

SITE PLAN ATTACHED

**09. KELROSE LITTLE WARLEY HALL LANE LITTLE WARLEY ESSEX CM13
3EU**

**DEMOLITION OF COMMERCIAL BUILDINGS AND CONSTRUCTION OF
DWELLING**

APPLICATION NO: 15/00011/FUL

WARD	Warley	8/13 WEEK DATE	18.02.2015
PARISH		POLICIES	GB1 GB2 CP1 T2 NPPF NPPG
CASE OFFICER	Kathryn Mathews		01277 312616
Drawing no(s) relevant to this decision:	SUPPORTING STATEMENT; 1413-B-02; 1413-B-03; 1413-B-04; 1413-B-05; 1413-B-06; 1413-B-07;		

This application was referred by Cllr Tee from Weekly Report No 1678 for consideration by the Committee. The reason(s) are as follows:

- 1) I have known this site for 43 years and for many of those years it was a garden nursery and then a small swimming pool centre manufacturing and selling swimming pools and related chemicals. Business ceased 10 or 12 years ago and we are delighted that this application is for a single residence and not to restart light industrial.
- 2) The development is set well back from the road and well separated between Kelrose and Westside.
- 3) The fall of the land reduces the height and the bulk of the proposed development.
- 4) Large mature oak trees in front of this development will completely screen this building from Little Warley Hall Lane.
- 5) Finally through the Village Hall Association and other groups in the village whom I have meet there seems to be complete support.

Update since publication of Weekly List 1678

None.

1. Proposals

Proposed three bedroom dwelling: 13.2m x 14.2m (maximum dimensions) and 6.9m in height (maximum dimension) pitched roofs with first floor accommodation within the roof space.

The materials to be used to construct the external surfaces of the dwelling would include timber weatherboarding above a brick plinth for the walls and clay tiles to the roof.

The footprint of the proposed dwelling is stated as 136.4sq.m. with a total floor area of 185.5sq.m. and a volume of 701.2cu.m. An existing workshop/storage building, glass building and a shed would be demolished which, it is stated, would represent a reduction of 118.3sq.m. in footprint, 32sq.m. in floor area and 110.9cu.m in volume.

The existing vehicular access (which is located in the south-eastern corner of the site) would be shared with the proposed dwelling.

The application is accompanied by a supporting statement which provides the following information:-

- The workshop building was built as a storage building for Kelrose Nursery in the 1970s and the glass building was built later for the swimming pool business which the former site owners ran after the nursery closed. The existing buildings are in reasonable state of repair and built of substantial materials. The buildings are substantial and detract from the amenity and openness of the Green Belt.
- The current owners purchased the site around 12 years ago.
- The proposal would enhance the appearance of the site, increase openness of the Green Belt by reducing the bulk of the total built development and by opening-up views through the site towards the countryside beyond.
- The proposed dwelling would partly overlap the footprint of the existing glass building.
- The proposed building makes use of the site's topography incorporating a split-level ground floor
- The new dwelling would harmonise with the existing buildings nearby and relate well to the setting of the site

2. Policy Context

National Policy

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).

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 NPPG relating to 'Noise' is considered to be of particular relevance to the consideration of the current proposal.

Local Plan Policy

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

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

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.

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

3. Relevant History

- 96/00774/FUL: Erection Of Dwellinghouse And Garage.) -Application Refused

4. Neighbour Responses

One letter of notification was sent out and a site notice was displayed at the site. No letters of representation have been received.

5. Consultation Responses

- **Highway Authority:**

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal; given the existing use of the site, the area available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposed additional dwelling.

- **Essex & Suffolk Water:**

No response at the time of writing report.

- **Anglian Water Services Ltd:**

No objection to the proposed development.

6. Summary of Issues

The application site is located within the Metropolitan Green Belt and currently forms part of the property known as 'Kelrose'. The application site accommodates a glass building, a swimming pool and part of an existing barn.

The property is located on the western side of Little Warley Hall Lane around 200m from its junction with the A127. To the north and south are residential properties with open land to the east (beyond Little Warley Hall Lane) and to the west. Kelrose has a frontage with Little Warley Hall Lane of around 60m and a depth of around 62m. The property currently accommodates a chalet bungalow, a workshop/storage building adjacent to the rear/western boundary (18.5m x 10.7m and a volume of 660.5cu.m.), a swimming pool (formerly a display pool), an aluminium and glass building (6.2m x 9.2m and a volume of 151.5cu.m.), and hardstanding (located between the chalet bungalow, glass building and workshop/storage building). Ground levels reduce in a north to south direction and, to a lesser extent, in an east to west direction. The existing workshop/storage building and glass building are both single storey structures estimated as measuring less than 4.5m in height.

The main issues which require consideration as part of the determination of this application is the impact of the development on the Green Belt, the impact of the development on the character and appearance of the area, any adverse impact on the amenity of the occupiers of nearby properties as well as highway safety issues.

Impact on Green Belt

The development consists of a new dwelling to replace existing buildings at the site.

The NPPF states that the redevelopment of previously developed site (brownfield land) is not 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.

The proposed dwelling would have a smaller footprint and volume than the total footprint and volumes of the two buildings it would replace but the existing buildings are single storey measuring just over 4m in height above the existing ground levels. The ground levels within the site reduce in a north to south direction and, to a lesser extent, in an east to west direction and the proposed dwelling would be cut into the ground a maximum of 0.5m on its eastern elevation. However, the ridge of the new building would still be around 2.5m greater in height above the existing ground levels than any of the existing buildings to be demolished. This significant increase in height would result in a material reduction in the openness of the Green Belt. On this basis, it is considered that the proposed development would be inappropriate development in the Green Belt and, therefore, other matters, which clearly outweighed the harm the development would cause to the Green Belt and all other harm which would be caused, which amounted to very special circumstances would need to exist for permission to be granted (NPPF (section 9) and Policy GB1).

The reduction in openness 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 application site is located in the rural area and it is acknowledged that the existing buildings which would be removed as part of the development proposed do detract to a limited degree to the character and appearance of the area. Compared to the existing site, as the design of the proposed dwelling would not be out-of-keeping with its surroundings and as the new dwelling would be located on land already in residential use, it is considered that the proposed development would have a neutral impact on the character and appearance of the area, in compliance with the NPPF (section 7) and Policies CP1 (criteria i and iii).

Residential Amenity

As a result of the distance between the proposed dwelling and the northern boundary of the site, it is considered that the proposed dwelling would not have a materially adverse impact on the occupiers of the neighbouring dwelling to the north by reason of overlooking. The proposed dwelling would be located less than 14.5m from the side elevation of the existing dwelling at Kelrose, would be located on higher ground level (around 1m higher) and the southern elevation of the dwelling proposed would contain habitable room windows (a bedroom window and bi-fold doors to a living room) at ground floor level. As a result, there is the potential for mutual overlooking between the occupiers of the proposed and existing dwellings. However, it is considered that this matter could be resolved through the erection of suitable screening which could be required by condition. The proposed dwelling would be a sufficient distance away from both neighbouring properties so as not to cause any harm through dominance, loss of outlook, loss of daylight or loss of sunlight. On the basis of the above, the proposal complies with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

Highways and Parking

On the basis of the nature and scale of the development proposed, as off-street parking would be provided for at least two vehicles, and as an existing vehicular access would be used, it is not anticipated that the proposal would cause harm to highway safety, in compliance with the NPPF (section 4) and Policies CP1 (criteria iv and v) and T2. The Highways Authority supports this view.

Green Belt Balance

The proposed development would be inappropriate development in the Green Belt which would cause additional harm through a reduction in openness. The applicant has not made any reference to very special circumstances but has made some comments in support of the proposal which are referred to above. It is considered that there are no matters in support of the application which would outweigh the harm the development would cause to the Green Belt and all the other harm which would be caused and, therefore, the very special circumstances that are needed to justify the grant of permission for inappropriate development do not exist.

Since the Weekly List report relating to this application has been published, the applicant has started to explore ways to reduce the height of the proposed dwelling. Officers are of the view that the applicant may be able to overcome the recommended reasons for refusal below with a revised scheme which reduced the height of the proposed dwelling to no more than that of the existing buildings (i.e. just over 4m above existing ground levels). This could be achieved, for example, through a further reduction in ground levels and/or a reduction in the height of the dwelling proposed.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U09482

The proposed development would be inappropriate development within the Green Belt and, as a result of the height and bulk of the building 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 U09483

The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt within which the site is located. 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, GB2, CP1, T2 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF24

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED: