

SITE PLAN ATTACHED

HARDINGS FARM HARDINGS LANE FRYERNING ESSEX CM4 0HZ

DEMOLITION OF EXISTING BUILDINGS AND REPLACEMENT WITH FIVE DWELLINGS

APPLICATION NO: 19/00421/FUL

WARD	Ingatestone, Fryerning & Mountnessing	8/13 WEEK DATE	13.05.2019
PARISH	Ingatestone & Fryerning	Ext of time	6.9.2019
CASE OFFICER	Mr Mike Ovenden		
Drawing no(s) relevant to this decision:	7842-02/A; 7842-03/A; 7842-06/A; 7842-08/A; 7842-09/A; 7842-010/A; 7842-011/A; 7842-012/A; 7842-013/A; 7842-014/A; 7842-015/A; 7842-16/A; 7842-17/A; 7842-19/A; 7842-20/A; 7842-21/A; 7842-30/A; 7842-31/A; 7842-32/A; 7842-33/A; 7842-34/A; 7842-40; 7842-27/A; 7842-07B; 7842-18B; 7842-07B; 7842-18B;		

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

- CP1 Overdevelopment of the site and GB1 development in the Green belt

1. Proposal

This application relates to the demolition of the non residential buildings related to a now dormant equestrian establishment and the erection of five dwellings. The application form indicates that foul drainage would be to mains sewers.

2. Policy Context

Brentwood Replacement Local Plan 2005:

- Policy CP1 General Development Criteria
- Policy GB1 New Development
- Policy GB2 Development Criteria
- Policy T2 New Development and Highway Considerations
- Policy T5 Parking – General
- Policy C14 Development Affecting Conservation Areas
- Policy C16 Development within the Vicinity of a Listed Building

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

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 to take place in late 2019 early 2020, subject to timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is estimated that it could be adopted by the Council in mid/late 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The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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

- None

4. Neighbour Responses

- Narrow lane which is not passable in winter
- Concern about pedestrians using/crossing lane which has no pavements
- Access around main road is already misused as a car park at times
- Peace and tranquillity would be destroyed
- Area is of outstanding beauty and countryside should be protected
- Would lower quality of life for Hardings Lane residents
- Disruption from construction traffic
- No objections to the development other than to the use of Hardings Lane post construction
- Lane is already in disrepair and cannot take this large development
- Concerns about upkeep of lane and funding repair works
- Lane is maintained by residents

- Query in the first representation received about extent of publicity which if wider may have generated more comments. (Officer note: Application was publicised in excess of national requirements by site notice, press advert and letters sent to 12 properties)

5. Consultation Responses

- **Parish Council:**

Ingatestone and Fryerning Parish Council view: OBJECTION

The council believes that the development will have a detrimental effect on the openness of the greenbelt and will heavily impact the special landscape area. The parish council are concerned that the size and mix of the units are not fitting to local needs. The proposal does not enhance existing landscape features which is stated in Gb ii) in the Local Development Plan 2005.

- **Historic Buildings and Conservation Officer:**

Significance

The development site is within the historic curtilage of the Grade II listed building of Harding's farmhouse List Entry Number:129719, first listed:09-Dec-1994. The listed building is not proposed to be altered or demolished; buildings within the curtilage are sited for demolition and as such, I advise the Council, Listed Building Consent is required given these predate 1948, were in the same sole ownership and relate to the use of the land. The County Archaeologist may require a level 2 recording.

Proposals Demolition of existing buildings and replacement with five dwellings.

Discussion: The design proposals have undergone a series of preapplications and a period of design development. Should the principle of development be accepted in planning terms, I raise no objections on Conservation grounds for the associated buildings to be demolished, I have inspected these buildings are they do not hold historical or architectural merit. Interestingly the later dwelling of Harding's House is a C20th architect designed home of high merit, the interior in particular is well detailed and composed of high-quality materials. Given the architectural merit here and the good level of information regarding its design, a recording of its current condition together with the drawings and photographs which the owner holds would no doubt be of interest to the RIBA or C20th Society.

Having assessed the proposals for the new development, the main consideration is concerned with 'setting' and how the proposals and future occupancy will impact upon the setting of the Grade II listed building of Harding's Farmhouse which lies centrally within the development site; an expansive lake lies to the south and verdant countryside encompasses this area of Fryerning. The proposed layout is set around a courtyard narrative, this is in line with the preapplication advice, the only aspect which diverts from this layout is the position of Plot 5; as it was agreed this unit is better related to the Lake, this is in line with preapplication advice. Having assessed the submission, I raise concerns over aspects of layout and design. The main areas of layout which are not

working in terms of setting, are the proposed new garages to the south of the listed building and at Plot 5; in addition, Plot 4 has not developed fully since preapplication and has broadly followed a sketch offered by myself at preapplication which was made with the planning officer to refer to the courtyard narrative as opposed to a specific siting of this unit. Firstly the garage proposed to be positioned at the south of the listed building is resulting in harm to setting, should a detailed assessment of setting been undertaken in the Heritage Assessment, it would have concluded there can be no justification to encroach upon the listed building by way of siting this new garage building; its proposed position is also parallel to a key view of the south range which holds the external stack, it is a significant elevation and should not be compromised. In terms of the elevational treatment, this proposed garage building is not of vernacular influence, it appears too urban. This component of the application needs to be fully reconsidered. The garage at Plot 5 would be better served to be physically attached to the linear form itself and not set out in isolation. The narrative is courtyard and not 'urban residential' as such the narrative should not be diluted by introducing ancillary buildings of this nature. My advice in relation to Plot 4 is the eastern range appears in too close proximity to the Grade II listed building, whilst I appreciate the heritage asset has experienced change from its inception, there is a clearer view of its principle range at present, this proposed layout currently positions the listed building in a 'street' which must be avoided. A simple linear form or return L shape, would work more effectively for Plot 4 and certainly a paired back principle elevation of a more stable yard influence. Plot 4 needs to be more relatable to the listed building and the architecture must be less urban; design development and a more sensitive approach is required here. I do however agree that its northern corner relates to Plot 1 effectively, allowing a sense of entry into the courtyard curtilage.

The other plots are positioned acceptably, but there appears to be a mixed language for Plot 2, the design appears to derive from a threshing barn but has urban garages attached, the lower range which houses these garages should just continue from the host building. There also needs to be an alteration to the pronounced Midstrey feature, it projects quite deeply. The building also has two accretions at the south and east which need to be 'lighter' if the Threshing barn language is to work effectively. There is no detail on design intent for this large-scale building, I suggest it is of oak construction with open eaves along with features which are relatable to the farmstead narrative e.g. shutters and clerestory openings. Overall, a high level of detail for external surface materials and fenestration is needed in order for this development to not harm the heritage context, in addition a quality landscaping scheme including the frontages of the properties and details of boundaries, no close boarded fences would be accepted here, how are the new properties to be contained? I suggest the courtyard theme is continued and a series of established hedges and brick walls of hand made clays/lime mortar. Granite setts should be used within the courtyard and along the frontages to delineate the separate areas of ownership. Consideration needs to be afforded to artificial light pollution given the large areas of glazing. In summary, I advise the proposals at present would result in harm to the setting of the Grade II listed building; there is a lack of detailed information which clearly conveys the proposals are creating a 'Place' which embeds heritage as opposed to a development which merely contains a nationally

designed heritage asset, a more surgical approach should inform revisions and I strongly urge a greater level of detailing for landscaping, boundaries and materials is submitted. Should revisions be undertaken within the determination period I would be pleased to offer additional advice.

Revised and additional drawings have been submitted in response to the original consultation reply. These include design changes particularly to plots 2 and 4, omission of garage adjacent to the listed farmhouse, relocation of garaging to plot 5 in the form suggested in the consultation response, landscape principles including boundaries and clarification of materials. No objections have been offered following these submissions.

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is provided with adequate parking and is accessed from an existing private road, of which the first 250 metres from Hardings Lane is shared with Public Rights of Way.

The PROW network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footways no's 10 and 25 (Ingatestone & Fryerning) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

- **Operational Services Manager:** None received
- **Arboriculturalist:** None received
- **Essex Wildlife Trust:** None received
- **Natural England:**

European designated sites: It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex

Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Brentwood Borough Council working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

1 Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites; the latter are listed or proposed Wetlands of International Importance under the Ramsar Convention and are protected as a matter of Government policy. Paragraph 176 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

2 Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations'). Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process.

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 (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 the site from the greenbelt in 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 less attractive areas of greenbelt as to attractive countryside. 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.

Proposals for new buildings in the greenbelt can be acceptable in a limited number of circumstances and the one that is most relevant to this proposal is outlined in the NPPF para 145 g) ie:

- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - o not have a greater impact on the openness of the Green Belt than the existing development; or
 - o 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 proposal does not relate to affordable housing so the last bullet point can be discounted.

The buildings were last used in connection with established equestrian related activities and not in agricultural use and therefore are considered to be previously developed land as defined in the glossary, annex 2, of the NPPF.

There is no official measure to assess openness and the NPPF even in its recently revised form does not suggest a method to compare existing and proposed development or judge openness. However, this issue has been addressed to some degree in recent National Planning Practice Guidance (001 Reference ID: 64-001-20190722) published in late July this year. This new guidance is based on caselaw and indicates that assessing the impact on openness:

“requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;

- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.”

It is to be noted that this is guidance rather than policy and it gives examples of matters which ‘may need to be taken into account’ which it makes clear are not all embracing or necessarily excludes other matters.

Even before the publication of the guidance, officers have advised that as openness is a visual quality, normally considered to be the lack of buildings, a useful way to assess the new build elements of proposals in comparison with existing lawful development is a visual comparison of the massing, spread and position of existing and proposed buildings. This is in compliance with the first bullet point above, taking volume to mean massing rather than a mathematical calculation. As advised on previous occasions while its not unusual for people to quote numerical data for footprint, floorspace or volume when considering redevelopment proposals in the greenbelt, reliance on mathematical data can be misleading. This remains officers’ view and equating volume in visual terms as size, massing, bulk is both appropriate and consistent with this new advice.

Drawing 7842-27 (Site plan with overlay of existing buildings) provides an overlay layout plan of existing and proposed buildings. In general terms the proposed building is drawn away from site boundaries. The proposed north-south spread of buildings would be reduced to 105 metres in comparison to the current spread of 145 metres. The proposed east-west spread of buildings would be 49 metres in comparison to 35m in the central area, though the existing spread is 72 m overall taking the outlying buildings (in the north west corner and another in the south west corner) to be removed into account. It can therefore be seen that the spread of buildings over the site as proposed in comparison to the existing situation would be reduced.

Plots 1 to 3 would be arranged in a courtyard arrangement taking inspiration from the historic pattern of buildings on the site (P6 of the heritage statement shows a similar courtyard arrangement on the site from a map dated 1896). Notwithstanding the drawing together of buildings the proposal creates a greater sense of openness within the group of buildings with the large central open courtyard. This open courtyard measures approximately 680 sqm, 23m between building 1 and 3 and 38m between units 2 and 4.

The tallest existing buildings are along the north edge of the group (hay store 7.7 m tall) and south end of the group (5.65m) with lower buildings between. This is the same approach taken with the new buildings with Plot 2 and 5 being tallest (7.35 and 7.4m respectively). All dwellings other than unit 4 – the single storey building - have a main body then lower elements. Plot 1 is a cottage style dwelling with low eaves and small

dormers. It would be about 2 metres taller than the existing adjacent buildings though over a much reduced footprint and span. Its attached garage has a significantly lower ridge and eaves height to the main body of the dwelling. Plot 2 is a typology that draws on barn style massing and as indicated above slightly lower than the existing haystore. Its attached garage and a lean-to have a significantly lower ridge and eaves height to the main body of the dwelling. The 4.8 m tall, 12.5m wider hanger building would be removed without replacement. Plot 3 is another cottage style dwelling with low eaves and dormers. Its tallest element is about 2 metres taller than existing though with lower elements. Plot 4 is a single storey dwelling having some of the character of a traditional stable building, approximately 0.20m taller than existing. Plot 5 on a lower part of the site, is a typology that draws on barn style massing and is approximately 2.5 metres taller than the nearest existing building to be removed though another adjacent building of 5.65 metres and 294 sqm (approximately 20m x15) would be removed without replacement.

With regard to the other two bullet points in the National Planning Practice Guidance published in July, again these are examples rather than necessary tests. This proposal is for permanent redevelopment in common with most applications though in this case the development involved would bring about an improved sense of openness on parts of the site and overall at least an equivalent sense of openness. The last bullet (traffic) indicates that activity relating to a proposal could be relevant in a given case. As a general principle residential development tends to give rise to lower levels of activity – including traffic generation and on site activity – than a site in commercial use. On this particular site, although it is understood that the equestrian activities are now operating at a very lower level, they could likely be lawfully regenerated without permission back to levels that would attract more traffic and activity than the five dwellings proposed as a replacement. This fall back has not been raised by the applicant, but it is nevertheless a consideration, particularly given comments made in representations. Even without such a fall back it is not considered that activity associated with this development would have an overall effect on the character of the area, quality of life or the amenity of residents.

On the basis of the above the new national guidance has not altered the basis of greenbelt matters as discussed through the pre app stage for the site. Following the assessment of the proposed development in comparison to the existing buildings it is considered that the proposal would not have a greater impact on the openness of the Green Belt and is therefore not inappropriate development. The proposal would comply with policies GB1, GB2, CP1 and chapter 13 of the NPPF.

Heritage

The site lies over 350 m from the edge of the Fryerning conservation area where the proposed form of development, or that currently on the site, would have a neutral effect on its character. The historic farmhouse is a grade II listed building though has little presence outside the site. The setting of the listed building is affected by the sprawl of buildings to the north, buildings that have no architectural or historic merit but are in

keeping with an expanded once agricultural farmstead that has long since been reused for other purposes. The site has a tired appearance. To the east is Harding House, built in the early 1970's originally as a replacement for the (subsequently) listed farmhouse. There is no proposal to alter either the listed or non listed dwelling. The historic buildings officer's comments are set out in full in section 5 above.

As indicated above the courtyard arrangement of plots 1-3 follows evidence that a similar grouping of buildings existed on site in the C19th. The development uses typologies drawing on traditional forms – narrow spans, weatherboarding above brick plinths, small dormers set into the roof. Plots 1 and 3 are cottages, plots 2 and 5 are barn like typologies and plot 4 takes inspiration from simple stable buildings. The buildings would use a common palette of traditional materials – clay plain tiles, Essex stock brick and timber feather edged weatherboarding. Details of materials to be used in the external surfaces of the buildings and details of doors and windows would be required by condition.

With regard to the historic buildings officer's comments that listed building consent is required for demolition of curtilage buildings, these relate to a small building within the curtilage of that dwelling. Generally, the other buildings to be demolished are outside the (residential) curtilage of the listed dwelling and/or of post 1948 construction and do not require listed building consent to be removed. Those buildings are not considered to be of architectural or historic merit and no objection is raised to their removal. Whether a minor listed building consent application is required as a technical matter can be discussed with the applicant once this application has been determined.

The proposal was discussed through pre application meetings and has been amended post submission to address the historic buildings officer's comments. Following these revisions, no objections are raised on design or heritage grounds. There has been no request received from the County Archaeologist for any recording. The proposal would comply with policies C14, C16 and CP1.

Highways and parking

The issue of traffic generation is addressed above, where it is considered that it would not be significant. The site is at the eastern end of Hardings Lane, a private road that provides access to around a dozen dwellings and was the access to the site when in equestrian use.

The highway authority's reply recognises that the first half of Hardings Lane (about 250 metres) is shared with Public Rights of Way (PROW). The PROW turns north at that point and a few metres further east another PROW turns south where it hugs the built up area. There is no PROW down the last 225m section of the lane to the application site. The proposal does not involve the closure or rerouting of the PROW and, notwithstanding the comments made in some representations, the highways authority

has not raised safety concerns relating to the proposal and advises that the impact of the proposal is acceptable in highway terms.

The provision of passing places along the easterly section of Hardings Lane has been discussed with the applicant and while none are proposed they could be provided on the eastern section of the lane approaching the application site. Such passing places have not been requested by the highway authority and are not considered necessary. If they were considered necessary, their provision before occupation of the proposed dwellings could be required by a negatively worded planning condition. A condition is recommended for the implementation and distribution of a Residential Travel Information Pack free of charge to promote sustainable transport. The proposal would comply with policies CP1, T2 and T5. The proposal meets adopted parking standards and the highways authority has raised no objections.

It is not considered that traffic associated with this development would have an overall effect on the character of the area, quality of life or the amenity of residents. To some degree the traffic travelling to the site during construction may give rise to disturbance, but this would be short lived and would in large part depend how it is managed by the developer. Post construction, as indicated above, traffic movements are unlikely to be significant with or without considering any alternatives to the proposed development. Issues relating to the funding of maintenance of private roads are not planning matters but are private matters between the parties involved.

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 buildings do not raise concerns about residential amenity. Adequate parking to the property would be retained by the proposal and it would not have a significant effect on the use of the local traffic network. The character of the local area is partly derived from being in the greenbelt and for the reasons given above it is an acceptable form of development and would protect openness. Therefore, the proposal complies with Policy CP1.

Housing land supply

The Council cannot demonstrate a five year housing land supply to meet its local housing need. The proposal would create 5 new dwellings which would be of some benefit towards increasing housing supply. However, the proposal is considered to be acceptable in planning terms even before considering this benefit, though it adds some weight to the merits of the proposal.

Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

The Conservation of Habitats and Species Regulations 2017 requires specified public bodies – referred to as a ‘competent authority’ – including local planning authorities, to exercise their functions in a way that preserves and maintains habitats important to wild birds. There are ten such areas identified in Essex. The consultation response of Natural England reproduced in section 5 above makes reference to this responsibility.

Members will recall the report to the Planning and Licensing Committee in March 2019 relating to this issue and the emerging mitigation scheme being developed as a way to address it - The Essex coast Recreational disturbance Avoidance and Mitigation Strategy (the Essex coast RAMS). At that meeting, the committee agreed to note the contents of the report, approve the related Supplementary Planning Document (SPD) for public consultation (including the proposed mitigation tariff) and officers would present the final version, post consultation, back to committee for adoption. This process is on going.

In brief, Essex County Council, 11 out of 14 local planning authorities in Essex and Natural England have worked together to produce the RAMS strategy to comply with the legislation and protect these habitats from the effects of visitors, funded by a per dwelling tariff set at £122.30. These habitats are put at potential risk by amongst other things recreation of visitors to these areas. As the population of Essex increases due to additional dwellings proposed in existing and emerging local plans the likelihood of greater numbers of visitors traveling to, and therefore leading to pressure on, these habitats is anticipated to grow. The likelihood of residents visiting these habitats partly depends on proximity of the residential development to the protected areas and surveys have been carried out to establish the distances people travel from their homes to these habitat sites - i.e. identify ‘zones of influence’ (ZoI). The tariff therefore is to be levied on additional new dwellings (there is no minimum qualifying threshold number of additional dwellings required to trigger this levy – i.e. it could relate to a single additional dwelling) in those Zols to generate monies to be spent by a body set up, in cooperation of Essex authorities and Natural England, to carry out mitigation works. It should be pointed out that the RAMS strategy represents one way of mitigating the impact on such areas and it is open to an applicant to propose an alternative means of achieving appropriate preservation and maintenance of such habitats.

As indicated in the comments of Natural England the application site is within one such zone of influence – that of the Blackwater Estuary (near Maldon). The development has been screened as set out in the guidance and it falls within scope of the RAMS as ‘relevant development’. Its therefore needs to mitigate its ‘contribution’ to increased recreational pressure at Blackwater. The SPD process outlined above has not been completed but the requirement to comply with the 2017 Regulation stands and cannot be ignored until adoption of the SPD.

The evidence used to draft the SPD demonstrates that the impacts upon designated sites from additional residential development can be effectively mitigated through the provision of a co-ordinated program of measures as set out in the draft SPD and that the expense of implementing such measures can be apportioned across all new

residential development in the Zol. It is considered that the evidence which supports the draft SPD and RAMS can be relied upon to justify the request for contributions. On that basis officers have been operating the tariff system in the draft SPD. The Council will work with the other Essex Authorities to identify certain projects which can be delivered in this interim period funded by the tariffs collected. To do otherwise – unless a suitable alternative is proposed by an applicant - would be to fail to meet the responsibilities in the Regulations which would leave the planning authority vulnerable to legal challenge.

In this case the matter has been discussed with the applicant, including the option of proposing an alternative mitigation strategy. The applicant has chosen to accept the RAMS mitigation strategy and has paid the tariff for 5 dwellings (5 x £122.30 i.e. £611.50) and therefore the application can be determined. Should the development not proceed the sum would need to be refunded to the applicant.

Other matters

The reason for the call in to committee refers to greenbelt matters and overdevelopment. Greenbelt matters are addressed above. With regard to overdevelopment, the proposal is not overdevelopment in the sense of an inability to meet objective standards for example garden areas or parking etc or for creating poor standards of accommodation. For the reasons given above the proposal is considered to be policy compliant and acceptable.

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 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 erection of new buildings shall not proceed above slab level until the following details have been submitted to and approved in writing by the local planning authority.

- materials to be used in the external surfaces of the buildings
- details of doors and windows

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

Reason: In order to safeguard the rural character of the greenbelt and the setting of the listed building.

5 Landscaping

The dwellings shall not be occupied until a landscaping scheme showing details of new trees, shrubs and hedges (including species mix, size and spacing) and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to, approved in writing by the local planning authority and implemented. The scheme shall also provide details of the hard landscaping, particularly the means of subdivision to form individual plots and any hard surfaces to be provided. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

6 No permitted development for extensions

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 prevent conflict with the policies of restraint within the Green Belt.

7 No permitted development for outbuildings

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

Reason: To prevent conflict with the policies of restraint within the Green Belt.

8 No permitted development for walls, fences or other means of enclosure

Notwithstanding the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) no walls, fences or other means of enclosure shall be erected within the application site.

Reason: In the interests of safeguarding the character and appearance of the area.

9 Residential Travel Information packs

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.

Informative(s)

1 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 The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, T2, T5, C14, C16, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

3 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 The PROW network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footways no's 10 and 25 (Ingatstone & Fryerning) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

BACKGROUND DOCUMENTS

DECIDED:
