

# Minutes

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## Planning and Licensing Committee Tuesday, 29th June, 2021

### Attendance

Cllr J Cloke (Chair)	Cllr Gelderbloem
Cllr Bridge (Vice-Chair)	Cllr Heard
Cllr Barber	Cllr Laplain
Cllr Dr Barrett	Cllr Mynott
Cllr Cuthbert	Cllr Wiles
Cllr Fryd	

### Apologies

Cllr Tanner

### Substitute Present

Cllr Jakobsson

### Also Present

Cllr Parker  
Cllr Poppy  
Cllr Russell

### Officers Present

Phil Drane	- Corporate Director (Planning and Economy)
Caroline Corrigan	- Corporate Manager (Planning Development Management)
Tessa Outram	- Planning Officer
Mike Ovenden	- Associate Consultant Planner
Brooke Pride	- Planning Officer
Daryl Cook	- Planning Officer
Zoe Borman	- Governance and Member Support Officer
Paulette McAllister	- Principal, Design & Conservation Officer
Steven Bell	- Solicitor, Birketts (for and on behalf of the Council's Solicitor)
Ian Winslet	- Viability Advisor (Ark Consultancy)

## LIVE BROADCAST

[Live broadcast to start at 7pm and available for repeat viewing.](#)

### **36. Apologies for Absence**

Apologies had been received from Cllr Tanner and Cllr Jakobsson was substituting.

### **37. Minutes of the Previous Meeting**

The Minutes of the Planning and Licensing Committee held on 18<sup>th</sup> March 2021 were agreed as a true record.

### **38. Minutes of the Licensing Sub Committee held on 11th May 2021**

The Minutes of the Licensing Sub-committee held on 11<sup>th</sup> May 2021 were agreed as a true record.

### **39. Minutes of the Licensing Sub Committee held on 20th May 2021**

The Minutes of the Licensing Sub-committee held on 20<sup>th</sup> May 2021 were agreed as a true record.

### **40. Minutes of the Licensing Sub Committee held on 4th June 2021**

The Minutes of the Licensing Sub-committee held on 4<sup>th</sup> June 2021 were agreed as a true record.

### **41. APPLICATION NO: 20/01912/FUL LAND AT BROOKFIELD CLOSE HUTTON ESSEX REDEVELOPMENT OF SITE INCLUDING DEMOLITION OF HOUSES AND BUNGALOWS AND DEVELOPMENT OF 62 ZERO CARBON HOMES INCORPORATING EXTENSIONS AND CONVERSION OF COURAGE COURT TO FORM 22 FLATS, CONSTRUCTION OF 16 HOUSES AND 24 FLATS; PROVISION OF OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS.**

This application had been scheduled as a Committee item because the application had been submitted by the Brentwood Borough Council's Housing Team and concerns Council owned land.

Overall the proposal would redevelop and refurbish Courage Court to provide 22 flats, provide 16 new built houses; and 22 new built flats to form a mix of 62, 1-, 2-, 3- and 4-bedroom, zero carbon (in-use) dwellings, along with associated amenity space, communal parking and allotments plus parking provision.

Ms Tessa Outram was present at the meeting and summarised the report. Following publication of the report Ms Outram notified the Committee that

Condition 14 was to be deleted as it was not policy requirement. As well as an additional condition for a phasing plan to allow for a phased development, in the interests of moving existing residents to new accommodation. Minor amendments also required to wording of the prior to occupation conditions to allow for phasing.

No Ward Councillors were present at the meeting.

A statement objecting to the application from Mr Cox was read by the Chair:

“ I object to the development proposals in their current form. The reason for the objection is because of loss of privacy to existing residents, inadequate car parking provision and the design of the northern apartment block.

1. I am a resident and live at 13D Brookfield Close. The Proposed Landscape Plan General Arrangement shows a Community Bus Stop opposite my property. I regularly struggle to manoeuvre in and out of my driveway due to cars parking on-street along Brookfield Close opposite my property. It is only possible to manoeuvre without excessive movements if drivers have used their common sense and parked on the kerb. If a bus were to be parked in the bus stop then I would not be able to manoeuvre in and out of my driveway. This is a wholly inappropriate location for a bus stop and it should be removed or provided elsewhere.

2. Opposite my property is plot 56, a 3-bedroom house (B1 house type). Plot 56 has a first-floor bedroom window which would look directly in to our front bedroom window. This would lead to a loss of privacy. Plot 56 either needs to be reconfigured, or the window removed, or should contain obscure glazing so that my property does not suffer a loss of privacy as a result of the development.

3. The report on the application acknowledges that the proposed scheme would deliver a net shortfall of 27 parking spaces and does not comply with the Council's own adopted parking standards (page 28). The report then attempts to justify the breach in policy because the site is located in a 'walkable neighbourhood'. The location does indeed benefit from good public transport, cycling and walking links. However, the reality is that residents chose to own their own motor vehicle(s) regardless of access to a dedicated parking space. This is evident with the high number of vehicles parked on-street along Brookfield Close and wider Hutton Drive estate.

What is more, the Council is actively building 51 new car parking spaces on green spaces at Whittington Road in a location which benefits from equally accessible transport links because of the issue of on-street parking! Therefore, it is hypocritical of the Council to support a planning application which is not compliant with their own adopted parking standards policy due to the area being an apparent 'walkable neighbourhood' when the Council is actively building new parking spaces for residents at Whittington Road.

The car parking issue is compounded at Brookfield Close because of parents dropping and collecting children at Willowbrook Primary

School. Unlawful on-street parking on double yellow lines is an everyday occurrence. The report makes no reference to this issue and the application's shortfall in parking spaces will only contribute to the inadequate parking in the area.

4. The proposed scheme includes a 4-storey apartment block to the north of the site. This is wholly out of context for the area. The report acknowledges that the surrounding development consists of 2-storey residential properties as well as some three storey apartment blocks within the immediate vicinity. This includes an apartment block immediately adjacent the site on Rosen Crescent which has a stepped height arrangement up to 3-storey. The Applicant has submitted a drawing titled 'New Flat Block and Bellway Flat' in an attempt to justify the scale of the proposed 4-storey, however I fail to see how the northern apartment block could possibly reflect the local street scene and only goes to demonstrate its inappropriateness. Furthermore, the report contains the Design Officer ECC Place Services response to the proposal who states that "the proposal apartment block would also benefit from a rethink" and "the proportion of solid to void and limited use of materials make this elevation uninspiring" (page 14). I believe that by reducing the height of the apartment block from 4-storey to 3-storey would be much more appropriate to the area.

In concluding, I am aware that the site forms an important part of the Council's Strategic Housing Delivery Plan. I am supportive of the principle of the redevelopment of this brownfield site. I also support the Council's ambition that the dwellings will be zero-carbon. However, I believe the application and scheme before Members is not without issues and these issues should not be lost whilst focussing on individual building's zero-carbon credentials and the high affordable housing provision.

I respectfully appeal to Members to defer making a decision on the development proposals before you and instead request that the Applicant addresses the issues of loss of privacy, inadequate car parking provision and the design of the northern apartment block."

Mr Ian Winslet, Strategic Housing Consultant attended the Committee and spoke on behalf of the Applicant.

Cllr Cloke **MOVED** and Cllr Bridge **SECONDED** that the application be **APPROVED**.

Following discussion a vote was taken and Members voted as follows:

FOR: Cllrs Barber, Dr Barratt, Bridge, J Cloke, Cuthbert, Fryd, Gelderbloem, Heard, Jakobsson, Wiles. (10)

AGAINST: 0

ABSTAIN: Cllrs Laplain and Mynott (2)

The Application was **APPROVED** subject to the following conditions:

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

3 Materials

Notwithstanding the details shown on the drawings hereby approved; no development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area

4 Site Levels

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, excluding demolition. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

5 Boundary Treatments, External Lighting and CCTV

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

Reason: In the interests of safeguarding the character and appearance of the area, secure be design and to safeguard living conditions of adjacent occupiers.

## 6 Estate Management Plan

Prior to the occupation of the development, details of an estate management plan shall be submitted and approved by the Local Planning Authority. Thereafter the estate will only operate in accordance with that approved strategy. The estate management plan shall include but not be limited to:

- parking management strategy identifying how the parking for existing and proposed residents will be managed to optimise the efficient use of the off-street parking spaces
- security and access arrangements
- management and maintenance of open space, allotments and street furniture
- management and maintenance of SuDs features
- ongoing management and maintenance of Shared Mechanical Systems and Plant (e.g ground source heat pumps) (This should detail how the contract to manage the system will be tendered and the likely impact it would have on the residents' service charge).
- management and maintenance of hard and soft landscaping

Reason: In the interests of highway safety and amenity.

## 7 Landscaping scheme

Notwithstanding the proposed replacement trees submitted on drawing DR-L-002-PO4, no development above ground level shall commence on site, until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall indicate and include:

- (a) details of any new trees or hedges shall be submitted to and approved in writing by the LPA; details shall include the location and species of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved
- (b) the existing trees shrubs and hedgerows to be retained
- (c) Minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units including cycle stands, signs);
- (d) External hard surface materials for parking spaces, pedestrian accesses, etc

The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the

development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: In order to safeguard and enhance the character and appearance of the area and preserve the natural environment.

#### 8 Details of Ecology Enhancements

Details, including location, number and design, of bird, bat boxes and hedgehog fences shall be submitted to and approved by the Local Planning Authority in writing prior to occupation of the development. The boxes and hedgehog fences shall be maintained and retained in perpetuity.

Reason: In order to provide a biodiversity net-gain in the interests of sustainable development.

#### 9 Bat Survey

Prior to the commencement of the development proposed, including any demolition, a bat survey shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate any bat activity within the site and, if necessary, include mitigation methods for their removal in line with the requirements of a European Protected Species License. The demolition and construction works shall be completed in accordance with the information within the bat survey as agreed by local ecologist and the Local Planning Authority.

Reason: To safeguard and preserve local protected species.

#### 10 Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it shall be made safe and reported immediately to the local planning authority. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: to protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178).

#### 11 Overheating Assessment

Prior to commencement on site (excluding demolition) the applicant should demonstrate that the homes are not at risk of overheating by submitting one of the following:

a) A PHPP overheating analysis demonstrating a “Pass” for the current design proposals in the current climate, as well as a ‘high risk’ scenario

where adverse conditions are artificially introduced. It is suggested that these are recreated by either increasing occupancy above expected range (by 1 or 2 occupants) and/or by altering climate data by using the PHI Summer Temperature Tool; or

b) A TM59 analysis demonstrating compliance with all criteria for a 'worst case' house and flat on the development;

or

c) A qualitative approach to adapting the houses and flats to deal with higher external temperatures, e.g. a detailed process for adding external shading systems without requiring significant façade work or ensuring that the MVHR system specified has ability to add a small active cooling module at a later date."

Reason: To ensure the development would not lead to overheating for the health and amenity of future of future occupiers.

#### 12 Soft Landings Framework

In addition to the guidance of the Soft Landings Framework published by BSRIA, prior to occupation, the Applicant should submit proposals for:

a) A handover visit with all residents that meets Criteria 2 of HQM 11.1 Aftercare.

b) Home user guides that meet the criteria and minimum information presented in the HQM 11.2 Home Information credit.

Reason: To ensure future residents are trained and assisted in renewable home ownership, in the interests of the amenity.

#### 13 Site Waste Management Plan

Prior to the commencement on site a Site Waste Management Plan should be submitted to the local planning authority for review once a contractor has been appointed. The plan should set clear targets in this document for diversion from landfill, review of the material on-site and possibilities for reuse or recycling.

Reason: In the interests of reducing embodied carbon.

#### 14 Embodied Carbon Assessment

Prior to commencement on site the applicant shall submit an assessment of embodied carbon completed in accordance with the RICS Professional Statement on Whole life Carbon Assessment for the Built Environment.

The submitted

assessment should meet the minimum reporting requirements of this Statement.

Reason: To demonstrate that the scheme calculates its embodied carbon impact through the construction process and identifies a target for contractors to work to.

#### 15 Remove PD – extensions, windows etc

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwellings hereby permitted shall not be extended, enlarged or altered in any way (including dormer windows or alterations to fenestration) without the prior grant of specific planning permission by the local planning authority.

Reasons: To safeguard the living conditions of the occupiers of neighbouring dwellings and to ensure adequate sized amenity areas are retained.

#### 16 remove PD outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) the dwellings hereby permitted shall not carry out any development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings and to ensure adequate sized amenity areas are retained.

#### 17 Obscure Glazing Schedule

Prior to any development above ground a schedule of obscure glazing shall be submitted to and approved in writing by the local planning authority. The window(s) identified within the schedule; shall be:- a) glazed using obscured glass to a minimum of level 3 of the " Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

#### 18 CMS

No development shall take place, including any works of 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety and neighbour amenity.

#### 19 Northern Parking Court

Prior to occupation of the development, the access to the parking court to the north of the site shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5 metres, as indicated in the Proposed Landscape Plan (Rev P05), and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

#### 20 Brookfield Close Parking Spaces

Prior to occupation of the development, the vehicular parking spaces located alongside Brookfield Close (space no's 42 to 62 and 63 to 70 shown on the Proposed Site Plan) shall be constructed at right angles to the highway boundary and to the existing carriageway and be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

#### 21 Existing Garage Access Widened

Prior to occupation of the development, and notwithstanding the Proposed Landscape Plan (Rev P05), the existing garage site access to the south-east of the site shall be widened to a minimum 5m.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

#### 22 Widen east-west Section of Brookfield Close

As indicated in the Proposed Site Plan (Rev P4), the east-west aligned section of Brookfield Close shall be widened to a width of 6m.

Reason: To ensure vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

#### 23 Provision of Vehicle Parking

The proposed development shall not be occupied until such time as the vehicle parking spaces indicated on the approved plans, including any parking spaces for the mobility impaired, have been installed and marked out. Signage shall be erected stating the parking is allocated for residents of the development only and shall be retained in perpetuity 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 the adopted parking standards and policy T5.

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 the adopted parking standards and policy T5.

#### 24 Boundary Planting

Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

#### 25 Cycle Parking and Refuse

None of the accommodation hereby permitted shall be occupied until the facilities for the storage of refuse and cycle parking have been provided in accordance with the details shown on the approved drawings and specifications.; details of the refuse storage facilities shall be submitted to and approved in writing prior to the occupation of the development hereby permitted. Cycle parking shall be provided in accordance with the EPOA Parking Standards and shall be secure, convenient, covered. The approved facilities shall be provided prior to occupation and retained at all times. Thereafter the accommodation shall not be occupied unless those facilities are retained.

Reason: To ensure that adequate provision is made in the interest of highway safety, sustainable transportation and amenity.

#### 26 Travel Packs

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

## 27 Surface Water Drainage

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to a combined rate of 7.8l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. This should be demonstrated via a treatment train for each catchment.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

## 28 SuDS - Maintenance plan

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a

system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### 29 SuDS - Maintenance logs

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

#### 30 Tree Protection

No development shall take place until an arboricultural method statement to include details of a tree protection plan has been submitted to and approved in writing by the local planning authority prior to the commencement of the proposed works on site.

Reason: In the interest of protecting and preserving trees of significance.

#### 31 Electric Car Charging

The development shall be constructed in a manner that will include the provision of car charging points for 10% of the parking bays hereby approved and appropriate infrastructure/ducting is provided to install electric vehicular charging and/or plug in points for every other parking bay.

Reason: To future proof the site to allow for the charging of electric or other low emission vehicles in the interest of sustainable transportation and development.

#### 32 Affordable Housing

Prior to occupation detail of arrangements for the provision of the 70% affordable housing hereby approved shall be submitted to and approved in writing by the local planning authority. The details shall include:

- (a) identification of the 44 dwellings which shall be constructed as an affordable unit
- (b) the type and tenure of the affordable housing provision to be made as part of the development;
- (c) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing

Reason: To ensure that the level of affordable housing is maintained in perpetuity, for the continued benefit of the community.

## Informative(s)

### 1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

### 2 INF04

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

### 3 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H6, H9, H14, H16, T2,T5,T15, LT4, C5, IR5, IR6, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

### 4 INF22

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### 5 SuDS

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

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

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

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

- o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and

reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

o We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

## 6 Highway Works and Infrastructure

Any necessary relocation of lampposts and/or telegraph poles within the highway as a result of the proposals will be entirely at the cost of the applicant.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood, Essex CM13 3HD.

## 7 Anglian Water

Assets: Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Connection to Public Sewer: Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer: No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

#### 8 Water Supplies - Fire

Should the application be successful the architect or applicant is advised to contact the Water Technical Officer at Service Headquarters, on telephone 01376-576344 at the earliest opportunity to discuss if additional water supplies / fire hydrants are required to serve this new housing development; if considered necessary the Officer will then liaise with the local Water Authority for the area to make the appropriate arrangements.

#### 9 Post Boxes

The developer is reminded of the provisions of the European Regulation: EN 13724 for Post Boxes, specifically that the midpoint of the main slot should be between 700mm and 1700 mm in height. Further information may be viewed at: <https://www.cwu.org/wp-content/uploads/2018/02/European-Regulation-EN13724-for-Post-Boxes.pdf>

#### **42. APPLICATION NO: 21/00573/BBC 17 CRESCENT ROAD, WARLEY, BRENTWOOD, CM14 5JR CONVERSION AND REFURBISHMENT OF TWO STOREY DWELLING INTO TWO APARTMENTS, TO INCLUDE ADDITION OF PORCH**

This application had been referred to the Committee as the applicant is Brentwood Borough Council.

The application relates to the refurbishment of an existing two storey dwelling into two apartments and a front porch extension. 17 Crescent Road is

currently derelict, the application sought to carry out works to provide two x 2 bedroom residential units for homeless families. The proposal includes the exterior walls to be re-decorated and made good, replacement windows and a new communal entrance lobby.

Ms Brooke Pride was present at the meeting and summarised the report.

Cllr Russell, Ward Councillor, was present at the meeting and spoke in favour of the application.

Ms McAllister, Project Lead, was present at the meeting and spoke on behalf of the Applicant in support of the application.

Cllr Cloke **MOVED** and Cllr Bridge **SECONDED** that the application be **APPROVED**.

A vote was taken and Members voted as follows:

FOR: Cllrs Barber, Dr Barratt, Bridge, J Cloke, Cuthbert, Fryd, Gelderbloem, Heard, Jakobsson, Laplain, Mynott , Wiles (12)

AGAINST: (0)

ABSTAIN: (0)

The application was **APPROVED** subject to the following conditions:

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

3.

The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

Reason: In Order to safeguard the character and appearance of the area.

### Informative(s)

1

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2 National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

3

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**43. APPLICATION NO: 21/00269/BBC 2 - 8A HAREWOOD ROAD PILGRIMS HATCH ESSEX CM15 9PD REMOVAL OF INTERNAL PARTITIONS BETWEEN EXISTING SHOPS TO CREATE ONE SINGLE SHOP WITH ALTERATIONS TO SHOP FRONTS, INSTALLATION OF A RAMP TO THE REAR ELEVATION, RAISE FLAT ROOF TO THE REAR OF THE STORE AND MINOR ALTERATIONS TO INCLUDE THE INFILLING OF EXISTING OPENINGS**

This application had been referred to Planning and Licensing Committee as the applicant and owner of the building/land is Brentwood Borough Council.

The proposal sought to remove internal partitions between existing shops to create one single shop unit with alterations to shop fronts, installation of a ramp to the rear elevation, raise flat roof to the rear of the store and minor alterations to include the infilling of existing openings at 2-8A Harewood Road, Pilgrims Hatch, Brentwood.

Mr Daryl Cook was present at the meeting and summarised the report.

There were no Ward Councillors present at the meeting.

A statement from Mr Chris Edge was read on behalf of the applicant in support of the application:

“Dear Chair and members, thank you for allowing me the opportunity to address you through this statement. This statement has been prepared by Chris Edge of Pegasus Planning, the planning consultant instructed by the Co-operative Group on this and many other planning applications across the country.

The Co-op have a rolling programme to extend and modernise their existing portfolio of food stores across the country alongside an acquisition programme to find new stores.

Their food store at Pilgrims Hatch is in need of a refit and the last one was almost 10 years ago. This is to bring it in line with customer and staff expectations for a modern convenience store. In such circumstances, the Co-op will look to see if an extension to their food store is an appropriate course of action, rather than simply refitting it. In this case, given the availability of the two adjacent shop units, the Co-op has taken the decision to acquire these units and extend into them to create a modern convenience store with a wider range of products and a more attractive retail offer.

The proposed extension will deliver modern energy efficient lighting and refrigeration as well as wider aisles to improve mobility for all users. The new store will deliver an additional 100 square metres of sales area, allowing the Co-op to sell a wider range of goods, and the larger back of house area will allow more stock to be held, improving availability and providing better conditions for Co-op colleagues. Taken together, the proposed development will allow the community to do more of their shopping locally and hopefully attract more footfall to this area.

The change of use of the two shop units proposed does not constitute development and the planning application seeks consent only for the external works necessary to facilitate the extension. These works are limited to shopfront works, and other minor alterations to the rear. There is a separate application pending for plant to the rear as well as an application for advertisement consent.

As such, the proposed development is minor and uncontentious and would ordinarily have been dealt with under officer delegated powers. However, in this case the applicant is Brentwood Borough Council and the Council's constitution requires that in these circumstances, planning applications are always dealt with at planning committee.

The officer's report confirms that there have been no objections from any member of the public to this planning application and there are no objections from any consultee.

Should planning permission be granted, it is the Co-op's intention to start work later this year with a March launch for the new food store.

Given the minor nature of the planning application and the circumstances under which it is being dealt with by this committee, we respectfully request that members agree with the officer's recommendation and grant planning permission accordingly.”

Following debate Cllr Fryd **MOVED** and Cllr Wiles **SECONDED** that the application be **APPROVED**.

A vote was taken and Members voted as follows:

FOR: Cllrs Barber, Dr Barratt, Bridge, J Cloke, Cuthbert, Fryd, Gelderbloem, Heard, Jakobsson, Laplain, Mynott , Wiles (12)

AGAINST: (0)

ABSTAIN: (0)

The application was **APPROVED** subject to the following conditions:

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

3 The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building with the exception of:

- Traffic Grey B-Matt windows
- Grey PPC Aluminium (RAL 7043) doors

Reason: In order to safeguard the character and appearance of the area.

Informative(s)

1 INF01

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below.

2 INF04

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

3 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, C20, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

4 INF22

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

5 INF29

The developer is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the proposed works to affected neighbours. Detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. Further information may be viewed at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

**44. APPLICATION NO: 20/00704/FUL WATERWORKS SPRING FARM DAGWOOD LANE DODDINGHURST BRENTWOOD ESSEX CM15 0RX PROPOSED REDEVELOPMENT COMPRISING OF THE CONSTRUCTION OF 15 DETACHED DWELLINGS, NEW ACCESS, RETENTION OF WOODLAND, PROVISION OF NEW FOOTPATH AND LANDSCAPING - REVISED DOCUMENTS**

This application was for a proposed redevelopment comprising of the construction of 15 detached dwellings, new access, retention of woodland, provision of new footpath and landscaping.

The application had been referred to the Committee by Councillor Parker.

Mrs Caroline Corrigan was present at the Committee and summarised the report.

A statement from Ms Griffiths was read by the Chair objecting to the application:

“The reasons I feel that this planning application should be rejected are listed below.

No valid very special circumstances have been presented. The argument that it is an eyesore is subjective and if you visit the site, you will see what a wonderful, good job Mother Nature has done at restoring the area. Fly tipping can be equally prevented by CCTV. Previous use as landfill and multiple enforcement issues and blatant disregard for planning laws seems a strange thing to reward as a special circumstance for residential development to be granted on Green Belt. Note that the latest planning application in 2009 concluded the same.

The proposed redevelopment is significantly larger than the footprint that the current illegal structures cover (equivalent to at least a 20 fold increase of the bulk on the site). The primary use of this land was Agricultural (evidenced by both the planning history and this land still had horses, pigs and chickens until the owner passed in 2016) which shouldn't give rise to special circumstances to develop beyond the existing footprint. The Size of the dwellings (>5k square foot) and the associated price tag does not aid the Brentwood Local Plan where the Council's latest SHMA indicates that the greatest need for Market housing is two bedroom units. There is also no Affordable Housing provisioned. The Local Development Plan already has an allocation (RH34) only 600m from this Site which has a provision for 30 houses on Green Belt land. The applicant has also made no attempt to address the additional strain on local resources when considering this redevelopment

The size of the proposed dwellings is also not in keeping with that of properties in Doddinghurst. The average property in Doddinghurst (and Brentwood) a is 3bed dwelling 1000-1500 sqft in size. Therefore these are not 'modest' but in fact not in keeping with the size, character or appearance of those in its vicinity.

In regards to the argument that the development needing to be this size for the developer to make a profit, the effect of the value of your property is not considered relevant when commenting on planning applications, so I argue that the profitability of the proposed development is also not relevant. The applicants acceptable profit is subjective, £1 is still profit!

The size and scale of this development will take years to complete, subjecting local residents to years of noise and disruption which will undoubtedly have an impact on their enjoyment of their property and their quality of life, especially at weekends.

Dagwood Lane is a single track carriageway that is not designed for high volumes of cars, delivery, waste and construction machinery. Lay-bys will only destroy more trees and habitats.

Doddinghurst Woods is found within the Site and is described by an independent study (Local Wildlife Site Review 2012) as having “an important role to play in terms of providing close and interesting woodland habitat that is accessible to local residents” (GB2). Nature and residents lose if this is application passed.”

A statement in support of the application from Mr Jacques was read by the Chair:

Representation in support of application 20/00704/FUL Dagwood Lane  
I write on behalf of Myself and residents of Doddinghurst who fully support this application.

For over two decades, we have suffered ongoing issues arising from the landfill site on Dagwood Lane. Firstly, the convoy of 40 ton trucks arriving at site all days of the week was an obvious nuisance. Disposing their loads across the site filled with contaminants. This activity was never scrutinised.

Very soon we notice the decimation of the ancient woodland. However, the activity continued unchecked without enforcement for over a decade.

Most of the bluebell woodland has now been destroyed, the contamination on-site continues to leach into the surrounding area and is further killing the trees.

The former owner died and the site become a target for Anti-Social-Behaviour, illegal incursions, trespass, and vandalism, with an increase of fly tipping often rendering the road unusable.

The benefits of this development are obvious and would benefit the wider area of Doddinghurst. **It's clear the Parish Council understand this, and their support for the application cannot be ignored.**

The proposals to decontaminate the highly contaminate land at Dagwood Lane will prevent further loss and erosion to the ancient woodland of which will never be able to be re-established as well as protecting the local watercourse.

Point 3.13 of the transport assessment states “The off-site highways improvements of Dagwood Lane will provide a significant improvement to highway safety not only to the new residents of the development but also to the general public currently using Dagwood Lane”. In addition, the two proposed pathways, one running along Dagwood Lane itself

and another which extends from the north of the site will add to the safety of pedestrians.

The design and spread of the proposed dwellings will allow permeable views across the site and the plans to plant mature trees throughout will go a long way to replace what has been already lost to landfill. All homes provide a minimum of 15m buffer between the dwellings and the ancient woodland. It would be wonderful to re-establish a tunnel of trees throughout Dagwood Lane again.

The local village will benefit from the economical uplift this development will bring. Local jobs during construction period, once completed benefiting local shops, restaurants, and small businesses.”

Mr Andrew Tabachnik QC was present at the meeting and addressed the Committee in support of the application on behalf of the Applicant.

Cllr Parker, Ward Councillor, spoke in support of the application.

Parish Cllr Potter spoke in support of the application on behalf of Doddinghurst Parish Council.

Cllr Gelderbloem, Ward Cllr and Committee Member, also addressed the Committee in support of the applicant.

Following debate Cllr Mynott **MOVED** and Cllr Dr Barratt **SECONDED** that the application be refused. This motion was subsequently withdrawn.

Following discussion and with regard to the need for clarification of the highways position and additional site visits for Members Cllr Mynott **MOVED** and Cllr Fryd **SECONDED** a motion to **DEFER** the application.

A vote was taken and Members voted as follows:

FOR: Cllrs Dr Barratt, Bridge, Cuthbert, Fryd, Laplain, Mynott (6)

AGAINST: Cllrs Barber, Cloke, Gelderbloem, Heard, Jakobsson, Wiles (6)

ABSTAIN: (0)

The Chair had the casting vote. The motion to **DEFER** was lost.

Cllr Mynott **MOVED** and Cllr Dr Barratt **SECONDED** that the application be **REFUSED**.

A vote was taken and Members voted as followed:

FOR: Cllrs Dr Barratt, Cuthbert, Fryd, Laplain, Mynott (5)

AGAINST: Barber, Cloke, Gelderbloem, Heard, Jakobsson, Wiles (6)

ABSTAIN: Bridge (1)

The motion to **REFUSE** the application was lost.

A motion to **APPROVE** the application was **MOVED** by Cllr Wiles and **SECONDED** by Cllr Barber.

Members discussed the requirement for conditions to be imposed. These included Grampian conditions to submit a scheme prior to commencement and not commence until approved in writing by the Council for the implementation of the link path to the north of the site linking to the PROW to be usable and the PROW to be made good prior to occupation, and the making good of Dagwood Lane including provision of passing places prior to the contamination remediation of the scheme. Members also considered necessary a requirement in s.106 Agreement to deal with a clawback of monies to be used for affordable housing in the Borough to meet policy based on the developer providing viability documents for assessment and the site being more viable than that previously suggested. Wording of conditions to be drafted by officers.

A vote was taken and Members voted as follows:

FOR: Cllrs Barber, Cloke, Gelderbloem, Heard, Jakobsson, Wiles (6)

AGAINST: Cllrs Dr Barratt, Cuthbert, Fryd, Laplain, Mynott (5)

ABSTAIN: Cllr Bridge (1)

The application was **APPROVED** subject to conditions and a s.106 Agreement.

- 
45. **APPLICATION NO: 21/00262/FUL HUTTON GARDEN CENTRE NORTH DRIVE HUTTON BRENTWOOD CM13 1SH CONSTRUCTION OF 6 DETACHED HOUSES**

This application related to the residential redevelopment of the former garden centre site. The proposal would remove the remaining buildings and erect six detached dwellings. Access to the site would remain from North Drive. As originally submitted, the proposal would also have involved the replacement of a single dwelling along the Rayleigh Road frontage with two dwellings, though that part of the scheme had been omitted at the applicant's request.

This application had been referred to committee at the request of Councillor Hossack for reasons set out in the report.

Mr Mike Ovenden was present at the meeting and summarised the report.

Cllr Hossack, Ward Cllr, submitted a statement in support of the application which was read by the Chair.

The Chair read a statement from Mr and Mrs Laut objecting to the application:

#### PARKING

This proposal includes a total of 24 bedrooms and yet only allows for 12 resident car parking slots. Our concern is that residents and visitors will cause an obstruction by parking along North Drive or in front of our house in Rayleigh Road.

#### BOUNDARIES

The plans show that a new 1.8mtr fence will be built all around the site.

All of the boundaries around 634 are ours - as documented in our pre-purchase searches by the original owners of this site.

We have a high decorative brick wall to the north of our property that matches our hard landscaping. We will not authorise the loss of our wall.

Special care needs to be taken when doing works near our north boundary wall. We would expect any damage to be repaired by the developer's insurance.

#### OVERLOOKING

We are pleased to see that proposed plot 6 does not have any windows directly overlooking us at 634. We'd like it included in the conditions that no further windows could be added.

#### LIGHTING

The plans say that each property will have its own lighting. Please can a condition be made that their lights don't shine onto our property.

## PROPERTIES

We feel that this is too dense a development for Havering's Grove. Currently the area enjoys long frontages, substantial houses and large gardens. To retain the feeling of our village this site should have no more than 3 properties rather than the 6 proposed.

Additionally, the proposed height of the houses will be visible from our garden and our house. With the proposed garden centre development, the building was tucked behind our games room so not obtrusive.

## AMENITIES

The plans show a bin store. We don't think this is necessary and it could encourage rats.

## OUR GAMES ROOM

The eastern end of the northern wall of our games room is covered by the existing garden centre building. We envisage that when the garden centre building is removed that portion of the wall may need rendering as it will no longer be protected.

Also, when building works commence for plot 6, including their fence, special care must be taken not to cause damage, such as cracks, in our building. Any such damage must be repaired by the developer's insurance.

## TREES

Trees are proposed as landscaping. We would like, as a condition, that no trees are planted along our north boundary as their roots could damage our wall and our games room.

In addition, the landscaping trees are shown as growing across our boundary. We'd like to ask as a condition that no trees are planted within 6 foot of our boundary."

A statement on behalf of the Applicant., from Mr Stephenson, was also read by the Chair:

The proposed Garden Centre, when compared to the existing buildings on the site, was considered in 2016 by officers as compliant with all relevant national and local planning policy. This sets a precedent on this site and 'benchmarks' the volume of development and level of activity that officers would consider to be acceptable to the openness of the Green Belt.

The officer's report does not give proper weight to the strength of the 2016 permission as a fall-back in this case. Neither does the officer's assessment have any proper regard to the enclosed nature of the site

on all sides, which mitigates the potential impact on the openness of the Green Belt. National Planning Guidance confirms that visual aspects and the degree of activity affecting the site are both relevant factors (NPPG, reference: 64-001-20190722).

By comparison with the 'benchmark' set for what might be regarded as an acceptable level of impact, the current proposal represents a significant improvement on the approved (and now implemented) Garden Centre proposal. It should mainly be noted that there is a 54% reduction in roads and hardstanding relative to the Garden Centre, more than 7.5 times the amount of soft landscaping and probably 5% of the traffic movements when the two are compared.

This last aspect is particularly relevant to 'openness', is closely associated with parking and hardstanding which facilitates such a level of activity and confirmed as such in national planning guidance.

Therefore, with the strong fall-back position, the proposal can reasonably be regarded as meeting the test of 'openness' and complying with national and local plan policy in this respect.

The officer's comment that the proposal has been "driven by numbers" is spurious. The houses, site and finishes have been designed in accordance with The Essex Design Guide 2018 Edition (version 3) and no issues have been raised by the Brentwood Design Officer.

There has been a history of other sites in North Drive approved for housing development, with some extended into open Green Belt (in contrast, this site is more enclosed).

Therefore, this proposal fully complies with national and local planning policy and helps to bring forward much-needed additional family housing as the Council struggles to meet its housing supply targets.

The applicant has also engaged extensively with local residents and councillors on the detailed scheme and they support for the proposal. They are still of the opinion that the new houses are a much better fit and use for the site which is in a residential area in comparison to a busy commercial garden centre with outdoor sales, deliveries and parking. The site should be used for housing and the proposal is a good fit and appropriate use for the area"

Following debate Cllr Wiles **MOVED** and Cllr Barber **SECONDED** that the application be **APPROVED**. A list of conditions was suggested by the officer if the committee was minded to approve the application including:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section

91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

3 No development shall take place, including any works of 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

Members requested an additional condition to prevent insertion of windows into the south elevation of plot 6.

- iii. storage of plant and materials used in constructing the development
  - iv. wheel washing facilities
  - v. measures to control the emission of dust and dirt during construction
  - vi. hours of working and hours during which deliveries may be taken at the site
- Reason: In the interests of highway safety, visual and neighbour amenity.

4 No development except demolition shall take place until details of existing and proposed site levels and the finished floor levels of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.

Construction shall be in strict accordance with the approved details. Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

5 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be agreed.
- SuDS Maintenance plan indicating who is responsible for different elements of the surface water drainage system. Construction shall be in strict accordance with the approved details. Reason: To ensure that the development deals appropriately with the drainage of surface water from the site.

6 The development shall be carried out in accordance with the Arboricultural Method Statement by Jon Hartley dated 13 October 2020. Reason: In order

to safeguard the character and appearance of the area.

7 No development shall proceed above slab level until a landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation. Reason: In order to safeguard and enhance the character and appearance of the area.

8 No development approved by this planning permission except demolition shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site on that phase shall each be submitted to and approved, in writing, by the local planning authority

1. A preliminary risk assessment which has identified all previous uses

2. Potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

3. A site investigation scheme, based on 1 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

4. The results of the site investigation and detailed risk assessment referred to in 2 and, based on these, an options appraisal and remediation strategy giving

full details of the remediation measures required and how they are to be undertaken.

5. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To protect and prevent the pollution of the environment.

9 No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and contingency action, as identified in the verification plan. The long-term

arrangements for monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of the environment.

10 No windows shall be inserted into the southeast/flank elevation of the dwelling identified as Plot 6 on drawing 19-057/05 Rev C. Reason: To prevent overlooking of the adjacent property.

Informative(s)

1 Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, PC1, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

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

4 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

5 SUDS Advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

- We recommend that a covenant should be included within the deed to the land to ensure SUDS features are maintained in the future

- Should you wish us to provide further comment additional information should be supplied to show how SUDS will be implemented on site.

- Summary of Flood Risk Responsibilities for your Council

- We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.
- In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

6 Environmental health informatives: Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday-Friday.....08.00-18.00

Saturday.....08.00-13.00.

No noisy activities on Sundays or Bank Holidays. Particularly noisy equipment such as Pile Drivers/Angle Cutters/Pneumatic Drills/Cement Mixers etc. should be used approximately one hour after the beginning hours mentioned above and one hour before the said end times.

- All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.
- Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.
- Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc.)

7 The developer is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the proposed works to affected neighbours. Detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. Further information may be viewed at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

A vote was taken and Members voted as follows:

FOR: Cllrs Barber, Bridge, Cloke, Gelderbloem, Heard, Jakobsson, Wiles (7)

AGAINST: Cllrs Dr Barrett, Cuthbert, Fryd, Laplain, Mynott, (5)

ABSTAIN: (0)

The application was **APPROVED**.

- 46. APPLICATION NO: 20/01111/FUL CAR PARK OPP CENTRAL OFFICE FORD MOTOR CO LTD EAGLE WAY GREAT WARLEY ESSEX REDEVELOPMENT OF THE SITE TO PROVIDE 133 RESIDENTIAL DWELLINGS (USE CLASS C3) WITH ANCILLARY PARKING, OPEN SPACE AND OTHER ASSOCIATED DEVELOPMENT [DETAILED APPLICATION] AND 0.6HA OF LAND FOR A CARE HOME (USE CLASS C2) INCLUDING DETAILS OF ACCESS ONLY (MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED) [OUTLINE APPLICATION].**

This application had been referred to Committee in accordance with the Constitution due to the development being of a particularly significant scale.

The site is in two parts 1) south of Eagle Way and 2) north of Eagle Way. In total it measures 5.29 hectares. It forms part of the land holding formerly owned by Ford and operated as its UK headquarters, until it left the site in 2019. The ownership of the southern site has since been subdivided and its redevelopment is being taken on by two developers. The main HQ building opened in the mid 1960's, its large formal green in front of the HQ building, and the former employees' car parking is being developed by Land Charter. It is carrying out the residential conversion of the main HQ building, plus seven additional units on the roof, with limited areas of new building adjacent to that building – terrace at the rear and 13 dwellings adjacent Clive Road. The redevelopment of the rest of the site, both to the north and to the south of Eagle Way, is subject to this application and is proposed by Fairview New Homes.

A statement from Mr Jackson on behalf of the Applicant was read by the Chair in support of the application.

“Fairview are proud to present their proposals on this important emerging site allocation. Fairview strongly believe the new proposals represent a considered and high quality design response, that accommodates the principles of the emerging Local Plan. In particular the scheme embraces the emerging policies in terms of sustainable development and represents an exciting scheme of new homes, public and semi-public spaces and a care home facility within an edge of Green Belt setting.

The evolution of the scheme has adopted a design-led approach, and has been influenced by discussions with officers, members and interested parties, such as Trailnet and the Design Review Panel.

The scheme before you has addressed the key points raised in respect to design, public realm sustainability, parking and energy and provides 133 new homes in a range of sizes from 1 bed apartments to 4 bed houses and an outline permission for a 60-65 bed care home facility.

A new square is proposed on the northern site, which provides a strong focal point for the development. It is a key area that connects the site to the Keys Hall Local Centre, and plays a complementary role by adding landscaping, pedestrian accessibility and seating.

The County Council are content with the proposals and have not raised any objections. The existing zebra crossing across Eagle Way will be converted into a Pelican crossing. A new zebra crossing will be provided across The Drive to the west of the northern parcel. This will improve the safety and connectivity between the sites as well as the local centre. The car parking provision is supported by an Integrated Transport Strategy including:

- implementing a Travel Plan;
- providing a car club;
- Active and Passive charging spaces are provided for residents cars.
- substantial public transport contribution, and
- bus infrastructure contribution as well as a pedestrian and cycle study with funding.

The aim is to promote a model shift in the use of the private car and a reduction in journeys over the life of the plan to support the Local Plan objectives.

The nature of the energy strategy has been amended through the planning application to reflect a green approach to development. Energy efficient and future proof principles include: generating heat from renewable sources - using air source heat pumps for the houses and direct electric heating for the flats.

PV will also be installed on the roof of the apartments. The strategy is supported by a range of blue/green strategies that includes the balancing pond, swales and wildflower meadow grassland areas that has landscape and ecology benefits.

The viability of the revised and reduced scheme has been tested by Independent review. This confirm that the proposal to provide 20% of the dwellings as shared ownership affordable housing is substantially greater than viability dictates and is recommended for approval on this basis.

We recognise that the housing pressures in this Green Belt Borough are enormous. The Officer's report concludes that the scheme should be granted planning permission, even before considering the tilted balance. We consider the revised proposals represent an excellent response to the site constraints and the emerging local plan and further reflects a lot of hard work from all involved and I would commend the scheme to you."

Mr Ovenden was present at the meeting and summarised the report.

The Application was **APPROVED** subject to completion of a Section 106 Agreement and to the following conditions:-

In addition, the committee noted that the Highways Authority had informally indicated that it does not support the “raised table” proposed on Eagle Way. The committee however considered that the table would be a welcome traffic calming feature and asked the Chairman to write to the Highways Authority on its behalf to express its support that it be retained as part of the proposed development.

As part of the recommendation, it is requested that power be delegated to Head of Planning to agree minor changes to conditions listed below and to the S106 agreement, subject to agreement of the Chairman of the Planning & Licensing Committee, should they be necessary.

S106 Agreement Heads of Terms (all monies indexed):

- Provision of affordable housing (27 shared ownership units)
- Health needs contribution (£50,301 based on 2015 levels)
- Open space contribution (£133,000)
- Travel plan monitoring (£1,533 per annum)
- Cycle and walking improvements
  - Funding of study to improve walking and cycling accessibility to the station (£25,000)
  - funding of improvement plan on that route (up to value of £100,000)
- Public transport improvements
  - Public Transport Contribution of up to £226,000
  - Bus Infrastructure Improvement Contribution of £25,000
- Financial contribution of £35,000 towards Local Car parking zones monitoring, consultation and implementation
- Participation of car club (requirements to be negotiated).

Planning conditions

1 Standard Time - Full

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

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

2 Approval of the details of the scale, layout and appearance of the building(s) and the landscaping of the care home development that are reserved for later approval (hereinafter called the reserved matters) shall be obtained in writing from the Local Planning Authority before that part of the

development is commenced and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 Application for approval of the reserved matters of the care home shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4 The care home hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from date of approval of the last reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

5 The reserved matters application(s) for the care home shall be limited to a proposal that does not exceed the parameters indicated on drawing D2100 P1:

- Floorspace (GIA)
- Footprint
- Heights
- Site layout

Reason: To ensure the care home protects the character of the overall development and the amenity of occupiers of adjacent properties.

6 Care home occupancy

The building(s) indicated on the approved drawings to be a Care Home shall not be occupied other than as a care home. It shall not be occupied until details of the care home operation proposed have been submitted to and approved in writing by the LPA. The submitted information shall include any age restrictions of occupants, the type and level of care provided within the facility, and confirmation that the care home units shall not be occupied other than by persons who are, on admission, residents in need of assistance with the normal activities of daily life.

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

7 Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

## 8 Implementation of works to protect protected species

The development shall be carried out in accordance with the following:

- Prior to the commencement of work, a detailed mitigation plan should be submitted by Aspect Ecology or another suitably qualified ecology firm, clearly showing the extent of the exclusion zone to be used and the proximity of the badger sett to the construction footprint. Ideally this should be illustrated by site photographs to demonstrate the habitat being protected.
- A further badger survey to be conducted prior to commencement, as already proposed by Aspect Ecology, with this being conducted no earlier than three months before construction begins.
- The following mitigation measures should also be employed, many of which have already been proposed by Aspect Ecology:
  - All workmen on site should be fully briefed concerning the presence of badgers on site, the relevant implications and the necessary safeguards;
  - Any trenches or deep pits that are to be left open overnight should be provided with a means of escape should a badger enter. This could simply be in the form of a roughened plank of wood in the trench as a ramp to the surface. This is particularly important if the trench fills with water;
  - Any trenches/pits should be inspected each morning before work commences to ensure no badgers have become trapped overnight. Should a Badger become trapped, it will likely attempt to dig itself into the side of the trench, by forming a temporary sett. Should a trapped Badger be encountered a qualified ecologist must be contacted immediately for further advice before work commences in that area;
  - The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences, with consideration given to temporary fencing around any such mounds to exclude Badgers. Advice must be sought from a suitably qualified ecologist should it be evident that badgers have adopted a mound and work in that area should be suspended until such time as the matter has been legally resolved;
  - The storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers;
  - Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped. Again, should a badger trap itself then urgent advice must be sought from a qualified ecologist before work commences for the day;

- Food and litter on site should be cleared at the end of the working day or otherwise kept to a minimum; and
- Security lighting should be kept to a minimum so as not to disturb the badgers on site.

Reason: To protect protected species that may reside or visit the site.

#### 9 Ecological mitigation and enhancement

The development hereby permitted shall be carried out in accordance with the mitigation measures and ecological enhancements listed in chapter 6 of the Ecological appraisal by Aspect Ecology dated July 2020.

Reason: To protect protected species that may reside or visit the site.

#### 10 Construction Management Plan

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

- vehicle routing
- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- 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.

#### 11 Eagle Way crossing

Prior to occupation, or an alternative timescale previously agreed in writing by the local planning authority, the existing zebra crossing on Eagle Way that links the north and south sites shall be replaced with a signalised crossing for pedestrians and cyclists. Notwithstanding the North Site Proposed Layout drawing, the adjacent pedestrian link into northern development shall be provided with a minimum 3m width to accommodate pedestrians and cyclists together safely.

Reason: In the interests of pedestrian and cycle accessibility and amenity, and in the interests of highway safety.

#### 12 Removal of guard rail and wider footway

Prior to occupation (as advised by the road safety audit), or an alternative timescale previously agreed in writing by the local planning authority, the pedestrian guardrail on the north side of Eagle Way between the existing zebra crossing and The Drive shall be replaced with a widened footway of a minimum 2 metres to accommodate pedestrians safely.

Reason: In the interests of pedestrian accessibility and amenity, and in the interests of highway safety.

#### 13 Dropped kerbs and tactile paving

As shown in the Proposed Site Layout plans and prior to occupation of the development, or an alternative timescale previously agreed in writing by the local planning authority, pedestrian dropped kerbs and tactile paving shall be provided at both the north and south site access road junctions with Eagle Way.

Reason: In the interests of pedestrian accessibility and amenity, and in the interests of highway safety.

#### 14 The Drive crossing

Notwithstanding the Proposed Site Layout plans and prior to occupation of the development, or an alternative timescale previously agreed in writing by the local planning authority, the proposed zebra crossing on The Drive shall be replaced with an informal dropped kerb crossing with tactile paving, the precise location of which is to be agreed in consultation with the Highway Authority.

Reason: In the interests of pedestrian accessibility and amenity, and in the interests of highway safety.

#### 15 Route to public footpath no 29

Prior to occupation of dwellings on the south site, the north-south aligned section of public footpath no 29 (Brentwood parish) to the east of the proposed development on the southern development shall be upgraded to have a natural but firm and even surface with a minimum 2 metres width.

Reason: In the interests of amenity and to ensure the continued safe passage of the public on the Public Right of Way.

#### 16 East-west shared route

Prior to occupation of dwellings on the south site,, the proposed east-west aligned footpath link in the southern section of the proposed development shall have a minimum width of 3m in order to accommodate both pedestrians and cyclists safely.

Reason: In the interests of pedestrian accessibility and amenity and safeguard potential future cycle links through to Barrack Wood to the east.

#### 17 Provision of parking

The proposed development shall not be occupied until such time as the vehicle parking spaces indicated on the approved plans, including any parking spaces for the mobility impaired, have been allocated to each dwelling. The vehicle parking area shall be retained in this form at all times and 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.

#### 18 Cycle parking

Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation of the dwellings to which they relate and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

#### 19 Residential Travel Information Pack

Prior to the first occupation of each dwelling, the Developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

#### 20 Travel plan

Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. (monitoring fee included within S106 agreement).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

#### 21 LAN03 Landscaping - full - details submitted

The site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in

accordance with a programme that has been agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area

#### 22 LAN05 Retention of existing Trees, Shrubs and Hedges

All existing trees, shrubs and hedgerows on the site indicated for retention on the approved drawings shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. If prior to the commencement of the development or within five years of the completion of the development, any such trees, shrubs or hedges are removed without such consent, or become severely damaged or diseased, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the local planning authority. The replacement shall be carried out within the first planting season after the Council's written agreement. Any works to existing trees, shrubs and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be approved in writing with the local planning authority prior to the carrying out of those works.

Reason: In order to safeguard the character and appearance of the area.

#### 23 Garage conversions

Notwithstanding the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the garages to house types 3A, 4 or 5 shall be retained and kept available for use for car parking.

Reason: To protect against the loss of parking on the site, in the interests of the character of the area and safety and amenity of residents.

#### 24 Sample panels

The development hereby permitted shall not progress above slab level until a sample panel showing bricks and other external materials of the dwellings has been erected on site and agreed in writing by the local planning authority. Furthermore no boundary screening/walls/gates etc shall be erected until a sample panel(s) showing the external materials to be used in their construction have been erected on site and agreed in writing by the local planning authority. The sample panels shall measure 1 square metre minimum shall be erected on site to show areas of new, exterior walling.

Where appropriate, these panels shall indicate: Brick bond, copings, mortar mix, colour and pointing profile.

Reason: To protect the character and appearance of this prominent site and the setting of the listed building.

## 25 Further details

Prior to the first occupation of the dwellings hereby permitted details of the following shall be submitted to and approved by the local planning authority in writing and implemented as approved.

- Roof mounted Solar PVs as part of a package to reduce carbon dioxide emissions in comparison to the requirements of Part L Building Regulations
- the position and location of air source heat pumps
- Means of safely maintaining the roof mounted PVs (mansafe system preferred)
- Means of providing defensible space adjacent to the ground floor of blocks
- Measures to achieve a maximum water use of 110 litres per person per day
- Full fibre broadband provision to the dwellings (FTTP)

Reason: To fulfil the environmental objectives of the NPPF and supporting the transition to a low carbon future.

## 26 Access for waste collection vehicles

Prior to the construction of the buildings hereby permitted, above slab level, details of the on site roads shall be submitted to demonstrate that they would support the 26 tonne collection vehicle, have a dropped kerb at each bin store route and provide unobstructed turning space for a 26 tonne refuse collection vehicle to access all areas of the proposed site.

Reason: To provide appropriate facilities for collection of waste and recycling.

## 27 Refuse and Recycling

Prior to the construction of the dwellings above slab level, details of the provision for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the dwellings to which they relate.

Reason: To fulfil the environmental objectives of the NPPF and HP13 of the Publication Draft Local Plan 2018.

## 28 Detailed surface water drainage scheme

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

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

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused to the local water environment
- o Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

## 29 Works to minimise the risk of offsite flooding during construction

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before

commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

### 30 Drainage maintenance logs

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

### 31 Contamination assessment

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site on that phase shall each be submitted to and approved, in writing, by the local planning authority

- A preliminary risk assessment which has identified all previous uses
- potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- A site investigation scheme, based on 1 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and detailed risk assessment referred to in 2 and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 e complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 A6, J1 J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should

contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

### 32 contamination verification of remediation

No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 A6, J1 J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

### 33 Contamination monitoring

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been

carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 A6, J1 J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

#### 34 Contamination uncovered during development

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 A6, J1 J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

#### 35 Drainage pollution control

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled

waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality.

### 36 Control of piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

### Informative(s)

#### 1 INF02 Reason for approval (objections)

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

#### 2 INF04 Amendments to approved scheme

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

#### 3 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, T2, T5, H6, H9, H12, E1, E2, E4, E5, C3, C16, National Planning Policy Framework (NPPF) 2019 and NPPG 2014

#### 4 INF22 Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the

application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

5 U0007922 Drainage Informatives:

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

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

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

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

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

o We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

**47. Urgent Business**

There were no items of urgent business.

The meeting concluded at 23:20

