

SITE PLAN ATTACHED

LABURNHAM COTTAGE ONGAR ROAD PILGRIMS HATCH ESSEX CM15 9SA

**DEMOLITION OF EXISTING GUEST HOUSE/SWIMMING POOL AND CONSTRUCT
3 BEDROOM BUNGALOW**

APPLICATION NO: 17/01121/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	16.03.2018
PARISH		Extention of time:	
CASE OFFICER	Mr Mike Ovenden	01277 312500	

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

This application is referred to committee at the request of Councillor Aspinell

- *Existing sewerage and drainage connections are insufficient for a modern new build house*
- *Potential compromise of water course on neighbouring land, contamination of private lake and ditches and danger to wildlife*
- *Currently the building on site is a guest house, therefore infrequently used by its very nature and uses the existing septic tank that discharges its overspill into local water course. This is unacceptable in a modern age but furthermore the application is for a permanent three bed dwelling, which will have constant sewerage and water drainage, using an antiquated, outdated overused system.*
- *The applicant is planning to access the new build from a private lane to the side of the property. Ownership of the lane is not in the ownership of the applicant and is subject to dispute with a current planning development.*

1. Proposals

This application relates to the demolition of an existing part single storey, part two storey building which accommodates what is described as a 'guest house' – one bedroom on first floor with the lounge, kitchen, bathroom - double garage and covered swimming pool on the ground floor. It would be replaced with a single storey U-shaped bungalow containing 3 bedrooms, lounge/diner, sitting room, bathroom and three en-suites. The proposed position of the dwelling overlaps that of the existing building and it

would be used as an independent dwelling. Access to the site is shown from Ongar Road, though this could be direct through the main site or indirect from the side road. It is understood that the intention is to access the site through an existing access via the side road.

The design of the dwelling is simple and lower than the existing building, utilises much larger windows, would have a hipped main roof, gable ends to the side elements and be constructed around an open central space.

2. Policy Context

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

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy GB1 New Development
- Policy GB2 Development Criteria

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

3. Relevant History

- 16/01023/FUL: Demolition of existing guest house/swimming pool and construction of a three bedroom bungalow -Application Withdrawn

4. Neighbour Responses

The application has been publicised by neighbour letters and a site notice. One representation has been received.

- Not notified of application

- Historic and legal issues relating to Love Lane (side road)
- No mains sewerage, existing system discharges into local water course and smells during summer months
- A different method will be required for new property
- What would stop further development
- Reference to other developments locally
- Request no decision until matters associated Oakwood Nursery have been resolved
- Why has Environment Agency and Anglian water not been consulted

5. Consultation Responses

- **Environmental Health & Enforcement Manager:**

Acceptable subject to a condition relating to management of construction.

6. Summary of Issues

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

Green Belt

Policies GB1 and GB2 aim to control development but support a limited range of development, subject to being appropriate to the greenbelt and protecting its openness. These policies are broadly consistent with the NPPF, which is a significant material consideration. Where there is a difference between it and the development plan, the NPPF, which is newer than the development plan, takes preference although in this case there is no significant inconsistency between the two documents. The NPPF specifies types of development that are identified as 'not inappropriate'. One such type of development is the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. This is the basis on which this application is made.

Openness is a visual quality related to lack of buildings and in the case of a redevelopment it often involves a comparison between existing and proposed

developments. One approach used to assess development is comparing dimensions and those relating to this proposal are given below:

	Existing	Proposed
Length	22.2/ 18.9m	20.3m
Width	18.2 / 7.9m	13.3m
Height	5.77/ 3.8m	4.0m
Floorspace (Gross internal)	216 sqm	191
Footprint (External)	225sqm	217

The above table indicates that across a range of measures the proposed building is of similar size to the existing building, or smaller. Another way to assess the development is a comparison between the elevations/massing of the existing and proposed. These show the proposed building to be marginally higher than the main body of the existing building and significantly lower than its tallest element, as indicated above. The position of the building is similar so this factor by itself would have no effect on openness. In summary, the replacement of the existing building with the proposal would have no material impact on openness. On that basis it is an acceptable form of development in the greenbelt.

Character, appearance and residential amenity

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

The character of the local area is derived from individual or small groups of buildings in a countryside setting and this proposal would have minimal effect on the local area when compared to the existing building. The design is acceptable, and the building does not raise concerns about residential amenity. Adequate parking to the property would be retained by the proposal and it would not have a measurable effect on the use of the local traffic network. To that extent the proposal complies with Policy CP1.

Other matters

The Ward Councillor has expressed concerns about the proposal on two main grounds – sewerage and access to the highway.

Sewerage

The site does not have access to mains drainage. Following discussions with the applicant it is understood that it is proposed to replace the existing septic tank system with new Klargesters (treatment plants) for the existing and new dwelling. These are acceptable where mains drainage is not available and commonly used in

rural areas. Their ability to operate effectively is influenced by the quality of the system, its installation and maintenance. The Environment Agency and Water Authority have not been consulted on this proposal for a single dwelling as it falls below the threshold of developments they wish to be consulted about. Concerns have been expressed in a representation about the operation of the existing system at the premises and the case officer has discussed this with officers from Environmental Health and Building Control. No formal complaint about the functioning of the existing system has been received by Environmental Health. The use of the new proposed treatment plants is acceptable in principle on this site and likely to result in an improvement to the current situation. It is recommended that a planning condition is applied requiring the developer to provide details of the system proposed.

Access

The application form states that no new access or altered access is proposed. The application drawings indicate that the applicant has control of the site up to the public highway (Ongar Road) and this is sufficient for the application to be considered. The application drawings suggest that the side access is to be used to reach the Ongar Road. The representation refers to historic use and legal issues associated with use of the side road. The applicant claims to have used the access for 20 years. Whether this is the case is not a planning matter. The application has access to the highway over land controlled by the applicant and this is sufficient for the application. The applicant has been asked to confirm whether it is the intention to provide access via the side road rather than direct to Ongar Road. At the time of writing this report this information has not been received.

Access rights aside, the lane to the immediate north of the site is the access to Straight Mile Nursery, an established access with adequate visibility and width to be used to access the site without creating highway dangers.

Other matters raised in the representation

With regard to publicity given to the application, national requirements are that either owners/occupiers of adjoining land are notified or a site notice is put on/near the application site. It is understood that the author of the representation lives locally but does not occupy adjoining land, though others that do were notified, and so was not notified by letter but that a yellow site notice was put on site. By using a combination of means to publicise the application statutory requirements were exceeded.

The comment about future development proposals is noted but future applications would be considered on their merits. This proposal is a distinct entity and not part of the separate development at Oakwood Nursery and it would not be reasonable to delay determination of this application until resolution of alleged issues with that development.

In conclusion this proposal is acceptable development in the greenbelt, protecting its openness and subject to conditions is acceptable in planning terms. The Council cannot demonstrate a five year supply of building land and the dwelling subject to this application would make a small contribution towards meeting this aim and therefore weighs in its favour. However given the other issues referred to above its contribution to housing land supply is not a determining issue.

With regard to planning conditions these are listed below. Some of the suggested conditions from Environmental Health are more appropriate to be added as informatives than conditions.

7. Recommendation

The Application be APPROVED subject to the following conditions:

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 DEM01 Demolition of Buildings on site green belt

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

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

4 The construction of the dwelling hereby permitted shall not proceed above slab level until full details of the proposed method of treating foul sewage from the proposed dwelling have been submitted to and approved in writing by the local planning authority. The system shall be fully installed as approved prior to the first occupation of the approved dwelling.

Reason: To avoid pollution of the local environment.

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

Reason: To protect the openness of the greenbelt

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

Reason: To protect the openness of the greenbelt

7 Construction and/or deliveries shall not take place outside the hours of;
Monday - Friday.....8.00 - 18.00
Saturday.....8.00 - 13.00.
Construction and/or deliveries on Sundays or Bank Holidays.

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

Informative(s)

1 INF02 Reason for approval (objections)

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF04 Amendments to approved scheme

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

3 INF05 Policies

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

4 INF22 Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to

grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

5 U05397

- o Any existing buildings on site should be assessed for asbestos containing materials prior to demolition. Any asbestos containing materials must be removed in full consultation with the Health & Safety Executive.

- o 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.

- o In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

- o 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 (e.g. Plastics, rubber, treated wood, bitumen etc.)

- o Radio noise should not be audible at the boundary of the nearest neighbouring property.

- o 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 Pollution Department on (01277) 312500 prior to commencement.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A – Site Plan