

**SITE PLAN ATTACHED**

**WATERWORKS SPRING FARM DAGWOOD LANE DODDINGHURST  
BRENTWOOD ESSEX CM15 0RX**

**PROPOSED REDEVELOPMENT COMPRISING OF THE CONSTRUCTION OF  
15 DETACHED DWELLINGS, NEW ACCESS, RETENTION OF WOODLAND,  
PROVISION OF NEW FOOTPATH AND LANDSCAPING - REVISED  
DOCUMENTS**

**APPLICATION NO: 20/00704/FUL**

**WARD** Brizes & Doddinghurst **8/13 WEEK DATE** 15 September 2020

**PARISH** Doddinghurst **POLICIES**

**CASE OFFICER** Mrs Nikki Dawney 01277312500

**Drawing no(s) relevant to this decision:** QC Opinion - submitted 02 Dec 2020; Contamination Survey Part 1 & Flood Risk Assessment submitted 22 June 2020; Planning Statement - submitted 28 May 2020; Transport Assessment - submitted 10 Dec 2020; Development Assessment against Design Guide - submitted 10 Dec 2020; Viability Report - submitted 4 Dec 2020; Arboricultural Impact Assessment - submitted 18 Nov 2020; LVIA - submitted 04 Nov 2020 (Drawings superseded) Essex Wildlife Services PEA 10 Dec 2020; EclA - submitted 10 Dec 2020; Aerial Photographs - submitted 08 July 2020  
Plans  
RP03/A - type 1, RP04/A - type 2, RP05/A - type 4, RP06/A - type 3, RP07/A - type 1, RP08/A - type 1b, RP09/A - type 2, RP10/A - type 4, RP12/A - type 4a, RP12/A - type 3a, RP13/A - type 4a, RP14/A - type 4, RP15/A - type 1a - Submitted 02 Nov 2020  
RP01/A - type 4, RP02/A - type 3 - submitted 10 Dec 2020; MP02/A Roof & Master Plan 10 Dec 2020; Landscape Strategy Plan - submitted 10 Dec 2020; Design & Access Statement Part 1 & 2 - submitted 10 Dec 2020; House Types P01 type 1, P02 type 1a, P03 type 1b, P04 type 2, P06 type 3, P07 type 3a, P08 type 4, P09 type 4a - submitted 10 June 2020; Elevations 1000-P01, P02, P03, P08, P09 submitted 16 June 2020; Site Plan - submitted 10 June 2020; Existing Block Plan BP01 - submitted 10 June 2020; REDW-3351-402-RevA; REDW-3351-403

The application was referred to the Committee by Councillor Parker for the following reason:

“The site has continually tipped on for over 20 years with permission from ECC but with no monitoring which has resulted in a once beautiful site being turned into nothing more than a land fill site killing off all vegetation ancient woodland etc only recently as enforcement orders issued but during the process the owners died leaving no way to get the condition of the site remedied no one is going to clear the site as a matter of goodwill as I understand the initial cost is a minimum of 1.7million therefore some development is required to make the refurbishment of the site feasible the parish council are also in favour of this application as are my fellow councillors this site has been a thorn in the side of both parish and Borough Councillors for over 20 years with no prospect of reversing the damage caused by unregulated tipping this is the one chance to put right the devastation and remove the blight on the land and the village.

NOTE: I have been told a number of surveys made by the applicant have not been published or passed on to the appropriate departments.”

**1. Proposals**

Proposed redevelopment comprising of the construction of 15 detached dwellings, new access, retention of woodland, provision of new footpath and landscaping.

**2. Policy Context**

Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria

Policy CP2 New Development and sustainable transport

Policy H14 Housing Density

Policy T2 New Development and Highways

Policy T5 Parking

Policy C3 Wildlife and Habitat Sites

PC1 Land Contamination.

Emerging Local Development Plan (LDP) to 2033:

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.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held in February and March 2021, as set out in draft timetabling by the Secretary of State. The Inspector has asked for more information on some issues with further hearing sessions expected to take place in July 2021. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council towards the end of 2021.

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 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. While the examination is a further step in progress towards adoption, because the plan has yet to complete its progress through the Examination in Public it is still considered that it currently has limited weight in the decision making process.

#### National Policy

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

### **3. Relevant History**

- 95/00725/FUL – Retention of agricultural building; REFUSED
- 97/00731/FUL – Retention of residential mobile home; REFUSED
- 05/00083/ENF - Change Of Use Of The Land From Agricultural Use To Residential Use; No Further Action
- 07/00053/ENF – Removal of Trees
- 16/00148/UNOPDE – Material COU of land without permission for the importation, deposition, storing and spreading of waste materials (including soils, rubble and other similar waste materials thereby substantially raising the land levels. Notice Served.

- 19/06065/PMAJ – Redevelopment of the site for up to x16 dwellings – Not supported by officers

#### **4. Neighbour Responses**

X19 letters of objection have been received relating to;  
 Development of Green Belt land  
 Impact to wildlife  
 Flooding  
 Access road to narrow

X22 letters of support have been received relating to;  
 Improvement to derelict/contaminated site

#### **5. Consultation Responses**

- Parish Council:

Thank you for your letter of 16th June 2020.

Doddinghurst Parish Council have now visited the above site and discussed the Planning Application.

At DPC Full Council Meeting on 2nd July, the Council agreed the following resolution for submission in response to the notification notice received:

*"Given the unfortunate history of Waterworks Spring Farm, the Planning Committee, having visited the site and discussed the current development application, is minded not to oppose it providing that it is viewed as 'exceptional' and does not form a precedent for any future planning applications"*

- **ECC SUDS:**

Thank you for your email received on 22/06/2020 which provides this Council with the opportunity to assess and advise, again, on the proposed surface water drainage strategy and additional information for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- o Non-statutory technical standards for sustainable drainage systems
  - o Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
  - o The CIRIA SuDS Manual (C753)
  - o BS8582 Code of practice for surface water management for development sites.
- Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and the additional information, we do not object to the granting of planning permission subject to conditions.

- **Environmental Health & Enforcement Manager:**

I refer to your memo in connection with the above-mentioned application and would make the following comments.

This site has been subject to various uses in recent years, including some agricultural uses and has also been used to deposit unknown materials, including hardcore, aggregates and waste material of various types that have been dumped in several areas of the site without permission.

It is possible that these materials could include hazardous chemicals and materials including asbestos content and other products that could cause harm to the proposed development and future users of the site.

A preliminary risk assessment has been submitted with the application, which recommends that further intrusive site investigations should be undertaken to determine the nature and extent of any contamination present and propose suitable remediation measures.

I would therefore request that conditions are attached to any planning approval requiring that further investigations, remediation measures and validation are undertaken to protect the amenity of future site users and against pollution of soil or water from deposited materials likely to remain on the site.

- **Essex Wildlife Trust:**

Dated 7th April 2021

Further to our previous email regarding the above proposal we wish to advise that Essex Wildlife Trust continues to object to this application.

While we acknowledge that an Ecological Impact assessment has now been provided which includes the required protected species assessments it remains the case that the proposed development would destroy part of a designated Local Wildlife Site (LoWS) and result in increased recreational impacts and disturbance on the retained ancient woodland.

Doddinghurst Woods LoWS comprises of a mosaic of ancient and recent broadleaved and scrub habitats, parts of which are well used by local residents as a recreational resource. We recognize that it has been suffering piecemeal erosional loss due to the activities on the small holdings for many years, so that only the northern half now remains intact. However, it is essential that important habitats in a current degraded condition are not undervalued for the purpose of promoting development of that habitat. Ancient woodland is an irreplaceable habitat and such sites in unfavourable condition should be targeted for sympathetic

management to restore them to their former condition. Poor condition of an irreplaceable habitat should not be seen as a gateway to development of that habitat.

Out position is supported by the CIEEM Guidelines for Ecological Impact assessment.

The applicant has not provided sufficient evidence that there is an overriding need for additional housing in this location to justify the loss of part of a designated LoWS and further impacts from increased recreational pressures on an irreplaceable ancient woodland habitat.

- **Arboriculturalist:**

The majority of the site was originally ancient woodland which was covered by TPO 18/1981. Over time much of the woodland has been lost subsequently. In addition there is evidence that some of the remaining trees are declining probably as a result of soil contamination or waterlogging as discussed in the arboriculture report.

Part of the site is designated as Doddinghurst Woods Local Wildlife Site.

The application is now supported by ecological appraisals, an arboriculture assessment and a landscape and visual impact assessment. These all recognise the past value of the site as ancient woodland and the ongoing erosion of the woodland over time. Despite this the proposed layout has clearly sought to maximise the extent of the development area which has restricted the opportunities to provide meaningful mitigation for the past loss of habitat features, particularly for the woodland.

I would agree with the LVIA that the extent of effects on landscape character and visual amenity would be limited due to the extent of surrounding trees and woodland and its relatively small size. The LVIA however recognises that at a site level that the magnitude of the effects would be Medium-Large and importance of the effect Moderate-Major.

The LVIA recognises that Natural England recommends a buffer of 15m adjacent to ancient woodland; however it acknowledges that in this case only a 10m buffer will be provided. The reasons for this are not given. There has been an ongoing erosion of ancient woodland which is part of a designated Local Wildlife Site. It is considered that the scheme should be seeking to recreate woodland, not just buffer it by less than that recommended by Natural England.

The density and footprint of the proposed development means that houses are positioned close to boundaries, particularly along Dagwood Lane. This will increase their visual prominence and is also likely to result in issues as the

boundary buffer planting develops. It will also position houses very close to the remaining area of woodland.

The central 'green' appears to be trying to deliver ecological mitigation while functioning as an amenity green. Given its small size, the extent of mown grass and limited connection to the remaining wood it is considered that the habitat features would be of limited value.

It is considered that the scheme has sought to include too many dwellings which would be out of character with the location. It also prevents meaningful mitigation for the loss of woodland and to provide an appropriate landscape scheme which would complement its rural, green belt setting.

I am unable to support this application.

- **Historic Buildings And Conservation Officer:**

This advice letter is offered in response to additional information received within the determination period of this application, including the applicants 'Assessment of Proposal against the Government's National Design Guide'.

Having assessed this recently submitted information I remain in objection to the proposals, I find the scheme non-compliant with the National Design Guide<sup>1</sup> and of low standard design, contrary to Para 130 of the National Planning Policy Framework.

The submitted 'Assessment of Proposal against the Government's National Design Guide' does not alter the professional opinion offered in my two previous advice letters.

The 10 Characteristics of Place are the priorities set out by Government and not a 'check list' as the submitted 'Assessment' paper from the applicant suggests, these characteristics should inform the baseline of a design proposal in order for high quality design, which responds to local character and priorities, to be achieved. Successful development in the first instance can be derived from a robust and surgical analysis of context. I do not concur this scheme has had a robust analysis of context which results in an informed narrative. In addition, it remains deficient in its proposed layout, scale, architectural style and inclusivity.

By way of example, in the opening section of the submitted report, the applicant discusses landscape impact and mitigation as the basis and scope of the contextual analysis undertaken; whilst landscape, is a key component of contextual analysis in this rural location, there remains no meaningful analysis which has resulted in an approach to design and development; mitigation directing the LPA to screening is not the ambition of this section of the National Design Guide (refer to Policy C1). From my own assessment of this location, I find it to be rural and verdant.

Cartographic data shows this historically as an undeveloped area to the south of the historic Doddinghurst settlement with ancient woodland; vernacular farmsteads being the only break in openness from settlement to settlement, this in itself offers a significant cue for a design language to be based upon, which, should the principle of development be accepted could be interrogated to a greater degree.

To take this further, the next point made by the applicant is in relation to Identity, the commentary offers a description of the submitted architectural style being that of 'chalet style bungalows'; in the first instance, Identity is more than the architectural output, however on the point of typology, this haphazard collection and spread of architectural design and styles, lacks any relation to context and does not appear as landscape led in response to the site constraints; in terms of detail the expanses of glazing proposed, results in higher level of artificial light pollution and the bulk visible in the roofscape is not akin to modest bungalow dwellings as described.

From site layout to elevational treatment, the scheme is urban in nature and scale, in stark contrast with its environs, which is evidenced by the applicants own Landscape Appraisal. The layout submitted remains that of a quite outdated estate approach to development, with large dwellings stretching around a vehicular circuit; given the rich environs of this landscape and the rural lanes linking settlements and urban grain, this reaffirms the contextually inappropriate nature of the proposed development. There remains a misleading statement which infers an ancient forest can be 'reestablished'; Green and Blue infrastructure is the first layer to establish through the contextual analysis, integral to how layout should evolve.

In terms of materiality, the palette proposed is not informed by local analysis as is suggested by the 'Assessment', by way of example, 'stone' is not indigenous to Essex; it is the vernacular buildings and farmsteads within the open landscape which are positive contributors in this rural location. Whilst the LPA should not impose a style, a truer narrative would result in a more appropriate material selection.

The assessment refers to 'Homes & Buildings' however this commentary reinforces my advice regarding scale and inappropriate typologies and contrasts with the earlier section of the same document, it states 'the proposed dwellings are spacious in size, comprising of four/five-bedroom detached dwellings and three reception rooms'. In terms of Affordable Housing no reference to inclusivity is apparent. The characteristic regarding Resource has perhaps been misinterpreted, I have no information before me relating to a fabric first approach and low carbon aspirations tested within the scheme, I appreciate there are technical documents relating to SUDs which the ECC consultee can advise upon.

As with my previous consultee advice, even if the principle of development was accepted, this scheme is unresponsive to its context and the verdant character of the environs, no greater analysis is provided which underpins the narrative for development resulting in incongruous proposals.

As a consequence of the above, I am unable to support the proposed development, I conclude it is contrary to National Planning Policy and the National Design Guide. I trust this advice is of assistance.

- **Design Officer:**

Having assessed the submission, I advise should the principle of development be accepted given the Green Belt designation the proposals within this submission are unsupported by Urban Design.

The submission is accompanied by a Design and Access Statement (DAS, Part 1 and Part 2), this sets out the site location and makes reference to ancient woodland and intent for the 'reestablishment of the forest'. Limited commentary in relation to the proposed new development is offered on p.11 with the design rationale stating the units are located upon the perimeter of the site with a 'community green' in a central location with a 'spring will form the focal point of a community green central to the development. Reed beds and gabion walls will be introduced to encourage wildlife around the spring and trees planted to create an enjoyable place for residents to roam. A pergola will be introduced within the communal green also.

No wider and in-depth analysis is provided which conveys the narrative for development has been informed by context including topography, green infrastructure, long views and architectural intent. The aerial views submitted show a flat site with units floating and it cannot be relied upon as a true reflection of proposals in their context.

The National Design Guide sets out clearly the importance of developing successful places based on ten characteristics. No reference has been made to National guidance and certainly the proposals fail with regard to C1 as a minimum; notwithstanding this matter, from my own assessment I find the proposed layout repetitive and the proposals lacking in character with no sense of Place. Units are too spread across the site and certainly will appear incongruous given the verdant location.

The 'community Green' is bounded by a vehicular route and I question how usable and meaningful this would be for any future occupiers.

In terms of inclusivity there is no provision for affordable units, this is not a sustainable location and future residents would be heavily reliant upon private use transport. There is also a silence on renewables.

Taken as a whole, cumulatively the submission is deficient in Placemaking and not informed by the context and qualities of this Countryside setting.

As a consequence of the above I advise the proposals are not supported by Urban Design.

URBAN DESIGN ADVICE  
SECOND LETTER

This advice letter is made in response to additional drawings received by the LPA, these include a 'Roof Plan/Masterplan' and a series of 'Roof/Plot Plans' and Landscape & Visual Impact Assessment.

Having assessed the submitted information, I take note of minor revisions however the approach to this scheme is not compliant with the clear policies set out within the National Design Guide, as such, I remain a holding objection in design terms. Even if the principle of development was accepted, the scheme is unresponsive to context and the verdant character of its environs. As with my earlier advice, no wider or in-depth analysis is provided which conveys the narrative for development has been informed by context including topography, green infrastructure, long views and architectural intent. There remains a misleading statement which intimates a that an ancient forest can be 're-established', even with new planting the basic principles of 'Place' is much more than this.

The 'Central Green' does show an above ground SUDs feature and a more organic road, but designing Places, is much more than 'layout'; I strongly advise if the principle is accepted then a fresh approach is embarked upon, one which is led step by step in alignment with the National Design Guide and is fully inclusive. I insert a link to the NDG to assist the applicant.

<https://www.gov.uk/government/publications/national-design-guide>

- **Ark Consulting**

Consultation has been sought from Ark Consulting on the submitted viability assessment. The following comments have been provided.

The Viability Statement submitted by the applicant notes that no background viability assessment for this site has been produced by the LPA. As a point of note this is because the site is unallocated (due to the Green Belt location and lack of sustainability) and would not have been subject to the emerging local plan level viability assessment.

The viability statement focuses on land value in sections 5 and 7. Having recognised that the way to establish Benchmark Land Value (BLV) is to start with Existing Use Value and add an appropriate landowner's premium, the author rejects that approach in favour average BLVs for the area. Guidance and accepted practice on landowner's premiums suggests a range of anywhere between 10% and 25%. Montagu Evans, when advising another current applicant at Brentwood, agreed 20% with the applicant as the appropriate premium. The main issue though is EUV. The existing site value is unknown. It is contaminated even for its sometime agricultural use so it is arguable that the only value in this land is speculation/hope value. The land value offered in the viability statement is therefore unsubstantiated.

The suggested sale prices seem to be supported by three agents' opinions on value plus some comparable which appear fairly new but second-hand properties which wouldn't enjoy the new build premium..

The abnormal/site contribution costs, used to justify no s106 contributions, at 11.2 are not supported by evidence. A total cost of £200K for 75 trees is suggested which equals £2,666 per tree. No offer of costs is made by the application to Health or Education.

The suggested build price at £2,518/m<sup>2</sup> net of dealing with the contamination costs is considered excessive given full intrusive contamination investigations are yet to be undertaken.

The suggested cost for the remediation work is £1.75m. That equates to £116,660 per dwelling. Again, given full intrusive contamination investigations are yet to be undertaken there is no evidential justification for this high cost in the information submitted.

- **Basildon Fire Station:**

I refer to your correspondence and consultation regarding the application for the proposed redevelopment comprising of the construction of 15 detached dwellings, new access, retention of woodland, provision of new footpath and landscaping - REVISED DOCUMENTS; as a result the submission has been considered and the following observations are made:

**Access**

The proposal itself does not affect fire service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of the Act.

Fire service access to the proposed dwellings appears to be sufficient provided the requirements of The Building Regulation Approved Document B Fire Safety Volume

- **Affinity Water & Thames Water Development Planning:**

**Waste Comments**

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

- **Highway Authority:**

Proposed redevelopment comprising of the construction of 15 detached dwellings, new access, retention of woodland, provision of new footpath and landscaping

The documents accompanying the application have been duly considered and, from a highway and transportation perspective, the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons;

The proposed development as submitted will be detrimental to highway safety due to potential vehicular and pedestrian conflict along the Dagwood Lane, which is a narrow, rural route. The change to residential use will increase pedestrian movements to and from the site and the developer is unable to guarantee alternative safe pedestrian linkage to the site within land under their control.

The developer is proposing the provision of three passing places on Dagwood Lane west of the site that are not within land under their control or the highway boundary. Given its narrow single-track nature, passing places are required to enable two vehicles to be able to pass each other safely and avoid damage to the highway verge.

The proposed site location with its lack of footways would mean that the majority of all journeys generated by the proposal would be by private vehicles. The proposal is not considered to be sustainable due to the reliance on this mode of transport to access essential daily services such as shops, employment, education and public transport.

Notes;

NPPF paragraph 108 states that in assessing applications for development, it should be ensured that "safe and suitable access to the site can be achieved for all users." Paragraph 110 continues that applications for development should "create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles..." The application does not achieve this. The proposals contained within the Transport Statement to provide a new footpath link to the north of the site and passing places on Dagwood Lane are noted. However, the applicant is unable to ensure their deliverability due to the land not being in their control. The Highway Authority is therefore unable to support the plans.

2<sup>nd</sup> Letter following full review of additional information

The documents accompanying the application have been duly considered and a site visit carried out. From a highway and transportation perspective, the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons;

1. The proposed development as submitted will be detrimental to highway safety due to potential vehicular and pedestrian conflict along the Dagwood Lane, which is a narrow, rural route. The change to residential use will increase pedestrian movements to and from the site and the developer is unable to guarantee safe alternative pedestrian linkage to the site within land under their control.
2. The proposed site location with its lack of footways would mean that the majority of all journeys generated by the proposal would be by private vehicles. The proposal is not considered to be sustainable due to the reliance on this mode of transport to access essential daily services such as shops, employment, education and public transport.

Notes;

NPPF paragraph 108 states that in assessing applications for development, it should be ensured that “safe and suitable access to the site can be achieved for all users.”

Paragraph 110 continues that applications for development should “create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles...” The application does not meet these requirements.

The proposals for a new footpath link to the north of the site are noted. However, the applicant is only able to ensure a link to a Public Right of Way is provided. The Public Right of Way connection to Doddinghurst village is not suitable for day to day use and would require improvements to make it usable all the year round. However, this section is apparently not under the applicant’s control, so its delivery cannot be guaranteed.

The application, as it stands, would therefore lead to pedestrians having to walk on the road along Dagwood Lane, which is a narrow, unlit single-track route. This is to the detriment of highway safety.

Should the applicant be able to confirm that they can provide a suitable pedestrian link to Doddinghurst that is usable at all times of the year, the Highway Authority may be able to reconsider its position.

- **Essex Badger Protection Group:**

Thank you for allowing us to review this application once again and we note that a revised landscape strategy plan has now been submitted showing a further loss of woodland to the north of the site in order to accommodate larger gardens and an altered road layout.

As confirmed in the latest Wildlife and Countryside Link Report, the badger remains the most persecuted protected mammal in the UK and it is therefore imperative that

the location of any badger setts remains strictly confidential and is not published on public forums. As the commentary which follows relates to the location of known badger setts, we ask that it is not uploaded to the planning portal.

The Essex Badger Protection Group currently has no record of any setts close enough to be at direct risk of harm, but a sett is known to be located in the wider woodland area to the West, less than 400m away. The updated badger survey dated November 2020 also documents the sighting of a badger within the woodland on site, and a latrine, demonstrating that badgers do have a transitory presence. With this in mind, whilst we have no objection to this revised application, approval should be conditional upon the strict adoption of the mitigation measures detailed within the Phase 1 Habitat Survey from Brindle & Green documented under section 6.2.7.

2<sup>nd</sup> Letter

Thank you for allowing us to review this application once again and we note that a landscape strategy plan has now been submitted, showing proposed under road wildlife corridors linking the wildlife area to the centre of the development to the wider environment which is known to house badgers. We welcome this proposal and recommend that the adoption of such measures is made a condition of any planning permission granted.

We have not been provided with any additional badger surveys and are therefore assuming that the earlier EECOS report remains valid. If this is not the case and there is updated information available then please provide us with a copy as soon as possible as our comments may need to be reviewed.

However, based on the information currently before us, we have nothing further to add our email of 30th June, sent in response to the original consultation and summarised below.

- **Mr Alan Twine:**

Further to my previous comment of 24 June 2020, Essex Police has since been contacted by the applicant and we have held a very constructive meeting to discuss Crime Prevention Through Environmental Design, in this proposed development. The applicant has provided full and satisfactory details about lighting, boundary treatments and physical security measures and other Designing Out Crime issues. The applicant has also confirmed that they will be seeking the Secured by Design accreditation as recommended. (<https://www.securedbydesign.com>).

If the planning application is approved the applicant has agreed to work closely with Essex Police towards ensuring the provision of a safe and secure environment for potential residents.

## 6. **Summary of Issues**

The site covers an area of approximately 3.5 hectares with an irregular boundary. The site comprises a small holding and includes a 'mobile' home, an extensive range of timber outbuildings, storage buildings and a pond. The site is located in the centre of Green Belt land which separates the villages of Doddinghurst and Kelvedon.

The southern boundary of the site is formed by Dagwood Lane and is opposite agricultural fields. The northern boundary is defined by the host ancient woodland leading to Doddinghurst. A farm is located to the northwest boundary. To the east are further fields leading to Doddinghurst. Access is via a field gate onto Dagwood Lane.

The site is verdant, wooded and rural in character. The boundaries are intermittently lined with mature shrubs and trees. The topography of the site undulates from west to east with a rise in land level to the south-eastern corner due to unauthorised landfill in 2016. Since then the site has been vacant and has fallen into a state of dilapidation.

The built form on site is in a state of disrepair. Many of the timber outbuildings are decrepit and the mobile home is vacant. The timber storage buildings are in fact a proliferation of chicken coops. The collection of structures can be partially viewed from Dagwood Lane and the surrounding woodland and fields but a large proportion of the built form, since the site has been inactive since 2016, has been reclaimed by soft landscaping and as noted by a local resident, wildlife such as deer have returned to the area.

### Green Belt

The government attaches great importance to Green Belts. Para 133 of the NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristic of Green Belts are their openness and permanence. Para 134 establishes the five purposes of the Green Belt, pertinent here is c) to assist in safeguarding the countryside from encroachment. Para 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless in very special circumstances. Para 145 adds that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and lists seven exceptions. Relevant here is:

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continued use (excluding temporary buildings) which would - 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 LPA.*

As such the NPPF supports the development of land which is or was occupied by a permanent structure (excluding temporary buildings), including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure ie hardstanding) provided it does not cause substantial harm to the openness of the Green Belt.

In response, planning permission is usually only granted for a development of the same volume, height and sprawl of the existing. Therefore, any development here should follow the permanent built form on site. It is accepted that the unauthorised landfill works here render this site as previously developed land.

The development potential here is limited to the 'mobile' home which has evidently been in situ since 1997 and the existing timber outbuildings. However, the plethora of chicken coops are moveable structures without fixed foundation and cannot be considered permanent, but officers concede that these are an unattractive feature within this Green Belt site. The existing buildings combined with the chicken coops and small area of access road could potentially provide a small number of residential dwellings provided the development responds to the sprawl, height and volume of the existing mobile home and outbuildings. However, a quantum of 15 dwellings as proposed is far in excess of a comparable level of built form on this site and is contrary to the spirit of para 145 point (g) of the NPPF.

#### *Openness*

The 15 dwellings proposed would be detached two storey dwellings arranged across the south of the site.

In determining the nature and extent of impacts on Green Belt openness it is appropriate to assess both visual and spatial impacts. No comparable calculations of the existing and proposed built form have been provided by the applicant but it is evident from the block plans and elevations submitted that the proposed development would result in a significant increase in footprint, height, sprawl and volume confirming a substantial spatial increase in built form on site and thus a reduction in openness.

In terms of visual perception, the openness of the Green Belt comes from an absence of built development. Despite existing pockets of woodlands and hedgerows providing partially screening even during winter months the site is visible from several points along Dagwood Lane and the surrounding farm and agricultural fields. And particularly from the remaining areas of ancient woodland to the north which remains a valuable community leisure resource. Although the undulation of the land may result in partial visibility of some areas of the site, a larger proportion will be visible. This combined with the creation of an access road, landscaped rear gardens, access tracks, fencing and resultant domestic paraphernalia would mean the visual impact of the proposed development would be significantly greater than

the existing built form causing substantial visual harm to the openness of the Green Belt contrary to para 133 of the NPPF.

#### *Countryside encroachment*

The cumulative effect of the increase quantum of the development proposed here would create a sprawl of built form resulting in countryside encroachment. The applicant argues that the site is located within an area of green belt which is detached from both Doddington and Kelvedon, limiting urban sprawl. Resistance to countryside encroachment aims to protect villages merging by the piecemeal erosion of open Green Belt land which surrounds them. It is acknowledged that the proposed development would not directly extend a village envelope or merge Doddington and Kelvedon with immediate effect but an excessive expanse of built form here in an area of Green Belt which is characterised by the connectivity of a mosaic of open land which creates a green buffer to these named villages is a vital contribution to the resistance of countryside encroachment now and in the future. It must be remembered that essential characteristics of Green Belts are their openness and their permanence.

Therefore, the proposed development would fail to serve one of the five purposes of the Green Belt namely; to assist in safeguarding the countryside from encroachment contrary to para 134 point (c) of the NPPF.

Overall, the proposed development would represent inappropriate development in the Green Belt contrary to para 133, 134 and 145 (g) of the NPPF.

#### Very Special Circumstances

Where the proposal is considered inappropriate development in the Green Belt consideration should be given to whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The applicant has submitted a legal opinion which presents the following as 'very special circumstances'

#### *Woodland Mismanagement and Wildlife Habitat*

It is acknowledged that the site is in a state of disrepair. It is also acknowledged that the site has been subject to the loss of ancient woodland that can never be replaced. An Ecological Impact Assessment has been submitted in an attempt to mitigate this loss and the impact of the development. The Essex Wildlife Trust have been consulted and consider that it remains the case that the proposed development would destroy part of a designated Local Wildlife Site (LoWS) and result in increased recreational impacts and disturbance on the retained ancient woodland.

Circular 06/20052 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted.

Para 175 of the NPPF lists a set of principles to local planning authorities should apply when determining planning applications pertinent here is;

*(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 58 and a suitable compensation strategy exists.*

Brentwood Borough Council's Arboriculture and Ecology consultant has also been consulted and states that the central 'green' appears to be trying to deliver ecological mitigation while functioning as an amenity green and addressing surface water drainage. Given its small size, the extent of mown grass and limited connection to the remaining wood it is considered that the habitat features would be of limited value.

In light of the objection raised by The Essex Wildlife Trust and BBC Arboriculture and Ecology it does not follow that where a site is in disrepair and ancient woodland and wildlife habitat has been lost its replacement with new landscaping and built form is justified. Such a proposal would be contrary to NPPF para 175 and planning policy C3 and would not be considered as a very special circumstance.

#### *Contamination*

It is acknowledged that the site was subject to unauthorised landfill in 2016 following the cessation of some agricultural uses. The landfill deposits are unknown materials, including hardcore, aggregates and waste material of various types. Environmental Health Officers note that it is possible that these materials could include hazardous chemicals and materials including asbestos content and other products that could cause harm to the proposed development and future users of the site.

The applicant has submitted a preliminary risk assessment which recommends that further intrusive site investigations should be undertaken to determine the nature and extent of any contamination present and propose suitable remediation measures.

Whilst Environmental Health Officers request the additional information via condition should permission be granted, this aspect informs the submitted viability assessment.

It is recognized that the proposed development would offer remediation of contaminated land. However, without further intrusive tests the full extent of the contamination has not been established and ergo the total cost of remedy. Without substantive and conclusive information at the point of determination this aspect is

considered contrary to planning policy PC1 and cannot be considered as a very special circumstance.

### *Housing Need.*

Although no affordable housing is proposed the scheme would deliver market housing and the provision of 15 dwellings would contribute to Brentwood Borough Councils 5 year housing supply. The Councils current position is 2.36years supply, a substantial shortfall.

In this regard and in the avoidance of doubt, Brentwood Borough Council is working towards a 5 year housing land supply with suitable sites allocated within the emerging local plan. These sites are sustainably located within the Borough. The proposed development of 15 dwellings would have a small impact to the shortage in the housing supply. However, it would rely on the development of an area of verdant, wooded, rural Green Belt Land. The NPPF lists specified protected areas such as greenbelt, where a permissive approach to development does not apply as protection of the greenbelt provides a strong reason for restricting development. In addition, the extent, scale and remediation cost of the contamination costs on site would lead officers to question the deliverability of the site.

The quantum impact to the 5 year housing supply and deliverability should be considered with the sustainability of the site. Local infrastructure such as buses are a 10-20 min walk from the site. The closest train station is a 50min commute. Local services in Kelvedon are 20 min walk or 40min commute away. Doddinghurst is closer at 10min walk and 15min commute. Therefore, the use of a private vehicle to ensure connectivity to local infrastructure and services is likely and the site is not sustainable.

Therefore, notwithstanding the current housing supply shortfall, it does not follow that were there is insufficient housing supply permission should be granted regardless of context.

- Other matters

### Viability

The applicant states that the quantum of 15 residential dwellings is informed by the viability assessment which suggests that the cost of remediation work is £1.75m. That equates to £116,660 per dwelling. Build cost of £2,518/m<sup>2</sup> net per dwelling in dealing with contamination and a total cost of £200K for 75 trees which equals £2,666 per tree. Consultation has been sought from specialist consultants (Ark Consulting) on this issue and the response is included at the top of this report. Ark Consulting are of the view that these figures are excessive, given full intrusive contamination investigations are yet to be undertaken. There is no evidential justification for this high cost in the information submitted to justify the quantum of development proposed.

## Affordable housing

Para 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Exemptions to this 10% requirement should also be made where the site or proposed development are that the site provides solely for Build to Rent homes; provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); is proposed to be developed by people who wish to build or commission their own homes; or is exclusively for affordable housing, an entry-level exception site or a rural exception site.

The site meets none of these exceptions and 10% affordable housing would be expected. The applicant states that due to the high cost of remediation 10% affordable housing is not possible. However, as discussed above the viability statement is light on evidential justification in this regard.

## Highways

Essex County Council Highways Engineers have been consulted twice during the life of this application in response to additional information provided by the applicant. ECC Highways consultation response is included in full at the top of this report. It concludes that the proposed development would be detrimental to Highway Safety due to potential vehicular and pedestrian conflict along the Dagwood Lane. In addition, the lack of deliverable footways would mean that the majority of all journeys generated by the proposal would be by private vehicles which is not sustainable.

In response to the proposed footpath connection to Doddinghurst Village ECC Highways note that the applicant is only able to ensure a link to a Public Right of Way is provided. The Public Right of Way connection to Doddinghurst village is not suitable for day to day use and would require improvements to make it usable all the year round. However, this section is apparently not under the applicant's control, so its delivery cannot be guaranteed.

The application, as it stands, would therefore lead to pedestrians having to walk on the road along Dagwood Lane, which is a narrow, unlit single-track route. This is to the detriment of highway safety contrary to para 108 and 110 of the NPPF

## Heritage and Design

Point (i) of policy CP1 (General Development Criteria) states that the Council will need to be satisfied that the proposed development would not have an unacceptable detrimental impact on the visual amenity and character and appearance of the surrounding area. Point (iii) states that the proposal should be of a high standard of design and layout and should be compatible with its location and any surrounding development in terms of size, siting, scale, style design and materials.

The principle of this form of development is not supported on this site in Green Belt terms and in light of the Heritage and Design officer's comments above the proposed design and intensification of the open countryside setting is not supported by officers. The scheme is much too urban in its layout and architectural language, with a generic scale, roofscape and detail approach; quite the contrary to the landscape character of its context and certainly not derived from an appreciation of the surrounding area. The scheme would be more akin to an urban extension or estate development.

Overall, the proposed development, by reason of its layout and architectural language, with a generic scale, roofscape and detail approach, represents an urban development within the landscape character and context of a rural area and would result in an unacceptable detrimental visual impact on the visual amenity and character and appearance of the surrounding area conflicting with the countryside setting. Contrary to planning policy CP1 of the local Plan and Chapter 12 of the NPPF.

## Landscape

The majority of the site was originally ancient woodland which was covered by TPO 18/1981. Part of the site is designated as Doddinghurst Woods Local Wildlife Site.

The applicant has submitted ecological appraisals, an arboriculture assessment and a landscape and visual impact assessment (LVIA). The LVIA asserts that the extent of effects on landscape character and visual amenity would be limited due to the extent of surrounding trees and woodland and its relatively small size. The LVIA however recognises that at a site level that the magnitude of the effects would be Medium-Large and importance of the effect Moderate-Major.

The LVIA recognises that Natural England recommends a buffer of 15m adjacent to ancient woodland; however it acknowledges that in this case only a 10m buffer will be provided. The reasons for this are not given. It is considered that the scheme

should be seeking to recreate woodland, not just buffer it by less than that recommended by Natural England.

The density and footprint of the proposed development means that houses are positioned close to boundaries, particularly along Dagwood Lane. This will increase their visual prominence. It will also position houses very close to the remaining area of woodland.

It is considered that the scheme has sought to include too many dwellings which would be out of character with the location. It also prevents meaningful mitigation for the loss of woodland and to provide an appropriate landscape scheme which would complement its rural, green belt setting. Therefore the proposed development is contrary to planning policy C3 of the Local Plan.

### SUDS

The central 'green' appears to be trying to deliver ecological mitigation while functioning as an amenity green and addressing surface water drainage. Given its small size, the extent of mown grass and limited connection to the remaining wood it is considered that the habitat features would be of limited value. However, the 'Central Green' does show an above ground SUDs feature and a more organic road. SUDS have been consulted and now raise no objection to the scheme.

### Education

15 residential dwellings may create a need for education services from the adjacent villages of Doddinghurst and Kelvedon. No information has been submitted by the applicant to justify no S106 contributions in this regard.

### Health

15 residential dwellings would create a need for health services from the adjacent villages of Doddinghurst and Kelvedon. No information has been submitted by the applicant to justify no S106 contributions in this regard.

### Planning Balance

The site constitutes previously developed land in a relatively isolated area of Green Belt and the proposed works would exceed the volume of existing built form on site representing inappropriate development in the Green Belt that fails to comply with the purposes of including land in the Green Belt. The sprawl of development would result in substantial harm to the openness of the Green Belt. The provision of market housing, contamination remediation and woodland management would not mitigate this harm. It is the view of the officers that no substantiated very special

circumstances have been advanced by the applicant to clearly outweigh the harm to the openness or character of the Green Belt that would result from this development. Therefore, the proposed development fails to comply with paras 133, 134 (c), 143, 144 and 145 (g) of the National Planning Policy Framework 2018

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

### Reason 1

The site constitutes previously developed land in a relatively isolated area of Green Belt and the proposed works would exceed the volume of existing built form on site representing inappropriate development in the Green Belt that fails to comply with the purposes of including land in the Green Belt. The sprawl of development would result in substantial harm to the openness of the Green Belt and the provision of affordable housing would not mitigate this harm. In the view of the Council there are no substantiated very special circumstances to clearly outweigh the harm to the openness or character of the Green Belt that would result from this development. Therefore the proposed development fails to comply with planning policy GB1, GB2 and paras 133, 134 (c), 143, 144 and 145 (g) of the National Planning Policy Framework 2018

### Reason 2

The proposed development, by reason of its layout and architectural language, with a repetitive scale, roofscape and detail approach, represents an urban development within the landscape character and context of a semi-rural area and would result in an unacceptable detrimental visual impact on the visual amenity and character and appearance of the surrounding area conflicting with the countryside setting. Contrary to planning policy CP1 of the local Plan and Chapter 12 of the NPPF.

### Reason 3

The proposed development as submitted will be detrimental to highway safety due to potential vehicular and pedestrian conflict along the Dagwood Lane, which is a narrow, rural route. The change to residential use will increase pedestrian movements to and from the site and the developer is unable to guarantee safe alternative pedestrian linkage to the site within land under their control.

### Reason 4

The proposed site location with its lack of footways would mean that the majority of all journeys generated by the proposal would be by private vehicles. The proposal is

not considered to be sustainable due to the reliance on this mode of transport to access essential daily services such as shops, employment, education and public transport.

**Reason 5**

The proposed development fails to provide affordable housing provision which is expected on a site of 10 or more dwellings. This is contrary to the expectations of para 64 of the NPPF.

**Reason 6**

The proposed development would destroy part of a designated Local Wildlife Site (LoWS) and result increase recreational impacts and disturbance on the retained ancient woodland contrary to Such a proposal would be contrary to NPPF para 175, Circular 06/20052 and planning policy C3 of the local plan

**Informative(s)**

**1. INF05 Policies**

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, PC1, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

**2 INF20 Drawing Numbers (Refusal)**

The drawing numbers listed above are relevant to this decision

**3 U0007906**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. Furthermore the opportunity was provided for the applicant to revise the proposal in a way that might have overcome the objections to the application but the applicant requested that the application be determined as it stands.

***BACKGROUND DOCUMENTS***

**DECIDED:**

