

SITE PLAN ATTACHED

03. HILLCREST NURSERIES BRENTWOOD ROAD HERONGATE CM13 3NZ

CONSTRUCTION OF 27 RESIDENTIAL RETIREMENT FLATS WITH COMMUNAL FACILITIES; SEPARATE STAFF, VISITOR AND COACH PARKING FOR INGRAVE JOHNSTONE CHURCH OF ENGLAND PRIMARY SCHOOL AND AN EXTENDED SCHOOL PLAYGROUND; CONSTRUCTION OF A NEW ACCESS TO SERVE BOTH DEVELOPMENTS; ASSOCIATED LANDSCAPING, AND A NEW GREENSWARD TO BRENTWOOD ROAD.

APPLICATION NO: 14/01024/FUL

WARD	Herongate, Ingrave & West Horndon	8/13 WEEK DATE	15.01.2015
PARISH	Herongate & Ingrave	POLICIES	C8 C18 GB1 GB2 CP1 CP2 CP3 GB3 H6 H9 H11 T1 T2 C3 C11 NPPF NPPG CP4 C5 C7
CASE OFFICER	Kathryn Mathews	01277 312616	
Drawing no(s) relevant to this decision:	SITE PLAN0808/01; 02012/09/A; 02012/05; 007-13-002-001/A; 02012/08; 02012/07/A; 02012/06/A; 02012/04/A; 02012/03/A; 02012/01/D; HOUSING NEEDS ASSESSMENT; FLOOD RISK AND DRAINAGE STRATEGY; UNILATERAL UNDERTAKING; TREE SURVEY, ARB IMPACT ASSESS; PLANNING STATEMENT; DESIGN & ACCESS STATEMENT; TRANSPORT STATEMENT; ROAD SAFETY AUDIT; REPTILE SURVEY REPORT; HABITAT SURVEY; GREAT CRESTED NEWT REPORT; PLANNING APPRAISAL; BAT SURVEY; BADGER SURVEY;		

1. Proposals

Proposed two storey block of flats located towards the southern end of the site. The block would accommodate 27 flats comprising 8no. one bedroom and 19no. two bedroom units. Access would be gained from Brentwood Road via a new access to be located toward the northern end of the site. The remainder of the site would be parking and amenity space. A total of 27 parking spaces would be provided for the proposed flats, including 4 disabled spaces. A further 2 spaces would be provided for staff and 7 spaces for visitors.

The building would have a roughly T-shaped footprint extending to a maximum of 43m x 67.5m and 9.5m in height (pitched roofs.).

The building proposed would be located around 11m from the site's road frontage with Brentwood Road.

The materials to be used to construct the external surfaces of the building would include brick, render and reconstituted stone for the walls under a tiled roof.

An area of communal open space is proposed along part of the southern elevation of the proposed block of flats which would equate to at least 55sq.m. per flat. A landscaped area ('greensward') is proposed along the length of the site with Brentwood Road ranging from 6m to 30m in depth to include existing and proposed trees and additional shrub planting.

The applicant anticipates that the proposed flats would be occupied by the active retired - the block would be managed by the Kingsdale Group - there would be a manager with an associated office and an alarm system for residents 24 hours a day but there would be no nursing care. Each flat would be self contained but there would be a communal lounge at ground floor level.

The applicant explains that the site slopes towards Brentwood Road and so the building would be cut into the slope at the west end and slightly raised above ground level at the east end.

The proposed access would also serve an additional proposed parking area which would accommodate 15 car parking spaces (with the potential to increase the area to 20 spaces at a later date) for the adjacent Ingrave Johnstone School (for staff) with a further 21 spaces proposed for visitors. The Unilateral Undertaking submitted with the application allows for the School Governors to elect for a larger teacher/staff car park (drawing 02012/09) in circumstances where planning permission is granted for the present proposals (drawing 02012/01 rev.B). The existing access would be closed with a barrier but remain for pedestrian access and the western end of the existing accessway would be used as an extended playground for the school along with a section of the application site.

A footpath along Brentwood Road and on both sides of the proposed access would be provided along with the widening of the existing footpath along the western side of Brentwood Road adjacent to the proposed 'greensward'. The existing zebra crossing which is located adjacent to the proposed school vehicular access would be relocated closer to existing school vehicular access.

Access to the existing playing field which adjoins the western boundary of the site for the public would be provided by a new pedestrian gate and a double width access for maintenance vehicles adjoining the proposed school visitor parking. It is suggested that the school would consider allowing the proposed car park to be used by the public at weekends.

As part of a letter from the school (June 2013) which accompanies the application, the following information is provided:-

- present access road can accommodate up to 12 vehicles
- 8 staff walk or cycle to school
- there is a total of 44 staff
- on average, 7 delivery vehicles attend the school each day
- more than half the staff who drive to work park in Thorndon Approach, Peartrees or The Meadows which can be up to 15 vehicles
- a coach picks-up/delivers children for swimming lessons at least once a week and once or twice a month for school trips
- visitors park in the access road or on surrounding roads
- there is no disabled parking at the school

The application is accompanied by a number of supporting documents, some of which have already been referred to above, including:-

- Design and Access Statement as part of which it is stated that the main axis of the proposed building would be perpendicular to the road and projecting gables with juliette style balconies add interest to the external appearance of the proposed building
- Planning Statement
- Landscape Proposals
- Flood Risk and Drainage Strategy - as part of which it is stated that the discharge of surface water will be managed to maintain overflow to the local existing green field rates by adopting SUDS principles. Attenuation will be provided by permeable paving, underground storage or a combination of both.
- Tree Survey
- Transport Assessment
- Road Safety Audit - Proposed Relocation of Pedestrian Crossing
- Phase 1 Ecology Survey
- Badger Survey
- Bat activity survey report
- Reptile Survey report
- Great Crested Newt Survey Report

- a Unilateral Undertaking under S106
- Cost estimate of works
- letters from School
- Needs Assessment for Private Retirement Housing in the Borough of Brentwood

Reference is made to a 'package of contributions' which the applicant is willing to make if planning permission were to be granted for the development proposed with a total value of approximately £843,000. The applicant states that the Head Teacher and Governors of the School wish to provide additional facilities to meet a higher standard of education.

The 'package' would include the following:-

- £418,000 for school car park, playground and new access road (it is stated that the sheltered scheme could be served by a private drive from Brentwood Road at a costs of less than £20,000)
- £100,000 towards new school buildings
- £300,000 to acquire the land for the school car park and playground
- £25,000 for upgrade of St Nicholas Church Hall
- a new bus stop on Brentwood Road

As part of the UU, local people would be given an exclusive period of 3 months to place a deposit on a flat before the scheme is put on the general open market.

It is understood that the applicant held two public exhibitions towards the end of 2011 regarding a scheme for four detached dwellings and two exhibitions towards the end of 2012 regarding the current proposal. The applicants state that 43% of respondents felt that the village needed retirement dwellings for the active elderly to allow people to downsize, liberate capital, but remain in the community.

The applicant considers that the proposal complies with the NPPF being sustainable development taking into account its three dimensions (economic, social and environmental matters). Reference is made to various parts of the NPPF including Section 6 (Delivery of a wide choice of high quality homes), Section 9 (Protecting Green Belt Land) and paragraph 72 which provides support for giving weight to the need to create, expand or alter schools, and the NPPG relating to housing and biodiversity. Reference is also made to paragraph 7.23 of the Local Plan which refers to sustainable development as including ensuring the viability of existing rural communities. Reference is made to the Draft Local Plan which states that the proportion of the Borough's population living beyond 65 years of age is forecast to rise from 18% in 2012 to 22% in 2033 and for those aged 85 years from 3% to 5% over the same period. It is suggested that there is no guarantee that any specialist housing for the elderly on any of the housing sites proposed for allocation would be provided. Reference is made to the London Commuter Belt (East)/M11 Sub-Region Strategic Housing Market Assessment (January 2010) with specific reference to the population structure of the area and the slightly higher proportion of older persons in Brentwood and Epping Forest compared to the rest of the sub-region and the

projected population for the older population. The 'Future of Supported People Funded Services for Older People in Essex' (no date provided) baseline report refers to much of the existing accommodation for the elderly not being fit for purpose or meeting DDA compliance regulations. Reference is also made to the Brentwood Borough Council, Chelmsford City Council and Maldon District Council, Heart of Essex Housing Growth Scenarios (June 2012), the Brentwood Borough Council Annual Monitoring Report 2011/12 and the Herongate and Ingrave Village Appraisal 2006-2008.

The applicant considers that the proposal would create a much more attractive vista along Brentwood Road than currently exists. The cricket ground, the Hillcrest Nursery and village playing field are referred to as the 'green gap' between the built areas of Herongate and Ingrave.

The applicant states that there are 550 people in the villages over 60 years old, that the provision of sheltered accommodation for the villages would require the use of Green Belt land due to the tight development boundaries and this site is ideally centrally located.

The applicant states that there is no other way to provide the benefits for the school and there is no other site available to provide local sheltered housing, which will also provide the otherwise absent finance for the School works. The applicant also considers that the application site is a small parcel of land which is neither open nor part of the countryside.

The Needs Assessment for Private Retirement Housing in the Borough of Brentwood (October 2014) concludes that the current supply of sheltered housing available to purchase in the Borough is inadequate to satisfy the majority of the population who currently live in properties owned outright or with a mortgage and there is currently a significant imbalance between provision within the social and private sectors. It is stated that the Council's SHMAA supports this view. Reference is made to Census data, the Elderly Accommodation Counsel Accommodation, Laying the Foundations: A Housing Strategy for England, the NPPF, the local plan and supporting documents, and English Housing Survey 2011-2012.

The Tree Survey, Arboricultural Impact Assessment concludes that there are no overt or overwhelming arboricultural constraints that can be reasonably cited to preclude the proposed construction. The site survey was carried out in December 2012 which identified 37 individual trees, two groups of trees, six areas of trees and three hedges. The current Assessment was produced as a desk top exercise. Reference is made to three groups of trees (one in the north-western corner of the site, a second to the south-eastern aspect and a third in the site's south-western corner). It will be necessary to fell 18 individual trees (including three trees of 'modest quality'), four areas of trees, a section of two areas of trees, one group, two hedges and one section of one hedge in order to achieve the proposed layout in addition to other works including crown lifting and crown spread reduction of other trees to provide

unencumbered access and construction space. It is stated that any perceived short term landscape loss can be mitigated by the proposed landscaping scheme. Two areas of car parking require 'no dig' construction and grasscrete design is required in some areas. Protective fencing would be required during construction. A detailed Arboricultural Method Statement and Tree Protection Plan would be required if planning permission were to be granted. The validity of the TPO is questioned based upon the deficiencies of the plan and schedule which forms part of the Order - it is stated that it is not clear which of the existing trees are protected.

Extended Phase 1 Habitat Survey - a Phase 1 Habitat Survey of the site was carried out on 23 October 2013. The Survey identifies the site as being a suitable habitat for badgers, reptiles, Great Crested Newts, nesting birds and bats, toads and hedgehogs. However, there are no designated wildlife sites likely to be impacted directly by the development proposals due to their distance from the site and the lack of connecting natural features. There is the potential to include measures for wildlife enhancement in the development and external lighting should be limited in the interests of bats.

Great Crested Newt Survey Report (July 2014) referred to several waterbodies nearby as having potential to support a population of GCN and advises that the site provides suitable terrestrial habitat for GCN. However, based on the results of a presence/absence survey, the Report concludes that the species was absent from the site. It is recommended that the new development incorporates features within the design to enhance habitats for amphibians.

Reptile Survey Report (July 2014) is based on survey of the site between April to June 2014. This survey revealed no observations of the four widespread reptile species found in the UK (viviparous lizard, slow worm, adder and grass snake) and therefore it is unlikely that they occur on the site but the author identified a considerable scope for enhancement of the site.

Badger Survey (December 2013) updated previous badger surveys carried out on the site in June 2012 and January 2010. The previous 2012 badger survey found evidence of badger activity and identified four potential, but inactive, badger setts within the site. The site comprised habitats suitable for both sett building and for foraging badgers but, at present, the Survey concludes that there is no reason relating to badgers to refuse planning consent for the new planning application. This view was reaffirmed in August 2014. Recommendations are made with respect to site relating to site preparation and construction.

Bat Activity Survey Report (July 2014) was based on visits to the site in February, May and June 2014. No bats were observed entering any of the existing trees during the surveys. A low level of common pipistrelle activity was recorded with commuting and occasional foraging on site but there was no evidence that bats were using the trees for roosting. Given alternative areas in the vicinity of the site for roosting and foraging, the Report concludes that the site is likely to be of limited value in

maintaining the conservation status of bats at even a local level but it is recommended that a further survey of the trees for bat roosts is undertaken prior to works.

As part of the Transport Statement, it is stated that the site lies approximately 2 miles from Brentwood Town Centre, that local bus and rail services provide a realistic alternative to the private car and that local services are within walking distance. As a result, it is stated that the proposal is sustainable development. New residents can be provided with a Residential Information pack to encourage their use of non-car modes of transport. It is also concluded that the proposed flats would not have a material impact on the local highway network. The existing access to the school is approximately 5m in width with a narrow pedestrian footway. The access is used for parking along both sides.

The local facilities within 400m walking distance of the application site have been identified as post office, school, dentist, petrol filling station and garden centre. Ingrave also has a Parish Church and a village/school playing field. There is also a Methodist Church, a cricket ground and two public houses in Herongate.

The bus routes which pass the site on A128 are listed as follows:-

565 - hourly Monday to Saturday and provides circular route between Brentwood and Bulphan

265 - every two hours Monday to Friday providing links to Brentwood, Orsett, Bulphan and lakeside

X3 - every two hours and runs between Grays and Stansted Airport

228 - Brentwood Community Transport Sundays only

268 and 477 - one bus per day Monday- Friday

The highway benefits of proposal are listed as follows: new access would have improved visibility splays onto A128, separation of pedestrians from school traffic, provision of coach parking off highway, ease of access to school for emergency vehicles, turning head removes need to reverse onto or off site, visitor parking off highway, wider footway on Brentwood Road adjacent zebra crossing. A Road Safety Auditor concludes that the proposals would offer real road safety benefits for accessing the school site.

Parents are setting down and picking up children attending the school park in Thorndon Approach to the south of the site and Whitby Avenue to the north but on-street demand for parking did not exceed capacity in either road during surveys.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in

the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPGs have been taken into account, where relevant, in the following assessment. Those of particular relevance to the current application are 'Design', 'Conserving and enhancing the historic environment', 'Housing and economic land availability assessment' and 'Natural environment'.

GB1 (New development) refers to the need for very special circumstances to justify proposals which are inappropriate in the Green Belt.

GB2 (Development Criteria) refers to the need to proposals not to harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. The Policy also requires account to be taken to public rights of way, existing landscape features and the location of any building in respect of the surrounding landscape and adjoining buildings.

GB3 (Settlements Excluded from the Green Belt) states that new residential development will be restricted to settlements excluded from the Green Belt as identified on the proposals map.

CP1 (General Development Criteria) Requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment.

CP2 (New Development and Sustainable Transport Choices) aims to locate jobs, shopping, leisure facilities and services in locations which are well served by public transport and/or are accessible by walking and cycling.

CP3 (Transport Assessments) requires that all new development proposals include sufficient information to identify their impact on the transport system and aims to reduce reliance on the private car.

CP4 (The Provision of Infrastructure and Community Facilities) states that development will not be permitted unless it makes provision for community facilities, public services, transport provision, infrastructure, environmental works and any

other requirements which are relevant to planning and made necessary by, and are directly related to, the proposed development.

C3 (County Wildlife Sites, Local Nature Reserves and Other Habitats and Natural Features of Local Value) aims to protect existing wildlife from adverse impacts of development.

C5 (Retention and provision of Landscaping and Natural Features in Development) requires the retention of existing natural features with new landscape works to enhance any new development.

C7 (Tree Preservation Orders and Works to Preserved Trees) states that works to or the removal of preserved trees will only be allowed where there is a specific arboricultural justification or other very special circumstances.

C8 (Ancient Landscapes and Special Landscape Areas) requires that, until a landscape character assessment is carried out, conservation or restoration of existing character within Special Landscape Areas should be given high priority

C11 (Thames Chase Community Forest) aims to encourage greater public access and recreation, landscape enhancement, wildlife conservation and timber production where appropriate.

C18 (Ancient Monuments and Archaeological Sites): aims to ensure that archaeology is properly considered in the planning process.

H6 (Small Unit Accommodation) aims to secure a mix of units on suitable sites of 6 units and above with at least 50% of total units being one and two bedroom properties except, for example, where such would be inconsistent with the character of the existing development in the area.

H9 (Affordable Housing on Larger Sites) aims to secure 35% of residential units on suitable sites of 5 units and above outside the Brentwood urban area; it would be expected that the affordable units are provided on site. Account can be taken of the economics of provision, including the particular costs associated with development and the realisation of other planning objectives.

H11 (Supported Accommodation) refers to proposals for supported accommodation schemes within the built-up area and states that such developments will only be permitted where certain criteria are met including that the proposal is in close proximity to facilities such as shops, public transport, health and leisure facilities (i), where appropriate the scheme shall provide sufficient integrated accommodation to allow for the level of support required for the client group for whom the scheme is intended (ii) and the proposal provides appropriate landscaping and amenity space (iii).

T1 (Travel Plans) states that proposals likely to give rise to significant transport implications will be required to provide a travel plan to reduce travel by car and promote the use of alternative modes of transport.

T2 (New Development and Highway Considerations) refers to the need for proposals not to have an unacceptable detrimental impact on the transport system.

3. Relevant History

- 10/00011/FUL: Erection Of 5 No. Detached, Two Storey - 5 Bedroom Houses With Gardens And Car Parking. Proposed 26 No. Parking Spaces For Possible School Use. -Application Refused
- 09/00703/FUL: Erection Of Part Two/Part Three Storey Full Service Residential Retirement Scheme Comprising 17 X Two Bedroom And 27 X One Bedroom Self Contained Apartments, Communal Function Room, Lounge/Tv Room, Kitchen, Laundry And Visitor Room, Creation Of New Access From Brentwood Road And 48 Parking Spaces -Application Refused
- 09/00378/FUL: Erection Of 5 Detached Houses With Associated Parking And Landscaping, Creation Of New Access From Brentwood Road. Erection Of Single Storey Building For D1 Community Use And 34 Parking Spaces For Shared Used With School -Application Withdrawn
- 09/00377/FUL: Erection Of Part Two, Part Three Storey Full Service Residential Retirement Scheme Comprising 17 X Two Bedroom And 27 X One Bedroom Self Contained Apartments, Communal Function Room, Lounge/Tv Room, Kitchen, Laundry And Visitor Room, Creation Of New Access From Brentwood Road, 48 Parking Spaces And Landscaping. Erection Of A Single Storey Building For A D1 Use, Creation Of A Further 34 Parking Spaces For Use By School And Community Building. -Application Withdrawn

4. Neighbour Responses

98 letters of support have been received on the basis of the following:

- will provide over £800,000 of benefits to the school which cannot be provided in any other way
- will provide retirement housing for Herongate and Ingrave, at present none exists
- the Village Appraisal indicated support for local sheltered housing by 210 local residents
- this neglected area of the villages will be much improved by the greensward and the landscape proposals
- this is a one-off chance to add facilities and to improve the villages - it should be supported
- suitable place for apartments for older people (safe and secure, on bus route, central to village for social activities/clubs at school and church halls, close to petrol station and shop
- would enable existing residents to downsize and stay in village

- site not earning its keep and is 'wasted'
- car park would greatly benefit parents of school children, teachers and residents of Thorndon Approach and improve safety
- may allow the school to expand in the future
- future owners of nursery are unlikely to give the same benefits to the village
- as a nation, housing badly needed
- development will make no difference to Ingrave Road traffic as already so busy
- site has no scenic value
- minimal impact on flora and fauna as they inhabit the fringes of the site not the overgrown interior
- there will be few detrimental effects provided wildlife and drainage provided for
- nonsense to claim the development would have any effect on separation of villages given existing ribbon development along Ingrave Road
- site not public asset
- will hopefully stop congestion in The Meadows and Peartrees caused by parents
- would improve outlook from adjacent properties
- existing school access unsafe - improved parking facilities essential
- proposal the best so far but has reservations about a lack of local facilities for the elderly (would make more sense to provide affordable starter homes) and a mini-roundabout at the entrance is suggested

122 letters of objection (including one from CPRE) have been received on the basis of the following:-

- Green Belt land which should not be built on - there are no very special circumstances
- would set precedent if allowed
- proposed trees totally out of keeping with existing trees
- lack of facilities for elderly residents - village shop barely open, no doctors surgery or pharmacy, infrequent bus service
- safety concerns for elderly wishing to cross busy road
- would add to traffic on already busy A128
- would ruin charm of village
- no need for the development or improvements to school
- already sheltered accommodation and a care home in village
- existing residents will not be able to downsize due to cost of units proposed - proposed units would not just be for local residents
- staff parking has never been a problem
- offer to school and church hall very small percentage of anticipated profits
- site current 'natural' appearance would be lost
- site important foraging for badgers and bats, amongst other wildlife
- would create a high risk of flooding
- would be gross urbanisation of site
- new access would introduce a hazard to the nearby school
- number of deliveries has been exaggerated
- 'bribing' school and local church is a scandal

- would result in loss of mature trees - site subject to a Tree Preservation Order
- Herongate and Ingrave would become one ribbon development - villages clearly divided by cricket green and Hillcrest Nursery
- the school is not unique with access difficulties
- providing additional parking would encourage more parents to drive to school
- existing parking arrangements not perfect but are adequate
- large ugly building would be detrimental to the appearance of the villages - would spoil view
- building works would cause chaos
- land should be compulsorily purchased to facilitate school expansion
- sufficient retirement properties to be built on Ongar Road (old Peugeot garage)
- insufficient infrastructure to cope
- information from Village Appraisal has been used very selectively
- proposals appear to remove vehicular access to village playing field and may limit pedestrian access to school hours
- would dwarf any existing building in village
- proposal would make access to rear gates of properties on west side of A128 less desirable in hours of darkness
- not clear if parents could use car park to drop-off/collect school children
- not brownfield site
- should be refused for same reasons as previously
- development of the land previously rejected at appeal
- proposed parking for flats would not be sufficient
- contrary to national planning policy
- elderly people may be disturbed by noise from school
- existing school access would still be open as public access to playing fields and Peartrees
- would be over development
- loss of existing buffer between playing field and road
- no guarantee that flats will remain only available for retired people
- an appeal in Yorkshire is referred to where the contribution of a retirement scheme to meeting a need was not a very special circumstance
- as a result of depth, scale, form and siting, would be visually dominance and intrusive
- out of character and scale with area and incompatible design
- increased activity will detract from quiet and pleasant environment
- landscaping too formal for rural location
- would result in overlooking and loss of natural light/would block sunlight
- would harm visual amenity of village cricket green opposite
- site in Special Landscape Area
- pollution to gardens adjacent proposed car park
- parking area would be magnet for youths and anti-social behaviour
- proposals suggest that open ditch adjacent Brentwood Road and piped waterway would go
- inadequate foul drainage
- not clear what would happen to existing bus stop near 105 Brentwood Road

- unsustainable location

5. Consultation Responses

- **Legal Officer:**

The Unilateral Planning Obligation dated 18th August 2014 submitted with the application does not meet the legal or policy tests for a Planning Obligation to be given any weight in reaching a decision on this application.

- **Parish Council:**

The Parish Council objects to the proposal. Their concerns can be summarised as follows:-

- it was clear that an overwhelming majority of those present at the public meeting held felt that the planning application should be refused.
- two previous planning applications for residential development on the site have been refused, and an appeal dismissed
- proposed development would be inappropriate in the Green Belt and there are no material planning considerations of sufficient weight to overcome the harm that would result from the proposed development
- in principle objection on Green Belt grounds as well as objections in respect of the impact of the development on the scale and appearance of the immediate surroundings and the general area, unsustainable location for the scale of development proposed due to limited facilities or amenities in village, loss of preserved trees (TPO/23/2009), conflict with the objectives of the Special Landscape and Thames Chase designations
- improvements to parking and access to the school would be welcomed by the school and wider community but not at the expense of losing a larger area of open Green Belt land, which currently forms part of a very important gap between the settlements of Ingrave and Herongate. The existing character and appearance of the site would be lost to the significant detriment of the character and appearance of the surrounding area. Given the overall scale, height and bulk of the proposed block of flats, the coverage of the site in building and hardsurfacing, the proposed development would be seriously harmful, not only to the openness of the Green Belt, but also to the rural character and appearance of both the immediate area and the wider surroundings. The loss of preserved trees would compound this harm. If 'thinned out' and given a new setting alongside a substantial two storey building, the group value will be lost. The overall amenity value must be assessed from three aspects 1) users of the playing field (a very busy and treasured community asset) and children's playground - the removal of the woodland would have a profoundly deleterious effect on the character and ambience of the field, 2) from the adjoining A128 and 3) the ecology of the site - it would be unforgivable to destroy this locally unique, unspoilt habitat, in the total absence of any very special circumstances.
- the need for retirement or general housing in the Borough does not outweigh the harm. The need for housing is being addressed through the local plan process and

changes to Green Belt boundaries should be considered as part of this process - an individual planning application cannot change the boundaries.

- highway safety concerns - new access serving 27 flats and the school in close proximity to a zebra crossing would present a potential and unnecessary conflict between vehicles and pedestrians
- the proposed development does not comply with affordable housing policies which requires 35% of the units to be affordable housing
- any benefits to the school are limited
- it is simply not the case that there is a lack of an up-to-date development plan or a lack of a five year housing land supply
- the Parish Council is puzzled by the claim that there was positive feedback received from the public during pre-application engagement
- their village appraisal did not identify any overriding need for such development. The Brentwood area is very well supplied with retirement housing
- no amount of landscaping can overcome the harmful impacts
- the proposed planning obligations would fail the 'tests' in Circular 05/2005
- contrary to NPPF and Local Plan Policies GB1, GB2, C3, C6, C7, C8, C11, CP1, H9, CP4

A letter from an arboriculturalist accompanies the Parish Council's objection letter. The arboriculturalist states that the application 'does not take into account the tree coverage in respect of its importance in the landscape setting and how the change of use will irreversibly alter this completely'. What hasn't been looked at is the trees as a 'woodland' and a feature within the landscape. The new planting would transform the site into a manicured rather than the existing naturalised site which is likely to be of more benefit to wildlife than the proposed scheme. It is arguable that the tree and ecology survey is not up-to-date (the tree survey was carried-out in December 2012 and the ecology survey was undertaken in October 2013). The preservation order could be altered to a woodland order to protect all of the trees, including any new generation. The proposal is to remove the majority of the density of this wooded area.

- **Highway Authority:**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

Highway Works

1. Prior to the proposed access being operational the existing Zebra Crossing is to be relocated and positioned as indicated on Dwg no. TRN 09 Rev D has been provided entirely at the Developer's expense and is subject to certification through a Section 278 Highway Works Agreement. Reason: To make adequate provision within the highway for pedestrians accessing the site in a safe location as a result of the proposed development and new junction onto Brentwood Road.
2. Prior to occupation of the developer to provide raised bus border kerbs to improve access to buses at the south bound bus stop located on the A128 Brentwood Road, opposite the proposed development site. Such works to be carried out during a school holiday period and within nine months of commencement of practical building

work, and provided entirely at the developers expense and is subject to certification through a Section 278 Highway Works Agreement. Reason: To make adequate provision within the highway for pedestrians using public transport in the interest of highway safety.

3. Prior to occupation the developer to widen and rebuild the public footpath on the West side of Brentwood Road adjacent to the site, such works to be completed before the proposed new cul-de-sac is opened for use by pedestrian and vehicles, and provided entirely at the developers expense and is subject to certification through a Section 278 Highway Works Agreement. Reason: To make adequate provision within the highway for pedestrians accessing the site in a safe location as a result of the proposed development and new junction onto Brentwood Road.

Conditions

1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

2. The proposed vehicular access shall be constructed as shown on Drawing no. 02012/01 Revision B. Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to commencement of the development, the junction at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 51 metres to the north and 2.4 metres by 68 metres to the south onto Brentwood Road, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of obstruction above 600mm at all times. Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. The existing school access as shown on the site layout plan 02012/01 Rev. D shall be suitably and permanently closed to all vehicular traffic to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the footway and kerbing immediately the proposed new access is brought into use. The works shall be implemented and retained in accordance with the approved details. Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic

conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. The proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay. Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times. Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved drawing no. 02012/01 Rev D for residential retirement scheme, and drawing no.02012/09 Rev A for school car parking, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets; Thorndon Approach and Whitby Avenue 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.

8. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres, or 3.9 metres x 5.5 metres if bounded by walls or other construction. Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

9. The cycle parking facilities as shown on the approved plan 02012/01 Rev D are to be provided prior to the first occupation of the development and retained at all times. Reason: To ensure bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the

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

Note: The school car parking area to comply with drawing no.02012/09 Revision A to ensure adequate separation of pedestrians using the school and vehicles accessing the car park.

General

1. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval and a safety audit.
2. The above to be provided at no cost to the Highway Authority
3. The above to be imposed on the planning permission (if granted) by planning obligation or condition, as necessary.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives

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

- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

-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 or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

- **Environmental Health & Enforcement Manager:**

No response at the time of writing report.

- **Essex & Suffolk Water:**

No objection.

- **Anglian Water Services Ltd:**

No response at the time of writing report.

- **Environment Agency:**

As the development site lies in Flood Zone 1, an area of low flood probability and is less than 1 hectare which means that it falls within our Flood Risk Standing Advice, and the environmental risk is considered to be low, we have no comments on this consultation.

- **Arboriculturalist:**

I have reviewed the arboricultural report and visited the site to view from the public access around it. With respect to the TPO the area was originally preserved as an area, protecting all trees. On receipt of objection the LPA agreed to change it to an order protecting specific trees. This does not account for the importance to the wider landscape and wildlife value of what is actually a developing woodland. I believe that a new TPO should be considered denoting the area as woodland. This would also serve to rectify the various discrepancies in the TPO referred to in the arboricultural report. The area being developing woodland provides a dynamic habitat which the proposal seeks to remove by "urbanizing " an area of relatively undisturbed green belt land. Of course, to the proponents this undisturbed land may be described as derelict. This undisturbed nature, without the damaging effect of constant human visitation is a part of its local importance. The tree survey looks at the trees as a number of individuals rather than a dynamic collection growing in interdependence which will form a wooded area of considerable visual importance. The B.S. 5837 : 2012 trees in relation to construction sites is exactly what it states and is employed where the concept of development and by inference human activity is considered a prerequisite. It seeks to retain trees often as individuals within a construction site and provides a systematic approach to that retention. What needs to be considered here is the wider principle of the loss of considerable visual and wildlife amenity that the area provides. It is unfortunate that the replanting proposals further urbanise the area introduce species that have no relevance to this location.

- **County Archaeologist:**

The Essex Historic Environment Record (EHER) shows that the proposed development at land adjacent to Hillcrest Nursery, Ingrave lies within the known extent of medieval and post medieval Ingrave (EHER 19311). The extent of the medieval settlement of Herongate and Ingrave may be discerned from the early post-medieval cartographic evidence, in particular from the Walker map of 1598 which depicted Lord Petre's estates and the Chapman and André map of 1777. The settlement appears to have formed a dispersed but linear pattern, strung out along the northern and eastern edge of Ingrave Common (EHER 19317), between the manorial church/hall complex of Ingrave Hall and Heron Hall. Given the location and nature of the proposed development it is probable they will disturb or destroy important archaeological deposits or features associated with the development of the settlement during the medieval and post-medieval periods. In view of this, the

following recommendations are made in line with the national Planning Policy framework

Recommendation: Full condition

'No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.

A professional team of archaeologists should undertake the archaeological work. The work will comprise the evaluation through archaeological trial trenching of the proposed development. The initial phase of work will assess the presence or absence of archaeological deposits and features and may lead to mitigation measures such as preservation-in-situ or area excavation if significant archaeological deposits are identified. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief outlining the level of investigation will be issued from this office on request.

- **Essex Wildlife Trust:**

No response at the time of writing report.

- **Housing Services Manager:**

No response at the time of writing report.

- **Schools, Children Families Directorate:**

No response at the time of writing report.

- **Essex Badger Protection Group:**

No response at the time of writing report.

- **Design Officer:**

Background

The proposed development site is located to the west of the Brentwood Road (A128), a principal thoroughfare within the settlement of Herongate. Herongate is conjoined at the north eastern boundary with the settlement of Ingrave; the village envelope is surrounded by Green Belt and a Special Landscape Area. The Herongate Conservation Area is not in close proximity to the application site, the Thorndon Park Conservation Area is situated to the west of the application site; neither of these designated Conservation Areas are immediately impacted upon by the proposals within this application.

As part of this response I have given consideration to the continued historical evolution of the two parishes which would be impacted upon by these proposals together with an assessment of the proposed design should the principal of development be acceptable given the Green Belt location.

Discussion

Historically, the two neighbouring settlements of Herongate and Ingrave were typical of the historic landscape of the Brentwood Borough which was characterised by dispersed settlements. At the beginning of the post medieval period, encroachment upon the common (Ingrave) appears to have commenced (Medlycott 2001), however the two villages remain separate at the western boundary. The submitted planning statement (P.3) states 'the two villages have grown together over time', this is not true in entirety, as the green belt land to the west affords separation, prior to its abutment with the Thorndon Park Conservation Area.

Evidently there is a distinct soft boundary of established dense hedgerow at the west of the Brentwood Road travelling north into the Brentwood Town Centre; the Green Belt land at this location (the development site) remains the sole distinction of the two villages upon the principal thoroughfare; I advise retention of separation is important and part of the historical significance of both villages.

Summary of the principal of development:

Consequently, I advise against the principal of development at this Green Belt location as the implementation of urban development is contrary to the historical evolution of Ingrave and Herongate and their remaining settlement separation.

Design

In terms of the submitted design, I have reviewed plans, associated elevations, CGI montages and additional information. My comments in this section are solely based on the principal of development being acceptable in planning terms, I advise the following in respect of the design;

The development proposes a substantial continuous two storey form which appears to be derived from a neoclassical narrative. The orientation of the building seeks to minimise bulk upon the principal thoroughfare as the core form stretches in a rectilinear manner deep into the site.

Having assessed the extent of the proposed built form in context I advise the bulk and continuous nature of the urban form is too great in this location. Looking at elements such as fenestration, there is a lack of depth to the design intent, the hierarchy of openings for example could be strengthened to support the 'interpretation' of the neoclassical style adopted within this application.

Further concerns are in respect of the elevation treatment where there are 'gabled' features (e.g. see Drawing 02012/08) which perhaps seek to 'break up' continuous form; however I advise the scale, proportion and detailing of these applied elements are contrary to the narrative. Such features would have been key focal points with strength of scale upon a host form of the neoclassical period; within this design the gabled features are of a subservient nature, with the ridge level set unconvincingly higher. This disparity of proportion in conjunction with the weight of form in a continuous mass equates to a design which I do not advise is acceptable. The

proposed level of hard standing, effectively framing the architecture with car parking and insufficient landscaping does not assist the design; resulting in a hardness to the proposals, unsuitable given the Green Belt location.

The Framework (NPPF) does not advocate specific design styles are imposed upon applicants however it does reinforce the requirement for Good Design; I advise the overarching narrative and detail intent needs considerable attention.

Summary of design

The continuous nature of the weight of the proposed form with associated car parking will create an inconsistency within the existing grain and street scene. The architecture is incongruous to its immediate context, therefore detailed information submitted under further Planning Conditions would not override my fundamental concerns regarding the proposed design.

Consequently, I raise objections and advise this design approach is inappropriate given the local character and distinctiveness of the villages of Herongate and Ingrave.

Conclusion

In conclusion I do not support this application; both on conservation grounds and in respect of the proposed design.

- **Planning Policy:**

No response at the time of writing report.

6. Summary of Issues

The application site is a greenfield site located within the Metropolitan Green Belt. The site is also within a Special Landscape Area and the Thames Chase Community Forest. The site accommodates Tree Preservation Order(s) 29/2010 which covers two groups and five individually protected trees. Hedges are located along the eastern, western and northern boundaries of the site.

The site is located on the western side of Brentwood Road (part of the A128) a principal thoroughfare through the settlement of Herongate, which links Brentwood to the north with the A127 to the south. The site is stated as measuring 0.83ha., is roughly rectangular in shape and measures around 100m in length along Brentwood Road and 80m in depth . The site adjoins Hillcrest Nursery to the south and Ingrave Johnstone Church of England Primary School and its associated access from Brentwood Road to the north. The village/school playing field is located immediately to the west. The Green Belt boundary is located on the northern side of the existing access to the adjacent primary school. The site is one of those forming part of the Council's current 'Strategic Growth Options Consultation'.

The site is understood to have been used as a paddock in the past but that the site has had no use for the last 20 years except for 'bonfires and nursery storage'.

An appeal was dismissed in October 2010 for the erection of 5 detached, two storey dwellings (5 bedroom houses with gardens and car parking) and 26 parking spaces for possible school use. In dismissing the appeal, the Inspector made a number of statements which are considered relevant to the determination of the current application. Whilst the appeal was determined prior to the NPPF coming into force, the views of the Inspector are referred to in relation to the current proposal where relevant. In conclusion, the Inspector found the benefits insufficient to clearly outweigh the harm the development would have caused and, therefore, that very special circumstances did not exist. The previously proposed sheltered housing scheme (reference 09/00703/FUL) was for a three storey building containing 44 flats closer to Brentwood Road than that currently proposed.

The main issues which require consideration as part of the determination of this application is the principle of the development, the impact of the development on the openness of the Green Belt, the impact of the development on the character and appearance of the area (including the impact on existing trees), any adverse impact on the amenity of the occupiers of nearby properties as well as the quality of life for the occupiers of the proposed flats, highway safety issues, affordable housing provision, archaeology and ecology.

The Core Planning Principles which form part of the NPPF (paragraph 17) include a requirement to protect the Green Belts around our main urban areas and to recognise the intrinsic character and beauty of the countryside. In paragraph 55, the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Section 9 of the NPPF refers to 'Protecting Green Belt land' as part of which it is stated that the Government attaches great importance to Green Belts and that the aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are stated as being their openness and their permanence (paragraph 79). Paragraph 87 and 88 refers to the need for very special circumstances to exist before inappropriate development is approved. Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Framework, in paragraph 14, states that the presumption in favour of sustainable development is a golden thread running through plan-making and decision-taking. It sets out the three dimensions of sustainable development and indicates that these give rise to the need for the planning system to perform a number of roles. It is inevitable that from time to time tensions will develop between the economic, social

and environmental roles of planning and the Framework provides guidance on how these may be resolved.

Part 7 of the Framework concerns design and states that the Government attaches great importance to the design of the built environment. It goes on to indicate that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The use of the term 'built environment' indicates that good design extends beyond the design of buildings.

Paragraph 216 of the NPPF recognises that decision-makers may also give weight to relevant policies in emerging plans.

The government has issued a series of National Planning Policy Guidance, including 'Design' and 'Housing and economic land availability assessment', which are considered to be of particular relevance to the determination of this application.

Principle of Development

The development consists of a block of flats, accessway, car parking and ancillary works, none of which fall within any exceptions to inappropriate development within the Green Belt set out in the NPPF. As a result, the proposed development constitutes inappropriate development in the Green Belt. The applicant accepts this view. The development would cause harm by reason of its inappropriateness and very special circumstances would need to exist which clearly outweighed this harm as well as all other harm the development would cause to justify planning permission being granted in this case, to comply with the NPPF (section 9) and Policy GB1.

Paragraph 44 of the 'Housing and economic land availability assessment' NPPG states that 'The Framework makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan'. The development proposed is contrary to this advice.

As part of the previous appeal, the Inspector referred to the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open and that the most important attribute of Green Belts is therefore their openness. He concluded that the proposals would constitute inappropriate development in the Green Belt in terms of PPG2 and development plan policy and that this would therefore, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances. He attached substantial weight to this in reaching his decision.

It is further considered that the occupiers of the proposed flats, given the rural location of the site, the limited extent of local facilities and services and the limited public transport which would be available to the occupiers of the site, would largely depend on the use of private motor vehicles for their journeys to/from the site. As a result, it is

considered that the proposal would not be a sustainable form of development contrary to the NPPF (section 4) and Policies CP3 and T1.

Impact on the Green Belt

The application site does not contain any existing buildings or other development which reduce the openness of the Green Belt or which are incompatible with the site's Green Belt designation. The application site also adjoins open, Green Belt land both to the east (cricket ground) and west (village playing field) of the site.

The proposed development consists of a substantial building along with expanses of car parking and other hard surfaced areas as well as fencing, walls etc. As a result, compared to the existing site, the development would significantly reduce the openness of the Green Belt at this point and be contrary to the purposes of including the land within the Green Belt, specifically to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment. The proposal would represent an encroachment of development along the road frontage into the Green Belt. The inevitable ancillary buildings/structures (fencing, domestic paraphernalia etc) would add to this harm.

The reduction in openness and the conflict with the purposes of including the site within the Green Belt would cause harm which would be in addition to that caused by reason of inappropriateness referred to above, contrary to the NPPF (paragraph 79) and Policy GB2.

The conclusions of the Inspector as part of the previous appeal supports this view. The Inspector stated that the appeal site 'is undeveloped. It is located in a prominent position alongside Brentwood Road which connects the villages of Herongate and Ingrave. It is therefore highly visible from this well used public highway. The two villages are very close to each other with little by way of undeveloped land between them. It is apparent from the response of local residents to the proposal that the site is regarded as a very important feature separating these two communities.... Given the scale of the proposals and the prominent location, the development would cause significant harm to the openness of this part of the Green Belt. This would be contrary to the purposes of Green Belt policy and to the harm already identified by reason of inappropriateness'.

Character and Appearance

The application site is located in the rural area and the expanse of trees and other vegetation within the site are considered compatible to its rural location and the wider rural area of which the site forms part. The development would necessitate the removal of a significant amount of the existing trees (some of which are preserved) and other vegetation. The development includes the removal of a significant amount of the existing trees and vegetation within the site including trees protected by TPO 29/2010 (confirmed 4/3/11). The TPO relates to T1-T3 Oak; T4 and T5 Sycamore; G1 8 Oaks, 6 Sycamore, 5 Cherries, 6 hawthorns, 5 Field Maple; G2 4 Lawson Pine. The

submitted drawings indicate that the development would result in the loss of most of G1, G2, T4 and T5 with only T1 and T2 shown to be retained.

The site is also considered to be part of an important visual gap between the villages of Herongate and Ingrave which includes the cricket ground, the village playing fields and Hillcrest Nurseries, which is also a part of the historical significance of both villages. The Inspector, as part of the last appeal, having referred to the over-grown nature of the site with semi-mature and mature trees and other vegetation, stated that the site's 'character and appearance, in contrast to surrounding land uses, enhances its value as a break in built development between the two villages. This would be lost with the proposed development of the site to the significant detriment of the character and appearance of the surrounding area.' It is considered that the current proposal would have the same adverse impact, contrary to the NPPF (section 7) and Policies CP1 (criteria i and iii), C5 and C7. The Arboriculturalist and Design Officer support this view.

The proposed development would urbanise the site and would be visually incongruous in this rural location. The proposed development, in particular the building proposed and the walling along the road frontage, would be visible from both directions. Based on the advice of the Design Officer, it is considered that the bulk and continuous nature of the urban form is too great in this location. There is also a lack of depth to the design intent, the hierarchy of openings for example could be strengthened to support the 'interpretation' of the neoclassical style proposed, and the proportion and detailing of the 'gabled' features proposed are contrary to the narrative with respect to their scale, proportion and detailing. Planting is proposed along the majority of the road frontage of the site but it is considered that this would not effectively screen the development proposed, particularly in the short to medium term. Officers are also of the view that the landscaping scheme proposed would not be extensive enough to provide an appropriate setting for the development given its rural location and would itself add to the urbanisation of the site particularly as a result of the species proposed.

Given the scale of the development proposed, it is considered that the development would also adversely affect the Special Landscape Area of which the site forms part (contrary to Policy C8) and would be contrary to the aims of the Thames Chase Community Forest (Policy C11) particularly in terms of landscape enhancement.

The NPPF (paragraph 58) requires that developments 'respond to local character and history, and reflect the identity of local surroundings and materials'. It is not considered that the current proposal satisfies this requirement.

The twelve core planning principles set out in paragraph 17 of the Framework indicate, amongst other things, that planning should recognize the intrinsic character and beauty of the countryside. It is acknowledged that as a result of the existing, neighbouring development the site does not possess the same level of openness as the land to the west and south. However, it is considered that the proposal would be

an encroachment of development particularly into the undeveloped frontage of the site along Brentwood Road that would unacceptably detract from the character and appearance of the area. It would therefore conflict both with the Framework and Policy CP1 which seek to safeguard the character of the countryside.

Residential Amenity

As a result of the distance between the proposed block of flats and the boundaries of the site, and as the proposed car parking areas would not immediately adjoin any existing residential properties, it is considered that the development would not have a materially adverse impact on the amenity of the occupiers of any neighbouring residential property by reason of overlooking, dominance, loss of outlook, loss of sunlight or loss of daylight, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

Quality of Life

The proposed flats would all be above the recommended minimum sizes i.e. more than 40sq.m. for the one bedroom flats proposed and more than 52sq.m. for the two bedroomed units. The development would also make provision for sufficient off-street parking to comply with adopted standards for sheltered accommodation along with private amenity space equating to at least 25sq.m. per flat. It is not anticipated that the occupiers of the proposed flats would be significantly disturbed by the use of the adjoining school which would be separated from the proposed flats by two areas of car parking and the building proposed would be positioned between the school and the private amenity space proposed to serve the occupiers of the proposed flats. On this basis, it is considered that the development would provide an adequate quality of life for the occupiers of the proposed flats, in compliance with the NPPF and Policy CP1 (criterion ii).

However, Policy H11 (Supported Accommodation) requires that the proposal is in close proximity to facilities such as shops, public transport, health and leisure facilities. Whilst there are facilities within the adjacent villages and the occupiers of the site would have access to public transport (bus services along A128), it is considered that these are too limited to adequately serve the occupiers of the proposed flats.

Highways and Parking

The Highways Authority does not raise objection to the proposed development subject to certain off-site highway works being carried-out and a number of conditions being imposed (including a Construction Method Statement, the provision of visibility splays, the closure of the existing school access to vehicular traffic, preventing the discharge of surface water onto the highway, limiting the use of the proposed parking areas to those proposed, parking space minimum dimensions, provision of cycle parking and the provision of Residential Information Packs). The applicant has agreed to the relocation of the existing zebra crossing and improvements to the bus stop located on the opposite side of Brentwood Road, both of which are referred to in the Unilateral Undertaking submitted as part of the application. On this basis, it is

considered that the proposed development would not cause harm to highway safety, in compliance with the NPPF (section 4) and Policies CP1 (criteria iv and v) and T2, subject to the obligations proposed and the imposition of conditions as recommended by the Highways Authority.

The adopted parking standard for retirement developments is a minimum of 1 space per dwelling and 1 cycle space per 8 units along with 2 PTW spaces and 1 space per dwelling for mobility scooters plus 0.25 visitor spaces per dwelling with 3 disabled bays or 6% of total capacity. 27 parking spaces are proposed, 7 visitor spaces, 2 spaces for staff and 4 cycle parking spaces - which accords with the adopted standard. The standard would require the provision of 14 mobility scooter parking spaces but the applicant considers this to be excessive.

The vehicle parking standard for schools is a maximum of 1 space per 15 pupils. It is stated that the school has around 250 pupils which equates to 17 parking spaces to accord with the standard. 15 car parking spaces are proposed to serve the school as well as 13 visitor parking spaces plus a further 8 spaces when not in use as a coach parking bay (i.e. a total of 36 spaces within the application site) which does not comply with the adopted parking standard for primary schools.

Affordable Housing

No affordable housing is proposed as part of the proposed development 'due to the need to finance the works for the School' and it is claimed that the scheme would no longer be viable if affordable housing were to be provided. The applicant also advises that RSLs are likely to find the proposed units too large for the requirements of RSLs.

On the basis that there would be no on-site 24 hour carers and each flat would be self contained (albeit with a communal lounge for social events) it is considered that the proposed residential use would fall within Use Class C3. Therefore, if the principle of re-development of the site were to be accepted, the Council would expect the provision of 35% of the units to be affordable housing (Policy H9 and CP4) as part of the scheme. As no affordable housing is proposed, the development would not make an adequate contribution towards the Borough's housing needs, contrary to the NPPF and Policies H9 and CP4.

Ecology

None of the ecological reports submitted as part of the application indicate that there is any ecological interest in the site which would prevent the development proposed proceeding. Officers are not aware of any information to contradict the contents of the specialist reports submitted. On this basis, it is considered that the proposed development is unlikely to cause harm to any local ecological interest, subject to the imposition of conditions requiring the implementation of the recommendations set out in the reports submitted, in compliance with the NPPF (section 12) and Policy C3.

Archaeology

Specialists at Essex County Council have identified the application site as being located in an area of archaeological potential in the form of medieval and post-medieval deposits and have recommended that any planning permission granted is conditional on a full archaeological investigation being carried out before the new development is commenced. On this basis, it is considered that the archaeological interest of the site could be adequately dealt with through the imposition of a suitably worded condition and, therefore, that the proposal complies with the NPPF in this respect and Policy C18.

Green Belt Balance

As the development constitutes inappropriate development in the Green Belt, very special circumstances which clearly outweigh this harm along with all other harm the development would cause would need to exist to justify planning permission being granted for the development proposed.

The applicant has made reference to a number of matters which, in their view, amount to 'very special circumstances', as follows:-

- the need for retirement accommodation and meeting local housing needs, specifically the identified need for housing for the elderly. They state that providing residential accommodation for the active retired responds to the need of an ageing population in Herongate and Ingrave and provides opportunities for down-sizing from existing larger properties. They state that Herongate and Ingrave has a proportionately older population compared to that of the Greater London Area and the UK overall. The applicant has researched the market retirement flats available in May 2013 and all were considered to be unlikely to attract elderly residents wishing to downsize due to their insufficient size and none were in Ingrave or Herongate. Heron Court in the area only caters for dementia sufferers.

Officer comment

As part of the previous appeal, the Inspector was of the view that it had not been demonstrated that the new housing proposed would meet a local housing need sufficient to justify the release of Green Belt land. There is an acknowledged need for additional housing provision within the Borough as a whole including more specialist accommodation for the ageing population. However, the housing need for the Borough is in the process of being met through the emerging Local Plan and, whilst this matter does weigh in favour of the proposed development, it is considered that any weight should be limited particularly as paragraph 34 of the 'Housing and economic land availability assessment' NPPG states that 'Unmet housing need... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt'.

- the new access will enhance accessibility and highway safety along this section of Brentwood Road. The proposed school parking would reduce on-street parking in Thorndon Avenue and Whitby Avenue resulting in improved safety and less noise and disturbance for residents.

Officer comment

As part of the previous appeal, the Inspector considered that the improvements in access and parking arrangements for Ingrave Johnstone Primary School did weigh in favour of the proposal as there would be significant road safety benefits arising from this aspect of the development. However, the Inspector was of the view that this matter did not clearly outweigh the harm the development would cause. There is no suggestion that the road safety benefits would now be any greater than at the time of the appeal and, therefore, there would be no reason for a different view to now be taken. Despite being suggested at pre-application stage, the application does not refer to any measures the School has considered or tried to reduce its parking and access needs. It has also not been demonstrated that the proposed car park is the minimum required to adequately address the parking and access problems the applicant identifies as part of the application. There is also concern that by providing a significant amount of off-street parking, the development may encourage a greater use of motor vehicles by staff, visitors and parents associated with the school.

- the need for improvements to the school - the total costs of the works and other monies being offered for the School have a total value in excess of £800,000 - a Unilateral Undertaking accompanies the application. Reference is made to there being no dedicated sick room or first aid room at the School, that reprographics is located in a corridor, and the size of the school office is inadequate. A financial contribution towards the upgrade of a local church hall is also offered.

Officer Comment

As part of the previous appeal, the appellant had offered payments to the school (£125,000) to assist with capital projects along with a school car park for 26 vehicles some of which could have been used for coach parking. In dismissing the appeal, the Inspector considered that 'there is no evidence before me that the proposed payment is relevant to planning or directly related to the scale and impact of the proposed development. The appellant's other offer was to transfer ownership of land needed for the new school car park and access to the school. The Inspector considered that, 'the obligations both individually and taken together do not outweigh the harm I have already identified'.

The NPPF reminds local planning authorities that they must ensure that planning obligations meet the relevant tests for planning obligations i.e. that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. It goes on to advise that obligations should not be sought for matters which are clearly not necessary to make a development acceptable in planning terms. The Government is clear that obligations must be fully justified and evidenced.

The applicant has increased the level of financial contribution offered to the school, but it is considered that the proposed payment is not relevant to planning or directly related to the scale and impact of the proposed development. Furthermore, whilst Officers can understand the wish of the Head Teacher and Governors to gain a school car park, extended playground, sick room, improved school office etc, it is not considered that these offers, either alone or in combination, are essential. It is noted that Essex County Council as education authority has not responded to their consultation, and so there is no indication whether or not the County Council considers that the school requires any further improvement as set out in the current application. Furthermore, whilst the necessary funds may not be available for the improvements to the school buildings, it is not clear that this would always remain the case. On this basis, it is considered there is no reason for a view different to that of the Inspector to now be taken i.e. that this matter is not directly related to the scale and impact of the proposed development and does not clearly outweigh the harm the development would cause. The Council's Legal Officer supports this view.

Some of the occupiers of the proposed flats may make use of the local church hall but the offer to make a financial contribution towards its upgrade does not clearly outweigh the harm the development would cause.

- the lack of an up-to-date development plan and policies may be considered as inconsistent with the national planning policy context. The adverse impacts of granting planning permission for the development need to significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Officer Comment

In accordance with paragraph 214 of the NPPF, the local planning authority considers that full weight should be accorded to saved Local Plan Policies relevant to the determination of this planning application with particular reference to Policies GB1, GB2 and CP1 as any conflict with the NPPF is limited. Although adopted some years before the Framework the aims of the general Green Belt Policies (GB1 and GB2) within the Brentwood Replacement Local Plan 2005 are consistent with those of the Framework (section 9 referred to above) and therefore they still carry significant weight. Policy CP1 echoes the core principles of the NPPF and, therefore, all three policies can be afforded full weight in the determination of this application. On this basis, it is considered that this matter should be afforded very little/no weight in the determination of this application and does not clearly outweigh the harm the development would cause.

- the lack of a five year housing land supply. The applicant suggests that the Borough has as little as 1.62 years housing land supply and, therefore, that a presumption in favour of the development exists.

Officer Comment

As at June 2014, Brentwood Borough had a housing land supply of 4.3 years (i.e. less than the requisite 5 year supply) but this does not make any allowance for, for example, windfall sites that have made up 21% of the dwellings built in the Borough over the past five years. As a result of the Council being currently technically unable to demonstrate a full 5 years housing land supply, in accordance with paragraph 49 of the National Planning Policy Framework, the Council's current adopted policy relevant to the supply of housing (Policy H1) is not considered to be up-to-date. The effect of this shortfall in identified housing land is that the provisions of paragraph 14 of the Framework come into play. For decision taking this means that applications for residential development should be granted permission unless any adverse impacts of granting permission would significantly and demonstratively outweigh the benefits of the development when considered against the policies of the Framework as a whole or there are specific policies in the NPPF (in this case, relating to the Green Belt) which indicate that development should be restricted. It has been demonstrated above, that the development would cause significant adverse impacts which would significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole and there are specific policies in the NPPF (in this case, relating to the Green Belt) which indicate that development should be restricted. Therefore, the presumption in favour of granting planning permission does not apply in this case. As a result, the matter of housing supply should be afforded little if any weight in the determination of this application and, in any event, does not clearly outweigh the significant harm the development would cause. To reiterate, paragraph 34 of the 'Housing and economic land availability assessment' NPPG states that 'Unmet housing need... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt'.

- the positive feedback from the public during pre-application engagement.

Officer Comment

Whilst nearly 100 letters of support have been received in response to the current application, 78 of the letters of support received are in a standardised format and a greater number of non-standardised letters of objection (120) have been received. Notwithstanding this, it is considered that the support which has been expressed for the development does not clearly outweigh the harm the development would cause.

In conclusion, it is considered that none of these matters, either alone or in combination would clearly outweigh the harm the development would cause.

Other Matters

New residential development would often be subject to a requirement to make a financial contribution towards the provision of school or pre-school places the need for which would be generated by the development, as advised by Essex County Council as Education Authority. However, provided that a limit is placed on the occupation of the proposed flats to those of a minimum age of 55, no such financial contribution would be required in this case.

The applicant has suggested that the volume of objections to the proposal has been boosted by a flyer they believe was distributed by the Parish Council and which they consider unfairly represents the benefits and disadvantages of the proposal.

In response to those matters raised as part of the representations received which have not been covered above, the following comments are made:-

- with respect to potential flooding and drainage, the application is accompanied by a Flood Risk and Drainage Strategy as part of which it is stated that the discharge of surface water will be managed to maintain overflow to the local existing green field rates by adopting SUDS principles. Attenuation will be provided by permeable paving, underground storage or a combination of both. On the basis of this, it is not anticipated that the development would exacerbate any existing flooding issues and drainage details could be required by condition if necessary.
- any inconvenience during the construction of the proposed development would be short term and not sufficient to justify a refusal of planning permission.
- if the school parking area did become a focus of anti-social behaviour out of hours, this is a matter which the School has stated they could address
- no consultee has suggested that the existing infrastructure is insufficient to cope with the development proposed
- with respect to public access to the village playing field, access would be maintained and any planning permission granted would not override any existing legal rights of access

Conclusion

The proposed development would cause harm to the Green Belt by reason of its inappropriateness and would cause further harm to the Green Belt as a result of a significant loss of openness and being contrary to the purposes of including the land within the Green Belt. The development would also result in a loss of the rural character and appearance of the site and the wider area (which forms part of a Special Landscape Area and the Thames Chase Community Forest) due to the loss of trees (some of which are preserved) and other vegetation, and the nature and scale of the development proposed. In addition, the occupiers of the proposed flats would not be in close proximity to adequate facilities and services. Furthermore, the occupiers of the proposed flats would largely be dependant on the private car to gain access to the majority of facilities and services and the car park proposed to serve the school would be in excess of the maximum parking requirement for primary schools which would be contrary to the principles of sustainability. It is considered that none of the matters put forward in support of the proposal, either alone or in combination, would clearly outweigh the harm the development would cause. It is recommended below that planning permission is refused on this basis.

The application has been publicised as a departure from the adopted Local Plan. Therefore, as the development would be inappropriate development in the Green Belt, to comply with the Town and Country Planning (Consultation) (England) Direction 2009, if the Council were minded to grant planning permission for the development proposed, the Secretary of State would first need to be consulted to provide him/her with an opportunity to consider whether or not the application should be determined by them.

7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 U09257

The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size and height of the building and the other works proposed, would result in a reduction in the openness of the Green Belt, contrary to the NPPF (in particular section 9) as well as Policies GB1 and GB2 of the Brentwood Replacement Local Plan.

R2 U09287

The proposed development would be, as a result of the scale, size, design and height of the building and the other works proposed, along with the loss of existing trees (some of which are preserved) and other vegetation, would harm the character and appearance of this rural area (which also forms part of a Special Landscape Area and Thames Chase Community Forest) and would result in the loss of a valuable break in

built development between the two villages of Herongate and Ingrave, contrary to the NPPF (in particular section 7) as well as Policies CP1, C5 , C7, C8 and C11 of the Brentwood Replacement Local Plan.

R3 U09288

The occupiers of the proposed flats would largely be dependant on the private car to gain access to the majority of facilities and services and the car park proposed to serve the school would be in excess of the maximum parking requirement for primary schools, contrary to the NPPF (section 4) and Policies CP2 and CP3 of the Brentwood Replacement Local Plan.

R4 U09289

The proposed development makes no provision for affordable housing and so does not make an adequate contribution towards the Borough's housing needs, contrary to the NPPF (section 6) and Policy H9 of the Brentwood Replacement Local Plan.

R5 U09290

The proposed retirement flats would not be located in a suitable location as the occupiers of the proposed flats would not be in close proximity to adequate facilities and services to the detriment of the quality of life for the site's occupiers, contrary to the NPPF (section 6) and Policies CP1 (criterion ii) and H11 of the Brentwood Replacement Local Plan.

R6 U09258

The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt within which the site is located, harm to the character and appearance of the area, lack of affordable housing and car dependency. Therefore, no circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1-2, CP1-4, H6, H9, H11, T1-2, C3, C5, C7, C11, C18 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

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

BACKGROUND DOCUMENTS

DECIDED: