

SITE PLAN ATTACHED

**06. FORMER ELLIOTS NIGHTCLUB AND PETROL STATION SOUTHEND
ARTERIAL ROAD WEST HORNDON ESSEX**

**DEMOLITION OF EXISTING SINGLE STOREY STRUCTURES AND
CONSTRUCTION OF TWENTY, 2 STOREY RESIDENTIAL UNITS,
TOGETHER WITH ASSOCIATED ACCESS ROADS AND FORMATION OF
EARTH BUND WITH ASSOCIATED LANDSCAPING TO PROVIDE ACOUSTIC
BUFFERING.**

APPLICATION NO: 14/01247/FUL

WARD	Herongate, Ingrave & West Horndon	8/13 WEEK DATE	30.01.2015
PARISH	West Horndon	POLICIES	CP3 T1 GB1 GB2 CP1 CP2 CP4 C5 C7 H6 H9 LT4 PC1 PC4 T2 NPPF NPPG
CASE OFFICER	Kathryn Mathews	01277 312616	
Drawing no(s) relevant to this decision:	VIABILITY REPORT; TREE SURVEY/Revised; D.01/G; D.03/B; FLOOD RISK; D01 TREES; D.02; D.05; D.06; D.07; D.08; D.09REV A; D.10; D.11REV A; D.12REV A; TRANSPORT STATEMENT; AIR QUALITY; SUSTAINABILTY ASSESSMENT; GEOTECHNICAL REPORT; DESK TOP STUDY; CHEMICAL REPORT; DESIGN & ACCESS STATEMENT; PLANNING STATEMENT; ECOLOGICAL REPORT; NOISE ASSESSMENT;		

1. Proposals

Demolition of existing single storey structures and construction of twenty, 2 storey residential units, together with associated access roads and formation of earth bund with associated landscaping to provide acoustic buffering.

The development comprises a mix of dwellings (2-4 bedroom, terrace, semi-detached and detached dwellings) - 4no. two bedroom, 7no. three bedroom and 9no. four bedroom. The height of the dwellings would range from around 7.5m to 9m in height. All would have pitched roof.

The external materials which would be used would be a mixture of plain roof tiles, slate tiles, stock brickwork, fibre cement weatherboarding, coloured render and PVC windows and doors.

All vehicles and pedestrians would access the site from the existing entrance off the Tilbury Road located in the south-eastern corner of the site. Each dwelling would be provide with two off-street parking spaces and a further five visitor parking spaces are proposed.

It is stated that ground levels within the site fall from north to south by 2-3m and east to west by around 1.3m

The proposed bund would extend along the length of the site's boundary with the A127 and would return along both the front boundary with Tilbury Road and the rear/western boundary. On top of the mound would be an acoustic fence along with landscaping.

The application is accompanied by the following documents

- Planning Statement
- Design and Access Statement
- Transport Statement
- Sustainability Assessment
- Geotechnical Interpretive Report
- Chemical Interpretive Report
- Desk Top Study Report
- Air Quality Assessment
- Utility Survey - Inspection Chambers Images
- Tree Survey and recommendations for trees in relation to construction
- Flood Risk
- Planning Stage Noise Assessment Report
- Extended Phase 1 Ecological Habitat Survey Report
- Viability Report

The site has been vacant for 30 years, is overgrown and the buildings suffer from a degree of dereliction.

The site accommodates the former nightclub and petrol filling station buildings (which are single storey in height with a sub-basement level) along with the former car parking areas and accessway.

Reference is made to a footpath/cycleway along the A127, local bus services and West Horndon railway station.

No affordable housing is offered on the basis of viability.

Reference is made to the NPPF, NPPGs, the adopted and emerging Local Plans.

Prior to the submission of the application, the applicant presented their proposals to the Parish Council and wrote to neighbours.

It is stated that the design approach has been informed by a contextual analysis of the site and its surroundings.

The Habitat Survey Report advises that there were no protected species identified on the site and concludes that the site currently has low potential for supporting protected species but recommends some management procedures during construction and enhancements with respect to the proposed bund, to comply with the NPPF (paragraph 109) and Policy C3. A reptile survey is to be undertaken in accordance with the recommendations set out in the report.

With respect to trees, two of the 10 preserved trees no longer exist, two further trees have fallen and two further trees are proposed for removal to facilitate the construction of the bund. Four preserved trees are proposed to be retained. Additional landscaping would be carried out including replacement for the six preserved trees lost.

With respect to contamination, contamination was found on site but a strategy for remediation has been proposed.

The noise assessment states that, with the proposed bund, the occupiers of the proposed dwellings would not be adversely affected by noise from the A127.

In terms of air quality, the assessment submitted concludes that the levels of nitrogen dioxide and particulate matter do not exceed air quality standards at the development site and that no mitigation measures are required.

The Sustainability Assessment concludes that the proposal contributes to the economic role of sustainable development by providing housing close to areas of high economic activity, being easily accessible to employment centres in Essex and London. The proposal contributes to the social role by providing family housing and with good access to existing local services. The houses would be built to Level 4 of the Code for Sustainable Homes. The use of solar water heating, photo voltaics, biomass boilers, air source heat pumps, ground source heat pumps and positive input ventilation systems will be considered.

West Horndon village and its shops, church and community hall is 1.4km travelling distance away accessed via footpaths along A128 and Station Road. There is a large restaurant/public house on the other side of A127. Thorndon Country Park is around 1km from the site. There is one NHS doctors surgery within 1 mile of the site. The nearest pharmacy is 2.7miles, the nearest dentist is within 2 miles (but is not currently accepting new patients) and the nearest primary school is West

Horndon Primary School (within 1 mile straight line distance) and the nearest secondary school is Brentwood County High School (3.5miles straight line distance). The employment centres of Horndon Industrial Park and Ford Dunton Technical Centre are referred to. It is concluded that the site has 'excellent public and private transport links'. It is intended that all houses will be provided with a home office, private garden and cycle store.

The Ecological Report concludes that there are no significant issues which would prevent the development of the site for ecological reasons. There are no designated sites within 2km. The scattered mature trees have some potential to support nesting birds and parts of the site have the potential to support native reptiles but these habitats are common on brownfield sites which have been left undisturbed for a significant period of time. The habitats present are common and easy to create. Japanese Knotweed was identified as being present on the site. Practical measures to deal with the issues identified are set out in the report.

The Transport Statement concludes that the development is consistent with the aims of national, regional and local transport policies. Tilbury Road is subject to the national speed restrictions of 60mph. Removal of vegetation around 2.4m back from the edge of the carriageway would be required to provide adequate visibility splays. The traffic generated by the previous uses of the site would have been greater than those which would be generated by the development proposed.

The Noise Assessment Report concludes that, with the proposed bund, the proposed residential properties would achieve a 'reasonable' level internally and below a limit of 'moderate annoyance' for external amenity spaces. In the light of this, the report concludes that noise does not present a constraint to the granting of planning permission.

The Flood Risk report states that the site is located in Flood Zone 1 - Low Probability of flooding (coastal or fluvial) and, as the site is less than 1ha in area, a Flood Risk Assessment is not required unless the area is subject to critical drainage problems or subject to other sources of flooding which the author concludes is not the case. The site is within a Critical Drainage Area in the Brentwood Surface Water Management Plan but the site itself falls outside the 'key flooding areas' or hotspots within the CDA.

Contamination Desk Top Study identifies 13no. underground storage tanks associated with the former filling station which have been water filled but were never permanently decommissioned. A number of recommendations for further investigations are made as a result of which the application is also accompanied by a Chemical Interpretive Report (CDA) which recommends that site soils are excavated and the underground storage tanks are removed from the site and suitable remediation strategy is agreed with the local authority. The Geotechnical Interpretive Report recommends that piled foundations are used due to the extent of made ground.

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', 'Travel plans, transport assessments and statements in decision-taking', '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 of public rights of way, existing landscape features and the location of any building in respect of the surrounding landscape and adjoining buildings.

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.

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.

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.

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

PC1 (Land Contaminated by Hazardous Substances) requires that, where necessary, remediation is carried-out to land to be developed is contaminated by hazardous substances.

PC4 (Noise) aims to protect noise sensitive development from noise disturbance.

LT4 (Provision of Open Space in New Development) requires that proposals for residential development make provision for public open space which is made necessary by the proposed development.

3. Relevant History

- 12/00186/ADV: Continued use of advertising display panel with the addition of overhead lighting. -Application Permitted
- 11/00970/EXT: Redevelopment of the site for restaurant, conference facilities and specialist car sales building (Extension of time to planning permission BRW/222/2007) -Approve (Subject to Section 106)

- 09/00724/FUL: Outline Planning Application For Residential Development (8no. Three Bedroom Houses, 8no. Two Bedroom Houses, 20no. Two Bedroom Flats And 10no. One Bedroom Flats) With All Matters Of Details Reserved For Future Determination Except For Access, Layout And Scale. -Application Withdrawn
- 07/00222/FUL: Redevelopment Of The Site For Restaurant, Conference Facilities And Car Showroom. -Approve (Subject to Section 106)

4. **Neighbour Responses**

11 letters of notification were sent out, a site notice was displayed at the site and a press notice was published. Three letters of objection have been received, raising the following concerns:-

- access adjacent their boundary and would increase traffic
- site levels rise towards A127 by 1-2m. Have issue with height of gable wall nearest their property and adjacent to the access, and the windows to the rear and side of the properties running parallel to their boundary
- tree screen should not be relied upon as deciduous - unsure of ownership of tree and their retention and protection would need to be ensured
- unclear what the plan is for fencing along their boundary with the site
- proposed density in excess of national standards - 15 units or less is favourable
- traffic from 20 units would create excessive hazard and would be in addition to existing flow of HGVs from East Horndon Hall site
- would add to drivers driving wrong way along A127 one-way slip road
- ground level needs to be lowered to preserve privacy and avoid further damage/deterioration to the boundary wall
- two preserved trees were removed previously and should be replaced.
- not convinced that proposed 'bunds' would not have an adverse impact on surface water drainage from the road adjoining the properties

5. **Consultation Responses**

- **Design Officer:**

Please find these comments relating to Design Advice for the above site to assist you in the determination of this application.

My pre-application advice regarding this site was that if the principal of development was acceptable in planning terms given the Green Belt location, then the subsequent architectural narrative should be developed with regard to the wider context and through an understanding of the historical evolution of the location and nearby settlements. The submitted Planning Statement evidences limited precedents within the immediate context although these have not translated into the selected design approach nor is the design approach contrasting.

The house typologies proposed are urban in style, contradictory to context which is open and verdant. For a scheme in a landscape area the massing is fairly continuous; variation and hierarchy is not proposed sufficiently despite stepped ridge lines and the application of gables.

In respect of boundary treatments and material intent, again these are of an urban nature and are conflicting with the context.

I advise a fresh approach to the architectural narrative is embarked upon should the principal of development be acceptable in the first instance. I would be pleased to discuss in more detail my assessment of this application, as my concerns regarding the design cannot be overcome through information submitted through planning conditions.

Consequently I do not advise this scheme of is Good Design and recommend refusal in order to protect the character and local distinctiveness of the location.

- **Operational Services Manager:**

Having looked at the site proposal plan I cannot see, with the information given, any issues regarding waste collection. Provided there is level access with no steps or slopes and a good vehicular turning point to access waste collection points.

- **Parish Council:**

This is to inform you that West Horndon Parish Council voted to raise no objections to the above planning application for the former Elliots Nightclub site at their meeting held on Monday 8th December subject to the following comments regarding the site.

1. Flood Risk

The Planning statement states that a Flood Risk Assessment identifies that this site is not within a flood risk area and that the NPPF only requires site specific drainage assessment to that there are no critical drainage problems. It is indeed correct that the site is not within either a Flood Zone 2 or 3 area as published by the Environment Agency (data last corrected 14th August 2104) however this risk assessment only applied to flooding from river and/or sea flood sources. The area in and around West Horndon has historically been subject to surface water flooding. The A127 which is adjacent to this proposed site has a long history of serious surface water flooding resulting in the road being closed and this has occurred at least twice in the last two years. Statements in the application about the use of Sustainable Urban Drainage Systems (SUDS) are in our view not sufficient in their own right. SUDS are not as efficient at open land at containing surface flood water, they are just better than straight paved areas.

West Horndon Parish Council asks that in the event that the application is approved conditions are applied that prevent work starting before a full surface water flood assessment has been carried out that clearly demonstrates:

- i. that the new properties will not be subject to significant risk of surface water flooding and,
- ii. that the development will not significantly increase the risk of surface water flooding to adjacent properties and roads.

2. The Chemical Contamination of the Site

The fairly basic examination of the chemical contamination of the site clearly shows significant chemical contamination primarily due to its former use as a fuel station. West Horndon Parish Council asks that in the event of the application being approved conditions are applied to prevent work starting until detailed proposals to remediate the land are submitted and approved. These need to demonstrate that:

- i. occupants of the new houses are not placed at any significant risk of exposure to the contamination
- ii. workers on the site during the development are not placed at any significant risk of exposure to the contamination
- iii. the remediation and construction work does not create any significant risk of the contamination to surrounding land, properties or water courses.

3. A condition is included whether by the applicant and or Essex Highways to repair/improve the traffic island at the junction of the Tilbury Road/A127 so as the kerbs are of sufficient height to prevent traffic driving over the island and onto the A127 slip road.

4. A condition is included whether by the applicant and or Essex Highways, to ensure clear and appropriate road signage is installed to direct traffic the "correct" way down Tilbury Road.

5. The applicant gives due consideration to approaching the appropriate landowner, to create a landscaped pedestrian/cycle way from the development into West Horndon park, thus giving the "new" residents' safe and direct access to the central part of the village.

- **Housing Services Manager:**

No response at the time of writing report.

- **Open Space Strategy Coordinator:**

No response at the time of writing report.

- **Arboriculturalist:**

I have made a site visit with the landscape architect and all arboricultural issues are now resolved there is no objection provided that the arboricultural conditions are complied with

- **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

No works shall commence until such time as the footway is extended from the site to join the existing footway along the A127 slip road, and has been provided entirely at the Developer's expense. Reason: To make adequate provision within the highway for the continued safe passage of pedestrians and accessibility as a result of the proposed development in the interest of highway safety.

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. Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage - including surface water runoff from the proposed noise bunds) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. The junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials. Reason: To ensure that the junction is constructed to the appropriate standard in the interests of highway safety in accordance with Policy DM1 and Policy DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the A127 slip road to the north and 2.4 metres by 215 metres to the south, 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 any obstruction 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.

6. The proposed development shall not be occupied until such time as the vehicle parking area indicated on Drawing no.D.01 Revision D, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

7. The cycle parking facilities as shown on Drawing No. D.01 Revision D, are to be provided prior to the first occupation of the development and retained at all times.

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

8. 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, (to include six one day travel vouchers for use with the relevant local public transport operator).

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

Informative

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.

Although a street lighting scheme has not yet been submitted for approval, the Applicant should take into consideration the lighting level to ensure this does not have an adverse effect on vehicles using the A127.

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:**

The Air Quality Assessment and the Noise Report submitted by the applicant is satisfactory. I would recommend that the recommendations made in the Chemical Interpretive Contaminated Land Report on pages 20 and 21 carried out by Chelmer Consultancy Services are imposed.

- **Essex & Suffolk Water:**

No response at the time of writing report.

- **Anglian Water Services Ltd:**

No response at the time of writing report.

- **Environment Agency:**

No objection but offer the following advisory comments.

Advice to Council and Applicant

It is acceptable for material to be excavated on-site and used to raise the land and/or use for constructing earth bunds. However, the construction of the bunds can potentially cause an increase in surface water run-off, which may impact upon neighbouring properties or land. The applicant should therefore provide a satisfactory method for managing any increased run-off from the proposed bunds. If material is imported from off-site to raise land an Environmental Permit may be necessary. Additionally, in certain situations, the importation of material may fall to be regarded as a waste disposal operation, which again would bring it within the Environmental Permitting Regulations 2010. If it is the intention to use off-site material to raise land then the applicant should contact our Essex Environmental Management Team. In the situation where material is imported on site, we would suggest that the planning permission allows the importation of uncontaminated soils only.

The granting of planning approval must not be taken to imply that we will grant, where required, an Environmental Permit in relation to the importing of material.

- **County Archaeologist:**

The Historic Environment advisor of Essex County Council has been consulted on the above planning application. This application has no archaeological implications and there is no requirement for any archaeological investigation for this application.

- **Schools, Children Families Directorate:**

According to our forecasts, there should be sufficient early years and childcare provision to meet the needs of the development. This development is located within the priority admissions area of West Horndon primary School. The school has a capacity of 105 places. The school is forecast to be full to capacity by the school year 2017-18. According to our forecasts there should be sufficient places at Brentwood County High School to meet the needs of this development. In view of the above Essex County Council requests that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on education. The formula for calculation education contributions is outlined in our Developers' Guide to Infrastructure Contributions, 2010 Edition. Out standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010, should the final development result in the suggested net increase of 20 houses with two or more bedrooms, the primary school contribution sum would be £64,998. This amount would be index linked to April 2014 costs.

6. Summary of Issues

The site is located within the Metropolitan Green Belt and a Landscape Improvement Area. The site also contains a number of preserved trees (reference TPO/24/1998) in the north-west corner of the site. The site is included within the 'Strategic Growth Options Consultation' document.

The existing buildings are shown to be a maximum of 5.5m in height but are mostly below this height.

The site falls away to the south. The west of the site is largely open and there are far reaching views over undulating countryside from this aspect.

The current access to the site is via the south corner 3m from the boundary with a residential property known as 'Glencar'.

An Enforcement Notice under Section 215 of the Town and Country Planning Act 1990 was served on 5 December 2011 requiring the demolition of the existing buildings, clearing the site and leaving the site in a clean and tidy state (reference 10/00031/ENF). No action was taken following non-compliance with this Notice as planning permission for the re-development of the site was granted (reference 11/00970/EXT).

The original planning permission for the re-development of the site (reference 07/00222/FUL) for restaurant/conference facilities and car showroom together with associated canopies, parking and circulation areas was granted following the completion of a Section 106 Agreement relating to highway matters. This planning permission has subsequently been renewed (reference 11/00970/EXT) but has not been implemented and has now expired. The original planning permission was granted as it was considered that, on balance, the development was acceptable and very special circumstances existed on the basis that the development would have significantly improved the neglected state of the site, the restaurant would have generated less noise than the former nightclub, the proposal was for a use akin to the lawful use of the site and the proposed building would have had roughly the same footprint as the existing building(s). It was not considered that the scale and mass of the development would have been inappropriate or out of character to the existing building forms on the site and the proposal would have sat within the current pattern of development. There was also to be an overall net loss in floor space as a result of the proposal (728.5sq.m. compared to 744.8sq.m.) and an increased area of the site available for soft landscaping. There would have been an increase in height of the restaurant/conference suite by 1.3m compared to the existing building, but this would have been largely offset by the slope of the land, the highest section being towards the rear and therefore encompassed by the slope. The previously proposed car showroom building followed a similar form to the former petrol station with an increase in height of approximately 1.9m with a canopy

above with a maximum height of 12m. It was accepted that this roof form would have appeared more intrusive in this Green Belt location than that of the original garage complex, but it was accepted that this was typical of modern garages compared to previous forms and, as a result, the application to re-develop the site as a garage forecourt would have been difficult to resist.

The site is in a prominent corner position situated on the south side of the Southend Arterial Road (A127), taking its access from Tilbury Road. The site is stated as having an area of 0.9ha and is roughly L-shaped. The site measures a maximum depth of around 70m and a maximum width of around 140m. To the south and west of the site are a number of residential properties - to the south lies 'Glencar' a detached house lying approximately 30m south of the sites' boundary, to the west lies 'Dorset' lying approximately 7m from the sites' western boundary. The dwelling to the east of Tilbury Road is a Listed Building to the rear of which is a commercial yard. To the north, on the opposite side of the A127 is a public house, motel and roadside cafe.

The main issues which require consideration as part of the determination of this application are 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 residences, highway safety issues, drainage, contamination and obligations.

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.

Principle

The NPPF does exclude the re-development of previously developed sites in the Green Belt from inappropriate development but only where the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development (paragraph 89). On the basis that the proposal would result in a loss of openness (see below), the proposal constitutes inappropriate development in the Green Belt. The development, by reason of its inappropriateness, would cause significant harm to the Green Belt within which it would be located and so other matters, which clearly outweighed all the harm the development would cause, would need to exist for there to be very special circumstances to justify planning permission being granted.

Planning permission has previously been granted for the redevelopment of the site (most recently 11/00970/EXT) but this planning permission has now expired and, as a result, should be afforded very limited weight in the determination of this application.

In addition, the application site is located in a unsustainable location as the residents of the site would have little alternative in reality to using a private motor vehicle to gain access to services and facilities such as schools, employment, shops, medical services and leisure activities. The development is considered to be unacceptable in principle for this reason. 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. In the Design and Access Statement, the applicant acknowledges that the site, partly due to its location adjacent to the A127 does not lend itself to permeability for pedestrians, cyclists and motor vehicles both within the development and the surrounding area. The Parish Council has suggested that consideration be given to the provision of a footpath across third party land to link the site with the village but, it is considered that this would not overcome Officers' concerns regarding the sustainability of the site's location.

Only 20% of units proposed would be two bedroom accommodation which would not comply with the requirements of Local Plan Policy H6 with respect to small unit accommodation which requires that 50% of units are one or two bedroom units and, therefore, would not make an adequate contribution to the housing needs of the Borough.

Green Belt Openness

The total footprint of the buildings proposed would be around 1240sq.m. compared to a total floor area of the existing buildings of around 745sq.m.. The proposed buildings would be up to 9m in height compared to the existing buildings which are a maximum of 5.5m in height. The dwellings proposed would also extend more than 40m further to the west of the existing buildings into an area of the site which currently does not contain any existing buildings or hardsurfacing. The proposed noise barrier (bund and fencing) along the northern, most of the eastern and part of the western boundaries of the site would further reduce the openness of the site.

As a result of the size, height and bulk of the buildings proposed and the layout of the site, along with the noise barrier and car parking proposed, the development would significantly reduce the openness of the Green Belt compared to the buildings which exist and be contrary to the purpose of including the land within the Green Belt, specifically to assist in safeguarding the countryside from encroachment. The proposal would represent an encroachment of development 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.

Character and Appearance

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.

The house typologies proposed are urban in style, contradictory to context which is open and verdant. For a scheme in a landscape area the massing is fairly continuous; variation and hierarchy is not proposed sufficiently despite stepped ridge lines and the application of gables. In respect of boundary treatments and material intent, again these are of an urban nature and are conflicting with the context. These concerns regarding the design cannot be overcome through information submitted through planning conditions.

It is acknowledged that the site as it exists does not positively add to the character and beauty of the countryside but, as a result of the scale, layout, design and nature of the development proposed, the development would be an encroachment of development which would unacceptably detract from the character and appearance of the area and would not protect the character and local distinctiveness of the location. The proposed development would urbanise the site and would be visually incongruous in this rural location. It would therefore conflict both with the Framework and Policy CP1 which seek to safeguard the character of the countryside. Landscaping would also reduce the visual impact of the development on its surroundings but would not be sufficient to satisfactorily assimilate the development into its surroundings. On the basis of the above, the development would be contrary to the NPPF (section 7) and Policies CP1 (criteria i and iii).

However, based on the advice of the Arboriculturalist, it is considered that the development would not have an adverse impact on any existing visually important trees on the site (including those subject to the Tree Preservation Order), in compliance with Policies C5 and C7.

The site is located within an area identified as a Landscape Improvement Area where Policy GB28 seeks environmental improvements. The proposed development would potentially provide opportunities to improve the local environment. However, it is considered that the harm the new development would cause as set out above would outweigh any benefit to the local environment which may accrue.

Neighbours' Amenity

It is considered that the proposed development, as a result of the size, height and design of the buildings proposed and their distance from the boundaries of the site, would not cause harm to the amenity of the occupiers of any neighbouring residential property by reason of dominance, loss of sunlight, loss of daylight, loss of outlook or loss of privacy, in compliance with the NPPF (paragraph 17) and Policy CP1 (criteria ii).

Quality of Life for Future Occupiers

The application has been accompanied by an Air Quality Assessment and Noise Assessment Report. Based on these and the advice of the Environmental Health Officer, it is considered that, in terms of noise and air quality, the quality of life for the future occupiers of the development would be acceptable, subject to the construction of the noise barrier proposed and the imposition of conditions as recommended by the Environmental Health Officer. On this basis, the proposal complies with the NPPF (paragraph 123) in this respect and Policy PC4.

The level of off-street parking proposed would comply with the adopted parking standards (of at least two parking spaces per dwelling). The proposed dwellings would each be provided with private amenity space most of which would be of an adequate size except for plots 3-6 which would be two bedroom properties but would have rear gardens stated as measuring between 50 and 63sq.m.. As a result, there is concern that the quality of life for the occupiers of these three dwellings would be below an acceptable level, contrary to the NPPF (paragraph 17) and the Policy CP1 (criterion ii).

Contamination

The application has been accompanied by a number of documents which set out the results of investigations into the contamination of the site given its former use as a petrol filling station and dumping which is known to have occurred since its beneficial use ceased. Based on this information and the advice of the Environmental Health Officer, it is considered that the proposed development would not pose an unacceptable risk of pollution from contamination, subject to the imposition of conditions as recommended by the Environmental Health Officer. On this basis, the proposal complies with the NPPF (paragraph 121) and Policy PC1.

A condition could be imposed requiring that only uncontaminated soils are imported to the site as suggested by the Environment Agency if planning permission is granted.

Highway Safety

Each of the proposed dwellings would be provided with off-street parking (at least 2 spaces) which would comply with the adopted parking standards.

Based on the advice of the Highways Officer, it is considered that the proposed development would not cause harm to highway safety (subject to the imposition of appropriate conditions and a S106 Agreement to extend the footway from the site to join the existing footway along the A127 sliproad), in compliance with the NPPF (section 4) and Policies T2 and CP1 (criteria iv and v). The conditions would need to cover requirements for a Construction Method Statement, estate road and footway details, visibility splays, provision of car and cycle parking and a Residential Travel Information Pack.

The Highways Authority has not recommended that the developer carries-out works to the traffic island at the junction of Tilbury Road/A127 or that signage is improved as requested by the Parish Council.

Drainage/Flooding

Whilst the site is not located in a Flood Zone as identified by the Environment Agency, the site is identified as part of a Critical Drainage Area in the Brentwood Surface Water Management Plan. However, the site falls outside the 'key flooding areas' or hotspots within the CDA and, therefore, the development would not be unacceptable for drainage/flooding reasons provided that careful consideration of surface water management is given, mainly in terms of the effects of surface water disposal on off-site or downstream locations, as well as the risk of flooding to the site itself. It is considered that this matter could be addressed through the imposition of a suitably worded condition attached to any planning permission granted to ensure that surface water drainage from the site does not exacerbate any existing problems.

Obligations

It would be expected that a financial contribution of at least £60,000 is made towards Public Open Space.

Essex County Council, as Education Authority, has requested that the developer makes a financial contribution of £64,998 towards the provision of primary school places.

Essex County Council, as Highways Authority, has requested that the developer extending the footway from the site to join the existing footway along the A127 sliproad.

The applicant has confirmed that they would be willing to enter into a Section 106 Agreement to secure all of the above except for the affordable housing provision, in accord with the NPPF, NPPG and Policies CP4 and LT4.

However, to comply with Policy H9, it would be expected that 35% of the units proposed (i.e. at least 7) would be affordable units but no affordable housing is being offered. A Viability Report for the development was received on 16 March 2015 which concludes that the development cannot support any affordable housing on-site and that, in their view, there is a clear case for the scheme to be granted planning permission without any obligations in respect of affordable housing. The Viability Report is in the process of being independently assessed on the Council's behalf by Mass and Co. and their report is expected prior to the date of the Planning Committee. Members will be updated verbally at the Committee regarding the conclusions of the assessment. However, in the meantime, it is recommended below that one of the reasons for refusal relates to the lack of affordable housing provision, being contrary to the NPPF, NPPG and Policies CP4 and H9.

Green Belt Balance

As the development constitutes inappropriate development in the Green Belt, there would need to be other matters which clearly outweigh this harm, along with all other harm the development would cause, for there to be very special circumstances justifying planning permission being granted in this case. The other harm which has been identified is the loss of openness of the Green Belt, the conflict with the purposes of including the site within the Green Belt, harm to the character and appearance of the area as well as the inadequate size of the private amenity space for three of the dwellings proposed, the lack of one or two bedroom units, the degree to which the occupiers of the proposed dwellings would rely on the private motor vehicle and the lack of affordable housing.

The applicant has not made reference to any 'very special circumstances' but has made reference to the following matters in support of their proposal:

- The proposal would make a contribution towards meeting Borough's housing need
- The development would remove unsightly, derelict buildings that currently occupy the site
- The Council's policies on housing are out-of-date

Officer Comments

Housing Need

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'.

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.

Visual Improvements

The development would remove the existing unsightly elements of the site. However, it is considered that the site's unsightly character is not unique within the Green Belt and is not a matter which amounts to a 'very special' circumstance which clearly outweighs the substantial harm the development would cause. Furthermore, if planning permission is refused, the Council could re-visit the option of utilising powers under Section 215 of the Town and Country Planning Act relating to 'untidy' land.

Policies

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.

Other matters

The concerns raised as part of the representations received have already been addressed above.

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 due to the nature, scale, size, layout and design of the development proposed. Furthermore, the occupiers of the proposed houses would largely be dependant on the private car to gain access to the majority of facilities and services which would be contrary to the principles of sustainability and three of the units would not be provided with a large enough private amenity

space. There would also not be sufficient smaller (two bedrooms and below) units within the development and insufficient affordable housing. 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 to amount to very special circumstances. 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 U09346

The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size and height of the buildings 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 U09347

The proposed development would be, as a result of the nature, scale, size, layout and design of the development, would harm the character and appearance of this rural area, contrary to the NPPF (in particular section 7) as well as Policies CP1 (criteria i and iii) of the Brentwood Replacement Local Plan.

R3 U09348

The occupiers of the proposed houses would be dependant on the private car to gain access to facilities and services, contrary to the NPPF (section 4) and Policies CP2 and CP3 of the Brentwood Replacement Local Plan.

R4 U09462

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 U09354

The private amenity space for Plots 3-6 would be of inadequate size resulting in an unacceptable quality of life for the occupiers of these properties, contrary to the NPPF (paragraph 17) and Policy CP1 (criterion ii) of the Brentwood Replacement Local Plan.

R6 U09355

The development would not include a sufficient proportion of smaller unit accommodation (one and two bedroom properties) and so would not make an adequate contribution towards the housing needs of the Borough, contrary to Policy H6 of the Brentwood Replacement Local Plan.

R7 U09349

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, car dependency, lack of affordable housing, inadequate proportion of smaller units and inadequate quality of life for the occupiers of some of the units proposed. 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, T1-2, C5, C7, PC1, PC4, LT4 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: