

SITE PLAN ATTACHED

**HAVERING GROVE FARM 552A RAYLEIGH ROAD HUTTON BRENTWOOD ESSEX
CM13 1SG**

**DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND HARDSTANDING
AND CESSATION OF OUTSIDE STORAGE USES AND REPLACEMENT WITH
CONSTRUCTION OF FOUR RESIDENTIAL DWELLINGS TOGETHER WITH
ASSOCIATED LANDSCAPING AND ACCESS.**

APPLICATION NO: 22/00047/FUL

WARD Hutton East **8/13 WEEK
DATE** 15 April 2022

**Extension of
time** 1 July 2022

CASE OFFICER Julia Sargeant

**Drawing no(s)
relevant to this
decision:** DW2018-372; DW2018-372-E BUILDING A; DW2018-372-E
BUILDING B; DW2018-372-E BUILDING C; DW2018-372-E
BUILDING D; DW2018-372-F1; DW2018-372-FG; 002.00;
311.03 TYPE 2; 001.00; 310.03 TYPE 1; 313.00;
312.04 TYPE 3;

This application is presented to Committee for determination as it has been referred by Cllr Olivia Sanders for the following reason: Havering Grove Farm is a farmstead with a mixture of buildings. Due to cessation of these storage buildings a proposed development of four residential units is proposed. These buildings will be constructed on the current hard standing therefore the green belt will not be harmed. It will vastly improve the appearance of the site given what is there currently. The associated landscaping will also help to enhance the area. As this proposal will see homes built instead of commercial storage, there will be a reduction in traffic movements on this small section of Rayleigh Road which will definitely be of benefit to the residents who live either side of the farm.

1. Proposal

Site Description

The application site is located to the north of Rayleigh Road outside of the settlement of Hutton and at the edge of Havering's Grove.

The site comprises a number of metal corrugated barns, a large area of hardstanding and appears to also be used for outside storage along with the storage of shipping containers. To the north and east of the application site is open farmland, to the south is 'The Cottage' 552a Havering Grove Farm as well as the main 552a residence. To the west of the application site is Ellices Farm, No 552 Rayleigh Road, which is a Grade II listed property.

Within the application site itself and located towards the southern boundary is part of a building known as 'The Annexe' which has had permission established via S191 for the reuse of the existing barns/stables for one residential dwelling (18/01909/S191).

Under 20/00824/PNCOU (permitted development change of use) dated 29.01.2021 there is permission for conversion of two of the existing buildings on the site into 4 dwellings with associated landscaping and access works. When the site was visited it was clear this application had not been implemented, but still remains extant.

The planning history indicates that there have also been a number of enforcement investigations at the site.

Proposed development

Planning permission is sought for “*demolition of existing commercial buildings and hardstanding and cessation of outside storage uses and replacement with construction of four residential dwellings together with associated landscaping and access.*”

The four dwellings would be detached four bedroom properties individually designed, whilst using the same palette of materials to achieve an overall cohesive approach to the development. There would be three house types and would have a range of overall ridge heights of between 7.3 metres to 9.6 metres.

Access to the site would be as existing with new landscaping proposed to the front and rear of the dwellings.

The four proposed dwellings would be spaced north to south across the site roughly in line with the existing buildings. Each dwelling would have a large front garden as well as a large rear garden and a detached garage.

2. Policy Context

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked. The following policies are most relevant to this application:

- MG01 – Managing Growth

- MG02 – Green Belt
- BE01 – Carbon Reduction and Renewable Energy
- BE02 – Water Efficiency and Management
- BE03 – Establishing Low Carbon and Renewable Energy Infrastructure Network
- BE04 – Managing Heat Risk
- BE05 – Sustainable Drainage
- BE07 – Connecting New Developments to Digital Infrastructure
- BE11 – Electric and Low Emission vehicles
- BE12 – Mitigating the Transport Impacts of Development
- BE13 – Parking Standards
- BE14 – Creating Successful Places
- BE16 – Conservation and Enhancement of Historic Environment
- HP01 – Housing Mix
- HP03 – Residential Density
- HP06 – Standards for new Housing
- NE01 – Protecting and Enhancing the Natural Environment
- NE03 – Trees, Woodlands, Hedgerows
- NE09 – Flood Risk
- NE10 – Contaminated Land and Hazardous Substances

Relevant National Planning /Documents

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide (NDG)

3. Relevant History

There is significant planning history at the site, that relevant to this application as shown below:

- 10/00011/S191 - Certificate Of Lawfulness For An Existing Use (S191): Laying Of Hardstanding, Storing Of 10 Containers, Erection Of Light Poles For Menage – Part Refused Part Approved - 14.04.2011 (Hardstanding element refused, use of the land for the storage of 10 containers in connection with the livery and farming use considered not to amount to a material change of use of land, and erection of four lighting columns substantially completed more than 4 years before date of application).
- 18/01909/S191 - Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition for building and curtilage which is currently being used as a dwelling house (C3). – Lawful - 07.02.2019

- 20/00824/PNCOU - Conversion of 2no barn buildings into 4no dwellings, including landscaping works and provision of new 6.0m wide shared surface road to provide access for future occupiers – Grant Prior Approval - 29.01.2021

4. Neighbour Responses

Letters of objection have been received. The main reasons for objecting are summarised below:

- Access is via a small service lane which is already over capacity.
- The addition on 4 large dwellings would overwhelm this previously quiet access road.
- Access lane is narrow and access into Rayleigh Road at either end has limited view.
- Concern over conversion of green belt land.
- Commercial buildings referred to for conversion were previously hay barns on working farmland.
- Current unrestricted access for neighbours to fields to the rear of the site is not shown on the plans.
- Concern that the commercial businesses and containers will be moved to the remaining fields.
- Concern that this development will be first step in getting the rest of the farmland converted to residential.
- How will remaining buildings and acres of the farm be accessed? Will new access roads be built?

5. Consultation Responses

- **ECC SUDS/LLFA:**

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 subject to conditions requiring a detailed surface water drainage scheme, a maintenance plan detailing maintenance arrangements; a maintenance plan to include yearly logs of maintenance; and until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition

- **Historic Buildings and Conservation Officer:**

Application site is located within the wider setting of the Grade II listed building of Ellices (List IUD List UID: 1297247).

The submission is accompanied by a Heritage Assessment which concludes the proposals would not result in an adverse impact upon the setting of the Heritage

Asset, it goes further to state that there would be a degree of 'improvement', this I do not agree with.

From my own assessment I advise as the proposals would not have indirect impact to the detriment of significance, and given the degree of separation and limited intervisibility, the impact is neutral (not positive).

However, this is an agrarian context which in the wider sense, is a contributor to setting, therefore urban encroachment outside of previously developed land within the Metropolitan Green Belt could alter the wider countryside setting to its detriment. It is for the LPA to determine the degree and extent of previously developed land (PDL).

In summary, I find the proposals on the basis of the information before me would result in neutral impact.

- **Arboriculturalist:**

The site is located to the rear of existing residential properties fronting onto Rayleigh Road. It contains a line of commercial/agricultural buildings, a larger standalone building and areas of hardstanding and open storage. The buildings are of a metal construction and of no amenity value.

The main trees and hedges are on the northern and western boundaries with some smaller young trees around the grassed area on site. The arboricultural assessment recorded a line of veteran oak pollards on the northern boundary, some of were assessed as Category A. These had areas of hardstanding well within their root protection areas. The report proposes that as part of the scheme this hardstanding would be carefully removed and the ground de-compacted prior to being incorporated into the landscape scheme. It is agreed that this would be a positive benefit to these veteran trees.

A total of nine small trees within the site would require removal. These are attractive, category B trees however they are not visible outside the site. Their removal would not have a significant amenity effect and there would be scope to provide replacements as part of the landscape scheme.

If permission is granted I would request an arboricultural method statement to be provided to provide detail of measures to protect existing trees during construction and specific management requirements for the veteran trees. This can be conditioned.

Views into the site are restricted by existing development, vegetation and topography. The scheme would replace the existing buildings with houses that are of a similar height but significantly smaller volume and footprint. This would enable good-sized gardens to be provided which can include suitable replacement tree

planting to mitigate for the loss of the nine existing trees. It is agreed that the development is likely to have beneficial effects on landscape character and visual amenity.

The ecological appraisal confirms that the existing site has low ecological value due to the extent of the existing hardstanding and commercial buildings. The appraisal has undertaken a biodiversity net gain assessment which shows that the scheme could achieve a significant improvement to the biodiversity value of the site. It is considered that without the final landscape scheme it is difficult to confirm the figures, but it is certain that it would be greater than 10% net gain. While there is no evidence of protected species on site there is potential for badgers to pass through the site and therefore if permission were granted I would request that an appropriate precautionary method statement be incorporated into a CEMP. This can be achieved through condition.

A detailed landscape condition should be required by condition. This should incorporate the recommendations of the arboricultural assessment and biodiversity appraisal to ensure the necessary benefits. Subject to the conditions identified above I have no objection to the proposal on landscape or ecology grounds.

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal will utilise the existing shared access. Adequate space for parking and turning is included for each dwelling, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the conditions, cycle parking provision; residential travel information pack to be supplied by the developer.

- **Environmental Health & Enforcement Manager:**

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

CONDITIONS

A condition should be imposed that requires the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment.

o Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered that contamination shall be made safe and reported immediately to the local planning authority. The site shall be assessed, and a remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and

completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

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

o Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of; Monday-Friday.....08.00-18.00

Saturday.....08.00-13.00. No noisy activities on Sundays or Bank Holidays.

Particularly noisy equipment such as Pile Drivers/Angle Cutters/Pneumatic Drills/Cement Mixers etc. should be used approximately one hour after the beginning hours mentioned above and one hour before the said end times.

o All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

o Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

o Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc.)

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

o Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Health Department prior to commencement.

- **Essex Badger Protection Group:**

The consultation includes comments on matters relating to protected species and in accordance with current advice these detailed comments are not in the public domain. However, the group raises no objections to the proposal subject to conditions relating to updating survey information and provision of mitigation measures.

- **Operational Services:** No response at time of writing report.
- **Bats - Mrs S Jiggins:** No response at time of writing report.
- **Essex Wildlife Trust:** No response at time of writing report.

6. Summary of Issues

The Principle of the Development (Conformity with Planning Policies)

The planning authority is required to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).

The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives.

As detailed above The Brentwood Local Plan 2016-2033 is the Development plan for the borough and the main relevant policies in relation to this application are listed above and although these should not be read in isolation, they are the most relevant to this application. Of particular relevance is policy MG02 which relates to Green Belt. The location of the site within the Green Belt is a key consideration of the principle of the development, as detailed below. 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 policies map.

Green Belt Considerations

The Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out the five main purposes of the Green Belt:

- i. to check the unrestricted sprawl of large built-up areas;
- ii. to prevent neighbouring towns merging into one another;
- iii. to assist in safeguarding the countryside from encroachment;
- iv. to preserve the setting and special character of historic towns; and
- v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Green Belt is a spatial designation not a qualitative one, therefore the requirement to protect openness applies just as much to attractive countryside as to less attractive areas of Green Belt.

Strategic Policy MG02 of the Brentwood Local Plan seeks to prevent inappropriate development of the Green Belt stating that all development proposals within the Green Belt will be considered and assessed in accordance with the provisions of national planning policy (as set out in the NPPF).

Paragraph 149 of the NPPF states that "*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.*" However, it does

go on to give a list of exceptions to this and one that is potentially relevant to this application is:

“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.”*

This case does not represent limited infilling. It does not relate to affordable housing so the last bullet can be disregarded.

Within the planning statement submitted in support of the application the applicant puts forward the case that *“the proposals are to redevelop previously development land in such a manner and scale which would not have a greater impact on the openness of the Green Belt than the existing development in accordance with the exception contained in paragraph 149 g of the NPPF.”*

It is therefore important to the consideration of this application to consider how much, if any, of the application site constitutes previously developed land. The NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, 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. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

Within this definition land that is or was last occupied by agricultural buildings are excluded. It is noted that this application states that: *“The application site is currently developed with a number of substantial commercial buildings. The commercial buildings are variously in use or have been in use until recently. The immediately adjacent and extensive hard standing is used for vehicle circulation, unloading and parking, external storage and commercial activities. A large part of the hard standing currently accommodates temporary shipping containers used for storage and various business activities.”*

When the site was visited, access could not be gained to any of the buildings, however it was evident that the surrounding area was being used for storage purposes with several commercial vehicles present and a large number of shipping containers. However, from looking at the planning history it can be seen that under consideration of 20/00824/PNCOU – an application for *Change of Use of Agricultural Buildings to Dwellinghouses (Class C3)* - the officer was advised that the buildings were in agricultural use stating the following within the report:

“The applicant states that the building has a history of agricultural use including the storage of crops and machinery dating back beyond 20th March 2013. The applicant also states that the subject buildings have not had any intervening uses during this time. BBC have no evidence to the contrary. It is noted that containers have been placed to the rear of the subject buildings which facilitate the storage of goods for multiple businesses. These containers do not benefit from planning permission and are subject to enforcement investigation. These containers do not form part for this proposal which can proceed to determination. It should be noted that the agent anticipates removal of these containers in order to provide private amenity space as indicated on the proposed block plan.”

The effect of a successful prior notification application is not a determination that such a development is lawful, merely whether prior approval of the matters listed in the development order is required.

Furthermore, at the time of the submission of 20/00824/PNCOU the existing site plan only showed two main buildings. In comparison the site plan submitted in support of this application shows a much longer range of buildings. No planning history for the erection of these further buildings can be found and aerial views of the site show a mixture of buildings there historically, then removed (from at least 2011 – 2017) and not there until 2018.

From the evidence available to the planning authority it appears that the last lawful use of the majority of the site was agricultural and it *does not* therefore constitute previously developed land. It may be that some commercial use has taken place on the site but this does not appear to be lawful, and no lawful development certificate has been sought in this respect. It is accepted that some parts of the site may constitute previously developed land (the annexe) however this is a relatively small proportion, and the majority of the site would not.

Therefore, whilst a small proportion of the site may comprise previously developed land (where the exception in paragraph 149 g) above would be relevant) the majority of the site would not fall under exception criteria.

Therefore, for the majority of the site that is not previously developed land the proposal would represent inappropriate development as it does not fall within any of the exceptions listed in NPPF paragraph 149. For the small section of the site that would comprise previously developed land the proposal would still represent inappropriate development as the proposal would have a much greater impact on

the openness of the Green Belt than the annexe building that has lawful use as a dwellinghouse. The proposal therefore represents inappropriate development in the Green Belt.

As the proposal represents inappropriate development in the Green Belt its acceptability is completely reliant on there being very special circumstances which would warrant approval of the application. Two paragraphs in the NPPF are particularly relevant in this regard:

“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. Very special circumstances cannot exist unless they clearly outweigh the harm to the Green Belt by reason of inappropriateness, along with any other harm resulting from the proposal, which is a much higher threshold than an ‘on balance’ judgement.

The applicant has put forward the following arguments (summarised):

- Two of the existing buildings on site were the subject of a successful Prior Approval application.
- Development will make a contribution towards 5YHLS deficit.
- Delivery of well-designed homes based on principles of good, sustainable and inclusive design.
- Proposal will achieve a net gain to biodiversity.
- Delivery of new homes in a sustainable location.
- Improvements to residential amenities in immediate area.
- Improvements to visual amenities in immediate area.
- Effective use of previously developed land.

It is acknowledged that two of the buildings can be converted to 4 residential dwellings and this is a realistic fallback position as the permission granted by the Permitted Development Order is still live and there is time for it to be implemented. However, this relates to the conversion of two agricultural buildings under permitted development rights and was only considered against class Q of the General Permitted Development Order and not against all material planning considerations or the development plan. For example, green belt is not a relevant factor for prior notification applications but is a very important issue for a planning application. Under the 20/00824/PNCOU change of use the external dimensions of the buildings would not alter and whilst they would change in appearance they would still retain an industrial/agricultural aesthetic.

This planning application proposal would result in the introduction of four, large, detached dwellings spread across the length of the application site and the plans show detached garages for each dwelling.

In terms of impact upon the Green Belt the essential characteristics of the Green Belt are its openness and permanence. It has been established that openness has both a spatial and visual aspect, the former often being taken to mean the absence of built form. The NPPG acknowledges this approach and further guides that 'duration and remediability' and 'the degree of activity likely to be generated' are also relevant considerations when assessing openness.

It is necessary therefore to have regard to the existing development, uses and activities on the site when assessing whether the proposal would cause substantial harm to openness and the visual effects in any particular case are matters of planning judgement. In this case, it is considered that both spatial considerations, which include (but are not limited to) changes in footprint, floor space, height and volume, and matters relating to visual impact are therefore relevant.

It is acknowledged that at present the site consists of a number of buildings, as well as hardstanding and outside storage alongside a substantial number of shipping containers. It therefore cannot be said to be open, however as detailed above it is also not considered to all represent previously developed land, and a number of the uses and shipping containers appear to be unlawful. A previous enforcement case on the site was closed after the granting of 20/00824/PNCOU as the implementation of this consent would result in the unauthorised development and storage uses falling away. However, as this has not been implemented it appears that unauthorised development and use(s) may still be taking place and a new enforcement investigation has been opened (22/00024/UNOPDE). Carrying out and then removing unauthorised uses/buildings cannot be used to justify inappropriate development in the Green Belt. The applicant's calculations in terms of footprint and volume are therefore not accepted.

In terms of the spatial aspect, there would be a significant reduction in the openness of the Green Belt by virtue of the proposed dwellings being larger in both quantum, height and volume than the existing lawful buildings on site, and the development granted under 20/00824/PNCOU.

The development granted under 20/00824/PNCOU (relating to the conversion of lawful buildings on site) would result in an overall built footprint of approx. 429m² and this current proposal would result in an overall built footprint of approx. 660m² which is an increase of 54%. In terms of volume the development granted under 20/00824/PNCOU would have an overall volume of 2,106 m³ and this current proposal would result in an overall volume of 3,251 m³ which is also an increase of 54%. It should be noted that whilst no detailed elevations or floorplans of the proposed garages have been submitted (and could be conditioned) the submitted

street scene and site layout plan provides the height and overall volume calculations. This is a significant increase in footprint and volume compared with the fallback position and the lawful buildings on site.

In terms of the visual aspects this application has been supported by a Landscape and Visual Assessment on behalf of the applicant. Within the assessment this report states *“The site is currently degraded, the area of storage and hardstanding is not a positive feature within the Green Belt. The existing farm buildings are not historic in character with modern metal cladding. Given the degree of enclosure and lack of visibility from the street and the countryside, the replacement of the existing barns with somewhat taller dwellings which reflect the surrounding built form is not deemed to be detrimental to the character of the Green Belt.”* And that *“The replacement of the hardstanding and removal of the storage uses and associated activity to be replaced with gardens, hedgerows and tree planting, is deemed to be an enhancement to the character and quality of the Green Belt. Overall it is assessed that the proposal would result in a minor beneficial effect on the character and quality of the Green Belt.”* However as indicated above it appears that a number of the uses currently being undertaken are unlawful and that the last lawful use of the site was agricultural which is excluded from the definition of previously developed land. Removal of unauthorised development and/or uses cannot be used to justify inappropriate development within the Green Belt. Furthermore, the overall height of the proposed new dwellings is higher than the existing built form (the dwellings will be between 7.3m to 9.65m and the existing buildings are between 4m to 6.3m tall) and whilst the site is relatively well contained they would be visible from the drive on the Rayleigh Road frontage.

In terms of duration, remendability and activity some of the existing uses at the application site appear to be unauthorised and would be likely to result in a number of vehicle movements. The current proposal would be a permanent development and would also result in additional movements to and from the site.

It is noted that the agent refers to the Council's current five year housing land supply position as an argument in favour of this proposal. However, since this application was submitted the Council has adopted the Brentwood Local Plan 2016-2033 and is able to demonstrate a five year housing land supply. It is acknowledged that the Council currently fails the Housing Delivery test and therefore paragraph 11d and the presumption of sustainable development still applies for housing developments within the Borough. However, the NPPF lists specified protected areas, such as Green Belt that are not subject to a permissive approach to boosting housing supply (para 11) as protection of the Green Belt provides a strong reason to restricting development itself. Therefore, the contribution to housing land supply does not provide a justification for approving inappropriate development in the Green Belt, regardless of design or context.

Summary of Green Belt Considerations

Overall, it is considered that the proposal would represent inappropriate development of the Green Belt As it would not comply with any of the exceptions set out in paragraph 149 of the NPPF. The arguments put forward by the applicant in support of the application have been carefully considered however it is not considered that they would constitute very special circumstances and the harm to the Green Belt, would not be clearly outweighed.

The spatial impact by way of increases in volume, height and massing of the development cannot be ignored. There would also be an increased visual impact of the development which would be taller and spread across sections of the site that are not considered to constitute previously developed land.

Therefore, the scheme would be inappropriate development in the Green Belt and would result in a substantial impact on the openness of the Green Belt and would partially encroach into countryside contrary to one of the five purposes of the Green Belt.

Traffic Impact, Access and Car Parking

The existing vehicular access to the site is to be retained with a new access road created within the site to serve the proposed dwellings. Each dwelling would have a detached garage as well as a large driveway for parking.

Essex County Council Highways have been consulted on this application and advise that the proposal would utilise the existing shared access. Adequate space for parking and turning is included for each dwelling and therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions detailed in their consultation response above.

Full details of the garages, along with cycle parking, provision of EV charge points and a construction method plan could be dealt with via planning conditions. Overall, it is considered that the proposal is acceptable in terms of highway access, parking and highway safety.

It is appreciated that letters of representation have been received raising concerns over the access road and its ability to deal with traffic from the proposal, however the vehicular access point is as existing and would not change as part of this proposal. It must also be noted that there is a realistic fallback position which would allow four dwellings on the site (albeit smaller) under 20/00824/PNCOU and the vehicular movements generated from this compared to the current proposal would be similar.

It is noted that a letter of representation raised concerns regarding a right of access to their land to the north of the site. Following on from this the agent submitted a revised block plan which shows the access gate retained to allow access to the

neighbours land. Whilst rights of access are not a planning matter the revised plan does make the retention of the access clearer.

Impact Upon Ecology and Biodiversity

Paragraph 174 of the NPPF states that “*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.*”

Policy NE01 of The Brentwood Local Plan deals with the protection and enhancement of the natural environment seeking biodiversity net gain where possible.

The application has been supported by a Ecological Assessment as well as a Biodiversity Net Gain (BNG) assessment. The Ecological Assessment advises that the site has the potential to be used by hedgehogs, bats and breeding birds and the BNG assessment concludes that BNG of 72.4% can be achieved. The Council’s ecology consultant considers that that without the final landscape scheme it is difficult to confirm the figures, but it is likely that it would be greater than 10% net gain.

In terms of bats the assessment states that the mature oaks on the northern site boundary are the only suitable roosting habitat on site. The proposal would not impact upon these trees and suitable lighting could be dealt with via a condition.

The Essex Badger Protection Group have been consulted on this application and requested that confirmation is sought from the applicant that the area has been surveyed within the last 12 months and the results are identical to those given in the ecological assessment, which whilst dated December 2021 the original survey took place in May 2020. The agent has responded to this request confirming that whilst the report was updated in December 2021 the original survey took place in May 2020. The agent accepts that given badgers are transient animals and behaviours can change a condition for an updated badger survey within 3 months of commencement is suggested. This is in line with the response from the Essex Badger protection Group who advise that should the survey be out of date and updated survey be conditioned as part of any permission granted.

Overall, it is considered that subject to appropriate planning conditions the development is acceptable in terms of ecology and biodiversity.

Design and Heritage Considerations

Part of the environmental role of sustainable development as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built

environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The National Design Guide is also relevant to the consideration of this application and illustrates the Government's priorities for well-designed places.

Policy BE14 of The Brentwood Local Plan seeks to ensure that all development proposals meet high design standards and deliver safe, inclusive, attractive and accessible places. As the application site is located within the wider setting of a heritage asset Policy BE16 is also relevant to the consideration of this application.

The application site relates to an old farmstead and is located at the edge of Havering's Grove. The site currently contains a number of corrugated metal sheds, areas of hardstanding, outside storage and shipping containers. There is also an area of mown grassland towards the western boundary of the site.

The proposal would remove all existing buildings, hardstanding, storage uses etc and replace with four detached dwellings with garages and associated amenity space and access. The dwellings are all of a traditional design, with three house types proposed utilising an EDG palette of materials such as red brickwork and black cladding. The use of timber detailing with bay windows and gable front projections would add to the traditional appearance of the dwellings and provide articulation and interest to the buildings. Overall, there is no objection to the design or appearance of the dwellings which would sit comfortably within the plot.

The heritage asset Ellices Farmhouse which is Grade II listed is located to the immediate west of the application site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

The application has been supported by a Heritage Statement which concludes that the proposal would bring about an enhancement within the setting of Ellices Farmhouse through the removal of hardstanding, reduced and relocated parking, along with the introduction of soft planting and increased green space. The Council's Historic Buildings and Conservation consultee has been consulted on this application and advises that they do not agree that the proposal would result in any improvement to the setting of the listed building. They advise that as the proposals would not have indirect impact to the detriment of significance, and given the degree of separation and limited intervisibility, the impact is neutral (not positive).

It is considered that historically Ellices Farmhouse was connected with farming and agriculture and agricultural barns, albeit modern ones, are not in themselves harmful to its setting. However, given the distances between the listed building and the proposed dwellings it is considered that the development would have a neutral impact upon this designated heritage asset and would therefore comply with local and national policy.

Impact on Residential Amenity

There are a number of residential dwellings located adjacent or close to the application site. In terms of the proposed use the development of the site for four residential dwellings would not result in any significant vehicle movements over and above an agricultural use and would not result in any materially harmful impacts due to noise or disturbance. It is noted that a letter of objection has been received from a nearby resident raising concerns over the access arrangements and impact of vehicle movements, however there is a lawful fallback position for 4 dwellings, and the proposal would not be material in terms of vehicle movements compared with the lawful use of the site.

In terms of potential for overlooking, overbearing impact and material loss of light the dwellings are positioned far enough away from neighbouring dwellings to ensure that no materially harmful impacts would occur. Furthermore, internally within the development there is sufficient spacing between the dwellings to ensure that no overlooking would occur.

Overall, it is considered that the proposed development would not result in any materially harmful impacts towards residential amenity and would accord with the guidance set out within the Essex Design Guide as well as Local Plan Policy BE14 (i and j).

Private Amenity Space and Landscaping

For development comprising family dwellings of four bedrooms the Council generally expects to see provision of private amenity space of 100m² per dwelling. This proposal would significantly exceed this standard with each dwelling benefiting from private amenity space between 750m² and 1,729m².

In terms of landscaping the submitted plans show new soft landscaping to site boundaries as well as within the site through new trees and hedgerow planting. The detail of the landscaping scheme and boundary treatments could be agreed by condition.

The application has also been supported by an arboricultural impact assessment which outlines that nine young trees would need to be removed to facilitate the development with all other trees to be retained and protected during the development. It also states that there will be additional tree planting which would result in net increase in tree numbers and species and that the existing stone/earth track to the south of the oak trees along the northern boundary (some of which are veteran trees) will be carefully restored to soft landscaping which will result in an improvement to the rooting environment of these trees (the block plan submitted shows approximately 2/3 of this track removed). Overall, it is concluded that the

proposal would result in a positive arboricultural impact. All details of tree protection and retention could be conditioned as part of any permission granted.

Ground Contamination

The application has been supported by a contaminated land assessment which advises that the risk of encountering contamination during development is medium and therefore remedial works comprising further testing and removal of soils is required. There is also an isolated asbestos hotspot that requires removal and replacement with clean material. The report states that a Remedial Method Statement and the further testing required should be agreed with the Local Authority.

Environmental Health has been consulted on this application and recommends the use of conditions to deal with contamination and other matters.

Flood Risk and Site Drainage

The application site falls within the lowest flood risk area, Flood Zone (FZ) 1 for flooding from rivers and seas and is at low risk of flooding. Based on the NPPG flood risk vulnerability and flood zone compatibility table the development is considered 'appropriate' in this low risk flood zone. The development satisfies the Sequential Test based on the site falling within Flood Zone 1.

The application form states that surface water would be dealt with via Suds (sustainable drainage) which is welcomed but that it is unknown how foul sewage would be dealt with. Preference would be for foul drainage to be connected to the mains where this is feasible. This would be dealt with via building regulations for a scheme of this size which is not located within a critical drainage area.

Other Considerations

Concerns have been raised regarding commercial uses and containers being moved onto other land the applicant owns. This is not included within the application and would require planning permission in its own right. This is therefore also not a material planning consideration for this application.

Sustainability

The purpose of the planning system is to contribute to the achievement of sustainable development. In determining whether a proposal would represent sustainable development there are three objectives which must be considered;

- An economic objective,
- A social objective, and
- An environmental objective.

Paragraph 38 of the NPPF states that “*Decision-makers at every level should seek to approve applications for sustainable development where possible.*”

This application was submitted prior to the adopted of The Brentwood Local Plan 2016-2033 and was therefore not subject to the validation requirements of the current Local Plan policies in relation to sustainability (policies BE01 – BE07 where relevant). However, the submitted planning statement advises that the dwellings have been designed with consideration given to potential solar access and gain. Given that the proposal is only for four dwellings it is considered that appropriately worded planning conditions could be used to address the requirements of policies BE01 to BE07 (where relevant).

In relation to the economic objective the proposal would generate limited employment during construction. Furthermore, future occupiers of the site would also be likely to support local businesses and may also work within the local area.

In terms of a social objective the proposal would result in four additional dwellings, however there is a realistic fallback position which would also result in four additional dwellings, this time of varying sizes. This proposal would not result in any materially harmful impacts towards neighbouring occupiers and on balance it is considered that the social objective would be met.

In relation to the environmental objective the application site is not well serviced by public transport, with the nearest bus stop along the Rayleigh Road approximately 200 metres from the application site. However, this is from the edge of the application site, not from the dwellings, and it is unlikely that the public bus service offered would be sufficient to consistently meet the day to day needs of future occupiers. There are some limited community services and facilities within the adjacent village such as community halls and a restaurant, but they would not meet day to day needs and any future occupiers would need to travel for these. However, this would not be significantly different to the fall back position of 20/00824/PNCOU and no objection is raised in relation to the locational sustainability of the site.

In terms of the overall design approach there is no objection and additional landscaping, ecological mitigation and enhancement could result in an environmental improvement to the site. Such improvements are of the sought generally required of any development and do not represent very special circumstances. The application site is located within the Designated Green Belt which the Government attaches great importance too. The proposal is considered to constitute inappropriate development in the Green Belt as the applicant's argument of the site forming previously developed land is not accepted. The proposal would result in a substantial impact on the openness of the Green Belt and would partially encroach into countryside contrary to one of the five purposes of the Green Belt.

Conclusion

The proposed development would represent inappropriate development in the Green Belt, would amount to substantial harm to the openness of the Green Belt and an encroachment into the countryside in conflict with one of the five purposes of the Green Belt. The Very Special Circumstances put forward have been considered but are not considered to clearly outweigh the harm identified and therefore do not exist. The application is consequently recommended for refusal as it would conflict with Policy MG02 of The Brentwood Local Plan and chapter 13 of the National Planning Policy Framework.

7. **Recommendation**

The Application be REFUSED for the following reason:-

The proposed development would represent inappropriate development in the Green Belt, would amount to substantial harm to the openness of the Green Belt and amount to an encroachment into the countryside in conflict with one of the five purposes of the Green Belt. The matters put forward have been considered but are not considered to clearly outweigh the harm identified and therefore Very Special Circumstances do not exist. The development would conflict with Policy MG02 of The Brentwood Local Plan and chapter 13 of the National Planning Policy Framework.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG02, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

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

<https://www.brentwood.gov.uk/planning-advice-and-permissions>