

**SITE PLAN ATTACHED**

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

**PROPOSED REDEVELOPMENT OF THE DE ROUGEMONT MANOR HOTEL AND  
GROUNDS (C1) TO CREATE 45 RESIDENTIAL DWELLINGS (C3) INCLUDING  
CONVERSION AND NEW BUILD HOMES, WITH ASSOCIATED ACCESS, PARKING  
AND LANDSCAPING WORKS.**

**APPLICATION NO: 20/01913/FUL**

<b>WARD</b>	Warley	<b>13 WEEK DATE</b>	9 April 2021
<b>CASE OFFICER</b>	Mike Ovenden	<b>EXT OF TIME</b>	21 January 2022

**Drawing no(s)  
relevant to this  
decision:** 937-PL-01; 937-PL-03E; 937-PL-15A; 937-PL-16A;  
937-PL-17A; 937-PL-18A; 937-PL-19; 937-PL-20A;  
937-PL-23A; 937-PL-24A; 937-PL-25A; 937-PL-26A;  
937-PL-27A; 937-PL-28A; 937-PL-29A; 937-PL-30A;  
937-PL-31A; 937-PL-32A; 937-PL-33A; 937-PL-34A;  
937-PL-35A; 937-PL-36A; 937-PL-37A; 937-PL-38A;  
937-PL-39A; 937-PL-40A; 937-PL-41A; 937-PL-42A;  
937-PL-43A; 937-PL-44A; 937-PL-45A; 937-PL-46A;  
937-PL-47A; 939-PL-48A; 939-PL-49A; 939-PL-50A  
937-PL-55A; 3750-1110-T-014 -C; 3750-1110-T-004-E;  
3750-1110-T-005-E; 3750-1110-T-007-E; 3750-1110-T-008-E;  
3750-1110-T-009 Transport Plans; 3750-1110-T-014 Transport  
Plans; Landscape strategy 20.5082.02 Rev C.

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

The application was due to be presented to the Planning and Licensing Committee on 21 September 2021 but was deferred at the applicant's request.

## **1. Proposals**

This proposal relates to the residential redevelopment of the De Rougemont Manor hotel site to create 45 dwellings with associated access, parking and landscaping works. Eighteen dwellings would be created through the conversion, remodelling and extension of the main hotel building, four from conversion of the stable building

(Goldings) and twenty three would be new build dwellings. The site has an overall area of approximately 3.4 hectares, of which approximately 1.4 hectares is proposed for development, including the conversions, extensions and other new build.

The main building has its origins in the 1880s, is not listed but is of some local merit. The main hotel building would be retained with limited external changes. There was a significant fire in 2001 and at that time extensions and alterations were carried out.

The hotel closed due to Coronavirus restrictions in March 2020, reopened in July 2020, closed for a month in November 2020, opened for a fortnight in December 2020 before closing again to reopen in May 2021. It is currently in operation.

At the rear of the main building, the restaurant addition and two relatively recent two and a half storey additions would be removed. The northern most addition would be replaced by a 'freestanding' three storey building containing 2 units – number 6 (flat) and 13 (duplex). The southern rear additions would be replaced with a three storey extension providing two flats on each of the ground and first floors and a further one at second floor level. Under this part of the new building would be a semi enclosed basement providing 37 parking spaces, cycle parking and lift access to the main building.

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

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

The new build would be mostly on the existing car park, the surface of which is part tarmac/part road planings, it would replace some low buildings adjacent to the road frontage. Units 31 to 33, would extend marginally into an area of woodland towards the north of the site, their car ports and gardens slightly more so. Units 43 to 45 would extend southwards to approximately the position of an existing open air swimming pool and health club building which would be removed. The new build dwellings would be arranged either side of and facing a new internal spine road, running NW/SE roughly parallel to the main road. Units 23 to 30 would be two terraces of four units running approximately parallel to the highway and estate road.

The site is not on level ground but slopes down inconsistently from north to south, away from the highway, with levels changing most dramatically to the rear of the main building and to the southwest.

Vehicular access to the site would be from the existing main access, widened to allow two vehicles to pass. Works to provide a footway along the frontage from the vehicular access to the southern boundary and pedestrian crossing points are proposed. Parking would be provided in a mix of basement parking (main hotel building) outside parking spaces, car ports and garages. The land to the south and west of the site would be retained as open gardens as would the Italian Garden adjacent to the south elevation of the main building.

Following publication of the report for the Planning and Licensing Committee on 21 September 2021, the applicant requested the application be deferred and not considered at that meeting. Since then, the application has been slightly amended as follows:

- Number of new build dwelling has been reduced by three to reduce the total number of dwellings to 45 dwellings
- Dwellings largely removed from the wooded area at the northern end of the site (Unit 30 and gardens to units 30-33, and parking remain in the wooded area)
- The pedestrian route emerging from the northern edge of the site to the main road has been omitted
- Dwellings 26-9 have been relocated
- Change in some of the materials proposed for the new dwellings
- Alterations to some of the proposed house types
- The applicant proposes five shared ownership affordable homes on the site

The applicant has also submitted further information as part of its case in support of the application, including matters it considers amount to very special circumstances. These are considered in the revised report below.

## **2. Policy Context**

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy CP2 New Development and Sustainable Transport Choices
- Policy GB1 New Development
- Policy GB2 Development Criteria
- Policy GB16 Residential Conversions
- Policy H6 Small Unit Accommodation
- Policy H9 Affordable Housing on Larger Sites
- Policy LT11 Retention of Existing Local Community Facilities
- Policy T2 New Development and Highway Considerations
- Policy T5 Parking
- Policy C3 County Wildlife Sites, Local Nature Reserves and Other Habitats and Natural Features of Local Value

- Policy C5 Retention and Provision of Landscaping and Natural Features in Development
- Policy C7 Development Affecting Preserved Trees, Ancient Woodlands and Trees in Conservation Areas
- Policy C11 Thames Chase Community Forest
- Policy C14 Development Affecting Conservation Areas
- Policy C16 Development within the Vicinity of a Listed Building
- Policy C19 Secured by Design
- Policy IR5 Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development
- Policy PC1 Land Contaminated by Hazardous Substances

#### 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 later that year following revisions to the detailed wording of some of the proposed housing allocations. The plan was submitted to the Planning Inspectorate in February 2020. The examination hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held from February to July 2021. The Council has proposed modifications to the plan and a six-week public consultation on those changes ended on 11 November 2021. The Inspectors will consider any representations made as a result of the consultation. Provided the Inspectors find the plan to be sound, it is anticipated that it could be adopted by the Council in early 2022.

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, although issues have been discussed through hearing sessions and main modifications for soundness have been subject to public consultation. 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 proposed housing and employment allocations. While the post examination consultation on modifications is a further step in progress towards adoption, because the plan has yet to be adopted it is still considered to have limited weight in the decision-making process.

#### National Policy

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

### 3. Relevant History

- NA

### 4. Neighbour Responses

- The recent pandemic has of course had a terrible impact on hospitality
- Would provide much needed housing
- Better than the site going to rack and ruin
- We have newer and better hotels
- Designs are sympathetic and have regard to the history of the site and surroundings
- The additional dwellings would be screen from the road and access for villagers to the gardens maintained
- I see this as a positive development for the village
- We hope the cars wont cause traffic jams
- I live next door and would not be supporting this if I thought in any way it would negative impact of living in the village
- very important that original features are kept or reinstated as suggested in the plans and welcome the idea of additional gardens and nature reserve being open to all local residents to benefit
- The opening of the Italian gardens and grounds for the public is very positive
- it makes sense to redevelop non viable sites to provide housing
- a lovely design that will suit Great Warley and be a lovely addition
- I am not concerned about the traffic, the hotel regularly had functions that saw over 300 cars on occasion and Great Warley St is a cut through road for the M25. If anything new residents will be more considerate of the speed limit.
- A representation has been submitted by a member of the owner family referring to difficulties in running a hotel and commenting on the benefits of the proposal
- I believe development will provide much needed housing and rejuvenation for the area
- The design is sympathetic to the original property and regenerates what is currently 'contaminated' land
- Will create jobs in the area with a shortage of housing
- The building will still remain, keeping much of its charm
- The church should benefit from an increase in parishioners and other local businesses should also see a rise in trade
- As for trees being cut down, they will be replaced with even more but believe this caveat also should be mandatory.
- the comments regarding the viability of the Hotel are completely irrelevant and that is present owners decision and none of anyone else business but their own.

- No substance to the claim that hotel is unviable. Pandemic is an excuse
- Would be detrimental to conservation area and greenbelt; you will be aware of the constraints on development in both
- I am a strong believer in the need to preserve the green belt
- The proposal clearly detracts from the openness of the green belt
- Disproportionate to the size of the village
- Speculators should not succeed
- The traffic study is a farce as people live differently with multi home deliveries to each dwelling
- We have additional traffic generation and strain on amenities such as Ford site; Brentwood has already met its quota
- Is the Council's plan to wave goodbye to the green belt; if so it should not be in office
- Would be patently detrimental to the area
- I object to the additional houses in the car park
- Insufficient infrastructure for public transport, surgeries, schools etc
- While the renovation of the hotel might be desirable the new built is contrary to Brentwood's local plan that states "The Council strongly supports the continued preservation of the Metropolitan Green Belt, as the rural countryside setting is central to the borough's character, which has remained largely unspoilt"
- Would be huge disruption to wildlife – birds, deer, foxes, mature trees
- Would double the number of properties
- I object to the scale; I might support the conversion, not the new build
- Would add traffic flow to the roads
- It is unimaginative, jarring and unsympathetic architecture that is the hallmark of the modern housing development
- Green belt status precludes the development unless there are exceptional circumstances which appears not to be the case
- The viability case is flawed
- The proposal would result in the loss of a local facility contrary to Policy LT11
- The transport assessment is flawed
- The car park has been unlawfully expanded
- It would reduce the availability of parking used by the local community (eg the church)
- Would set a dangerous precedent
- The applicant is trying to push through a scheme that it says is not viable - £600,000 short of viability without affordable housing – and therefore will require further alterations – supported by the same viability report to justify exemptions to planning obligations.
- Proposal does not support Brentwood's Housing needs
- Site is poorly located to meet the boroughs housing needs

- The only positive contributions that the applicants are able to muster are vague commitments to re-landscape the gardens, re-build the clocktower and replace UPV windows
- The proposed plan excludes any housing suitable for disabled residents
- Amendments to the rear of the property will result in breach of privacy for the neighbouring garden
- The plans are not accurate as they misrepresent the hotels eastern boundary
- Residents are likely to heavily rely on private vehicular transport
- The quantity and design are not in keeping with village, especially the alteration to the existing building which I think is ugly
- The Hotel is not within walking distance of local schools and there isn't a good bus service
- Great Warley itself is already under threat from developments in its green belt area, this will add to that burden
- This feels completely at odds with the spirit of the conservation area that has been in place since 1975. With more buildings, people, noise, cars and pollution on site I fear that local wildlife will be driven out of the area.
- Inadequate parking for the development
- Represents loss of amenities to the area
- This proposal is not the answer for increasing the number of homes
- The site has accommodated church parking overspill and the church car park will not be sufficient on its own and cars will park along the B186
- The building would need to change beyond recognition and it would be a total over development of the present site with the destruction of the grounds around the site

Due to the limited nature of the changes proposed in the revised drawings, no further public consultation has been carried out although the revised documents have been made available on public access since their receipt on 16 November 2021. Subsequent revision were also uploaded to public access on receipt.

## 5. Consultation Responses

- **Essex Police (Secured by Design):**

Security forms a key part of a sustainable and vibrant development. Essex Police considers that it is important that, this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. This reflects sections 91, 110, 117 and 127 of the NPPF. Secured by Design is mentioned in para 6.44 of the Planning Statement but we were unable to find any further references.

Essex Police requests that the developer seeks to achieve the relevant Secured by Design accreditation which in this case will be Secured by Design Homes 2019 Version 2, March 2019. Secured by Design (SBD) is the official police security

initiative that works to improve the security of buildings and their immediate surroundings to provide safe places to live and work. The SBD website- (<https://www.securedbydesign.com/guidance/design-guides>), provides full details.

It is noted that this application has proposals for 17 flats and 1 maisonette in the main building. SBD Homes 2019' provides full guidance for preventative measures through compartmentalisation and offers bespoke solutions to access control relative to each residential floor of the block. This is a proven technique to prevent unauthorised intrusion and ASB. SBD also provides guidance on flat entrance doorsets - (A Guide to Selecting Flat Entrance Doorsets).

There are a number of areas related to security that we would be keen to clarify further, these include:

- Postal arrangements for the flats - 'Through the wall' mailboxes or mailing arrangements in a secure lobby are recommended. Trades buttons are strongly discouraged.
- Inclusion of secure cycle storage is welcomed but we would like more details of the secure cycle storage and undercroft parking access control, as well as the refuse and recycling storage areas, for the flats.
- We would also be keen to clarify further, external lighting proposals for both the flats and the proposed new houses.

To date Essex Police has not been consulted in any pre-application discussions. Preplanning consultation is always preferable in order that security considerations for the benefit of the intended residents are agreed prior to a planning application. Essex Police, provide a free, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design and we would welcome the opportunity to discuss with the applicant the security design aspects of the application to ensure provision of a safe and secure environment for potential residents. Contact with Essex Police Designing Out Crime team is via [designingoutcrime@essex.pnn.police.uk](mailto:designingoutcrime@essex.pnn.police.uk)

- **Historic Buildings and Conservation Officer:**

The proposals pertain the conversion and extension of De Rougemont Manor, a quantum of remodelling alongside conversion of its outbuildings, most notably in terms of impact upon the Conservation Area, the erection of new build dwellings within the existing car park.

Context:

The proposed development is located within the Great Warley Conservation Area. The host building is known as De Rougemont Manor and not Nationally Designated as a 'Listed building' but considered of local, historic, and social significance within the settlement of Great Warley.

Within the site context there are listed buildings and buildings and in a landscape context which contribute positively to the character and appearance of the Great Warley Conservation Area. There is an overriding quality and character to this settlement; a strong Arts and Crafts influence as well as a notable collection vernacular building.

Background:

A preapplication session has been undertaken with the LPA and a review by Essex Quality Design Review Panel undertaken thereafter.

My advice to the LPA at preapplication stage was offered subject to the principle of development being accepted in planning terms given the Green Belt Policy and the loss of the Hotel.

It should be noted that having a variety of class use is important to the character of the Conservation Area and the vitality of the Village.

Overall, I found the scheme at preapplication to be deficient in design, resulting in no sense of Place, not context led in its approach to development resulting in low quality Placemaking.

I advised analysis of the context needed to go much wider, e.g., key views from within and outside of the site, and a 'street' as an approach was of concern. I suggested more rigour around the historic context and landscape and signposted to the legible hierarchy within Great Warley, large rows of estate-like detached houses not being akin to its character; in terms of intent a more suitable architectural style was advised to be developed.

I also highlighted conflict between the buildings, trees and hedges around the site as proposed, and how these decisions impacted negatively upon the Character and Appearance of the Conservation Area. Given Great Warley is not self-sustaining Village, car reliance would be perpetuated, a mixed use should therefore be investigated alongside safe pedestrian movement to the village core to the north of the site location and linkage to PRowS.

In architectural terms, the housing proposed was too urban in layout and not complementary to the context in grain and scale; the proposals were not Policy compliant with regards to Affordable Housing and inclusivity.

No intent for renewables was tabled, a key consideration for any future scheme was that it should be of positive contribution to the Conservation Area. Studies around 'day in the life scenarios' would be of benefit in design development stage and consider future occupiers as well as the integration of this as a new development within an existing settlement.

I was unable to advise in detail of the proposed internal layouts of the main buildings due to National restrictions of COVID 19.

Discussion:

Having assessed the proposals within the submission, I find the proposals would result in a high level of harm to the Character and Appearance of the Great Warley Conservation Area; the scheme has not progressed and is not considered to be context led.

Whilst the Heritage Statement sets out proficiently and in great detail the history of the site and influences as the settlement evolved; this has not translated to lead the architectural and development narrative of the proposals.

Whilst there are some heritage benefits identified e.g., the Clock Tower reconstruction and remodelling at the frontage, these are given limited weight, even in the overall balance I find in complete contrast to the Impact Assessment of the scheme as offered, (Section 8.0 Heritage Assessment).

De Rougemont is a building of merit and its later accretions I agree have scope for remodelling as advised at preapplication, yet the design style adopted with large gabled extensions and expanses of bland brickwork offer a visually detached style uncomplimentary to the host building nor offering sufficient contrast.

The new dwellings and their typologies relate to the approach taken for the extension to De Rougemont, but in turn only seek to amplify the retrograde step.

There is a wealth of character in this area and whilst precedents are illustrated in the DAS, it is clear these have not informed the resultant typologies.

As a whole this is harmful as a new development in Great Warley, which can be avoided through a context led approach to development, balanced with a reality of what capacity there is for development.

Summary:

Advice offered at preapplication remains, the scheme has not progressed. Please refer to the 'background' section of this advice letter but note points raised are not all encompassing, and a fresh approach is advised.

Recommendation:

The proposals would result in a high level of material harm to the character and appearance of the Great Warley Conservation Area. In terms of the legislative test, the proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Great Warley Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the purposes of planning, the level of harm is considered less than substantial. As such the local planning authority should weigh this harm against any public benefits of the

proposal including, where appropriate, securing its optimum viable use (Para.202 NPPF 2021).

Revised plans:

Having assessed the revised information, I find the revisions insufficient in addressing the concerns raised from Built Heritage as referred to within the initial advice letter to the LPA, as such this scheme remains unsupported.

The layout has become even more urban by way of the proposed road straightening (refer to drawing 937-PL-03 E) the typologies remain estate like and regimented, not of a scale comparable or wholly informed by typologies typical to the settlement. Character, scale and detailing of these new units will be out of context within the Conservation Area and highly visible within its setting, the new dwellings and their typologies relate to the approach taken for the extension to De Rougemont, but in turn only seek to amplify the retrograde step.

There is no change proposed in respect of De Rougemont which is a building of merit, I have previously advised scope is there for remodelling (at preapplication and in my earlier letter) but the design style adopted remains; the large gabled extensions and expanses of bland brickwork is a visually detached style, uncomplimentary to the host building.

As summarised previously, there is a wealth of character within the historic settlement of Great Warley, whilst precedents are illustrated within the DAS, it is clear these have not sufficiently informed the resultant typologies in shape of form, scale and overall, in narrative; importantly this is a development which is not resulting in a strong sense of place which compliments the Conservation Area, as a result there is harm to its setting and significance.

The proposals would in my opinion, result in a high level of material harm to the character and appearance of the Great Warley Conservation Area. In terms of the legislative test, the proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Great Warley Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

For the purposes of planning, the level of harm is considered less than substantial. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202 NPPF 2021).

- **Great Warley Conservation Society:**

Comments: Great Warley Conservation Society makes this comment on behalf of its 100+ members who were invited to make comment.

Great Warley Conservation Society OBJECTS TO THIS APPLICATION

Regarding the proposal, the majority have little objection to a sympathetic conversion of the Hotel buildings into dwellings thereby conserving its character and maintaining the historic building but object strongly to the proposed new housing element in the car park.

There is a total lack of infrastructure to support these additional residences and would be detrimental to the village and local area should it be approved.

-What ALL comments received have pinpointed is the total lack of additional capacity at GP practices and schools which are already oversubscribed. This would only be compounded by 48 new dwellings. Take into account the large Fords redevelopment, the pump house scheme, The Old Forge, Clements park, Leverton and other recent local housing projects and it is clear that All local amenities are already at saturation point .... or worse.

-All are concerned that there would be an increase in vehicles, generated by the number of new dwellings, to a road already inundated with traffic, served with narrow or non existent pavements and are sceptical regarding figures submitted in the highly questionable Traffic report.

-This is a village which, at its heart, has a conservation area and it is with this in mind that there is objection to the new houses, which together with the hotel buildings conversion could double the amount of dwellings in the village which constitutes massive over development.

The proposal, therefore, seems both ambitious and not in keeping with the ethos of Great Warley being a rural village with a conservation area and green belt setting.

-The car park is still green belt and has never had buildings on it. It must, therefore, be afforded protection through planning constraints and conservation area guidelines.

The new houses extend throughout the length of the car park, the UNAUTHORISED car park extensions and the wooded area beyond and is considered over development and completely unacceptable in what is still open green belt and policy must surely be observed in this instance. If this were allowed, it would certainly set a precedent and open the door for any developer to target plots in the village and look to maximise profit with high unit volume schemes.

-Your own Great Warley Conservation Area Appraisal and Management Plan states " The Green Belt designation carries a presumption against new development", and concludes "It is therefore unlikely that the village presents opportunities for infill development ". This is Green Belt AND conservation Area...!

-Brentwood has already met its housing quota, helped by large developments such as Dunton and those within a mile of Gt Warley and doesn't need to favour green belt development in this village for large housing generation. In fact, the Brentwood replacement Local plan doesn't identify this site as a possible development site, which if approved would breach policy C14 of the plan by materially affecting the Green Belt open space that surrounds the original hotel buildings.

-Additionally the Church has relied on use of the Hotel car park for overspill parking for weddings, funerals and larger services and the loss of this LOCAL AMENITY

would be felt by the whole village, with the inevitable parking along the busy road causing congestion and danger to pedestrians and drivers.

-It is incumbent on GWCS to protect its Green belt and Conservation Area and the proposed scale of this development, and the effects it would have on the village, the conservation area and Green Belt is totally unacceptable in ALL regards and on a scale unthinkable.

It is contrary to the councils "Essex Design Initiative for Great Warley", local plan, conservation and Green Belt policy.

Note :It has been pointed out that many of the positive comments on the portal are from people with a vested interest in the development.

The proposal is to create 48 new dwellings

Great Warley Conservation Society OBJECT TO THE APPLICATION

- **EBPG:**

Whilst the Essex Badger Protection Group has no objection to this proposal in principle, we do not believe that a satisfactory badger survey has yet been carried out. Therefore, we would urge the following condition to any approval granted -

- o Prior to the commencement of the proposed development, including works of demolition and vegetation clearance, a further badger survey shall be submitted to and approved in writing by the local planning authority, the development shall be completed in accordance with the approved details. This survey should be carried out in accordance with Natural England guidelines and pay particular attention to the area of compacted spoil previously identified including photographic evidence. Furthermore, in order to ensure the protection of any transient badgers during construction, we recommend that the following conditions are also added
- o Any trenches or deep pits that are to be left open overnight should be provided with a means of escape should a badger enter. This could simply be in the form of a roughened plank of wood in the trench as a ramp to the surface.
- o Any trenches/pits should be inspected each morning before work commences to ensure no badgers have become trapped overnight. Should a badger be found then formal ecological advice must be sought before work commences for the day.
- o The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped. Again, should a badger trap itself then formal ecological advice must be sought before work commences for the day.

- **Highway Authority:**

The documents accompanying the application have been duly considered and a site visit carried out. The development upgrades an existing access onto the highway and complies with the minimum parking standards for residential developments, as adopted by Brentwood Borough Council. The proposals are also not expected to result in an increase in trip numbers to and from the site compared to its existing permitted use when fully operational.

Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. A Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to occupation of the proposed development, the site access shall be upgraded to provide a 5.5m wide carriageway and 2m footway on its southern side in accordance with Drawing 3750-1110-T-009.

Reason: To ensure vehicles and pedestrians can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to occupation, a new 2m pedestrian footway shall be provided along the site frontage on the western side of the B186 from the main site access to the southern boundary of the site. As indicated in Drawing 3750-1110-T-009, new dropped kerbs and tactile paving shall be provided for pedestrians to cross the road adjacent to the site access and the retained vehicular access in front of the existing hotel building.

Reason: To enable pedestrian access, the interest of accessibility in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To encourage trips by public transport in the interest of accessibility in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. No unbound material shall be used in the surface treatment of the vehicular accesses within 12 metres of the highway boundary for the main site access and 6 metres of the existing access in front of the hotel.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. The proposed development shall not be occupied until such time as the vehicle parking area, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the local planning authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

9. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- **ECC SUDS:**

Original submission: Initial holding objection pending further information.

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

Condition 1

No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 2.3l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with

the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

#### Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

#### Condition 2

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

#### Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

#### Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- **Arboriculturalist:**

The report on Ecological Enhancements and Biodiversity Net Gain sets out the approach that could be taken to enable the scheme to achieve a minimum of 10% net gain uplift. The preliminary ecological assessment submitted with the application is taken to be the ecology baseline; however it has not gone on to apply the Biodiversity Metric to calculate the biodiversity units as the condition assessment has not been carried out.

A suite of measures has been identified including using flowering lawn mixture within the amenity grassland, creation of species rich grassland, a new community orchard and improved management of the broadleaved woodland. Such measures would be appropriate for the location; however, it would be necessary to understand if all, or only some, of these measures would be implemented and how these would be managed in the long-term.

The Environment Act 2021 gained Royal Assent in November. This makes provision for biodiversity gain a condition of planning permission in England; although this will only become mandatory in 2023. I would suggest that rather than being seen as part of their Very Special Circumstances, with the passing of the Environment Act, it should be regarded as good practice for developers to apply the Metric.

- **Essex Wildlife Trust:** No comments received
- **Council for the Protection of Rural Essex:** No comments received
- **Essex & Suffolk Water:** No comments received
- **Anglian Water Services Ltd:** No comments received
- **Environmental Health & Enforcement Manager:** No comments received
- **Bats - Mrs S Jiggins:** No comments received

## 6. Summary of Issues

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (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 in the greenbelt which washes over the locality and continues to some distance away from the site. 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 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, and the requirement to protect openness applies just as much to less attractive areas of greenbelt as to attractive countryside. Policies GB1, GB2 and GB16 aim to control development but support a limited range of development, subject to being appropriate to the greenbelt and protecting its openness. These policies are broadly consistent with the NPPF, but where there is a difference between it and the development plan, the NPPF, which is newer than the development plan, takes preference. The later document is a more up to date and concise statement of greenbelt policy.

The proposal falls into three parts, 1) changes of use 2) extension/remodelling of the existing building and 3) new buildings. The NPPF considers changes of use, extensions and redevelopment in different ways.

The works proposed for the conversion of the stable building are largely limited to a change of use and internal works, and this part of the proposal is considered to comply with paragraphs 149 and 150 of the NPPF which support the reuse of buildings in the greenbelt that preserve its openness.

The main hotel building has been significantly extended over the years, though the planning records are incomplete. Therefore, the erection of further additions increasing its size would amount to inappropriate development. However, the proposed extension works to the main building would also involve the removal of significant modern extensions to the extent that the physical works proposed would have a largely neutral effect on the openness of the greenbelt. The works to reinstate the top of the clock tower would increase its stature but as a work of replacement/reinstatement this is accepted and its effect on the green belt would be neutral.

A significant element of the proposal is the erection of the new twenty three dwellings. Proposals for new buildings in the greenbelt are inappropriate development unless they are within a limited number of exceptions list in the NPPF. The exception below is relevant to the proposal and is considered below.

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

- not have a greater impact on the openness of the Green Belt than the existing development; or*

*•not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

The car park is previously developed land though its visual impact outside of the site, even when occupied by parked vehicles is minimal. Likewise, the small buildings to the north of the stable building have little impact on the openness of the site or character of the area and their loss would not be a significant benefit. In contrast the erection of the twenty three, two storey dwellings as proposed would have a significantly greater impact on the openness of this part of the greenbelt and the character of the area than the current state of the site. The dwellings along the road frontage would range in heights between 8.3/8.4m tall (units 23 and 26), 8.8m (units 27-30) and 7.8m high (units 31-33). The two terraces buildings (units 23 - 26 and 27-30) would be 12.7/13.3 and 10.4/15.5m from the Warley Street common boundary respectively. The development would be clearly visible, significantly reduce the openness of the site and change the rural character of this part of Great Warley Street.

The applicant acknowledges that the proposal would have a greater impact on the openness of the Green Belt than the existing development - though contends that its effect would be limited - and is therefore inappropriate development. The proposal is overwhelmingly for market housing and therefore the reference to affordable housing in the above section of 149(g) has limited relevance to the proposal. The applicant therefore recognises that as the proposal is inappropriate development in the green belt it is wholly reliant on very special circumstances if it is to be accepted. These are assessed later in the report.

#### Effect on the Great Warley Conservation Area and listed buildings

The whole of the site is included within the Great Warley Conservation area. The Planning Act requires planning authorities to have special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy C14 adopts the same approach and contains a number of tests that seek to protect the area through careful consideration of a proposal, its context with other buildings, open spaces, trees, views which together contribute to the character of the area.

The conservation area was extended in 2012 to take in the building and its grounds in recognition of its qualities and the need to protect its character. As indicated in the Consultation Section, the conservation officer has assessed the proposal and advises that the proposal would bring about substantial harm through its urban form, scale and unsuitable architectural style. The overall development is not context led and while there are some benefits, for example the Clock Tower reconstruction and remodelling at the frontage, these benefits have limited weight. The Heritage assessment sets out the history well, though has not acted as a lead for the architectural and development narrative of the proposals.

The design of the additions to the main building with large gabled extensions and expanses of bland brickwork offer a visually detached style uncomplimentary to the host building nor offering sufficient contrast. The conservation officer advises that the new build applies the harm to the setting of the building and character of the area.

The applicants Heritage Appraisal identifies parts of the proposal to be harmful, for example the proposal to reconstruct the upper terrace to cover the undercroft parking to be 'low harm' and the conversion of the main house to be 'low harm'. It also assesses the residential new build to be 'low harm'. The Conservation officer disagrees with this assessment of the development. Other works to the building, including internal works have been identified as enhancements but those benefits would largely not be visible outside the building and therefore have little weight in the planning balance.

The reasons that the proposal would detract from the character of the conservation area are similar to the way the proposal would reduce the openness of the green belt (see above). Currently the site is defined by the two existing buildings (hotel and stables) set in gardens and woodlands. The car park, being a surface car park set away from the road by brick walls and trees is largely shielded from public view, the lack of buildings on the rest of the site giving it an open rural character. The development of the new build as described above would fundamentally alter that spacious rural character, replacing it with a housing estate. This degree of change is due to the scale and spread of the new built form but in addition the conservation officer advises that the extensions and new building are not of high quality and this adds to the harm to the conservation area and non listed heritage asset (hotel).

The Conservation Officer was reconsulted on receipt of the revised drawings and advises that the changes are insufficient, the scheme is more urban and estate like, with regimented typologies not comparable or informed by dwellings in the locality. The Conservation Officer's advice remains that the proposal is unacceptable.

The Essex Quality Review Panel, was not supportive of the scheme, considering it out of character with the historic character of the original country house, and considering it to be a suburban housing estate of executive homes of limited quality. Overall the panel indicated that the scheme should be scaled back and be given a more spacious and landscape first character, and that in its presented form it there would be "considerable harm to the Conservation Area" and would not provide enough benefits to support the loss of Green Belt land. The proposal has been revised since that time though is broadly similar, the latest alterations to not materially alter the proposal.

The NPPF clearly states that where proposals would lead to substantial harm, they should be refused unless that harm is necessary to bring about substantial benefits. As a whole this is harmful new development which could be avoided through a context led approach to development, balanced with a reality of what capacity there is for development. The proposal fails to comply with Policy C14 and associated sections of the NPPF (chapter 16).

There are listed buildings in the locality. The two closest are Fairstead (Grade II) and Warley Elms (Grade II). These are both in excess of 150 metres from the hotel building and it is considered that at that distance their setting would not be materially affected by the works to the existing buildings or the new build proposed. On that basis there is no conflict with Policy C16.

#### Affordable housing

Under Policy H9, on large development sites – this is for 45 dwellings - the Council will seek a proportion of 35% of the number of dwellings to be provided as affordable housing in a manner to be agreed with the council. The applicant provided a viability report that indicates that the proposal cannot viably support any affordable housing.

The local planning authority appointed a specialist consultant to review the applicant's viability evidence and claims. The Council's consultant disagreed with the basis for the applicant's conclusion and has previously disputed the applicant's basis for valuing the existing hotel, indicating that its claimed value is too high, which inflates the costs of the development. In the planning statement submitted with the application, the applicant has stated that the hotel is no longer viable in its existing use, though at the same time is claiming that the hotel has a high existing use value indicating there would be active interest in the market to buy the hotel for continuing use. These appear to be contradictory statements. A specialist hotel advisor appointed by the Council supports the Council's consultant view that the value of the hotel has been overestimated.

The applicant claims that the viability appraisal should allow for a premium on the value of the hotel to bring it forward for residential development. This does contradict the applicant's statement that the hotel is not economically sustainable in its current use.

In the consultant's original viability advice, using the applicant's suggested sale prices and build costs in December 2020, the consultant concluded that the application could support a level of affordable housing close to the council's policy expectation. A further and more up to date review of viability has allowed for increases since December 2020 in both sales prices and in build costs and a small reduction in dwellings. The updated viability appraisal also allows for the existing use value for the hotel arrived at by the specialist valuer.

Updated costings and projected sales figures have also been provided by the applicant. The planning authority's specialist advisor has provided an updated view on the level of affordable housing which can be viably supported by the proposed scheme based on these updated figures. The consultant's view is that the scheme can viably support 13.34% (6 dwellings).

Though the applicant is maintaining its position that the development cannot support the provision of any affordable housing from the point of view of viability, during the course of the application it nevertheless offered four (intermediate/shared ownership) affordable dwellings, units 23-26. In discussions, the applicant has been asked why it

wishes to pursue a proposal that it believes not to be viable. The applicant has responded that it is willing to accept a reduced profit in order to bring forward the development of the site.

Following receipt of the revised advice from the Councils advisor, the applicant has been approached to provide six units. It has declined to make such an offer, indicating that it might offer five units. As a result, the applicant and local planning authority have not been able to reach an agreed position on the schemes ability to make the required provision of affordable housing in accordance with policy while remaining viable.

### Residential amenity

Policy CP1 is generally 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.

Part of the character of the area comes from its rural situation within the greenbelt and therefore development that harms the greenbelt would harm the character of the area and to that extent be contrary to Policy CP1. However, with regard to the impact on living conditions of neighbours there is no particular reason to believe that the proposal would necessarily harm the reasonable amenity of neighbours by overlooking or material loss of sun light or daylight. Those aspects of the proposal would not be contrary to Policy CP1.

However, as indicated above part of the character of the area is derived from the open and treed appearance of the site. This is considered above, and the proposal has not demonstrated that this part of its character would be protected and therefore fails Policy CP1. Matters relating to highways and parking are considered below.

A noise report on the original proposal identified that some of the dwellings and their gardens are liable to be subject to noise from the road. While noise levels would not of themselves preclude the development, mitigation measures would be required to lessen the noise likely to be experienced in some of the units. This could be covered by condition in the event of the proposal being granted permission.

### Standard of accommodation

The Department for Communities and Local Government March 2015 Technical Housing Space Standards (THSS) contains a more up to date set of standards than given in the 2005 plan. While these more recent and larger standards have not been adopted by the Council and therefore they do not carry the weight of development plan policies or supplementary local guidance, nevertheless the THSS give an indication of what the Government considers is a good standard of accommodation. These units meet the standard.

## Sustainability

The application includes an energy and sustainability statement. The proposal follows a fabric first approach. The sustainability report identifies emissions from a building regulation baseline and seeks to improve on it. Improvements are shown with regard to the converted units and the new build. However the improvements are limited, heating and hot water would be via high efficiency gas boilers, ventilation through natural ventilation and mechanical extraction, and lighting via LED lights “where applicable”. The report rules out the use of bio fuels boilers, window turbines, ground source heat pumps, solar water heating, air source heat pumps though photovoltaic cells are proposed on the new build dwellings. There is an indication that “water efficient fixtures will be considered” but no commitment is given. On the whole this proposal is underwhelming though the present development plan policies do not provide a strong basis for more stretching requirements. Details of infrastructure such as PV panels etc could be required by condition were the proposal recommended for approval.

With regard to the transport sustainability of this location, the locality does not support the full range of day to day services and therefore occupants would need to travel from the site into larger centres to access those services. The applicants transport statement advises that the NPPF promotes sustainable transport. The transport report identifies one bus route with one hourly peak service in each direction in the AM and PM periods. The transport statement lists a number of destinations that could be reached by walking or cycling. Brentwood Town Centre which does provide a range of day to day services, is identified as 4.2 km, 53 minutes walk or 13 minutes cycle ride. There is no evidence that occupiers would be particularly likely to use the infrequent bus service of walk or cycle consistently throughout the year, along the busy road, especially that sort of distance, and are most likely therefore to use their private cars. This location is therefore not a sustainable location with good access to a wide range of day to day services.

## Secured by Design

The consultation reply for this application raises no objections and the further comments could be included as a note on the decision notice were the application to be approved. The proposal is considered to meet the requirements of Policy C19.

## Highways and Parking

Access to the site would remain from Great Warley Street though it would be improved with provision of a 5.5m wide carriageway for a distance of 15m into the Site. Alongside the updated carriageway a 2m wide footway would be provided at the south end of the carriageway adjacent to the main building.

The footway would be continued along the frontage from the site entrance to the southern boundary of the site providing improved facilities for pedestrians. An uncontrolled crossing point with dropped kerbs would be provided at the edge of the

existing layby on Great Warley Street, and a new pedestrian entrance would be provided at the northern end of the site. The access would connect to a new internal spine road of 6m wide. Visitor parking would be provided on street in a mix of parallel bays along the road and perpendicular bays adjacent to residential parking.

The highways authority raises no objection subject to the ten conditions listed in the consultee section above. No adverse comments have been raised regarding the recent revisions.

The design and access statement gives the following dwelling mix: 24 x two bed, 12 x three bed and 9 x four bed dwellings. The car parking requirement is therefore two spaces per dwelling ie 90 spaces, plus 12 visitor spaces. The proposal would provide the required number of spaces (with the exception of one less visitor space) in a mix of open parking, basement (main building), car ports and garages. Other than the minor shortfall in visitor parking, this provision complies with the requirements of the adopted parking standards. Approximately five dwellings would have garages and each would meet the larger 7m x 3m internal dimensions standard. A fifth of the 37 spaces (i.e. 7 or 8) in the basement would have electric charging points. The requirement for cycle parking is one space per dwelling and this could be accommodated in the development. For the reasons given above the proposal meets the requirements of policies T2 and T5.

#### Local Community Facilities

With regard to Policy LT11 (Retention of Existing Local Community Facilities) the existing activities are not shops, public houses, community halls, petrol filling stations, or medical facilities and the requirements of Policy LT11 do not apply to this proposal.

#### Flood Risk and SUDS

The site lies in flood zone one, the area least at risk from flooding. The Lead Local Flood Authority (ECC) while originally objecting to the proposal has withdrawn its objections following receipt of further information, subject to the conditions listed above.

#### Landscape and Ecology

An overall landscape strategy has been submitted (see drawing 20.5082.02). The applicant proposes that a detailed hard and soft landscaping scheme would be developed in response to a planning condition, together with a landscape management plan.

The applicant submitted an ecologist's assessment of current habitat and wildlife on the site and found no protected species, though acknowledged a likelihood of nesting birds which would require relevant works to be carried out outside the nesting season, or where this is not possible, be carried out under the supervision of an ecologist. The report identifies no irreplaceable or otherwise noteworthy habitat that would be affected

by the proposal. Japanese Knotweed was found and this will be treated/remediated as necessary.

The ecology report briefly lists proposed ecological enhancements to the site as required by 174(d) of the NPPF. There is no detailed proposal, but the ecologist suggests it could cover management of areas of woodland, carrying out native planting, with a wildflower meadow including pollinators on the site of the existing tennis courts and more widely on the site, together with the provision of bird and bat boxes.

### Assessment of Very Special Circumstances

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

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

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

The last sentence is particularly worthy of note. Even were there to be very special circumstances they would need to clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, which is a much higher threshold than an ‘on balance’ judgement.

As set out above the proposal taken as a whole is contrary to green belt policy, having a greater impact on openness than the existing development on the site. Furthermore, as identified above the proposal gives rise to other harm: would fail to preserve or enhance the character of the conservation area; the development would be detrimental to the character and setting of the non listed building; would fail to make appropriate provision for affordable housing; is poorly situated with regard to access to day to day services. The very special circumstances would need to clearly out weigh all such identified harm.

To weigh against that harm the applicant’s planning statement has identified the following matters that it considers to be very special circumstances:

1. Housing need, five year land supply and housing delivery

The Council cannot demonstrate a five year housing land supply and delivery rates of market and affordable housing are low. The assessment of the housing land supply in the borough is currently 1.94 years, significantly under the five years supply required.

This is predominately a result of the borough being a green belt authority and not having an up to date adopted Local Plan.

The NPPF considers that where a local planning authority cannot demonstrate a five year land supply its planning policies relating to housing supply are to be considered out of date. Under those circumstances decisions should apply a presumption in favour of sustainable development.

For decision making this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This is frequently referred to as the ‘tilted balance’.

As the Council is unable to demonstrate a five year land supply a presumption in favour of sustainable development applies, however it is considered that when the application of policies in the NPPF that protect areas or asserts of particular importance, relating specifically to Green Belt and heritage assets (in this case a Conservation Area), are applied a clear reason is provided for refusing the development proposed. The NPPF sets out a definition of sustainable development which has three objectives – economic, social and environmental. The proposal scores poorly on these objectives as set out elsewhere in this report, such that it does not represent sustainable development.

Separately the applicant considers that provision of 45 dwellings on this site, including some affordable housing, would be a significant benefit to the borough and therefore amounts to a very special circumstance. The applicant considers this should be given significant weight in the decision making balance when determining whether very special circumstances reach the required threshold to justify permitting inappropriate development in the green belt.

In support of this position the applicant has provided a number of appeal decisions where housing delivery was an important factor. However, it is an established principle in planning decisions that each application is determined on its own merits and do not carry the weight of case law. Furthermore, these appeal decisions are not offered on an

impartial basis and the comparability of the chosen appeal decisions is questionable – for example some were not green belt cases, some were allocations in emerging local plans, some had a much greater association with urban areas, in one the local planning authority did not defend the appeal. Overall, the applicant considers that the appeal decisions he has provided show a significant shift in the weight being given by planning inspectors to the benefits of increased housing supply even on green belt sites. There has been some discussion on the matter in the planning press in recent months, though a more reasoned assessment is that while the benefits of increased housing supply are real, it is one of a number of factors for decision makers (planning authorities or planning inspectors) to consider when determining a planning decision. It is therefore not accepted that these appeal decisions are persuasive in determining this application.

An appeal recently reported in the planning press (3274793) proposed the redevelopment of a previously developed site in the green belt, immediately adjacent to an existing housing estate. The local planning authority (Welwyn and Hatfield – one of the authorities involved in the applicants submitted appeal decisions) has a land supply of around half the required five years, has an adopted plan dating from 2005 and an emerging plan. While the detail of that proposal is different, that Inspector concluded that while the lack of five year land supply meant that the authority's housing policies were out of date, paragraph 11 d) indicates that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development. Therefore, that proposal would not benefit from the presumption in favour of sustainable development. This appeal decision challenges the narrative given by the applicant that Inspectors are approving housing development in the green belt almost as a matter of course where an authority cannot demonstrate a five year land supply and as a consequence has housing policies that are out of date. It reinforces the view that green belt policies remain very important, and each application should be considered on its merits.

Notwithstanding this, it is recognised that the provision of 45 new dwellings, including some affordable housing, would be a significant benefit to the borough and increase housing delivery and this should be given weight in the planning balance. It is noted that from a green belt point of view the twenty two units proposed in the conversion of the main hotel building and Goldings/stable building are not objectionable in principle and if delivered would themselves provide a measure of benefit to the borough. Furthermore, the emerging Local Plan once adopted (anticipated to be early in 2022) will address the borough's housing needs, providing a five year land supply. Given this closeness to adoption it is not considered that inappropriate forms of development such as this should be permitted.

## 2. Green belt objectives

- The applicant indicates that the site fulfils few of the purposes of the green belt ie:
  - a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns merging into one another;

- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The applicants assessment of the site's contribution to the purposes of the green belt is particularly narrow and largely relates to an assessment of the proposal in isolation. Green belt policies should be applied consistently and as GB2 points out permitting an individual scheme could if repeated collectively undermine the objectives of the green belt. Furthermore in this case the proposal would result in encroachment in the countryside, would fail to preserve the setting and special character of this settlement in the conservation area and would not assist in the recycling of urban land.

### 3. Retention of heritage asset

The main building is of some local merit, though not listed. The proposal would remove some previous additions and include some replacement additions. As indicated above the Conservation Officer has reservations about the merits of the works to the existing buildings and therefore the overall benefits are limited and further tempered by the harm to the conservation area. The proposed internal and other refurbishments weigh in favour of the proposal to a very limited extent.

### 4. Transport and highway safety

The applicant considers that the proposal would reduce the traffic attracted to and from the site to the benefit of the character of the area and highway safety. At the same time, it is noted that part of the applicant's case is that the site is no longer economic to operate as a hotel and therefore any benefit would be more limited than it might have been while a viable hotel was in operation. In strict planning terms the hotel could continue in operation and if fully used its traffic generation would exceed that in the proposed development. It is proposed to provide a footway, with simple crossing points, along the frontage which is likely to have some public benefit in improved highway safety though that benefit would be limited.

### 5. Public access

The application documents refer to improvements to the Italian Garden adjacent to the main building and it together with the rest of the site would, it has been indicated, be opened to public use. The details of this would need to be subject to a management plan. While this access would be of some benefit, details of how it would operate have not been provided and its overall benefit is considered to be limited.

### 6. Biodiversity enhancements

The applicant has provided an updated document relating to biodiversity improvement. However, it has not provided detailed proposals of landscape and ecological improvements. The report says, "Further surveys, including a condition assessment of the on site habitats, would be required in order to provide a more detailed baseline assessment and support the DEFRA Metric calculation. This is proposed to be conditioned as part of the permission." The applicant refers to works that may be part of such a scheme to include wildflower planting, removal of some tree species, wildflower seeding or grassland, woodland management, supplementary planning, bat boxes/bird boxes, hedgehog fencing, possible improvements to the pond, the planting of an orchard on the site of the tennis courts

However, as the applicant points out in the original submission ecological enhancements are required by the NPPF, and suitable landscaping has long been a planning requirement where appropriate and therefore such enhancements represents necessary parts of a proposal rather than Very Special Circumstances (VSCs). The Council's arboriculture officer has viewed the updated document and advises that applying biodiversity net gain should be viewed as good practice rather than constituting VSCs. Indeed following royal assent of the Environment Act 2021 in November, ten percent biodiversity net gain will become a statutory requirement for development, though it will not become a mandatory requirement until November 2023.

In conclusion while the proposal would have some benefits, those would fail to clearly out weigh the harm to the green belt, to the conservation area identified about. The proposal therefore fails to reach the threshold given in the NPPF paragraph 148 and should be refused.

If the committee reaches the view that the proposal does meet the test of very special circumstances clearly out weighing the harm to the green belt and all other harm, and considers resolving to grant planning permission, it will need to set out what those very special circumstances are. It will also need to consider whether to grant permission subject to conditions and if so what those conditions would be, whether there are any matters that need to be addressed by a S106 agreement/obligation before proceeding to the vote.

In such circumstances, prior to issuing a permission the green belt direction would require notification of The Secretary of State for Department for Levelling Up, Housing and Communities.

## **7. Recommendation:**

The Application be REFUSED for the following reasons:-

1 The proposal would be inappropriate development in the Green Belt that would materially detract from its openness, it would represent an encroachment of

development in the countryside and would fail to preserve the setting and special character of this rural settlement in the conservation area and not assist in the recycling of urban land. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.

2 The proposal would be harmful to heritage assets. De Rougemont is a non listed building of merit and the design of the proposed additions with large gabled extensions and expanses of bland brickwork is inappropriate and uncomplimentary to the host building. Furthermore, the scale, spread and design of the proposed new build dwellings would fail to protect the setting of this heritage asset or the open rural character of the conservation area. It would therefore be contrary to Policy C14 of the Brentwood replacement Local Plan, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and chapter 16 of the NPPF.

3 The proposal does not make a policy compliant contribution to affordable housing in the borough. Although the viable level of affordable housing provision has not been resolved, the local planning authority does not agree with the applicant's assessment that it is not capable of viably supporting the provision of affordable housing, or that the offer of five shared ownership dwellings on site would be an acceptable level of provision. The proposal therefore fails to comply with Policy H9 of the Brentwood Replacement Local Plan 2005.

4 The application site is poorly located with regard to accessing the full range of day to day services required by further occupiers. It is not a location that is or could be made sustainable through offering a genuine choice of travel. Occupiers of this significant sized residential development would be overly reliant on the use of private cars for access to day to day services contrary to Policy CP2 of the Brentwood replacement Local Plan and Chapter 9 of the NPPF.

5 Other matters that may weigh in favour of the proposal have been considered but collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.

## *BACKGROUND DOCUMENTS*

### **DECIDED:**