

SITE PLAN ATTACHED

CLANMERE NORTH DRIVE HUTTON ESSEX CM13 1SH

CONSTRUCT DETACHED SINGLE-STOREY DWELLING AND ASSOCIATED ACCESS AND LANDSCAPING (PLOT 5)

APPLICATION NO: 19/00501/FUL

WARD	Hutton East	8 WEEK DATE	22.05.2019
PARISH		EXTENSION OF TIME	19.07.2019
CASE OFFICER	Mr Mike Ovenden		01277 312500

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

PL02;
PL03;
PL04;
PL05;
PL06;

This application is referred to committee at the request of Councillor Sanders.

- The site already has approval for four dwellings, one extra would not lead to over crowding of the site and will be in keeping with the rest of the development.

1. Proposals

This application relates to the erection of a new (additional) bungalow within the grounds of a former dwelling and its outbuildings that are currently being redeveloped following a permission for four bungalows last year. The site is within the greenbelt.

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

Local Development Plan:

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation between 5 February and 19 March 2019. The responses to the consultation are currently being assessed. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q4 of 2019. Provided the Inspector finds the plan to be sound, it is estimated that it could be adopted by the Council in early/mid 2020.

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Local Plan Pre-Submission (Publication Draft) 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.

3. Relevant History

- 17/01632/S191: Application for a lawful development certificate for an existing use or activity concerning the use of the out buildings for ancillary purposes to the main Class C3 dwellinghouse. -Lawful
- 18/01007/FUL: Demolition of existing bungalow, garage, annexe and outbuildings. Construction of four new single-storey dwellings. -Application Permitted
- 18/01007/NON/1: Non material amendment to application 18/01007/FUL (Demolition of existing bungalow, garage, annexe and outbuildings. Construction of four new single-storey dwellings) for adjustment of positions of the four approved new dwellings on the site. -Application Permitted

4. Neighbour Responses

- None received

5. Consultation Responses

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal site is accessed from a private road, the submitted layout retains 2 off street parking spaces for each of the four (previously approved) dwellings and the proposed dwelling will also be provided with 2 off street parking spaces. The site provides room for vehicle turning and manoeuvring, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

1. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

- **Environmental Health & Enforcement Manager:** None received
- **Gas Pipeline:** None received
- **Arboriculturalist:** None received

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 2019 (NPPF) and National Planning Practice Guidance 2014 (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

Green Belt

The site is within the greenbelt which washes over the locality. This is shown on the map that accompanies the local plan. There is no proposal to remove it from the emerging LDP. The committee will be aware that the government attaches great importance to the greenbelt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Greenbelt is a spatial designation not a qualitative one, therefore the requirement to protect openness applies just as much to attractive countryside as to less attractive areas of greenbelt. 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, but where there is a difference between it and the development plan, the NPPF, which is newer than the development plan, takes preference. The later document is a more up to date and concise statement of greenbelt policy.

The NPPF stipulates that new buildings are inappropriate development in the greenbelt, unless one of a short list of quoted exceptions in paragraph 145. The applicant has not indicated whether he believes the proposal is an exception or if it is which in that list he believes the proposal represents. Officers have considered the proposal and do not consider it is one of the exceptions. On that basis the proposal is inappropriate development.

The applicant has not provided a planning statement, although has provided a copy of a design and access statement relating to last years application for the redevelopment of the site for four dwellings. On that basis the applicant has not claimed compliance with greenbelt policy or that there are very special circumstances.

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

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

The last sentence is particularly worthy of note. Even were there to be very special circumstance they would need to *clearly out weigh* the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, which is a much higher threshold that an on balance judgement.

Openness is a visual quality related to lack of buildings. The proposed additional building would be 22m long, 13.5m wide and 4.8 m tall. It would spread buildings 16 metres further west, 21 metres further south and 30 metres corner to corner than the nearest permitted dwelling. This is a part of the site previously without buildings. This undermines the intention of the permitted scheme which was to keep the new buildings grouped together in proximity to existing buildings and match the massing of the (then) proposed buildings to the buildings on the site at the time of the last application. By stretching development further across the site and add a building of the scale proposed would detract from the openness of the greenbelt further compounding the harm of this inappropriate development.

The reason for the call in to committee refers to last years permission for four dwellings; that one extra would not lead to over crowding of the site and; it would be in keeping with the rest of the development.

Taking each point in turn, last years permission for four dwellings was approved following pre application discussion on the basis that it was redevelopment of a previously developed site that protected its openness and therefore was in accordance with NPPF policy in contrast to this proposal. One extra dwelling would not lead to overcrowding in the sense of overdevelopment but that is not the issue for considering greenbelt development. Similarly the typology proposed is similar to the other dwellings permitted. The absence of objections on these grounds does not represent very special circumstances. Indeed lack of overdevelopment and appropriate design would be expected in any development within the greenbelt or otherwise.

The committee will be aware that the Council cannot demonstrate a five year land supply and that planning decisions should reflect that. However the NPPF lists specified protected areas, such as greenbelt, that are not subject to this permissive approach as protection of the greenbelt provides a strong reason for restricting development.

The refusal of this application on greenbelt grounds would be consistent with previous decisions to refuse other redevelopment proposals for dwellings in the locality (The Old Barn, North Drive, Hutton) that have been refused at (two) appeals, most recently in January 2019, due to harm to 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 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.

The character of the local area is partly derived from being in the greenbelt and for the reasons given above it is unacceptable in principle and would erode openness. In that respect it would be contrary to policy CP1.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 The proposal is unacceptable because it would result in the erection of a new dwelling in the greenbelt outside any exception listed in the National Planning Policy Framework. The proposal therefore represents inappropriate development in the greenbelt which is by definition harmful. The applicant has not demonstrated very special circumstances that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is therefore contrary to Policies CP1, GB1 and GB2 of the Brentwood Replacement Local Plan 2005 and Chapter 13 of the National Planning Policy Framework.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1 and GB2, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at www.brentwood.gov.uk/preapplicationadvice

BACKGROUND DOCUMENTS

DECIDED: