition, building fabrics with enhanced 'U' values will be used for the main elements of the development which will surpass the minimum requirements of Part L2A (2013), thus complying with Policy BE04 (Managing Heat Risk).

A condition will be added to the decision notice, should this application be approved, requesting the submission of an updated Energy and Sustainability Statement prior to commencement of development, to confirm how policy requirements are met and exceeded in line with the commitments made at submission, once the design is progressed to a more detailed stage.

Refuse and Recycling

The refuse provision will be primarily in the form of bins kept in rear gardens with rear access or within garages, whilst the apartments will have integral communal bin stores.

Refuse collection for the residential properties will take place through the Council's household waste collection service and the tracking within the Transport Statement demonstrates that a refuse collection vehicle can manoeuvre within the site.

The submitted Estate Management Strategy confirms that general waste and dry recycling bins within the public open space will be inspected and emptied by the Estate Operatives of the management company.

The proposed refuse strategy is appropriate and there are no objections. The proposal is therefore compliant with Local Plan Policy BE14 (Creating Successful Places), which is supportive of developments that sensitively integrate refuse and recycling collection points.

Flood and Drainage

A Flood Risk Assessment and Drainage Strategy has been submitted as part of the previous application and has been reviewed by Essex County Council as the Lead Local Flood Authority (LLFA). The application site is within Flood Zone 1, at low risk of flooding from all sources and is in a designated Critical Drainage Area (CDA).

The proposed SuDS strategy incorporates porous paving within the roads and driveways, below ground storage in cellular systems on the south western part of the site and flow control devices to restrict flow to 2.3 l/s.

The site is at extremely low risk of surface water flooding as identified in the Flood Risk Assessment; the majority of the site has “a less than 1 in 1000 ($\leq 0.1\%$) probability of flooding”. Flooding from all other sources is low and the proposal would not significantly increase flood risk of areas surrounding the site.

The LLFA do not object to the granting of planning permission based on the request of 4 conditions. The proposal is thus considered to comply with Policy BE05 (Sustainable Drainage) and Policy NE09 (Flood Risk).

Noise

A Noise Impact Assessment has been submitted and has been reviewed by the Environmental Health Manager. The assessment confirms that a good acoustic environment can be achieved using common construction methods, with the dwellings along the eastern boundary of site needing acoustic double glazing and acoustic trickle vents with improved acoustic rating.

Noise in external amenity areas recorded above the recommended BS8223:2014 standards. It is therefore proposed to erect an acoustic barrier to the eastern boundary of any amenity space along the eastern boundary, in order to reduce noise levels to appropriate standards. The barrier should be a close-boarded timber fence / clay brick wall, at least 1.8m in height. The Environmental Health Manager concurs with the findings of the Noise Impact Assessment, thus details of the acoustic barrier have been conditioned.

It is also crucial that the acoustic barrier does not lead to a detrimental impact on the character and appearance of the site, and this requirement forms part of the noise condition.

The Environmental Health Manager also recommended the submission of a Construction Environmental Management Plan (CEMP), to include demolition method statements as well as full and dedicated noise and vibration assessments, to minimise any adverse effect on surrounding residences. This has been conditioned.

Archaeology

The development is located in an area of known archaeological remains and in close proximity to the historic settlement of Great Warley. Therefore, the groundworks for the proposed new buildings have the potential to impact medieval/post-medieval archaeological remains related to this historic routeway and settlement, and medieval finds have been previously uncovered nearby.

Essex Archaeology requested a number of conditions to be added to the decision notice, should the application be approved, including a historic building recording and a programme of trial trenching, followed by open area excavation.

The proposal is therefore considered to comply with Policy BE16 (Conservation and Enhancement of Historic Environment).

Local community facilities and loss of hotel use

With regard to Policy PC10 (Protecting and enhancing community facilities) the existing activities are not village halls, community centres, libraries or sports, leisure, healthcare or arts venues. shops, public houses, community halls, petrol filling stations, or medical facilities. The requirements of Policy PC10 do not apply to this proposal.

It is also noted that the loss of a hotel in this location is not considered contrary to policy, and its replacement is not a policy requirement.

Other matters

Information has not been provided relating to Policy BE07 (Connecting New Developments to Digital Infrastructure) but such matters can be addressed by planning condition.

Green Belt and the Planning Balance

Very Special Circumstances

The proposal - as agreed by the applicant – is inappropriate development. Therefore, the acceptability of the proposal is wholly reliant on VSC meeting the threshold set out in the NPPF as below.

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

148. 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 has summarised the matters it considers to be VSC, some of which are matters raised at the time of the last application. The VSC put forward by the applicant are:

- Proposed provision of dwellings on suitable brownfield land.
- Enhancement of beneficial use of land within the Green Belt.
- Community benefits associated with the proposal.
- Heritage benefits.
- Achievement of in excess of 30% biodiversity net gain, and in advance of the Environment Act becoming a mandatory requirement.
- Achievement of a total carbon reduction which is significantly above the local plan policy requirements.
- Economic benefits associated with the proposal.

Neither the NPPF nor the adopted Brentwood Local Plan provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of VSC have been provided by the Courts. The rarity or uniqueness of factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create VSC, i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’. However, the demonstration of VSC is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’.

The table below takes each consideration in turn, ranked in order of significance along with the planning weight that officers have apportioned based on ????

Table 3 – Very Special Circumstances

Very Special Circumstance	Officers’ comments
<p>1. Enhancement of beneficial use of land within the Green Belt</p> <p>WEIGHT: moderate to high</p>	<p>Paragraph 145 of the NPPF states: “145. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”</p> <p>The above aspirations are reiterated at point c) of Policy</p>

	<p>MG02 (Green Belt).</p> <p>The site does not currently offer open public access since the grounds and facilities are only available for paying customers to use. It is not a policy requirement to provide for the level of open space offered here which is approximately 70% of the total site area, The proposal includes extensive landscaping and is supported and secured by a management plan.</p> <p>This aspect of the proposal meets the aspirations of aforementioned NPPF paragraph 145 as it will:</p> <ul style="list-style-type: none"> - Provide access to an area which would be otherwise closed to public; - Provide opportunities for outdoor sport and recreation; - Enhance the local landscape through extensive landscaping and biodiversity enhancements. <p>In view of these policy objectives, the commitment made through the proposals to enhance the beneficial use of land within the Green Belt carries moderate to significant weight in favour of the proposal.</p>
<p>2. Community benefits associated with the proposal</p> <p>WEIGHT: moderate</p>	<p>The proposed development will provide an extensive area of public open space with a range of amenities that can be enjoyed by prospective residents of the development, residents of Great Warley, local schools and community groups.</p> <p>The proposal includes:</p> <ul style="list-style-type: none"> - A formal Italian Garden with seating and planting; - A community orchard, with direct access from Great Warley Street; - A woodland area to the south-west with a nature trail with ecological features; - An extensive grass lawn which lends itself to a variety of uses; - A pond and lily garden with a timber deck; - A new play area to the north of the site, with equipment made of natural materials; - A new forest school, to be offered to a local nursery. <p>Overall, the proposal provides an important opportunity to foster the relationship between local residents and nature, and has the potential to be of particular value to children and local groups.</p>

	<p>The local Nappies and Paddies Day Nursery has provided a letter of support welcoming the provision of the forest school.</p> <p>The range of community benefits proposed carry low to moderate weight in favour of the proposal.</p>
<p>3. Achievement of in excess of 30% biodiversity net gain, and in advance of the Environment Act becoming a mandatory requirement</p> <p>WEIGHT: low to moderate</p>	<p>Improving biodiversity is one of the aims of the Green Belt in local and national policies, as set out in VSC no.1 above.</p> <p>Minimizing impacts on and providing net gains for biodiversity is an objective of paragraph 174 of the NPPF, that planning policies and decisions should contribute to.</p> <p>Integrating the natural environment in development, including biodiversity enhancement, is also promoted in Policy B14. Policy NE01 specifically states that all proposals should, wherever possible, incorporate measures to secure a net gain in biodiversity.</p> <p>Finally, the Environment Act will establish, through an amendment to the Town & Country Planning Act that is expected to take place in autumn 2023, a mandatory requirement for development proposals to achieve a minimum of 10% net gain in biodiversity, utilising Defra’s Biodiversity Metric.</p> <p>Whilst the 10% target is not yet a legal requirement, the development seeks to maximise the opportunities to create new habitat on site through the extensive amount and range of planting proposed including the community orchard, wildflower grassland and pond enhancements. A significant uplift in tree coverage is also proposed.</p> <p>The achievement of a net gain of 36% is demonstrated in the Biodiversity Net Gain Assessment, and is also considered to carry substantial weight in favour of the proposal.</p>

In this case, Officers consider that the combination of the above benefits of the proposal, would amount to considerations that would overcome the harm to the green belt through inappropriateness, the harm to openness and the other harm identified

In terms of ‘other harms’, this report has demonstrated that the proposal will result in a low level of less than substantial harm to the conservation area. However, this is

outweighed by the public benefits of the scheme. There are no other harms resulting from the proposal.

Table 3 above demonstrates that the extent of harm to the Green Belt that has been identified would be outweighed by other considerations, and consequently, very special circumstances exist to overcome the in principle inappropriate development.

With regards to the other VSC put forward by the applicant:

Proposed provision of dwellings on suitable brownfield land

The Five Year Housing Land Supply Statement as 1 April 2022 (published in October 2022) confirms that BCC is able to demonstrate a robust five year supply of deliverable housing sites: 6.9 years.

The application site is a windfall site and would provide a moderate number of units towards the Council's housing supply, as such this benefit attracts moderate weight in the overall planning balance.

Heritage benefits

Officers consider the proposed works to the stables and the locally listed building acceptable, and the removal of the old extensions is welcomed. However, any proposal for this site and the locally listed building would have been required to remove any inappropriate or unsightly additions, restore the building in a manner that respects and enhances its significance, and design any additions in a manner that respects and enhances the significance of the Conservation Area. Therefore, attracts low or minimum weight in the planning balance.

Achievement of a total carbon reduction which is significantly above the local plan policy requirements

This is a welcomed element of the proposal and is considered a significant benefit. However, the Energy and Sustainability Statement only relates to this phase of the scheme: design solutions and technical details may need to change once the design is progressed to a more detailed stage. The final carbon reduction on Part L1 may be lower than the currently anticipated 42.8%.

As a consequence, this element of the proposal, albeit positive, attracts low weight in the planning balance.

Economic benefits associated with the proposal

The development of the site will result in short term economic investment through the construction phase. There will be a requirement for local contractors to be employed to deliver the project within the programme delivery timescale, creating employment opportunities for the local skilled labour force.

This will be a short term benefit only. Therefore, this cannot be considered VSC.

Legal Agreement

The applicant has accepted that it will be necessary for certain obligations in respect of the proposed application to be dealt with by way of an Agreement under Section 106 of the Town & Country Planning Act 1990. This is in line with Policy MG05 (Developer Contributions).

The contributions required to make the proposed residential development acceptable in planning terms are currently being discussed between the applicant, Council officers, the Highway Authority, Essex County Council (education) and the NHS. These are expected to include contributions towards highways improvements and mitigation; education; and healthcare provision. The Heads of Terms will also include details of the management company that will maintain and manage the public open space, play equipment and public realm within the development; details of a management plan to deliver biodiversity enhancements that will secure a net gain in biodiversity; and details of the agreement with Nappies and Paddies Day Nursery.

As the legal agreement is outstanding, it is recommended to the Committee that this is delegated to Officers to resolve, should Members be minded to approve the application.

8. Conclusion

The proposal represents a significant improvement on the two schemes that were refused in 2022. Nonetheless, the proposed development remains inappropriate development in the Green Belt and can only be justified by VSC.

Aside from Green Belt considerations, the proposed development is policy compliant, and the low level of less than substantial harm to the conservation area is outweighed by the public benefits of the scheme.

Three VSC have been identified as part of the significant benefits included in this proposal. Having analysed the level of harm on the Green Belt caused by the proposed development, Officers have concluded that this would be outweighed by VSC.

Therefore, subject to conditions listed below and a satisfactory legal agreement being signed, the proposed development is justified by VSC and is recommended for approval.

9. Recommendation

It is recommended that a RESOLUTION TO GRANT PERMISSION is issued subject to S106 legal agreement being resolved, and to the following conditions:-

1 TIM01 Standard Time – Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 Archaeology

No demolition, development or conversion works shall take place until a Written Scheme of Investigation for a programme of historic building recording work has been submitted to and approved in writing by the local planning authority.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

4 Archaeology

No demolition, development or conversion works shall take place until the satisfactory completion of the historic building recording fieldwork in accordance with the submitted and approved Written Scheme of Investigation. The applicant will submit to the local planning authority an approved report detailing the results of the recording programme in accordance with the approved Written Scheme of Investigation.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

5 Archaeology

No development or preliminary groundworks can commence until:

- A programme of archaeological trial trenching evaluation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the planning authority.
- The completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation, defined in Part 1 and confirmed by the Local Authorities archaeological advisors.
- A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified is submitted to the Local Planning Authority following the completion of the archaeological evaluation.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

6 Archaeology

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: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

7 Archaeology

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: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

8 Highway

A Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall 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-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety and in accordance with Local Plan Policies BE09 and BE12.

9 Highway

Prior to first occupation of the proposed development, the site access shall be upgraded to provide a 5.5m wide carriageway and 2m footway on its southern side in accordance with the Site Plan As Proposed (Drawing 937-PL-03).

Reason: To ensure vehicles and pedestrians can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Local Plan Policy BE09.

10 Highway

Prior to first occupation, a new 2m kerbed pedestrian footway shall be provided along the site frontage on the western side of the B186 from the main site access to the southern boundary of the site along with new dropped kerbs and tactile paving shall be provided for pedestrians to cross the road adjacent to the site access and the retained vehicular access in front of the existing hotel building.

Reason: To enable pedestrian access, the interest of accessibility in accordance with Local Plan Policies BE09 and BE12.

11 Highway

Prior to first occupation, the redundant part of the site access to the front of the existing hotel shall be suitably and permanently closed.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Local Plan Policies BE12 and BE13.

12 Highway

Prior to first occupation, the existing southbound bus stop opposite the site shall be improved to Essex County Council specifications. This shall include a new flag, pole, timetable information display and raised kerbs to facilitate pedestrian and wheelchair access. A new northbound stop shall similarly be provided to Essex County Council specifications with new flag, pole, timetable information display and raised kerbs with the exact location to be agreed with the LPA in agreement with the Highway Authority.

Reason: To encourage trips by public transport in the interest of accessibility in accordance with Local Plan Policies BE09 and BE12.

13 Highway

Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and the site access visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Local Plan Policies BE12 and BE13.

14 Highway

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 all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the local planning authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Local Plan Policies BE12 and BE13.

15 Highway

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 in accordance with Local Plan Policies BE12 and BE13.

16 Highway

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision of a Residential Travel Information Pack for sustainable transport for each dwelling, as approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Local Plan Policies BE09 and BE12.

17 Materials

Notwithstanding the details shown on the drawings hereby approved; no development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings and of ground surfaces, of the entrance to the community orchard 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, in line with Policy BE14.

18 Brickwork Sample Panels

No development above ground level shall take place until further details of the brickwork, including brick patterns, to be used in the development has been submitted to and approved in writing by the local planning authority. The details shall include: sample panels of the proposed brickwork to include mortar colour and jointing, and bonding. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area, in line with Policy BE14.

19 Design Details

Notwithstanding the details shown on the drawings hereby approved; no development above ground level shall take place until details of fenestration (i.e. mullions, typical reveals, concealed vent strips) and balustrades hereby permitted, and of the entrance to the community orchard 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: To ensure the architectural language is consistent with the architectural period adopted, in line with Policy BE14.

20 Lighting scheme

Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority. The lighting scheme shall be designed to ensure the amenity of local residents, ensure highway safety and protect ecology by preventing excessive light spill onto sensitive habitats. The development shall be implemented in accordance with the agreed details. Reason: To ensure minimal nuisance or disturbance is caused to the detriment of the amenities of local residents, of ecology and of the area generally.

21 Boundary treatments

Prior to commencement of above ground works, a detailed scheme for the siting and design of all boundary treatments and way finding shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the use hereby permitted commences and retained for the lifetime of the development, unless otherwise approved, in writing, by the local planning authority.

Reason: In order to ensure high quality landscaping for the boundaries of the site in the interests of visual amenity.

22 Ecology

The development shall not commence until a bat emergence survey, undertaken by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the recommendations of the survey.

Reason: In order to minimise the risk of harm to protected species. This information is required pre-commencement as any demolition or construction work has the potential harm protected species.

23 Construction Environment Management Plan

No development shall commence, including works of demolition until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP should define best practice measures for ecological protection (including but not limited to protected species, in particular badgers and nesting birds) as well as protection methods of retained trees. The CEMP should include a method statement to avoid injury to any animals entering the site during construction. The CEMP shall identify that construction activities so far as is practical do not adversely impact amenity, traffic or the environment of the surrounding area by minimising the creation of noise, vibration and dust during the site preparation and construction phases of the development. The demolition and construction works shall be completed in accordance with the information agreed within the CEMP by the Local Planning Authority.

Reason: To ensure that appropriate measures are undertaken to ensure any disturbance to protected species is mitigated and to ensure trees are not harmed in the interests of visual amenity.

24 Landscape and Ecology Management Plan

No development above ground level shall commence on site, until a Landscape and Ecology Management Plan covering the first 5 years of the development has been submitted to and approved in writing by the Local Planning Authority.

The Great Warley Conservation Society and the Essex Gardens Trust will be consulted in preparing the Management Plan given the strong horticultural history within this settlement.

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

25 Ecology

Site clearance and demolition work shall only be undertaken between the months of September and February unless and until a scheme detailing a nesting bird check is submitted to and approved in writing by the local planning authority. The scheme shall include mitigation measures should any nesting birds be identified, including a suitable stand off and /or exclusion zones if nests or nests in construction are identified. The check shall be undertaken by a suitably qualified ecologist.

Reason: To avoid the destruction of habitats in accordance with Local Plan Policy NE01 and comply with relevant legislation.

26 Energy and Sustainability

Prior to commencement of development, an updated Energy and Sustainability Statement shall be submitted to the Local Planning Authority to demonstrate that the development will achieve the predicted 42.8% carbon reduction.

Reason: In the interests of improving resource efficiency to meet the government's carbon targets in accordance with Local Plan Policies BE01, BE02, BE03 and BE04.

27 Noise

Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday–Friday.....08.00-18.00 Saturday.....08.00-13.00.

No noisy activities on Sundays or Bank Holidays.

Particularly noisy equipment such as Pile Drivers/Angle Cutters/Pneumatic Drills/Cement Mixers etc. should be used approximately one hour after the beginning hours mentioned above and one hour before the said end times.

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc.)

Radio noise should not be audible at the boundary of the nearest neighbouring property. Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Health Department prior to commencement.

Reason: In order to protect the amenity of neighbouring occupiers.

28 Noise

Prior to occupation of the buildings, details of the proposals for noise mitigation as set out in the submitted Noise Impact Assessment shall be submitted to and approved in writing by the LPA. Such details shall include specifications for the glazing and trickle ventilators to habitable rooms, the external noise barrier and other provisions to reduce noise levels in external amenity areas (these will also need to be shown on a site plan). The details shall be implemented as approved and retained thereafter.

Reason: In order to protect the amenity of future occupiers.

29 Drainage

No works except demolition shall takes 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 but not be limited to:

- Limiting discharge rates to 2.3l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm 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 Simple Index Approach in chapter 26 of 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 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.

30 Drainage

Prior to occupation 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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 prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

31 Drainage

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.

INFORMATIVES

1 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG01, MG02, MG05, BE01, BE02, BE04, BE05, BE07, BE09, BE11, BE12, BE13, BE14, BE15, BE16, HP01, HP03, HP05, HP06, PC10, NE01, NE02, NE03, NE05, NE09.

2 INF04

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

3 INF22

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

4 ECC SUDS

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the

overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

5 Highways

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

The rural location of the site is such that, for the majority of journeys, the only practical option would be to use the private car. This should be taken into consideration by the Local Planning Authority when assessing the overall sustainability and acceptability of the site.

The applicant is advised that owing to the development size and design of the internal site layout, it is unlikely that the access road would be adopted by the Highway Authority.

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.

6 Design

Conservation Accredited Structural Engineer and Planning Heritage Advisors should be employed to advise in repairs and fabric intervention for the locally listed building.

7 Archaeology

A professional team of archaeologists should undertake the archaeological work, which will initially comprise a trial trenching evaluation of the proposed development site. This may be followed by a programme of archaeological excavation and/or monitoring, depending on the results of the trenching. The Borough Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief detailing the work and the level of investigation required will be issued from this office on request.

8 Secure by Design

Where possible, each element of the proposal shall be constructed to the standard required to achieve Secured by Design accreditation (as awarded by Essex Police) to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime, in accordance with Local Plan Policy BE15 and the aims and objectives of the NPPF chapter 8.

BACKGROUND DOCUMENTS

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://www.brentwood.gov.uk/-/applicationsviewcommentandtrack>

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Appendix A



Title : De Rougemont Manor, Great Warley Street, Great Warley, Brentwood, Essex, CM13 3JP

22/00148/FUL

Scale at A4 : 1:2500

Date : 22nd March 2023

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



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ADDENDUM

**DE ROUGEMONT MANOR GREAT WARLEY STREET GREAT WARLEY
BRENTWOOD ESSEX CM13 3JP**

**PROPOSED REDEVELOPMENT OF THE DE ROUGEMONT MANOR HOTEL AND
GROUNDS (C1) TO CREATE 43 RESIDENTIAL DWELLINGS (C3) INCLUDING
CONVERSION AND NEW BUILD HOMES, WITH ASSOCIATED ACCESS, PARKING
AND LANDSCAPING**

APPLICATION NO: 22/01562/FUL

This is an addendum to the committee report to clarify points raised by consultees and Members.

- **Housing Manager**

Notwithstanding the advice provided by the Council's viability consultant, the Housing Manager requested that 4 share ownership units are delivered as part of the proposal, as initially offered by the applicant.

The Housing Manager also requested that a 'clawback provision' is inserted in any legal agreement for this planning application.

- **Environmental Health**

The EHO provides the following comments specifically in relation to air quality:

The site is within the Great Warley village area and the proposed play area is near to the main road through the village (B186). The traffic flow on this road is restricted to 30mph at this point and the flow is likely to be less than 11000 vehicles in both directions per day.

There are no measured exceedances of the air quality objectives throughout the Borough and the existing Air Quality Management areas in the Borough are associated with significantly higher levels of traffic in the town centre and adjacent to the A12.

It is therefore not considered that a play area in this location would be a significant concern given the low local pollutant levels and the likely exposure time for anyone using this area.

Affordable Housing provision

The affordable housing provision has changed from 5no. shared ownership dwellings (20/01913/FUL), to 4no. shared ownership and 2no. affordable rent (22/00148/FUL), to no affordable housing in this application.

The Viability Report was independently reviewed, and the Council's Viability Consultant (Ark) has commented that 3no. shared ownership units should be provided on site. The applicant has agreed to provide this in line with the recommendations.

Both the Council's consultant and the Housing Manager requested that any section 106 agreement contain a 'clawback' provision to a maximum policy compliant position, should the viability prove better than expected as the works progress. The applicant has agreed to this, in principle. The exact details will be defined within the legal agreement.

Impact on the non-designated heritage asset (NDHA): the hotel (locally listed building)

The Historic Buildings and Conservation Officer has no 'in principle' objection to the conversion of the Hotel to residential if this is demonstrated as the Optimum Viable Use (OVU).

The hotel was originally a residential building, therefore the proposed conversion is an appropriate use of the building, consistent with its conservation and supportive of its significance (in line with para 197). The proposed conversion would also allow the removal of the modern extensions, the refurbishment of the hotel and stable buildings, and the creation of a new, extensive area of public open space. Officers are therefore satisfied that this is the OVU for the site.

Officers (the LPA) are satisfied that the proposed development will have no harm on the significance of the non-designated heritage asset, having taken account of NPPF **paragraph 203**, using a balanced judgement.

It should be noted the works to be undertaken on the original fabric of the building are subject to detailed surveys and all works related to the historic features are implemented prior to occupation. Two related conditions have been added with regards to works to the historic features of the hotel.

Impact on the designated heritage asset: the conservation area

In light of the evolution of the proposal from previous applications, the Historic Buildings and Conservation Officer has advised that the proposed new buildings will lead to a less than substantial harm to the conservation area, but harm nonetheless.

Both **paragraph 202** of the NPPF and **Section 72(1)** of the Planning (Listed Buildings and Conservation Areas) Act 1990 (**the Act**) need to be engaged. Section 72(1) of the

Act requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Officers (the LPA) conclude that, on balance, the following considerations outweigh the harm caused to the heritage asset:

- The proposed works will preserve the significance of the hotel, an important feature in the conservation area, allowing the removal of the modern, unsympathetic additions.
- The proposed works will allow the long term preservation and viable use of the hotel, which would risk becoming vacant and falling in the disrepair, if not properly maintained.
- The proposal will deliver important community benefits in the form of a new area of public open space, opening up a substantial green area currently closed to the public.
- The proposal will deliver important community benefits in the form of a new publicly accessible play area.
- The proposal will deliver important educational benefits for the local community in the form of nature trails and a new Forest School.

Officers have given considerable importance and weight to the above (explained in detail in the main committee report) when considering the harm to the conservation area in the planning balance.

It is also noted that the site is largely self-contained by mature planting to the north, west and south. The proposed development will not have a significant impact on local views and, even where there are views into the site (by the vehicular entrance), these would still be experienced in the context of the existing housing along Great Warley Street.

Biodiversity

Integrating the natural environment in development, including biodiversity enhancement, is also promoted in **Policy B14**. **Policy NE01** specifically states that all proposals should, wherever possible, incorporate measures to secure a net gain in biodiversity. However, there is no specific target set out in local policies for a minimum biodiversity net gain to be achieved by proposed developments.

Air Quality

The Environmental Health Manager did not raise any concerns with regard to air quality.

Unsustainable location

It is noted that the committee report for application, refused in July 2022, cited 'unsustainable locations' as one of the reasons for refusal.

The previous proposal had very little relationship with the local context and provided no benefits to the local community. There was no clear strategy or detail for the public open space design and management, no dedicated entrance for the public into the site, and no additional features that could be enjoyed by the wider community.

Instead, the proposed development will now be integrated within the village of Great Warley by the creation of:

- A new area of public open space, with a number of different features that can be enjoyed by the local community, and dedicated paths that can be used by all members of the public;
- A new play area;
- A Forest School to be used by local nurseries.
- A dedicated pedestrian and cycle access for local visitors, served by a new pavement;
- New tactile paving and dropped kerbs to facilitate pedestrian crossing;
- Improvements to the existing bus stop on the other side of Great Warley Street.

The proposal is now integrated within the wider community and this reason for refusal is not considered relevant anymore.

Conclusion

The proposal represents a significant improvement on the two schemes that were refused in 2022. Nonetheless, the proposed development remains inappropriate development in the Green Belt and can only be justified by VSC.

Aside from Green Belt considerations, the proposed development is policy compliant. The Historic Buildings and Conservation Officer has advised that the proposal is considered contrary to Section 72(1) of the Act, as it leads to a less than substantial harm to the conservation area. On balance, Officers have concluded that this is outweighed by a number of considerations and is recommended for approval.

Committee(s): Planning Committee	Date: 14 March 2023
Subject: Planning Appeals Update (December 2022 to February 2023)	Wards affected: All
Report of: Phil Drane, Director of Place	Public
Report Authors: Caroline Corrigan, Corporate Manager (Planning Development Management) Email: caroline.corrigan@brentwood.gov.uk Mike Ovenden, Associate Consultant Planner Email: mike.ovenden@brentwood.gov.uk	For information

Summary

This report provides Members with a summary of recent planning appeal decisions.

Main Report

Introduction and Background

1. This report provides a summary of recent planning appeal decisions in the borough received between December 2022 and February 2023. This is part of a regular series of updates brought to the Planning Committee for information. The most recent update was provided in January 2023 (Item 319).
2. The summaries below identify the main issues and comments made by inspectors, which can be useful when making decisions on current and future planning applications. It shows that different inspectors can reach different views on similar matters. Inspectors can sometimes have an inconsistent approach to the conditions they are willing to impose, or the weight they are willing to attach to material considerations in the context of other planning considerations.
3. A local planning authority record of success for defending appeals is the measure taken by the Department for Levelling up, Housing and Communities (DLUHC) to assess the quality of decision making. This is broken down into Majors (M) and Non-Majors (NM), with a maximum allowable 'loss rate' of ten percent of the total number of applications of that type determined. The measure relating to Major appeals is challenging due to the low number of such applications that smaller authorities tend to receive in contrast to the measure for Non-Majors. However, there is currently no basis for concern regarding either measure in Brentwood borough, though this is reviewed regularly.

4. The summary of appeal decisions below identifies the category in each case (i.e. Major or Non-Major). Where an application that led to the appeal was determined by committee, it is marked with a (C), and where it was refused contrary to recommendation this marked (C*). The appeals reported in this report were mostly non-major developments determined under delegated powers, but also included two committee decisions (both in-line with officer recommendation).
5. The application documents and appeal decisions are available to view on the council's website at www.brentwood.gov.uk/planning and via Public Access.

Appeal Decisions

6. The following appeal decisions have been received since the beginning of September 2022. Between September and February 2023 there has been 27 appeal decisions (three relating to the Warley Five Acre Farm site) issued by the Planning Inspectorate. 10 were allowed (i.e. lost), and 18 were dismissed. That means that during the four-month period, 35% of appeals were allowed against the council's decision to refuse planning permission, slightly above the 31% performance indicator target. This is being kept under review as part of quarterly and annual performance indicator monitoring. During the municipal year 2022/23, this is the fourth report on appeals performance, roughly quarterly. Reviewing these will show large fluctuations in the overall number of appeal decisions (this report showing a much larger number than in other periods), and how the balance between those dismissed or allowed fluctuate. Therefore, the most accurate indication of performance should be taken from the annual performance indicator reporting rates fluctuate across the year and so an annual figure provides more of a balanced picture.
7. Due to the high number of appeal decisions received the format of this report differs slightly to previous versions.

Land between Hulletts Lane & Ongar Road, Pilgrims Hatch

Application No:	21/01215/TEL (NM) (C)
Proposal:	Telecommunications mast and cabinets
Appeal start date:	6 September 2022
Appeal decision:	Dismissed (3 February 2023)

8. This application was unanimously refused by the committee in accordance with the officer recommendation. The inspector seemed unconcerned about the effect on amenity of the 15 metre tall mast so close to a row of modest single storey/chalet dwellings, which is disappointing. However, the inspector was

particularly concerned by the prominence, height and appearance of the proposal and concluded it would be a visually dominant addition to the surrounding area. The cabinets were considered to be acceptable, a less obvious location had been suggested to and accepted by the application during the life of the application.

9. During the life of the application, and after its refusal, the case officer had tried to explore less harmful alternative sites, though the applicant had not actively engaged with that process. It is that failure to properly investigate alternatives that has weighed against the appeal in this case. It shows that where the planning authority is active in trying to explore alternatives with telecom companies, inspectors will give that weight and may not simply approve such development, as may have been expected, based on the technological benefits of modern telecommunications.
10. Since the appeal was dismissed the case officer has again been in contact with the agent to see if the applicant is willing to take part in future discussions.

The Mesken Bar & Grill, 570 Rayleigh Road, Hutton (two applications)

Application No:	21/00705/FUL (NM)
Proposal:	Refurbishment of rear beer garden to include erection of timber screen and six dining pods and waiters station linked by timber boardwalks
Appeal start date:	27 April 2022
Appeal decision:	Dismissed (8 February 2023)

11. The inspector considered that the main issues were whether it was inappropriate development in the green belt, its effect on the green belt and whether its harm would be outweighed by other matters. The inspector reached the view that it complied with none of the exceptions for development in the green belt and was therefore inappropriate development. He also considered that the proposal would not preserve the openness of the green belt. He noted the applicants claim about the economic situation in recent times. He was not persuaded that the proposal was similar to works possible under permitted development or the benefits claimed by the appellant for the protection of neighbours' amenity.

Application No:	21/00786/FUL (NM)
Location:	The Mesken Bar & Grill, 570 Rayleigh Road, Hutton

Proposal:	Single storey side extension, kitchen ventilation system and glazed screens added to rear veranda
Appeal start date:	27 April 2022
Appeal decision:	Dismissed (8 February 2023)

12. The inspector considered that the main issues were whether it was inappropriate development in the green belt, its effect on the green belt and the effect on the character appearance of the area, particularly about the effect of the kitchen extraction system. The inspector reached the view that it complied with none of the exceptions for development in the green belt and was therefore inappropriate development. He also considered that the proposal would not preserve the openness of the green belt. He described the new kitchen ventilation system, already in situ, as a prominent and industrial feature in many views and detracts from the character of the building and the area. He agreed with the council that the premises needs an extraction system but that the development had not be designed or located to have minimum impact and that the appellants suggestion to paint it a dark matt colour was not adequate mitigation. The extraction system was reported to be not very effective in dealing with cooking odours and the proposal was likely to increase use of the kitchen and therefore odour emissions to the detriment of residential amenity.

Fallow Barn and The Cabin, Ashwells Road, Brentwood

Application No:	21/01823/PIP (NM)
Proposal:	Demolition of existing buildings and erection of up to six dwellings
Appeal start date:	28 September 2022
Appeal decision:	Dismissed (8 February 2023)

13. The main issues identified related to green belt, the location's suitability for additional housing and the character of the area. The inspector concluded that the proposal complied with none of the exceptions for development in the green belt, would have a greater spatial and visual impact on the openness of the green belt and was inappropriate development.
14. On the second issue, the inspector concluded that the proposed dwellings would not be located within a socially or environmentally sustainable location and would not be in an appropriate location for new housing. The proposal would compromise the open and spacious nature of the locality, be highly visible in the

street scene and would have a significant impact on the character and appearance of the area.

Murcocks Farm, Back Lane, Fryerning

Application No:	21/00241/FUL (NM)
Proposal:	Conversion of former agricultural building to create a private swimming school facility, alterations to the building and parking and access alterations
Appeal start date:	27 April 2022
Appeal decision:	Dismissed (3 February 2023)

15. The inspector considered the main issues to be relating to the green belt. While change of use of buildings can be an acceptable form of development in the green belt, the inspector considered that this scheme would fail the requirement of protecting openness. On that basis it was inappropriate development in the green belt. He saw no other objections to the proposal, noted the support from third parties. He considered that using UV filters to minimise chlorine use would merely be mitigating the effects of the development itself. He said “The demonstration of very special circumstances is an extremely high policy bar to cross” - often stated in officers reports - which he considered was not achieved by the proposal.

173 Woodman Road, Warley, Brentwood

Application No:	22/00356/HHA (NM)
Proposal:	Dropped kerb to create access to new driveway in place of front garden
Appeal start date:	7 November 2022
Appeal decision:	Dismissed (26 January 2023)

16. The inspector considered the main issues related to the dropped kerb and parking to the frontage area of the application site would result in potential highway safety issues, due to the parking facilities being parallel to the road and the potential to overhang the public footpath in conflict within pedestrian users. The inspector acknowledges there is existing off-street parking access to the rear of the site, and although there are examples of dropped kerbs within both

Woodman Road and Uplands Road, this is not a sufficient justification for accepting a substandard parking space.

86 Ingrave Road, Brentwood

Application No:	22/00427/FUL (NM)
Proposal:	Demolition of existing garage to construct a two storey side extension to create and new dwelling with private amenity and off street car parking, and construction of first floor rear extension to the host dwelling
Appeal start date:	10 October 2022
Appeal decision:	Dismissed (23 January 2023)

17. The inspector considered the main issues related to the proposal for a two-storey side extension to create a new dwelling as the effect of the development upon the character and appearance of the area and the impact of the development upon highway safety, in particular the provision of off street parking and access onto Ingrave Road. The inspector concluded that the Local Plan policies should be afforded great weight or substantial weight and that the limited benefits associated with the proposal and the modest contribution to the overall delivery of housing and that the harm to the character and appearance of the area and the highway safety would not be overcome by the addition of one dwelling.

La Valette, Hay Green Lane, Hook End

Application No:	22/00579/HHA (NM)
Development:	Proposed first floor rear extension and part single storey part two storey side extension to include dormers and alteration to fenestration. Reduction of garage.
Appeal start date:	25 July 2022
Appeal decision:	Allowed (24 January 2023)

18. The main issues are the effects of the proposal on the character and appearance of the area; and the effect of the proposal on the living conditions of the occupiers of neighbouring properties.
19. The Inspector considered that although the proposal would substantially change the character and appearance of the property, given the variety of architectural

styles in this part of Hay Green Lane, the height of the dwelling would be similar to that of the existing chalet and the proposal would correspond and be in context with the adjacent dwellings, resulting in no harm to the street scene and no adverse impact upon the character and appearance of the area.

20. In relation to the living conditions of the neighbouring properties, the Inspector acknowledged that due to the scale of the proposal there would be some limited loss of light to the side windows of “White Gables”, it was not considered sufficient to justify a refusal of planning permission on that basis alone, considering the kitchen area also benefits from a rear facing window. Therefore, the appeal was allowed on these grounds, subject to conditions.

7 Appletree Close, Doddinghurst

Application No:	22/00294/FUL (NM)
Development:	Construction of a detached bungalow to the side of the existing dwelling, and including the demolition of the conservatory on the host dwelling
Appeal start date:	28 September 2022
Appeal decision:	Allowed (13 January 2023)

21. The main issues are the effects of the proposal on: (i) the character and appearance of the site and its surroundings; and (ii) the living conditions of the occupiers of No 7, with particular regard to disturbance.
22. The inspector found that the access to the new dwelling being only through an alley way past No.7 would not be detrimental as those moving to and from the proposed bungalow would pass close to a bedroom at No 7, it is not uncommon for pedestrians to walk near the windows of residential properties, such as where dwellings front directly onto footways, for example. In contrast with such arrangements, the number of movements to and from the proposed bungalow are likely to be limited given that the land would be private. Additionally, the property would have two bedrooms and thus likely have a limited number of occupiers. Walking is not a noisy exercise and there is no reason to conclude that those moving to and from the bungalow would be purposefully disruptive or loiter beside No 7. And that the proposed development would be in line with the existing building line and the development would not harm the character or appearance of the site or its surroundings. In accords with Policy NE07 of the Brentwood Local Plan (LP), which states that development on garden land will only be permitted where sufficient space would be retained and the form, height and layout of the development would be appropriate to the surrounding pattern of

development and the character of an area and Policy BE14. Therefore, the appeal was allowed subject to conditions.

Deer View, Ongar Road, Kelvedon Hatch

Application No:	21/01977/HHA (NM)
Development:	Demolition of single storey rear extension, conservatory and chimney. Increase in ridge height to create first floor including first floor side extension. Single storey rear extension and front porch canopy. Alterations to fenestration and external materials
Appeal start date:	30 August 2022
Appeal decision:	Dismissed (25 January 2023)

23. The Inspector considered the main issue to be the impact of the development upon the living conditions of neighbouring residents. The proposal would result in the addition of a first floor element and whilst no design concerns were raised, the Inspector concluded that the formation of a first floor side extension and large roof in close proximity to the boundary would create an undesirable, overshadowing and overbearing effect. The positioning of a window serving a first floor bedroom within 20m of a nearby boundary was also considered to result in overlooking. On that basis, the appeal was dismissed.

41 Warley Hill, Warley, Brentwood

Application No:	22/00011/HHA (NM)
Development	Proposed extension to dropped kerb to gain entry to dwelling
Appeal start date:	11 July 2022
Appeal decision:	Dismissed (20 December 2022)

24. The inspector considered the main issues relating to the dropped kerb and subsequent parking arrangements would cause harm to highway safety and the potential for conflict between pedestrians and road users. The inspector also confirms that the frontage would be insufficient as the parking space would fail to comply with the 5-metre minimum depth required for a parking space and would overhang the pavement as a result which would cause harmful obstruction for pedestrians.

134 Hutton Road, Shenfield

Application No:	21/01886/OUT (NM)
Development:	Outline application for the demolition of existing dwelling and construction of 9 apartments (All matters reserved)
Appeal start date:	25 May 2022
Appeal decision:	Dismissed (22 December 2022)

25. The main issue is 1) the effect of the proposed development on the character and appearance of the area; 2) the effect of the development on the living conditions of the occupants of neighbouring properties; and 3) whether satisfactory accommodation standards are provided for future occupants.
26. The application is for outline consent with all matters reserved. All drawings submitted are therefore indicative of a development which could be sited on the application site. The Inspector noted that the likely scale of a replacement apartment building within this area to accommodate 9 apartments, with no minimum or maximum heights, would inevitably extend deeper into the site and upward which would be at odds with the existing site and prevailing character given the overall size of the plot.
27. In terms of living conditions of neighbours, the Inspector raised concern regarding the impact upon a nearby neighbour with a likely significant change to the scale and position of built form on the site resulting in a harmful sense of enclosure. Existing flats within Rockleigh Court (west-facing) were also likely to suffer from a loss of outlook to their detriment. Neighbouring properties would also likely experience a loss of privacy from new windows from upper floors. In addition, insufficient evidence was considered to be submitted to demonstrate appropriate levels of daylight and sunlight would be maintained.
28. In terms of the standard of accommodation, the Inspector concluded that matters of odour and noise could be dealt with at reserved matters stage and that adequate amenity space could be accommodated. However, they considered that adequate levels of outlook were unlikely to be achieved for future occupants without affecting the privacy of neighbours.
29. At the time of the appeal, the position of the council was that it could not meet the housing delivery test and therefore the Inspector considered the presumption in favour of sustainable development (para 11 d)ii) would apply in order to significantly boost the supply of homes. However, considerable weight was given to the harm identified and it was considered the benefit of new homes would not outweigh the harm and the appeal was dismissed.

Rear of 118 High Street, Ingatestone

Application No:	21/01821/FUL (NM)
Development:	Construction of new dwelling house
Appeal start date:	29 June 2022
Appeal decision:	Allowed (17 January 2023)

30. The main issue is the effect of the proposal on the character and appearance of the area including heritage assets. The inspector found that the listed building adjacent to the site was significant, but the land and garage within the site form part of the setting to the listed building which date from the mid to late twentieth century and have little value themselves and thus make a limited contribution to the significance of the heritage asset.
31. The development would create a dwelling of modest proportions and include materials and style that is comparable and complementary to development in the immediate vicinity and other backland locations as identified in the heritage statement. The inspector concluded that the proposal would not appear cramped as sufficient space would be provided and a subordinate development to the listed building and therefore would not result in harm to the heritage assets or the character and appearance of the area.

Thoby Priory, Thoby Lane, Mountnessing

Application No:	20/01142/FUL (M)
Development:	Construct covered work area, free standing shelving units enclosed with open fronted structure for car part storage, double height portacabin for office use, detached waiting room/welfare unit, 2 tensile covers and 2 x hybrid scaffold structures with double storey container sides, construct U shaped hardstanding for vehicle storage and dismantling, change of use from B8 Storage to Breakers yard (Sui Generis) (Retrospective)
Appeal start date:	15 February 2022
Appeal decision:	Dismissed (16 December 2022)

32. The main issues related to 1) the impact of the development upon the green belt; 2) the effect upon heritage assets (Thoby Priory schedule monument, the Grade

II listed building Thoby Priory Ruins, and archaeology); 3) the effect on the character and appearance of the location; 4) the effect upon the living conditions of nearby residents; 5) the effect on pollution and/or contamination risks; 6) whether adequate parking arrangements for employees is provided; and 7) if harm is identified is it outweighed by very special circumstances (VSC).

33. The inspector concluded that the development was inappropriate by definition within the green belt and therefore reliant upon VSC. The site is located within the scheduled monument and Historic England have commented upon its significance. Unfortunately, at the time of their visit, the arch forming 'Priory Ruin West Window' (illustrated on pages 9/10 of the Heritage Statement) had suffered significant collapse with only a tiny part of inner stonework and some clunch surround remaining. The council and Historic England are required to agree how this is to be resolved. However, a deteriorated state should not be taken into account when making a decision (para 196, NPPF). Overall, the harm identified to heritage assets is found to be "substantial".
34. The site had been found to be distinctly urbanised where the site was formerly a green site area and the erosion of the rural appearance has resulted in adverse impact on the green infrastructure of the area. The submission did not include a noise assessment and the use (breaking up cars) within buildings which not conducive to containing sound was found to impact neighbours living conditions.
35. The submission included no details of toilet facilities for the 56 full time staff proposed, nor was detail provided on potential contamination from the breaking up of vehicles. Impermeable materials and no obvious channelling solutions for surface water run-off led the Inspector to conclude there would be an adverse pollution/contamination risk.
36. The scheme did not include a transport plan or assessment and it was unclear how parking provision would be provided for the staff and visitors to the site would be provided in conflict with local and national policy. All considerations put forward in favour of the scheme were dismissed as they failed to clearly outweigh the substantial harm arising from all of the reasons for refusal. The appeal was dismissed.

Legh Cottage, Horsemanside, Navestock

Application No:	20/01182/S191 (NM)
Development:	Application form for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition for the use of a storage building and workshop for domestic purposes
Appeal start date:	29 July 2021

Appeal decision:	Allowed (9 January 2023)
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37. The certificate was submitted to establish the existing lawful use of the building at Legh Cottage. The council found that the structure had been in place since 2012 and had no evidence to the contrary, but the use during this period was unclear and the use of the building for domestic storage in excess of four years is not unambiguously substantiated, as such the proposed development was not considered to be lawful.
38. The inspector agreed that the building was outside the curtilage of the dwellinghouse, and within the area of the planning unit, but this did not have any relevance to the question being asked within the certificate of lawfulness and found that the council could not describe anything other than scepticism, rather than firm hard evidence to the contrary of the applicant's case. The inspector agreed the building has been in situ since 2012 and enjoys immunity from enforcement action for the period that has elapsed, therefore no material change of use has occurred and the concludes that the use was lawful on 19 August 2020.

40 Bishops Hall Road, Pilgrims Hatch

Application No:	22/00929/FUL (NM)
Development:	Demolition of existing side extension and garage and construction of three bedroom attached dwelling
Appeal start date:	15 November 2022
Appeal decision:	Dismissed, Costs Not Awarded to Appellant (10 February 2023)

39. The inspector considered the main issues related to the effect of the development upon the character and appearance of the area
40. The inspector stated that there is a sense of repetition and rhythm to the built form towards the end of Bishops Hall Road and the site contributes to these characteristics, along with the site being in a prominent location, the proposal would result in a loss of spaciousness and result in a disproportionate addition, unbalancing the pair of existing properties. The many schemes referred to by the appellant are significantly different and not directly comparable. The amount of housing proposed is limited and would not outweigh the harm to the character and appearance of the area. Accordingly, the appeal was dismissed.
41. In relation to the claim for costs, the Inspector did not consider the council's stance is discounting the approved schemes was unsubstantiated or

unreasonable, as the Council's statement had set out reasons why the approved schemes were not comparable to the proposal, along with the officer's report stating that the area is varied in character. The council did not misapply planning policy in refusing the application. The application for an award of costs was refused.

Land At Wates Way, Brentwood (Lidl foodstore)

Application No:	20/01221/FUL (M) (C)
Development:	Demolition of all buildings and structures and the construction of a Class E foodstore and Class C3 dwellinghouses (46 x 1 and 2 bed flats), together with access/egress from Ongar Road and Burland Road, car parking, landscaping, replacement substation, and associated engineering works
Appeal start date:	13 July 2022
Appeal decision:	Allowed, Costs Awarded to Appellant (1 February 2023)

Background and Outcome:

42. The application was refused by the committee on 23 December 2021 following the officer recommendation based on the objections and comments received from the Highway Authority (Essex County Council), and supported in part by the council's Environmental Health team. Members will recall that prior to the decision the council facilitated a series of mediation workshops during the summer of 2021 between the developer team and the Highway Authority to resolve areas of disagreement and/or find a compromise position to overcome objections which the Highway Authority had maintained throughout the pre-application and planning application process. Four reasons for refusal were cited by the council in their decision, in relation to 1) highway efficiency; 2) highway safety; 3) air quality; and 4) the viability of the access given the location of services. On appeal (submitted July 2022), the main issues identified by the inspector were a) the effect of the proposed development on highway efficiency, highway safety and air quality, and b) whether or not, given the location of utility services, the proposed access is viable. In the run up to the inquiry, the council informed the appellant and inspector that no evidence would be given in respect of air quality as it was considered this could be dealt with by planning obligations for mitigation.

43. The inspector allowed the appeal (February 2023). Significantly, before reaching his conclusions on the main issues, the inspector identified that while an overarching concern of the council was that the proposed new junction would not meet Design Manual for Roads and Bridges (DMRB) standards, its application could result in significant over-specification (for this type of road) and that

alternative documents such as Manual For Streets 2 may be used; MfS2 also states that the strict application of DMRB is rarely appropriate for highway design in built up areas, regardless of traffic volume; so that while its standards are the preferred use by the Highway Authority, it is not mandatory in such circumstances, and could lead to over-specification. As such, the inspector concluded that the fundamental issue is not which set of standards is used but whether the resulting design is safe and fit for purpose.

Highway Safety:

44. In relation to the proposed signalled junction and offside collisions, traffic flow and modelling, the inspector considered the number of right turners from the east/ west junctions (North Road and the proposed Lidl store) would equate to a modest two per minute during peak period, and that swept path drawings demonstrated that there would be enough room within the junction for cars from the two arms to turn right, without impacting one another and that traffic speeds from both arms would be low. On that basis, the potential for collisions would be low and the risk acceptable. The inspector considered that the number of vehicles exiting the parking area of New North House on the northwest of the junction would be low and drivers would be able to see the junction signal head, and illegal parking along the footway south-west of the junction should not be a reason to prevent the proposed junction.
45. The inspector found that any overrun of the kerbs (because of cars stacking to turn right into the store) could be prevented by the positioning of poles, guard rails or bollards and that the swept path drawings for articulated lorries show a space to the left for a level of manoeuvring. Because of the right turn filter in operation when approaching from the south, waiting HGV delivery drivers routed from the north would be able to clearly see any vehicles still in the right turn lane. The potential for HGVs to collide with a bus parked in the stop to the north-west of the site is a possibility that already exists (none has occurred to date), and furthermore, the design of the junction would result in a widening of the carriageway. The inspector considered that some inconsistencies identified in the appellants drawings could be designed out at a later detail stage. Overall, he concluded that “whilst the council have brought forward their concerns regarding the safety aspects of the proposed junction, to my mind none of these, either individually or cumulatively can be described as likely to have an unacceptable impact on highway safety”.

Highway Efficiency:

46. This section focused on the impact of the of the proposal on the efficiency of the wider road network. The inspector agreed that the introduction of traffic signals at the Ongar Road/North Road junction will inevitably cause longer delays than at present and that the trip generation from a three-stage junction arrangement was the correct assessment. He found that given the location of the store, an existing commuter route, close to the town centre and the existing Sainsbury’s store, a larger proportion of trips would be secondary, i.e. linked to other stores

and passers-by. Based on a new trip generation of 30%, the inspector concluded that a 24-second delay per vehicle over the modelled area with average speeds of vehicles being decreased by less than 2 miles per hour to be the likely reasonable outcome compared to the existing scenario. This would result in a maximum increased journey time of about 149 seconds. He acknowledged that the area suffers from congestion with long queues in the peak times and that current modelling shows that on a Saturday at midday the junction would be very close to capacity. Nevertheless, he could not conclude that any of the values in his assessment would constitute a severe impact on highway efficiency.

47. A condition has been imposed requiring a scheme for the improvement of the Ongar Road/William Hunter Way to be submitted to and agreed by the council before the appeal scheme is brought into use, and the junction could be optimised by being vehicle activated. Both these factors would improve the traffic situation and the signalised junction while resulting in delays for vehicles would improve the safety of pedestrians.
48. **Air Quality:** This reason for refusal was disaggregated from a composite reason for refusal recommended by the Highway Authority, which was based on the policy wording and the factual location of the site adjacent to an Air Quality Management Area (AQMA), although it related to the impacts of the congestion forecasted by the Highway Authority. However, up to date data submitted by the appellant showed that the air quality levels within the AQMA have improved enough that de-designation of the AQMA can be considered, a view which the council's consultee did not disagree with. No detailed evidence was supplied by the council to demonstrate that any increased queuing and congestion would lead to a corresponding increase in emissions on the highway network within the AQMA whereas the appellant provided evidence to show that there has been no exceedance of the relevant standard for Nitrogen Dioxide since 2016 and that since that time, the levels have decreased significantly. The Council felt that the residual impacts would be adequately mitigated by the planning obligations required to make the scheme policy compliant. On the basis of the evidence before him, which included a planning obligation for the requested contributions, the inspector concluded that there would be no conflict with Policy NE08 of the Local Plan.
49. **Viability of Delivery:** After detailed evidence on this point, the inspector concluded that since there is no policy basis for refusing an application because it is considered (by the council) to be physically undeliverable, in this case the proposed junction, due to the presence of underground utilities, this was not a reason to refuse the development, as the matter could be adequately controlled by condition for approval of details before construction.
50. **Effect on neighbour amenity:** This had not formed a reason for refusal but was considered by the inspector due to concerns raised by local residents. The

inspector concluded that there would be no impact on neighbour amenity through loss of privacy or overshadowing; the parking provision is in line with adopted parking standards and he was content that the submitted noise report shows the impact on existing residents would be low with the mitigation provided.

Planning Obligations:

51. The provision of affordable housing (35%), a financial contribution of £17,250 toward increasing the capacity of surgeries, and £6,132 towards a Travel Plan monitoring fee secured through S106 were agreed between the parties and accepted by the inspector.
52. Several requested contributions were disputed by the appellant. These had not been requested at application stage but were requested as part of the appeal process, as they would now be required for an application determined under the new Local Plan (adopted March 2022). The inspector considered the dispute between parties on the method of apportioning funding towards Infrastructure Delivery Plan (IDP) requirements including: the council used the number of units proposed, the appellant the number of bed spaces/parking spaces, and a weighting system based on the distance of proposed developments within the Local Plan allocations from railway stations.
53. Brentwood Town Centre Public Realm Enhancement, such as pavement improvements, pedestrian and vehicle accessibility improvements and landscaping and streetlighting: the council's figure of £277,946, compared to the appellants £53,817. The Inspector agreed with the council's approach inter alia, the reduced number of parking spaces, the proximity and likelihood of residents to walk to the centre.
54. Brentwood and Shenfield Stations Public Realm Improvement: the council requested a sum of £215,870 based on the number of units, the appellant offered £110,231. In agreeing with the council, the Inspector concluded that residents living nearer the stations would be more likely to use the facilities and therefore should contribute a greater proportion of the costs.
55. The inspector considered that quiet cycle routes in Brentwood Urban Area (policy R15 (b)) to be specific to the appeal site and agreed with the Council's figure of £98,123 rather than the appellant's figure of £37,742.
56. Railway Station Cycle Infrastructure: the inspector again disagreed with the weighting system used by the appellants and agreed with the council's figure of £5,524 as opposed to the appellant's offering of £2,704.
57. A128 Ingrave Road/The Avenue/A128 Brentwood Road/Running Waters double mini roundabout mitigation: the contribution would be directed towards signalling the mini roundabouts and was contested in its entirety by the appellant. The inspector concluded that residents of the proposed development would more

than likely pass through the junction and agreed with the council's requirement for a contribution of £21,831.

58. Brentwood Cycle action plan route 25: the council sought a contribution to a length of cycleway just under 0.5km. This required a bespoke calculation as this is not currently part of the IDP but is part of the Brentwood Cycle Action Plan. The inspector considered that the council's figure £450,000 was based on a series of approximations and unjustified assumptions; although he took issue with the principle of the appellant's weighting system, he nonetheless considered its figure of £7,548 to be more reasonable.
59. The total contribution amounts to £626,842.

Conclusions:

60. In summing up, the inspector concluded that the residential led mixed use development and as allocated under policy R15 of the Local Plan would not conflict with the Local Plan or the framework in respect of either highway safety, highway efficiency or air quality. The presumption in favour of sustainable development applies and for that reason the appeal was allowed, subject to conditions and planning obligations. Conditions were discussed and agreed between the parties.
61. The appellant also made a partial claim for costs against the council on the basis that the council has not provided any evidence in relation to the air quality reason for refusal. The Council accept that no empirical data was submitted to defend the appeal. However, the council communicated to the appellant at an early stage, firstly via the initial Statement of Case, and then at the Case Management Conference, as well as in various items of correspondence, that no evidence would be provided because the Council considered that planning obligations would overcome this reason for refusal.
62. It is disappointing that the inspector did not support this approach, and allowed costs up until 25 October 2023, even though the Statement of Case had been submitted in August.
63. A further partial award of costs was made in relation to the viability reason for refusal. The inspector found that the reason for refusal was entirely unreasonable from the offset and a pre-commencement condition was sufficient to deal with this matter.
64. Having considered the decisions, officers will be reviewing their approach to reasons for refusal recommended by any external statutory consultee that include or link to district matters, to ensure that the responses of both consultees are co-ordinated before a recommendation is formed. The use of pre-commencement conditions to deal with outstanding technical matters will also be

reviewed with a view to creating a list of example conditions for officers to refer to.

65. Furthermore, in future appeals the council will review reasons for refusal as early as possible in the process (seeking legal advice where necessary) and, should the council decide not to pursue certain reasons for refusal, it will communicate these the appellant in the clearest and simplest possible terms at the earliest possible opportunity.
66. The Highway Authority may also be reviewing its processes in terms of how development proposals are assessed and commented upon in light of this decision.

17-19 Byron Road, Hutton

Application No:	22/00230/FUL (NM)
Development:	Demolition of existing dwellings and construction of 2no 4-bed dwellings
Appeal start date:	27 September 2022
Appeal decision:	Dismissed (16 February 2023)

67. The inspector considered the main issues to be: 1) the effect of the proposal on the character and appearance of the area; 2) the acceptability of living conditions for future occupiers; and 3) the impact of the development on the living conditions of neighbouring properties.
68. The inspector noted that residential properties within this area comprised a mix of two-storey semi-detached and detached buildings alongside bungalows and chalet bungalows. However, the site sat within a row of bungalows of a predominantly similar style and design which provide uniformity and a clearly defined building line. The proposed buildings were close to each other and emphasised their unequal scale and their overall heights would result in an unduly prominent and visually intrusive design.
69. In terms of future occupants living conditions, the Inspector was concerned that the use of Velux rooflights would significantly limit outlook with constrained views above head height. This would result in an oppressive outlook for future occupiers and poor levels of daylight. In terms of the impacts of the development upon neighbours, the inspector was also concerned that the overall scale would give rise to an overbearing form of development with tall eaves and a significant depth. The appeal was dismissed.

Five Acre Farm, Warley Street, Great Warley

Application No:	19/00103/UNOPDE
Development:	Appeal against the making of a material change of use of the land to a mixed use of agricultural use and residential use (by the stationing or storage of both static and touring caravans on the land which facilitates the unauthorised residential use) and also storage use (by the parking and storage of motorised or mechanically propelled vehicles on the land, and the storage of metal containers, wooden sheds/day/utility rooms on the land and operational development on the land i.e. the carrying out of engineering or other operations on the land including but not limited to the importation, depositing and levelling of sundry hardcore materials and hardstanding surface materials i.e. road planings and crushed concrete, which has resulted in a raising of the land level. Also, the erection of wooden fencing and fence posts, and wooden border materials, i.e. railway sleepers (which facilitates the sub-division of each separate residential plot) on the land
Appeal start date:	9 December 2020
Appeal decision:	Dismissed, Enforcement Notices Upheld and Costs Refused (7 February 2023)

70. The inspector considered four separate matters at this Public Inquiry appeal:

- a) Appeal from the traveller occupants against an Enforcement Notice
- b) Appeal from the absent Land Registry owner against an Enforcement Notice
- c) Appeal against the refusal of planning permission
- d) An application for costs made by Brentwood Borough Council

71. In his determination of each of the above matters the inspector:

- a) Dismissed the appeal and upheld the Enforcement Notice (varying the compliance period from 6 months to 12 months)
- b) Dismissed the appeal and upheld the Enforcement Notice (varying the compliance period from 6 months to 12 months)
- c) Dismissed the appeal as inappropriate development in the green belt, which causes significant harm to its openness and to the countryside. Notwithstanding the personal circumstances of the occupants and their

Article 8 Human Rights for the right to a home and a settled family life, the inspector found that, on balance, the harm caused is too great.

- d) The inspector refused the appellants application for an award of costs in deciding that the council's actions did not lead to unnecessary expense and therefore an award of costs is not justified.

72. Following the decision to dismiss the appeal and the timeframes for compliance, the council will need to define next steps.

54 Tower Cottages, Ongar Road, Pilgrims Hatch (two applications)

Application No:	21/01835/LBC (NM)
Development:	Single storey rear extension and alterations to the fenestration
Appeal start date:	8 September 2022
Appeal decision:	Dismissed (8 February 2023)

Application No:	21/01814/HHA (NM)
Development:	Single storey rear extension and alterations to the fenestration
Appeal start date:	8 September 2022
Appeal decision:	Dismissed (8 February 2023)

73. Applications 21/01835/LBC and 21/01814/HHA are linked. Both appeals are summarised here.
74. The inspector considered the main issues to be: 1) whether the proposal would be inappropriate development within the green belt; 2) the effect on the openness of the green belt; 3) whether the proposal would preserve a Grade II listed building; and 4) whether the harm by reason of inappropriateness and all other harm is outweighed by very special circumstances.
75. The inspector concluded that significant increases in volume from previous alterations combined with proposed extensions, which despite being single storey, would cumulatively have a significant increase of footprint and volume in comparison to the original building. Consequently, the Inspector concluded the proposal was inappropriate development. The overall scale and volume were also considered to have a harmful effect upon green belt openness.

76. In terms of heritage considerations, the inspector the extension proposed would obscure the remaining visible parts of the gable end of the historic core of the building eroding the legibility of the 17th and 19th century phases of the building. Therefore, despite no removal of the fabric from these phases, the scale and form would cause cumulative harm to the legibility of the historic rear elevation/gable end and fail to preserve its special interest. The harm arising was found to be ‘less than substantial’. No public benefits arising from the scheme were identified and therefore no material considerations would outweigh all harm identified. The appeal was dismissed.

3 The Cobbles, Brentwood

Application No:	21/01709/FUL (NM)
Development:	Two storey side extension to create an additional dwelling
Appeal start date:	11 July 2022
Appeal decision:	Dismissed (13 February 2023)

77. The main issue is the effect of the proposal on the character and appearance of the area. The appeal follows two previous appeals for similar developments for a new dwelling to the open land adjacent to 3 The Cobbles. The inspector agreed that the dwelling would follow the architectural features within the street scene and that the appearance of the development would be acceptable, but the proposal would extend into and would significantly reduce the size of the host property’s side garden which positively contributes to the suburban character and existing amenity space.
78. The inspector concluded that the development of the proposed dwelling would inevitably remove the verdant, spatial gap between the host and adjacent properties and have a significant impact on the openness of the street scene and be detrimental to the character and appearance of the area.

5 School Lane, Ingrave

Application No:	21/00485/FUL (NM)
Development:	Demolition of existing buildings at existing yard and construction of 2 x detached bungalows and 1 x detached 3-bedroom dwelling
Appeal start date:	30 June 2022

Appeal decision:	Allowed (15 February 2023)
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79. The main issue is the effect of the development on the character and appearance of the area with particular regard to the heritage assets (two Grade II listed buildings, Nos. 6 and 7 School Lane).
80. The Inspector concluded that the overall design and positioning of the proposed buildings would not give rise to an impact upon the setting of the heritage assets. The proposed designs were considered to be acceptable with an existing patchwork of architectural styles. Existing cottages were considered to remain the dominant features in views on the lane and those proposed would be small elements in views. The scheme was not considered to result in a diminution of the rural backdrop with scope for there to be an increased visibility of the landscape beyond. The Inspector concluded that in respect of impacts upon setting of heritage assets, the scheme would have a neutral or positive impact and would accord with local and national policies. The appeal was allowed subject to conditions.

Brentwood Vineyard Church, Ashwells Road, Pilgrims Hatch

Application No:	21/00842/FUL (NM)
Development:	Change of use from a Place of Worship including social activities, teaching and training to Place of Worship including social activities teaching and training and café open to the public
Appeal start date:	24 May 2022
Appeal decision:	Allowed (7 February 2023)

81. Planning permission was approved for the change of use from a Place of Worship including social activities, teaching and training to Place of Worship including social activities teaching and training and café open to the public, with the following condition attached:

‘The use of the cafe area open to the public as detailed on dwg 22 Rev B is restricted to the preparation of hot and cold drinks and food, and the serving of hot and cold drinks and food for consumption on the premises. With the exception of heating up of food, no cooking shall take place on the premises.

Reason: to establish the scope of this permission to allow the local planning authority to manage any increase in intensity of use, in the interests of amenity and the green belt.’

82. The condition was attached in order to manage the café and any future intensification would require planning permission to install extraction facilities and to assess any impact upon the surrounding area and parking facilities. The inspector found that the condition does not currently prevent the appellant seeking planning permission to allow the cooking of food on the premises, and did not consider that the part of condition 3 restricting this was necessary. The condition was found to not meet the tests set out in paragraph 56 of the Framework and should be removed. However, the inspector found the first part of the condition restricting the use of the café is necessary to ensure the use is consistent with the original application and therefore this part should be re-imposed.
83. The inspector imposed an additional condition requiring the submission of details relating to extraction equipment and ductwork to be submitted to the Council for approval prior to the commencement of the use as a café open to the public. This is because such equipment would be likely be necessary for a commercial kitchen where cooking takes place on the premises and would alter the external appearance of the building, which was not detailed in the original application.

Master Johns Farm, Thoby Lane, Mountnessing

Application No:	21/00549/FUL (NM)
Development:	Variation of Condition 2 to previous approved application 20/01135/FUL, to include the retention of a single storey outbuilding of timber construction and installation of roof lights for storage purposes
Appeal start date:	10 November 2022
Appeal decision:	Allowed (14 February 2023)

84. The main consideration was whether the development is inappropriate development within the green belt; its effect on openness; and if considered to be inappropriate whether there were very special circumstances to clearly outweigh all harm identified.
85. The Inspector concluded that the exception listed under para 149 c was applicable e.g., the extension or alteration of a building provided that it does not result in disproportionate additions over and the size of the original building. It was found to be a very small addition and therefore triggered the exception above. Subject to conditions, the appeal was allowed.

Little Oakhurst, 78 Coxtie Green Road, Pilgrims Hatch, South Weald

Application No:	21/01789/HHA (NM)
Development:	Demolition of existing outbuilding and construction of new garden room
Appeal start date:	5 April 2022
Appeal decision:	Dismissed (24 February 2023)

86. This development had taken place before the application was submitted and was therefore retrospective. Furthermore, since the original refusal, though after the appeal had been submitted, a follow up application had been approved (in July 2022) addressing the issues of the application to which this appeal relates.
87. The Inspector considered the issues were: 1) whether it is inappropriate development in the green belt; 2) the effect on the openness of the green belt; 3) the effect on the setting of the green belt; and 4) assessment of very special circumstances. The inspector considered the development to be inappropriate but that the removal of existing structures which were offered for removal would have a small improvement in openness. The harm to the setting of the listed building could be addressed by planting to achieve a neutral effect on it. The main issue identified by the Inspector as very special circumstances was that the later permission had provided a fallback position allowing the development to be retained even if he dismissed the appeal. The later permission and the fallback position it created amounted to very special circumstances justifying permission.

Frieze Cottage, Coxtie Green Road, South Weald

Application No:	22/00285/HHA
Development:	Proposed single storey rear extension to include x1 roof lantern
Appeal start date:	5 October 2022
Appeal decision:	Dismissed (3 March 2023)

88. The main consideration was whether the development is inappropriate development within the green belt; its effect on openness; and if considered to be inappropriate whether there were very special circumstances to clearly outweigh all harm identified.

89. The Inspector agreed with the Council in relation to the assessment of the previous additions having been carried out post 1948, also concurring with the heritage assessment submitted with the application. As such, in combination with the previous additions, the Inspector considered the proposal to result in a disproportionate addition over the original building and would be inappropriate development. Whilst the proposal is single storey, the Inspector agreed that the proposal would result in a small impact upon openness. The limited size of the extension, the economic benefits during construction and the benefits of the extension for the occupiers, do not amount to very special circumstances and attracted limited weight. The appeal was dismissed.

Warren House, Ashwells Road, Pilgrims Hatch

Application No:	22/00708/HHA
Development:	Demolition of existing conservatory and construction of a single storey rear extension.
Appeal start date:	5 October 2022
Appeal decision:	Dismissed (3 March 2023)

90. The main consideration was whether the development is inappropriate development within the green belt; its effect on openness; and if considered to be inappropriate whether there were very special circumstances to clearly outweigh all harm identified.
91. The Inspector agreed with the council the proposals would be a disproportionate addition to the original building, whilst the proposal would have limited impact on the spatial openness the inspector considered the visual harm could not be overcome. The inspector considered there would be small benefits with regard to very special circumstances with small temporary economic benefits during construction and benefits in respect of energy and resource efficiency however the Inspector considered the existing accommodation adequate size to accommodate the current occupiers therefore these matters attracted limited weight. The appeal was dismissed.

Consultation

92. Individual applications include statutory consultation periods.

References to Corporate Strategy

93. The Council's Planning Development Management team perform statutory planning functions as the local planning authority. The team assists in achieving objectives across the Corporate Strategy, including economic growth,

environmental protection, community development and delivering effective and efficient services. The planning appeals system is part of the decision-making process.

Implications

Financial Implications

Tim Willis, Interim Director – Resources (S151 Officer)

Tel/Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk

94. There are no direct financial implication arising from this report. The cost of defending appeals is covered by the Development Management budget. Lost appeals can result in additional financial implications if costs are awarded, for instance. This is projected and considered when setting the budget.

Legal Implications

Andrew Hunkin, Interim Director – People & Governance (Monitoring Officer)

Tel & Email: 01277 312500/andrew.hunkin@brentwood.rochford.gov.uk

95. There are no legal implications arising from this report.

Economic Implications

Phil Drane, Director – Place

Tel/Email: 01277 312500/phil.drane@brentwood.rochford.gov.uk

96. There are no direct economic implications arising from the report. Individual development schemes subject to the appeals process may deliver local economic benefits.

Equality and Diversity Implications

Kim Anderson, Corporate Manager (Communities, Leisure and Health)

Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk

97. There are no equality and diversity implications arising from this report.

Background papers

- Item 319, Planning Committee, 17 January 2023, Planning Appeals Update (September – December 2022)
- Item 164, Planning Committee, 29 September 2022, Planning Appeals Update (June – August 2022)
- Item 60, Planning Committee, 28 June 2022, Planning Appeals Update (February – May 2022)

Appendices to report

- None

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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.

Terms of Reference 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.

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