

SITE PLAN ATTACHED

04. LAND TO THE SOUTH OF 229 BRENTWOOD ROAD HERONGATE ESSEX

DEMOLITION OF EXISTING BUILDINGS, CREATION OF NEW VEHICULAR ACCESS, CONSTRUCTION OF TWELVE X ONE BED AND SEVEN X TWO BED FLATS IN FOUR BLOCKS INCLUDING SIX X SHARED OWNERSHIP UNITS, PROVISION OF BIN AND BIKE STORES, PARKING AREAS, LANDSCAPING AND ASSOCIATED WORKS.

APPLICATION NO: 14/01313/FUL

WARD	Herongate, Ingrave & West Horndon	8/13 WEEK DATE	23.02.2015
PARISH	Herongate & Ingrave	POLICIES	NPPF NPPG CP1 GB1 GB2 T2 C3 C5 C8 C11 C14 C16
CASE OFFICER	Mr Martyn Earl	01277 312588	
Drawing no(s) relevant to this decision:	3215/1B; 3215/2; 1220.1C; 1220.2; 1220.3; 1220.4; 1220.5; 1220.6; 1220.7A; 1220.8; 1220.9A; 1220.10; 1220.11A; 1220.12; 1220.13; 1220.14; OS 916-14.1; OS 916-14.2 REV A; OS 916-14.3 REV B;		

1. Proposals

Permission is sought for the erection of 4 x two-storey buildings containing a total of 19 units; 3 of the buildings would measure approximately 13.9m wide x 16.55m and up to 6.9m in height. Each floor would accommodate 2 x one bedroom and 1 x one bedroom flats; the one bedroom flats would have a Gross Internal Floor Area (GIA) of 50.1sqm and the two bed room would measure 75.1sqm.

The fourth block would measure 16.6m wide x 8.35m and up to 6.75m in height. At ground floor there would be a bike and bin store, a staircase leading to the first floor with undercroft access to the parking area to the rear of the building. The first floor flat would have two bedrooms and a GIA of 75.1sqm.

Six of the flats are proposed to be for shared-ownership with the remaining for open market sale.

The parking allocation has been interspersed within the site in three locations; 8 parking spaces located to the north, 10 spaces located centrally, and 14 parking spaces adjacent to the southern boundary.

A landscape plan has been submitted which indicates that the development would endeavour to retain some of the existing hedge to the front of the site and new hedging would be planted along the north and south boundary with the non-developed areas laid to lawn.

The application is accompanied by the following supporting documents:

- Design and access statement
- Planning statement
- Heritage appraisal and impact assessment
- Affordable housing appraisal
- Transport assessment
- Tree report: Arboriculture method statements, tree protection measures
- Woodland management plan
- Phase 1 Habitat and protected species
- Drainage statement

The site lies within the Metropolitan Green Belt to the south of the settlement of Ingrave and Herongate, and opposite 'Button Common'. It is broadly rectangular in shape, and is stated to measure 0.5ha. The east boundary abuts the A128 Brentwood Road which also marks the boundary of the Herongate Conservation Area. This boundary is marked by a mature hedge with access to the site via a gated entrance. Also within the ownership of the applicant is a parcel of land abutting the Grade II* listed Thorndon Park and Thorndon Park Conservation Area.

2. Policy Context

The National Planning Policy Framework came into effect on 27 March 2012 and is 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 Framework, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the Framework granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the Framework 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) was published in March 2014 and is a material consideration in the determination of this application.

The Framework confirms that the starting point for the determination of planning applications is the local development Plan. The Local Development Plan is the Brentwood Replacement Local Plan (RLP) which was adopted in 2005. RLP policies relevant to the determination of this application are as follows:

GB1 - New Development
GB2 - Development Criteria
CP1 - General Development Criteria
T2 - New Development and Highway Considerations
C3 - County wildlife sites, local nature reserves and other habitats and natural features of local value
C5 - Retention and provision of landscaping and natural features in development
C8 - Special landscape Areas
C11 - Thames Chase Community Forest
C14 - Development Affecting Conservation Areas
C16 - Development within the Vicinity of a Listed Building

3. Relevant History

- : - None

4. Neighbour Responses

At the time of the report being written, 105 responses have been received including one letter of support. The representations can be summarised as follows:

- o The site is within Green Belt and there is no special merit in building on this Green Belt Location
- o Development could be considered as unwarranted encroachment beyond the recognised village perimeter.
- o The Site would have access onto the busy A128 driving up from the A 127 where vehicles are often travelling at relatively high speeds and would have difficulty in braking/slowing to allow vehicles from a side turning access which could be considered partially unsighted.
- o Over development of this location.
- o Incongruous in a village setting
- o Devaluing surrounding property
- o Four blocks of flats are not in keeping with the village environment/community
- o Concern for road safety
- o There is not the infra structure in Herongate to sustain such a development.
- o Loss of wildlife habitat
- o Concern over the density of the development
- o This section of road is prone to flash flooding and poor visibility
- o There is no dependable public transport in this village
- o Impacts on the future occupiers of the development due to the location close to a main road

- o Concern over the timing of the submission of the application and the neighbour notification period over Christmas and the new year
- o Increase in the traffic movements in the surrounding area
- o Schools within the surrounding area are already over crowded
- o Harm to neighbouring listed building and conservation areas
- o Impact on broadband speeds
- o The development combined with others will lead to the joining of Brentwood and Laindon
- o If this proposal is developed further, is it possible to guarantee that young people will be able to afford to buy a home, even with shared ownership. Would there be provision for those unable ever to afford to buy?
- o Loss of flora and fauna

5. Consultation Responses

- **Natural England:**

No reply at time of writing report.

- **Housing Services Manager:**

No reply at time of writing report.

- **Essex County Lead Local Flood Authority:**

Thank you for consulting us on this application. Unfortunately, at the moment, we are only providing comments on sites over 1ha, where SuDS are proposed. So in this particular case we will not be submitting a response to you.

- **Essex Wildlife Trust:**

No reply at time of writing report.

- **Highway Authority:**

1. The proposal would lead to the creation of an access onto Brentwood Road, a stretch of Main Distributor highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety.

2. As far as can be determined from the submitted plans the applicant does not appear to control sufficient land to provide the required vehicular visibility splays of 2.4m x 90m to the north, The creation and use of this access would therefore result in vehicles emerging with inadequate visibility which would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.

A; This proposal would therefore be contrary to the aims and objectives of the Local Transport Plan 2006-2011, Appendix G - Highway and Transportation Development Control Policies as refreshed 19 October 2007.

- **Essex & Suffolk Water:**

No reply at time of writing report.

- **Historic Buildings And Conservation Officer:**

Significance

The proposed development site is located upon Brentwood Road, to the east of the A128. Adjacent to the site is the Herongate Conservation Area (to the east), Thorndon Park Conservation Area (to the west) also registered as a Grade II* listed Park and Garden (see appendices). Grade II listed Park House (List entry Number: 1205615) is located to the south of the site. 'House. C18, altered and extended in early C20. Red brick in Flemish bond, roofed with handmade red clay tiles' (English Heritage).

The A128 is the main thoroughfare into Brentwood through Herongate Village. The village envelope is surrounded by Green Belt and is a special landscape area (CAAMP 2009). The Conservation Area was extended in 2012 to include Button Common; the rural quality of the landscape beyond the point of entry to the Conservation Area is supportive of character and the green spaces of the Conservation Area are an intrinsic feature;

'the green space which is so much a feature of the Conservation Area is all informal, not over managed nor yet showing signs of inadequate maintenance' (p. 15 CAAMP 2012) this reference within the CAAMP remains evident.

The ownership boundary of the overall site extends into the Thorndon Park Conservation Area (also a Grade II* listed park and Garden) whilst this is not proposed as a developable area within the proposals, given the designation status of this land, consultation from English Heritage should be undertaken by the Local Planning Authority.

Discussion

The overall site is designated Green Belt at an important introductory point into the Conservation Area of Herongate. The verdant nature and soft framing of the location is presently supportive to the character and appearance of the wider conservation areas. There is no historical evidence supplied to me which supports the site having been previously developed land, with the exception of one built form which appears to be an early C20th structure. This structure I advise does not appear to be of highly significant architectural merit, an internal inspection has not been undertaken. The building was likely to have evolved from an agricultural use/need.

The grade II listed building of Park House and the associated outbuildings within its curtilage are visible through glimpsed views of the established soft boundaries of the site. The historic curtilage of Park House abuts both the Thorndon Park Conservation Area and the Grade II* Listed Park and Garden. To the north of the site are a series of later C20th detached dwellings. These are set back within their plots and are of neutral contribution to the character of the Conservation Area.

Having assessed this application in respect of its impact upon designated heritage assets, I raise concerns on Conservation and design grounds.

In the first instance the siting of the built forms do not propose a wholly natural evolution to grain of the historic settlement pattern of Herongate itself; I advise that should the principal of development be acceptable in this green belt location then a deeper contextual analysis with research into the Historic Settlement Pattern would enable an informed approach to any extension of the historic urban grain. This should also take into account the setting of the adjacent listed building and its relationship to the Grade II* listed park and garden, which will be impacted upon by any urbanisation of the site. The applicants own Heritage Assessment submitted within this application should also form part of the research to inform the design. From the dating of the document it appears the Heritage Assessment was produced after the layout design was decided upon (drawing 1220.1C).

The Heritage Assessment does detail the heritage constraints of the site and provides an important historical background. However given the significance and contribution of this site to the character and appearance of the Conservation Areas it is unfortunate the historical and contextual analysis has not informed the design approach as stated in section 4.2 (p.24).

The design proposes four built forms intended to resemble detached dwellings to accommodate the flatted units. This broken up approach to the built form would be less harmful than one continuous block form as referred to in the DAS (Section 4 p.3), however the quantity and uniformed nature of the proposals and the close relationships of the buildings to one another is contrary to the narrative cited. Whilst the design does in part make reference to architecture within the wider context I do not advise it is comparable with that of the Listed Building as stated in Section 7 of the DAS.

The DAS refers to the Listed Building of 259 as leading the proposed narrative stating: 'The style and proportions of the elevations have been designed and the materials chosen to echo the appearance of the listed dwelling at 259 Brentwood Road, the curtilage of which abuts the southern boundary of the application site', I would not advise this has been successfully implemented and has resulted in a diluted design.

It is important to recognise No. 259 is a stand alone Georgian Building, with a later extension successfully carried out in the 'Georgian Style'. The overall layout of buildings within the curtilage have variety in scale, interest at roof level together with a hierarchy of fenestration, substantial detail and high quality materials; ultimately it is the variety within the curtilage of Park House which does not transfer into the design in these proposals, the proposed design has a distinctly uniformed architectural approach, in layout and elevated treatment; including the design of the coach house building, which is of a comparable height to what are proposed to be 'host buildings'; the hierarchy is therefore lacking.

Summary

Having taken all aspects of this application into consideration, my concerns cannot be overcome through the application of planning conditions; the design does not enhance or preserve the Conservation Area of Herongate. I advise it will be harmful to the Conservation Area and its future conservation.

In respect of the encroachment of the proposed design upon the Thorndon Park Conservation Area and within the Grade II* Listed Park and Garden I defer at present to the pending English Heritage Consultation.

The design is not sufficiently developed with regard for the setting of the listed building of Park House. The proposals are relying too heavily upon the screened nature of this site, whilst I agree this location is presently well screened, heritage assets are assessed as a whole and the incremental erosion of green spaces which are intrinsic components of the Conservation Areas' character should be resisted.

Conclusion

Should the principal of development upon this green belt location be acceptable, any design should be developed through an in-depth understanding of the wider context and with regard to the historic environment. A high standard of design should be required, with detail and material intent dovetailed into proposals.

Recommendation

Consequently I do not support this application and recommend refusal.

- **Arboriculturalist:**

The submitted arb and woodland report are fine.

- **Natural England:**

Your enquiry regarding great crested newts has been passed to me to respond to. I understand that you have a query as to whether the conclusion, in the ecological report, that there are no great crested newts present is valid, as the ecological consultants were unable to survey the nearest pond which lies outside the application site (25 m away in an adjacent garden). There are also other ponds which lie outside the site but the next closest is located 350m to the east on the golf course. The nearest known record for great crested newts over 2 km from the application site.

In relation to this case, the assessment that great crested newts are not present is based on the ecological survey information contained in the report; the lack of suitable water bodies on site; the distance other ponds are located; lack of biological records and distance from nearest record; and the potential barriers to great crested newt movements ie the road. If it has not been possible to survey the closest pond located in an adjacent garden (eg access was refused), then the ecological consultants must make an assessment based on the available ecological information, their knowledge and understanding of the application site and surrounding habitats. It appears reasonable to have concluded that there are no great crested newts present.

I hope this answers your query although if you have any further enquiries please email consultations@naturalengland.org.uk .

- **Parish Council:**

Four Blocks of Flats located to the south of 229 Brentwood Road, Herongate

Herongate and Ingrave Parish Council object strongly to this proposed development because it is a green field site in the green belt and that there are no exceptional circumstances that justify the destruction of green belt.

Additionally, the site has the following protective planning designations:

Special Landscape area
County Wildlife area
Thames Chase protected habitat area
Bounded to east and west by conservation areas

There is a single agricultural shed on the site that was erected as an animal shelter. A local farmer confirms that his flock of sheep, on the field in question, used the shelter regularly some 25 years ago. The Woodland Management Plan Ref: OS 916-14-Doc3 of November 2014, provided by the potential developer, in paragraph 6.4.3 confirms that the derelict structure is agricultural in nature.

In view of the fact that the only building in the site area is a derelict animal shelter, the site cannot be deemed to be a brown field site.

The building of the four blocks of flats would dramatically affect the visual amenity of Button Common conservation area. Additionally, the major development close to the conserved woodland would significantly reduce the sunlight that would reach the woodland which would be deleterious to the conserved planting and associated habitat for flora and fauna.

To the south of the proposed development lies Park House, a rather beautiful 18th century grade II listed property that is of significant benefit to Herongate. Building four blocks of flats, however tastefully designed, would inevitably have a negative effect on the presentation of the home.

The reports on the habitat for birds, mammals, reptiles and bats provided by would-be developer clearly demonstrates that the area is still completely worthy of the designation as a County Wildlife area.

This Planning Application must be refused.

- **Historic England:**

- **Summary**

It is proposed to develop 19 flats, in four blocks, including a separate bin and bike store and parking. The site lies adjacent to the east boundary of the Grade II* Registered Park and Garden of Thorndon Hall and is adjacent to the Herongate Conservation Area and Grade II listed Park House. The proposed development site would fall within the setting of the registered park and Park House and we have some concerns that the proposed development would encroach upon the wider rural setting and significance of the heritage assets.

- **English Heritage Advice**

The registered park was designed as the grand setting for Thorndon Hall, which was subdivided into flats in 1975 after a major fire in 1878 led to it standing empty. The historic landscape comprises elements of 17th and 18th century design phases with

an overlay designed by Lancelot Brown and developed 1766-1772. Following the First World War 240 acres of the parkland to the south of the Hall were acquired by Thorndon Park Golf Club and this use continues to occupy a large proportion of the designed landscape, partly overlaying Brown's landscape. Much of the remaining historic parkland to the west of the Hall was acquired by Essex County Council and opened to the public as a country park.

The proposed development site is separated from the registered park by the Long Plantation, a woodland designed by Brown that forms its south eastern boundary. It is not clear from the historic plans and information provided whether there were any historic designed views through the Long Plantation from the parkland out into the surrounding countryside or from within the woodland from the designed paths that are apparent in the plan of 1872; Interestingly, the serpentine paths marked on the 1872

plan terminate at the Grade II listed Park House. Similarly, it is not possible to understand from the information provided whether there were ever designed views out to the surrounding countryside from earlier landscape features, the two mounts that

pre-date Lord Petre's 1733 plan for example - which were designed to provide extensive views over the parkland. It is possible that the proposed development would impact upon some of these longer, potentially designed, views.

The proposed development would amount to a minor expansion and infilling of the village of Herongate to the south and remove the existing separation between the village edge and the Grade II listed Park House. The extension of the village into the

surrounding countryside would also further erode the "rural" edges of the registered park which currently comprises its setting. This will have some detrimental impact on the significance of the park and setting of Park House.

The National Planning Policy Framework requires local authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, paragraph 131. It continues in paragraph 132 by stating that great weight should be given to an asset's conservation and the more important the asset, the greater that weight should be. Where a proposal would result in harm to an asset's significance, this should be weighed against the public benefits, paragraph 134.

It is worth noting that setting concerns more than just views to and from the heritage asset; the relationship between the registered park and its surroundings is also important. The NPPF Practice Guidance sets out that setting includes the way we experience an asset in its setting in paragraph 013.

Recommendation

We have concerns that the proposed residential development would further erode the wider rural setting of Thorndon Park causing some harm to its significance. We recommend your council consider whether the impact of the proposed development on the significance of the designated park and garden and Park House is outweighed by the public benefit of the development, as set out in paragraph 134.

- **Essex Badger Protection Group:**

Due to the area being heavily populated with badgers, I would ask that a survey of the site be carried out to establish any badger activity. This I am happy to do for you if required

6. Summary of Issues

Green Belt

The application site lies to the south of the settlement boundary in the Green Belt and is therefore subject to the local and national policies that apply in the Green Belt. The National Policy for Green Belts appears in Part 9 "Protecting Green Belt Land" of the National Planning Policy Framework. The Framework indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt.

The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. These exceptions are set out in Paragraph 89 of the Framework.

Paragraph 89 Indicates that limited infilling in villages and limited affordable housing for local community needs under polices set out in the Local Plan may not be inappropriate (bullet point 5). It also indicates (bullet point 6) that the limited infilling or redevelopment of previously developed sites may not be inappropriate provided that the new development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. A further exception is buildings for agriculture or forestry.

The application site abuts the southern boundary of 229 Brentwood Road and is on the edge of the settlement with the exception of a sporadic, mainly agricultural holdings, the frontage leading south from the settlement towards the A127 is devoid of development. The term "infilling" is not defined in the Framework but it is generally understood to mean the filling of a small gap in an otherwise developed frontage. It is considered that this interpretation would reflect the Framework objective of preserving openness.

The application site is not within a built up frontage and it is considered that the proposal would therefore not amount to infilling. If the site was considered to be infilling it would result in an encroachment of the settlement into the Green Belt. It is considered that the proposal does not satisfy the criteria of bullet point 5.

On the site are two small disused single storey buildings, which the Parish Council have identified as being previously used for agricultural use. The applicant is silent on this matter and the Council has no reason to believe that the buildings were therefore used otherwise. The Framework excludes land that is or has been used for agricultural or forestry use as previously developed land (PDL). The proposal cannot therefore be reasonably assumed to amount to the redevelopment of previously developed land.

If the view was taken that it was the redevelopment of PDL consideration must be given to its effect on the Green Belt. There can be no doubt that the proposed dwellings would materially detract from openness and they would represent an encroachment of residential development into the Green Belt, thereby conflicting with one of the purposes of including land in the Green Belt. For these reasons the proposal does not satisfy the criteria of bullet point 6 in paragraph 89.

The proposal includes an allocation of affordable housing and the tests set out in the BRLP Policy H10 therefore may apply. However, the site is not within the confines of an existing settlement and the redevelopment of the site would have a greater impact on the Green Belt than the existing buildings and the purposes of including land within the Green Belt. It has not been demonstrated that there is a local, social and economic need in the short and longer term or that no other suitable alternative accommodation is available within the built up area. The proposal does not comply with the provisions of Policy H10.

The proposed dwellings are not for agriculture or forestry.

Although adopted some years before the Framework the aims of the general Green Belt Policies (GB1 and GB2) within the Brentwood Replacement Local Plan (RLP) are consistent with those of the Framework and therefore they still carry weight. The RLP has no policies that would enable the development of dwellings in the Green Belt unless they were replacements or essentially required for agriculture, neither of which is the case here.

For the reasons set out above the proposal would not fall into the categories of development that may not be inappropriate in the Green Belt as indicated in paragraph 89 of the Framework. It would therefore be inappropriate development. It would cause further harm to the Green Belt by materially detracting from openness.

Green Belt - other matters

The Planning Statement submitted on behalf of the applicant makes a number of references to the Framework including paragraph 89; Part 4.0 of the Planning Statement is headed "Very special circumstances" and, in the context of the Framework, this suggests that the applicant accepts that the proposal is inappropriate development. It is necessary to examine other matters advanced in support of the proposal to determine whether they amount to "very special circumstances" that would overcome the harm to the green belt identified above.

The Planning Statement makes several references to Emerging Local Plan Policy DM25 however given the current stage of the LDP, no weight can be given to the emerging policies referred to by the applicant.

The Council cannot currently identify sufficient land for housing (either affordable or open market) that would satisfy the requirements of the Framework and the nineteen units would make a small contribution to the land available for development. However the 6 October 2014 revision to the on-line Planning Practice Guidance (Paragraph: 034 Reference ID: 3-034-20141006) made it clear that when taking decisions in respect of proposals in the Green Belt an unmet need for housing is unlikely to outweigh the harm to the Green Belt such as to constitute very special circumstances justifying inappropriate development within the Green Belt. It is considered that there is no reason why this approach should not apply to this proposal.

Other considerations:

The applicant draws attention to having commissioned landscape experts to prepare a woodland management plan for the land to the rear of the site; however the management of this land would not be necessary for the application to succeed, nor is it within the application site.

Impact on Character and appearance of the area

Paragraph 109 of the Framework indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The Framework does not define "valued" but given that paragraph 115 refers to nationally designated land it is considered that the value of local environment (as referred to in paragraph 109) is a matter for local people and their representatives to determine. The application site lies within an area defined as a Special Landscape Area and Thames Chase Community Forest in the RLP. This designation in itself now carries limited weight - however it is indicative of this being a valued landscape which should be protected and enhanced.

Located on the fringes of the Herongate settlement, the site is predominantly surrounded by open and undeveloped areas and characterised by the adjacent and nearby heritage assets. Heritage assets make a positive contribution to the character and appearance of the area; therefore, any negative impact on these assets will de facto result in a detrimental effect on the wider area.

The applicant's Heritage Assessment provides detail on the constraints of the site but based on the comments of the HBC, this analysis has failed to inform the design approach of the buildings. The HBC has referred to the Historic Settlement Pattern of Herongate where the ribbon of development could naturally be extended to include this location should the historical evolution of the urban grain and the elevated design complement the wider context; however the deficiency in the design approach under these proposals is contrary to this approach, therefore in turn is harmful to designated heritage assets.

Additionally, both the HBC and English Heritage (EH) make reference to the urbanisation of the site. EH specifically raise concern on the erosion of the "rural" edges of the registered park which currently comprises its setting, stating that this will have some detrimental impact on the significance of the park and setting of Park House.

The views of the HBC are set out in full above and do not need to be repeated here, however in summary it is the repetition and uniformity of the built form which fails to reflect the variety of scale or material language in the wider context, that would be harmful to the character and appearance of the area.

Overall, for the reasons set out in detail by the HBC and EH and summarised above, it is considered that the proposal would be harmful to the setting of the registered park and to Park House and to the adjacent Conservation Areas.

Furthermore, as the heritage assets are of great significance to the character and appearance of the area it is considered that a proposal that would materially harm the setting of the heritage assets must therefore be harmful to the area within which it is located.

The analysis of the proposal should follow the guidance set out in Part 12 of the Framework. The proposal would harm the setting of the very important Grade II* registered park, the setting of the Grade II Park House and the adjacent Conservation Areas. It is considered that this harm would be "less than substantial" as defined by the Framework. It is therefore necessary to weigh that harm against the public benefits arising from the proposal including securing its optimal viable use.

The proposal would make a reasonably significant contribution to reducing the deficiency in housing land but it is considered that this would not be a significant public benefit sufficient to outweigh the significance of the heritage assets. It is considered that the proposed development would not be necessary to secure the optimal viable use of the heritage assets.

Neighbouring amenities

The neighbour to the north of the site is Park House, and the nearest proposed building would be around 27 metres away; there would be no direct overlooking of either habitable rooms or private amenity space, arising from the proposal. The overall distance between built form would not give rise to an overbearing effect.

The layout of the development means that there would be a parking area within 3m of the shared boundary. There would be some disturbance to this neighbour by virtue of vehicles coming and going, but the area adjacent to this (on the neighbouring site) is used as a parking area and access to the garage, and therefore it means that the harm would not be detrimental in terms of general disturbance to this neighbour.

The neighbour to the south is 259 Brentwood Road. This neighbouring dwelling is located over 50m away from the common boundary and the development would be sited 6m away. It is considered that the distance between new development and the orientation of the buildings would minimise any obvious noise or disturbance, overlooking or overbearing effect.

Parking

A provision of 32 car parking spaces means that the Council's maximum standards would be met. Six spaces are proposed for visitors. There would also be the provision of two covered areas providing space for the parking of bicycles.

However, based on the comments of the Highway Authority, the proposed development would result in a substandard access, unable to provide adequate visibility splays, and based on the information provided by the applicant; this cannot be mitigated by imposing conditions.

Ecology

There has been the submission of a phase 1 habitat and protected species risk assessment which is the result of a desktop study as well as a site visit in September 2014. The desktop survey used the National Biodiversity Network Gateway and the Magic website. Biological records for protected species and sites within a 1 Km radius of the application site have been obtained from the Essex Field club. The site itself is not within a Site of Special Scientific Interest (SSSI) but Thorndon Park (is within a SSSI) and is within 1km of the application site. During the site visit it was noted that there are two buildings and a pile of rubble on the site, as well as the absence of a pond, which are all important factors in the consideration of protected species on site.

Protected species

There are seven ponds within a radius of 500m of the site, there is a lack of connectivity with the application site, due to the significant barriers in the intervening habitat and higher quality habitats in the surrounding area. The ecology survey submitted sets out that should there be any greater crested newts within any of the known ponds it is not believed that they would disperse on to the site. Furthermore the biological data supplied by The Essex Field Club did not present any records of great crested newts. It is therefore believed that the proposed development will not incur a significant impact to great crested newts.

A walkover survey of the boundaries and woodland to the west did not record the presence of a badger sett, however access for a closer inspection could not be achieved. A recommendation of the survey is that a winter assessment should be carried out to confirm the absence of the badger sett. In the submitted tree Report: Arboricultural methods statements tree protection measures, it sets out on page 23 that tree T16 appears to be growing over a historical badger sett.

The response from the Essex Badger protection group outlines that the area is heavily populated with badgers and they have asked that a survey be carried out to establish any badger activity. It is noted that there has been a walkover survey of the site, which did not record the presence of a badger sett, but as previously set out this carries very little weight, given that other submitted information suggests that there is a presence of badgers on or close to the site.

It has not been demonstrated that the development would not be harmful to a protected species (badgers) however it is considered that if permission were to be granted, conditions could be imposed requiring the full and survey and mitigation measures attached.

The survey sets out the habitats on site that are considered of value for reptiles are the piles of rubble near the entrance to the site. A hand search was carried out but no reptiles were recorded. The biological records noted the presences of slow worm, common lizard and grass snake within 1km radius of the site, with the application site of potential value to these species. Overall, the proposed development site is considered of moderate to high value for reptiles and as set out in the report further survey work is required to determine reptiles' presence. In line with the recommendation of the ecology report a condition would be required to ensure that further survey work is carried out with a view for possible mitigation measures to be put in place.

The habitats on site are considered to be of low value to birds, there are habitats of higher value in terms of bordering hedgerow, mature trees and woodland within the surrounding area. The current proposals seek to retain the boundary features and therefore as set out in the report, subject to mitigation measures being adopted there would be no significant impact to nesting birds.

The ecology report sets out that the proposed development site holds no value for roosting bats in absence of suitable structures or suitable mature trees.

Flood risk

The application site is located within 'Flood Zone 1' as designated by the Environment Agency, which means that there is a risk from flooding 1 in 1,000 years. The design and layout of the proposed development will include the use of a Sustainable Urban Drainage system (SuDS). The drainage statement provided with the application shows a different layout to the built form and parking areas, when compared with the rest of the documents provided with this application. The NPPF sets out that for sites that are less than 1ha a flood risk assessment is not required. Furthermore as the site is located within flood zone 1 which is at a low risk from flooding and the fact that there are no water courses within the vicinity, the development is unlikely to increase the risk of flooding and as such accords with Paragraph 103 of the Framework. An update on the recent ministerial statement relating to SUDs requirements coming into effect on 6th April will be made to the Committee where necessary.

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 proposed development would result in urban sprawl into the Green Belt. Furthermore, the design and impact of the proposed built form would have a significant, detrimental impact on the heritage assets including the very important Grade II* registered park. For these reasons the proposals would be fundamentally at odds with a number of the objectives of the RLP and the Framework. 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 therefore recommended that planning permission be refused.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U09466

The proposal would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework (The Framework). It would detract from the openness of the Green Belt and would represent an encroachment of development into the Green Belt countryside. The proposal would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 the objectives of which are fully consistent with the objectives of the Framework as regards development in Green Belts. The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. The Framework goes on to indicate that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The considerations set out by the applicant and identified by local planning authority do not clearly outweigh the harm to the Green Belt arising from this proposal and it follows that the "very special circumstances" needed to justify the approval of inappropriate development in the Green Belt have not been demonstrated.

R2 U09467

The design of the buildings, by reason of their repetition and uniformity fails to integrate into the existing natural, built and historic environment, which would detract from the character and appearance of the area in conflict with Policy CP1 (i) of the Brentwood Replacement Local Plan and one of the aims of the Framework (para. 56 and 61 refer) which requires new development to be of high quality and good design.

R3 U09468

As a result of its scale, siting and design the proposal would be unacceptably harmful to the setting of the Grade II* registered park Thorndon Hall, the setting of the Grade II listed building Park House, and to the adjacent Conservation Areas. The harm to the significance of heritage assets would be "less than substantial" as defined by the Framework; however that harm would not be outweighed by public benefits arising from the proposal. The proposal would therefore conflict with Policies C14 and C15 of the Brentwood Replacement Local Plan and the objectives of the Framework as regards heritage assets. The matters put forward by the applicant are noted but these are not sufficient to outweigh the harm to heritage assets.

R4 U09469

There would not be provision of a sufficient vehicular visibility splays of 2.4m x 90m to the north, the creation and use of this access would therefore result in vehicles emerging with inadequate visibility which would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. The proposed development therefore conflicts with Policy T2 of the Brentwood Replacement Local Plan 2005 and the aims and objectives of the Framework.

R5 U09470

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 area including the conservation areas and Listed building . Therefore, the very special circumstances necessary to justify the grant of planning permission for inappropriate development do not exist.

Informative(s)

1 INF20

The drawing numbers listed above are relevant to this decision

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, T2, C3, C5, C8, C11, C14, C16 the National Planning Policy Framework 2012 and NPPG 2014.

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: