

**SITE PLAN ATTACHED**

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

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

**APPLICATION NO: 22/00148/FUL**

<b>WARD</b>	Warley	<b>13 WEEK DATE</b>	2 May 2022
<b>CASE OFFICER</b>	Mike Ovenden	<b>EXTENSION OF TIME</b>	29 July 2022
<b>Drawing no(s) relevant to this decision:</b>	20.5082.02 Rev C; 3750-1110-T-004 Rev E; 3750-1110-T-014 Rev C; 3750-1110-T-005 Rev E; 3750-1110-T-007 Rev E; 3750-1110-T-008 Rev E; Flood risk assessment and drainage strategy Rev C Vol 1-5; 937-PL-03F; 937-PL-15; 937-PL-16; 937-PL-17; 937-PL-18; 937-PL-23; 937-PL-24A; 937-PL-25B; 937-PL-26C; 937-PL-27B; 937-PL-28B; 937-PL-29; 937-PL-30; 937-PL-32; 937-PL-33; 937-PL-34; 937-PL-35; 937-PL-36A; 937-PL-37B; 937-PL-38A; 937-PL-39A; 937-PL-40; 937-PL-41; 937-PL-42; 937-PL-43; 937-PL-44; 937-PL-45; 937-PL-46; 937-PL-47; 937-PL-01; ARBORICULTURAL IMPACT ASSESSMENT; ENERGY AND SUSTAINABILITY STATEMENT; NOISE IMPACT ASSESSMENT; Preliminary Ecological Appraisal and Bat Survey; TRANSPORT STATEMENT; Viability Report; 937-PL-04 B;		

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

**1. Proposals**

This proposal relates to the residential redevelopment of the De Rougemont Manor hotel site to create 45 dwellings with associated access, parking and landscaping works. Eighteen dwellings would be created through the conversion, remodelling and extension of the main hotel building, four from conversion of the stable building (Goldings) and twenty three would be new build dwellings. The site has an overall area of approximately 3.4 hectares, of which approximately 1.4 hectares is proposed for development, including the conversions, extensions and other new build.

The main building has its origins in the 1880s, is not listed but is of some local merit.

The main hotel building would be retained with external changes. There was a significant fire around the turn of C20th/C21st and at around that time extensions and alterations were carried out.

The hotel closed due to Coronavirus restrictions in March 2020, reopened in July 2020, closed for a month in November 2020, opened for a fortnight in December 2020 before closing again to reopen in May 2021. It is currently in operation. The applicant says the hotel is currently constrained by staff shortages preventing a return to full occupancy.

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

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

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

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

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

Vehicular access to the site would be from the existing main access, widened to allow two vehicles to pass. Works to provide a footway along the frontage from the vehicular access to the southern boundary and pedestrian crossing points are proposed. Parking

would be provided in a mix of basement parking (main hotel building) outside parking spaces, car ports and garages. The land to the south and west of the site would be retained as open gardens as would the Italian Garden adjacent to the south elevation of the main building.

Since the last application the proposed size mix has altered.

<b>Bedrooms per dwelling</b>	<b>20/01913/FUL</b>	<b>22/00148/FUL</b>
2	24 dwellings (53%)	18 dwellings (40%)
3	12 dwellings (27%)	19 dwellings (42%)
4	9 dwellings (20%)	8 dwellings (18%)
Total	45 dwellings (100%)	45 dwellings (100%)

The other main difference to the application refused by the committee in January 2022, in accordance with the recommendation, is the number of affordable dwellings has been increased from 5 shared ownership dwellings to 4 shared ownership and 2 affordable rent (units 23-26, 34 and 35). The applicant maintains that the economics of the scheme do not allow for the provision of any affordable units, notwithstanding the offer for six affordable dwellings. Whether this offer is acceptable is considered in the main body of the report, below.

## **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.

- Strategic Policy MG02: Green Belt
- Policy MG03: Settlement Hierarchy
- Strategic Policy BE01: Carbon Reduction, and Renewable Energy
- 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 Strategic
- Policy BE14: Creating Successful Places
- Strategic Policy BE16: Conservation and Enhancement of Historic Environment
- Strategic Policy HP01: Housing mix
- Policy HP05: Affordable Housing

- Policy HP06: Standards for New Housing
- Strategic Policy PC10: Protecting and Enhancing Community Facilities
- Strategic Policy NE01: Protecting and Enhancing the Natural Environment
- Strategic Policy NE02: Green and Blue Infrastructure
- Policy NE03: Trees, Woodlands, Hedgerows
- Policy NE04: Thames Chase Community Forest
- Policy NE10: Contaminated Land and Hazardous Substances

#### National Planning Policy and Guidance

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

### **3. Relevant History**

- 20/01913/FUL: Proposed redevelopment of the De Rougemont Manor hotel and grounds (C1) to create 45 residential dwellings (C3) including conversion and new build homes, with associated access, parking and landscaping works. - Application Refused

### **4. Neighbour Responses**

- The development is in green belt
- In Great Warley conservation area, extended only a few years ago
- will generate additional traffic in an area already becoming increasingly congested
- Extra traffic will put yet further pressure on local lanes eg bird lane, which due to heavy volumes of traffic are already heavily letter-strewn and verge-battered.
- Hotel currently kindly allows overspill parking for church; with the loss of car parking facilities from the Manor I am frightened of what could occur
- would alter the character of the village and put extra pressure on
- Green Belt should be respected at all costs especially as Great Warley provides a break between urban Brentwood and the suburban sprawl of the Havering
- a development that breaks the Green Belt and destroys the Conservation Area status
- I urge our Council to step back and consider what will be lost with this precedent in the Conservation Area and to maintain the bigger picture about what could keep Brentwood special before it is too late.
- no attempt to demonstrate that the hotel cannot be viably sold to alternative operators
- I object for all the same reasons I detailed in relation to the original application/ I am even more against it / nothing materially different in the revised planning application
- Nothing in this application changes my view in any respect and would justify any building beyond the current building (not car parking) footprint

- The loss of the car park will represent a significant loss of amenity to the life of the village and church
  - Disruption to wildlife: birds, deer etc in the surrounding ancient woodland. This also goes against the new development of the Hole Farm site by National Highways
  - There have already been housing developments locally at The Old Pump Works, 20 units and Kilns Hotel lower down Great Warley St. and still within Great Warley the huge development at Fords and adjoining lands.
  - local services not improved - it takes six weeks to get a doctors appointment in the area!
  - Construction traffic and ongoing traffic will add to a major increase in traffic down Great Warley Street
  - will set a precedent for future developments in the area
  - inadequate infrastructure for all of these new developments already
  - The number of new residences planned is disproportionate to the existing number of residential properties and likely to have a negative impact on the nature of Great Warley as a small conservation area village
  - has been freely accessible and enjoyed by visitors from Brentwood and beyond.
  - If the Hotel becomes a development of flats the fascinating interior design, pictures, and ambience will never again be visible to the general public.
  - The site in question is located in a semi-rural area
  - has minimal public transport services and would result in more traffic using a local infrastructure
  - It is acknowledged that development will almost certainly be approved of the existing hotel buildings, but the scale of the proposed new builds is of primary concern
  - I strongly urge members of the Planning Committee to remind themselves of their obligations to protect our green belt from such proposed developments and to familiarise themselves with the historical nature of both the site, and surrounding area which has been acknowledged through the achievement of conservation area status.
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- There is a need for additional property throughout the Brentwood area
  - This development is preserving a local landmark within its plans
  - The appearance from the road will remain much as it is at present.
  - the car park and storage area is the main area of redevelopment which will actually create more garden and grass area than at the moment.
  - The plans are mindful of maintaining the rural surroundings and conservation areas as well as bringing new homes to the area. The development and future residents will bring additional income to local businesses.
  - will create jobs
  - It is a very upmarket area and I feel this development suits the surrounding areas beautifully.
  - the houses proposed are aesthetically pleasing

- will enhance the present building and the additional housing development and landscaping will be an asset both to Brentwood and Great Warley.
- the impact on the village will be less than that of the hotel business and considerably less than the impact of the Ford HQ development.
- This is a great idea. The conversion of this hotel will allow this small village to thrive once again and will attract new neighbours.
- less traffic will be going down Warley Road, making the environment thrive.
- As this is on current hardstanding, I think it would benefit the area.
- this development is essential for the area/perfect place for development
- What I like about the planning is that they are maintaining the original frontage and the development is behind and out of sight and only really using car parking area.
- less noise, less pollution than the hotel
- currently when a wedding finishes guests leave on mass and in the early hours of the morning.
- would be beneficial to the community and enhance the customer footfall in the town thus ensuring the high Street continues to prosper.
- the fact the hotel will keep a lot of its original features and grounds for the public is a bonus too!/> fabulous as they can then be enjoyed by all.
- I feel that luxury homes in a village is far more enhancing than that of a derelict building - especially of this size!
- Brentwood council have a responsibility to ensure we play our part in ensuring adequate housing for the growing population
- I feel that the owners have little alternative but to develop the site as the future of the hospitality industry is in serious doubt with these businesses being the first to lockdown and the last to reopen.
- Having picked up from the hotel as a taxi driver I can say that the substantial car park was full every time I had a job there
- Given that trees and a wall will be built it will be secluded and not be an eyesore.
- Believe strongly that it will develop the village and bring youth to the community and revitalise the village.
- Unfortunately, we do not live in the era of La Belle Epoque and Great Warley isn't the Vatican City and has lost it's village feel and is more like a mini version of the M25.
- The new builds which are the only green belt concern are to be built on a hard standing car park which all have their own allocated parking so there would be no parking issues.
- I am led to believe that the ongoing problem with the Japanese knotweed in the area will be rectified by the developers
- I believe the positives out way many negative concerns.
- would be great to see new homes on this site rather than a car park full of commercial/trade vehicles
- will attract the type of residence who will take pride not only in the development itself but the surrounding area too.

## 5. Consultation Responses

- **County Archaeologist:**

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 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.

- **Historic Buildings and Conservation Officer:**

This submission is made further to the recently refused application (REF: 20/01913/FUL); the proposals largely mirror the refused application and pertain conversion and extension of De Rougemont Manor, a quantum of remodelling/conversion of outbuildings, and the erection of new build dwellings within the existing car park. The development is located within the Great Warley Conservation Area, within the site context are listed buildings and buildings in a landscape context which collectively define and contribute positively to the character and appearance of the Great Warley Conservation Area. In respect of Built Heritage there is no material change within this submission which addresses concerns previously and consistently raised to the LPA, the applicant sought not to realign with their Built Heritage advisor to lead a refinement of the design proposed despite advice which would negate negative impact upon Heritage Assets. I reiterate the principle of conversion, extension and construction of new homes is fully supported, however the scheme before the LPA remains deficient in design, with particular reference to the approach to De Rougemont Manor itself. It will without doubt result in material harm and goes against Policy C1 of the National Design Guide in respect of Placemaking. I found the scheme at preapplication to be deficient in design, resulting in no sense of Place, not context led in its approach to development resulting in low quality Placemaking, I support the inclusion of the affordable homes which now forms part of the submission.

As a NDHA1 (Non Designated Heritage Asset), De Rougemont is a building of merit, and its later accretions have scope for remodelling as previously advised, however the design style adopted with large gabled extensions and expanses of bland brickwork offer a visually detached style, uncomplimentary to the host building. The new dwellings are of a similar approach taken to the extension to De Rougemont, which in turn amplifies the retrograde step in architectural narrative. Summary: There is a wealth of character in this settlement, whilst precedents are illustrated in the DAS, it remains clear these have not informed the resultant typologies, this can be avoided through a context led approach to development. Recommendation: The proposals would result in a high level of material harm to the character and appearance of the Great Warley Conservation Area. In terms of the legislative test, the proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Great Warley Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 200 states that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing



justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (Paragraph 203). I trust this advice is of assistance.

- **Great Warley Conservation Society:**

I repeat GWCS comments from the previous application that was refused. Regarding the proposal, the majority have little objection to a sympathetic conversion of the Hotel buildings into dwellings thereby conserving its character and maintaining the historic building but object strongly to the proposed new housing element in the car park.

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

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

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

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

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

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

The society endorses all other comments made on here and reiterates that this is, first and foremost, a green belt issue.

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

Security forms a key part of a sustainable and vibrant development. Essex Police considers that it is important that, this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design

(CPTED) for which Secured by Design (SBD) is the preferred enabler. This reflects sections 92, 112, 119 and 130 of the NPPF. Secured by Design (SBD) is the official police security initiative that works to improve the security of buildings and their immediate surroundings to provide safe places to live and work. Para 6.44 of the Planning Statement refers to Brentwood Council's saved policy 'C19 'Secured by Design' but we were unable to find any further references.

Essex Police requests that the developer formally seeks to achieve the relevant Secured by Design accreditation which in this case will be Secured by Design Homes 2019 Version 2,

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

- Postal arrangements for the flats - 'Through the wall' mailboxes or mailing arrangements in a secure lobby are recommended. Trades buttons are strongly discouraged.

-Inclusion of secure cycle storage is welcomed but we would like more details of the secure cycle storage and undercroft parking access control, as well as the refuse and recycling storage areas, for the flats.

- We would also be keen to clarify further, external lighting proposals for both the flats and the proposed new houses.

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

- **Council For the Protection of Rural England:** None received
- **Environmental Health & Enforcement Manager:**

Suggest conditions and informatives.

Conditions

#### 1 Noise

In accordance with the Noise Impact Assessment, a good internal noise environment would be achieved for the properties in the middle and to the West of the development using the proposed glazing and natural ventilation:

- o Wall: x2 100mm Block (90mm Filled Cavity + Butterfly Tie)
- o Windows: Standard Double Glazing Units
- o Trickle Ventilators: Trimvent 4000

Therefore, these materials, or similarly performing materials should be used within the construction, ensuring the calculated internal noise levels presented can be achieved.

The houses on the East of the development, closer to the B183 road require a further 9dB of sound attenuation to achieve the same performance as the acoustic properties of the other dwellings. The use of acoustic double glazing and acoustic trickle vents with acoustic ratings of 33dB Rw or better would achieve the internal noise requirements of BS8233:2014, along with considering the location of noise sensitive rooms.

Noise in external amenity areas recorded above the recommended BS8223:2014 standards, which suggest external amenity areas should be between 50 and 55dB(A). A barrier should be added to the eastern boundary of any amenity space proposed to border the site along the eastern boundary will cause attenuation to reduce noise levels to appropriate standards. The barrier should be a close-boarded timber fence / brick wall, at least 1.8m in height. This should be solid and imperforate and have a minimum mass per surface area of 12 kg/m<sup>2</sup>. Where timber is to be used, the barrier should be close-boarded using good quality wood without holes, knots or damage. The sheets should be 20mm thick in all places and where timber overlaps there should be a minimum overlap of 25mm.

## 2 Construction and Vibration

Once demolition method statements have been drafted, full and dedicated noise and vibration assessments should be undertaken to ensure both compliance and minimal adverse effect on surrounding residences. I would request to see this documentation. This could be accomplished by the submission of a Construction Environmental Management Plan (CEMP) for approval prior to works commencing. The CEMP should as a minimum deal with the control of dust during construction and demolition and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.

## 3 Construction hours

Construction activities are to be restricted to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

## 4 Bonfires

No bonfires should be permitted during construction.

## INFORMATIVES

The Noise Impact Assessment recommends avoiding noise sensitive rooms (eg. Bedrooms) from being placed directly adjacent to the road and to instead place ensuite on this wall. If unavoidable, windows on properties adjacent to the B183 could have side-hung windows on the perpendicular façade that open away from the road or top-opening 'hopper' style windows on the façade parallel to the road.

- **Arboriculturalist:** None received
- **Bats - Mrs S Jiggins:** None received.

- **Essex Badger Protection Group:**

As confirmed in the latest Wildlife and Countryside Link Report, the badger remains the most persecuted protected mammal in the UK and it is therefore imperative that the location of any badger sett remains strictly confidential and is not published on public forums. As the commentary which follows relates to the location of known badger setts, we ask that it is not uploaded to the planning portal.

Badgers and their setts are fully protected in the UK by the Protection of Badgers Act 1992 and by Schedule 6 of the Wildlife and Countryside Act (as amended), and Section 40 of the Natural Environment and Rural Communities Act 2006 places a public duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The presence of badgers is therefore of material consideration when it comes to planning applications.

We understand that no new ecological survey has been prepared to support this scheme and that the August 2020 report prepared for the previous refused application (20/01913/FUL) has instead been resubmitted. Badgers are dynamic animals, such that nature and levels of activity throughout their range would be anticipated to vary over time and accordingly, any survey can only provide a snapshot of the current/recent activity to guide consideration of the overall activity levels at a site, with surveys considered to remain valid/up to date for a limited period (no more than 12 months). This is supported by the current Natural England/CIEEM guidance for developments which can be found here: Badgers: advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk)) On this basis, we do not consider the current ecological survey, in so far as it relates to badgers, suitable for the purposes of this application.

Furthermore, the updated Natural England guidance for local planning authorities, which can be found here : Protected species and development: advice for local planning authorities - GOV.UK ([www.gov.uk](http://www.gov.uk)), states that "you should not usually attach planning conditions that ask for surveys. This is because you need to consider the full impact of the proposal on protected species before you can grant planning permission." With this in mind, we recommend seeking an updated survey before consideration is given to granting planning permission for this scheme.

In conclusion, whilst the Essex Badger Protection Group has no objection to this proposal in principle, we do not believe that a satisfactory badger survey has yet been carried out and that this needs to be done prior to any planning permission being granted for the scheme.

Furthermore, in order to ensure the protection of any transient badgers during construction, we would expect the following mitigation measures to be included as a minimum. These may need to be revised/strengthened depending on the outcome of the updated survey.

- o Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- o Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped. Should a badger be found then formal ecological advice must be sought before work commences for the day.
- o The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped. Again, should a badger trap itself then formal ecological advice must be sought before work commences for the day.

- **Highway Authority:**

The documents accompanying the application have been duly considered and a site visit carried out when assessing the earlier application (reference 20/01913/FUL). In highways terms, the changes from the previous application are immaterial. Consequently, the Highway Authority would offer the same comments as before, which are as follows;

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

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

1. A Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

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

2. Prior to occupation of the proposed development, the site access shall be upgraded to provide a 5.5m wide carriageway and 2m footway on its southern side in accordance with the Site Plan as Proposed (Drawing 937-PL-03 F).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10

of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

### Informatives

All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

The rural location of the site is such that, for the majority of journeys, the only practical option would be to use the private car. This should be taken into consideration by the Local Planning Authority when assessing the overall sustainability and acceptability of the site.

The applicant is advised that owing to the development size and design of the internal site layout, it is unlikely that the access road would be adopted by the Highway Authority. 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.

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](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood, Essex CM13 3HD.

- **Essex Wildlife Trust:** None received
- **Essex & Suffolk Water:** None received
- **Anglian Water Services Ltd:** None received
- **ECC SUDS:**

We do not object to the granting of planning permission based on the following:

#### Condition 1

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



- Limiting discharge rates to 2.3l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason:

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

Condition 2

- Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.
- Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

- To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.
- Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

### Condition 3

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

#### Reason:

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

- **Housing Services Manager:**

#### Original comments:

We are willing to accept 6 shared ownership homes as described by the applicant, as an affordable housing contribution given the viability position that has been assessed by the Council's own advisor. In line with that advice, we would also expect the resulting section 106 agreement to contain a 'clawback' provision to a maximum policy compliant position, should the viability prove better than expected as the works progress. I can work with advisors to obtain a maximum value and 'clawback' assessment mechanism to be included in the section 106 agreement in due course and assuming the Committee approves the application.

#### Revised comments:

Now that the independent viability assessment has been completed, we are able to review our position on the provision of affordable homes. We acknowledge the viability assessor had offered a range based upon the valuation of the site. Our strong view is that the site will support the provision of 5 affordable rented homes and 3 shared ownership homes, 8 affordable homes in total. Since this falls short of the Council's policy position, in addition, we would also expect the resulting section 106 agreement to contain a 'clawback' provision to a maximum policy compliant position, should the viability prove better than expected as the works progress.

## **6. Summary of Issues**

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. This is an up to date and recently adopted local plan. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are

listed in section 2 above. The planning history of the site, particularly the decision earlier this year to refuse a very similar proposal, is a significant material consideration for this application.

## Green Belt

The site is in the greenbelt which washes over the locality and continues a significant distance away from the site. This situation remains unchanged from the previous local plan which was operative at the time of the last application. The government attaches great importance to the greenbelt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Greenbelt is a spatial designation not a qualitative one, and the requirement to protect openness applies just as much to less attractive areas of greenbelt as to attractive countryside. Policy MG02 seeks to implement the green belt policies of the NPPF. At the time of the last application, while the then operative 2005 plan contained green belt policies the NPPF was considered to be a more up to date and concise statement of greenbelt policy. Therefore, the application of green belt policies has not changed since the time of the last application.

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

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

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

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

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

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

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

The car park is previously developed land though its visual impact outside of the site, even when occupied by parked vehicles is minimal. Likewise, the small buildings to the north of the stable building have little impact on the openness of the site or character of the area and their loss would not be a significant benefit. In contrast the erection of the twenty three, two storey dwellings as proposed would have a significantly greater impact on the openness of this part of the greenbelt and the character of the area than the current state of the site. The dwellings along the road frontage would range in heights between 8.3/8.4m tall (units 23 and 26), 8.08m (units 27-30) and 7.8m high (units 31-33). The two terraced buildings (units 23 - 26 and 27-30) would be 12.5/12.65 and 10.8/14.9m from the Warley Street common boundary respectively. The development would be clearly visible, significantly reduce the openness of the site and change the rural character of this part of Great Warley Street.

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

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

The whole of the site is included within the Great Warley Conservation area. The Planning Act requires planning authorities to have special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy BE16 adopts the same approach and contains a number of tests that seek to protect the area through careful consideration of a proposal, its context with other buildings, open spaces, trees, views which together contribute to the character of the area.

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

history well though has not acted as a lead for the architectural and development narrative of the proposals.

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

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

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

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

The measures suggested by Environmental Health to address road noise would result in very inappropriate fenestration on the dwellings affected and a more appropriate solution would need to be developed.

The NPPF clearly states that where proposals would lead to substantial harm, they should be refused unless that harm is necessary to bring about substantial benefits. As a whole this is harmful new development which could be avoided through a context led approach to development, balanced with a reality of what capacity there is for

development. The proposal fails to comply with Policy BE16 and associated sections of the NPPF (chapter 16).

There are listed buildings in the locality. The two closest are Fairstead (Grade II) and Warley Elms (Grade II). These are both in excess of 150 metres from the hotel building and it is considered that at that distance their setting would not be materially affected by the works to the existing buildings or the new build proposed. On that basis there is no conflict with Policy BE16 as it relates to listed buildings.

#### Affordable housing

Under Policy HP05, on sites of 10 dwellings or more – this is for 45 dwellings - the Council will require the provision of 35% of the total number of dwellings to be provided as affordable housing, in this case 15-16 dwellings. Furthermore, within the overall number of dwellings provided as affordable housing, the policy requires a tenure split of 86% affordable/social rent and 14% as other forms of affordable housing, for example shared ownership, to meet the borough's identified housing need.

The applicant has provided some updated information on request but maintains that the proposal cannot viably support any affordable housing. Despite that it has offered to provide affordable housing as part of the development, though the detail of that has changed during the life of the application. The updated offer is six dwellings (4 for rent and 2 intermediate/shared ownership). In discussions, the applicant has been asked why it wishes to pursue a proposal that it believes not to be viable. The applicant has responded that it is willing to accept a reduced profit in order to bring forward the development of the site.

At the time of the last application the local planning authority appointed a specialist consultant to review the applicant's evidence and claims. Further advice has been received during the life of this application. The Council's consultant disagrees with the basis for the applicant's conclusion primarily due to the applicant's valuation of the existing hotel, indicating that its claimed value is too high, which inflates the costs of the development. In the planning statement submitted with the application, the applicant has stated that the hotel is no longer viable in its existing use – it refers to the "intention of the current premises owners to close the hotel" - that it requires investment and that its future is uncertain, though at the same time is claiming that the hotel has a high existing use value indicating there would be active interest in the market to buy the hotel for continuing use. These appear to be contradictory statements.

The applicant claims that the valuation of the existing hotel should allow for a premium on the value of the hotel in order to bring it forward for residential development. While that was accepted at the time of the last application, the applicant continues to assert again that the hotel is not sustainable in its current use and on that basis the Council has been advised that the premium is unjustified.

As the Council's advisor believes that the site premium is unjustified, the economics of the development should be able to provide 5 rented homes and 3 shared ownership homes. This is not accepted by the applicant. Therefore, the number and type of affordable housing that would be appropriate has not been agreed by the two parties. It therefore remains a reason for refusal being contrary to Policy HP05. Had the quantum and tenure split been agreed, then in the event of a permission the matter would need to be secured by S106 agreement, with a review and claw back clause to take account of possible improvements in the economics of the scheme post decision.

### Residential amenity

Policy BE14 is a general design policy requiring development proposals to be of good design, for example protect the character and appearance of the surrounding area and protect the amenities of neighbours.

Part of the character of the area comes from its rural situation within the greenbelt and therefore development that harms the greenbelt would harm the character of the area and to that extent be contrary to Policy BE14. However, with regard to the impact on living conditions of neighbours there is no particular reason to believe that the proposal would necessarily harm the reasonable amenity of neighbours by overlooking or material loss of sun light or daylight. Those aspects of the proposal would not be contrary to Policy BE14.

However, as indicated above part of the character of the area is derived from the open and treed appearance of the site. This is considered above, and the proposal has not demonstrated that this part of its character would be protected and therefore fails Policy BE14. Matters relating to highways and parking are considered below.

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

### Standard of accommodation

The Department for Communities and Local Government March 2015 Technical Housing Space Standards (THSS) have been adopted by the Council under policy HP06 and therefore in contrast to the time of the last application they do carry the weight of development plan. These units also meet the standard. The Design and Access statement says "The aim is to provide 100% 'Part M4(2) Accessible and Adaptable Dwellings' across the new build development only." This matter can be required by condition.

### Sustainability

Since the adoption of the new local plan In March 2022, issues not previously considered by the operative local plan, for example carbon reduction, and renewable energy, water efficiency and management and managing heat risk have become policy requirements (BE01, BE02 and BE04). The application includes the energy and sustainability statement submitted with the previous application. The proposal follows a fabric first approach. The sustainability report identifies emissions from a building regulation baseline and seeks to improve on it. Improvements are shown with regard to the converted units and the new build. However, the improvements are limited, heating and hot water would be via high efficiency gas boilers, ventilation through natural ventilation and mechanical extraction, and lighting via LED lights “where applicable”. The report rules out the use of bio fuels boilers, wind turbines, ground source heat pumps, solar water heating, air source heat pumps though photovoltaic cells are proposed on the new build dwellings. There is an indication that “water efficient fixtures will be considered” but no commitment is given. On the whole this proposal is underwhelming though to some extent could be addressed by planning condition, though some aspects are likely to have some impact on the appearance of the development.

With regard to the transport sustainability of this location, the locality does not support the fully range of day to day services and therefore occupants would need to travel from the site into larger centres to access those services. The settlement hierarchy in policy MG03 identifies Great Warley at the bottom of the hierarchy – i.e. settlement hierarchy 4) which are “remote and small local villages and hamlets, with poor public transport, limited or no shops, jobs and community facilities; some of these rely on nearby settlements for services.”

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

#### Secured by Design

The consultation reply for this application raises no objections and the further comments could be included as a note on the decision notice were the application to be approved.

#### Highways and Parking

Access to the site would remain from Great Warley Street though it would be improved with provision of a 5.5m wide carriageway for a distance of 15m into the Site. Alongside



the updated carriageway a 2m wide footway would be provided at the south end of the carriageway adjacent to the main building.

The footway would be continued along the frontage from the site entrance to the southern boundary of the site providing improved facilities for pedestrians. An uncontrolled crossing point with dropped kerbs would be provided at the edge of the existing layby on Great Warley Street, and a new pedestrian entrance would be provided at the northern end of the site. The access would connect to a new internal spine road of 6m wide. Visitor parking would be provided on street in a mix of parallel bays along the road and perpendicular bays adjacent to residential parking.

The highways authority raises no objection subject to the ten conditions listed in the consultee section above.

The design and access statement gives the following dwelling mix: 18 x two bed, 19 x three bed and 8 x four bed dwellings. The car parking requirement is therefore two spaces per dwelling ie 90 spaces, plus 12 visitor spaces. The proposal would provide the required number of spaces (with the exception of three less visitor spaces) in a mix of open parking, basement (main building), car ports and garages. Other than the minor shortfall in visitor parking, this provision complies with the requirements of the adopted parking standards. Approximately five dwellings would have garages and each would meet the larger 7m x 3m internal dimensions standard. A fifth of the 37 spaces (i.e. 7 or 8) in the basement would have electric charging points. The updated Building Regulations and Policy BE11 look for a greater provision of charging points than proposed and applied to new buildings and conversions and could be addressed by planning condition. The requirement for cycle parking is one space per dwelling and this could be accommodated in the development. For the reasons given above the proposal would meet the requirements of policies BE12 and BE13.

#### Local Community Facilities

With regard to Policy PC10 (Protecting and enhancing community facilities) the existing activities are not village halls, community centres, libraries or sports, leisure, healthcare or arts venues. shops, public houses, community halls, petrol filling stations, or medical facilities. The requirements of Policy PC10 do not apply to this proposal.

#### Flood Risk and SUDS

The site lies in flood zone one, the area least at risk from flooding. The Lead Local Flood Authority (ECC) offers no objections subject to the conditions listed above. The proposal meets the requirements of policy BE05.

#### Landscape and Ecology

An overall landscape strategy has been submitted (see drawing 20.5082.02). The applicant proposes that a detailed hard and soft landscaping scheme would be

developed in response to a planning condition, together with a landscape management plan.

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

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

#### Other matters

Information has not been provided relating to Policy BE07 (Connecting New Developments to Digital Infrastructure) but such matters could be addressed by planning condition.

#### Assessment of Very Special Circumstances

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

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

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

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

The applicant has summarised the matters it considers to be material considerations and planning benefits, which are largely those matters raised at the time of the last application. In addition, a more lengthy document has been provided listing generalised

benefits perceived by the applicant, and this can be viewed on public access. These seem to be of a lesser order and more general than claimed very special circumstances. Some are descriptions of the development, others are repetitious, some are aspirational, lack objectivity and are open to debate, some matters, like good design (not accepted by the design officer) are issues that should be part of any scheme and on that basis are not very special circumstances.

The main issues identified by the applicant are summarised as follows:

1. Performance of Site against Green Belt Objectives
2. Minor Extension of Previously Developed Site
3. Retention of Heritage Asset
4. Housing Need
5. Transport & Highways Safety
6. Public Access Improvements

With regard to those items the following comments are made:

1. Green belt objectives
  - The applicant indicates that the site fulfils few of the purposes of the green belt ie:
    - to check the unrestricted sprawl of large built-up areas;
    - to prevent neighbouring towns merging into one another;
    - to assist in safeguarding the countryside from encroachment;
    - to preserve the setting and special character of historic towns; and
    - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The applicant's assessment of the site's contribution to the purposes of the green belt is particularly narrow and largely relates to an assessment of the proposal in isolation. Green belt policies should be applied consistently. Furthermore, in this case the proposal would result in encroachment in the countryside, would fail to preserve the setting and special character of this settlement in the conservation area and would not assist in the recycling of urban land.

2. Minor Extension of Previously Developed Site

Its not clear how this is a matter amounting to very special circumstances.

3. Retention of heritage asset

The main building is of some local merit, though not listed. The proposal would remove some previous additions and include some replacement additions. As indicated above the Conservation Officer has reservations about the merits of the works to the existing buildings as well as objections to the new build dwellings. The overall benefits are limited and further tempered by the harm to the conservation area. The proposed

internal and other refurbishments weigh in favour of the proposal to a very limited extent.

4. The provision of additional housing, both market and affordable is a benefit to the borough, however there is a need to consider this in the context of the recently adopted local plan to 2033, which allocates sufficient land to meet identified needs. The Council's position in respect of housing provision is that it is able to demonstrate a robust five year supply of deliverable housing sites (5.21 years); this is a position that has recently been tested through the local plan examination and on that basis the plan does not rely on developing green belt site which would be contrary to its policies and the requirements of the NPPF.

A recent appeal (APP/H1515/W/21/3285390) concerning 17 dwellings (6 affordable) at Land at Chitral, Wyatt's Green Road, Swallows Cross has been dismissed. The Inspector identified that the market and affordable housing would be a clear benefit but with regard to the 'Tilted balance' (paragraph 11 of the Framework) the Inspector said, *"the policies in the Framework, insofar as they relate to the Green Belt, provide a clear reason for refusing the development proposed (based on my findings above), the presumption in favour of sustainable development would not apply."* While appeal decisions do not have the weight of caselaw, officers consider that this recent and local appeal covers similar issues to those relevant to this application and indicates that despite examples and claims to the contrary, Inspectors continue to make decisions that protect the green belt.

5. Transport and highway safety

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

6. Public access

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

Conclusion

As set out above, the proposal taken as a whole is contrary to green belt policy, having a greater impact on openness than the existing development on the site. Furthermore, as identified above the proposal gives rise to other harm: would fail to preserve or enhance the character of the conservation area; the development would be detrimental to the character and setting of the non listed building; would fail to make appropriate provision for affordable housing; is poorly situated with regard to access to day to day services. To amount to very special circumstances matters in favour of the proposal would need to clearly outweigh all such identified harm. Officers' clear view is that they do not.

If the committee were now minded to resolve to grant planning permission they must, first, identify whether there are matters that represent very special circumstances ("VSC") that meet the required threshold; secondly what are these VSC, and, thirdly, identify why these VSC now clearly outweigh the harm of the development. In doing so the committee will need to give its reasons for differing both with its previous decision to refuse in respect of application 20/01913/FUL, and, with their officers' recommendation still to refuse this application. That explanation will need to show how the VSC clearly outweigh, individually or collectively, the harm to the greenbelt, and any other harm. This identification and weighing up should occur before the committee votes on any proposal to grant planning permission for the development.

#### Secretary of State for Levelling Up, Housing and Communities

If the committee resolves to refuse the application, the decision may be issued as for any other application. However, if the committee resolves to grant planning permission for the development, then, prior to issuing a decision, this local planning authority must notify the Secretary of State of the intention to grant permission, in accordance with the requirements of The Town and Country Planning (Consultation) (England) Direction 2021.

The Direction defines this form of development as "Green Belt development" which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan and which consists of or includes development that exceeds the following thresholds:

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The proposal is, insofar as it relates to new build dwellings, as described on page 52 of the Design and Access Statement) is over three times the threshold in (a) and the proposal would have a significant impact on the openness of the greenbelt, irrespective of any justification.

The Direction specifies the information that must be sent to the Secretary of State including a statement of the material considerations which the authority considers indicate the application should be determined otherwise than in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004 (i.e. to determine the application in accordance with the adopted Development Plan). Given the recommendation of refusal the report to committee does not contain such a statement. If the committee were to come to the view that the planning merits of the case justify the grant of planning permission its reasons should be recorded when making its resolution, as advised above, and this record would act as the statement on behalf of the local planning authority and sent to the Secretary of State as part of the notification.

The purpose of the Direction is to give the Secretary of State, by his power of “call-in”, the opportunity to make his own determination under S.77 of the Town and Country Planning Act 1990.

The local planning authority could not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the authority in writing is the date he received the required documentation unless the Secretary of State has notified the authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 (i.e. that the Secretary of State will determine the application) in respect of the application, in which case the authority may proceed to determine the application, or directs that he requires additional time.

Finally, if the Secretary of State allows the local determination of this application to proceed, the local planning authority will issue the decision notice subject to appropriate planning conditions and obligations. In that context, it is requested that authority be appropriately delegated to the Head of Planning in consultation with the Committee Chair to agree appropriate planning conditions and obligations.

## **7. Recommendation**

The Application be REFUSED for the following reasons:

### **1 Inappropriate development in the Green Belt**

The proposal would be inappropriate development in the Green Belt that would materially detract from its openness, it would represent an encroachment of development in the countryside and would fail to preserve the setting and special character of this rural settlement in the conservation area and not assist in the recycling of urban land. It would therefore conflict with The Brentwood Local Plan 2016-2033 Policy MG02 and the objectives of the Framework as regards development in the Green Belt.

### **2 Poor design and effect on Conservation Area**

The proposal would be harmful to heritage assets. De Rougemont is a non listed building of merit and the design of the proposed additions with large gabled extensions and expanses of bland brickwork is inappropriate and uncomplimentary to the host building. Furthermore, the scale, spread and design of the proposed new build dwellings would fail to protect the setting of this heritage asset or the open rural character of the conservation area. It would therefore be contrary to Policy BE16 of the Brentwood Local Plan 2016-2033, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and chapter 16 of the NPPF.

3 Unacceptable Affordable Housing provision

The proposal does not make a policy compliant contribution to affordable housing in the borough. Although the viable level of affordable housing provision has not been resolved, the local planning authority does not agree with the applicant's assessment that it is not capable of viably supporting the provision of affordable housing, or that the offer of 4 shared ownership and 2 affordable rent dwellings on site would be an acceptable level of provision. The proposal therefore fails to comply with Policy HP05 of the Brentwood Local Plan 2016-2033.

4 Unsustainable location

The application site is poorly located with regard to accessing the full range of day to day services required by future occupiers. It is not a location that is or could be made sustainable through offering a genuine choice of travel. Occupiers of this significant sized residential development would be overly reliant on the use of private cars for access to day to day services contrary to Policy MG03 of the Brentwood Local Plan 2016-2033 and Chapter 9 of the NPPF.

5 No very special circumstances

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

Informative(s)

- 1 The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG02, MG03, BE01, BE02, BE04, BE05, BE07, BE11, BE12, BE13, BE14, BE16, HP01, HP05, HP06, PC10, NE01, NE02, NE03, NE04, NE10, National Planning Policy Framework (NPPF) 2021 and NPPG.
- 2 The drawing numbers listed above are relevant to this decision

- 3 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:**