

SITE PLAN ATTACHED

**HERON COURT 198 BRENTWOOD ROAD HERONGATE BRENTWOOD
ESSEX CM13 3PN**

**PROPOSED DEMOLITION OF THE 20TH CENTURY WINGS AND
SOUTHERLY DAY ROOM. NEW EXTENSION ON TWO FLOORS TO BE
CREATED, FORMING A SECURE COURTYARD ENCLOSURE. EXISTING
GROUND LEVEL TO BE REDUCED. INCREASE IN BEDROOM NUMBERS
FROM 33 TO 55 BEDROOMS.**

APPLICATION NO: 22/01331/FUL

WARD Herongate, Ingrave & West **8/13 WEEK** 21 December 2022
Horndon **DATE**

PARISH Herongate & Ingrave **POLICIES**

CASE OFFICER Julia Sargeant

Drawing no(s) 5551-PA01; 5551-PA02; 5551-PA03; 5551-PA04;
relevant to this 5551-PA05; 5551-PA06; 5551-PA07; 5551-PA08;
decision: 5551-PA09; 5551-PA10; 5551-PA11; 5551-PA12;
5551-PA13; 5551-PA14; 5551-PA15; 7485-1 1 OF 3;
7485-2 2 OF 3; 7485-3 3 OF 3; 5551-LP;

An appeal against non-determination of this application has been lodged. Jurisdiction for determining this application passed to the Planning Inspectorate upon receipt of the non-determination appeal and therefore any decision taken by the Planning Committee will now be a material consideration rather than a determinative outcome.

This application has been referred to Planning Committee by Councillor Murphy in relation to design, appearance and layout, conservation of buildings, trees and open land, impact on the appearance of the area, and the planning history of the site noting that there is a long history on the site of previous planning applications refused at Borough and Appeal level.

1. Proposals

Heron Court is a residential care home that comprises an original half-timbered tudoresque arts and crafts style building of two and a half storeys in height with a single storey extension to its south. The care home currently has 33 resident bedrooms, 32

of which are single rooms and 1 double room. 15 bedrooms are located within the original house and 18 bedrooms within the C20th extension. The building is set in generous grounds which slope down and away from the building to the south east with an overall change in ground level of around 3 metres.

Planning permission is sought to demolish the later 20th century single storey additions and replace with a larger two storey extension with glazed single storey links to the existing building. The proposed extension would have a contemporary appearance finished in red blended brickwork to the lower ground floor, vertical larch cladding to the first floor and featuring a gold coloured metal roof.

The layout and positioning of the proposed extension would create a courtyard arrangement between the new extension and the existing building providing a formal and secure central amenity area for the residents. The proposed development would increase the bedroom capacity of the care home to 55 with each bedroom benefiting from an en-suite. The proposal provides a more efficient plan layout than the existing care home with 'service corners' and a formal arrangement of functional spaces for residents to access communal living areas, along with staff facilities.

The application site is located towards the southern end of Herongate and is located within the Herongate Conservation Area as well as the metropolitan Green Belt. Heron Court is also a non-designated heritage asset formally noted within the Brentwood Local List and is of local importance.

2. Policy Context

The Brentwood Local Plan 2016-2033

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

- MG01 – Spatial Strategy
- MG02 – Green Belt
- BE01 – Carbon Reduction and Renewable Energy
- BE02 – Water Efficiency and Management
- BE04 – Managing Heat Risk
- BE05 – Sustainable Drainage
- BE07 – Connecting New Developments to Digital Infrastructure
- BE09 – Sustainable Means of Travel and Walkable Streets
- BE10 – Sustainable Passenger Transport
- BE11 – Electric and Low Emission Vehicles
- BE12 – Mitigating the Transport Impacts of Development
- BE13 – Parking Standards
- BE14 – Creating Successful Places
- BE15 – Planning for Inclusive Communities
- BE16 – Conservation and Enhancement of Historic Environment

HP04 – Specialist Accommodation
NE01 – Protecting and Enhancing the Natural Environment
NE02 – Green and Blue Infrastructure
NE03 – Trees, Woodlands, Hedgerows
NE05 – Open Space and Recreation Provision
NE08 – Air Quality
NE09 – Flood Risk
NE10 – Contaminated Land and Hazardous Substances
NE11 – Floodlighting and Illumination

Other Local Documents or Guidance

Essex Parking Standards 2009

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

3. Relevant History

- 11/00607/FUL - Proposed removal of existing roof, provision of new first floor, new stairs and lift and additional communal facilities – Permitted 26.09.2011
- 18/00099/FUL - Proposed redevelopment of Heron Court Care Home. Proposed demolition of the 20th century wings and southerly day room. New extension on three floors to be created, forming a secure courtyard enclosure. Existing ground level to be reduced. Increase in bedroom numbers from 33 to 65 bedrooms. – Refused - 29.06.2018 – Appeal Dismissed
- 19/00346/FUL - Proposed redevelopment of Heron Court Care Home. Proposed demolition of the 20th century wings and southerly day room. New extension on three floors to be created, forming a secure courtyard enclosure. Existing ground level to be reduced. Increase in bedroom numbers from 33 to 65 bedrooms. – Refused - 12.08.2019 – Appeal Dismissed

The planning history of a site is a material planning consideration and in this case there are recent appeal decisions which are directly relevant to this current submission and therefore carry significant weight. From the planning history it is evident that in 2011 planning permission was granted for a first floor extension above the existing single storey extension to the south. This would have increased the number of bedrooms within the care home to 44. This permission was not built out.

More recently planning permission has been refused and dismissed at appeal under references 18/00099/FUL and 19/00346/FUL for the proposed demolition of the 20th century wings and southerly day room. New extension on three floors to be created, forming a secure courtyard enclosure. Existing ground level to be reduced. Increase in bedroom numbers from 33 to 65 bedrooms. Both applications were for the same description of development, however the design and form of the extensions sought were different.

Application 18/00099/FUL was refused the following reasons:

1. The proposal extension, due to its size would amount to an excessive scale in relation to the size of the original building. As such it would represent inappropriate development in the Green Belt that would have materially greater impact on the openness of the Green Belt than the original building, to the detriment of the open and rural character of the locality. The proposal therefore conflicted with Brentwood Replacement Local Plan Policies GB1 and, GB2 and the provisions of the Framework as regards development in the Green Belt.
2. Other matters that might weigh in favour of the proposal had been considered but collectively they did not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore very special circumstances to justify inappropriate development in the Green Belt did not exist.
3. The proposed development, by reason of its size and design would result in a building that would be harmful to the character and appearance of the Conservation Area. The proposed development would therefore be contrary to Policies CP1 and C14 of the Brentwood Replacement Local Plan and the provisions of the Framework.

Application 19/00346/FUL was refused the following reasons:

1. The proposed development by reason of its size and scale in relation to the size of the original building would represent inappropriate development in the Green Belt that would have materially greater impact on the openness of the Green Belt than the original building, to the detriment of the open and rural character of the locality, contrary to local policy GB1 and GB2 of the local plan and chapter 13 of the NPPF. It is not considered that there are any very special circumstances that exist to outweigh the harm to the Green Belt. Accordingly, the proposal is contrary to local policy GB1 and GB2 of the local plan and chapter 13 of the NPPF.
2. The proposed development, by reason of its design, form, style and architectural detail is unsympathetic to the character of the host building which positively contributes to the Herongate Conservation Area and would amount to demonstrable, but less than substantial, harm to the character, appearance and local distinctiveness of the Conservation Area. Although there are some public benefits of the development it is not considered they outweigh the harm caused to the designated heritage asset. Accordingly, the proposal is contrary to points (i), (ii) and (viii) of policy C14 and CP1 (i), (iii) and (viii) of the local plan and the

design and historic environment principles within chapters 12 and 16 of the NPPF.

Both applications were appealed and were considered in tandem referred to as Appeal A (18/00099/FUL) and Appeal B (19/00346/FUL) under appeal references APP/H1515/W/18/3219321 and APP/H1515/W/18/3237055 respectively. The Council did not defend the third reason for refusal in relation to Appeal A and therefore no objection was raised in relation to Appeal A in terms of impact upon the Conservation Area.

In considering the appeals the inspector advised that the main issues in respect of Appeal A and Appeal B were:

- Whether or not the development is inappropriate development in the Green Belt having regard to the Framework, including any relevant effects on the openness of the Green Belt and with regard to any relevant development plan policies
- The effect of the development on Herongate Conservation Area (Appeal B only)
- If the development is inappropriate, whether or not any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal in accordance with the Framework.

The Inspector found that both appeals would amount to inappropriate development in the Green Belt. However, weighed against this the Inspector found that the additional bed spaces would meet an acknowledged and urgent need for such accommodation, and that the development would result in a significant improvement in the quality of the existing accommodation and that the layout of the linked courtyard would have a positive effect on the Heron Court building in its setting. In relation to appeal B the inspector concluded that the extension would have an incongruous visual relationship with Heron Court and a harmful impact upon the Conservation Area. However, this harm would be less than substantial and the need to provide for older people in care homes of an appropriate standard is a public benefit and in this case it was found to outweigh the harm to the designated heritage asset. The Appeal A proposal was found by the Inspector to not be harmful to the Conservation Area.

The Council raised concerns with the submissions at the Hearing regarding the Financial Appraisal (FA) commissioned by the appellants as it concerned a 55 bed scheme and not the 65 bed scheme proposed. The FA established that a smaller 55-bed scheme would be viable, and it had not been updated to relate to the 65-bed scheme that was being considered. This raised an important point in terms of whether the development was the minimum necessary to achieve the benefits which derive from it.

In the Inspector's conclusion they state that:

“The harm arising from inappropriate development in the Green Belt, which attracts substantial weight, and the benefits of the development to which I attribute significant weight is finely balanced in this case. However, I have also been unable to establish that the scale of development which is planned is the minimum necessary to achieve the benefit in terms of the improvement of the existing facilities, which reduces the weight which I attach to that benefit. This has the effect of shifting the balance towards a conclusion that the other considerations do not clearly outweigh the harm that I have identified. It follows that the very special circumstances necessary to justify either the Appeal A development or the Appeal B development do not exist.”

This current submission has been submitted with the aim of addressing the previous reasons for refusal and the conclusions reached by the Inspector in the recent appeal decision. In this regard the proposal is now of a reduced scale and seeks an extension to create a 55 bed scheme as opposed to a 65 bed scheme and is supported by an updated Needs Assessment and Viability Report (as well as other relevant documentation).

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/>

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

- Whilst the height and mass of the proposed extension has been reduced from that proposed in the previous application (19/00346/FUL) it is still excessive and overwhelms the original attractive Arts and Crafts House.
- Would more than double the footprint of the existing property.
- Style, size and impact of the proposed extension is unacceptable in a conservation area and in Green Belt land.
- Materials to be used are incongruous with the setting of the area.
- The confused and seemingly random pitches and gables of the extension are at odds with the simple and pleasing roof shapes of Heron Court and adjacent houses.
- A smaller more sympathetic development must surely be possible.
- Reservations about the scale and design of current proposals. An increase of this size will dominate the area and be out of character to the other houses and listed buildings.
- Inappropriate development in the Green Belt.
- The development due to its size and design would be harmful to the character and appearance of the Conservation Area.

- The unattractive modern extension would be visible from the A128, Button Common, Heron Court, Heron Chase and neighbouring properties in the winter as most of the boundary trees are deciduous.
- The development should have sufficient merit to respect its surroundings without having reliance on impermanent vegetation.
- Proposed parking is inadequate and will probably result in overflow parking of Heron Court and the private road.
- Concerned adjacent green areas will be adversely affected by overflow parking.
- There are many other small care homes operating including Eastham Care Home which has only 22 beds.
- Upheaval for the existing vulnerable residents of Heron Court.
- Do not consider that there are any special circumstances to justify this inappropriate development.

5. Consultation Responses

- **Historic Buildings And Conservation Officer:**

Thank you for consulting on this application, which is within the Herongate conservation area, the application pertains a 'Proposed demolition of the 20th century wings and southerly day room. New extension on two floors to be created, forming a secure courtyard enclosure. Existing ground level to be reduced. Increase in bedroom numbers from 33 to 55 bedrooms'.

Heron Court is a building of merit, designed in the Arts and Crafts style within the Herongate Conservation Area. The building contributes positively the character and appearance of the Conservation Area and on the adopted Local Heritage List for Brentwood (IUD H-HC) 'Substantial Tudoresque art and crafts detached residence dating back to 1860 but remodelled after 1970 with substantial modern development to the South. Currently Heron Court Residential Home'

My previous advice stands in respect of the later extensions, these are not considered worthy of retention. The submitted Heritage Statement is from 2020, whilst I appreciate there is common ground on heritage there should have been an update to this document to reflect the impact. Notwithstanding this matter I offer the following advice:

Further to this submission, preapplication advice regarding a resubmission was undertaken in 2020 where I advised upon proposals tabled, this sought to adopt the design intent from scheme A (APP/H1515/W/18/3219321), main matters being around viability and need.

I reiterate extracts from my previous advice prior to Appeal regarding the design intent:

'It was most evident from my site inspection, the host building is not conducive to the efficient, functional and practical needs of the care home, particularly given the

specialist care which is offered here; indeed it would be counterproductive to attempt to rationalise the internal spaces within this host Arts and Crafts building to meet the needs of the current occupiers, potentially resulting in a loss of significant fabric and architectural detail, which could not be resisted given the building has no statutory protection.....softer pitched sculptural shapes with a more subordinate materiality; such contrasts in shape and detail with the use of vertical timber is complementary to context and not seeking to challenging the strong architectural style of Heron Court at its inception, nor is the proposed design trying to replicate the host building.

Whilst an architectural contrast of this nature may be viewed as 'at odds' with the host building, it is quite the contrary. Such contemporary contrasting extensions and buildings in Conservation Areas and indeed at Listed Buildings, if executed well with the highest quality of materiality and detailing, will actually serve to enhance the setting and significance of the host building, acting as a counterpoint back to the original and most important architecture in the curtilage, in this case, Heron Court..... I find the design intent proposed here refrains from an overambitious narrative and offers a neutral contrast'.

In Conservation terms there is a betterment to the scheme and its reduced massing.

In respect of Urban Design, the courtyard design approach I find to be informed by an architectural narrative based on evidence around courtyard design and dementia care, this has benefits in terms of an improved quality of life for future occupiers and maintains the historic building clearing it from the current later and harmful accretions.

As a consequence of the above, both in heritage and design terms, this application in my opinion, meets the requirements of the NPPF and is not objected to; if this scheme is recommended for approval I request and strongly advise strict conditions regarding materials and detailing, these must include granular details for concealed rainwater goods, quality external cladding (not plastic or composite) and well-engineered glazing with consideration for artificial light pollution and balustrades.

Conditions for detailing and materials are key as this is a contemporary response to a Non-Designated Heritage Asset and Conservation Area, therefore the execution in construction is of paramount importance.

- **Environmental Health & Enforcement Manager:**

In October 2022, I made the following comments from an Environmental Health perspective. I now also note receipt of the air quality statement (dated: March 2023) and will be pleased to provide further comments upon receipt of a CEMP or other such similar document.

Noise and Dust

It is recommended that a Construction Environmental Management Plan (CEMP) would be submitted to the LPA for approval prior to works commencing. The CEMP should as

a minimum deal with the control of dust during construction 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. The CEMP should also confirm construction hours.

Environmental Health would recommend restricting construction activities 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.

Other considerations

There are to be no bonfires on site.

The applicant should be mindful any asbestos removal from the original building should be removed by an appropriately licenced contractor.

- **Care Quality Commission:**

No response at time of report.

- **ECC SUDS:**

Lead Local Flood Authority position

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

Condition 1

No works except demolition shall 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:

- o Limiting discharge rates to 2.83l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- o Confirmation of the brownfield rate so that variable rate can be considered.
- o 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.
- o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- o Final modelling and calculations for all areas of the drainage system.
- o 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.
- o Detailed engineering drawings of each component of the drainage scheme.

- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation

Reason

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused to the local water environment
- o 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 4

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.

Condition 5

The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason

To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

Failure to carry out the required maintenance 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.

- **Basildon Fire Station:**

I refer to your notification and consultation regarding the application for the proposed demolition of the 20th century wings and southerly day room. New extension on two floors to be created, forming a secure courtyard enclosure. Increase in bedroom numbers from 33 to 55 bedrooms; as a result the application has been considered and the following observations are made:

Access

Access for Fire Service purposes has been considered in accordance with The Essex Act 1987 - Section 13(1)(a)(b) and The Building Regulations 2010.

The proposal as described does not affect Fire Service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of The Act.

Provision of Fire Service vehicular access will be expected to meet / maintain the requirements of The Building Regulations Approved Document B Volume 2, Section B5 (and so address Section (1)(a) of The Act); this will include where necessary adequate vehicle turning facilities within the grounds of the premises. If the expansion of the building is likely to increase the number of vehicles accessing the site, it important that consideration is given to how fire / emergency service vehicular access along the approach road into Heron Court will be maintained to avoid it being utilised for overspill parking by both staff and visitors which could restrict the overall width of the road and hinder emergency vehicle access to the home.

Provided the measures referred to above are addressed and parking of vehicles given due consideration then this Authority has no objection to the proposal.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance". Approved Inspectors will consult with the Authority in accordance with Section 13 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

Flood Plain Risk

The following statement with regard developments with any level of risk from flooding is submitted as part of this consultation.

At present, Essex County Fire and Rescue Service (ECFRS) under the Fire and Rescue Services Act 2004 and the Fire and Rescue Services (Emergencies) Order 2007, does not have a statutory duty to respond to flooding issues.

However, ECFRS is committed to protecting the people of Essex and will always endeavour to respond to a flooding emergency based on a risk assessed approach.

Due to the limited availability of specialist water rescue resources during flooding incidents, ECFRS has, on recent previous occasions, had to limit their operational response to 'life threatening situations' only. We would not therefore support proposals that are likely to increase this situation or add to the volume of calls received.

Where however approval is given to any application that has an element of flooding risk, it is recommended that specialist advice is obtained and acted on accordingly by the applicant to mitigate any risk of flooding to the development in the future; with this application the observations submitted by ECC Suds in response to this application refer and should therefore be considered.

Water Supplies

Should the application be successful the architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development, and they are therefore urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344 at the earliest opportunity.

Sprinkler Systems

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

- **Parish Council:**

Herongate & Ingrave parish council are strongly opposed to this application. They feel it represents overdevelopment of the site.

The design proposed for the new buildings is not at all sympathetic to the conservation area in which it sits and the heritage asset it is attached to.

The proposed plans will have a significant impact on the openness of the greenbelt which is against local and national planning policy and no special circumstances exist to justify this.

- **Herongate And Ingrave Preservation Society:**

Object to the application on the following grounds:

- The bulk and scale of the proposed building does not fit with the surrounding area and the development falls into Green Belt
- Traffic and parking – the approach road is narrow and can already become intermittently partially blocked with large delivery vehicles and parked cars, this leads to difficulties of access for residents and damage to verges and curbs. Consider increase in parking provision is insufficient for the development and concerned adjacent green areas will be adversely affected by overflow parking.
- Design Details: the materials to be used are incongruous with the setting of the area. Design features such as the walls of the extension and the timber first floor has very little in common with the existing building or nearby structures. Likewise, the proposed aluminium windows and the roofing are out of keeping for the current important building and the area. The pitches and gables of the extension are unsympathetic to the existing roof shapes of Heron Court and adjacent houses.
- Landscaping: The currently landscaped western boundary will be insufficient to shield the roof line and incongruous character of the roofing material of the proposed development from the public view, this is particularly relevant to the proximity of neighbouring listed buildings and the conservation area.
- Conclusion: This proposed development fails to respect the value of the existing street scene and the aesthetics of the adjacent dwellings and common land which also falls into the curtilage of one of the few remaining active Manorial Courts in England.

- **Highway Authority:**

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

The proposals entail the continued use of an existing access and there is no record of any safety issues with that or the junction where Heron Court meets Brentwood Road in the most recent 5 year period. The proposals also include an increase in car parking provision to 23 spaces, which represents a notable improvement to the existing number of spaces per room ratio.

Consequently, 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 and that construction vehicles do not use unsuitable roads, in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

2. Notwithstanding the details shown on the Proposed Site Plan, the proposed development shall not be occupied until such time as the whole vehicle parking area, including a minimum of 3 parking spaces for the mobility impaired given the nature of the development, have been hard surfaced, sealed and formally marked out. The vehicle parking areas and associated turning areas shall be retained in this form at all times. Each parking space shall have minimum dimensions in accordance with current parking standards. 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. Full details of the revised layout is to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining roads 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.

3. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facilities 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.

- **Arboriculturalist:**

The ecological survey found that the site had generally low ecological value. These conclusions are considered appropriate given the current development and management. The surveys did find evidence of the building being used as a day roost by small numbers of bats. Additional surveys would be required to inform a EPS licence application.

If the scheme were permitted, I would request a condition requiring the results of the survey and EPS application be provided to the LPA.

Given the proximity of the extension to the retained trees and the known presence of bats on the site, I would request an external lighting condition to demonstrate how light spill of suitable habitat will be avoided.

The ecological report identifies mitigation and enhancement measures that could be provided. I request a condition requiring details of these measures to be submitted to the LPA prior to commencement.

The arboricultural impact assessment confirms that effects on trees will be limited so long as appropriate construction techniques are adopted. I would require an arboricultural method statement to be submitted to the LPA prior to commencement to provide detail of the techniques that will be used.

A landscape condition is required detailing the hard landscape materials and proposed planting to be provided.

Overall I have no objection to the proposal on landscape or ecology grounds subject to these conditions.

- **Essex Badger Protection Group:**

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

- **NHS England (East):**

Review of Planning Application

The information submitted in support of the planning application does not assess the impact of the proposal on healthcare capacity or how this impact would be mitigated.

Assessment of Development Impact on Existing Healthcare Provision

All but one of the existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 22 new residents and subsequently increase demand upon existing constrained services.

The primary healthcare services directly impacted by the proposed development and the current capacity position are shown in Table 1.

The capacity of primary healthcare facilities in the area of the proposed development is already below the recognised standards of provision for the existing population. Additional population growth in the area resulting from new development would add to the deficit and so would be unsustainable if unmitigated.

Using the accepted standards set out below the table, the capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £4,500.

The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.

The Mid and South Essex Integrated Care System (ICS) therefore requests that the sum of £4,500 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

Conclusions

The ICS has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that these are secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.

The terms set out above are considered appropriate having regard to the formulated needs arising from the development and the ICS is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

The health partners of the ICS look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

6. Summary of Issues

Principle of Development

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

The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent

objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives.

As detailed above The Brentwood Local Plan 2016-2033 is the Development plan for the borough and the main relevant policies in relation to this application are listed above and although these should not be read in isolation, they are the most relevant to this application. Furthermore the previous planning history and recent appeal decision is a material consideration with this submission and consideration will be given throughout this report as to whether the previous reasons for refusal and Inspector's comments have been addressed.

Green Belt

The application site is located within the Green Belt as shown on the policy map attached to the adopted Local Plan. The Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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

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

All development in the Green Belt, be it uses of land or operational development, is inappropriate for the purposes of the NPPF unless it accords with the exceptions listed in paragraphs 149 and 150.

In relation to this application paragraph 149 (c) is considered relevant which states an exception as:

“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.”

A further exception test that is considered relevant with this application is paragraph 149 (g) which states:

“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 table below shows the extent of the extension compared to the host building, expressed in Gross External Area (square metres).

	Existing	To be demolished	Proposed New	Total Proposed
Lower Ground Floor	0	0	1366.9	1366.9
Ground Floor	1062.2	591.9	1362.1	1832.4
First Floor	327.1	0	0	327.1
Second Floor	139.0	0	0	139.0
Total	1528.3	591.9	2729.0	3665.4

The net gross external area taking into account the demolition of the 20th century additions is 2137.1 sqm. which represents an increase of 140%. The proposed scheme is smaller than both previous refusals on the site (most recent application reference 19/00346/FUL would have had a 160% increase in net external area) in terms of overall scale and bulk due to the proposed extension being two storey in height as opposed to including three storey elements which both previous refusals did, however the overall footprint is slightly larger to account for the loss of the third storey.

It is considered that a 140% net increase in floor area is significant and increases in terms of the building's footprint, volume, mass and bulk as a result of the extension would also be substantial. Furthermore, in line with the wording of the NPPF paragraph 149 (c) exception to inappropriate development should be assessed in line with extensions to the 'original' building; the later 20th Century additions to be removed are not considered original and therefore are not included in the assessment. Therefore, the extension to the original building in terms of floor area would be much greater in percentage terms than the 140% net increase provided by the applicant.

As set out in the NPPG (paragraph 001 ref ID 64-001-20190722), other factors that may be taken into account when considering the potential impact of development on openness are spatial and visual aspects. Although no massing comparisons between the existing and proposed buildings are submitted, it is clear that the proposed development would result in an extension that would be disproportionate to the original building. The proposed development would therefore not meet exception criteria 149 (c).

In relation to exception criteria 149 (g) the correct test is whether the development would have a greater impact on the openness of the Green Belt than the existing development as no affordable housing is proposed. The existing development includes the single storey extensions which are present on the site.

In terms of its spatial impact on the Green Belt the development would have a greater impact than the existing development. It is acknowledged that the existing extensions are raised out of the ground to a significant degree which affects their mass and scale, however it is clear from comparing the existing and proposed plans submitted in support of this application that the proposed extensions would be larger in terms of their

footprint and height.

Heron Court is set in landscaped grounds which include a deep tree screen along some of the boundaries. This has the effect of screening the existing extensions from wider views and would have a similar screening effect on the proposed development. Furthermore as part of the development the site would be levelled and the extensions set lower than the existing ground level which will ensure they appear lower than the existing main building (non designated heritage asset) and help reduce the visual impact of the proposal. No Landscape and Visual Impact Assessment has been submitted in support of this application, however it was evident from a site visit that any views of the development from a wider setting would be limited, although glimpsed views would likely be possible during the winter months as at least part of the existing landscaping is deciduous. The extension would also be visible from the entrance to the application site and in the setting of Heron Court itself. It is therefore considered that the development would have a visual impact on the Green Belt.

Overall, it is considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development amounting to inappropriate development in the Green Belt contrary to policy MG02 of the adopted Brentwood Local Plan.

Design, Scale and Effect on Heritage Assets

Part of the environmental role of sustainable development as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The National Design Guide is also relevant to the consideration of this application and illustrates the Government's priorities for well-designed places.

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

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy BE16 of the adopted Brentwood Local Plan states that great weight will be given to the preservation of a designated heritage asset and its setting and that development proposals that affect non-designated heritage assets should seek to preserve and wherever possible enhance the asset and its setting.

Heron Court is a building of merit, designed in the Arts and Crafts style within the Herongate Conservation Area. The building contributes positively to the character and appearance of the Conservation Area and is on the adopted Local Heritage List for Brentwood (IUD H-HC) '*Substantial Tudoresque art and crafts detached residence dating back to 1860 but remodelled after 1970 with substantial modern development to the South. Currently Heron Court Residential Home*'

To the side and rear of the building there are later accretions (C20th) these are not significant or worthy of retention nor are they highly visible, resulting in a neutral impact on Conservation Area.

The Historic Buildings and Conservation Officer has been consulted on this application and the full response is included within section 4 of this report. This proposal is very similar in architectural design and layout to refused application 18/00099/FUL and appeal A (noted in planning history section 3 of this report) although it is of a reduced overall height being two storey instead of three. This planning history carries significant weight in consideration of this application, and it is worthy of note that whilst this application was refused partially due to harm to the character and appearance of the Conservation Area this reason for refusal was not defended at appeal and the Inspector stated "*The Appeal A proposals would not be harmful to the Conservation Area...*"

This current proposal is for a reduced version of the development sought under 18/00099/FUL (Appeal A) and the Historic Buildings and Conservation Officer comments that in conservation terms there is a betterment to the scheme and its reduced massing. Further advice is given stating that:

"It was most evident from my site inspection, the host building is not conducive to the efficient, functional and practical needs of the care home, particularly given the specialist care which is offered here; indeed it would be counterproductive to attempt to rationalise the internal spaces within this host Arts and Crafts building to meet the needs of the current occupiers, potentially resulting in a loss of significant fabric and architectural detail, which could not be resisted given the building has no statutory protection.....softer pitched sculptural shapes with a more subordinate materiality; such contrasts in shape and detail with the use of vertical timber is complementary to context and not seeking to challenging the strong architectural style of Heron Court at its inception, nor is the proposed design trying to replicate the host building.

Whilst an architectural contrast of this nature may be viewed as 'at odds' with the host building, it is quite the contrary. Such contemporary contrasting extensions and buildings in Conservation Areas and indeed at Listed Buildings, if executed well with the highest quality of materiality and detailing, will actually serve to enhance the setting and significance of the host building, acting as a counterpoint back to the original and most important architecture in the curtilage, in this case, Heron Court..... I find the design

intent proposed here refrains from an overambitious narrative and offers a neutral contrast.

In respect of Urban Design, the courtyard design approach I find to be informed by an architectural narrative based on evidence around courtyard design and dementia care, this has benefits in terms of an improved quality of life for future occupiers and maintains the historic building clearing it from the current later and harmful accretions.”

It is therefore considered that in both heritage and design terms the development meets the requirements of the NPPF as well as adopted local plan policies BE14 and BE16. Full details of materials and detailing could be successfully dealt with via planning conditions.

Parking and Highway Considerations

The proposal will utilise the existing access and the number of parking spaces on site would increase from 9 to 23. At the time of the site visit it was noted that parking is not formally designated at present and therefore it may be possible for more than 9 cars to be parked on the site.

In terms of parking policy BE13 relates to parking standards and advises that development proposals must take account of the Essex Parking Standards – Design and Good Practice (2009) or as subsequently amended. Any proposals which make provision below these standards should be supported by evidence detailing local circumstances that justify deviation from the standard.

In terms of C2 care homes the adopted parking standard is expressed as a maximum with no minimum standard. It is noted that parking and highway access is a matter that has been raised in several letters of representation, however neither of the two previous applications were refused on parking and highway grounds and this application seeks a lower number of additional bed spaces with the same overall number of parking spaces proposed. Whilst there is a new adopted local plan the parking standards remain the same as when the previous applications were considered and material considerations in this regard have not changed.

ECC Highways have also been consulted on this application and have advised that the proposals entail the continued use of an existing access and there is no record of any safety issues with that or the junction where Heron Court meets Brentwood Road in the most recent 5 year period. The proposals also include an increase in car parking provision to 23 spaces, which represents a notable improvement to the existing number of spaces per room ratio. ECC Highways therefore have no objection subject to conditions.

It is therefore considered that there is no basis to object to the proposal on parking and highway safety grounds subject to appropriate conditions. A condition is also recommended to ensure the provision of EV charge points.

Residential Amenity

The existing building on site is used as a C2 use care home which is generally deemed to be an acceptable use within residential settings in terms of noise and disturbance. The proposal would result in an intensification of this use due to the proposed increase in bed numbers, however due to the positioning of the proposed extension to the south away from neighbouring properties the proposal would not result in any materially harmful impacts towards the living conditions of occupiers of properties to the north of the site.

Landscape and Ecology

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

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

The layout of the proposed development creates new opportunities for additional landscaping within the formed internal courtyard. The proposal has minimal impacts on existing trees with no significant trees having to be removed. An arboricultural impact assessment has been submitted as part of the application as well as detailing of hard and soft landscaping intent within the proposed lower ground floor block plan (PA02). The Council’s arboricultural consultee has raised no objection to the proposal subject to conditions requiring an arboricultural method statement to be submitted and agreed prior to works starting on site.

An ecology report also accompanies the application which advises that evidence of bats using the site as well as breeding birds were found. In relation to bats the report states that *“The building inspection shows that the buildings to be demolished are in use by small numbers of common species of bats that is likely to result in the permanent loss of BLE and pipistrelle roosts, The Bat mitigation guidelines (English Nature, 2004) assesses such a roost as being of ‘Low conservation significance’. Such an impact would be of a minor negative impact at a local level.”*

The loss of these bat roosts would require a European Protected Species Mitigation licence and full details of this can be dealt with via a condition. The Council’s consultee has advised that additional surveys would be required to inform a EPS licence application and conditions should be attached in relation to this as well as external lighting to demonstrate how light spill of suitable habitat will be avoided. Similarly impact upon breeding birds can also be dealt with via a condition.

The submitted ecology report includes a section on enhancement opportunities, and in line with policy NE01 and the NPPF full details of biodiversity enhancements could be dealt with via a planning condition.

Overall subject to appropriate conditions it is considered that the proposed development is acceptable in relation to ecology and landscaping.

Air Quality

The purpose of Local Plan Policy NE08 (Air Quality) is for development to meet national air quality standards and identify opportunities to improve air quality or mitigate local exceedances and impacts to acceptable legal and safe levels.

An Air Quality Assessment report has been submitted in support of this application. The air quality report concludes that *“The nearest monitoring location and estimated background pollutant concentrations indicate that air pollutant concentrations are low and therefore air quality is not a concern at the development site. In addition, no significant impact of the development in terms of additional traffic generation is expected.”* On this basis there is no objection to the proposal on air quality grounds and no conditions are considered necessary in relation to this matter.

Flood Risk and Drainage

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

A small section of the site is at low risk of surface water flooding based on the gov.uk flood risk maps. Due to the size of the extension the application has been supported by a Flood Risk Assessment which advises that *“The proposed surface water strategy is collect all surface run-off via a private pipe network which will convey via gravity to the low point of the site in the southeast corner of the development, where surface water will be attenuated via a crate system up to and including the 1in100 year + 45% climate change.”* And *“All flows will subsequently discharge to the existing pond which in turn connects to the adjacent watercourse which mimics the existing drainage regime of the site.”*

ECC Suds have been consulted on this application and advise that they have no objection to the proposal subject to conditions.

Very Special Circumstances and Public Benefits of the Development

As the development would be inappropriate development in the Green Belt, it is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 onus is on the applicant to demonstrate that very special circumstances exist to overcome the harm that has been identified.

The applicant has provided a suite of documents in support of the application which seeks to demonstrate that Very Special Circumstances exist including a Planning Statement, Design and Access Statement, Fit for Care? Report, and Consultancy and Needs Assessment Report (and updated Addendum).

These reports consider the existing care provision at Heron Court, the care provision in the surrounding area, the need for additional care home spaces and the commercial viability of the development. The main arguments (summarised) put forward are:

- The urgent need to improve the Heron Court Care Home. There are significant shortfalls within Heron Court in relation to the quality of accommodation it is able to offer including inadequate room sizes, lack of en-suite facilities and inadequate communal spaces. Heron Court now falls a long way short of current market standards. Whilst the physical care currently provided at the home is rated by the Regulator as being of a good quality, as evidenced by the most recent inspections by the Care Quality Commission, the facilities significantly limit life quality of residents' lives. They restrict the degree to which complex health and social care needs can be safely met and could jeopardise the safety of residents and staff.
- Quantitative and qualitative need for additional care beds in the catchment area. Within the 8km catchment area there is currently registered capacity for 1,084 residents within care homes which indicates an estimated shortfall of 190 care beds. Taking into consideration the increase in demand and the 280 additional bed spaces from the 4 consented planning permissions identified, indicates a shortfall of 109 care beds by 2032.
- Improvement in the character and appearance of Heron Court, a non-designated Heritage Asset. Great care has been exercised in terms of providing for a form of development that is not only functional and fully fit for purpose but also enhances the character and setting of the original Heron Court building (a non-designated heritage asset) and conserves or enhances the character of Herongate Conservation Area (a designated heritage asset). The proposal therefore complies with the statutory duty at S72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- The proposed development is the minimum necessary to achieve the benefit in terms of the existing facilities. The 55 bed scheme is submitted as the minimum viable position for Runwood Homes PLC. The 55 bed scheme produces a loss on paper of -£150,000. The loss of 150K is modest and relative to the build cost scale of £8.4m, effectively making the 55 bed scheme neutral for planning valuation purposes, particularly given current economy fluctuations. Runwood would continue with the development as a balance of outcomes against planning policy, the result creating the best outcome for standards and the site. The 55 bed scheme naturally becomes the minimum required for viability and

commercial reasons whilst it fits the requirements to be the maximum scheme for the purposes of Green Belt impact and presenting the minimum level of development.

The arguments put forward by the applicant are very similar to those presented under the recent appeals considered by the Inspector. Each one will be considered, alongside the conclusions reached by the Inspector with the recent appeals.

The urgent need to improve the Heron Court Care Home.

Within the recent appeal decision, the Inspector stated:

“In regard to the existing quality of accommodation at Heron Court, the Council describes this as far from ideal and acknowledges that the development would provide benefits in terms of, amongst other things, larger rooms with ensuite facilities. My observations at the site visit were that the existing residents have to endure cramped rooms with limited washing facilities, shared bathrooms and common spaces of restricted size and shape. Opportunities to access the gardens were also constrained by the changes in levels. There is no doubt that the privacy and dignity of the elderly residents is compromised by the existing arrangements.”

In summary the additional bed spaces and the significant improvement in the quality of accommodation which would arise from either the Appeal A scheme or the Appeal B scheme, represent significant benefits in favour of the development.”

This position has not changed since the Inspectors appeal decision. The current accommodation within Heron Court does not meet the relevant standards and it is not disputed that there is a clear need for improvement. This would provide significant benefits for residents of the Care Home as well as staff working within the Care Home.

Quantitative and qualitative need for additional care beds in the catchment area.

Within the recent appeal decision, the Inspector stated:

“There is no dispute between the main parties that there is a need for additional care home places in the Council’s area and the appellants have presented a compelling case to demonstrate that a point has been reached where the fulfilment of this need is becoming critical in order to ensure that appropriate facilities are available to an increasingly ageing population.”

Since the previous applications were determined the position has changed in that consent has been granted for four further care homes within the catchment area of Heron Court (taken as 8km), although it is understood that none have yet been built. It should be noted that not all of these care homes are within the Brentwood Borough and the 8km catchment area covers part of Thurrock and Basildon. It was also however evident from the information submitted that approximately half the existing residents of

Heron Court came from outside the 8km catchment area that is generally accepted for care homes.

In terms of these additional consents this does result in the potential for the need in further care home spaces being reduced in the short term (should all be built), however in the longer term even with all being built there would still be a shortfall in places due to the projected increase in the elderly population within the catchment area. The elderly population within the Catchment Area currently stands at some 33,200 persons, and this figure is set to increase to circa 35,194 over the next five years and to circa 37,873 by 2032. It is therefore evident that there is still a need for additional care home places within the catchment area.

The Council has also had an updated South Essex Housing Needs Assessment (June 2022) which indicates a decrease in the need for additional bedspaces within Brentwood as a whole (not specifically the catchment area for Heron Court) due to extant permissions granted for C2 development that have not yet been built. However, there is still a need for further bedspaces, this has just been reduced from 494 to 289 (2020 – 2040).

Overall, it is considered that there is still a need for additional care home beds within the catchment area of Heron Court and more widely within Brentwood Borough. Whilst the situation may have improved since the previous appeal was determined, this is as long as the four care homes with extent consent within the catchment area get built. The provision of additional care home spaces still therefore weighs in favour of the application.

Improvement in the character and appearance of Heron Court

Within the recent appeal decision, the Inspector stated:

“Both appeal proposals take the form of a linked courtyard layout and would result in the removal of extensions to Heron Court which, it was agreed at the hearing, have at best a neutral effect on the Conservation Area. Notwithstanding the concerns which I have regarding the design of the Appeal B Scheme, the potential to improve the appearance of Heron Court within the site by adopting a concept which provides accommodation in a linked as opposed to attached way would be an improvement. Given that the Council consider Heron Court to be worthy of inclusion on their local list, this amounts to a significant consideration in favour of both Appeals.”

This remains a significant consideration in favour of this application. Heron Court is now on the local list and the Heritage and Conservation Officer notes that *“the courtyard design approach I find to be informed by an architectural narrative based on evidence around courtyard design and dementia care, this has benefits in terms of an improved quality of life for future occupiers and maintains the historic building clearing it from the current later and harmful accretions.”*

The proposed development is the minimum necessary to achieve the benefit in terms of the existing facilities.

Within the recent appeal decision, the Inspector stated:

“The Council raised concern in its submissions and at the Hearing regarding the Financial Appraisal (the FA) which was commissioned by the appellants on the basis that it concerned a 55-bed scheme and not the 65-bed scheme as proposed. The FA establishes that a smaller 55-bed scheme would be viable, and it has not been updated to relate to the 65-bed scheme. This raises an important point in terms of whether the development is the minimum necessary to achieve the benefits which derive from it.”

And within the conclusion:

“The harm arising from inappropriate development in the Green Belt, which attracts substantial weight, and the benefits of the development to which I attribute significant weight is finely balanced in this case. However, I have also been unable to establish that the scale of development which is planned is the minimum necessary to achieve the benefit in terms of the improvement of the existing facilities, which reduces the weight which I attach to that benefit. This has the effect of shifting the balance towards a conclusion that the other considerations do not clearly outweigh the harm that I have identified. It follows that the very special circumstances necessary to justify either the Appeal A development or the Appeal B development do not exist.”

In support of this application a Consultancy and Needs Assessment Report by Pinders dated August 2022 has been submitted as well as an Addendum Consultancy and Needs Assessment Report dated May 2023 which was submitted in response from some initial officer feedback. These documents provide financial summary of the current care home operating accounts as well as a viability assessment for various models including a 45, 50, 55, 60, and 65 bed scheme alongside refurbishment of the existing care home only.

Previous applications have not been supported by such detailed viability reports as the current submission. Pre-application discussion was had with the applicant prior to the submission of this application and as part of these discussions an earlier version of the Consultancy and Needs Assessment Report by Pinders was submitted to officers for consideration. This report was independently assessed by Dr Andrew Golland who was instructed via ECC to assess the viability of the proposed scheme and come to a fair assessment on whether or not the scheme needs to proceed on the basis of the proposed number of bedrooms (55). This report advised that *“I believe that there is a considerable degree of agreement in the figures presented by Pinders and those produced by myself. In this respect it looks a sound assessment and one which the Council should accept.”*

The Dr Golland report accepted the viability position of the existing operation as set out in the Pinders report. In terms of the viability of the 55 bed scheme it was accepted

that it was only marginally viable, with risks that costs could increase, an observation was made that the increase in unit numbers did not appear to improve the viability of the development in terms of numbers. It must however be remembered that the scheme will bring about substantial benefits in terms of accommodation standards which will assist in the long term viability of the care home.

The updated Pinders report submitted with this application, and the addendum report essentially makes the same case, with updated information (through the passage of time). From these reports it is clear that the neutral point in the relationship between cost and value enhancement is between 55 and 60 beds with an improving relationship as the scheme size increases and, conversely, a deteriorating relationship as the scheme size reduces. At 55 beds the August 2022 Pinders report finds a slight negative relationship between cost and value of the 55 bed scheme of -£150,000 and the May 2023 addendum finds a slightly increased negative relationship of -£375,000 (due to updated figures). It is clear therefore that a 55 bed scheme is the minimum necessary to achieve the benefits which derive from it. It is acknowledged that both Pinders report show a slight negative relationship at a 55 bed scheme, however the agent has advised within the planning statement that:

“The 55 bed scheme produces a loss on paper of -£150,000. The loss of 150K is modest and relative to the build cost scale of £8.4m, effectively making the 55 bed scheme neutral for planning valuation purposes, particularly given current economy fluctuations.

Runwood would continue with the development as a balance of outcomes against planning policy, the result creating the best outcome for standards and the site. The 55 bed scheme naturally becomes the minimum required for viability and commercial reasons whilst it fits the requirements to be the maximum scheme for the purposes of Green Belt impact and presenting the minimum level of development.”

Overall, it is considered that the evidence submitted is sufficiently detailed and robust to demonstrate that the scheme as presented is the minimum necessary to achieve the benefit in terms of the improvement of the existing facilities as well as additional bed spaces. This is a matter that is afforded significant weight.

Conclusion on Very Special Circumstances and Public Benefits of the Development

From the above assessment it is clear that there is significant benefits from the scheme in terms of improving the accommodation quality and quality of life for both residents and staff. Furthermore there is clearly an identified need for further C2 bed spaces which this development will help to fulfil. The additional bed spaces and the significant improvement in the quality of accommodation represent significant benefits in favour of the development.

The proposal would also improve the appearance of Heron Court within the site by adopting a concept which provides accommodation in a linked as opposed to attached

way. Given that Heron Court is included on the local list, this amounts to a significant consideration in favour of the application.

Lastly the applicant has demonstrated that the development sought is the minimum necessary to achieve the above noted benefits of the scheme. On this basis it is considered that above considerations outweigh the harm to the Green Belt and very special circumstances exist in this case.

Other Considerations

During consultation the NHS as primary healthcare provision on behalf of the Mid and South Essex Integrated Care System (ICS) advised that the proposed development is likely to have an impact on the services of the surgeries which operate within the vicinity of the application site and it is expected that these impacts should be assessed and mitigated.

The NHS advise that the capacity of primary healthcare facilities in the area of the proposed development is already below the recognised standards of provision for the existing population and additional population growth in the area resulting from new development would add to the deficit and so would be unsustainable if unmitigated.

The NHS therefore requests that the sum of £4,500 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.

The proposed financial contribution meets the relevant tests as set out within the NPPF and is therefore included within the recommendation on this submission.

It is noted that Essex County Fire and Rescue advise that consideration must be given to how fire/emergency service vehicular access along the approach road into Heron Court will be maintained to avoid it being used for overspill parking by staff and visitors. They state that provided the parking of vehicles is given due consideration then they have no objection to the proposal and more detailed observations on access and facilities for the Fire Service will be considered at Building Regulations consultation stage. As noted earlier in this report the proposal will increase the number of car parking spaces from around 9 to 23 which represents a notable improvement to the existing number of spaces per room ratio and on this basis no objection is raised.

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.*”

In relation to the economic objective the proposal would generate employment during the construction period as well as increase staffing levels and employment in the longer term at heron Court.

Socially the proposal would significantly improve the accommodation standards for residents and staff as well as help assist in meeting an identified need for additional C2 bed spaces within the Borough.

Environmentally the proposed extension is considered to be of a high standard architecturally that will assist in improving the appearance of Heron Court which is a non-designated heritage asset. Furthermore conditions can be used to ensure that there is no harm to biodiversity and that ecology/biodiversity enhancements are sought where possible.

The application has also been supported by a Planning Stage Energy & Sustainability Statement as well as BREEAM Pre-Assessment report. The BREEAM Pre-Assessment report identifies that Brentwood Council has specified that an ‘Excellent’ rating should be achieved. This is in accordance with Brentwood Local Plan 2016-2033 Council Strategic Policy BE01: Carbon Reduction and Renewable Energy. The report indicates that the development achieves 70.95% which is just over the threshold for excellent rating.

Policy BE01 states “*New Non-residential development will be required to achieve a certified ‘Excellent’ rating under BREEAM New Construction (Non-Domestic Buildings) 2018 scheme, or other equivalent standards.*”

This proposal relates to the extension of a C2 use, which is a residential institution use and therefore does not need to meet BREEAM Excellent rating as it is a residential use (albeit not C3 residential). It is considered that there is no policy basis to require BREEAM Excellent in this case.

Policy BE01 does require all major development to achieve at least a 10% reduction in carbon dioxide emissions above the requirements of part L Building regulations, and where possible, to provide a minimum of 10% of the predicted energy needs from renewable energy.

The Planning Stage Energy and Sustainability Statement advises that “*The development has been designed to exceed Building Regulation Target Emission Rate (TER), conducted from the Part L baseline model, by 52.01%, through excellent building fabric, passive design, future proofed heating and hot water strategy and renewable technologies.*” And “*Furthermore, there is an on-site energy demand figure of*

approximately 199,963.45kWh/year. To ensure that a minimum of 10% of this energy demand is provided via renewable means, a large photovoltaic array (25.48kWp) has been proposed. This will ensure a 11.85% reduction in energy use via renewable means.”

It is clear that the requirements of policy BE01 will be met and this can be controlled through a planning condition. The exact location of the solar panels can also be dealt with via a planning condition as the plan attached to the Planning Stage Energy and Sustainability Statement is not sufficiently clear.

Overall, it is considered that the development will represent sustainable development as set out within the NPPF as well as according with the policies within the adopted Local Plan.

Conclusion

This current submission has been submitted with the aim of addressing previous reasons for refusal and the conclusions reached by the Inspector in the recent appeal decisions. As detailed in the above assessment section of this report it is considered that this current proposal has addressed previous reasons for refusal as well as the conclusions reached by the Inspector in dismissing the recent appeals.

There are significant benefits from the scheme in terms of improving the accommodation quality as well as from the increase in C2 bed spaces. The proposal would also improve the appearance of Heron Court within the site by adopting a concept which provides accommodation in a linked as opposed to attached way. Given that Heron Court is included on the local list, this amounts to a significant consideration in favour of the application. Lastly the applicant has demonstrated that the development sought is the minimum necessary to achieve the above noted benefits of the scheme. On this basis it is considered that above considerations outweigh the harm to the Green Belt and very special circumstances exist in this case.

Overall, it is considered that the proposal would represent sustainable development as defined within the NPPF and in line with the Development Plan the Planning Committee should resolve that it would have approved subject to a S106 legal agreement in relation to the NHS contribution sought and subject to the conditions listed below.

7. Recommendation

The Planning Committee resolve that they would have **APPROVED** the application subject to the completion of a **S106** agreement and to the following conditions:-

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Payment of £4,500 to mitigate impact of development upon local GP Services.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the approved plans and documents listed above.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3. No development works above slab level, excluding demolition works, shall take place until full details of all the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate high quality materials in the construction of the development in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

4. No electricity, gas, water meter boxes, antennae (roof level) or extraction vents shall be fixed to the façade of the development hereby permitted unless first agreed in writing with the Local Planning Authority. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the character and appearance of the development and wider area in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

5. The development hereby permitted shall only be used for residential care home purposes as defined within Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

6. No development shall take place, including any ground works or demolition, until a Construction Method 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:

- the parking of vehicles of site operatives and visitors
- a waste management plan (including excavated soil)
- details of measures to minimise noise and vibration during construction and demolition
- measures to control the emission of dust and dirt during construction
- loading and unloading of plant and materials
- site set-up including arrangements for the storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- hours of works

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 to minimise the impact of the construction of the development upon the environment.

7. Notwithstanding the details shown on the Proposed Site Plan, the proposed development shall not be occupied until such time as the whole vehicle parking area, including a minimum of 3 parking spaces for the mobility impaired given the nature of the development, have been hard surfaced, sealed and formally marked out. The vehicle parking areas and associated turning areas shall be retained in this form at all times. Each parking space shall have minimum dimensions in accordance with current parking standards. 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. Full details of the revised layout is to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining roads does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy BE13 of the adopted Brentwood Local Plan.

8. Prior to first occupation of the development hereby permitted, a report and accompanying scaled drawing(s) shall detail where the space and infrastructure for electric vehicle charging/plug-in points is to be provided. The documents shall detail the type, capacity/charge rate, design, scale, location and include manufacturers information as a minimum and shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the charging points shall be fully operational prior to first occupation of the development hereby permitted.

Reason: in order to provide for the transition to electromobility and reduce pollution and climate change impacts in the interests of the health and wellbeing of the public in accordance with policy BE11.

9. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facilities 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 BE13 of the adopted Brentwood Local Plan.

10. No development shall take place, including any ground works or demolition, until a copy of the results of additional survey work undertaken in relation to bats as well as a copy of the licence from Natural England in relation to the bat roosts that will be impacted by the works has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed licence.

Reason: To safeguard protected species in accordance with policy NE01 of the adopted Brentwood Local Plan.

11. Prior to the first use/occupation of the development hereby approved, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

Reason: To ensure the use of appropriate light fittings, minimise the potential for light pollution and demonstrate how light spill into suitable wildlife habitat will be avoided in accordance with policies BE14, BE16 and NE01 of the adopted Brentwood Local Plan.

12. No development shall take place until an arboricultural method statement has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the arboricultural method statement as approved.

Reason: To ensure appropriate protection to trees in accordance with policy NE03 of the adopted Brentwood Local Plan.

13. Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:
 - 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.

- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of biodiversity mitigation and enhancement measures to be incorporated into the soft landscaping of the development.
- 4) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works

- 5) Details of walls with brick types, construction design and dimensions
- 6) Details of paved surfacing, with materials finishing and edgings
- 7) Details of street furniture, with designs materials and dimensions
- 8) Details of biodiversity mitigation and enhancement measures to be incorporated into the hard landscaping of the development.

The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

Reason: To ensure the use of appropriate quality materials and appropriate soft landscaping within the development in accordance with policies BE14, BE16 and NE01 of the adopted Brentwood Local Plan.

14. The development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent and future occupiers.

15. 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 2.83l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Confirmation of the brownfield rate so that variable rate can be considered.
- 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.
- A written report summarising the final strategy and highlighting any minor changes to the 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 and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy BE05 of the adopted Brentwood Local Plan.

16. 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, shall be 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.

17. The applicant or any successor in title must maintain yearly logs of maintenance as agreed under condition 16 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.

18. The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason: To ensure that the drainage system implemented at the site will adequately function and dispose of surface water from the site.

19. The development hereby permitted shall be carried out in accordance with the recommendations contained within the Planning Stage Energy & Sustainability Statement by SES dated 18th April 2023.

Reason: To ensure the development meets the carbon reduction and construction standards as required by policy BE01 of the adopted Brentwood Local Plan.

20. Notwithstanding the wording of condition 18 and the details contained within the Planning Stage Energy & Sustainability Statement by SES dated 18th April 2023 no solar PV panels shall be installed on the development hereby permitted until full details have been submitted to and approved in writing by the local planning authority.

Reason: The details submitted as part of this application are insufficient in this regard.

Informative(s)

The proposal represents "inappropriate development" as defined by the National Planning Policy Framework (2021); however the Council considers that there are other material matters sufficient to outweigh the harm due to inappropriateness and any other harm identified and that very special circumstances exist to justify the granting of planning permission.

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

Attention is drawn to conditions that require the submission and approval of details prior to the commencement of development. Failure to comply with these conditions may result in the planning permission becoming invalid with the possibility of planning enforcement action being taken by the Council.

Essex County Council Highway 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

Lead Local Flood Authority Informatives

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

BACKGROUND DOCUMENTS

DECIDED: