

SITE PLAN ATTACHED

BIRLEY GRANGE HALL LANE SHENFIELD BRENTWOOD ESSEX CM15 9AL

CONVERSION OF EXISTING DWELLING INTO TWO APARTMENTS AND RETENTION OF EXISTING ANNEX TO BE USED AS A DWELLING. REMOVAL OF TENNIS COURT AND CONSTRUCTION OF 6 DWELLINGS, INCLUDING 3 DOUBLE GARAGES AND A SINGLE GARAGE. ADDITIONAL CAR PARKING SPACES FOR THE EXISTING CHURCH.

APPLICATION NO: 22/00291/FUL

WARD	Shenfield	8/13 WEEK DATE	15 April 2022
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CASE OFFICER	Mrs Carole Vint	01277 312500
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Drawing no(s) relevant to this decision:	8742/02C with details; 17-055-FS-03C; 8742/02C; 8742/17; 8742/18A; 8742/07A; 8742/10; 8742/11; 8742/12; 8742/13; 8742/08A; 8742/01; 8742/06A; 8742/15A; 8742/04A; 8742/05A;
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The application has been referred at the request of Cllr Heard for the following reason:

The developer has spent the last 3 to 4 years obtaining highways approval / working with the church and diocese to agree an extension to the church car park to increase parking for both the church and the school. In addition they have worked with the local badger protection group to avoid harm to the protected species, and addressed the drainage issues as currently the existing buildings are not connected to mains drainage. So it is clear that a lot of work has been going on behind the scenes. The developer would welcome the opportunity to show the committee the project and for them to make a decision on the development.

The overall area is approximately 2 acres and this is a very low density project which would provide much needed accommodation to local residents. Another critical point is that enhanced parking for the church will stop people parking on the road which can become hazardous.

1. Proposals

This application relates to the conversion of existing dwelling into two apartments and retention of existing annex to be used as a dwelling. Removal of tennis court and

construction of 6 dwellings, including 3 double garages and a single garage. Additional car parking spaces for the existing Church.

2. Policy Context

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. 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 below.

The Brentwood Local Plan 2016-2033

- Policy MG02 – Green Belt
- Policy BE02 – Water Efficiency and Management
- Policy BE04 – Managing Heat Risk
- Policy BE05 – Sustainable Drainage
- Policy BE07 – Connecting New Developments to Digital Infrastructure
- Policy BE11 – Electric and Low Emission Vehicle
- Policy BE12 – Mitigating the Transport Impacts of Development
- Policy BE13 – Parking Standards
- Policy BE14 – Creating Successful Places
- Policy BE16 – Conservation and Enhancement of Historic Environment
- Policy HP03 – Residential Density
- Policy HP06 – Standards for New Housing
- Policy NE01 – Protecting and Enhancing the Natural Environment
- Policy NE03 – Trees, Woodlands and Hedgerows
- Policy NE07 – Protecting Land for Gardens

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.

National Planning Policy and Guidance

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

3. Relevant History

None relevant.

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

A total of 18 letters have been received, 8 objecting to the proposal, 8 in support and 2 neutral. The concerns arising from the letters include:

- Concerns regarding ecology and the variety of species reported to be on the site;
- Impact upon the local highway due to construction, increased and ongoing vehicular and pedestrian access;
- Proposed impact upon green belt land, resulting in overdevelopment;
- Confirmation no agreement between the developer and the Church over exchange of land for the car park;
- Potential negative impact upon a future planning application on Church land;
- Number of parking spaces gained is unclear as some will be lost to facilitate the car park extension;
- Exact details of the parking arrangements between the developer and the Church to be set out and agreed;
- Concerns regarding the single width vehicular access along Hall Lane;
- Impact upon setting of heritage assets of Grade II Church and Shenfield Hall;
- Increase in traffic will result in an increase in noise and pollution to neighbouring residents;
- Loss of privacy;
- Negative impact upon adjacent trees;
- Concerns regarding water table levels on surrounding sites;
- Loss of trees, bushes and hedges on the site and impact upon local wildlife;
- Impact of potential light pollution on the surrounding area;

Supporting comments summary:

- In support, good for Shenfield and surrounding areas;
- In support, cannot see why this should not be accepted;
- Big plot of land for just one house that will create more family homes;
- More parking being made available for the Church and school drop off;
- Good access to Church, Schools, train station and Brentwood;
- Not on green belt land and not car reliant development;

5. Consultation Responses

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

- **Highway Authority-**

The documents submitted with the planning application have been duly considered and a site visit has been carried out.

The existing site access is being retained and, although the proposals will result in a minor increase in its use, it does allow two vehicles to pass each other comfortably clear of the highway. It also complies with highway standards in terms of visibility splays for the observed speed of the road and the proposals fully comply with Brentwood Borough Council's adopted parking standards.

There are no formal pedestrian footways immediately outside the access on Hall Lane. However, historic data indicates that this area of the highway sees slow speeds and it is regularly used safely by pedestrians to access the neighbouring church and primary school. Given the modest size of the development and the absence of any recorded road traffic incidents in this location of Hall Lane over the last 5 years, there is no evidence to suggest that the proposals will have an unacceptable impact on highway safety, which is the NPPF criteria for refusal on highways grounds.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been 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-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway, in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

2. The site access shall be provided in accordance with Drawing no 17-044-FS-03C.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and so that vehicles can enter and leave the highway in a controlled manner, in the interest of highway safety and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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.

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

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

Informatives:

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

- **County Archaeologist-**

The above planning application has been identified on the weekly list as having archaeological implications and checked on the website by the Historic Environment Advisor to Brentwood Borough Council.

The Essex Historic Environment Record (EHER) shows that the buildings proposed for conversion and demolition have historic origins. Birley Grange (labelled as a 'Parsonage') is visible on the 1777 Chapman and André map of Essex. The more detailed Shenfield tithe map of 1838 depicts the main dwelling as well as the annex

proposed for demolition, and two other buildings that have since been demolished. Additionally, the tithe map and, later, the first edition OS map from the 1860s, both show the site as containing a series of formal gardens associated with the dwelling. The alterations and conversions detailed in the proposals are extensive, and, crucially, involve the demolition of an apparently original annex. Historical fixtures or fittings may survive within the buildings and surviving stylistic or typological evidence could provide dating evidence for their construction and evolution since that time. The buildings should therefore be 'preserved by record' by a programme of historic building recording prior to their alteration or demolition.

In addition, the development is located directly adjacent to a historic medieval manorial site, today comprising the church/hall complex of the 16th-century Shenfield Hall and the 15th-century church of St Mary the Virgin, as well as an associated threshing barn (all of which are listed buildings). Medieval manorial complexes in Essex are commonly located outside of larger settlements, and as well as the core of a manor house and church, they also often include an array of other buildings, including agricultural buildings (such as the still standing barn) and ancillary dwellings. Given that the 1777 map clearly shows the development area as being within the manorial site, it is likely that archaeological remains associated with this historic complex (including earlier building remains) may survive and be impacted by the proposed development.

In view of the above, the following recommendations are made in line with the National Planning Policy Framework, paragraph 205:

RECOMMENDATION: A Programme of Building Recording

1. No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a Written Scheme of Investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.
2. No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
3. The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

RECOMMENDATION: A Programme of Trial Trenching, followed by Open Area Excavation

1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching evaluation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the Local Authorities archaeological advisors.

3. A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified shall be submitted to the local planning authority following the completion of the archaeological evaluation.
4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
5. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

A professional and accredited team of historic building specialists and archaeologists should undertake the building recording and evaluation work. Both phases of work should be carried out prior to the commencement of development. If both programmes of work were carried out by the same contractor this office would accept the submission of a single Written Scheme of Investigation detailing both works.

The work will comprise a Historic England Level 3 historic building recording survey of the main dwelling and the annex proposed for demolition, and a trial-trenching evaluation of the development site, focused on the footprints of the proposed new dwellings and associated infrastructure. Subsequent to this, depending on the results of the trenching, a further phase of archaeological excavation and/or monitoring may be required.

The Borough Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief outlining the work required and the level of recording will be issued from this office on request.

- **EBPG-**
Initial comments:

Thank you for contacting us regarding this scheme, and for sending a copy of the Preliminary Ecological Appraisal ("PEA") dated 26 April 2021.

Based on the documents presented in support of this case, we do not believe that sufficient information is held for a planning decision to be made. With this in mind, an updated badger survey should be provided before further consideration is given to granting planning permission for this scheme.

Revised comments:

Thank you for contacting us again regarding this scheme and for sending a copy of the updated badger survey from Adonis Ecology dated 25th April documenting the results of survey work from 7th February 2022.

Whilst we have no objection in principle to this scheme, and are appreciative of the efforts being made to protect the species, we do believe that further work needs to be undertaken by the applicant and the ecologist to satisfy additional concerns prior to the application being determined.

- **Historic England-**

Thank you for your letter of 23 March 2022 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

- **Bats - Mrs S Jiggins-** No comments received at time of writing the report.
- **Essex Wildlife Trust-** No comments received at time of writing the report.
- **Arboriculturalist-**

The site contains a large house with a detached residential annex, outbuildings and a tennis court. These are set within a large garden area containing large trees and shrubs, enclosed by wooded belts. It is adjacent to the parish church.

The application is supported by tree survey undertaken in accordance with BS5837:2012. The report confirms that a Category A tree and part of a Category A woodland group (WG2) would require removal to allow the construction of Plot 1. It is expected that schemes are designed to minimise impacts on Category A trees; however this scheme layout has sought to maximise the number of new dwellings and has not considered how the T27 could be retained, for example by omitting Plot 1.

The plans indicate only a small area of WG2 being removed although it is noted that its existing canopy is approximately 5 metres from the proposed dwellings in Plots 1 & 2. Therefore I do not agree with the assessment in 3.7.1 that the retained trees would not result in significant shading of houses and gardens.

The existing church car park access is on a bend in Hall Lane and there are views through it towards WG2 and T27. The removal of T27 together with the reduction of WG2 (which is likely to be greater than that shown on the plans), would reduce the screening of the new dwellings, particularly Plot 1. This would have a detrimental effect

on the character of this section of Hall Lane as it would open up views of the new dwellings.

The ecological survey confirms two trees have potential value as bat roosts. If permission were granted a CEMP would be required to set out the detailed requirements to minimise the effects on ecology. A bat survey would be required to inform mitigation requirements.

In conclusion I consider the scheme to be overdeveloped which will result in adverse effects on the local streetscape. The loss of Category A trees has not been justified. The proximity of the new dwellings to existing large trees and shrubs will result in post-development pressures to remove/reduce trees due to excessive shading. I cannot support the current proposal.

- **Environmental Health & Enforcement Manager-** No comments received at time of writing the report.

- **Historic Buildings and Conservation Officer-**

Thank you for consulting on this application which pertains 'Conversion of existing dwelling into two apartments. Demolition of annex and tennis court and construction of 7 dwellings including 6 x garages. Additional car parking spaces for the existing Church'. No preapplication has been undertaken. The proposed development site is situated within the setting of the Grade II* listed building of CHURCH OF ST MARY THE VIRGIN, List UID: 1197213, Grade II listed building of TOMBSTONE OF RICHARD MOSS, 5 METRES NORTH OF NAVE OF CHURCH OF ST MARY THE VIRGIN List UID: 1197214 and TOMBSTONE OF GEORGE GROSS, 9/10 METRES EAST OF CHURCH OF ST MARY THE VIRGIN, list UID: 1297231. The NHLE also identifies to the north Grade II listed building of BARN AT SHENFIELD HALL List UID: 1297233 and Grade II listed building of SHENFIELD HALL List UID: 1197215. The EHER holds records for a wider area around this cluster of listed buildings which abut the proposed development site, please consult the ECC County Archaeologist and Historic England given the designations and polygons on the EHER.

This submission is not accompanied by a Heritage Assessment, section 6.0 of the submitted planning statement is entitled 'Heritage Statement' but does not meet the minimum requirements of NPPF para 194. It concludes that the lack of invisibility from the development site to the Grade II* listed building of St Mary the Virgin negates impact; however, the Planning Note 3 clearly sets out setting is more than a visual assessment.

My from own assessment I find the proposals seek to urbanise a sensitive setting, this is clear in the proposed layout, which offers a 'street' arrangement of urban typologies akin to an urban estate, notwithstanding matters of design, the development in all dimensions is contextually inappropriate, and conflicts with NPPF para 197 (c). Based on the information submitted Built Heritage offer no adverse comments to the subdivision of the Host Building but raise an in-principle objection to the new

development and parking, this is in the interests of the Historic Environment and character of Hall Lane. This character and overriding rural setting is intrinsic to the significance of heritage assets. The harm identified is material, in determining this application, the Local Planning Authority should bear in mind the statutory duty of sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Para 202 should be relied on terms of the scale of harm. However, paragraph 200 of the National Planning Policy Framework states 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. I trust the above advice is of assistance.

6. Summary of Issues

The main issues which require consideration as part of the determination of this application are:

- Impact of the proposal on the Green Belt;
- The impact of the proposal on the character and appearance of the area;
- The impact of the proposal on the adjacent heritage assets;
- Impact on the living conditions of the occupiers of neighbouring properties;
- Impact on the trees and ecology;
- Parking and access issues

Principle of Development

The Brentwood Local Plan 2016 – 2033, as approved, has been produced in light of the NPPF's emphasis on sustainable development and strategic policies MG01, MG02 and MG03 set out the overarching strategic strategy for growth within the Borough. Policy MG01 refers to the sites allocated for growth along the strategic corridors, ensuring the benefits of sustainable development, of which this site is not one of the strategic sites identified. Policy MG02 ensures to maintain the openness of the green belt in line with national planning policy and Policy MG03 sets out the settlement hierarchy, which identifies Shenfield as settlement category 1, a semi-connected settlement.

The site is within the Metropolitan Green Belt, as such the acceptability of the principle of the proposal will very much depend on whether it complies with green belt policies. Having assessed the principle other development management issues such as design, appearance, impact on the adjacent heritage assets and effect on neighbours, if any, will be considered.

Green Belt

Chapter 13 of the NPPF (2021) states the government attaches great importance to Green Belts. 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.

Green Belt Policy MG02 of the Brentwood Local Plan is to implement the green belt policies of the NPPF.

Paragraph 149 of the NPPF states that a Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt with limited exceptions.

The supporting statement submitted with this application makes no reference to the development complying with any of the exceptions listed under Paragraph 149 or 150 of the NPPF. However, in order to assess the application, officers have considered the proposal in the context of the nearest relevant exception to inappropriate development which 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.*

The proposal does not relate to affordable housing and therefore the last bullet can be discounted.

There is no official measure to assess openness and the NPPF even in its latest form does not suggest a method to compare existing and proposed development or judge openness. Openness is a visual quality, normally considered to be the lack of buildings, a useful way to assess the new build elements of proposals in comparison with existing lawful development is a visual comparison of the massing, spread and position of existing and proposed buildings. While it's not unusual for people to quote numerical data for footprint, floorspace or volume when considering redevelopment proposals in the greenbelt, reliance on mathematical data can be misleading and is not supported in National Planning Practice Guidance.

The application site is on land currently associated with Birley Grange. The proposal relates to the conversion of the existing dwelling into two apartments and retention of the existing detached chalet dwelling (annexe) on the site to be used as a dwelling. That part of the scheme is compliant with paragraph 150 relating to reuse of existing buildings. Further it relates to the removal of tennis courts and construction of 6 detached two storey dwellings, including 3 double garages and a single garage and the provision of additional car parking spaces for the existing adjacent Church.

The existing dwelling, Birley Grange is a substantial two storey detached dwelling, set amongst a large garden area containing large trees and shrubs, enclosed by wooded belts. The main dwelling has an attached two storey pool building and to the northeast of the site is an existing detached chalet annexe. The existing buildings are to be retained with the main dwelling being sub-divided into two flats and the annexe becoming a separate dwelling. The proposed two storey dwellings would part encircle the existing dwelling and be located to the southeast, east and to the north of the site. Currently the land surrounding the existing dwelling is open, devoid of development, with the exception of the existing detached annexe to the northeast and the tennis courts to the north western part of the site.

The site is predominantly enclosed along all boundaries with mature trees, shrubs and bushes. The site is set back from highway, with the land falling slightly to the northwest. The proposal includes the removal of a Category A tree and part of a woodland group for the construction of the dwellings, thereby opening up views of the proposed dwellings from the street. Given the location and its location and proximity to surrounding development, the site cannot be considered as limited infilling.

Whilst not claimed by the applicant, however, even if the site were to be claimed as previously developed land (PDL), as outlined in the Glossary (Annex 2) to the NPPF, it should not be assumed that the whole of the curtilage should be developed.

The location of the proposed dwellings and the increase in the bulk and spread of the development would have a greater impact on openness than the existing dwelling and detached annexe currently on the site and therefore would not meet the criteria of this exception of the NPPF (149g). The proposal therefore constitutes inappropriate development in the Green Belt contrary to local policy MG02 of the local plan and Chapter 13 of the NPPF, and as such very special circumstances that clearly out way the harm to the green belt and any other harm, would be required to justify this inappropriate development in the Green Belt.

Very special circumstances

For inappropriate development in the greenbelt to be considered further requires consideration of whether there are very special circumstances. 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. 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.

The planning statement submitted with the application sets out the following as very special circumstances:

Housing demand

The application was submitted prior to the adoption of the new local plan and makes reference to the Council not having a 5 year housing land supply.

The Council has recently adopted The Brentwood Local Plan 2016 – 2033 and is able to demonstrate a five year housing land supply. However, footnote 8 of paragraph 11 of the NPPF states that policies in relation to housing delivery are considered out of date and this includes where the Housing Delivery test indicates that the delivery of houses was below 75% over the last three years. Therefore, this application must be considered under paragraph 11 d) ii) of the NPPF and the tilted balance applies in relation to this application which would deliver a net gain of eight new dwellings – that is granting permission unless 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.

The NPPF lists specified protected areas, such as greenbelt that are not subject to a permissive approach to boosting housing supply as protection of the greenbelt provides a strong reason to restricting development itself. Therefore, the contribution to housing land delivery does not provide a justification for approving inappropriate development in the greenbelt, regardless of design or context.

Community asset

The planning statement makes reference to the gift of part of the land to extend the Church car park by 7 car parking spaces and providing additional parking for the local school drop off and collection. Comments were received from representatives of the Church that no formal acceptance of this offer has been agreed, however, the addition of 7 car parking spaces would not outweigh the harm to the green belt identified above.

Design, Character and Appearance and impact upon Heritage Assets

The site is located on Hall Lane, Shenfield, within the setting of the adjacent Grade II* Church of St Mary the Virgin to the east, that has Grade II listed tombstones of Richard Moss and George Gross within the grounds. The site comprises a detached two storey dwelling, positioned centrally within a large garden, a detached chalet annexe is located to the north eastern corner. The access to the site is located on the right hand

corner of Hall Lane and has a sweeping drive with a downwards gradient towards the main dwelling. The topography of the site continues in a downwards gradient towards the rear boundary, levelling off for the existing tennis courts. The site is wholly located within the Green Belt and has a verdant boundary on all sides, with mature trees, hedgerows and shrubs along and within the site.

The proposal includes the conversion of the existing dwelling into two apartments, the attached two storey building, which is set lower within the ground, is currently used as a swimming pool, which would be infilled providing parking for the flats. The existing detached annexe on the north eastern corner of the site would be retained and used as a dwelling. The reuse of these elements would have a neutral effect on the character of the area. The construction of six detached two storey dwellings, including 3 double garages and a single garage would be located to the south east, east and north of the site, which is currently void of development, along with the provision of additional car parking spaces for the existing adjacent Church.

The proposed dwellings would be detached, two storey four bedroom dwellings. The layout of the dwellings would be urban in context, whilst Policy HP03 refers to development proposal not allocated within the plan should have a density of at least 35 dwellings per hectare, subject to context. The development proposed is of a lower density than normally required elsewhere, but due to green belt and character constraints, such a density of at least 35 dwellings per hectare on this site would not be sympathetic to the rural character of the existing site.

In terms of materials, the existing dwelling is a detached two storey dwelling, with rendered elevations. The existing detached annexe is a part weatherboarded and rendered dwelling, with a rear and side facing dormer. The design of the dwellings are fairly generic bland house types, three different house types comprising of two dwellings each, mixed amongst the site, with their orientation ensuring that heat risk was managed and would comply with local policy BE04. The proposed materials would comprise red multi stock bricks and cream render, with a mixture of slate grey and mixed russet roof tiles. When compared to the existing dwelling and of those within the vicinity and the site immediate context, the proposed bland house types would appear at odds with the existing development and involve the introduction of built form in this location which would erode the open nature of the site and green belt, contrary to Policy BE14.

In relation to heritage assets, the supporting statement contains a section dedicated to heritage, however it is considered that this statement does not meet the minimum requirements of paragraph 194 of the NPPF. The statement concludes that the site is separated by the mature and dense boundary treatment and that the site is set lower in land level to that of the Church and that both sites cannot be viewed in context to each other and goes on to state *"The design and layout of the development proposal will not have any impact upon the identified historical assets"*. Planning Note 3 from Historic England, relates to good practice advice in relation to the setting of heritage assets and clearly sets out that setting is more than a visual assessment.

The Councils Historic Buildings and Conservation Officer considers the proposal would urbanise this sensitive setting, indicated by the proposed layout, with a street arrangement of urban typologies similar to that of an urban estate, which is contextually inappropriate and would conflict with paragraph 197c of the NPPF, which refers to development that makes a positive contribution to local character and distinctiveness. An in principle objection is raised to the new dwellings proposed and the parking arrangements, by way of impact upon the historic environment and the character of Hall Lane. The character of the site has a rural setting and is essential to the significance of the adjacent heritage assets. The harm identified by the Councils Historic Buildings and Conservation Officer, is material. Therefore, under S66(1) of the Planning and Listed Building and Conservation Areas Act 1990, makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Chapter 16 of the NPPF (2021) aims to conserve and enhance the historic environment, with paragraph 199 stating that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

As outlined above, the Historic Buildings officer considers the proposal would result in material harm to the adjacent designated Heritage Asset and its setting. In addition, the proposals are not justified by a credible Heritage Assessment. Without such baseline analysis the approach has been misled and resulted in a design not complementary to the character and architectural interest of the adjacent listed building. No adverse comments are made in relation to the subdivision of the Host Building.

The Historic Buildings and Conservation Officer’s comments above are pertinent to the proposal and as such, the proposed development overall is considered contextually inappropriate by way of the arrangement of street arrangement of bland urban typologies that urbanise a sensitive setting and would fail to preserve the setting of the adjacent listed building and assets, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and contrary to Chapters 12 and 16 of the NPPF 2021, which require good design and conserving and enhancing the historic environment and Policies BE14, BE16 of the Brentwood Local Plan.

Impact on Neighbour Amenity

A number of letters of representation have been received in relation to this application raising concerns over loss of privacy as well as disturbance in relation to increased noise. In terms of noise and disturbance the proposal is located within a residential area where further residential development would not be considered unacceptable from the point of view of undue noise or disturbance. Noise and disturbance during

construction could be minimised through the use of a Construction Environmental Management Plan.

Given the location of the proposed dwellings, they are located at a sufficient distance to protect neighbours from an overbearing development harmful to residential amenity. The proposal would not result in any overbearing impact, loss of light, outlook or privacy to the adjacent occupiers.

Other matters

The comments received from the neighbouring occupiers have already been fully considered in the above evaluation of the proposal. The comments in relation to the agreement over land for the extension to the Church car park, would be a civil matter between both parties. The impact of the proposal on future potential development, each application is determined on its own merits.

Living Conditions for future occupiers

The dwellings would comply in terms of amenity space provision (both for the host dwelling and the proposed, as well as meeting the nationally described space standards Policy HP06.

Parking and Highway Considerations

At least two off street parking spaces are proposed with adequate space for safe manoeuvre which is compliant with Essex guidelines. ECC Highways has provided a consultation response listed in full above and raise no objection to the scheme, subject to conditions and would comply with Policy BE12 and BE13.

Policy BE11 also requires the provision of, as a minimum, the space and infrastructure for electric vehicle charging / plug-in points for occupants and visitors to the application site in order to reduce pollution and climate change impacts. This is a key requirement for a large-scale transition to electromobility envisioned within the plan. Were the application to be considered favourably, then a condition requiring electric vehicle charging infrastructure would be required.

Trees, Landscaping and Ecology

The site contains a large house with a detached residential annex, outbuildings and a tennis court. These are set within a large garden area containing large trees and shrubs, enclosed by wooded belts. It is adjacent to the parish church.

The Council's Arboricultural officer has considered the Arboricultural Impact Assessment submitted that contained a tree survey undertaken in accordance with BS5837:2012. The proposal is considered to be overdeveloped which will result in adverse effects on the local streetscape. The loss of Category A trees has not been

justified. The proximity of the new dwellings to existing large trees and shrubs will be likely to result in post-development pressures to remove/reduce trees due to excessive shading and would be contrary to Policies NE01, NE03 and NE07.

In relation to ecology, the ecological survey confirms the site is immediately adjacent to a Local Wildlife Site but has generally low ecological value; however it is noted that there are protected species and two trees have potential value as bat roosts. The scheme has been revised from its initial submission with a revised layout to reduce effects on protected species. However, if permission were granted a Construction Environmental Management Plan (CEMP) would be required to set out the detailed requirements to minimise the effects on protected species. A bat survey would be required to inform mitigation requirements.

The application is therefore not supported on arboricultural and ecology grounds and would be contrary Chapter 15 of the NPPF and local Policies NE01, NE03 and NE07, in relation to the location of the development and the existing trees, the potential loss of the trees would result in a negative impact to the visual amenity of the area.

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.*”

Economically the proposal would generate employment during the construction period. Socially the proposal would provide a net gain of eight family homes. In terms of environmental sustainability, the design and access statement makes reference to the buildings being incorporated with high levels of insulation, reducing the space heating requirements and reducing CO2 emissions. Low energy lighting would be used, flow restrictors, aerated taps and dual flush cisterns, with waste being segregated by contractors during construction. Further full details would be required to confirm that the proposal would be capable of delivering the 10% reduction in carbon dioxide emissions as per Policy BE01, along with confirmation that the new dwellings would be able to achieve the limits of 110 litres per person per day as per Policy BE02. Details of the private drainage system and connectivity to a new sewer have not been provided, in order to comply with Policy BE05. However, most of the requirements of these policies could be dealt with via pre-commencement conditions should planning permission be granted.

Environmentally it is however also considered that the proposal would appear out of character with the prevailing pattern of development resulting in demonstrable harm to the street scene. The proposal would not therefore represent sustainable development as set out within the NPPF.

Conclusion

The site is in the Green Belt and the proposal is by definition inappropriate development. The matters put forward in support of the proposal do not amount to very special circumstances that clearly outweigh the harm to the Green Belt or the other harm identified within the above report. The addition of 8 units would contribute to the boroughs housing supply but would not amount to a reason to approve the development as outlined within the NPPF and the NPPG. The application is recommended for refusal.

7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 Inappropriate development in the green belt

The location of the proposed dwellings and the resultant increase in the bulk and spread of the development would have a greater impact on openness than the existing dwelling and detached annexe currently on the site and as such fails to fall within the list of exceptions to inappropriate development outlined in NPPF para 149. The proposal therefore constitutes inappropriate development and would therefore conflict with Brentwood Local Plan Policy MG02 and Chapter 13 of the National Planning Policy Framework (2021) as regards to development in the Green Belt.

The considerations put forward by the applicant do not amount to 'very special circumstances' that would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located.

R2 Development out of character with the locality and Heritage Assets

The proposed dwellings would not be in keeping with existing pattern of development and materially would appear at odds with the existing dwelling and surrounding development and involve the introduction of built form in this location which would erode the open nature of the site and green belt. The layout of the proposed development is considered contextually inappropriate by way of the arrangement of street arrangement of bland urban typologies that urbanise a sensitive setting and would fail to preserve the setting of the adjacent listed building and assets, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would result in the loss of a

Category A tree and part of a Category A woodland group, to facilitate the construction of Plot 1. The loss of the trees would result in a detrimental effect on the character of this section of Hall Lane. The proposal is considered to be contrary to Chapters 12, 15 and 16 of the NPPF 2021, which require good design, conserving and enhancing the natural and historic environment and Policies BE14, BE16, NE01, NE03 and NE07 of the Brentwood Local Plan.

Informative(s)

1 U0008940

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE01, BE02, BE04, BE05, BE11, BE12, BE13, BE14, BE16, MG02, HP03, HP06, NE01, NE03, NE07, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF23

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

BACKGROUND DOCUMENTS

DECIDED:

