



# Agenda

## Planning and Licensing Committee

Tuesday, 29 June 2021 at 7.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15  
8AY

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### Membership (Quorum – 4 )

Cllrs J Cloke (Chair), Bridge (Vice-Chair), Barber, Dr Barrett, Cuthbert, Fryd, Gelderbloem, Heard, Laplain, Mynott, Tanner and Wiles

### Substitute Members

Cllrs Barrett, Mrs Davies, Haigh, Hirst, Jakobsson and Reed

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### Agenda

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	<a href="#">Live broadcast to start at 7pm and available for repeat viewing.</a>		
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12. Urgent Business

A handwritten signature in black ink, appearing to read 'J. Stephenson', is centered on a light blue rectangular background.

Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
21.06.2021

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### Information for Members

#### Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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#### Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

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#### Point of Order/ Personal explanation/ Point of Information

##### Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

##### Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

##### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

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### Information for Members of the Public

#### Access to Information and Meetings

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

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#### Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

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these activities, in their opinion, are disrupting proceedings at the meeting.

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 **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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 **Access**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

 **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.

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## Minutes

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### Planning and Licensing Committee Thursday, 18th March, 2021

#### Attendance

Cllr J Cloke (Chair)	Cllr Jakobsson
Cllr McCheyne (Vice-Chair)	Cllr Keeble
Cllr Bridge	Cllr Mynott
Cllr Chilvers	Cllr Tanner
Cllr Fryd	Cllr Tierney
Cllr Haigh	

#### Apologies

Cllr Morrissey

#### Substitute Present

Cllr Dr Barrett

#### Also Present

Cllr Poppy

#### Officers Present

Philip Drane	- Director of Planning and Economy
Paulette McAllister	- Principal, Design & Conservation Officer
Caroline McCaffrey	- Development Management Team Leader
Tessa Outram	- Senior Planning Officer
Steve Plumb	- Arboriculturalist
Greg Campbell	- Corporate Director Environment & Communities
Ian Winslett	- Strategic Housing Development
Steven Bell	- Legal Officer
Zoe Borman	- Governance and Member Support Officer

#### LIVE BROADCAST

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

**752. Apologies for Absence**

Apologies had been received from Cllr Morrissey and Cllr Dr Barrett was substitute.

**753. Minutes of the Previous Meeting**

Members resolved to approve the Minutes of the Planning and Licensing Committee held on 8<sup>th</sup> March 2021 as a true record.

**754. Application No: 20/01809/FUL Community Centre Maple Road Brentwood CM13 2EA**

Planning permission was being sought for the demolition of existing garages, community hall and associated pocket park and for the construction of a replacement community hall and 9 residential dwellings (4 x 1 bed, 2 x 2 bed and 3 x 3 bed units) with associated parking, amenity and landscaping.

The application had been submitted to Brentwood Borough Council on behalf of Brentwood Development Partnership (the applicant) which is a joint venture between Morgan Sindall Investments Limited (MSIL) and Seven Arches Investment Limited (SAIL).

A linked application had also been submitted for 1-2 Seven Arches Road (application ref: 20/01802/FUL) for the demolition of the existing building and construction of a three-storey residential building comprising 11 units along with associated parking and facilities. This residential development at Maple Close site is the affordable housing donor site, for the 1-2 Seven Arches Road development, all residential units at Maple Close are to be delivered as affordable rent.

As such these applications were considered in tandem, since they are interdependent on meeting compliance for affordable housing requirements.

Ms Outram was present at the meeting and summarised the report.

A written statement in objection to the application had been received from Mr Murdock which was read out by the Chair.

“I am writing this letter in response to the planned development consultation process and the letter dated 3<sup>rd</sup> February 2021 from Savills.

“First of all, I would like to thank you for providing a more detailed drawing, indicating the proposed rear plan in relation to Orchard Avenue, and for the consideration appertaining to the retaining walls at the rear to some of the properties on Orchard avenue, and the acknowledgment of the need to provide adequate security to the rear wall once the garage is removed. Particular attention should be considered to the fence heights where the parking spaces are located



next to plot 8/9. The residents with gardens effected should not be exposed to potentially more risk of trespass, than was originally in place.

“One of the local residents mentioned the concern from potential nuisance glare from the provision of security lighting to parking. Can you please confirm that street lighting will not be provided, or indicate that it will be provided by low-level bulkheads?

It is a shame that the only local park to this area would be lost, to facilitate this new build, as that will force residents to have to take their children to busier and overcrowded parks in the area, which are further away. The larger parks can often overwhelm younger children, especially those with learning difficulties and that decision seems to go against the whole green initiative this development is proposing to encompass.

“In the comments on rear boundary separation distance, an extract from the EDG has been mentioned but I see no mention of the full text from Brentwood Borough Councils Design guide which states as below:

As a minimum, every effort should be made to avoid overlooking of rear-facing living room windows. This may be achieved (a) by remoteness, or (b) by design, or by a combination of the two. Usually privacy achieved by design is more effective.

(The Council will normally require an “eye-to-eye” distance of at least 35 metres where a living room is overlooked from an opposing dwelling, but this may be reduced where privacy can be achieved by design).

“Where new housing backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 35 metres between the backs of houses would still be achieved.

“The greatest distance between boundary and new home rear wall is 10m, according to the revised plan, which obviously fails to meet that requirement. In my previous letter, I asked whether any mitigating factors have been considered to compensate for this shortfall, but this has not been explained. As a resident, I feel my rear living room downstairs and bedroom upstairs are being compromised. If the proposed plans for the Maple Close site were for a single story parade of homes, I would not see this as much of an issue, at all. Seven new two story buildings tightly packed into a relatively small plot, is not in keeping with the existing local context, nor meeting the design requirements of 15m, which has been put there to protect and respect the wellbeing of existing Brentwood Borough residents.

“As I stated in my original letter in response to the proposed development. I support the initiative to build more homes in the Borough but would not consider doing so at a detriment to the existing residents. An acceptable compromise must be sought.

The application must be rejected, as it does not comply with Brentwood Council’s own Planning Policy Document, as the proposed houses are closer than the minimum 15m.

On a final note, gravel boards cannot safely retain 600mm of soil especially if one were to consider any surcharge from a garden shed. I therefore, reiterate, Party Wall Notices must be issued in accordance with the Party Wall etc Act 1996.

Yours faithfully  
W Murdock”

Savills had presented a written statement on behalf of the applicant, which was also read by the Chair.

“Community Centre Maple Close, Brentwood, CM13 2EA  
Agenda Item 2 – Application ref. 20/01809/FUL

“Dear Councillors, this statement has been prepared on behalf of Brentwood Development Partnership, the applicant, in lieu of formal presentation at committee.

“As you are aware BDP is a joint venture between the Council’s investment company (SAIL) and Muse Developments part of the Morgan Sindall Group. It seeks to deliver the Council’s vision through the redevelopment of key sites whilst bringing benefits for the people of the Borough.

“Maple Close and Seven Arches form part of the early sites brought forward as part of the partnership. Maple Close comprises the affordable housing donor site for Town Hall / Seven Arches site. Our key priorities for the scheme has been centred upon the following:

- Provision of a mix of good quality affordable rented homes (9 no. units) including family sized houses
- Development which makes the best possible use of Council owned assets for the benefit of the local community
- Maximise the Social Value from the scheme through supporting jobs and training for local residents

“The proposed development has been carefully designed to respect the existing character of the area, the amenity of local residents, while making an efficient use of previously developed land within a sustainable urban location for new homes. The scheme provides 4

maisonettes, 5 two bed and three bed homes to be delivered as social rented accommodation.

“The affordable housing mix has been agreed with Brentwood’s housing and housing services officers. Alongside physical provision a payment in lieu has been secured against the development to achieve a policy compliant affordable housing offer.

“A central part of the Maple Close development comprises reprovision of a new community hall building. Close consultation has been undertaken with the community trust throughout the design process and the replacement will provide significant benefits for local residents.

“The design of the proposals for the site has been developed through extensive engagement with officers at Brentwood and local stakeholders. The schemes have also been developed through engagement with the Essex Quality Review Panel.

“In conclusion, the provision of the new community hall building, combined with the delivery of affordable rented accommodation will positively contribute to meeting local housing needs. The Brentwood Development Partnership looks forward to working collaboratively with officers and elected members on future sites as these are brought forward for delivery.

“We therefore respectfully request that the Committee supports the officer’s recommendation this evening.”

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

Following a full debate a vote was taken and Members voted as follows:

FOR: Cllrs Bridge, J Cloke, Jakobsson, McCheyne, Tanner and Tierney (6)

AGAINST: Cllrs Chilvers, Fryd, Haigh, Keeble and Mynott (5)

ABSTAIN: (0)

The application was **APPROVED** subject to completion of a Section 106 Agreement and 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 permitted, 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 Architectural Details

Additional drawings that show details of proposed new windows, oriel windows, doors, eaves, verges, cills and balconies to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority in writing prior to any development above ground level.

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

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

### 5 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.

### 6 Hard and Soft Landscaping

Prior to the occupation of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall also include details of all surfacing materials. 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.

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

#### 7 Boundary Treatments

The development shall not be occupied until details of external lighting and the treatment of all boundaries (including existing boundary treatments); to include drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments and lighting 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 and living conditions of adjacent occupiers.

#### 8 Refuse Strategy and Resi Pack

Prior to the occupation of the development details of a refuse strategy and a residential refuse information pack shall be submitted to and approved in writing by the local planning authority. The Developer shall be responsible for the provision, implementation and distribution of the approved refuse information pack to new homeowners and the development shall be completed in accordance with approved details and shall not be amended unless agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made in interests of future occupiers of development and to safeguard the character and appearance of the area.

#### 9 Limitation of Use

This permission relates to approval of a community hall, use class F2(b); and shall be used for no other purpose (including any other purpose in Class F; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.

Reason: To safeguard the living conditions of nearby residents.

#### 10 U0038854

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 or enlarged in any way 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.

11 U0038855

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) no alterations shall be made to the fenestration pattern hereby approved, no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof 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.

12 U0038856

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 dwelling house') 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.

13 U0038857

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 community hall hereby permitted shall not be extended or enlarged in any way 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.

14 U0038858

Prior to occupation of the development, any alterations to the existing vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with Maple Close shall be as shown in the Site Plan drawing 153762-STL-P\_005 C; and 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.

15 Cycle Storage

None of the accommodation hereby permitted shall be occupied until the facilities to be provided for the cycle storage; have been provided in accordance with the details shown on the approved drawings. The facilities for the residential storage shall be shall be secure, convenient and covered, the

community hall facilities shall be provided with Sheffield Stands. Thereafter the accommodation shall not be occupied unless those facilities are retained.

Reason: To ensure that adequate provision is made in the interests of the amenity of the future occupiers and to promote sustainable transportation.

#### 16 Residential Travel Pack

Prior to first occupation, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling, as approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. The pack (including tickets) is to be provided by the Developer free of charge.

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

#### 17 CON1 Construction Method Statement

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, visual and neighbour amenity.

#### 18 Obscure Glazing

All window(s) serving 'bathrooms' and 'wc's' of the dwellings hereby approved; 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.

## 19 Renewables

Prior to any works above ground level, a sustainability and energy strategy to include further details of the number and location of renewable energy features, such as PV panels and a technical specification of the proposed heating system to be used shall be submitted to and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In order to maximise renewable energy and efficiency in the interests of sustainable development.

## 20 Surface Water Drainage Scheme

No works except demolition shall take place until the 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 updated and submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Limiting discharge rates to the rates highlighted in report "Drainage Strategy Report, P20-423, 7th January 2021" 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.
- o Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- o Final modelling and calculations for all areas of the drainage system.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason/s: 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.

## 21 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.

#### 22 Construction Environment Management Plan

No development shall commence, including works of demolition until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP should define best practice measures for ecological protection (including but not limited to protected species,) as well as protection methods of retained trees. The demolition and construction works shall be completed in accordance with the information agreed within the CEMP by the Local Planning Authority.

Reason: to ensure that appropriate measures are undertaken to ensure any disturbance to protected species is mitigated and to ensure trees are not harmed in the interests of visual amenity.

#### 23 Bird/Bat Boxes

The provision of swift boxes and/or bat boxes (or similar product) shall be incorporated into/onto walls of the proposed community hall building hereby approved to provide additional nesting opportunities, details of which shall be submitted to and approved by the Local Planning Authority in writing prior to occupation of the development. The proposed boxes shall be located away from human/lighting disturbance and at least 1.8m from ground on east or north facing aspects, prior to the occupation of the development. The boxes shall be maintained and retained in perpetuity.

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

#### 24 Community Hall Opening Hours

Prior to the occupation of the community hall, details of its opening hours shall be submitted to and approved in writing by the local planning authority. The approved opening hours shall be permanently retained as such, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

#### 25 Vehicular Parking

The proposed development shall not be occupied until such time as the vehicle parking areas indicated on planning drawing 153762-STL-P\_010/D; including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays and provision shall be made for EV charge points, details of which shall be submitted to and approved in writing by the local planning authority. The vehicle parking area, EVs and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

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, H3, H4, H6, H14, T2,T5, LT4, LT11, C5, IR5, 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 U0007589

The applicant is advised that a covenant should be included within the deed to the land to ensure SUDS features are maintained in the future.

6 U0007590

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway; owing to the design, the internal road may not be adopted by the Highway Authority.

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 U0007591

Essex Police, provide a free, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design

and we would welcome the opportunity to meet with the applicant to discuss the security design aspects of the application to ensure provision of a safe and secure environment for potential residents Contact with Essex Police Designing Out Crime team is via [designingoutcrime@essex.pnn.police.uk](mailto:designingoutcrime@essex.pnn.police.uk)

8 INF31

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>

9 INF29 Party Wall Act

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>

10 Asbestos

Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

11 Signage/Adverts

Any proposed signage or adverts relating to the community hall may require specific grant of advertisement consent which can be applied for via the planning portal.

[Cllr Dr Barrett declared a pecuniary interest due to him being a member of the community hall committee and did not take part in the debate or vote.]

**755. Application No: 20/01802/FUL 1-2 Seven Arches Road Brentwood Essex CM14 4JG**

Planning permission was being sought for the demolition of a part two storey part single storey range of buildings at 1-2 Seven Arches formally used as a registry office and temporary council offices during the Town Hall redevelopment. Following the completion of the Town Hall redevelopment, the building is now redundant and remains vacant. This proposal seeks to redevelop the site to include the construction of a replacement three storey building comprising a mix of 11 one and two bed residential units (9 x 2 bed and 2 x 1 bed), together with associated vehicle and cycle parking, amenity provision, landscaping and refuse storage.

The application had been submitted to Brentwood Borough Council on behalf of Brentwood Development Partnership (the applicant) which is a joint venture between Morgan Sindall Investments Limited (MSIL) and Seven Arches Investment Limited (SAIL). A linked application had been submitted at Maple Close (application ref: 20/01809/FUL) for the construction of 9 residential units and a replacement community hall. The Maple Close development will act as the affordable housing donor site for the 1-2 Seven Arches Road development, which will be detailed further in the report below. The applications should therefore be considered in tandem, since they are independent on meeting compliance for affordable housing requirements.

Ms Outram, Senior Planning Officer, presented the report to Members.

Cllr Dr Barrett, Ward Councillor, raised concerns regarding the affordable housing element in that the development was deficient in the affordable housing provision by two homes, offset by a S106 financial contribution. Both Ms Outram and Mr Winslett, Strategic Housing Development Director, confirmed that they were satisfied that the 35% contribution to affordable housing was being met across the two development sites.

Concerns were also raised regarding the building line and other issues. However, Ms McAllister, Design Officer, reiterated that extensive pre-app work had taken place and the development had been subject to Essex Quality review panel and planning officers on balance were satisfied with the design.

Cllr Cloke **MOVED** and Cllr McCheyne **SECONDED** that the application be **APPROVED**. A vote was taken and Members voted as follows:

FOR: Cllrs Bridge, J Cloke, Jakobsson, McCheyne, Tanner and Tierney (6)  
AGAINST: (0) Cllrs Dr Barrett, Chilvers, Haigh and Mynott (4)  
ABSTAIN: (0) Cllrs Fryd and Keeble (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

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 building 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 Brickwork Sample Panels and Entrance Details

No development above ground level shall take place until further details of the brickwork, including brick patterns; to be used in the development has been submitted to and approved in writing by the local planning authority. The details shall include: sample panels of the proposed brickwork to include mortar colour and pointing, and details of elevational treatment of entrance gable. Development shall be carried out in accordance with the approved details.

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

#### 5 Architectural Details

Additional drawings that show details of proposed new windows, oriel windows, doors, eaves, verges, cills and balconies, to be used by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to any development above ground level.

Fenestration reveals should be no less than 75mm. The development shall be carried out in strict accordance with the approved details.

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

#### 6 SIT01 Site levels - to be submitted

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.

#### 7 Landscaping

Prior to the occupation of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall also include details of all surfacing materials. 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.

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

#### 8 Construction Environment Management Plan (CEMP)

No development shall commence, including works of demolition until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP should define best practice measures for ecological protection (in particular badgers) as well as protection methods of retained trees. The demolition and construction works shall be completed in accordance with the information agreed within the CEMP by the Local Planning Authority.

Reason: to ensure that appropriate measures are undertaken to ensure any disturbance to protected species is mitigated and to ensure trees are not harmed in the interests of visual amenity.

#### 9 Bird Boxes

The provision of 2x Swift Boxes and/or Sparrow Terrace (or similar product) shall be incorporated into/onto walls of the proposed building to provide additional nesting opportunities, details of which shall be submitted to and approved by the Local Planning Authority in writing prior to occupation of the development. The proposed boxes shall be located away from human/lighting disturbance and at least 1.8m from ground on east or north facing aspects, prior to the occupation of the development. The boxes shall be maintained and retained in perpetuity.

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

#### 10 Boundary Treatments and Lighting

The development shall not be occupied until details of external lighting and the treatment of all boundaries (including existing boundary treatments); to include drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments and lighting 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 and living conditions of adjacent occupiers.

#### 11 Noise Insulation

No development above ground level shall commence until a scheme for noise insulation including a specification for suitable glazing and ventilation to meet the target levels set out in BS8233:2014, [e.g. 30dB LAeq, 1hour night time and 35dB LAeq, 16 hour daytime] has been submitted to and approved in writing by the local planning authority.

Reason: In order to safeguard the living conditions of future occupiers of the development.

#### 12 Compliance with Window Spec

Prior to occupation of the development a document demonstrating that the windows to the agreed specification of condition 11 have been installed shall be submitted to and approved in writing by the local planning authority. The approved windows shall be retained in perpetuity and not be altered in any way unless agreed in writing by the local planning authority.

Reason: In order to safeguard the living conditions of future occupiers of the development.

#### 13 Contamination Validation Report

Prior to the occupation of the development a validation report shall be submitted to the local planning authority and approved in writing to confirm that the required contamination remediation as identified in the approved contamination assessment:

Ref: CRM.1833.001.GE.R.003.A by Enzygo Geoenvironmental Ltd; has been carried out.

Reason: To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

#### 14 Secure by Design

Prior to the occupation of the development further details of access and security shall be submitted to and approved in writing by the local planning authority. Details shall include but not be limited to: postal arrangements and mailboxes, security arrangements for the cycle and refuse storage facilities and residential access control of communal doors.

Reason: In the interests of secure by design and providing a safe and secure development for future occupiers.

#### 15 Refuse Strategy and Management Plan

Prior to the occupation of the development details of a refuse strategy and management plan shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with approved details and shall not be amended unless agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made in interests of future occupiers of development and to safeguard the character and appearance of the area.

#### 16 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, visual and neighbour amenity.

#### 17 Vehicular Parking

The proposed development shall not be occupied until such time as the vehicle parking areas indicated on planning drawing 153762-STL-P\_110/B, including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays and provision shall be made for EV charge points, details of which shall be submitted to and approved in writing by the local planning authority. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.



### 18 Cycle Parking

Prior to the occupation of the development, the cycle parking as shown on drawing 153762-STL-P\_110/B; shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

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

### 19 Residential 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.

### 20 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:

- The required allowance of urban creep (additional 10% of roof area) should be included in storage calculation.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- 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.

Reason/s: 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.

### 21 Renewable Energy

Prior to any works above ground level, a sustainability and energy strategy to include further details of the number and location of renewable energy features, such as PV panels and a technical specification of the proposed

heating system to be used shall be submitted to and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In order to maximise renewable energy and efficiency in the interests of sustainable development.

#### 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, C5, T2, T5, H9, H6, H14, LT4, LT8, PC4, IR5, 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 Thames Water

The applicant is advised that if the development proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

##### 6 Secure By Design

Essex Police, provide a free, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design and we would welcome the opportunity to meet with the applicant to discuss the security design aspects of the application to ensure provision of a safe and secure environment for potential residents Contact

with Essex Police Designing Out Crime team is via  
designingoutcrime@essex.pnn.police.uk

#### 7 Highway Works

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. 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.

#### 8 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.

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

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.

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. 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.

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## Minutes

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**Licensing Sub-Committee**  
**Tuesday, 11th May, 2021**

### **Membership/Attendance**

Cllr Tanner (Chair)  
Cllr Mynott

Cllr Fryd

### **Officers Present**

Paul Adams	-	Principal Licensing Officer
Dave Leonard	-	Licensing Officer
Zoe Borman	-	Governance and Member Support Officer
Christopher Irwin	-	Legal Representative

### **LIVE BROADCAST**

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

### **628. Appointment of Chair**

Members **RESOLVED** that Cllr Tanner should Chair the meeting.

### **629. Administrative Function**

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

### **630. Application to Vary a Premises Licence- Brave Nelson, 138 Woodman Road, Brentwood CM14 5AL**

An application was received to vary the premises licence to reflect a new premises plan to include an outside bar area to supply alcohol in respect of **Brave Nelson, 138 Woodman Road, Warley, Brentwood CM14 5AL**. No representations had been received from the Responsible Authorities. There have been eleven valid representations received from Other Persons of which

six were opposed to the application and five made in support. Members were requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

Mr David Leonard, Licensing Officer, introduced the report. Local residents, Mr Stephen Caccavale, Ms Karen Strudwick and Mr Ian Palmer spoke in objection to the application. Mr Robert Grumbt attended the committee in support.

The applicant, Mr Paul Duley, addressed the Sub-committee in support of the application.

Having listened to all the representations, members of the Sub-committee retired to consider their decision.

In coming to a determination of the application the Sub-committee must carry out its functions in accordance with the Licensing Act 2003 with a view to promoting the licensing objectives:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

The Sub-committee in making its determination had also had regard to the Authority's own licensing statement and guidance issued by the Secretary of State under Section 182 of the same Act.

The Committee considered all the written evidence and the representations made at the hearing. The Committee considered carefully the concerns raised by the local residents relating to the potential increase in noise and disturbance to residents living in the vicinity of the premises and had therefore considered if the application to vary the premises licence undermines the following of the licensing objectives:

The prevention of crime and disorder  
The prevention of public nuisance

However, the committee had also taken into account the fact that no representations had been made by Essex Police or Environmental Health.

Considering all of the evidence, the majority of the Committee resolved to grant the application, subject to the following additional conditions:

- One member of staff to be present in the garden and carpark until the last customer leaves the premises;
- The outside bar is to be open from the period of March to September each year only.

The Committee feels that these conditions, along with the conditions which will form part of the licence at section 2.7 of the licensing officers report, the mandatory conditions and the conditions of the current licence are necessary to promote all of the licensing objectives.

The Committee reminds the applicant that he must adhere to all of the conditions applied to this premises licence and that if there are any problems in future as a result of the grant of this variation, a review of the licence can be requested.

Members returned to the hearing and their legal advisor Mr Irwin advised all present of their decision which would be confirmed in writing following the meeting.

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## Minutes

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### Licensing Sub-Committee Thursday, 20th May, 2021

#### Attendance

Cllr J Cloke (Chair)  
Cllr Tanner

Cllr Fryd

#### Apologies

#### Substitute Present

#### Also Present

#### Officers Present

Paul Adams	-	Principal Licensing Officer
Dave Leonard	-	Licensing Officer
Asitha Ranatunga	-	Legal Representative
Dominika Jaskolska	-	Environmental Health Admin Officer
Zoe Borman	-	Governance and Member Support Officer

#### LIVE BROADCAST

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

#### 17. Appointment of Chair

Members **RESOLVED** that Cllr J Cloke should Chair the meeting.

#### 18. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of

proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

**19. Application to Vary a Premises Licence, Dusk, Ongar Road, Pilgrims Hatch CM15 9SS**

- 1 This is the Decision Notice relating to the above application together with the reasons for the decision. The decision follows a hearing which took place before the Licensing Sub-Committee at the Town Hall on 20 May 2021 at 7pm which was attended by the Applicant, responsible authorities, and other persons. The Committee deliberated after that hearing and provided a brief summary of its decision for the benefit of those who attended.
- 2 Members carefully considered the application for a variation of the premises licence with a view to promoting the licensing objectives, as required by the Licensing Act 2003. The Committee also had regard to the National Guidance and the Council's own Licensing Policy in making this decision.
- 3 Members considered the written relevant representations and other documentation contained within the Agenda and put before the Committee, as well as the oral representations made by all parties who attended the hearing on 20 May 2021.
- 4 The Committee heard oral representations from Paul Adams (Licensing Officer), Councillor Vicky Davies, Megan Bashir, Asha Bashir, Brian Billington, Lawrence Morrison, Councillor Poppy, David Carter (Environmental Health), and Dave Leonard (Licensing Authority). We also heard from Kevin Leigh (Counsel) on behalf of the Applicant, supported by Shakil Islam and Sharif Uddin from Dusk, and a Door Supervisor from the premises. Emails from other persons (Councillor Keith Parker and Greg Hart), who had made relevant representations but could not attend the hearing, were read out to the Committee by the Licensing Officer.
- 5 Considered was given to the particular locality of the premises in a semi rural setting located to the west of Bentley Golf Club (with which the car park is shared). The surrounding area is relatively flat. The nearest residential dwellings are approximately 100m to the south west and 160m to the north of the premises.
- 6 The premises operate as a multi-cuisine, fine dining restaurant, with a function room and an outside shisha smoking lounge in a dedicated enclosed area complete with a retractable roof.

7 Members had regard to the previous application history which was set out in an Appendix to the Officer Report [83-84].

8 As relevant, Members noted that the Applicant was granted a premises licence on 1 October 2019. The Applicant then applied to vary the licence to add the sale of alcohol. That application was granted on 11 November 2020 when a condition was imposed preventing the consumption of alcohol on the premises other than alcohol sold under the authorisation of the licence. The rationale for imposing that condition was that adding the sale of alcohol to the licence would bring about greater regulation, which should be balanced by stopping the bring your own alcohol policy which the premises had previously been operating, and that it would not promote the licensing objectives for the premises to operate both. On 23 November 2020, following a review application brought by a local resident based on persistent noise nuisance, one of the conditions imposed by the Committee was that no live / recorded music shall be played in the outside (lounge) area after 2230hrs. The focus of the concerns raised in that review application was the use of the outside (lounge) area and the noise which this generates, particularly later in the evening and into the night. That remains the focus of the concerns raised by the Responsible Authorities and other persons in response to the current variation application.

9 The current variation application was received on 26 March 2021. The application seeks:

(1) To remove the licensable activity allowing the sale of alcohol at the premises.

This was the licensable activity which the Applicant itself sought to have included on the licence and was granted in November 2020. Whilst it is acknowledged that that application was made following discussions with officers at the Council, the Applicant had the benefit of their own legal advisors at the time in deciding to make that application.

The Applicant has stated that the sale of alcohol from a premises which they operate would run contrary to their religious beliefs. Members had regard to their duties under the Equality Act 2010, which make it unlawful to discriminate against someone because of their religion or belief. Members do not consider their decision in this case discriminates against the Applicant's religious beliefs given the background to the application and the ultimate decision reached.

(2) To remove Condition 9 of Annex 3: *'Customers must not be permitted to consume any alcohol on the premises other than alcohol sold or supplied under the authorisation of this licence.'*

As set out above, this condition was imposed by the Committee when the application to vary the licence to include the sale of alcohol was granted. The rationale behind that decision is referred to above.

Members noted that the Applicant had legal representation at the time of that application. No appeal was made against the decision.

(3) To remove Condition 5 of Annex 3: *'No live or recorded music shall be played in the outside (lounge) area after 2230hrs.'*

Members noted that this condition was imposed following a review brought by a local resident which was supported by Environmental Health and the Licensing Authority, as well as 11 representations from other persons (6 households). The Applicant had legal representation at the time of that application. No appeal was made against the decision.

- 10 Overall, having regard to the licensing history of the premises and the way this application has come forward, Members share the concerns raised by the Licensing Authority and other persons who understandably seek some certainty as to the operation which the Applicant seeks to run within the terms of the licensing regime, and who question the Applicant's understanding of the licensing regime and the responsibilities placed upon it.
- 11 Having said that, this application must be considered on its own merits. Many of the representations are supportive of the business and the operation of a thriving restaurant in the area. The officers acknowledge that Mr. Islam and Mr. Uddin are very affable, competent restaurateurs, and appear to be acting in good faith.
- 12 There was much discussion at the hearing about noise nuisance from the use of the outside (lounge) area, particularly in the evening and later into the night. Having evaluated the representations, Members considered that the following factors suggest that the use of the outside area could undermine the public nuisance licensing objective if not properly regulated:
  - (i) The area becomes very quiet, particularly during the night-time hours, even allowing for local traffic.
  - (ii) The proximity of the nearest residential premises at approximately 100m and 160m away.
  - (iii) The numbers of people who have used and are expected to use the outside area given its size.
  - (iv) The outside area is required to be at least 50% open to comply with smoking legislation, which affects the extent to which noise attenuation can be provided.

- (v) There has been a large increase in the number of complaints received since the opening of Dusk, largely relating to the use of the outside (lounge) area.
  - (vi) Several of the complaints of noise nuisance are specific and detailed and relate to the operation of the premises. They cannot sensibly be attributed to the golf club, which generally closes at 6pm, and there is nothing to suggest that the complaints relate to the operation of the function room at the golf club.
  - (vii) There is a general lack of complaint about the previous use of the site by a Chinese restaurant, where the operation took place indoors.
  - (viii) Concerns have also been raised about noise nuisance from patrons using the car park once they have left the premises.
  - (ix) The complaints have been made by a range of people and have been corroborated to a degree by the visits to the premises and surrounding area by officers at the Council, including Environmental Health and Licensing.
- 13 There are a series of conditions on the licence which seek to control outside noise. These include: Annex 2 Condition 11 (chaperone patrons to their vehicles when they leave); Annex 3 Condition 10 (agreed noise management policy); Condition 3 (terminal hours for use of outside area except for smoking); Condition 4 (staffing of outside area when in use); Condition 7 (installation of a noise limiting device with noise agreed noise limits).
- 14 Of those conditions:
- Annex 3 Condition 10: The Applicant suggested at the hearing that the document at [47-57] was a noise management policy. It is not such a document on its face. Rather it is a tick box Operating Schedule which refers at no. 89 to a noise management plan being devised and in operation. No such policy has been provided to the Committee.
  - Annex 3 Condition 7: The Applicant accepted that the noise limits for a noise limiting device had not been agreed with the Council's Environmental Health Team. It was acknowledged by Environmental Health that this could not be done whilst the restrictions relating to the pandemic remained in place (e.g. the absorption effect of people in the outside area and its effect on noise levels could not be tested until people were allowed back into the premises in numbers).
- 15 Members consider that the above conditions (and others on the licence), if fully complied with, should go a long way to preventing public nuisance arising from the outside (lounge) area of the premises.

Whilst they acknowledge that certain aspects of those conditions have not yet been agreed with the Council because of the Covid-19 restrictions, the Applicant should be aware that the licence should not be used for licensable activities until those conditions are in place.

- 16 Given the clear basis on which Condition 5 of Annex 3 was imposed on the licence following a review application, and considering the thrust of the representations heard by the Committee, Members consider it remains appropriate and proportionate for this condition to remain on the licence.
- 17 Further to discussion at the hearing, the Applicant stated that all it was seeking was to make clear that this Condition did not prevent background music being played. In a section on incidental music (paras. 16.57-16.61) the National Guidance explains that the performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is incidental to another activity (which is not itself a description of entertainment falling within para. 2 of Schedule 1 to the 2003 Act).
- 18 The Guidance goes on to provide that whether or not music is incidental to another activity will depend on the facts of each case. One factor could be whether, against the background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more licensing objectives. Another factor is whether the volume of the music disrupts or predominates over other activities, or could be described as 'background' music (para. 16.59).
- 19 It would not be appropriate to amend the wording of the Condition on the licence - which is clear on its face - to reflect the fact that background / incidental music would not be caught by the condition. However, in order to assist the Applicant, we have clarified above what incidental music is by reference to the National Guidance. We acknowledge that incidental music as explained in the National Guidance would not be regulated entertainment. The Guidance provides that in any disputed case, it will be for the licensing authority initially, and, ultimately, for the courts to consider whether music is 'incidental' in the individual circumstances of any case. We would note that after 2230hrs, the limit for the noise limiting device could be set at level which ensures that any live / recorded music does not increase above background levels, in agreement with the Council's Environmental Health Department.
- 20 For the above reasons, the application to remove Condition 5 of Annex 3 on the licence is refused.

- 21 As to the application to remove the sale of alcohol from the licensable activities and Condition 9 of Annex 3, Members consider that these aspects of the application stand or fall together. On the face of it, given that the application is to remove a licensable activity, it is hard to see how the removal of a licensable activity from a licence could be said to undermine the licensing objectives. However, the Applicant has stated that it intends to revert to its Bring Your Own alcohol policy, which has allowed patrons to bring their own alcohol to the premises in the past. That was clearly the background against which Condition 9 of Annex 3 was imposed when the sale of alcohol was added to the licence. Having considered all of the representations made, we do consider that the consumption of alcohol on the premises has been a factor in undermining the public nuisance licensing objective, which in turn has led to complaints and the noisier behaviour of patrons which officers have witnessed.
- 22 The Applicant states that it can provide measures on the door to regulate the amount of alcohol brought into the premises and has offered to provide a “Bring Your Own” policy to the Council to that effect, which would be implemented by its Door Supervisors. The Applicant has also stated that there are further noise attenuation measures which it might be able to implement so as to reduce any noise emanating from the outside (lounge) area. There was discussion of the use of Anechoic Foam, sound deflection on the roof to the outside (lounge) area, and acoustic fencing. Finally, the Applicant stated that it does seek to monitor the car park area to ensure that noise in that area is kept to a minimum.
- 23 For the above reasons, Members consider that the removal of the sale of alcohol and Condition 9 of Annex 3 can be granted and that the licensing objectives will not be undermined, but only if the following conditions are imposed and adhered to:
- An Admissions Policy, including provisions to regulate the bringing of alcohol onto the premises for consumption by patrons (“Bring Your Own Alcohol”) shall be submitted to Brentwood Borough Council’s Licensing Department for agreement in writing. The Policy shall be implemented as agreed.
  - One SIA licensed door supervisor shall be stationed in the car park from 9pm on each day that the premises are open beyond that time, with a view to minimising disruption from patrons as they arrive and / or leave the premises. The door supervisor shall remain in position until the last patron has left the car park.

[It should be noted that this condition is imposed in addition to Condition 11 of Annex 2 (chaperone patrons to their vehicles when they leave)]

- Condition 10 of Annex 3 will be amended so that it reads as follows:  
*'A written noise management policy which is acceptable to Brentwood Borough Council Environmental Health Team shall be put in place and adhered to. The Policy shall include noise attenuation measures to minimise noise emanating from the outside (lounge) area.'*
- 24 Members consider that the above conditions are both appropriate and proportionate, and would promote the licensing objective of preventing public nuisance.
- 25 Members reiterate that all of the above conditions will need to be in place before the premises can carry out the licensable activities under the licence.
- 26 The Committee are aware that the review mechanism under the Licensing Act 2003 provides a key protection for other persons if the concerns raised as to the effects of the grant of a licence do in fact materialize. There has already been one review of the licence. However, the premises does need to be given the chance to operate with the conditions in place, and once the Covid-19 restrictions are lifted, to see if it can be operated without undermining the licensing objectives. Premises which do not operate in an acceptable way in terms of the licensing objectives may in extreme cases have their licence revoked by the Licensing Authority if a review application is brought, evidenced, and justified.
- 27 Responsible Authorities and other persons are able to bring a review of a premises licence if there is evidence that the relevant licensing objectives are being undermined. Environmental Health also have separate powers and duties under the Environmental Protection Act 1990 in relation to statutory noise nuisance.
- 28 Members have sought to balance the competing interests in determining this application with a view to promoting the licensing objectives. Article 8 of the Convention provides for the right of peaceful enjoyment of one's home. It is a qualified right. Interference can be justified where in accordance with the law, necessary in a democratic society in the interests of the economic well-being of the country, and the protections of the rights and freedoms of others. A balance between the competing interests here is written into the 2003 Act, and backed by the availability of a review procedure if concerns arise in the future. The Committee does not consider that their decision would lead to an unjustifiable interference with Article 8 rights.
- 29 In summary:



- (1) The application to remove the sale of alcohol and Condition 9 of Annex 3 is granted, but subject to the imposition of 2 new conditions and an amendment to Condition 10 of Annex 3 (above).
- (2) The application to remove Condition 5 of Annex 3 is refused, and the scope of that Condition is clarified above.
- 30 Under the provisions of section 181 and schedule 5 of the Licensing Act 2003 there is a right of appeal against the decision of the Licensing Sub-Committee if you are aggrieved at the outcome. This right of appeal extends to the Applicant in the case of a refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to persons who have made representations where the variation has been granted, or that relevant conditions have not been imposed upon the licence. Full details of all the rights of appeal can be found within Schedule 5 of the Act.
- 31 Any appeal should be made to Essex Magistrates Court, Osprey House, Colchester Road Chelmsford CM2 5PF within 21 days from the date of notification of the decision. You must contact the Magistrates' Court to establish the formal procedure for the appeal.
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## Minutes

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### Licensing Sub-Committee Friday, 4th June, 2021

#### Membership/Attendance

Cllr Fryd  
Cllr Bridge

Cllr Laplain

#### Also Present

Gary Burke – Essex Police Senior Licensing Officer  
Lauren Sharland – Sargent Essex Police CPT

#### Officers Present

Paul Adams - Licensing Manager  
Josef Cannon - Legal advisor  
Dave Leonard - Licensing Officer  
Claire Mayhew - Corporate and Democratic Services Manager

#### 20. Appointment of Chair

Members resolved that Cllr Bridge should chair the meeting.

#### 21. Administrative Function

Members were respectfully reminded that, in determining the matters listed below; they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply

#### 22. Declaration of Interest

There was none.

**23. Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ - Summary Review of premises licence (consideration of interim steps) EXEMPT**

An application has been received for a summary review of the premises license in respect of Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ. This hearing is to consider whether interim steps need to be taken. The sub-committee heard from the Licensing Officer who outlined the report and the procedures and options that were available to the committee. Then from Essex Police with regards to the interim steps being requested and the reasons for them and the Committee retired to consider their decision. As an interim step the premises license was suspended with immediate effect pending any representations that may be made by the licence holder before a full hearing within 28 days on this application.

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**SITE PLAN ATTACHED**

## **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.**

**APPLICATION NO: 20/01912/FUL**

<b>WARD</b>	Hutton Central	<b>8/13 WEEK DATE</b>	7 April 2021
<b>PARISH</b>		<b>POLICIES</b>	
<b>CASE OFFICER</b>	Ms Tessa Outram	01277 312500	
<b>Drawing no(s) relevant to this decision:</b>	Full schedule to follow		

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

### **1. Proposals**

#### Background

This submission has been made by Brentwood Borough Council as part of its Strategic Housing Delivery plan (SHDP), which as part of its remit identified a number of sites across the borough that could contribute to the Council's objective of delivering much needed affordable housing within low carbon emission and 'green' developments. Brookfield Close has been identified as the first development site within the Small Sites Affordable Homes Programme which would redevelop an underused area of vacant housing and garages to a zero carbon (in-use) development which delivers a significant proportion of affordable housing (70%) to meet local need.

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.

Zero-carbon (in use) means the amount of carbon emissions associated with the proposed dwellings and buildings operational energy is zero or negative, with any outstanding emissions being offset by renewable energy sources.

The scheme will demolish 31 existing dwellings, 13 of which are derelict, 6 'owner occupied' dwellings; and to reconfigure and increase the number of existing flats within Courage Court. The development will create a total 62 new flats/dwellings amounting to a net-gain of 15 new residential units on the site. 44 of the new homes will be affordable housing for both existing residents of Brookfield Close and new occupiers on the borough's social housing register, the remaining 18 homes will be sold as market housing.

The scheme can be divided into three areas. The north of the site comprises two new connected four-storey apartment blocks containing a total of 24x 2 and 3 bed flats, with integral south-facing balcony/winter gardens fronting Brookfield Close and a parking and servicing court to the rear.

The central south-eastern area of the site comprises 16 two-storey dwellings of varying size (2, 3 and 4 beds), all of which are provided with rear gardens, separated by an existing tree belt. The dwellings along with the northern apartment block are orientated to achieve passive solar gain in winter and minimise overheating in summer to maximise energy conservation and efficiency in the design to achieve a net zero carbon scheme.

The west portion of the site comprises the existing residential building of Courage Court that is to be retrofitted and refurbished as part of the development proposal to meet Passive House performance standards. The proposed works will include the partial removal of the existing pitched roof and the creation of a fourth floor on the northern wing of the building. The internal layouts will also be reconfigured to provide 22 x 1 and 2 bed flats, communal allotment, balconies and a communal roof garden.

The scheme includes a total of 84 parking spaces to be provided for the new flats and dwellings within designated areas, as well as occupier and visitor cycle parking and mobility scooter storage. Above and under-ground SUDS features such as swales are incorporated taking advantage of the natural levels of the site as well as pockets of recreational open space for the occupiers of the development. The development also seeks to improve pedestrian permeability through the improvement of the 'east-west access' area as well as ecology and biodiversity net gains.

## Site Description

The application site is largely owned by Brentwood Borough Council and includes a mix of bungalows (some derelict), a derelict community office, redundant garage blocks,

tenanted and privately owned 2 storey housing and a larger 3 storey flat block (Courage Court) located to the west of the site. The existing 44 garages, many of which are no longer in use, currently attract anti-social behaviour and the 13 derelict bedsits detract from the character and vitality of the area.

The development site is accessed from Hutton Drive off Hanging Hill Lane. Rayleigh Road is located to the north which links to the centre of Hutton, and Shenfield (to the west).

The surrounding development consists of two storey residential properties as well as some three storey apartment blocks within the immediate vicinity. A Tesco Express is located to the southeast of the site on the junction of Hutton Drive and Hanging Hill Lane. Shenfield station is within 1 mile of the application site. Willowbrook Primary School is located directly to the northeast and St Martins Secondary School is to the south, both within walking distance of the site.

## **2. Policy Context**

Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria

Policy CP2 New development and sustainable transport

Policy H6 Small Unit Accommodation

Policy H9 Affordable Housing

Policy H14 Density

Policy T2 New development and highways considerations

Policy T5 Parking

Policy T15 Pedestrian facilities

Policy LT4 Provision of open space in new development

Policy C5 Retention and provision of landscaping and natural features in development.

Policy IR5 Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development

Policy IR6 Renewable Energy Schemes

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held in February and March 2021, as set out in draft timetabling by the Secretary of State. The Inspector has asked for more information on some issues with further hearing sessions expected to take place in July 2021. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council towards the end of 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to complete its progress through the Examination in Public it is still considered that it currently has limited weight in the decision-making process.

#### National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide (NDG)

### **3. Relevant History**

- : - None

### **4. Neighbour Responses**

The application has been advertised by way of 127 individual neighbour letters and four public site notices have also been displayed around the application site.

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

Seven representation letters were received, three of which were in support of the application, three objected to the application and one neither objected nor supported the application but raised a number of queries. The matters raised within the representations include:



#### Objective Comments:

- brick wall and windows very close to Rayleigh Road properties
- open spaces will raise issues of anti-social behaviour
- Security plans during construction following demolition
- Ongoing noise, dust and disruption
- Increase in traffic
- Strain on local services, health and education
- Height of northern block of flats is out of character
- Flat roofs out of character
- loss of category B trees
- Overlooking and loss of privacy from new dwellings to Hutton Drive dwellings
- Increased activity from access road and parking will be disruptive to Hutton Drive dwellings
- No like for like homes or accommodation being provided by the developer

#### Supportive Comments:

Amazing that the Council are building to a Passive House standard  
Support the principle of the regeneration of a brownfield site  
Provision of affordable and market housing is supported  
Support a zero-carbon scheme and high environmental sustainability of the buildings  
Scheme will provide better homes and green spaces and reduce traffic  
The design will immensely improve the area

The application is also accompanied by a Statement of Community Involvement (SCI). The SCI provides further detail on the public consultation exercise carried out by the developer prior to the submission of the application, as well as how the proposals were further refined and adapted following involvement with the community.

#### 5. Consultation Responses

- **Environmental Health & Enforcement Manager:** I release this application with the conditions that a noise survey will be conducted and working times need to remain within the hours permitted.  
**Additional Comments:** I have looked at the contaminated land assessment provided in support of the Brookfield Close development. The report concludes that there are no identified land contamination issues with regard to the former use of the site; it appears that apart from the former school at the site the existing buildings were constructed on former agricultural land with no previous industrial or commercial use.

I am satisfied therefore that there is not a need for a formal contaminated land condition to be required for this site, other than a watching brief in the event of any unknown contamination being found in the course of development that would require assessment and remediation, however this is considered to be unlikely.

- **Highway Authority:** The documents submitted with the planning application have been duly considered and a number of site visits have been carried out. The proposals entail the regeneration of a parcel of land to south and west of Brookfield Close. Currently there are 47 homes in this location plus a redundant garage site. The development will provide 62 new homes resulting in a net increase of 15 dwellings. Aside from the existing garage site, there is very limited off-street parking availability for residents. The proposals help to rectify that issue by the provision of 84 off-street parking spaces for new residents. Although those numbers do not fully comply with Brentwood's adopted parking standards for residential developments, they are considered reasonable given the type of development, the site location and the reduced demand for on-street parking that should result from the new provision. Consequently, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions.
- **Arboriculturalist/Ecologist:** I agree with the conclusions of the Preliminary Ecological Appraisal that the site is of low ecological value with no significant habitat features present.

The proposed layout has evolved since the last pre-app meeting to take into account concerns raised about awkward areas of open space associated with the trees through the centre of the site. The revised layout has these on the rear garden boundaries with no public access running through. This will reduce the risk of compaction around the roots and antisocial behaviour behind the houses. The revised scheme has resulted in interlinked areas of public realm areas being within the central part of the site. More space has been provided around the trees at the pedestrian access off Hanging Hill Lane. This allows the inclusion of play provision.

The revised layout moved the development further from the Category A tree which will allow it to be a feature tree within the centre of the site. Most of the higher quality trees can be retained. Neither Category A trees will be affected and 3 of the 15 Category B trees will require removal. The loss of the three Category B trees is considered acceptable as it will be possible to mitigate for their removal with new planting delivered as part of the landscape scheme. An arboricultural method statement and tree protection plan is required to ensure that no trees are adversely affected during construction. This can be dealt with by condition.

The details of the proposed landscaping and public realm enhancements are yet to be finalised. These can be dealt with by condition.

There is no objection to this scheme on landscape or ecology grounds subject to the conditions being discharged.

**Additional Comments:** Since my initial comments were submitted on 19th February 2021 several changes have been made to the proposed layout. The most significant in terms of effects on landscape is the proposal to remove trees from the proposed rear gardens of Plots 49-54. This has been proposed to increase the size of the gardens.

I have inspected the trees closely, having been able to access the rear garden areas. Most of the trees in the row are not of high amenity or arboricultural value given their form. I would not have any objection therefore to their removal. The large oak (T21) however does have good amenity value and having inspected the tree, consider it to be in good condition. I object to the removal of the tree as I do not consider the reason given warrants its removal.

I am surprised to see it proposed to remove the oak while retaining the field maple T22 and two ash T24 & T25 which have generally poor form, with the ash both being multi-stemmed self-sown specimens. If retained, they are likely to require more management works in the short-term. It might be more prudent to consider removing these and replacing with smaller-growing specimens more suited to small gardens.

I note that the landscape plans refer to planting *Carpinus betulus* 'fastigiata' close to the road. I would recommend *Carpinus betulus* 'frans fontaine' instead as it has been shown to maintain its fastigiate form better and therefore will be more suitable for this location.

It is considered that the other changes would not have any significant adverse visual effects on the scheme.

- **ECC SUDS:** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions for a detailed surface water drainage scheme for the site. As well as 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 and maintenance logs.

**Additional Comments:** I am happy that the conditions recommended on our previous response can remain as the layout does not alter the surface water drainage strategy. Updates to the layout can be submitted as part of the discharge of conditions submission.

- Anglian Water Services Ltd: Assets:** There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.  
*“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”.*

**Wastewater:** The foul drainage from this development is in the catchment of Shenfield And Hutton Water Recycling Centre that will have available capacity for these flows

**Used Water Network:** This response has been based on the following submitted documents: Revised Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

**Surface Water Disposal:** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Anglian Water has reviewed the submitted documents (revised flood risk assessment) and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage.  
 No condition required. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage.
- Thames Water Development Planning:** No comments received at the time of writing this report
- Schools & Education:** No comments received at the time of writing this report
- Basildon Fire Station:** The proposal does not affect fire service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of the Act. Provision of Fire Service vehicular access will be expected to meet the requirements of Approved Document B Volume 1, Section B5 / BS: 9991-2015 this may require the inclusion of dry riser / sprinkler installations to address the Section B5 requirements (Section 13 (1)(a) of the Act), Dependant

on method of compliance to be utilised by the developer unless verified by other approved means (i.e. swept path analysis drawing) some modification to landscaping / turning facilities may be required to address vehicular access. Subject to the above conditions being satisfied / maintained the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority therefore has no objection to the application.

Where any development includes flats, mixed use buildings or non-residential buildings further observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Although it is acknowledged that the proposed development has been identified as being at the lowest level from the risk of flooding (Flood Zone 1) the following statement with regard developments within any level of flood zone including any level of risk from fluvial / pluvial flooding is submitted as part of this consultation. At present, Essex County Fire and Rescue Service (ECFRS) under the Fire and Rescue Services Act 2004 and the Fire and Rescue Services (Emergencies) Order 2007, does not have a statutory duty to respond to flooding issues. Where approval is given to any application that has an element of flooding risk, it is recommended that specialist advice is obtained and acted on accordingly by the applicant to mitigate any risk of flooding to the development in the future (Flood Risk Assessment & Drainage Strategy January 2021 submitted as part of this application / ECC Sud requirements refer in this case).

#### Water Supplies

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 addition 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.

**Additional comments:** Regarding Amended Consultation for Development at Brookfield Close Hutton (Ref 20/01912/FUL) I have no additional comments on the amendments and my previous response of 28th January 2021 remains appropriate.

- **Essex Badger Protection Group:** Thank you for approaching us to review and comment on the above named scheme and for sending a copy of the ecological survey report. The ecological survey is rather vague as to how thoroughly the site was checked for badger field signs as no actual survey outcome data is presented. However, we would not disagree with its initial statement that the area is unsuitable for badgers, nor do we believe any further surveys are necessary at this point. The Essex Badger Protection Group currently has no record of any badger sett close enough to this proposal to be at any direct risk of harm. We therefore have no objection to the scheme as proposed.
- **Essex & Suffolk Water:** No comments received at the time of writing this report

- **Operational Services Manager:** I cannot foresee any issues regarding waste and recycling collections from the proposed development however, there must be unobstructed vehicle access and sufficient turning space to manoeuvre the refuse collection vehicles to access the communal bin area to plots 57-62 and 23-46.
- **Secure By Design:** This appears to be a comprehensive, well designed application and there are a number of key elements which are built into the design, which will assist in providing a safe and secure environment. This development lends itself to Secured by Design principles and we recommend that the applicant progress to the full Secured by Design accreditation, which gives an increased level of security and is designed to address emerging criminal methods of attack.

It is noted that this application has proposals for 46 flats - 22 conversions and 24 new builds. 'SBD Homes 2019' provides full guidance for preventative measures through compartmentalisation and offers bespoke solutions to access control relative to each residential floor of the block. This is a proven technique to prevent unauthorised intrusion and ASB. SBD also provides guidance on flat entrance doorsets, (A Guide to Selecting Flat Entrance Doorsets).

Essex Police has been consulted on this application and discussions were held with architects Hamson Barron Smith on 9 December 2020. Secured by Design was discussed at this meeting, as were a number of individual issues. Essex Police recommended that the originally proposed green space link between the rear gardens of plots 47-56 and plots 57-61 be designed out to remove the vulnerability of unauthorised access via the rear gardens of these properties. It is noted from sections 2.12 and 2.13 of the Design and Access Statement that the revised plans have now introduced back to back housing to provide secure private gardens. However, Essex Police have been unable to ascertain, from the documentation provided, whether there is still a small alleyway between the rear gardens and also between plots 51 & 52. If this is the case, this would provide unoverlooked, easy access to the garden boundary fences of these properties with minimal surveillance capability. Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. It is preferable that footpaths are not placed to the back of properties. If they are essential to give access to the rear of properties they should be gated, with secure access for residents and approved maintenance only.

It is noted that car parking to Courage Court has been reduced since the early design and there appears to be limited parking to accommodate residents for 22 flats. Insufficient parking allocation may lead to an overspill of parking into the surrounding road network which could potentially lead to neighbour disputes and community tension. The revised plans have introduced parking at the rear of the

new build flats. It is appreciated that, by locating these at the rear, this will improve the street scene but potentially could lead to increased security issues as surveillance will be reduced. It is therefore important that this area is well lit. Dependent on who will manage these blocks of flats, could CCTV coverage be introduced to cover the parking court. Inclusion of sheds for secure cycle storage in the new houses is welcomed but we would like more details of the secure cycle storage, as well as the refuse and recycling storage areas, for the flats.

Further detail is required about postal arrangements for the blocks of flats. 'Through the wall' mailboxes or mailing arrangements in a secure lobby are recommended. Trades buttons are also strongly discouraged. Essex Police, provide a free, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design and we would welcome the opportunity to discuss with the applicant the security design aspects of the application to ensure provision of a safe and secure environment for potential residents

- **Open Space Strategy Coordinator:** No formal response has been received at the time of writing this report; members will be updated verbally at committee should a response be received.
- **Mr D Fazey (NHS healthcare):** No comments received at the time of writing this report
- **Housing Services Manager:** Further to your consultation request on the above proposed re-development of Brookfield Close, I can confirm that Housing Services do fully support the application. It is critical that we can increase the supply of affordable and good quality housing provision within the Borough to ease the burden on the Councils waiting lists and reduce and effectively homelessness. Currently, we have 1072 applicants who are registered on the Council's housing waiting lists. 747 applicants are on the housing register and 328 current tenants are on the Council's transfer list. The breakdown of bedroom need is as below.

Bedroom need	Homeseecker	Transfer
1	368	109
2	266	112
3	112	97
4	0	7
5	1	0
Total	747	328

Part of the site includes the Council owned garage site which is in extremely poor condition and due the age and build is no longer fit for purpose. For the most part, it has historically been used for storage purposes rather than vehicular use.

In addition, there has generally been a low demand for these garages, which has attracted an increase in various types of anti-social behaviour in the overall area.

The bungalows to the front of the garage site were decanted by the Council as they as following a structural survey they were found to be unsafe. Prior to this due they were primarily used as temporary accommodation as they did not meet the required decant homes criteria.

A high proportion of residents are likely to be on lower incomes and are reliant on some form of benefit. For some this means that they cannot afford to heat their homes adequately which can cause associated health, social issues and poorly maintained homes.

The approach to deliver carbon zero homes will deliver energy efficient homes by using alternative heat sources and heat recovery systems will result in lower running costs which will reduce the impact of these issues.

The planned regeneration of the site will provide not only work towards assisting the Council in the supply of much needed new affordable, low cost housing, and will benefit the overall wider community in providing a community that they would want to live in.

**Design Officer ECC Place Services:** The submitted proposal has been updated and developed following two pre application planning meetings and a Quality Review Panel. The following comments are focused on the design, layout and elevations of the submitted layout and supporting information following.

#### Layout

It is encouraging to see that the layout has been amended following our pre application recommendations. The development layout is divided into three development parcels. The northern portion of the site has a more traditional front/back relationship with neighbouring properties to the northern boundary. There are still several unresolved issues in this location, particularly parking and parking controls, boundary treatments and security and hard and soft landscape treatment and design of the public and private spaces. (See below for further comments on this.)

As with the northern area of the site, the central/eastern development parcel has been amended to create a single perimeter block. Private gardens now back onto private gardens and the proposed dwellings now front directly onto the access streets/parking areas. This development parcel is accessed to south via a small discrete parking court. The rear pedestrian access route to each property in this location raises several concerns regarding safety, security and practicality of use.

Some of the garden sizes are small and narrow in relation to the scale of the dwellings. This issue is compounded by existing trees falling within the private curtilage. Without the appropriate control mechanisms in place, the existing trees



could be in danger of being removed to increase space and light into the gardens.

The western parcel of the site contains the converted Courage Court building. The south and western sides of the building are dominated by the access road and parking. Very little space remains for boundary landscaping at these points to separate the public highway and the site. A small landscaped communal space has been designed into the northern section of this area. Previous points raised regarding security, access and controls are also relevant for this space.

#### Overlooking and privacy

The compact nature of the development requires a careful approach to overlooking and privacy between the proposed dwelling and existing neighbouring properties, particularly the interface between the northern development parcel and the existing dwellings beyond. The updated layout has addressed the previous concerns regarding this issue. Back-to-back distances, garden size, first floor fenestration positions and boundary treatments all need to be clearly designed to mitigate this.

#### Connectivity

The proposed connectivity through the site has been updated to reflect comments made at pre application. The central 'open' pedestrian route has been removed, with the main access through the site being the main access road itself. The rear access route to each property in this location raises several concerns regarding safety, security and practicality of use. Can this access be controlled? The north to south access route between Courage Court and the existing dwellings facilitates an existing access route which will remain in place.

#### Garden size

Garden sizes remain varied, and some plots are quite small and narrow in relation to the scale of the dwellings. This issue is compounded by existing trees falling within the private curtilage. The Courage Court apartments have access to small private outdoor space, but it is still unclear on the current layout how the shared private garden space will function for the 22no. flats. Communal and shared garden spaces can work well if carefully designed. The proposed design and use of the communal garden (in this location) is still a concern, the space seems to be more public open space rather than private communal. Further details are still required to justify this approach.

#### Bins and bike stores

The indicative locations of the bin and cycle stores have been redesigned and positioned to improve access and functionality. The one exception being the refuse and recycling building in the north easterly corner of the development. Locating the building in this location means that the rear access route into this

area of the site has been designed to accommodate large waste collection vehicles- removing any opportunity to design to a more informal pedestrian scale.

### Building typologies

The layout includes a mix of 1, 2, and 3 bed apartments and 2, 3, and 4 bed houses. This housing mix has been determined by the housing need within the borough. This mix includes 44no. (70%) affordable homes with 38no. of the affordable being be social rented, the remaining 6no. being shared ownership or shared equity product.

### Elevations

The proposal seeks to utilise an 'Essex' palette of materials including brick, black cladding and white render. The design of the elevations seeks to develop a contemporary approach to the surrounding context of Hutton. The use of brick and render provide a uniformity across the site, linking each of the three development parcels together, whilst surrounding the existing tree planting.

It is clear that the elevations have been designed to accommodate and deliver the zero-carbon requirement of this development.

The refurbished Courage Court has been extended to include an additional storey. Due to this height increase and the proximity to Hanging Hill Lane, I would like to see how the elevational treatment could be varied to help reduce the overall impact of this building. Exploring either alternative materials or using the existing material palette in an alternative way/proportion would be useful to substantiate this additional height/elevation.

The north facing elevation of the proposal apartment block would also benefit from a rethink. Being an important back drop to the northern portion of the site and neighbouring properties to the north, this elevation needs to demonstrate the same attention to detail as the south facing elevation. The proportion of solid to void and limited use of materials make this elevation uninspiring unlike some of the other proposed elevations.

Samples for all materials would be needed to be viewed and subject to planning conditions.

### Parking

In general terms, space for parking dominates the proposed development. The layout includes a variety to parking solutions including parking court, on street and on plot. The detailed design of these spaces is critical to the success of the public realm within and surrounding the development.

Opportunities to increase the levels of landscape and planting within the parking areas should be explored further; especially how landscape can be used to help break up the long rows of parking.

Treating the 'homezone' as a single space with landscaping and parking, rather than a road with 90degree parking along one site would help mitigate this impact. A similar approach should be applied to the parking court spaces, using materials, boundary treatments and landscaping to create a space which includes parking, rather than a space for parking.

Parking for Courage Court includes space for only 9no. parking spaces. Where there is a reduction in parking numbers (against policy requirements) a clear justification should be provided, demonstrating the suitable location of the site and number of safe and secure cycle parking spaces.

Visitor spaces need to be shown, as well as the method in which allocated parking spaces are marked. The approach to parking controls will also need to be explained, especially the parallel parking along Brookfield Close itself

It is unclear whether the submitted proposal includes EV charging; this should be incorporated in locations where physically possible to meet the current standards. For a development with Zero Carbon aspirations this would seem like a fantastic opportunity to showcase this evolving technology.

#### Open space

The approach to the use and design of the public open space is interesting and varied. The amount of proposed uses included within such a small and restricted space is admirable. Management plans, maintenance and ownership of these spaces will be important to ensure they remain and function as planned.

In general terms the proposed development has evolved in a positive way, reflecting comments made at pre application stage and those received from the Quality Review Panel. This response focuses on some further suggested improvements, which look to improve some of the various unresolved areas of the layout and building elevations.

- **Sustainability Officer:** In general, the report demonstrates that the development at Brookfield Close has the potential to meet best practice standards of low carbon, sustainable construction. The report demonstrates that the design team are proposing ambitious approaches to meeting energy on site. There is however a lack of detail given in the submitted document. Further evidence would give peace of mind that the standards set out could be achieved in reality and that any future contractor would not seek to downgrade the ambitions. It is particularly laudable that the proposals for the site:
  - Have sought to retain existing structures where possible and meet best practice levels of performance for retrofit as well as new build; and
  - Intend to monitor both energy performance and comfort over several years.Although more clarity on this commitment would be welcome.  
*(the full consultation response is available to view via public access)*

**Additional comments:** The scheme presented is of a high quality, represents a best practice approach to energy performance, and the overall sustainability objectives should be fully endorsed. There are however a few areas that have not been fully explored or where insufficient detail has been provided at this stage. It is believed that this can be dealt with through appropriate planning conditions and therefore avoiding the need to delay the application significantly.

## 6. Summary of Issues

### Principle of development and regeneration

The site is located within an existing residential area in the built-up area of Hutton. The development plan does not contain any site-specific policies for the land and the site is not within proximity of any heritage assets or protected designations. The existing community office is currently derelict, its previous use was an office and was not utilised as communal space or hall. As a result, the development would not amount to the loss of a community asset.

The NPPF actively encourages the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively; including efforts to bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

The regeneration of Brookfield Close would contribute to meeting these national aims. The provision of market housing and much needed affordable housing would be a significant benefit to the borough as well as the added long-term advantages of a zero-carbon (in-use) development and the retrofitting of existing housing stock (Courage Court). The principle of re-developing the site for residential purposes to maximise the use of an under-achieving brownfield site is therefore acceptable and supported.

### Housing Policies

#### Density

Local Plan Policy H14 states that the Council will expect any proposal for residential development to be of an appropriate density that makes efficient use of land with densities to be no less than 30 dwellings per hectare and 64 dwellings per hectare in central areas or those with good levels of accessibility.

The proposed re-development would increase the density of the site from 39dph to 51dph, making a more efficient use of the land within what is a suburban residential estate. The increase is not considered to be out of character with the density of surrounding development, for example the comparable parcel of land to the south comprising two-storey dwellings and the flatted development of Tower House has a

density of 60dph. The development is of an appropriate density that would accord with local policy H14 and the aims of paragraph 11 of the NPPF.

### Mix and Affordable Housing

The proposal seeks to provide a mixed residential development comprising 19 x 1 bed units, 29 x 2 bed units, 8 x 3 bed units and 6 x 4 bed units, of both affordable and market housing, as set out in the table below:

Housing Type	Market Housing		Affordable Housing	
	No of units	%	No of units	%
1 Bed	0	0%	19	43%
2 Bed	10	56%	19	43%
3 Bed	6	33%	2	5%
4 Bed	2	11%	4	9%
Total	18		44	

In terms of the requirement for size mix within the Borough, BRLP policy H6 has been superseded by the Council's more up to date evidence based Strategic Housing Market Assessment (SHMA) 2016 which outlines the evidenced need of both market and affordable housing requirements for the borough.

The market housing mix is consistent with the SHMA of the Borough with a high percentage of two and three bedroomed properties.

In terms of affordable housing, policy H9 of the adopted local plan requires a minimum of 35% of the total number of residential dwellings to be provided and maintained as affordable housing, and, as identified within the SHMA, a tenure split requirement of 86% Affordable/Social Rent and 14% as other forms of affordable housing (this includes starter homes, intermediate homes and shared ownership and all other forms of affordable housing as described by national guidance or legislation).

Clearly the scheme, as set out at the top of this report, is designed in response to the critical need for more and improved affordable housing within the Borough. The proposed development would exceed the 35% policy requirement, proposing 70% of the scheme for affordable housing. 38 of the affordable units (70%) are allocated as social/affordable rent and 6 units (30%) are earmarked for low-cost homes/shared ownership.

The planning statement also identifies that all dwellings are provided to accessibility standard M4(2) which is the modern equivalent to the 'Lifetime Homes' standard and a proportion of the affordable housing units (5%) will be built to M4(3) wheelchair user dwelling standard.

The scheme represents a unique opportunity for Brentwood Council to build, manage and retain its own affordable housing stock using its own asset, resulting in an inclusive and tenure blind affordable housing led scheme.

The development has been specifically designed to meet the Council's housing needs in this part of the borough by upgrading accommodation for existing tenants and provide new housing for those waiting on the affordable housing register. A further benefit is that it would increase the overall housing supply in the borough. The proposed development complies with local policy H6, H9 and H14 and accords with the SHMA by way of its proposed mix and tenure and through its affordable housing offer, the approval of which would be of a significant public and social benefit to the borough that weighs heavily in favour of the development.

### Sustainability

The NPPF at paragraph 148 requires the planning system to support the transition to a low carbon future in a changing climate, encourage the reuse of existing resources and conversion of buildings and to support renewable and low carbon energy schemes and associated infrastructure.

The regeneration of Brookfield Close seeks to deliver an exemplar zero-carbon (in-use) development. Zero Carbon (in-use) relates to the operational carbon of the development. A net zero carbon building is highly energy efficient and powered from on-site and/or off-site renewable energy sources, with any remaining carbon balance offset.

The proposed development will achieve net-zero (in-use) carbon emissions through a number of various measures and technologies. The layout, appearance and orientation of the buildings have been designed to maximise energy conservation and efficiency through a fabric first (Passive House) approach. This method results in highly, insulated, air-tight buildings, which are very energy efficient and significantly reduce the energy requirements of the homes and subsequently reduce operational costs for the future occupiers.

Other measures proposed to achieve the zero carbon aims of the development include mechanical ventilation with heat recovery (to ensure heat is not lost through the building fabric and air flow is filtered from pollutants), ground source heat pumps (to supply renewable and efficient heat and water to each home), wastewater heat recovery systems (repurposes wasted shower water back into the mains supply) and LED, low energy lighting to be installed both internally and externally throughout the development. The small amount of energy consumed by the homes would be off-set by onsite renewables, in the form of PV panels mounted on the roofs of the buildings.

The development also seeks to improve water management and efficiency to limit water use, dispose and reuse of surface water and collect and recycle rainwater. The measures will reduce flood risk both on site and the surrounding area, improve water quality, and provide biodiversity benefits.

Whilst the development focuses on operational carbon, embodied carbon (carbon emissions relating to the construction of a building), would also be minimised as much as possible through the regeneration of the site. The retrofitting and refurbishment of Courage Court to a 'Passivhaus EnerPHit' standard, rather than the demolition and replacement of the building, is a key part of the regeneration proposal to minimise the embodied carbon from the development. Construction waste is also set to be minimised as much as possible and can be secured through a condition for a construction waste management plan.

The Sustainability Consultant has advised the scheme presented is of a high quality and represents a best practice approach to energy performance. Certain areas of the scheme require additional detail to ensure the aims and intent of the zero-carbon in use development are achieved and to future proof the development for its occupiers. Such details can be secured and provided through condition.

In summary, the development represents a modern and energy efficient zero-carbon housing scheme that incorporates low carbon and renewable technologies, exceeding the requirements of local policies IR5 and IR6, 'emerging' Local Plan renewable energy policies and government guidance outlined within chapter 14 of the NPPF and R1 of the National Design Guide.

## Design, Character and Appearance

### Scale and Form

The proposed development can be divided into three different areas of built form, with pockets of public and communal open space, private amenity area and allocated parking areas.

The northern apartment block is four storeys in height, but makes use of the decreasing land levels to the north. As a result, the building would be of a similar height to the adjacent three storey apartment block to the east in Rosen Crescent and follows the same building line.

Courage Court would be retrofitted, and an additional floor added to the northern wing of the building, creating a flat roof and small roof terrace. The additional floor would replace the current pitched roof of the building and therefore increases in height and scale would be minimal, with only a 1.5metre increase in height across the majority of the north wing and a slightly greater increase for the area comprising the access core and lift overrun (3.2m). No increases in footprint or extension of the building are proposed.

The central part of the site consists of 16 two storey dwellings which follow the route of Brookfield close and back onto an existing tree belt. The dwellings are formed of two

lines of terraces to improve the form factor of the dwellings to maximise energy efficiency to achieve the Passive house standard and one detached dwelling is located within the south-east corner. The site sits on a hill gradually sloping downwards from the south to the north, as a result the north line of terrace dwellings is sited at a much lower land level than the southern row of 4 beds dwellings, following the natural land levels of the site. The introduction of two storey dwellings here would be greater than the existing bungalows and garage buildings that they are replacing but would accord with the scale of the existing two storey dwellings in Hutton Drive, Brookfield Close and Rosen Crescent.

Overall, it is not considered that the form or scale of the development proposed would be out of keeping with surrounding area. The Design Officer has raised no objection to the flat roof design of the flatted blocks, which have zero-carbon and biodiversity benefits through the creation of green roof. Although the scheme varies in scale and height, overall it would reflect the local streetscape, which comprises both linear 3 and 4 storey apartment blocks and two storey housing.

### Layout and Orientation

The proposed layout has also been designed to establish a strong sense of place, using the arrangement of streets and green spaces to create an attractive neighbourhood setting that is safe, inclusive and accessible. Pedestrian permeability is improved with access being provided east to west, from hanging hill lane towards Willow brook Primary School and north to south towards Hutton Drive and Tesco Express.

The proposed dwellings and northern apartment blocks have been positioned and orientated to optimise the potential for passive solar gain in winter and minimise overheating in summer to maximise energy conservation and efficiency in the design to achieve Passive House standards and meet the zero-carbon agenda of the scheme. This has resulted in the majority of homes benefitting from a solar facing elevation creating light, comfortable and healthy living environments. All of the northern apartment units benefit from south facing winter gardens/balconies. To manage heat risk, some of the properties have been designed with projecting white screens which serves as a shading device to address overheating to the south elevation, the retention of the central tree belt also adds to assist in shading during the summer months.

The ambitions to maximise the potential of the site, achieve passive solar gain and increase densities to achieve a high percentage of Council owned affordable housing has amounted to some of the amenity standards of the proposed dwellings being somewhat compromised (which is discussed further below), resulting in reduced size gardens and back-to-back distances than allowed for in local guidance. Amendments have also been made to improve the neighbour relationship between plot 61 and 62, to include obscure glazing, directional angled windows and landscaping to achieve acceptable living standards.



The position of plot 62 is also slightly at odds with the remainder of the development and would project forward of No.28 Hutton Drive. However, the design and position of the proposed dwelling would not be materially worse than the existing line of dwellings that are to be demolished, which also project forward of No.28 Hutton Road and the improvements in soft landscaping to the frontage and side of the plot would ensure the dwelling would sit comfortably within the street scene and not appear cramped.

High density development and small gardens sizes are not uncommon within this area or at odds with the existing pattern of development, as evidenced by dwellings within Rosen Crescent and Hutton Drive directly to the East and South of the site. Therefore, the layout and position of the dwellings is not considered to be out of character or lead to an unacceptable detrimental impact on the visual amenity of the surrounding area, compared to the existing situation.

### Appearance

The design and appearance of the dwellings has been guided by Passive House standards. The affordable housing would be well integrated into the scheme and be tenure blind in terms of appearance, build quality and materials.

All proposed buildings are related in their appearance, are of a similar style and material palette resulting in a cohesive character while the form remains simple and incorporates a traditional Essex palette of brick houses and garden walls, render and tiled pitched roofs all of which are sympathetic to local character and identify with the surrounding context. The Design Officer has not objected to use of black boarding but his view was that alterations could be made to the facades to reduce the appearance of bulk. The height of Courage Court along with the northern apartment block are considered appropriate, but further detailing around materiality and the facades can be dealt with via condition.

Courage Court will receive façade improvements to reflect that of the proposed new development that will not only provide greater energy efficiencies to the building but also provide a modern renewal, whilst still retaining its original character.

### Landscaping and Public realm

The footpaths and public open spaces have been designed to be overlooked by dwellings and promote social interaction, in line with the aims of the National Design Guide. This would allow natural surveillance of public spaces to prevent crime and disorder, which has been identified as an existing issue within the disused garages portion of the site. The pedestrian access to the rear of the terraces will be gated and fobbed for residents of the dwellings only, in line with the comments of the Secure By Design and Design Officer, which can be secured via condition as part of an estate management plan. Similarly further details of hard and soft landscaping, open space features, allotments, boundary treatments and lighting can be conditioned into any grant of approval. Matters relating to trees are outlined further below.

## Summary

The scheme overall is exemplar in its zero-carbon ambitions and demonstrates a high-quality passive house design that would conform with paragraph 131 of the NPPF which states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, so long as they fit in with the overall form and layout of their surroundings.

The 'emerging' Local Plan classifies Hutton as an urban neighbourhood where development is acceptable and opportunities should focus on making the best use of land, with higher density and brownfield redevelopment being prioritised, consistent with local character. Therefore, when taking the scheme as a whole it is not considered the identified deficiencies in layout would be so adverse, to outweigh the overall design of the scheme. The overall regeneration of the site would result in a significant enhancement and improvement to the appearance, character, and sense of place of the Brookfield Close Estate. The development is therefore considered to comply with local policy CP1 (i) and (iii) of the local plan, chapter 12 of the NPPF and the National Design Guide, subject to conditions.

### Impact on Neighbour Amenity

#### Overbearing Impacts, Outlook and Light

The proposal seeks to retain and renovate Courage Court with the structure, access cores and much of the external fabric to remain. The internal layouts will be reconfigured but there would be no enlargement of the footprint of the building and the fenestration pattern is similar to that of existing. The increase in height would be minimal and would not amount to any adverse impacts on occupiers of neighbouring properties.

To prevent overshadowing of neighbouring properties the four-storey apartment block to the north of the site is positioned between 15 and 18 metres from the northern boundary, with a parking court to the rear of the proposed building. The land levels of the site also result in the building being partially submerged into the ground level as such the height of the building would appear reduced. It is not considered the building is of scale or position that would amount to a material overbearing impact, loss of light or outlook to neighbouring properties in Rayleigh Road or the adjacent flats in Rosen Crescent.

A daylight/sunlight model has been produced at the request of the LPA to understand the impact of overshadowing and light on the occupiers of No,4, 6 and 8 Hutton Drive, from the flank wall plot 57, which would be positioned within 1metre of the shared boundary. BRE is not adopted by the Council but is nationally recognised best practice guidance for site layout planning in relation to sunlight/daylight and overshadowing, endorsed by the Essex Design Guide.

The drawing produced demonstrates the overshadowing that would occur at four different times of day (8:00; 11:00; 14:00; & 17:00) on 21st March. This date is considered the best for which to prepare overshadowing models, in line with BRE standards as it gives an average level of shadowing throughout the year. The model demonstrates that Plots 4 and 6 would experience overshadowing of the entire rear garden and up to the rear of the dwellings in the early morning, but this would be entirely dissipated by mid-morning, and adequate sunlight would be achieved for a majority of the day. The loss of sunlight that would be experienced by the occupiers would thereby meet the BRE Guidance under section 20.3.3.17 which provides a good indicator that the proposed development would not amount to an unacceptable loss of sunlight or a level of overshadowing that would detrimentally impact the living conditions of these neighbouring occupiers.

A sectional elevation has also been submitted showing the flank of plot 57 and the 4-8 Hutton Drive dwellings. BRE guidelines indicate that adequate daylight in interiors is achieved at an unobstructed 25° angle from the centre of the affected neighboring window. If the 25-degree angle is not obstructed the impact on light is considered acceptable and no further analysis is required.

The flank façade of No.57 varies in height and roof pitch. The windows of No.4 or 8 Hutton Drive would not be adversely affected, as a result of the position of No.57. However, the roof of no.57 at its highest point (ridgeline) would appear to marginally intercept the 25degree angle in relation to No.6 Hutton Drive but the roof height at the centre of No.6 Hutton Drive's main double ground floor window would not be intercepted. The impact on daylight to the occupiers of No.6 is therefore considered marginal. However, given no further analysis in terms of Vertical Sky Component has been provided, the potential harm through a loss of daylight to No.6 is weighted in the planning balance at the end of this report.

It is not considered the position of the other proposed two-storey dwellings would lead to any overbearing impact, loss of light or outlook to any other adjacent neighbouring properties.

### Overlooking and Privacy

Given the urban residential setting and high-density nature of the development (50dph) a degree of overlooking cannot be avoided, as outlined within the Essex Design Guide.

The proposed apartment block to the north has been designed to minimise overlooking to the Rayleigh Road dwellings behind. The rear windows of the western block only serve bathrooms or kitchens, none of which are habitable rooms and the building is positioned a minimum of 15metres from the rear boundary, in line with design guidelines. The adjoining eastern block is positioned further forward, creating a distance of between 18 and 21metres from the rear boundary and also predominately serve bathrooms and kitchens, with the exception of four, small secondary bedroom windows to four of the units (one of each storey); to the units furthest east. The back-to-back

distances from these habitable bedrooms to the rear of the affected dwelling in Rayleigh Road, exceeds 50m, significantly greater than the 35 guidance for upper storey flats outlined within the Essex Design Guide.

Therefore, given the proposed window placement, internal layouts and distance to boundaries which meet Essex Design Guide standards, it is not considered the northern apartment block would lead to adverse levels of material overlooking or loss of privacy to Rayleigh Road properties and would not be materially worse than the overlooking precedent already established between Rayleigh Road properties and the adjacent three storey apartment block in Rosen Crescent.

The refurbishment of Courage Court would result in alterations to fenestration, the addition of a number of balconies and an area of the roof would be reserved for communal space. All of these viewpoints overlook the public realm and frontages of dwellings and therefore would not amount to any material increase in overlooking or loss privacy. A degree of overlooking may occur to the garden of 14 Barrington Court as a result of its position fronting Hanging Hill Lane, but this would not be greater than what already occurs from the windows of the existing residential units.

The proposed two storey dwellings within the central area of the site, present greater overlooking and inter-overlooking issues, deriving from the layout of the development and high-density nature of the scheme and surrounding area. The first-floor flank window serving a bedroom of plot 47 has been repositioned to the flank wall, that would remove any direct overlooking to the garden of No.4 Hutton Drive.

The occupiers of dwellings within Brookfield Close to the east of the site would not be impacted by the development in terms of overlooking or a loss of privacy.

No16-28 Hutton Drive currently adjoin the dis-used garages at the rear of the site. These properties as existing have very small and shallow rear gardens, which are protected to a degree from the existing boundary treatments in place. The position of the proposed dwellings plots 57-62 would front the rear boundary of these Hutton Drive dwellings and a level of mutual overlooking between the existing and proposed units would occur.

The Essex Design Guide advises that where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary of at least 15m. In this case a minimum of 18metres would be retained, with the exception of plot 62 that would be within 13metres; but at an off-set angle, whereby the distance is reduced. No.28 Hutton Drive also benefits from a larger rear garden that extends to the side of the dwelling and is protected by mature vegetation. 3 out of 4 of No.62's front windows can also be conditioned to be obscure glazed as they serve non-habitable rooms/bathrooms or are served by secondary windows. The window to remain would not directly face No.28 and as a result there would be no direct inter-overlooking between first floor windows of these two dwelling, that would lead to a loss of privacy.

Regardless is it considered a level of mutual overlooking would occur from the development which is weighted in the planning balance at the end of this report.

## Other Matters

Amendments have been made to the layout to protect the access of the existing driveways of No.8-12 Hutton Drive. The dwellings as existing benefit from a dropped kerb but utilise an informal crossover over a pedestrian footpath. The proposed development seeks to improve this situation through the creation of shared surface to allow continued access of the existing dwellings driveways and the off-street parking provision.

## Living Conditions of Future Occupiers

### Internal Space

All units would be of a size that meet the Government's technical housing standards in terms of internal dimensions (most of which exceeding minimum standards) and all habitable rooms are provided with a degree of light and outlook. The Passive House design of the dwellings would also provide healthy units of accommodation, that have filtered air circulation and are well insulated, energy efficient and affordable to run.

### Amenity Provision

All of the proposed flats within Courage Court and the new apartment block to the north are provided with balconies 5sq.m in size or more which is considered acceptable for flatted accommodation. Residents of Courage Court also have access to a shared external roof garden that would provide further semi-private amenity space.

A handful of the garden sizes of the proposed two-storey dwellings are below the minimum standards outlined within the appendix of local plan. Small gardens are not uncommon within this part of Hutton and within high density developments of this nature. However, minor amendments have been made to the layout to increase the garden sizes from that originally proposed. Following the amendment, some of the gardens would remain small, but would be of a shape and design that is usable for residential purposes and all gardens could accommodate small sheds/cycle storage.

To provide compensation where some gardens are smaller, the development also provides areas of informal open space, site furniture and small areas of play (to be agreed via condition). Communal allotments for growing plants and vegetables are also proposed for residents of the development. As a result, it is considered the development overall would be able to provide satisfactory amenity provision for the future occupiers.

### Inter-Overlooking and Privacy

The two storey dwellings of plots 47 to 61 would have back-to-back distances below the minimum guidance standard (25m). However, given the off-set position and angle of plots 52-56, it is considered only 5 of the plots (48,49,50, 57 and 58), may experience levels of mutual overlooking that would be below design guidance. The retention or replacement of the existing and mature tree belt would aid in reducing overlooking into rear private amenity space and provide residents with a degree of privacy. As outlined, a degree of mutual overlooking within high density urban developments of this nature is inevitable and the overlooking that would occur between these 5 units is not considered to be detrimental to future residents, all of whom would experience a private space as a new occupier.

As indicated within the design section of this report, the relationship between plots 61 and 62 is constrained as a result of the fixed southern orientation, amounting to obscuring and angling of windows and reorientating internal layouts to mitigate inter-overlooking between the two units. The minor amendments made would largely overcome the amenity issues raised and both units could as a result provide satisfactorily living conditions for the future occupiers.

## Summary

In summary, the scheme as a result of its high density would lead to some deficiencies in amenity standards, but where possible this has been minimised through design. Overall, it is considered that the proposal would not have an unacceptable detrimental impact on the general amenities of neighbours by way of lack of privacy, overbearing effect or general disturbance. The mutual overlooking to Hutton Drive properties and between the proposed two storey dwellings is weighted within the planning balance along with the marginal impact on daylight to No.6 Hutton Drive.

## Trees and Landscaping

The application is supported by a tree survey and arboricultural impact assessment has been carried out. The Councils Arboriculturalist has advised the scheme would be positioned a sufficient distance from the existing Category A tree and would allow it to be a feature tree within the centre of the site. Most of the other higher quality trees can be retained, including the other category A trees and 12 out of the 15 Category B trees. The Arboriculturalist has advised the loss of the three Category B trees is considered acceptable as it will be possible to mitigate for their removal with new planting delivered as part of the landscape scheme.

A positive aspect of the scheme was the retention of the established tree line between plots 49-61, the benefits of which are reiterated throughout the applicants planning statement including the importance of shading during summer months, in line with the passive house intentions. However, the constraints of the site have put pressure on the developer to remove a number of the trees, to allow for larger more usable gardens and reduce future maintenance for residents. The Councils Arboriculturalist has advised a number of these trees could be removed and replaced by smaller specimens as they

are not of a high amenity value and do not have a long-life expectancy (less than 5 years) as they include ash which are prone to disease, and some are self-sown specimens with poor form. If the trees are retained, then there would be a pressure to remove them at a later stage. The applicant has provided a schedule of replacement trees to mitigate for the existing trees removal but to retain the identified benefits of a tree group within this area of the site. However, the replacements proposed on drawing 00 DR L 002 P04, are very small and add little in terms of screening or amenity value. Therefore, to ensure suitable and large enough replacement species are provided, a condition for a landscaping scheme is required whereby further details of replacement and proposed trees can be agreed by the LPA.

Furthermore, whilst, the mature established trees provide valuable carbon off-setting, the number of replacement trees across the development would exceed the number to be removed and would provide an increase in carbon offsetting across the lifetime of the development. No objections are therefore raised in this regard.

Subject to landscaping and tree protection conditions the development would accord with local policy C5 and would provide an enhancement in soft landscaping features across the development site overall.

### Ecology

A Preliminary Ecological Appraisal (PEA) has been submitted as part of the application which summarises that the site has no specific ecological value with no significant habitat features present.

As the proposal includes the demolition of a number of buildings, including some derelict buildings additional bat surveys are required prior to demolition, in line with the recommendations of the PEA and appropriate mitigation should any be found.

The proposed development also proposals bird and bat boxes and hedgehog fences as part of the development to provide a biodiversity enhancement within an urban environment along with native plant species integrated into the landscape, which is supported by the local ecologist. Details of these can be secured and provided via condition. Further enhancements are also achieved through the SuDs swales feature and proposed green roof to Courage Court.

In summary the proposal would not result in detrimental harm to protected species, subject to additional bat surveys, and seeks to provide a small biodiversity net gain in compliance with local policy C5 which states development schemes should also consider opportunities for additional habitat creation in any proposals.

### Access, Parking and Highway Considerations

It is intended that the existing accesses to the site would be used to serve the residential properties and parking areas. The existing access from Hutton Drive would

be extended to serve the car parking area for Courage Court. The existing access from Brookfield Close to the garage block would be utilised for the two-storey housing in the centre of the development and the proposed housing to the north would be served off of Brookfield Close and a new crossover would be created.

Revised plans have been received during the lifetime of the application which have made minor amendments to the layout requested by the Highway Officer, to ensure adequate and appropriate accesses and sufficient clearance behind parking bays to ensure they are usable. The development is not anticipated to result in any significant traffic congestion and the improvements in off street parking provision would aid in reducing congestion.

In terms of parking allocation, the following is provided:

- The north apartment block provides 32 spaces within the parking court for the 24 units, (underprovides by 16 spaces)
- The two-storey housing is provided with 43 spaces for 16 units (overprovides by 11 spaces)
- Courage Court provides 9 spaces for the 22 units (large under-provision)

The linear row of parking opposite the northern block could be partially utilised by occupiers of the proposed northern flats and dwellings. In which case the car parking provision for these two areas of the scheme would almost meet the full parking provision requirement outlined within the adopted parking standards, which is acceptable given the dense nature of the scheme, high level of affordable housing proposed and areas allocated for open space.

Courage Court as existing has no formal parking provision for the residents of the building. The existing access area on Hutton Drive provides some informal parking for approximately 6-7 cars, but this results in unlawful parking, parking over verges and blocking accesses. The proposed development seeks to improve the situation by providing 9 dedicated parking bays, including the relocation of the 2 disabled bays for the residents of the existing bungalows, whom are to be transferred to two of the ground floor units of Courage Court.

The Highway Authority raised no objections to the proposed level of parking for the existing and future occupants of the development or the design and layout of the scheme. The Highway Officer advises that aside from the existing garage site (which is not suitable for modern day vehicles), there is very limited off-street parking availability for residents within Courage Court or Brookfield Close as a whole. The proposals help to rectify that issue through the provision of 84 off-street parking spaces for new residents. Although those numbers do not fully comply with Brentwood's adopted parking standards for residential developments, they are considered reasonable given the type of development, the site location and the reduced demand for on-street parking that should result from the new provision.



Furthermore, the adopted parking standards allows for a reduction to the vehicle parking standard, particularly for residential development within urban areas, that have access to frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment. Brookfield Close could be considered to meet a number of these aims and is a walkable neighborhood with access to schools and convenience stores, a main railway station and bus links all within walking distance. There is also evidence to demonstrate that car ownership within this socio-economic group is much lower than national standards, Courage Court is proposed to be entirely affordable, as such the car ownership as demonstrated by the existing provision is anticipated to be lower than average.

Brookfield Close is a project that is being championed for its exemplar approach to sustainability, with a requirement to be zero carbon. To be consistent with the zero-carbon approach, not only do the environmental aspects of the housing development need to be considered but also enabling sustainable home and lifestyle for the residents. This includes the encouragement of walking, cycling and use of public transport, where possible.

The scheme seeks to encourage and improve walkability in accordance with local policy T15 and CP2, fully complies with cycle parking requirements for both occupier and visitors and also provides storage for mobility scooters for occupiers of Courage Court. The scheme also proposes a dedicated space for parking of a 'community shuttle bus' and bus stop, should a small network of local 'green' community buses come to fruition in the near future. EV charging facilities are also proposed in 10% of the parking bays and all bays would have infrastructure for EV charging points as demand increases in the future. Lastly, the design allows for parking to be designed out and replaced with landscaping features, should car ownership decrease in the future. An indicative 'transitional' plan was submitted to the LPA to demonstrate for such a scenario.

In summary, in line with the recommendations of the highway authority and subject to conditions the proposed regeneration scheme would improve existing car provision for the site and seeks to promote more sustainable modes of transport. The development thereby accords with local policy T2, T5, T15 and CP2 and chapter 5 of the NPPF.

## Other Matters

### Noise and Lighting

The proposed regeneration for residential development is not anticipated to generate any excessive noise, the Environmental Health Officer in their original response recommend a noise survey but this is not considered necessary, as the only noise would be from construction which can be dealt with via a construction method statement, to control working hours and noisy operations.

The access road to the parking forecourt behind 16-28 Hutton Drive utilises the existing access for the garages, the precedent of vehicles and an access road behind these

dwelling is already established. The creation of a parking forecourt would increase vehicular activity as the garages are largely disused, however it is not considered the level and nature of parking for residential use would be so disruptive to the amenities of neighbouring occupiers that it would be considered unacceptable.

The parking forecourt at the rear of the northern apartment block is a significant distance from the rear of Rayleigh Road dwellings for the living conditions of the occupiers to be adversely affected by way of noise or disturbance. It is intended that the car parking areas will have new low-level bollard lighting. A lighting scheme has been submitted, further details of which can be detailed as part of a condition to ensure light spill into adjacent properties is minimised, whilst providing adequate security for residents.

### Contamination

The contamination report submitted concludes that there are no identified land contamination issues with regard to the former use of the site. The Environmental Health Department are satisfied that no further formal contamination remediation is required other than a standard condition that will be activated in the unlikely event that unexpected contamination is found.

### Flood Risk and Drainage

The application site is within flood zone 1 and is at a very low risk of both fluvial and surface water flooding, a very limited area to the north is identified as having a low risk of surface water flooding. A surface water drainage strategy has been submitted as part of the application submission and has been updated to reflect the minor amendments made to the layout made during the lifetime of the application.

The surface water drainage strategy provides a variety of Sustainable Drainage Systems (SuDs) that include swales, underground modular storage, areas of permeable paving and green roof to the flat blocks; in order to manage water and prevent flooding, both on and off site. The drainage strategy makes allowances for climate change and increased rainfall, providing a betterment over the existing site.

Anglia Water and the LLFA and have raised no objection to the drainage strategy subject to conditions for a detailed surface water drainage scheme, maintenance plan and maintenance log.

### Open Space

The proposed development seeks to deliver a more efficient use of the land to allow a high percentage of affordable housing, therefore there is limited space for larger areas of open space and play provision. However various pockets of open space are proposed as part of the regeneration of the site (approximately 12% of the site area). These include informal open space and improvements to the pedestrian entrance of the site from Hanging Hill Lane and communal allotments around Courage Court for the use

of the residents of the development. Areas have also been earmarked for play and/or 'furniture' and communal features to the frontage of the northern apartment block. The developer has advised the type of equipment/street furniture would be subject to consultation with the future occupants of the development, to ensure it is necessary, well used and meets local needs. Details of the location and placement of such facilities can be secured through condition.

Local policy LT4 states Developers of residential sites greater than 1.0 ha. (or 50 units) will normally be required to provide a LEAP with a minimum area of 400 sq.m and 5 types of play equipment (either on-site or off-site) and at least 1 LAP on-site with a minimum area of 100 sq.m and make a financial contribution towards the provision of a NEAP.

However, this is a regeneration scheme, with a net-gain of only 15 new units. The requirements should therefore be proportionate to the scheme and are reduced. In addition, the expense and maintenance of such equipment, allotments and open space would be maintained and managed by the HRA as part of a management plan for the development and not the Council's general fund. The Committee will be updated verbally but in principle the Open Space officer has confirmed that no further open space contributions will be sought.

Overall, the proposed redevelopment would deliver functional and manageable areas of open space on site which would enhance provision in this area of the site to the benefit of the future occupiers and surrounding residents of the estate. The development would thereby meet the overall aspiration of policy LT4 of the Local Plan.

### Contributions

As outlined above, no additional contribution is required towards open space, which is to be provided on site and maintained by the HRA fund. Furthermore, Education and Health Care have been consulted as part of the application, neither of which have requested a financial contribution as the net-gain of 15 additional units is below the threshold to generate a contribution.

### Planning Balance and Conclusion

The report identifies that the layout of the scheme is slightly constrained by the quantum of development, in particular the two-storey housing component which would lead to levels of mutual overlooking between 16-28 Hutton Drive and the new occupiers of the development, a marginal impact on daylight to No.6 Hutton Drive and reduced back-to-back distances and small garden sizes would also occur to a handful of the proposed two-story dwellings.

However as outlined, a degree of mutual overlooking is expected and would be unavoidable for a residential infill scheme of this nature located in the suburban settlement area of Hutton. The layout, design and density of the scheme is not

considered to be out character with the surrounding area and all proposed units would be provided with very good internal standard of living accommodation for the future occupiers. Private gardens and balconies are small but useable and occupiers of the development would also have access to communal and improved areas of open space. The harm identified in terms of the deficiencies in amenity is therefore afforded **moderate weight**, which must be weighed against the benefits of the scheme.

The regeneration scheme has significant benefits in revitalising a redundant and undervalued site, that has issues of anti-social behaviour and a number of un-usable vacant affordable dwellings in the Council's housing stock that are in a state of disrepair. The regeneration of the site would considerably improve the character and appearance of the area and aid in designing out issues of crime, promote pedestrian permeability and improve the attractiveness and quality of the area, through improvements in landscaping, ecology, drainage and open space. Paragraph 11 of the NPPF (Making effective use of land), seeks to support the development of underutilised land and buildings and to give **substantial weight** to the value of using suitable brownfield sites.

Weighing in further support of this application is the fact that this scheme has been specifically designed to meet the Council's housing needs in this location and this is a unique opportunity for Brentwood Council to build, manage and retain its own affordable housing stock using its own assets. In this respect the regeneration scheme would provide 15 additional homes and seeks to substantially overprovide in terms of the policy requirement for affordable housing, with 70% of the scheme allocated for affordable/social rent and shared ownership units of a varied mix and size. This provision weighs heavily in-favour of the development given the borough does not have a 5-year supply of deliverable housing or affordable housing and there are over 1000 residents on the Council's housing waiting lists, as outlined within the Housing Officer's consultation response. The increase in the supply of affordable and good quality housing provision would assist with the Council's waiting lists for homeless or those in temporary accommodation.

The creation of a 'zero-carbon (in use) development is also a significant benefit of the scheme, especially for affordable homes. National guidance states at paragraph 131 that **great weight** should be afforded to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, provided the overall form and layout would fit in with the surrounding area.

It is considered the development would accord with paragraph 131 and would result in a development that can provide healthy and affordable units of accommodation, a large proportion of which would be allocated for the most vulnerable residents of the borough. As reinforced by the Housing Officer, a high proportion of residents on the affordable housing register are on lower incomes and some cannot afford to heat or power their homes adequately. The energy efficient and low-carbon nature of the development would result in dwellings which are affordable to run, eliminating fuel poverty and future proofing these homes for the demands of both vulnerable residents and a changing climate. As a result, the environmental and social benefits of this Council-led

regeneration scheme are substantial and would accord with Councils corporate strategy (Brentwood 2025) which commits to introducing “innovative carbon reduction and absorption schemes” which “identify opportunities for low emission and green developments” all whilst using brownfield sites efficiently, such as council-owned garage sites.

Therefore, in accordance with NPPF’s presumption in favour of sustainable development which states where a local plan is out of date (which includes local planning authorities that cannot demonstrate a five year supply of deliverable housing), there is a clear reason for refusing the development proposed and any adverse impacts of refusing the development would significantly outweigh the benefits of the framework as taken as a whole; including the provisions of Para 11 (D) which further precludes that a tilted balance applies when determining applications for residential development in that there is a presumption in favour of new residential development.

It is not considered the moderate harm in terms of layout and living conditions of existing and future occupiers would be sufficient to outweigh the identified benefit of regenerating a brownfield site for a zero-carbon (in-use) residential housing scheme, that would significantly aid in meeting the identified affordable housing needs of the borough.

The application is therefore recommended for approval, subject to the conditions and informatives outlined below.

## **7. Recommendation**

The Application be 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 addition 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

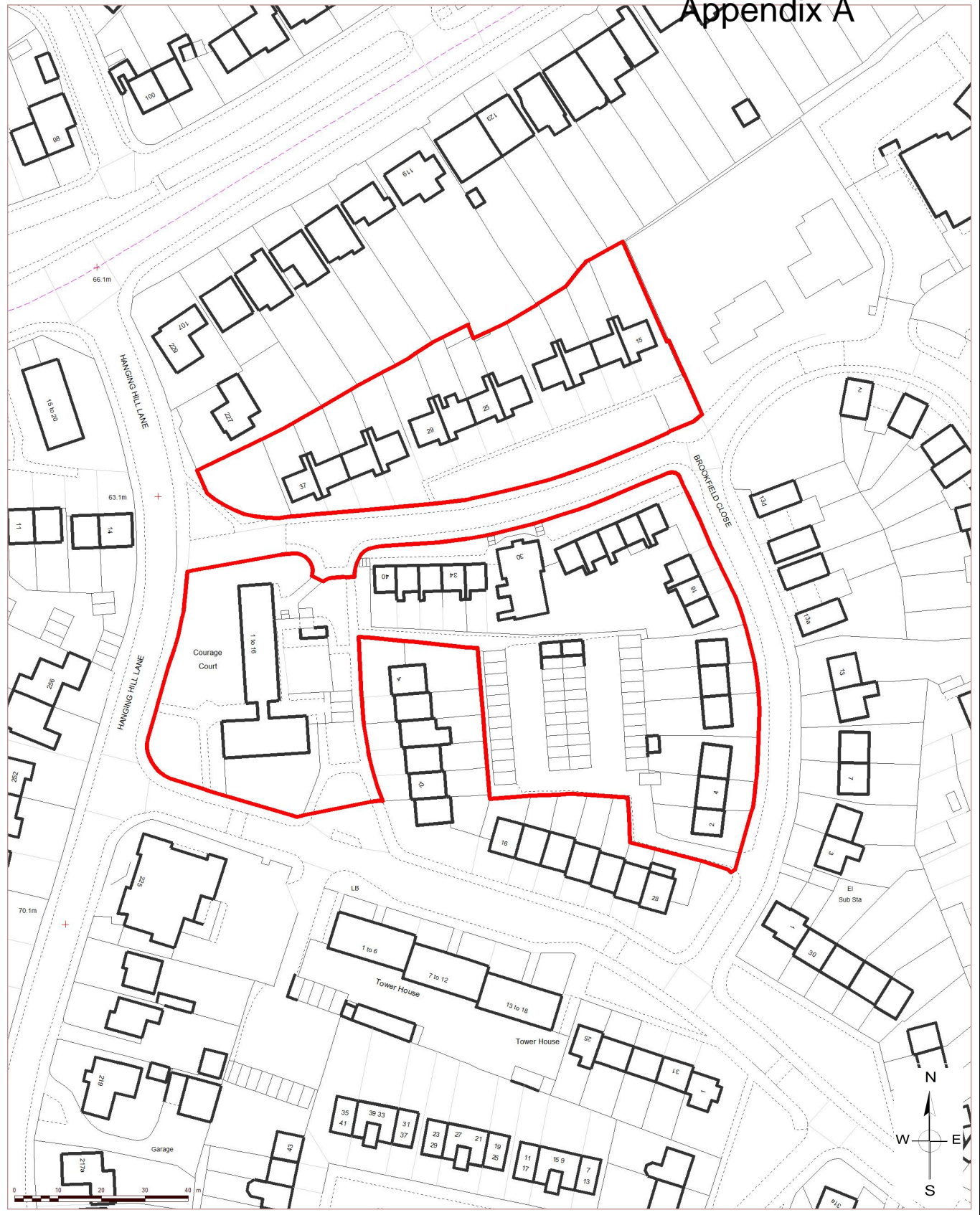


The developer is reminded of the provisions of the European Regulation: EN 13724 for Post Boxes, specifically that the midpoint of the main slot should be between 700mm and 1700 mm in height. Further information may be viewed at: <https://www.cwu.org/wp-content/uploads/2018/02/European-Regulation-EN13724-for-Post-Boxes.pdf>

*BACKGROUND DOCUMENTS*

**DECIDED:**





Title : Land at Brookfield Close, Hutton, Brentwood, Essex

20/01912/FUL

Scale at A4 : 1:1250

Date : 29th June 2021

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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**SITE PLAN ATTACHED**

**17 CRESCENT ROAD, WARLEY, BRENTWOOD, CM14 5JR**

**CONVERSION AND REFURBISHMENT OF TWO STOREY DWELLING INTO TWO APARTMENTS, TO INCLUDE ADDITION OF PORCH.**

**APPLICATION NO: 21/00573/BBC**

**WARD** Brentwood West **8/13 WEEK DATE** 26.05.2021

**PARISH** **Ext. Of Time** tbc

**CASE OFFICER** Brooke Pride

**Drawing no(s) relevant to this decision:** Design & Access Statement; 61 P00; 63 P02; 64 P03; 62 P02; Site Plan;

**The application has been referred to the Committee as the applicant is Brentwood Borough Council.**

## **1. Proposals**

This 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 seeks 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.

## **2. Policy Context**

Brentwood Replacement Local Plan 2005:

- Policy CP1 General Development Criteria
- Policy T2 New Development and Highway Considerations

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or

made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held in February and March 2021, as set out in draft timetabling by the Secretary of State. The Inspector has asked for more information on some issues with further hearing sessions expected to take place in July 2021. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council towards the end of 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to complete its progress through the Examination in Public it is still considered that it currently has limited weight in the decision making process.

National policy and advice

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

### **3. Relevant History**

None.

### **4. Neighbour Responses**

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

- Objection to the proposal because of overcrowding happening in a neighbouring property.

## **5. Consultation Responses**

Not applicable.

## **6. Summary of Issues**

The key issues are:

- Impact of the development on the character and appearance of the area
- The effect on the living conditions of nearby neighbours
- The effect on future occupiers of the site
- Any impact on parking and highway considerations

### **Design, Character and Appearance**

The proposal will retain the existing character of the building by retaining the exterior appearance. The development will refurbish the building that is in a poor state of repair by using materials to match the existing, including replacement windows, guttering and render. The porch is in keeping with its design and proposes render to match the front of the existing building.

The internal configuration of the dwelling will retain the external appearance of one dwelling but provide two separate apartments one ground floor and one first floor. This type of development is not out of character with the surrounding area being close to Brentwood train station with many dwellings converted into more than one residential unit.

It is therefore considered to comply with the requirements of Local Plan Policy CP1 (i) and (iii).

### **Effect on residential amenity**

Policy CP1 is supportive of development proposals provided they protect the living conditions of surrounding residents.

The proposed development will retain the existing residential use, and existing structure. The proposal includes the addition of a front porch which will be set centrally to the site and would not result in harm to the living conditions of nearby residents.

On this basis, the proposal would protect the surrounding occupiers living conditions and comply with policy CP1 (ii) of the local plan.

### **Future living conditions**

All habitable rooms are provided with adequate windows, providing light, ventilation and outlook. Both apartments are of an acceptable size; and therefore provide adequate living conditions for any future occupiers of the site and the size of the apartments meet the Government minimum requirements.

Externally the ground floor apartment is provided with a rear amenity area and the proposal retains the front amenity area which is shared and can also be used by the first floor apartment. The proposal would provide sufficient living conditions for both apartments.

### **Highways and Parking**

The information submitted indicates that the existing parking is on the road and the front amenity space will be retained. Parking standards indicate that one space per one bedroom dwelling and two spaces for two bedroom dwellings or more should be provided on site. The existing situation is that the dwelling does not offer any off street parking and it is not possible to provide any given the existing on road constraints. The area is controlled by protected parking restrictions, however the site is located very close the regular public transport services and within a highly sustainable location. Given those circumstances, off-street parking is not sought.

### **Other Matters**

Objections raised concerning the overcrowding of a nearby property has been looked in to by the Housing team, which is an ongoing concern already being dealt with.

### **7. Recommendation**

The Application be 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 MAT03 Materials to match

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

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.

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 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.

*BACKGROUND DOCUMENTS*

**DECIDED:**

**Background**

his urban location, and it is considered that the provision of dormers would not result in any material harm to the existing situation.

On this basis, the proposal would protect the surrounding occupiers living conditions and comply with local plan CP1.

### **Living Conditions of new occupiers**

Appendix 1 of the BRLP provides guidance (Private sitting out areas): all houses should have a private sitting out area not overlooked by adjacent or opposite living rooms or sitting out areas. This area should extend at least 3 metres and be screened from adjacent properties by walls or fences above eye level from a potential vantage point.

The proposed amenity areas to the rear of the dwellings provide over the 75sqm suggested in Appendix 1 of the BRLP. The addition of the single storey rear extensions to each dwelling also provides a screen from potential overlooking from the windows of the nearby properties in Cromwell Road for a courtyard area.

The proposal will therefore provide a development with amenity areas that are private and unoverlooked, compliant with policy CP1 (ii) of the local plan and Appendix 1 of the BRLP.

### **Trees and Landscaping**

The proposal would include the loss of a medium sized conifer of the edge of the boundary, however its loss is not seen as significant by the arboricultural officer in previous submissions. Other trees are to be retained. The Council's arboricultural officers has been previously consulted and raises no objection to the removal of the conifer. A condition to protect root areas of retained trees during construction is recommended.

### **Highways and Parking**

Based on comments received from the Highway Authority, the plans have been amended to ensure adequate parking spaces are provided. The proposal includes two new access points to provide a total of four off-street parking spaces, two for each dwelling. Subject to conditions, the proposed parking and access are considered acceptable and comply with policy T2 of the local plan.

### **Other Matters**

Reference is made in representations to a 15m window to boundary guidance in and that the single storey extension falls short of this standard; this guidance (Appendix 1) refers to back-to-back rear facing windows and boundaries, which is not applicable in this scenario. No undue overshadowing of rear gardens would occur because of the

height or orientation of buildings. Matters of off-street parking provision are addressed above. Based on advice from the Highway Authority, the proposal will not result in a hazard to any road users or cause harm to the nearby bus stop.

## Conclusion

The reasons for refusal of the previous application have been overcome, and the design and location of the proposed development is considered to be acceptable.

## 6.0 RECOMMENDATION

The Application be 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 MAT01 Samples (details acceptable)

No development shall take place until details of the materials to be used in the construction of the external surfaces of the building 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

Prior to the commencement of the development hereby permitted details of the Method of Construction of the driveway within the Tree Protection Zone should be submitted to and approved in writing by the local planning authority. The construction of the driveway shall be constructed in accordance with the agreed details.

Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.

### 5

No development shall take place, including any ground works or demolition, until a

Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy T2 of the Brentwood Replacement Local Plan.

6

Prior to first occupation of the development and as shown in principle on planning drawing 2053 10 rev K, the vehicular accesses shall each be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall be 3.6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. Full details to be agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy T2 of the Brentwood Replacement Local Plan.

7

Any redundant part of the existing dropped kerb vehicular access to the south of the site frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge, footway and kerbing immediately the new accesses are brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy T2 of the Brentwood Replacement Local Plan.

8

Prior to first occupation and as shown in principle on planning drawing 2053 10 rev K, the tandem parking spaces shall be provided for each dwelling. The parking areas shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T2 of the Brentwood Replacement Local Plan.

9

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 in accordance with Policy T2 of the Brentwood Replacement Local Plan.

10

The windows identified on the approved drawings as being obscure glazed 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 window(s) 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.

#### 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, H17, T2, H14; 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.

*BACKGROUND DOCUMENTS*

**DECIDED:**

Appendix A



Title : 17 Crescent Road, Warley, Brentwood, Essex CM14 5JR

21/00573/BBC

Scale at A4 : 1:1250

Date : 29th June 2021

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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**SITE PLAN ATTACHED**

**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**

**APPLICATION NO: 21/00269/BBC**

<b>WARD</b>	Pilgrims Hatch	<b>8/13 WEEK DATE</b>	14 April 2021
<b>PARISH</b>		<b>POLICIES</b>	NPPF, NPPG, CP1, C20
<b>CASE OFFICER</b>	Mr Daryl Cook		01277 312500
<b>Drawing no(s) relevant to this decision:</b>	3614-05; 3614-03/C; 3614-04/B;		

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

**1. Proposals**

The proposal seeks 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.

**2. Policy Context**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Brentwood Replacement Local Plan 2005:

- Policy CP1 General Development Criteria
- Policy C20 Shopfronts

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held in February and March 2021, as set out in draft timetabling by the Secretary of State. The Inspector has asked for more information on some issues with further hearing sessions expected to take place in July 2021. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council towards the end of 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to complete its progress through the Examination in Public it is still considered that it currently has limited weight in the decision-making process.

### **3. Relevant History**

- 21/01018/BBC: Installation of plant to rear yard area and 2.5 metre high close boarded timber fence enclosure. – Pending Consideration
- 21/01019/ADV: 1 x Co-op non illuminated Fascia sign, 2 x Co-op internally illuminated fascia signs, 1 x Post Office internally illuminated projecting sign, 1 x Post Office Service Menu Board non illuminated and 2 x Co-op logo internally illuminated projecting signs. – Pending Consideration

### **4. Neighbour Responses**

This application has been advertised by way of neighbour notification letters (19 total) and public site notice on two occasions. At the time of writing this report, no neighbour representation has been received for this application.

### **5. Consultation Responses**

- **Building Control:**

No response received at the time of writing this report.

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority.

None of the proposals will affect the surrounding highway network, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

- **Environmental Health & Enforcement Manager:**

No response received at the time of writing this report.

## 6. **Summary of Issues**

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application include the planning history, the National Planning Policy Framework 2019 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

The main issues which require consideration as part of the determination of this application are:

- Effect of the proposal on the character and appearance of the area.
- Effect of the proposal on the amenities of neighbouring dwellings occupiers.

The application is submitted on behalf of the Co-operative Group Food Ltd by Pegasus Planning Group Ltd per the planning statement. The building and surrounding curtilage is owned by Brentwood Borough Council who are the applicants listed on the application form.

The application site comprises of an existing row of shops (Use Class E) and is situated on a corner junction shared with Clarence Road and Harewood Road. The site area is 460sqm. The surrounding area is primarily residential with a mixture of

building typology. The application building is single storey and features a tall, hipped roof profile with a rear service yard and paved frontage.

A description change was agreed during the course of determination of the application. A further period of consultation was undertaken. Revised drawings have been submitted which include the provision of a wall vents to the rear elevation.

### **Relevant Planning History**

There is a concurrent application for works relating to the installation of plant and a timber fence enclosure (application reference: 21/01018/FUL). The applicant is also aware that a separate application for Advertisement Consent is required for the works proposed within this application which is also pending consideration (reference: 21/01019/ADV).

### **Proposed Use**

The Co-operative Group Food Ltd currently occupy 6-8A Harewood Road as a convenience store in Class E use (previously A1). They seek to extend into the adjoining units which currently comprise of a hot food takeaway (now sui generis) at No.4 and a hairdresser's (Class E) at No.2. Members should note that the subdivision of the existing shop is not development which requires planning permission.

Furthermore, the proposed change of use from hot food takeaway to retail shop does not constitute development under the transitional arrangements as part of the 2020 Use Classes Order amendments which is in effect until 31/07/2021. Until such time, the use of the building continues to benefit from a permitted change of use to Class E during this period.

### **Design, Character and Appearance considerations**

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and provide satisfactory access and parking which can be accommodated by local highway infrastructure. Policy C20 requires shopfronts to be of a size, design, scale and materiality to satisfactorily relate to the building and adjacent premises.

In terms of design, the proposal seeks to provide an updated modern appearance the existing building by providing updated fenestration openings and, subject to a separate application, new signage across the principal elevation. The overall appearance of the principal façade is considered to be positive with step-free independent customer access to the store to be provided.

To the rear, the existing (mostly) flatted roof projection is to be increased in height but shall remain below the height of the eaves of the principal part of the existing building with many of the existing fenestration openings made good. An intake wall vent and discharge wall vent are also illustrated including rear doors. The existing floor level will be raised to match the existing sales floor and a rear ramp serving a fire exit is proposed. The overall scale of these alterations remains subordinate to the existing building and not readily visible from the public realm. The overall design is considered to be acceptable.

In terms of materials, the proposal seeks to utilise Grey PPC aluminium doors (RAL 7043) and traffic grey b-matt windows. An existing flat roof is to be replaced with a single ply roof and rainwater goods are to match existing. Facing brickwork is also proposed to the rear of the building to match the existing. These materials are considered to be acceptable.

Therefore, it is considered that the proposed development would not be harmful to either the character and appearance of the area; nor its visual amenity in accordance with policy CP1 (i) and (iii) of the Brentwood Replacement Local Plan (BRLP) and the National Planning Policy Framework 2019 (NPPF).

### **Effect on Neighbour Amenity**

The proposed alterations to the existing building would see a marginal increase in height of the existing (mostly) flatted roof rear projection (which remains single storey) and the inclusion of a low-level ramp to provide rear access to the fire exit. It is considered that the overall scale of these alterations, given the proximity retained from the boundaries shared with the neighbouring dwellinghouses to the north along Balmoral Road (Nos 9 through 15 [odds]) and the one to the east, No.10 Harewood Road is acceptable.

In terms of overlooking and loss of privacy, the existing access yard to the rear of the building is already screened by the neighbouring boundary treatments which comprise of timber fencing ensuring the alterations to the rear of the building would not be readily visible nor harmful to the living conditions of neighbouring occupiers.

To the front of the building, the proposed fenestration openings would overlook the public realm and street scene of Harewood Road. The Highway separates the dwellings from the application building located along Harewood Road and those along Clarence Road providing a further spatial separation.

In terms of noise and general disturbance, it is not considered that the increased footfall from the use of the building would give rise to a harmful effect on the amenities of surrounding occupiers.

Overall, the proposal would comply with policy CP1 (ii) of the BRLP and the NPPF.

### **Other Matters**

The application form states that there will be no increase/decrease in terms of the number of employees on site. However, with the loss of the shops along this row, any employee difference is unlikely to be considered significant with the expansion of the convenience store providing additional services and choice to residents. Furthermore, it is not considered its expansion would give rise to a significant threat on the sustainability of existing major retail units within Brentwood.

The opening hours of the Co Op are to remain the same as existing per the application form:

Monday-Friday: 07:00-22:00

Saturday: 07:00-22:00

Sunday and Bank Holidays: 07:00-22:00

### **Conclusion**

The proposed development, for the reasoning outlined above, is considered to be compliant with policies CP1 and C20 of the BRLP and is therefore recommended for approval subject to conditions outlined below.

## **7. Recommendation**

The Application be 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>

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**





# Appendix A



Title : 2-8A Harewood Road, Pilgrims Hatch, Brentwood, Essex CM15 9PD

21/00269/BBC

Scale at A4 : 1:1250

Date : 29th June 2021

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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**SITE PLAN ATTACHED**

**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**

**APPLICATION NO: 20/00704/FUL**

<b>WARD</b>	Brizes & Doddinghurst	<b>8/13 WEEK DATE</b>	15 September 2020
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<b>PARISH</b>	Doddinghurst	<b>POLICIES</b>
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<b>CASE OFFICER</b>	Mrs Nikki Dawney	01277312500
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<b>Drawing no(s) relevant to this decision:</b>	<p>QC Opinion - submitted 02 Dec 2020; Contamination Survey Part 1 &amp; Flood Risk Assessment submitted 22 June 2020; Planning Statement - submitted 28 May 2020; Transport Assessment - submitted 10 Dec 2020; Development Assessment against Design Guide - submitted 10 Dec 2020; Viability Report - submitted 4 Dec 2020; Arboricultural Impact Assessment - submitted 18 Nov 2020; LVIA - submitted 04 Nov 2020 (Drawings superseded) Essex Wildlife Services PEA 10 Dec 2020; EclA - submitted 10 Dec 2020; Aerial Photographs - submitted 08 July 2020</p> <p>Plans            RP03/A - type 1, RP04/A - type 2, RP05/A - type 4, RP06/A - type 3, RP07/A - type 1, RP08/A - type 1b, RP09/A - type 2, RP10/A - type 4, RP12/A - type 4a, RP12/A - type 3a, RP13/A - type 4a, RP14/A - type 4, RP15/A - type 1a - Submitted 02 Nov 2020            RP01/A - type 4, RP02/A - type 3 - submitted 10 Dec 2020; MP02/A Roof &amp; Master Plan 10 Dec 2020; Landscape Strategy Plan - submitted 10 Dec 2020; Design &amp; Access Statement Part 1 &amp; 2 - submitted 10 Dec 2020; House Types P01 type 1, P02 type 1a, P03 type 1b, P04 type 2, P06 type 3, P07 type 3a, P08 type 4, P09 type 4a - submitted 10 June 2020; Elevations 1000-P01, P02, P03, P08, P09 submitted 16 June 2020; Site Plan - submitted 10 June 2020; Existing Block Plan BP01 - submitted 10 June 2020; REDW-3351-402-RevA; REDW-3351-403</p>
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The application was referred to the Committee by Councillor Parker for the following reason:

“The site has continually tipped on for over 20 years with permission from ECC but with no monitoring which has resulted in a once beautiful site being turned into nothing more than a land fill site killing off all vegetation ancient woodland etc only recently as enforcement orders issued but during the process the owners died leaving no way to get the condition of the site remedied no one is going to clear the site as a matter of goodwill as I understand the initial cost is a minimum of 1.7million therefore some development is required to make the refurbishment of the site feasible the parish council are also in favour of this application as are my fellow councillors this site has been a thorn in the side of both parish and Borough Councillors for over 20 years with no prospect of reversing the damage caused by unregulated tipping this is the one chance to put right the devastation and remove the blight on the land and the village.

NOTE: I have been told a number of surveys made by the applicant have not been published or passed on to the appropriate departments.”

**1. Proposals**

Proposed redevelopment comprising of the construction of 15 detached dwellings, new access, retention of woodland, provision of new footpath and landscaping.

**2. Policy Context**

Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria

Policy CP2 New Development and sustainable transport

Policy H14 Housing Density

Policy T2 New Development and Highways

Policy T5 Parking

Policy C3 Wildlife and Habitat Sites

PC1 Land Contamination.

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held in February and March 2021, as set out in draft timetabling by the Secretary of State. The Inspector has asked for more information on some issues with further hearing sessions expected to take place in July 2021. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council towards the end of 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to complete its progress through the Examination in Public it is still considered that it currently has limited weight in the decision making process.

#### National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

### **3. Relevant History**

- 95/00725/FUL – Retention of agricultural building; REFUSED
- 97/00731/FUL – Retention of residential mobile home; REFUSED
- 05/00083/ENF - Change Of Use Of The Land From Agricultural Use To Residential Use; No Further Action
- 07/00053/ENF – Removal of Trees
- 16/00148/UNOPDE – Material COU of land without permission for the importation, deposition, storing and spreading of waste materials (including soils, rubble and other similar waste materials thereby substantially raising the land levels. Notice Served.

- 19/06065/PMAJ – Redevelopment of the site for up to x16 dwellings – Not supported by officers

#### 4. **Neighbour Responses**

X19 letters of objection have been received relating to;  
 Development of Green Belt land  
 Impact to wildlife  
 Flooding  
 Access road to narrow

X22 letters of support have been received relating to;  
 Improvement to derelict/contaminated site

#### 5. **Consultation Responses**

- Parish Council:

Thank you for your letter of 16th June 2020.

Doddinghurst Parish Council have now visited the above site and discussed the Planning Application.

At DPC Full Council Meeting on 2nd July, the Council agreed the following resolution for submission in response to the notification notice received:

*"Given the unfortunate history of Waterworks Spring Farm, the Planning Committee, having visited the site and discussed the current development application, is minded not to oppose it providing that it is viewed as 'exceptional' and does not form a precedent for any future planning applications"*

- **ECC SUDS:**

Thank you for your email received on 22/06/2020 which provides this Council with the opportunity to assess and advise, again, on the proposed surface water drainage strategy and additional information for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- o Non-statutory technical standards for sustainable drainage systems
  - o Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
  - o The CIRIA SuDS Manual (C753)
  - o BS8582 Code of practice for surface water management for development sites.
- Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and the additional information, we do not object to the granting of planning permission subject to conditions.

- **Environmental Health & Enforcement Manager:**

I refer to your memo in connection with the above-mentioned application and would make the following comments.

This site has been subject to various uses in recent years, including some agricultural uses and has also been used to deposit unknown materials, including hardcore, aggregates and waste material of various types that have been dumped in several areas of the site without permission.

It is possible that these materials could include hazardous chemicals and materials including asbestos content and other products that could cause harm to the proposed development and future users of the site.

A preliminary risk assessment has been submitted with the application, which recommends that further intrusive site investigations should be undertaken to determine the nature and extent of any contamination present and propose suitable remediation measures.

I would therefore request that conditions are attached to any planning approval requiring that further investigations, remediation measures and validation are undertaken to protect the amenity of future site users and against pollution of soil or water from deposited materials likely to remain on the site.

- **Essex Wildlife Trust:**

Dated 7th April 2021

Further to our previous email regarding the above proposal we wish to advise that Essex Wildlife Trust continues to object to this application.

While we acknowledge that an Ecological Impact assessment has now been provided which includes the required protected species assessments it remains the case that the proposed development would destroy part of a designated Local Wildlife Site (LoWS) and result in increased recreational impacts and disturbance on the retained ancient woodland.

Doddinghurst Woods LoWS comprises of a mosaic of ancient and recent broadleaved and scrub habitats, parts of which are well used by local residents as a recreational resource. We recognize that it has been suffering piecemeal erosional loss due to the activities on the small holdings for many years, so that only the northern half now remains intact. However, it is essential that important habitats in a current degraded condition are not undervalued for the purpose of promoting development of that habitat. Ancient woodland is an irreplaceable habitat and such sites in unfavourable condition should be targeted for sympathetic

management to restore them to their former condition. Poor condition of an irreplaceable habitat should not be seen as a gateway to development of that habitat.

Out position is supported by the CIEEM Guidelines for Ecological Impact assessment.

The applicant has not provided sufficient evidence that there is an overriding need for additional housing in this location to justify the loss of part of a designated LoWS and further impacts from increased recreational pressures on an irreplaceable ancient woodland habitat.

- **Arboriculturalist:**

The majority of the site was originally ancient woodland which was covered by TPO 18/1981. Over time much of the woodland has been lost subsequently. In addition there is evidence that some of the remaining trees are declining probably as a result of soil contamination or waterlogging as discussed in the arboriculture report.

Part of the site is designated as Doddinghurst Woods Local Wildlife Site.

The application is now supported by ecological appraisals, an arboriculture assessment and a landscape and visual impact assessment. These all recognise the past value of the site as ancient woodland and the ongoing erosion of the woodland over time. Despite this the proposed layout has clearly sought to maximise the extent of the development area which has restricted the opportunities to provide meaningful mitigation for the past loss of habitat features, particularly for the woodland.

I would agree with the LVIA that the extent of effects on landscape character and visual amenity would be limited due to the extent of surrounding trees and woodland and its relatively small size. The LVIA however recognises that at a site level that the magnitude of the effects would be Medium-Large and importance of the effect Moderate-Major.

The LVIA recognises that Natural England recommends a buffer of 15m adjacent to ancient woodland; however it acknowledges that in this case only a 10m buffer will be provided. The reasons for this are not given. There has been an ongoing erosion of ancient woodland which is part of a designated Local Wildlife Site. It is considered that the scheme should be seeking to recreate woodland, not just buffer it by less than that recommended by Natural England.

The density and footprint of the proposed development means that houses are positioned close to boundaries, particularly along Dagwood Lane. This will increase their visual prominence and is also likely to result in issues as the



boundary buffer planting develops. It will also position houses very close to the remaining area of woodland.

The central 'green' appears to be trying to deliver ecological mitigation while functioning as an amenity green. Given its small size, the extent of mown grass and limited connection to the remaining wood it is considered that the habitat features would be of limited value.

It is considered that the scheme has sought to include too many dwellings which would be out of character with the location. It also prevents meaningful mitigation for the loss of woodland and to provide an appropriate landscape scheme which would complement its rural, green belt setting.

I am unable to support this application.

- **Historic Buildings And Conservation Officer:**

This advice letter is offered in response to additional information received within the determination period of this application, including the applicants 'Assessment of Proposal against the Government's National Design Guide'.

Having assessed this recently submitted information I remain in objection to the proposals, I find the scheme non-compliant with the National Design Guide<sup>1</sup> and of low standard design, contrary to Para 130 of the National Planning Policy Framework.

The submitted 'Assessment of Proposal against the Government's National Design Guide' does not alter the professional opinion offered in my two previous advice letters.

The 10 Characteristics of Place are the priorities set out by Government and not a 'check list' as the submitted 'Assessment' paper from the applicant suggests, these characteristics should inform the baseline of a design proposal in order for high quality design, which responds to local character and priorities, to be achieved. Successful development in the first instance can be derived from a robust and surgical analysis of context. I do not concur this scheme has had a robust analysis of context which results in an informed narrative. In addition, it remains deficient in its proposed layout, scale, architectural style and inclusivity.

By way of example, in the opening section of the submitted report, the applicant discusses landscape impact and mitigation as the basis and scope of the contextual analysis undertaken; whilst landscape, is a key component of contextual analysis in this rural location, there remains no meaningful analysis which has resulted in an approach to design and development; mitigation directing the LPA to screening is not the ambition of this section of the National Design Guide (refer to Policy C1). From my own assessment of this location, I find it to be rural and verdant.

Cartographic data shows this historically as an undeveloped area to the south of the historic Doddinghurst settlement with ancient woodland; vernacular farmsteads being the only break in openness from settlement to settlement, this in itself offers a significant cue for a design language to be based upon, which, should the principle of development be accepted could be interrogated to a greater degree.

To take this further, the next point made by the applicant is in relation to Identity, the commentary offers a description of the submitted architectural style being that of 'chalet style bungalows'; in the first instance, Identity is more than the architectural output, however on the point of typology, this haphazard collection and spread of architectural design and styles, lacks any relation to context and does not appear as landscape led in response to the site constraints; in terms of detail the expanses of glazing proposed, results in higher level of artificial light pollution and the bulk visible in the roofscape is not akin to modest bungalow dwellings as described.

From site layout to elevational treatment, the scheme is urban in nature and scale, in stark contrast with its environs, which is evidenced by the applicants own Landscape Appraisal. The layout submitted remains that of a quite outdated estate approach to development, with large dwellings stretching around a vehicular circuit; given the rich environs of this landscape and the rural lanes linking settlements and urban grain, this reaffirms the contextually inappropriate nature of the proposed development. There remains a misleading statement which infers an ancient forest can be 'reestablished'; Green and Blue infrastructure is the first layer to establish through the contextual analysis, integral to how layout should evolve.

In terms of materiality, the palette proposed is not informed by local analysis as is suggested by the 'Assessment', by way of example, 'stone' is not indigenous to Essex; it is the vernacular buildings and farmsteads within the open landscape which are positive contributors in this rural location. Whilst the LPA should not impose a style, a truer narrative would result in a more appropriate material selection.

The assessment refers to 'Homes & Buildings' however this commentary reinforces my advice regarding scale and inappropriate typologies and contrasts with the earlier section of the same document, it states 'the proposed dwellings are spacious in size, comprising of four/five-bedroom detached dwellings and three reception rooms'. In terms of Affordable Housing no reference to inclusivity is apparent. The characteristic regarding Resource has perhaps been misinterpreted, I have no information before me relating to a fabric first approach and low carbon aspirations tested within the scheme, I appreciate there are technical documents relating to SUDs which the ECC consultee can advise upon.

As with my previous consultee advice, even if the principle of development was accepted, this scheme is unresponsive to its context and the verdant character of the environs, no greater analysis is provided which underpins the narrative for development resulting in incongruous proposals.

As a consequence of the above, I am unable to support the proposed development, I conclude it is contrary to National Planning Policy and the National Design Guide. I trust this advice is of assistance.

- **Design Officer:**

Having assessed the submission, I advise should the principle of development be accepted given the Green Belt designation the proposals within this submission are unsupported by Urban Design.

The submission is accompanied by a Design and Access Statement (DAS, Part 1 and Part 2), this sets out the site location and makes reference to ancient woodland and intent for the 'reestablishment of the forest'. Limited commentary in relation to the proposed new development is offered on p.11 with the design rationale stating the units are located upon the perimeter of the site with a 'community green' in a central location with a 'spring will form the focal point of a community green central to the development. Reed beds and gabion walls will be introduced to encourage wildlife around the spring and trees planted to create an enjoyable place for residents to roam. A pergola will be introduced within the communal green also.

No wider and in-depth analysis is provided which conveys the narrative for development has been informed by context including topography, green infrastructure, long views and architectural intent. The aerial views submitted show a flat site with units floating and it cannot be relied upon as a true reflection of proposals in their context.

The National Design Guide sets out clearly the importance of developing successful places based on ten characteristics. No reference has been made to National guidance and certainly the proposals fail with regard to C1 as a minimum; notwithstanding this matter, from my own assessment I find the proposed layout repetitive and the proposals lacking in character with no sense of Place. Units are too spread across the site and certainly will appear incongruous given the verdant location.

The 'community Green' is bounded by a vehicular route and I question how usable and meaningful this would be for any future occupiers.

In terms of inclusivity there is no provision for affordable units, this is not a sustainable location and future residents would be heavily reliant upon private use transport. There is also a silence on renewables.

Taken as a whole, cumulatively the submission is deficient in Placemaking and not informed by the context and qualities of this Countryside setting.

As a consequence of the above I advise the proposals are not supported by Urban Design.

URBAN DESIGN ADVICE  
SECOND LETTER

This advice letter is made in response to additional drawings received by the LPA, these include a 'Roof Plan/Masterplan' and a series of 'Roof/Plot Plans' and Landscape & Visual Impact Assessment.

Having assessed the submitted information, I take note of minor revisions however the approach to this scheme is not compliant with the clear policies set out within the National Design Guide, as such, I remain a holding objection in design terms. Even if the principle of development was accepted, the scheme is unresponsive to context and the verdant character of its environs. As with my earlier advice, no wider or in-depth analysis is provided which conveys the narrative for development has been informed by context including topography, green infrastructure, long views and architectural intent. There remains a misleading statement which intimates a that an ancient forest can be 're-established', even with new planting the basic principles of 'Place' is much more than this.

The 'Central Green' does show an above ground SUDs feature and a more organic road, but designing Places, is much more than 'layout'; I strongly advise if the principle is accepted then a fresh approach is embarked upon, one which is led step by step in alignment with the National Design Guide and is fully inclusive. I insert a link to the NDG to assist the applicant.

<https://www.gov.uk/government/publications/national-design-guide>

- **Ark Consulting**

Consultation has been sought from Ark Consulting on the submitted viability assessment. The following comments have been provided.

The Viability Statement submitted by the applicant notes that no background viability assessment for this site has been produced by the LPA. As a point of note this is because the site is unallocated (due to the Green Belt location and lack of sustainability) and would not have been subject to the emerging local plan level viability assessment.

The viability statement focuses on land value in sections 5 and 7. Having recognised that the way to establish Benchmark Land Value (BLV) is to start with Existing Use Value and add an appropriate landowner's premium, the author rejects that approach in favour average BLVs for the area. Guidance and accepted practice on landowner's premiums suggests a range of anywhere between 10% and 25%. Montagu Evans, when advising another current applicant at Brentwood, agreed 20% with the applicant as the appropriate premium. The main issue though is EUV. The existing site value is unknown. It is contaminated even for its sometime agricultural use so it is arguable that the only value in this land is speculation/hope value. The land value offered in the viability statement is therefore unsubstantiated.

The suggested sale prices seem to be supported by three agents' opinions on value plus some comparable which appear fairly new but second-hand properties which wouldn't enjoy the new build premium..

The abnormal/site contribution costs, used to justify no s106 contributions, at 11.2 are not supported by evidence. A total cost of £200K for 75 trees is suggested which equals £2,666 per tree. No offer of costs is made by the application to Health or Education.

The suggested build price at £2,518/m<sup>2</sup> net of dealing with the contamination costs is considered excessive given full intrusive contamination investigations are yet to be undertaken.

The suggested cost for the remediation work is £1.75m. That equates to £116,660 per dwelling. Again, given full intrusive contamination investigations are yet to be undertaken there is no evidential justification for this high cost in the information submitted.

- **Basildon Fire Station:**

I refer to your correspondence and consultation regarding the application for the proposed redevelopment comprising of the construction of 15 detached dwellings, new access, retention of woodland, provision of new footpath and landscaping - REVISED DOCUMENTS; as a result the submission has been considered and the following observations are made:

**Access**

The proposal itself does not affect fire service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of the Act.

Fire service access to the proposed dwellings appears to be sufficient provided the requirements of The Building Regulation Approved Document B Fire Safety Volume

- **Affinity Water & Thames Water Development Planning:**

**Waste Comments**

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

- **Highway Authority:**

Proposed redevelopment comprising of the construction of 15 detached dwellings, new access, retention of woodland, provision of new footpath and landscaping

The documents accompanying the application have been duly considered and, from a highway and transportation perspective, the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons;

The proposed development as submitted will be detrimental to highway safety due to potential vehicular and pedestrian conflict along the Dagwood Lane, which is a narrow, rural route. The change to residential use will increase pedestrian movements to and from the site and the developer is unable to guarantee alternative safe pedestrian linkage to the site within land under their control.

The developer is proposing the provision of three passing places on Dagwood Lane west of the site that are not within land under their control or the highway boundary. Given its narrow single-track nature, passing places are required to enable two vehicles to be able to pass each other safely and avoid damage to the highway verge.

The proposed site location with its lack of footways would mean that the majority of all journeys generated by the proposal would be by private vehicles. The proposal is not considered to be sustainable due to the reliance on this mode of transport to access essential daily services such as shops, employment, education and public transport.

Notes;

NPPF paragraph 108 states that in assessing applications for development, it should be ensured that "safe and suitable access to the site can be achieved for all users." Paragraph 110 continues that applications for development should "create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles..." The application does not achieve this. The proposals contained within the Transport Statement to provide a new footpath link to the north of the site and passing places on Dagwood Lane are noted. However, the applicant is unable to ensure their deliverability due to the land not being in their control. The Highway Authority is therefore unable to support the plans.

2<sup>nd</sup> Letter following full review of additional information

The documents accompanying the application have been duly considered and a site visit carried out. From a highway and transportation perspective, the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons;

1. The proposed development as submitted will be detrimental to highway safety due to potential vehicular and pedestrian conflict along the Dagwood Lane, which is a narrow, rural route. The change to residential use will increase pedestrian movements to and from the site and the developer is unable to guarantee safe alternative pedestrian linkage to the site within land under their control.
2. The proposed site location with its lack of footways would mean that the majority of all journeys generated by the proposal would be by private vehicles. The proposal is not considered to be sustainable due to the reliance on this mode of transport to access essential daily services such as shops, employment, education and public transport.

Notes;

NPPF paragraph 108 states that in assessing applications for development, it should be ensured that “safe and suitable access to the site can be achieved for all users.”

Paragraph 110 continues that applications for development should “create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles...” The application does not meet these requirements.

The proposals for a new footpath link to the north of the site are noted. However, the applicant is only able to ensure a link to a Public Right of Way is provided. The Public Right of Way connection to Doddinghurst village is not suitable for day to day use and would require improvements to make it usable all the year round. However, this section is apparently not under the applicant’s control, so its delivery cannot be guaranteed.

The application, as it stands, would therefore lead to pedestrians having to walk on the road along Dagwood Lane, which is a narrow, unlit single-track route. This is to the detriment of highway safety.

Should the applicant be able to confirm that they can provide a suitable pedestrian link to Doddinghurst that is usable at all times of the year, the Highway Authority may be able to reconsider its position.

- **Essex Badger Protection Group:**

Thank you for allowing us to review this application once again and we note that a revised landscape strategy plan has now been submitted showing a further loss of woodland to the north of the site in order to accommodate larger gardens and an altered road layout.

As confirmed in the latest Wildlife and Countryside Link Report, the badger remains the most persecuted protected mammal in the UK and it is therefore imperative that

the location of any badger setts remains strictly confidential and is not published on public forums. As the commentary which follows relates to the location of known badger setts, we ask that it is not uploaded to the planning portal.

The Essex Badger Protection Group currently has no record of any setts close enough to be at direct risk of harm, but a sett is known to be located in the wider woodland area to the West, less than 400m away. The updated badger survey dated November 2020 also documents the sighting of a badger within the woodland on site, and a latrine, demonstrating that badgers do have a transitory presence. With this in mind, whilst we have no objection to this revised application, approval should be conditional upon the strict adoption of the mitigation measures detailed within the Phase 1 Habitat Survey from Brindle & Green documented under section 6.2.7.

2<sup>nd</sup> Letter

Thank you for allowing us to review this application once again and we note that a landscape strategy plan has now been submitted, showing proposed under road wildlife corridors linking the wildlife area to the centre of the development to the wider environment which is known to house badgers. We welcome this proposal and recommend that the adoption of such measures is made a condition of any planning permission granted.

We have not been provided with any additional badger surveys and are therefore assuming that the earlier EECOS report remains valid. If this is not the case and there is updated information available then please provide us with a copy as soon as possible as our comments may need to be reviewed.

However, based on the information currently before us, we have nothing further to add our email of 30th June, sent in response to the original consultation and summarised below.

- **Mr Alan Twine:**

Further to my previous comment of 24 June 2020, Essex Police has since been contacted by the applicant and we have held a very constructive meeting to discuss Crime Prevention Through Environmental Design, in this proposed development. The applicant has provided full and satisfactory details about lighting, boundary treatments and physical security measures and other Designing Out Crime issues. The applicant has also confirmed that they will be seeking the Secured by Design accreditation as recommended. (<https://www.securedbydesign.com>).

If the planning application is approved the applicant has agreed to work closely with Essex Police towards ensuring the provision of a safe and secure environment for potential residents.

## 6. **Summary of Issues**



The site covers an area of approximately 3.5 hectares with an irregular boundary. The site comprises a small holding and includes a 'mobile' home, an extensive range of timber outbuildings, storage buildings and a pond. The site is located in the centre of Green Belt land which separates the villages of Doddinghurst and Kelvedon.

The southern boundary of the site is formed by Dagwood Lane and is opposite agricultural fields. The northern boundary is defined by the host ancient woodland leading to Doddinghurst. A farm is located to the northwest boundary. To the east are further fields leading to Doddinghurst. Access is via a field gate onto Dagwood Lane.

The site is verdant, wooded and rural in character. The boundaries are intermittently lined with mature shrubs and trees. The topography of the site undulates from west to east with a rise in land level to the south-eastern corner due to unauthorised landfill in 2016. Since then the site has been vacant and has fallen into a state of dilapidation.

The built form on site is in a state of disrepair. Many of the timber outbuildings are decrepit and the mobile home is vacant. The timber storage buildings are in fact a proliferation of chicken coops. The collection of structures can be partially viewed from Dagwood Lane and the surrounding woodland and fields but a large proportion of the built form, since the site has been inactive since 2016, has been reclaimed by soft landscaping and as noted by a local resident, wildlife such as deer have returned to the area.

### Green Belt

The government attaches great importance to Green Belts. Para 133 of the NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristic of Green Belts are their openness and permanence. Para 134 establishes the five purposes of the Green Belt, pertinent here is c) to assist in safeguarding the countryside from encroachment. Para 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless in very special circumstances. Para 145 adds that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and lists seven exceptions. Relevant here is:

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continued use (excluding temporary buildings) which would - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the LPA.*

As such the NPPF supports the development of land which is or was occupied by a permanent structure (excluding temporary buildings), including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure ie hardstanding) provided it does not cause substantial harm to the openness of the Green Belt.

In response, planning permission is usually only granted for a development of the same volume, height and sprawl of the existing. Therefore, any development here should follow the permanent built form on site. It is accepted that the unauthorised landfill works here render this site as previously developed land.

The development potential here is limited to the 'mobile' home which has evidently been in situ since 1997 and the existing timber outbuildings. However, the plethora of chicken coops are moveable structures without fixed foundation and cannot be considered permanent, but officers concede that these are an unattractive feature within this Green Belt site. The existing buildings combined with the chicken coops and small area of access road could potentially provide a small number of residential dwellings provided the development responds to the sprawl, height and volume of the existing mobile home and outbuildings. However, a quantum of 15 dwellings as proposed is far in excess of a comparable level of built form on this site and is contrary to the spirit of para 145 point (g) of the NPPF.

#### *Openness*

The 15 dwellings proposed would be detached two storey dwellings arranged across the south of the site.

In determining the nature and extent of impacts on Green Belt openness it is appropriate to assess both visual and spatial impacts. No comparable calculations of the existing and proposed built form have been provided by the applicant but it is evident from the block plans and elevations submitted that the proposed development would result in a significant increase in footprint, height, sprawl and volume confirming a substantial spatial increase in built form on site and thus a reduction in openness.

In terms of visual perception, the openness of the Green Belt comes from an absence of built development. Despite existing pockets of woodlands and hedgerows providing partially screening even during winter months the site is visible from several points along Dagwood Lane and the surrounding farm and agricultural fields. And particularly from the remaining areas of ancient woodland to the north which remains a valuable community leisure resource. Although the undulation of the land may result in partial visibility of some areas of the site, a larger proportion will be visible. This combined with the creation of an access road, landscaped rear gardens, access tracks, fencing and resultant domestic paraphernalia would mean the visual impact of the proposed development would be significantly greater than

the existing built form causing substantial visual harm to the openness of the Green Belt contrary to para 133 of the NPPF.

#### *Countryside encroachment*

The cumulative effect of the increase quantum of the development proposed here would create a sprawl of built form resulting in countryside encroachment. The applicant argues that the site is located within an area of green belt which is detached from both Doddington and Kelvedon, limiting urban sprawl. Resistance to countryside encroachment aims to protect villages merging by the piecemeal erosion of open Green Belt land which surrounds them. It is acknowledged that the proposed development would not directly extend a village envelope or merge Doddington and Kelvedon with immediate effect but an excessive expanse of built form here in an area of Green Belt which is characterised by the connectivity of a mosaic of open land which creates a green buffer to these named villages is a vital contribution to the resistance of countryside encroachment now and in the future. It must be remembered that essential characteristics of Green Belts are their openness and their permanence.

Therefore, the proposed development would fail to serve one of the five purposes of the Green Belt namely; to assist in safeguarding the countryside from encroachment contrary to para 134 point (c) of the NPPF.

Overall, the proposed development would represent inappropriate development in the Green Belt contrary to para 133, 134 and 145 (g) of the NPPF.

#### Very Special Circumstances

Where the proposal is considered inappropriate development in the Green Belt consideration should be given to whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The applicant has submitted a legal opinion which presents the following as 'very special circumstances'

#### *Woodland Mismanagement and Wildlife Habitat*

It is acknowledged that the site is in a state of disrepair. It is also acknowledged that the site has been subject to the loss of ancient woodland that can never be replaced. An Ecological Impact Assessment has been submitted in an attempt to mitigate this loss and the impact of the development. The Essex Wildlife Trust have been consulted and consider that it remains the case that the proposed development would destroy part of a designated Local Wildlife Site (LoWS) and result in increased recreational impacts and disturbance on the retained ancient woodland.

Circular 06/20052 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted.

Para 175 of the NPPF lists a set of principles to local planning authorities should apply when determining planning applications pertinent here is;

*(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 58 and a suitable compensation strategy exists.*

Brentwood Borough Council's Arboriculture and Ecology consultant has also been consulted and states that the central 'green' appears to be trying to deliver ecological mitigation while functioning as an amenity green and addressing surface water drainage. Given its small size, the extent of mown grass and limited connection to the remaining wood it is considered that the habitat features would be of limited value.

In light of the objection raised by The Essex Wildlife Trust and BBC Arboriculture and Ecology it does not follow that where a site is in disrepair and ancient woodland and wildlife habitat has been lost its replacement with new landscaping and built form is justified. Such a proposal would be contrary to NPPF para 175 and planning policy C3 and would not be considered as a very special circumstance.

#### *Contamination*

It is acknowledged that the site was subject to unauthorised landfill in 2016 following the cessation of some agricultural uses. The landfill deposits are unknown materials, including hardcore, aggregates and waste material of various types. Environmental Health Officers note that it is possible that these materials could include hazardous chemicals and materials including asbestos content and other products that could cause harm to the proposed development and future users of the site.

The applicant has submitted a preliminary risk assessment which recommends that further intrusive site investigations should be undertaken to determine the nature and extent of any contamination present and propose suitable remediation measures.

Whilst Environmental Health Officers request the additional information via condition should permission be granted, this aspect informs the submitted viability assessment.

It is recognized that the proposed development would offer remediation of contaminated land. However, without further intrusive tests the full extent of the contamination has not been established and ergo the total cost of remedy. Without substantive and conclusive information at the point of determination this aspect is

considered contrary to planning policy PC1 and cannot be considered as a very special circumstance.

### *Housing Need.*

Although no affordable housing is proposed the scheme would deliver market housing and the provision of 15 dwellings would contribute to Brentwood Borough Councils 5 year housing supply. The Councils current position is 2.36years supply, a substantial shortfall.

In this regard and in the avoidance of doubt, Brentwood Borough Council is working towards a 5 year housing land supply with suitable sites allocated within the emerging local plan. These sites are sustainably located within the Borough. The proposed development of 15 dwellings would have a small impact to the shortage in the housing supply. However, it would rely on the development of an area of verdant, wooded, rural Green Belt Land. The NPPF lists specified protected areas such as greenbelt, where a permissive approach to development does not apply as protection of the greenbelt provides a strong reason for restricting development. In addition, the extent, scale and remediation cost of the contamination costs on site would lead officers to question the deliverability of the site.

The quantum impact to the 5 year housing supply and deliverability should be considered with the sustainability of the site. Local infrastructure such as buses are a 10-20 min walk from the site. The closest train station is a 50min commute. Local services in Kelvedon are 20 min walk or 40min commute away. Doddinghurst is closer at 10min walk and 15min commute. Therefore, the use of a private vehicle to ensure connectivity to local infrastructure and services is likely and the site is not sustainable.

Therefore, notwithstanding the current housing supply shortfall, it does not follow that were there is insufficient housing supply permission should be granted regardless of context.

- Other matters

### Viability

The applicant states that the quantum of 15 residential dwellings is informed by the viability assessment which suggests that the cost of remediation work is £1.75m. That equates to £116,660 per dwelling. Build cost of £2,518/m<sup>2</sup> net per dwelling in dealing with contamination and a total cost of £200K for 75 trees which equals £2,666 per tree. Consultation has been sought from specialist consultants (Ark Consulting) on this issue and the response is included at the top of this report. Ark Consulting are of the view that these figures are excessive, given full intrusive contamination investigations are yet to be undertaken. There is no evidential justification for this high cost in the information submitted to justify the quantum of development proposed.

### Affordable housing

Para 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Exemptions to this 10% requirement should also be made where the site or proposed development are that the site provides solely for Build to Rent homes; provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); is proposed to be developed by people who wish to build or commission their own homes; or is exclusively for affordable housing, an entry-level exception site or a rural exception site.

The site meets none of these exceptions and 10% affordable housing would be expected. The applicant states that due to the high cost of remediation 10% affordable housing is not possible. However, as discussed above the viability statement is light on evidential justification in this regard.

### Highways

Essex County Council Highways Engineers have been consulted twice during the life of this application in response to additional information provided by the applicant. ECC Highways consultation response is included in full at the top of this report. It concludes that the proposed development would be detrimental to Highway Safety due to potential vehicular and pedestrian conflict along the Dagwood Lane. In addition, the lack of deliverable footways would mean that the majority of all journeys generated by the proposal would be by private vehicles which is not sustainable.

In response to the proposed footpath connection to Doddinghurst Village ECC Highways note that the applicant is only able to ensure a link to a Public Right of Way is provided. The Public Right of Way connection to Doddinghurst village is not suitable for day to day use and would require improvements to make it usable all the year round. However, this section is apparently not under the applicant's control, so its delivery cannot be guaranteed.

The application, as it stands, would therefore lead to pedestrians having to walk on the road along Dagwood Lane, which is a narrow, unlit single-track route. This is to the detriment of highway safety contrary to para 108 and 110 of the NPPF

## Heritage and Design

Point (i) of policy CP1 (General Development Criteria) states that the Council will need to be satisfied that the proposed development would not have an unacceptable detrimental impact on the visual amenity and character and appearance of the surrounding area. Point (iii) states that the proposal should be of a high standard of design and layout and should be compatible with its location and any surrounding development in terms of size, siting, scale, style design and materials.

The principle of this form of development is not supported on this site in Green Belt terms and in light of the Heritage and Design officer's comments above the proposed design and intensification of the open countryside setting is not supported by officers. The scheme is much too urban in its layout and architectural language, with a generic scale, roofscape and detail approach; quite the contrary to the landscape character of its context and certainly not derived from an appreciation of the surrounding area. The scheme would be more akin to an urban extension or estate development.

Overall, the proposed development, by reason of its layout and architectural language, with a generic scale, roofscape and detail approach, represents an urban development within the landscape character and context of a rural area and would result in an unacceptable detrimental visual impact on the visual amenity and character and appearance of the surrounding area conflicting with the countryside setting. Contrary to planning policy CP1 of the local Plan and Chapter 12 of the NPPF.

## Landscape

The majority of the site was originally ancient woodland which was covered by TPO 18/1981. Part of the site is designated as Doddinghurst Woods Local Wildlife Site.

The applicant has submitted ecological appraisals, an arboriculture assessment and a landscape and visual impact assessment (LVIA). The LVIA asserts that the extent of effects on landscape character and visual amenity would be limited due to the extent of surrounding trees and woodland and its relatively small size. The LVIA however recognises that at a site level that the magnitude of the effects would be Medium-Large and importance of the effect Moderate-Major.

The LVIA recognises that Natural England recommends a buffer of 15m adjacent to ancient woodland; however it acknowledges that in this case only a 10m buffer will be provided. The reasons for this are not given. It is considered that the scheme

should be seeking to recreate woodland, not just buffer it by less than that recommended by Natural England.

The density and footprint of the proposed development means that houses are positioned close to boundaries, particularly along Dagwood Lane. This will increase their visual prominence. It will also position houses very close to the remaining area of woodland.

It is considered that the scheme has sought to include too many dwellings which would be out of character with the location. It also prevents meaningful mitigation for the loss of woodland and to provide an appropriate landscape scheme which would complement its rural, green belt setting. Therefore the proposed development is contrary to planning policy C3 of the Local Plan.

### SUDS

The central 'green' appears to be trying to deliver ecological mitigation while functioning as an amenity green and addressing surface water drainage. Given its small size, the extent of mown grass and limited connection to the remaining wood it is considered that the habitat features would be of limited value. However, the 'Central Green' does show an above ground SUDs feature and a more organic road. SUDS have been consulted and now raise no objection to the scheme.

### Education

15 residential dwellings may create a need for education services from the adjacent villages of Doddinghurst and Kelvedon. No information has been submitted by the applicant to justify no S106 contributions in this regard.

### Health

15 residential dwellings would create a need for health services from the adjacent villages of Doddinghurst and Kelvedon. No information has been submitted by the applicant to justify no S106 contributions in this regard.

### Planning Balance

The site constitutes previously developed land in a relatively isolated area of Green Belt and the proposed works would exceed the volume of existing built form on site representing inappropriate development in the Green Belt that fails to comply with the purposes of including land in the Green Belt. The sprawl of development would result in substantial harm to the openness of the Green Belt. The provision of market housing, contamination remediation and woodland management would not mitigate this harm. It is the view of the officers that no substantiated very special



circumstances have been advanced by the applicant to clearly outweigh the harm to the openness or character of the Green Belt that would result from this development. Therefore, the proposed development fails to comply with paras 133, 134 (c), 143, 144 and 145 (g) of the National Planning Policy Framework 2018

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

### Reason 1

The site constitutes previously developed land in a relatively isolated area of Green Belt and the proposed works would exceed the volume of existing built form on site representing inappropriate development in the Green Belt that fails to comply with the purposes of including land in the Green Belt. The sprawl of development would result in substantial harm to the openness of the Green Belt and the provision of affordable housing would not mitigate this harm. In the view of the Council there are no substantiated very special circumstances to clearly outweigh the harm to the openness or character of the Green Belt that would result from this development. Therefore the proposed development fails to comply with planning policy GB1, GB2 and paras 133, 134 (c), 143, 144 and 145 (g) of the National Planning Policy Framework 2018

### Reason 2

The proposed development, by reason of its layout and architectural language, with a repetitive scale, roofscape and detail approach, represents an urban development within the landscape character and context of a semi-rural area and would result in an unacceptable detrimental visual impact on the visual amenity and character and appearance of the surrounding area conflicting with the countryside setting. Contrary to planning policy CP1 of the local Plan and Chapter 12 of the NPPF.

### Reason 3

The proposed development as submitted will be detrimental to highway safety due to potential vehicular and pedestrian conflict along the Dagwood Lane, which is a narrow, rural route. The change to residential use will increase pedestrian movements to and from the site and the developer is unable to guarantee safe alternative pedestrian linkage to the site within land under their control.

### Reason 4

The proposed site location with its lack of footways would mean that the majority of all journeys generated by the proposal would be by private vehicles. The proposal is

not considered to be sustainable due to the reliance on this mode of transport to access essential daily services such as shops, employment, education and public transport.

#### Reason 5

The proposed development fails to provide affordable housing provision which is expected on a site of 10 or more dwellings. This is contrary to the expectations of para 64 of the NPPF.

#### Reason 6

The proposed development would destroy part of a designated Local Wildlife Site (LoWS) and result increase recreational impacts and disturbance on the retained ancient woodland contrary to Such a proposal would be contrary to NPPF para 175, Circular 06/20052 and planning policy C3 of the local plan

#### Informative(s)

##### 1. INF05 Policies

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.

##### 2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

##### 3 U0007906

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. Furthermore the opportunity was provided for the applicant to revise the proposal in a way that might have overcome the objections to the application but the applicant requested that the application be determined as it stands.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**



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Appendix A



Title : Waterworks Spring Farm, Dagwood Lane, Doddinghurst, Brentwood, Essex CM15 0RX

20/00704/FUL

Scale at A4 : 1:2500

Date : 29th June 2021

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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**SITE PLAN ATTACHED**

## **HUTTON GARDEN CENTRE NORTH DRIVE HUTTON BRENTWOOD CM13 1SH CONSTRUCTION OF 6 DETACHED HOUSES**

**APPLICATION NO: 21/00262/FUL**

**WARD** Hutton East **8/13 WEEK DATE** 28 April 2021

**CASE OFFICER** Mr Mike Ovenden **Extension of time** 2 July 2021

**Drawing no(s) relevant to this decision:** 18-057/01/B; 19-057/03 REV B; 19-057/01 REV C; 19-057/05 REV C;

This application has been referred to committee at the request of Councillor Hossack for the following reasons:

- North Drive has a history of Brown Field sites in the GB passing for residential development. The site immediately opposite the garden centre site being a case in point. In all cases including this one, there has been a nuisance factor where the commercial use of sites has impacted on neighbouring residents. In the case of this site where EH have been involved re burning of waste etc.
- The long term solution is appropriate residential development that whilst delivering in the need for housing on redundant land has the additional benefit of eliminating problems brought about by commercial activity in residential areas.
- The applicant has engaged previously with residents and the local resident group and there was broad support for this scheme. The scheme had also been adjusted by the applicant have taken on board feedback from residents particularly around parking provision.
- Whilst as in the case, with all other developments in North Drive, it is acknowledged the land is designated GB, the reality of the situation, upon inspection, is that this site, whilst surrounded by development on all sides, will have no impact on GB openness and the residential envelope will not be extended into open GB, unlike like other sites in North Drive that have passed for approval without issue. The site represents an ideal opportunity for infill to meet demand for housing in the borough.

## 1. Proposals

This application relates 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 was omitted at the applicant's request.

The proposed site layout indicates a staggered row of four detached dwellings at the rear, each dwelling just over a metre from its neighbour, with a gap of less than a metre between Plot 3 and the north boundary and approximately half that between Plot 6 and the south boundary. The staggered arrangement gives varying distances between the rear of the dwellings on Plot 6 to Plot 3 from 11.8 to 22 metres respectively. Plots 1 and 2 at the front of the site would be side on to North Drive and be of a chalet style with dormers. Each dwelling would be provided with two parking spaces sited at the front of each plot, with a further two visitor spaces near the site entrance. A 5.6 m wide shared surface highway provides vehicular access from North Drive to all plots.

## 2. Policy Context

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy GB1 New Development
- Policy GB2 Development Criteria
- Policy PC1 Land Contaminated by Hazardous Substances

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held in February and March 2021, as set out in draft timetabling by the Secretary of State. The Inspector has asked for more information on some issues with further hearing sessions expected to



take place in July 2021. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council towards the end of 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to complete its progress through the Examination in Public it is still considered that it currently has limited weight in the decision making process.

#### National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

### **3. Relevant History**

- 11/01095/FUL: Demolition of existing buildings and replacement with new building with retained use as Garden Centre. -Application Permitted (expired)
- 16/00338/FUL: Demolition of Existing buildings and Replacement with new building used as Garden Centre -Application Permitted
- 16/00338/COND/1: Discharge of conditions 6 (Scheme of hard and soft landscaping), 7 (Samples of materials), 9 (Design, layout and location of cycle facilities), 10 (Design, layout and location of motor cycle facilities) (conditions 1 and 5 are statements) of application 16/00338/FUL (Demolition of Existing buildings and Replacement with new building used as Garden Centre). -Application Permitted
- 19/00976/S192: Application for a Lawful Development Certificate for a proposed use or development for the demolition of existing buildings and clearance of site. Formation of new entrance ready for development all constituting a meaningful start on site under Approval 16/00338/FUL (Demolition of Existing buildings and Replacement with new building used as Garden Centre) -Lawful

### **4. Neighbour Responses**

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

- We object for all reasons given below but primarily as its green belt and is such a dense development that would destroy the charm of Haverings Grove.
- Plot 3 seems to block the green lane at the rear
- Plots 6 and 7 should have a condition for no further windows facing 634

- Parking needs to be at least one per bedroom – 30 bedrooms proposed
- If a resident has a van, where will they park?
- We won't authorise alterations along the boundaries unless we feel we benefit
- Fences should be 1.8 m plus gravel boards
- Request care near residents wall and damage repaired at developers costs
- Request condition that lights don't shine into our property
- Application says no trees on site; there is a large conifer we would like removed
- Request no trees planted within six feet of our boundary
- Development is too dense for Haverings Grove
- To retain the feeling of our village it should be limited to four dwellings, not eight
- Dwellings will be visible from our house and garden; the garden centre the building was tucked behind the games room
- It is green belt and therefore needs to retain feeling of openness
- All the properties would be very close to each other and destroy any sense of openness
- Given the potential number of cars it could look like a run down estate very quickly
- Documentation is inconsistent in the number of dwellings proposed
- A telephone line crosses the site and will need to be relocated
- Bin store – unnecessary and could attract rats
- Site raised in the past due to deposition of rubble – should be removed
- Various concerns about works near boundary
- Objection to replacement of Rayleigh Road dwelling with two; should be a separate proposal considered in the context of the street scene
- Garden centre site is green belt but brown field

## 5. **Consultation Responses**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Arboriculturalist -**

The site comprises predominantly hardstanding and with little vegetation present. There are short sections of hedge and small trees on the boundaries in third-party ownership; however it is clear that the proposed development could take place without any adverse effects on these if the arboricultural method statement is followed. No details of proposed hard and soft landscaping or boundary treatments have been provided with the application. I am happy for these to be dealt with by condition. I have no objection to the proposed scheme on landscape or ecology grounds.

- **Highway Authority – none received**

- **Environmental Health & Enforcement Manager-**

Suggest the following conditions:

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.

- o 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.

- o Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

- o 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.)

- o Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Health Department prior to commencement.

- **Design Officer** – none received. The proposal is not a Major development and raises no heritage issues.

- **ECC SUDS-**

Initial holding objection. Following submission of further information, the recommendation has been amended to no objections subject to conditions covering the following:

- Submission and approval of detailed surface water drainage scheme. The scheme should include but not be limited to:
  - o 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.
  - o SuDS Maintenance plan indicating who is responsible for different elements of the surface water drainage system.

## 6. Summary of Issues

### Procedural matter

In accordance with national and local advice to operate in ways that protect public health due to coronavirus (COVID-19) consideration was given to whether and how to visit the site. However, the site was visited as it can be viewed without going into enclosed spaces.

### Consideration

The starting point when determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2019 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 4 above. In the event that this proposal is not policy compliant, the planning history may be relevant, notably the permission for the redevelopment of the garden centres, permitted under reference 16/00338/FUL.

### Green Belt

The site is in the greenbelt which washes over the locality, to a significant distance in each direction. This is shown on the map that accompanies the local plan. There is no proposal to remove it from the emerging LDP. The committee will be aware that the government attaches great importance to the greenbelt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Greenbelt is a spatial designation not a qualitative one, therefore the requirement to protect openness applies just as much to less attractive countryside as to attractive areas of greenbelt. The committee will be aware that the terms *green belt* and *'brownfield'* (meaning previously developed land) are not mutually exclusive and a site can be both green belt and 'brownfield'. The application site, a former garden centre, is considered to be both brownfield, i.e. previously developed, and green belt.

Policies GB1 and GB2 aim to control development but support a limited range of development, subject to being appropriate to the greenbelt and protecting its openness. These policies are broadly consistent with the NPPF, but where there is a difference between it and the Development Plan, the NPPF, which is newer than the development plan, takes preference. The later document is a more up to date and concise statement of greenbelt policy.

The NPPF stipulates that new buildings are inappropriate development in the greenbelt, unless one of a short list of quoted exceptions in paragraph 145. The applicant has indicated that the proposal should be considered under 145(g):

*(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

There is no indication that the proposal relates to affordable housing and therefore the last bullet point can be discounted.

In other words, the NPPF is more supportive of developing brownfield green belt sites, than non previously developed green belt sites, though its support is limited to those proposals which do not have a greater impact on openness than existing development.

The site is currently open with a rundown appearance of rough grass, hardstanding, piles of timber, waste and hard core with some low rise utilitarian buildings primarily in the south east corner with some low building and scaffolding racks extending part way along the east boundary.

The proposed dwellings at the front (Plots 1 and 2) would measure 10.3 metres wide, 10.3 in length, 6.8m tall with an eaves height of 3.15m. The typology has a gable and two dormers at the front and three dormers at the rear. The dwellings to the rear (Plots 3 to 6) would measure 7.4 metres wide, 10.3 in length, 8.75 m tall with an eaves height of 5m. Given the minimal development currently on site, the proposal through its form and layout, would have a very substantial effect on openness of the site. On that basis the proposal is inappropriate development in the greenbelt.

*“143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

The last sentence is particularly worthy of note. Even were there to be very special circumstances they would need to *clearly out weigh* the potential harm to the Green Belt

by reason of inappropriateness, and any other harm resulting from the proposal, which is a much higher threshold than an on balance judgement.

Therefore, the acceptability of the proposal is wholly reliant on very special circumstances meeting the threshold set out in paragraph 144 above i.e. *the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

This will be assessed later in the report once it has been established whether the proposal is acceptable/unacceptable with regard to other planning matters.

### Design, character, and amenity

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

The character of the local area is partly derived from being in the green belt, the openness and spaciousness of sites along North Drive. As explained above the development would erode openness and therefore detract from the character of the area. The forward position, the side on orientation is not in character with this part of North Drive. The proposed buildings at the rear of the site, would visually appear as one mass, with little space between, no variation and very close to the north and south boundaries. The development in this part of the site would extend much closer to the north/south boundary (16/00338/FUL permitted scheme - 6.6/9.6m to the north boundary and 5 to 5.4m to the south boundary); current proposal under a metre (north) and approximately 50cm (south boundary) and be (2.1m) taller than approved as part of the garden centre redevelopment. These represent a significant change in built form from that previously on the site, its current condition or the implemented redevelopment. In that respect it would be contrary to policy CP1.

The designs are generic, the layout appears to have been driven by achieving numbers rather than any analysis and reinforcement of local character. The front two plots (1 and 2) would sit forward of the approved garden centre building and the church next door and present side elevations and back gardens to North Drive and adjacent Church site. The rear plots are closely packed to each other and the north and south boundaries and the scale of all the dwellings means they would be clearly visible from adjacent land. The layout is highway and parking dominated and suburban in character.

The dwellings would have no first floor windows on their side elevations and therefore would not give rise to side ways overlooking. The rear dwellings would in part be closer than 15 m (the standard given in Appendix 1 of the Development Plan from rear window to boundary distance) to the rear boundary and therefore potentially give rise to overlooking of land to the east. However there appears to be an access outside the site along the east boundary and therefore a distance of greater than 15 metres would be

achieved between the rear windows of the proposed dwelling and land susceptible to loss of privacy, e.g. private gardens etc. The proposal would not be overbearing on adjacent properties, though were permission to be granted details of finished site levels would have been imposed to control such a relationship.

The applicant says that sustainable features would be incorporated into the design, refers to air source heat pumps, rainwater harvesting (often a garden water butt), high levels of insulation and use of sustainable materials but provides no details to demonstrate or test these claims. The applicant makes a general statement that “sustainable with the benefit of Photovoltaic panels on the roof” but none are shown on the drawings. The applicant makes a general statement about compliance with Lifetime Homes although it appears no dwelling proposed would be more than partly compliant.

#### Highways and parking

A response has not been received from Highways. However as North Drive is a private road the Highways authority is unlikely to have an objection to this scale of proposal. Further residential use following redevelopment of a former commercial site, though a long time dormant/under used site in this case, is likely to result in fewer vehicle movements than an operational garden centre.

The proposal would provide two spaces per dwelling plus two visitor spaces, which meets adopted standards and, while below the level of provision suggested in a representation, is acceptable. On that basis the proposal would comply with the part of CP1 requiring satisfactory access, parking and the ability of local highway infrastructure to accommodate the development.

#### Land contamination

The application contains a contamination report, identifying various pollutants on the site. In the event of permission being granted a condition(s) would have been imposed to require suitable remediation. Potentially subject to such a condition(s) the proposal could be compliant with Policy PC1.

#### Housing land supply and delivery

The Council is unable to demonstrate a five year housing land supply against its local housing need and the rate of delivering new dwellings is low. On that basis government policy is that the Council’s planning policies relating to housing supply cannot be considered to be up to date. National planning policy states that the balance (in the decision making process) should, as a result, be tilted in favour of sustainable development and planning permission should be granted except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

However, the NPPF lists specified protected areas, such as greenbelt, where this permissive approach does not apply as protection of the greenbelt provides a strong reason for restricting development. Therefore the 'tilted balance' does not operate with regard to this development.

### Drainage

The applicant has submitted a drainage report which is only a preliminary drainage strategy with further investigation/details required at a detailed design stage. The Essex County Council SUDS team originally issued a holding objection for that reason.

Following further discussions, the SUDS team has agreed that a detailed surface water drainage scheme could be required by condition and therefore has withdrawn its objection.

### Other matters

A representation suggests a higher level of parking provision than required by the adopted standards, suggesting one space per bedroom rather than two spaces per dwelling. The parking standards are an appropriate starting point and there is no evidence to justify implementation of a new higher standard here. Other comments relate to matters already covered in the report or private ownership matters which are not planning issues.

### Green belt balance

The planning history of a site may form part of a case for a very special circumstance. In this case, permission was granted in 2012 for the redevelopment of the garden centre on this site. That permission expired but was granted a second time in 2016 as circumstances had not changed. Although that permission has also now expired, pre commencement conditions were discharged and a material start made on the development before it expired. This has been confirmed in a lawful development certificate and the development having been commenced within time may continue at any time. That permission therefore represents a fall back position. Therefore, rather than just comparing the proposal to the current development on the site, it is material to compare the proposal to the approved garden centre redevelopment scheme.

That proposal was for a single building at the back (east) of the site with a display area between it and the car park at the front of the site adjacent to the access. The building was to be a simple rectangular plan form, with low eaves (2.9m high) and pitched roof (6.7m high).

The applicant has made reference to a reduction in volume of buildings when comparing the approved garden centre development and this proposal, though accepts that the dwellings at the rear would be two metres taller (i.e. 8.75 m tall) than the approved garden centre building. The applicant comments that the site would have less



area used for parking and more for landscaping but doesn't explain how that effects openness when compared to a development proposing six dwellings across the site, each with accommodation over two floors.

The applicant has provided a selection of comparative dimensions, areas and volumes between the approved garden centre redevelopment and this proposal. It has not been possible to replicate the applicant's measurements, those provided appear to overstate the size of the permitted garden centre building and underestimate the size of the proposal. However, footprint, volume and internal area are not good assessments of openness – as discussed at a pre application meeting last year for a different proposal - this has not been discussed with the applicant. The committee will recall officer advice that there is no official measure to assess openness and the NPPF even in its revised form does not suggest a method to compare existing and proposed development or judge openness. However, this issue has been addressed to some degree in National Planning Practice Guidance (001 Reference ID: 64-001-20190722). This new guidance is based on caselaw and indicates that assessing the impact on openness:

“requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.”

It is to be noted that this is guidance rather than policy and it gives examples of matters which 'may need to be taken into account' which it makes clear are not all embracing or necessarily excludes other matters.

Even before the publication of the guidance, officers have long advised that as openness is a visual quality, normally considered to be the lack of buildings, a useful way to assess the new build elements of proposals in comparison with existing lawful development is a visual comparison of the massing, spread and position of existing and proposed buildings. This is in compliance with the first bullet point above, taking volume to mean massing rather than a mathematical calculation. As advised on previous occasions while its not unusual for people to quote numerical data for footprint, floorspace or volume when considering redevelopment proposals in the greenbelt, reliance on mathematical data can be misleading. This remains officers' view and equating volume in visual terms as size, massing, bulk is both an appropriate method of assessment and consistent with this national advice.

Under the implemented scheme, much of the site was to remain without buildings. The intention of the permitted scheme which was to keep the indoor display area building in one corner – the previous buildings were lower but slightly more spread out. The garden centre parking and outdoor display area would have a very limited effect on openness and that would be transient, not the greater impact of the permanent buildings of the scale described above. This residential redevelopment proposal stretches development further across the site and the dwellings would have greater scale which together would detract from the openness of the greenbelt further compounding the harm of this inappropriate development.

Part of the character of the area relates to the spaciousness of the site. Some of the openness in the locality has been eroded in recent years through permissions granted for a new dwelling at The Old Barn, and the six new dwellings at Land West of North Drive (Hutton Grange). Those developments have weakened the contribution that this and adjacent sites make to supporting the purposes of the green belt. However, currently the prevailing characteristic of the site remains its openness, which would remain if the garden centre redevelopment permission was fully implemented, while this proposal would largely remove that characteristic.

It is considered that the matters raised as very special circumstances do not meet the test in the NPPF that the harm to the openness of the green belt *by reason of inappropriateness*, the poor layout and design, out of character with the area and the inadequate drainage submission is clearly outweighed by other considerations. The application is therefore recommended for refusal.

With regard to a fall back position, there are three tests established in case law for assessing a fall back position. First whether there is a fall back use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is "yes" a comparison should be made between the proposed development and the fall back use. However, while the garden centre redevelopment proposal is capable in planning terms of being carried out and a comparison has been carried out above, there must be some doubt that there is a likelihood or real prospect of the garden centre redevelopment proceeding. These weakens the weight attributable to the fall back development.

The reason for the call in to committee is quoted in full at the head of the report. This report acknowledges that the site is previously developed but identifies the tests required by the NPPF – an assessment of openness of existing and proposed development, in this case tempered by a consideration of the commenced garden centre redevelopment. The proposal fails those tests. On that basis as indicated above, while there is potential for some form of redevelopment here, it would need to be one having less effect on openness, and a better overall design, than this proposal. A policy compliant form of development would protect the green belt and bring about the hoped

for benefits listed in the referral. The case officer has discussed possible revisions to the proposal but the applicant wants the application determined as it stands.

Notwithstanding the advice in this report, if the committee were minded to resolve to grant permission, it would need to decide which conditions should be imposed on that permission.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

R1 The proposal is unacceptable because it would result in the erection of new buildings in the greenbelt outside any exception listed in the National Planning Policy Framework. The proposal therefore represents inappropriate development in the greenbelt which is by definition harmful. The front two plots would sit in a prominent forward position, present side elevations and back gardens to North Drive which is not characteristic of the area. The rear plots would be closely packed both in relation to each other and to the north and south boundaries and the greater scale of all the dwellings means they would be clearly visible from adjacent land and alter the character of the area. The layout is highway and parking dominated, suburban in character and is not indicative of good design. The applicant has not demonstrated very special circumstances that the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is therefore contrary to Policies CP1, GB1 and GB2 of the Brentwood Replacement Local Plan 2005 and Chapter 13 of the National Planning Policy Framework.

### Informative(s)

#### 1 INF05 Policies

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.

#### 2 INF20 Drawing Numbers (Refusal)

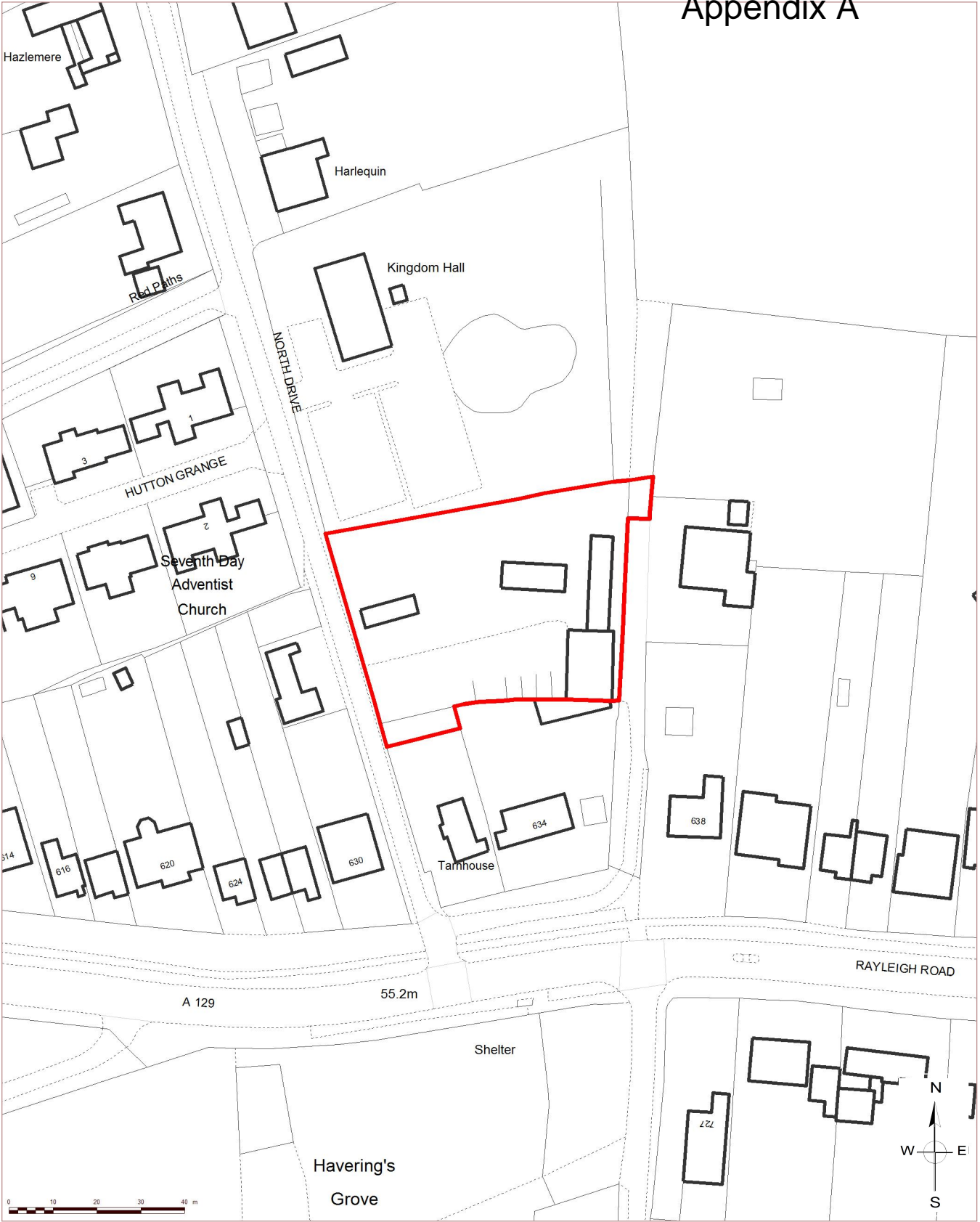
The drawing numbers listed above are relevant to this decision

#### 3 U0007906

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. Furthermore the opportunity was provided for the applicant to revise the proposal in a way that might have overcome the objections to the application but the applicant requested that the application be determined as it stands.

**Documents:** All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:  
[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

Appendix A



Title : Hutton Garden Centre, North Drive, Hutton, Brentwood, Essex CM13 1SH

21/00262/FUL

Scale at A4 : 1:1250

Date : 29th June 2021

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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**SITE PLAN ATTACHED**

**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].**

**APPLICATION NO: 20/01111/FUL**

<b>WARD</b>	Warley	<b>8/13 WEEK DATE</b>	13 November 2020
<b>APPLICANT</b>	Fairview New Homes (South East) Limited	<b>EXTENSION OF TIME:</b>	tbc
<b>CASE OFFICER</b>	Mike Ovenden		

**Drawing no(s) relevant to this decision:** 6790 D2703 A; 6790 D2703 B; 6790 D2704 PO; 6790 D2705 PO; 6790 D2706 PO; 6790 D2707 PO; 6790 D2708 PO; 6790 D2100 P0; 6790 D2101 P0; 6790 D2102 PO; 6790 D2102 PO; 6790 D2103 P0; 6790 D2104 P0; 6790 D2105 P0; 6790 D2106 P0; 6790 D2107 P0; 6790 D2108 P1; 6790 D2109 P0; 6790 D1000 P0; 6790 D2000 SOUTH P4; 6790 D2000 NORTH P4; 6790 D2100 B P0; 6790 D2100 C P1; 6790 D2101-A P0; 6790 D2102-A P0; 6790 D2700-A P0; 6790 D2700-B P0; 6790 D2700-C P1; 6790 D2701-A P0; 6790 D2701-B P0; 6790 D2701-C P1; 6790-D1500 P1; 6790-D1501 P1; 6790 D2100 CARE HOMEBUILDING P1; 6790 D2000 NORTH REV P2; 6790 D2000 SOUTH REV P2; 6790 D2000 NORTH REVP4; 6790 D2000 SOUTH REVP4; ARCHAEOLOGICAL EVALUATION JAC26018;

**In accordance with the constitution this application is referred to committee as in the view of the Development Management Team Leader the application should be determined by committee as the development is of a particularly significant scale.**

## 1. The Proposal

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.

As originally validated in August 2020 the application related to the redevelopment of the site to provide 152 dwellings (Use Class C3 - *dwellingshouses*) and 796 sq m of flexible commercial space, ancillary parking and other associated development. Details equivalent to an outline application for a care home (Use Class C2 - *Residential institutions*) were also included in the application. Details of access were included, leaving Appearance, Landscaping, Layout and Scale as reserved matters for later approval.

During the life of the application, the applicant has amended the proposal to relate to a redevelopment providing a reduced number of dwellings, now 133 dwellings, ancillary parking, open space and other associated development. It retains details equivalent to an outline application for a care home (Use Class C2) – i.e. providing details of access only (matters of appearance, landscaping, layout and scale being reserved for later approval). No commercial floorspace is now proposed.

The revised proposal would provide:

- 83 houses (52 on the south site and 31 on the north site)
- 50 flats, in three blocks, all on the north site
- Land for a care home (details of appearance, landscaping, layout and scale are reserved for later approval)
- Twenty seven affordable (shared ownership) dwellings
- 2.1 hectares of open space (820 sqm plus incidental space northern parcel /2 hectares southern parcel)
- parking and other related infrastructure
- An upgraded surface crossing of Eagle way and a crossing place of The Drive
- Links through the southern site between Thorndon Gap and Barrack Wood
- Provision of first part of link through the site, to continue northwards if later phases allow

Layout of the north and south sites

The north site would provide 81 dwellings – 31 houses and 50 flats. The corner of Eagle Way and The Drive would have three blocks - A, B and C. Blocks A and B would have 5 storeys, Block C 4 storeys. These would provide, 28, 14 and 8 flats respectively. The parking for the flats would be to the north of Block A, between and to the north of blocks B and C. Some of the parking would be provided under pergolas. A small substation would be provided adjacent to the Block A car park. Adjacent to Block A would be an area of informal play including play equipment and adjacent to Block B would be a



paved 'Public Square' and small equipped play area. A power and water supply would be provided to allow for the stationing of a mobile vendor in the square – eg a coffee van.

A central row of six dwellings would be 3 storey (6 units in all on this part of the site), the others being 2 storey dwellings. The rest of the northern site would be individual houses, mostly with on plot parking, arranged on a grid semi grid layout. A small parking court for 14 cars would be in the southwest corner overlooked by plots 53-55 and 60 and 61.

Vehicular and parking surfaces would be permeable block paving. Vehicular access would be from Eagle way to the east of the upgraded cycle/pedestrian crossing. A new pedestrian crossing point is shown across The Drive towards the Keys Hall local centre. The site layout permits northward extension onto BBC owned land - towards the Scouts Club, Marching Band and Warley Playing Fields - as identified in the draft masterplan, were that land to come forward for development. The layout allows the pedestrian and cycle routes to cross the northern site and connect to existing routes to the north, again dependant on the adjacent BBC land coming forward for development. In the meantime this boundary would be marked with a timber fence, though at the present time there is no certainty that the land to the north would come forward so this fence may be the permanent boundary.

The south site would provide 52 dwellings – all houses, though it should be noted that the former HQ building is being converted into flats. The layout would be mostly individual houses, most with on plot parking, arranged on a grid semi grid layout. Three units at the front, adjacent to the proposed care home would be 3 storey dwellings, as would a further fourteen at the southern side of the site, with the remainder being two storey dwellings.

The site would also accommodate the care home. Details of this have not been provided – the information is at the level of an outline application, with only information relating to access being provided. Indicative information is provided in the Design and Access Statement. The care home is described as having a gross internal area (GIA) of 39,880 sqft (approx. 3710 sqm). Drawing D2100 P1 provides an indicative footprint – a 'reverse C' - showing a progression of heights from a maximum of four storeys (finished floor level [FFL] plus 16m), down to 3 storeys (FFL plus 12m) and single storey (FFL plus 4m).

Vehicular and parking surfaces would be block paving, some informal parking would be provided using reinforced grass. The layout includes both a north-south route and east-west pedestrian/cycling routes to the open space with its LEAP (Local Equipped Area for Play), informal open space, pond, allotments (shown indicatively), and linking to other routes beyond, e.g. to Warley Gap and Barrack Wood. Vehicular access would be from Eagle way to the west of the upgraded cycle/pedestrian crossing, in the same position as the existing main access. A courtyard and exterior landscaped sitting area would be associated with the care homes (as would 21 parking spaces). The Design and Access Statement indicatively indicates that this would be enclosed by a hedge and planted within.

## 2. Policy Context

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy GB1 New Development
- Policy GB2 Development Criteria
- Policy T2 New Development and Highway Considerations
- Policy T5 Parking
- Policy H6 Small Unit Accommodation
- Policy H9 Affordable Housing on Larger Sites
- Policy H12 Residential Homes
- Policy E1 Areas Allocated for General Employment
- Policy E2 Areas Allocated for Office Purposes
- Policy E4 Sites for Additional Employment Land
- Policy E5 Land Adjacent the Council Depot, Warley
- Policy C3 County Wildlife Sites, Local Nature Reserves and Other Habitats and Natural Features of Local Value
- Policy C16 Development within the Vicinity of a Listed Building
- Policy C19 Secured by Design
- Policy IR5 Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held in February and March 2021, as set out in draft timetabling by the Secretary of State. The Inspector has asked for more information on some issues with further hearing sessions expected to take place in July 2021. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council towards the end of 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to complete its progress through the Examination in Public it is still considered that it currently has limited weight in the decision making process.

#### National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

### 3. Relevant History

- Permission for office building 1960. Various later applications for parking, cooling towers, signs, alterations, internal works, additional offices, fire protection, car wash, computer data centre, portakabins, satellite equipment, CCTV and alterations to front entrance canopy.
- 19/00844/PNCOU: Notification for Prior Approval class O for a Proposed Change of use of a building from office use (Class B1(a)) to a dwellings (266 units) (Class C3). -Prior Approval is Not Required
- 19/01708/PNCOU: Prior Approval Notification Class O - Proposed change of use of main office building to residential (325 units) (Class C3). - Prior Approval is Not Required
- 20/00444/FUL: Replacement windows for the Former Ford HQ excluding the rooftop accommodation and Eagle way primary entrance. Please refer to specific area which that have been excluded on the proposed elevations. -Application Permitted
- 20/01390/FUL: Two-storey rooftop extension to the northern section of the existing former Ford Headquarters building to provide 7 no. dwellings and associated access/circulation and communal space. – approved
- 20/01421/FUL: New landscaped frontage to the north and east of the existing former Ford Headquarters building, including new entrance canopy to building and free-standing canopies for external amenity purposes - approved
- 20/01479/FUL: Extension of and amended cladding/fenestration to the 10 no. rooftop dwellings consented via permitted development at the southern element of the existing former Ford Headquarters building. -Application Permitted
- 20/01566/FUL: 13 no. dwellings on west side of car park and demolition of existing canteen building to provide new landscaped amenity area and compensatory car parking. -Application Permitted
- 21/00312/DEM: Prior Approval Notification - Demolition of data centre and associated development on the south of the site - subject to current application 20/01111/FUL. -Prior Approval is Not Required

#### 4. Neighbour Responses

- Little if any consideration given to sustainability with regard to social, economic and environmental concerns.
  - Warley has already been overdevelopment with large cramped estates lacking infrastructure or amenities such as shopping, social or recreation
  - This offers no new facilities despite bringing substantial numbers of people and families to the area
  - Consideration should be given to cycling and walking infrastructure
  - Many occupiers will be commuting to London; how will the development address narrow and congested Warley Hill?
  - Amenities such as cycleways and footpaths to link places such as Thorndon should be included
  - Nothing wrong with new homes, but consideration needs to be given to the impact on the local economy, society and community as well as the environment before permission is given to unfettered construction at the site.
- 
- **Brentwood Borough Council** (Adjacent landowner):

Brentwood Borough Council is committed to the delivery of development that meets local needs, including new homes and jobs. Consistent with the emerging Local Development Plan for the borough, suitable brownfield land outside of the Green Belt is scarce and so needs to be used efficiently when available. The wider former Ford HQ site with parking controlled by Fairview New Homes as part of application 20/0111/FUL, and adjacent Council owned depot and parking, should be redeveloped consistent with this aim and the overall objectives for quality in line with borough character. The Council supports redevelopment for residential uses and associated uses/improvements as proposed. The Council intends to redevelop its land at the site for appropriate uses including residential. The relocation of the depot facility to accommodate redevelopment through the most efficient use of land is a priority that can be achieved through various options, including relocation of a facility that meets modern needs to alternative land within the borough. This means that the Council-owned land can be brought forward consistent with the overarching principles of the Fairview masterplan. Whilst the Council may not bring forward its land exactly as indicated as possible through the Fairview masterplan, it is agreed that development should respond positively to the scheme proposed on Fairview-controlled land and be consistent with overall aims to improve the wider area.

#### Community Involvement

Before submission of the application, the applicant carried out leaflet drop of the locality supported by a web based information pack. Given the restrictions of the Coronavirus this format of public consultation was appropriate.

#### 5. Consultation Responses

- **Affinity Water:** To be reported if received

- **Bats - Mrs S Jiggins:** To be reported if received
- **Environmental Health & Enforcement Manager:** None received
- **Essex Wildlife Trust:** To be reported if received
- **Gas Pipeline:** To be reported if received
- **Great Warley Conservation Society:** To be reported if received
- **Open Space Strategy Coordinator:** To be reported if received
- **Planning Policy:** To be reported if received
- **Strategic Housing Consultee:** To be reported if received
- **Highway Authority:**

The proposal does not wholly comply with Brentwood Borough Council's adopted parking standards. However, there is not a significant shortfall; all houses plus 3-bed flats meet the standard with 1 and 2-bed flats being provided with one parking space each. Given the commitment of the applicant to make the site a more sustainable location for new residents by offering notable contributions towards walking and cycling infrastructure as well as public transport services and potential additional parking controls in the area, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

- Construction Management Plan
- Upgrade of existing zebra crossing on Eagle Way between the north and south to a signalised crossing for pedestrians and cyclists
- the pedestrian guardrail on the north side of Eagle Way between the existing zebra crossing and The Drive to be replaced with a widened footway of a minimum 2 metres
- provision of tactile paving and dropped kerbs at north and south site access road junctions with Eagle Way
- the proposed zebra crossing on The Drive shall be omitted in favour of an informal dropped kerb crossing with tactile paving

- north-south aligned section of public footpath no 29 to the east of the site shall be upgraded to have a natural but firm and even surface with a minimum 2 metres width.
- 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.
- No occupation of any dwelling until its parking has been provided
- Provision of cycle parking in accordance with adopted standards
- Provision of Travel information pack
- Provision of residential travel plan

The Highways authority has also identified financial contributions towards improving sustainable transport links to and from the site, necessary to mitigate the impact of the proposal. These would need to be part of a S106 agreement.

- i. £25,000 towards a Cycle and Pedestrian Study to improve walking and cycling accessibility between the site and Brentwood rail station;
- ii. £100,000 towards identified cycle/pedestrian improvements on that route;
- iii. £226,600 towards improving public transport provision to serve the site;
- iv. £25,000 towards bus infrastructure improvements;
- v. £35,000 towards the implementation of parking restrictions in the vicinity of the site if required.
- vi annual monitoring fee of £1,533 per annum (index linked) for monitoring of travel plan to be paid to Essex County Council.

- **Brentwood Access Group:**

Original Plans:

- The percentage of people with a disability has risen to 21% of the population.
- Design and Access Statements should set out and develop their plans to show how disabled people will be treated equally throughout the plan.
- This particular plan is totally useless and fails to do this. In nearly 90 pages of the D and A statement there is only one small paragraph on page 78. This only quotes compliance with Part M of the building regulations and no other

interest in disabilities has been taken. It should have at least looked at the following.

1. Mobility Scooter parking and charging spaces undercover in all the housing areas is needed. If you are making all the residential units large and accessible enough for people with disabilities to live in then their transport usage needs to be taken in to account with at least parking and charging places.

2. I note that there will be significant play and recreation space within the development, that is to be applauded. However, there is no mention of play equipment for children with disabilities. There is a significant amount manufactured these days, the developers just need to take advice from the specialists in this field.

3. No electric car charging points seem to have been accounted for. As people with disabilities may wish to have this type of vehicle if it suited them then how are they going to charge them if no charging points are near wider parking bays. The Motability scheme will allow their users to have electric cars if they are suitable. Many other residents will gradually have to be going over to these cars in the future. There seems to be no future considered here.

Revised plans:

Once again the Brentwood Access Group find that people with disabilities have been ignored.

1. there are no parking bays or charging points in the ground floor car parks to the blocks of flats for mobility scooters despite the revision of the plans.

2. There is still no Design and Access statement laying out how people with disabilities are factored into the plans. In the Equalities Act there is provision for people with disabilities to be positively enabled over the norm.

We are disgusted to see that no provision has been considered at all.

We call upon the planning officers and Brentwood Councillors to send these plans back to the drawing board.

- **ECC SUDS:**

Revised: Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition shall takes 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

- o 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.

#### Condition 2

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.

#### Condition 3

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.

- **Schools & Education:**

Essex County Council cannot make a case for an education contribution from this site at this time and will not be making a request.

- **Mr Alan Twine:**

In response to the above outline planning application, Essex Police has no additional comments to add to those included in our previous response dated 1 October 2020.

However as indicated in our previous correspondence , Essex Police strongly recommends that the developer seeks to achieve the relevant Secured by Design accreditation which will be Secured by Design Homes 2019 Version 2, March 2019 for the residential element of the development and Secured by Design Commercial Developments 2015 Version 2 for both the retail elements and the care home.

(<https://www.securedbydesign.com/guidance/designguides>),.

The questions posed in our previous correspondence are still relevant.

Essex Police, provide a free, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design. We would welcome the opportunity to meet with the applicant to discuss the security design aspects of the development to ensure provision of a safe and secure environment for potential residents.

- **County Archaeologist:**

Revised: The development lies on the site of the former Warley Barracks which was established on Warley Common and has medieval origins. The development area is also adjacent to a WWII military camp.

While the development of the buildings associated with the Ford Headquarters has disturbed any below ground archaeological deposits, the areas to the east of these buildings and to the north of the road were considered relatively undisturbed and could preserve deposits associated with the military barracks, military activity or earlier medieval activity therefore a recommendation was made for a full archaeological condition on the application to investigate these deposits that may have been destroyed by further development.

However, in March 2021 a Desk Based Assessment (DBA) and a Written Scheme of Investigation (WSI) was submitted to this office. The archaeological consultant had noted considerable landscaping and terracing on the northern side of the site with the

ground level being approximately 1-1.5m lower than the original surface and there was no likelihood of any archaeological survival within this area, but proposed a series of targeted trenches on the open space to the south. This evaluation was completed, and a report submitted to this office. Unfortunately, the level of disturbance across the site meant that no archaeological deposits were recorded. Consequently, no further work is required on the site and no archaeological conditions are needed on the planning application.

- **Essex Badger Protection Group:**

As confirmed in the latest Wildlife and Countryside Link Report, the badger remains the most persecuted protected mammal in the UK and it is therefore imperative that the location of any badger setts remains strictly confidential and is not published on public forums. As the commentary relates to protected species we ask that it is not uploaded to the planning portal.

We would recommend that any planning permission is conditional on 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.

- **Arboriculturalist:**

Original plans: The site north of Eagle Way is primarily hardstanding which was used as a car park. Trees and other vegetation are limited to the southern and western edges. South of Eagle Way mature woodland and trees wrap around the northern, eastern and southern boundaries. Within the site there are existing commercial buildings, car parking and amenity areas comprising lawns and some trees.

#### Trees

A tree survey has been undertaken which has informed the production of a Tree Constraints Plan and a Tree Protection Plan. A total of 9 Category B (moderate value) trees would require removal as well as several Category C (low value) individuals and groups. The largest number of trees to be removed are close to the southern boundary, although these are mainly Category C. All Category A trees will be retained.

It is accepted that most of the trees to be removed are generally low quality and therefore their loss is considered acceptable. The main belts of trees within the southern site are to be retained. Five Category B trees on the southern side of the belt beside Eagle Way will require removal to allow the development of three of the units and the provision of an access road. There are opportunities to mitigate for the removal of through the proposed planting scheme.

The line of lime trees on the north side of Eagle Way are the most important trees on this part of the site. While the plans show them as being retained the Tree Protection Plan identifies that they will require pruning to provide space to allow for the construction of Blocks C & D as they are within 6-7m of the new buildings. The tree report categorises these lime as early-mature and so they will continue to grow. As a result they are likely to be subject to ongoing post-development pressures for reductions or removal due to shading, especially given they are to the south of the blocks.

Although no details have been provided some plans, e.g. the illustrative landscape masterplans, appear to show several paths running through the woodland belt adjacent to Eagle Way. Several of the trees in this location have been identified as Category A; clearly such routes would need to be designed to have minimum effects on the roots of these trees.

While most trees will be retained with only 9 Category B trees being removed I am concerned about the long term future of the prominent line of limes given their close proximity to the new blocks.

## Ecology

Ecological surveys have been undertaken. It is agreed that most of the site has low ecological value comprising existing buildings, hardstanding or amenity vegetation. The green belt area has the most ecological significance. It contains area of deciduous woodland (priority habitat) and is used for foraging by bats in low numbers. There is also an active badger sett within this part of the site. The appraisal concludes that as the green belt area is to be retained and enhanced there should not be any adverse ecological effects. The report contains detailed method statements including for badgers.

I do not have any objection to the proposed scheme with regards to ecology so long as proposed badger protection measures and ecological enhancement measures are implemented. These can be dealt with by condition.

## Landscape

The site is partly within the green belt in an area dominated by mature woodland. Most of the larger trees on the south side of Eagle Way are to be retained. These will help to provide screening which will mitigate some of the visual effects of this large development on the edge of the countryside. There is more concern about the potential visual effects of the development of the north site given the proximity of Blocks C & D to the lime trees.

Several masterplan documents have been prepared which present details regarding the evolution of the development. Despite this I feel that the proposals, particularly for the northern area to provide little significant landscape enhancement or place making. There is no evidence of a 'gateway' as suggested in the Masterplan Design Principles. Car parking and the access roads dominate. There are no amenity areas with even the LAP being relegated to the roadside.

With The Masterplan Design Principles identifies the importance of providing a north south pedestrian link through the north site. While a physical route has been identified on the landscape scheme this is little more than a footway between parking areas and fronts of properties. It is not considered to be a principle route as identified with the various design documents.

There are two play areas proposed. The larger site is within the green belt area. There is also a LAP proposed immediately north of Eagle Way. No detail of these have been provided. In principle the larger site offers potential to create an attractive larger open space if the play area was integrated with the new pond and other habitat enhancements.

There is concern over the proposal to place a play area for younger children immediately adjacent to Eagle Way rather than to try to create a focal point within the development area.

The plans show a new pedestrian link leading from the public footpath outside the eastern boundary through to the access road off Warley Gap. This create an improved link for walkers between Thorndon Park and Warley Gap; however there is little design detail provided. It is not clear therefore if it will be promoted to non-residents and whether walkers will feel able to use it.

The plans show that it is intended to incorporate green roofs on some of the blocks. These do have some ecological value; however during the pre-application discussions it was recommended that blue roofs be considered to help address SUDS issues. The pond in the green belt area has the potential to be a landscape and ecological asset as well as forming a part of the SUDS scheme; however no opportunities to provide other above ground features such as swales have been considered.

There are significant concerns regarding the adequacy of the final landscape scheme, particularly north of Eagle Way. Until these are addressed I would not be able to support this application.

Revised: No comments received.

- **Operational Services Manager:**

The roads would need to support our collection vehicles and a dropped kerb at each bin store route would be necessary.

Street level properties are required to present their waste and recycling kerbside for collection and multi dwelling properties from a communal bin store. There should be adequate unobstructed turning space for a 26tonne refuse collection vehicle to access all areas of the proposed site and for communal bin stores the general requirements to take into consideration are;

General principles

- o Waste should not be stored in an area that is plainly visible from the main public route past the property.
- o The storage area should not obstruct sight lines for pedestrians, drivers or cyclists.

- o The storage area should not obstruct any utility service points, access paths, entrances/exits or fire exits.
- o The storage area should also be sited to minimize any fire hazard: that is, sited at a safe distance from potential ignition sources, sited at a safe distance from the property to prevent the spread of fire, be designed in such a way waste containers cannot be removed and used for starting a fire elsewhere.
- o The storage area should be sited in such a way illegal access to the property would be facilitated.
- o Ideally in a shaded area to minimize the potential for odours.

#### General principles concerning the storage area

- o The storage area should be of sufficient size to accommodate the required size and number of bins.
- o Must have good ventilation.
- o Be designed for use by older persons and persons with disabilities.
- o The doors/gates must not open over the public highway.
- o Have a floor which is impervious and easily kept clean, with a suitable drainage.
- o Have a convenient water supply for washing.
- o Access is easy for residents.
- o Be designed in such a way nobody can conceal themselves from someone entering.

#### Requirements concerning a communal waste storage area; from an operational perspective:

- o If enclosed: minimize obstruction from doors, ensure doors can be fixed open whilst containers are being moved.
- o Avoid, where possible, the use of padlock/keys/access card.
- o Minimum clearance (width) for the door/gate should be 2m where 1100 litre bins are used, 1.5m for 770 litre and 1m for 360 litre or less..
- o Clear signage to indicate what waste is deposited and the arrangements for bulky waste.
- o Clear signage indicating the nearest Household Waste Recycling Centre and recycling centre (Bring Site).
- o If there is a roof; sufficient clearance for a person to stand upright and for lids to open.
- o Easily accessible light switch and adequate lighting - if enclosed.
- o The threshold of the door must not be raised.
- o The distance between the solid waste storage area and the waste collection point should not exceed 25m.
- o The pathway between the solid waste storage area and the waste collection point must be:
  1. Flat, firm based and smooth finished, without any steps or kerbs.
  2. Minimum width of 2m ( for 1100 litre containers).
  3. Pathway gradient to be minimal; ideally 1:21 +.
- o Give consideration to a bulky household waste storage area, ideally 2.5m x 1.5m

## Designing Out Crime Officer

Original Proposal: Security forms a key part of a sustainable and vibrant development. Essex Police considers that it is important that, if approved, this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. This reflects sections 91 and 127 of the NPPF. As such, Essex Police strongly recommends that the developer seeks to achieve the relevant Secured by Design accreditation which in this case will be Secured by Design Homes 2019 Version 2, March 2019 for the residential element of the development and Secured by Design Commercial Developments 2015 Version 2 for both the retail elements and the care home.

(<https://www.securedbydesign.com/guidance/design-guides>),.

It is noted that this application has proposals for 3 x 4/5 storey high apartment blocks incorporating 71 residential units. 'SBD Homes 2019' provides full guidance for preventative measures through compartmentalisation and offers bespoke solutions to access control relative to each residential core/floor of the apartment blocks. This is a proven technique to prevent unauthorised intrusion and ASB. SBD also provides guidance on flat entrance doorsets, (A Guide to Selecting Flat Entrance Doorsets).

This appears to be a comprehensive, well thought out application. Although there is not a specific section relating to security in the documentation provided, there are a number of key elements which are built into the design, which will assist in providing a safe and secure environment. To date Essex Police has not been involved in any pre-application discussions, as recommended in the NPPF. Pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents are agreed prior to a planning application. From the information provided, it appears that this development lends itself to Secured by Design accreditation, but we would be keen to understand the finer detail such as the proposed lighting, physical security measures, the undercroft parking arrangements, boundary treatments for the houses and access control measures for the apartment blocks.

Essex Police has a number of specific observations relating to the apartment blocks as follows:

- The documentation states that each property has 'private' amenity space and all of the flats have a balcony or a terrace. Para 4.27 of the Design and Access statement, indicates that there is no defensible space outside the five ground floor apartment in Block C. It is important that the boundary between public and private areas is clearly indicated. It would be beneficial if the same railing layout on the balconies of the higher floors was included for the ground floor flats (with a key lockable gate if preferred, to allow access/egress for residents).

- It would be beneficial if low level defensive planting was located below accessible ground floor windows.

- Further detail is required about postal arrangements. 'Through the wall' mailboxes or mailing arrangements in a secure lobby are recommended. Trades buttons are strongly discouraged.

-Further detail would be welcomed about the security arrangements for cycle and refuse storage. A digital lock arrangement, that must be managed so that the access control number is regularly changed, is recommended.

- **Environment Agency:**

We have reviewed the application as submitted and have no objection, providing the conditions detailed in our response are appended to any future planning permission. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

#### Condition 1

Prior to each phase of development approved by this planning permission no development / 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 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

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.

2 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.

3 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.

4 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. Condition 2

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.

#### Condition 3



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.

#### Condition 4

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 for Conditions 1,2,3 and 4

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).

#### Condition 5

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 for condition 5

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

## Condition 6

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 for condition 6

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.

- **Conservation Place & Development:**

Revised scheme:

This application remains as 'Hybrid', the description has been amended to reflect it now proposes a slightly reduced number of residential units from 152 to 133. The Care home and associated land seeks outline permission. No flexible commercial space is now proposed. The pack is supported by an addendum to the Design & Access Statement (DAS January 2021); the submitted Planning Statement states 'The revised site layout addresses all of the concerns regarding the quality of placemaking within the scheme'. Having assessed the revised information, I offer the following advice: In terms of layout and the spaces between the buildings, the introduction of a small public space adjacent to Keys Hall is positive; however, this does not go far enough in terms of the breaks and stops I advised in my initial advice to the LPA.

The DAS correctly identifies the 'The local area is currently lacking of spaces for residents of different ages to socialise and play', whilst the parkland is located nearby in terms of destination 'play', squares for the new community are best practice, this intent for one square, needs to be carried on through into the designed layout more robustly given the scale of development. I raised at the meeting arranged with the applicant team prior to this reconsultation, the space around the new square being framed solely by residential with limited defensible space is not Good Placemaking, at ground floor level this area should be of mixed use to offer linkage from buildings to public realm. There is a matter of conflict here given the proximity of the play area and the future residents, again this would be negated by alternative class use. I have highlighted the need for this mixed use since the first preapplication, my advice in this regard will not alter, there is considerable new development across the whole allocation, Keys Hall as a Local Centre will not support the quantum of new residents.

The allocation overall is a new walkable neighbourhood tacked onto existing and dated infrastructure, employment and mixed use is key to achieving quality Placemaking holistically. As previously advised in my first assessment, 'stops' and 'breaks' in development of public spaces should be repeated, although such spaces are not always needed to be framed by alternative class uses; deeper into the development secondary squares at the east and north east of the northern parcel are at a greater distance from Keys Hall, therefore I would consider it not always being necessary to activate the ground floor with flexible commercial space; squares and stops can also be applied within the southern parcel, certainly at the transition to the open space. I note the submitted Masterplan (Drawing D2000 P1) which helpfully shows a visioned layout for the most northern area of the allocation, but this is not within the developer's ability to deliver. Therefore, in terms of the transition to the land outside of the developer's delivery, a 'break up' of the long runs through introducing public space at the transition will assist from one land developer parcel to the next; squares and public realm also negate car dominated street frontages and support sequencing of transitions between land ownerships. I commented previously on the green blue infrastructure as this is also a critical drainage area, an introduction of swales and above ground features in this revised pack is positive, such features contribute to softening the experience within the street scene as well as ecological uplift. At pedestrian level the landscape screening around parking courts is key; the Landscape and Ecology Consultee will be able to provide more technical detail on the nature of these. I encouraged in my earlier letter, 'Day in the Life scenarios' to consider wider landscape connectors and class uses within the environs of the site parcel.

There is additional information on movement and permeability of the site, but the mix of uses and the spaces as mentioned in the earlier section of this letter is outstanding. In terms of inclusivity and positive Placemaking across both parcels, the LPA must seek detailed comments from the Housing Consultee in respect of the level of Affordable Housing, its mix and tenure. I raised in my initial advice to the LPA the importance of inclusivity and affordable homes, from my assessment there remains a deficiency in Affordable Homes provision, mix and tenure, my earlier advice stated 'Affordable Homes should be tenure blind and scattered throughout the site; not located solely on the northern parcel; to 'group' affordable housing as proposed, is not in the spirit of inclusive Placemaking and has wider implications in terms of health and wellbeing'.

Both the EQRP and my initial letter raise concerns regarding the care home, its siting and integration within the proposed southern development parcel. My previous letter advised 'As stated previously at each preapplication session, I advise its siting and scale poses in a harsh and avoidable transition into green belt. I highlighted throughout preapplication new and innovative care homes often work on a courtyard style layout, offering a series of quality internal/external spaces which are private and safe for residents; layout is also dependent on the level of care. I question the positioning of the Care Home on the southern parcel and encourage the architecture at this location engages with the Green Belt area by more than a pathway 'route'. In 'framing' this open space with dwellings facing eastwards, it affords natural surveillance and creates an integrated sense of place to the wider

landscape. This point was also raised by Essex Quality Review Panel'. Revisions for this area of the site are tabled, but in the main these are in terms of the interrelationship with the Green Belt land, the reality of how external terraces and hedges would actually manifest themselves going forward in terms of security at boundaries, signage, and lighting etc is not definitive here although the intent, I agree, is for a more natural and open surveillance which is improved. The fundamental matter remaining is the proposed scale and siting of the Care Home which has not been amended since my initial letter. This whole area of the layout plan requires review, it may be of benefit to also consider and examine the scale of houses dotted around a four-storey block, proud of the building line for the HQ (which is by the applicant's own submission the hierarchical building). I suggest this location is studied more robustly to join up with the thinking around connectivity of Green Space at the east. The spatial quality at the principal introduction of the development from Eagle Way, will be impeded by way of the four storey prominent Care Home block. In terms of the concerns raised for a fabric first approach and green energy, the submitted Energy Statement refers to Air Source Heat pumps and PVs, I have no detail on the location of these within the submitted drawings in order to provide comment. These items alter the architectural intent if not designed in at this stage, information should be within the application and not conditioned.

Other matters I raised have not been addressed are taken from my initial letter as follows: - 'The more the fundamental observation (which I have raised previously to both this landowner and to the adjacent landowner) is the back filling of the existing underpass. Given there is to be a significant increase in vehicular movement, this existing supporting pedestrian link on the north/south axis would be of significant benefit to retain and incorporate'. - Given the style of architecture the architect should take advantage of the flatted typology proposed to include usage of roof areas as upper-level amenity spaces, this was advised at preapplication - the dwellings at the south of the site appear cramped, their placement will result in a loss of tree screening which will negatively alter the existing soft character of the lane bridging the Woods; in addition, the quality of the natural daylight for these units and their residential amenity could pose conflict for future occupiers. - The area is annotated as a 'Home Zone' appears fairly narrow and with little spatial quality at the frontages. An earlier preapplication iteration showed a greater spacing at frontages.

In terms of the detailed elements upon the Blocks, balconies remain 'clamped' on as opposed to integrated or recessed, not an approach I support given the narrative, rainwater goods should be concealed not applied. For the avoidance of doubt balconies designed as illustrated on Block A. Proposed Elevation 1 & 2 are not accepted. This has been raised previously. Summary There has been progression here since my first letter was issued to the LPA however aspects of advice which in my opinion do contribute to the quality of Place are not wholly addressed, I maintain a view that a high-quality scheme is achievable, but as previously advised, a rigorous review of the development principles and a real focus on how they are applied in Placemaking is required. Recommendation: Based on the information before me, there has been progression but as set out in this letter, this scheme is deficient in offering a quality and inclusive Placemaking. Therefore, I do not support this application for approval.

## 6. Summary of Issues

The starting point when determining a planning application is the Development Plan, which at the current time is the Brentwood Replacement Local Plan 2005 ('the Local Plan'). Planning legislation states that applications must be determined in accordance with the relevant development plan policies unless material considerations indicate otherwise. Additional policies, as relevant material considerations for determining this application are the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the emerging Local Development Plan ("LDP"). Although individual policies in the Local Plan should not be read in isolation, the adopted plan contains policies of particular relevance to this proposal which are listed in section 4 above. A further material consideration is the permitted development conversion of the former HQ building and related development which is currently underway and has changed the land from employment use to a residential site.

### Principle of development

For the most part, the site is outside the greenbelt and is therefore on land where in principle redevelopment is acceptable. The part of the site within the greenbelt (1.8 hectares) is not proposed for development, other than in a minor way for purposes related to its recreational use as open space. This is considered later in the report.

### Policy context

The 2005 Development Plan allocates the southern site – that part that lies outside the green belt - for employment use under Policy E2. This states that on sites such as this, permission will only be granted for office development, subject to criteria concerning scale, transport, traffic and landscape considerations.

The land to the north of Eagle Way is allocated for General Employment use under Policy E1. The site was not identified as a main employment site but one appropriate for a range of employment opportunities, starting with what are referred to in the plan as B1, B2 and B8 uses (light and general industry and warehousing), but not ruling out other employment opportunities.

This application is being considered at a time when planning policies are soon to transition from the current Development Plan to the document that will replace it. The Development Plan, and the evidence that supported its policies, is now approaching 16 years old. During that period there has been an increasing focus on the need to increase delivery of housing, which particularly in green belt boroughs such as Brentwood where sites for large developments outside the green belt are rare, encourages the reuse and reallocation of former employment sites for housing. The emerging LDP makes provision for employment uses commensurate with identified needs and the site is no longer identified for employment use in emerging policies.

The emerging local plan allocates the site, in policies R04 and R05 for mixed, mostly residential, use. This is based on much more recent evidence of the need, and

strategies for meeting the need, for housing, as well as employment and other uses in the borough.

The main building on the southern site is currently undergoing redevelopment that involves the removal of office employment opportunities and conversion to residential occupation. This is being achieved by the implementation of the permitted development conversion (19/01708/PNCOU and before it 19/00844/PNCOU) of the whole building. The system of permitted development for residential conversion pays no regard to local policies relating to the principle of the use of the site. However, partly due to the conversion works, and partly to the greater emphasis given to housing delivery, there is no reasonable likelihood of any development on this site for office use.

Policy (H12 Residential Homes) from the current development plan supports proposals for residential homes (inc. nursing or care homes) provided that it does not result in an overconcentration of such homes in any residential street, is in suitable proximity to services, meets the needs of future occupiers and occupancy is appropriately conditioned. It would not lead to those problems and occupancy could be conditioned. The care homes element of this proposal is therefore in accordance with this part of the development plan.

#### Emerging Policy R04 and R05

This development is related to the allocation of the site for residential led development in the emerging plan. The site was originally anticipated to come forward a number of years after adoption of the LDP as the Development Plan. Due to the commercial decisions of the former site owner, it has come forward at this stage. In discussions between the applicant and officers relating to work on the LDP it is agreed that sites R04 and R05 are deliverable earlier in the plan period, notably 2021-2025.

The NPPF addresses the situation where a development comes forward prior to adoption of an emerging local plan and advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the following apply:

- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

With regard to criterion (a) it is not considered that the scale of development would be so substantial as to undermine the plan making process about the scale, location or phasing of new development that are central to an emerging plan. The proposal is for 133 dwellings against a need identified in the Reg 19 plan as 7752 dwellings. This development is for a small proportion of the Boroughs overall future housing requirement. On the second issue (criterion b) the emerging plan is proceeding through

the examination process though currently it is advised that it has limited weight. However as both tests need to be met before proceeding with an argument of prematurity – and as indicated above criterion (a) is not met, it would be contrary to NPPF policy to object to the application on grounds of prematurity. This is consistent with the Inspector’s findings in the recent Ingatestone Garden Centre appeal.

The weight to be attached to an emerging policy depends in part on whether objections have been received and the extent to which they have been resolved. The Regulation 19 version of the LDP contained a site specific policy relating to the site. It has attracted an objection submitted on behalf of Ford dating from when it had an interest in the land. That objection sought the removal of the requirement for self/custom build, care home and employment land, on the basis that the latter two items would reduce the quantum of residential development achievable on the site. As the policy has an objection it attracts less weight in the decision making process. Furthermore at the hearing sessions of the Examination in public, the Inspector asked for consideration of the wording of the policy, in common with other site specific policies, partly for consistency with the wording of other policy allocations, whether affordable housing needs to be specifically mentioned in the policy or covered under a generally applicable affordable housing policy, removal of reference to the critical drainage area, instead addressing this under a borough wide drainage policy, as well as other minor rewording. As a consequence, the final wording of the policy may vary from that set out in the Reg 19 plan, likely to a limited extent rather than fundamentally altering the policy, but that final form is unknown.

With regard to the Reg 19 version of Policy R04 and R05, in the table below the proposal is assessed against the requirements of that policy.

<b>Requirements of the draft policy</b>	<b>Assessment of current application</b>
A. Amount and Type of Development a. provision for around 473 new homes of mixed size and type, including affordable housing;	The allocation did not envisage the retention and conversion of the former HQ building. That is a large 7 storey building and together with related developments on the site being developed by Land Charter, is providing 350 dwellings. This proposal would add a further 133 dwellings which the potential for more to come on the Council owned land. Estimates of site capacity should not in principle be interpreted as a ceiling or a barrier to a greater quantum of development, which should be considered on their merits.
b. provision for a residential care home (around 60 bed scheme as part of the overall allocation);	This is part of the proposal, and it therefore complies in principle with this iteration of the policy.
c. provision for 5% self-build and custom build across the entire allocation area; and	No self-build or custom build is proposed as part of this development. There is an objection to this element of the draft policy

	which limits the weight to be attached to it.
d. provision of 2ha of land for employment purposes.	No employment use is proposed as part of this (revised) development. There is an objection to this element of the draft policy which limits the weight to be attached to it.
B. Development Principles a. comprehensive masterplan and phasing strategy to be prepared and considered as planning applications come forward;	A masterplan has been submitted with this application. A phasing strategy has been submitted. This identifies that the Land Charter scheme represents the first phase, the applicant's development as a second phase, proceeding later this year if permission is granted.
b. vehicular access via Eagle Way and The Drive;	The vehicular access would be via Eagle Way.
c. provide well-connected internal road layouts which allows for good accessibility;	The proposal provides well-connected internal vehicular, cycle and pedestrian routes which allows for good Accessibility.
d. integrate existing community facilities within new development provision for new multi-functional green infrastructure including public open space;	The proposal would provide links to Keys Hall, local open space and additional open space within the development.
e. consideration of historic context for the area;	No adverse comments are raised with regard to historic context
f. preserve the setting of two listed buildings on adjoining land to the west;	No adverse comments are raised with regard to listed buildings to the west
g. protect and where appropriate enhance the Local Wildlife Sites (Barrack Wood/Donkey Lane Plantation).	The proposal includes a footpath to the east to connect with existing routes including Barrack wood and further afield.
C. Infrastructure Requirements a. provision for improved bus service;	This could come forward as a package of S106 monies to mitigate the impact of the development.
b. the site is located within a Critical Drainage Area. This development may have the potential to impact on the Critical Drainage Area in respect of surface water flooding. As a result of this, the site is likely to require an individually designed mitigation scheme to address this issue.	The Environment Agency and Lead Local Flood Authority raise no conditions subject to conditions.



## Design

A summary description of the development is given in section 1 above. One of the requirements of the emerging allocation (LDP policy R04 and R05) was that the sites be subject to a comprehensive masterplan. A masterplan does not determine the detailed form of development on adjacent land but demonstrates that it is possible to develop the overall allocation in an acceptable and comprehensive manner. A masterplan has been submitted (drawing D2000 P1) and shows an appropriate form of development across the whole of the R04/R05 policy area. The landowner of the rest of the allocated land to the north, Brentwood Borough Council, supports the principle of the development of this brownfield development and considers that the masterplan plan shows a form of redevelopment of its land that may come forward in due course. No adverse comments have been received relating to the masterplan and it is considered to be acceptable.

The preeminent building on the overall site is the former Ford HQ building, a modernist building in the international style, opened in 1965. Despite that building being converted by another developer, it has a presence felt across the overall site. Through discussions carried out through pre application discussions and since submission, the scheme has been developed to propose contemporary block type typologies, both as individual dwellings and apartment blocks with flat roofs and contemporary use of materials and fenestration. The layout across the parcels has a semi grid form appropriate to the strong grid appearance and layout of the HQ building and to the typologies being used.

The southern site would be developed for houses, a mix of two and three storey dwellings, provide pedestrian/cycle links to the east and west (Warley Gap and Barrack Wood), with vehicular access and further pedestrian/cycle links to the north, as well as taking advantage of the current open land within the greenbelt along the east side to provide formal and informal recreation. Parking is mostly on plot, though there is limited provision of tandem parking adjacent to the podium parking associated with the former HQ building and partly adjacent to the main spine road, and one of the east west routes in the middle of the site. The applicant has been encouraged to identify where informal parking would naturally take place and design it in to the scheme; this parking would be surfaced with reinforced grass and build outs with street trees.

A care home is proposed on the northeast corner of the southern parcel, though only basic massing details of the building have been provided at this stage.

The northern site is the first part of what could be a multi phase redevelopment, with the land beyond, and proposes a now entirely residential development of houses and apartment blocks. The three apartment blocks would be along the centre of the Eagle Way and The Drive frontages. Block A would be five storeys and provide 28 flats, Block B also five storeys, providing 14 flats and Block C would be a four storey block of eight units. The houses and flats would share a common design language. This parcel includes a small public open space and a public square.

The design of the northern site is more challenging as it has to work in relation to the southern site and has to work with the land to the north in its current state and use and

as redeveloped. This is the reason for the Masterplan on the overall allocation. Officers consider that the development of the northern site would be appropriate in those different circumstances. Should the land to the north come forward the north/south routes in this development could be extended to reach the playing fields and beyond.

With regard to the Design Officers comments, officers' starting point throughout the pre app and later was to have a greater role for SUDS features, swales, rills, water gardens and retention basins etc, to be expressed more in the scheme. In addition to their drainage benefits, they help placemaking, landscape and ecology. However, the layout is considered acceptable and is supported by the Lead Local Flood Authority.

The proposal includes a care home and while there are other possible forms of provision for such specialist groups, the care home is a requirement of the draft policy and subject to submission of appropriate details at the reserved matters stage is considered satisfactory.

The Design Officer's preference for and comments relating to retention of the existing tunnel from the basement of the HQ building under Eagle Way to the northern site is noted – as is the similar discussion at an early Member briefing – and this was discussed with the applicant before the application was submitted and again during the life of the application. This is not accepted by the applicant or the developer converting the former HQ building. The traffic data accepted by the highways authority indicates a lesser traffic generation for the site as proposed than in its previous commercial use. The Highways authority has not required its retention on highway safety grounds - the surface crossing of Eagle Way is to be upgraded as part of the proposal. It is also doubtful that the tunnel would be on the desire line for occupiers on either part of the site, but especially those not resident in the former HQ building – and therefore even were it to be retained and available for use, using it use would not make sense to many. While its retention was worth investigating, it is not part of the applicants offer, it is incompatible with the proposed layout due to conflict with the position of Block B and therefore cannot be achieved by condition. For the reasons given above the assumed benefits of the tunnel does not justify its retention – and the necessary refusal of the application to achieve it.

## Heritage

The former Ford HQ building was considered for listing but was not put on the statutory register though its developer recognises its architectural qualities, and it can be considered to be a Non-Designated heritage Asset. Due to proximity and scale the proposal for the southern site would have a significant effect on the setting of the building, though it lacks statutory protection. The layout and form of the development has changed greatly since the beginning of pre application discussions relating to this development to one based on a semi grid layout with contemporary housing typologies. The position and overall massing of the Care Home would have a greater effect on the setting of the former HQ building. It would be of the order of 12.5 metres in front of the former HQ building but due to its much smaller scale 16m tall, 30m wide at that height, as opposed to the HQ's 23m, up to a maximum height of 32 metres and 130m width, the HQ building would always retain its role as the dominant building on the site. The

dwellings on Plots 50-52 would likewise sit proud of the HQ building but at 9.15m tall would be more subservient still.

There are two Grade II listed buildings in the immediate setting of the site allocation (to the west), these are Blenheim House and the Headquarters of The Royal Anglian Regiment on the opposite side of Clive Road. These proposed development of these two parcels would have a neutral effect on the setting of the listed buildings.

### Sustainability

Section 5 of the revised Design and Access Statement addresses sustainability, as does the Sustainability Statement and Energy Statement submitted with the application. The four largest buildings proposed – the three flat blocks (A to C) and the care home are all indicated to have green roofs. In addition, blocks A to C would have photovoltaic cells (PVs) and direct electric heating. The rest of the buildings, the houses, would incorporate fabric first principles, air source heat pumps and PVs.

The submission has been assessed by a specialist who has identified that national policies and measures might not be best suited to long term carbon reduction and may need revision. In summary it is noted that the revised form of development is a significant improvement on the original proposal. On the whole the energy strategy for the proposed development is considered to represent standard practice but fall significantly short of what would be expected for a net zero building and risking the need to retrofit the properties ahead of 2050. However, the applicant has not sought to produce an exemplar scheme but to achieve the requirements of planning policy. In that context the proposal archives meaningful improvements over the building regulations and is acceptable.

### Sunlight, daylight and residential amenity

The development has been assessed in accordance with the Building Research Establishment's publication "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2011). The results of the analysis demonstrate that the aims of the BRE's guidance are achieved and the proposed accommodation and amenity spaces will have good access to daylight and sunlight. For the most part, the development is not close to other existing dwellings. Those few dwellings adjacent to existing development would have a satisfactory relationship.

### Affordable Housing

Under Policy H9, on large sites such as this the Council will seek a proportion of 35% of the number of dwelling to be provided as affordable housing in a manner to be agreed with the council. The policy follows the conventional requirement at the time, including both subsidised rented accommodation and low cost market housing, restrictions on occupation to address local needs, with the viability of the development and other planning issues being relevant when determining provision.

Consideration of issues around affordable housing have changed in the years following adoption of the 2005 Development Plan. Government policy has moved against requiring provision of affordable housing on very small sites, permitted development rights have been introduced that allow certain residential development types to be carried out without planning permission (and therefore with no requirement for such provision). More recently the Government has sought to improve the economics of developments by allowing developers to apply 'Vacant Building Credit' which subtracts the floorspace of buildings to be demolished from the residential floorspace proposed before calculating the quantum of affordable housing required. This thereby reduces the number of affordable homes required on sites such as this where buildings (in this case the former data centre) are being removed. While these processes are not without controversy, they are legitimate ways for a developer to reduce its affordable housing requirement, in the name of improving the viability of development which may not otherwise be viable to implement.

The application as originally submitted, for 151 dwellings, care home and commercial units etc., was viability tested by the applicant and proposed 38 affordable units (i.e. 25.1%). Following revisions to the scheme in January 2021, including the reduction to 133 dwellings, the applicant carried out a further viability assessment and advised that no affordable housing could be provided on the site. Taking into account the floorspace to be demolished as permitted under the Vacant Building Credit, the 'policy compliant' level of provision would have been 25.5% i.e. 34 units. Therefore, the shortfall in provision due to viability would be 34 units. Further discussions have been carried out with the applicant and the Council's specialist advisors and the viability information indicates that the development could support five dwellings, all shared ownership. That view would be subject to seeking updated information on local house price movements since Fairview's sale price estimates were produced in July 2020. S106 agreements commonly include a requirement for viability review when reduced affordable housing provision is proposed on viability grounds on the basis that viability can change with time due to changing market conditions.

Notwithstanding that, the applicant has made an offer of 20% of the dwellings to be provided as affordable housing. This amounts to 27 homes. These would be shared ownership, of a range of sizes indicated below, on the northern parcel. However, this offer is subject to there being no such future viability review. In this case a viability review is not necessary as the economics of the situation are unlikely to alter to the extent that the viable provision of 5 units would increase to 27 shared ownership units or beyond.

The proposed provision is:

- 9 No. 1 Bedroom 2 Person (1B2P) flats
- 4 No. 2B3P flats
- 7 No. 2B4P flats
- 1 No. 2B3P wheel chair flats
- 4 No. 3B5P flats
- 2 No. 4B6P houses

Total – 27 affordable units

There is no dispute that the borough has a significant under supply of affordable homes and that this has been so for a prolonged period of time. The Council's housing monitoring report confirms that for the year 2019/20 the supply was just 40 homes and that this was below requirements. Therefore, the provision of these 27 affordable homes is a benefit of the scheme to which significant weight can be attached. The provision of these units would be required via a S106 agreement.

#### Care Home

The proposal includes a care home on the southern part of the site. Limited information has been provided – the information is at the level of an outline application, with only information relating to access being provided. Details of appearance, landscaping, layout and scale are reserved for later approval. The care home would have a gross internal area (GIA) of approx. 3700 sqm, a maximum of four storeys and lower elements of 3 storeys and single storey. This is indicative of a 60-65 bed home and it may include specialist care though it is understood that at this stage a care home provider has not been finalised. The inclusion of a care home is in accordance with the requirements of the emerging local plan's site specific policies (R04 and R05). Occupancy can be controlled by condition.

#### Dwelling size

Policy H6 (Small Unit Accommodation) requires at least fifty percent of dwellings on larger sites to be one or two bedroom dwellings. The proposal would provide the following mix of dwellings:

Type	Number	Percentage (rounded)
1 bed	15	11%
2 bed	52	39%
3 bed	47	35%
4 bed	19	14%
Total	133	

The proposal meets this policy objective. Furthermore, it is noted that the conversion of the adjacent HQ building is overwhelmingly of one and two bed units.

The density of housing would be 59 (net) dwellings per hectare (dph) on the north site, 33 (net) on the south site. Policy H14 expect densities greater than 65 dph in town or village centres where the location has good public transport accessibility. However, this does not take into account the 350 dwellings coming forward through the conversion of the former HQ building and related developments. In this context the density is considered to be acceptable.

All dwellings meet or exceed the technical housing standards – nationally described accommodation space standards - which although not adopted by the planning authority are a nationally recognised and accepted space standard for dwellings.

## Secured by Design

This and other developments on the overall site have been considered by the crime prevention officer in accordance with the principles of Secured by Design. The consultation reply for this application raised no objections and the further comments are to be included as a note on the decision notice. A similar design approach has been taken on previous applications and the proposal is considered to meet the requirements of Policy C19.

## Highways and Parking

A transport assessment has been provided with the application which indicates a lower level of vehicular trips in the AM and PM peaks of this revised 133 unit scheme in comparison to those predicted for the 151 unit scheme, with commercial uses. Both of these were predicted to be very much less than the vehicular trips associated with the Ford use of the site. The junctions associated with both parcels would operate well within their theoretical capacity.

With regard to highways impacts, paragraph 109 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In the context of the above, the proposal would not give rise to those problems and the proposal is supported by the highways authority and is considered to be acceptable in highways terms.

The highways authority supports the scheme subject to conditions, including upgrade of the crossing between the north and south sites, improvement to footway along the Eagle Way frontage of the north site, use of tactile paving adjacent to crossings, a link to the adjacent north-south path adjacent to Barrack Wood, minimum 3 m width of east-west link walking cycling route on southern parcel. Furthermore, the highways authority has requested mitigation measures to make the site a more sustainable location for new residents by offering notable contributions towards walking and cycling infrastructure as well as public transport services and potential additional parking controls in the area. These would be achieved through funding by the applicant via a S106 agreement.

## Car parking

With regard to parking, the revised proposal would provide 240 car parking spaces, 219 allocated plus 21 for visitors, relating to the residential part of the scheme. The proposal as assessed against the standards, as below:

Type	Number of dwellings	Standard	Proposed	Compliance/shortfall
1 bed flats	15	15	15	Compliance
2 bed flats	32	64	32	Shortfall 32 spaces
3 bed flats	3	6	6	Compliance

2 bed house	20	40	40	Compliance
3 bed house	44	88	88	Compliance
4 bed house	19	38	38	Compliance
Sub Total	133	251	219	Shortfall 32 spaces
Visitors	Standard is 0.25 per dwelling (rounded up)	34	21	Shortfall 13 spaces
Grand total	-	285	240	Shortfall 45 spaces

Car parking would be in a mix of open parking, some under pergolas, car ports and garages. The garages are associated with three house types (3A, 4 and 5), 54 units in all. In each case the garage would be a single garage of internal dimensions of 7m by 3m – the garage at house type 4 is within 80mm of that length, which is de minimis. This is the larger dimension recommended in the parking standards that recognise that smaller garages can become unusable due to storage of items. The larger dimensions seek to make this less likely. Permitted development rights for conversion of garages can be removed by condition.

The care home would be provided with 21 parking spaces. The standard is 1 space per full time equivalent (FTE) member of staff plus 1 visitor space per three beds.

A care home of 3700 sqm the size indicated in the application, is indicative of a 60-65 bed home, with 70-80 staff, approximately 35-40 at any one time. On that basis the estimate of car parking required under the adopted standards would be as follows:

- 1 space per fte staff members = 40 spaces
- 1 space per 3 bed spaces = 22 (rounded up) based on 65 bed spaces.

i.e. 62 spaces. The proposal would provide 21 spaces. The standard is expressed as a maximum number, but the proposals fall well below it.

The adopted ECC 2009 Essex wide Parking Standards indicate that provision below the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport. Measured from the junction of the Drive and Eagle Way, the two sites are over a mile from the railway station, the return journey being uphill and although there is a bus stop adjacent to the northern site, its accessibility to public transport is not of the standard of a town centre site.

The parking standards advise that Car Clubs should be promoted in low provision/car free residential, and this may have a part to play in justifying a lower than standard compliance level of provision. Promotion is likely to require funding from the developer and provision of car club spaces. This could be achieved through a Planning Obligation/S106 agreement. The applicant is proposing a subsidised car club, envisaged to be for two such cars, though this is subject to further discussion.

The applicant proposes other measures to promote modes of transport other than use of the private car and these are considered below with regard to Planning obligations.

### Cycle parking

The proposal would provide 258 cycle parking spaces. The proposal as assessed against the standards, as below:

Type	Number of units	Standard	Proposed	Compliance/shortfall
1 bed flats	15	15	85	Overall, exceeds standards
2 bed flats	32	32		
3 bed flats	3	3		
2 bed house	20	20	40	Exceeds standards
3 bed house	44	44	88	Exceeds standards
4 bed house	19	19	38	Exceeds standards
Sub Total	133	133	251	Exceeds standards
Visitors	-	-	7	Exceeds standards
Grand total	-	133	258	Exceeds standards

The overprovision of cycle parking is acceptable, though in locations such as this it is generally not considered to mitigate non compliance with car parking standards as the modes of transport are not direct alternatives and in most contexts rarely easy substitutes.

In discussions with the applicant, the shortfall in car parking spaces has been reduced from previous iterations of the scheme – through reducing dwelling numbers, omitting commercial floorspace and changes in layout - and the applicant is proposing mitigation measures, considered in the Planning Obligations section. These mitigation measures seek to reduce the number of cars residents own to meet their needs. The applicant is also proposing to fund a study and implementation of parking controls in the locality to address potential displacement of parking from the site elsewhere in the area.

Resident's bays would be marked with their flat/house number and parking in these would require the display of a permit on the windscreen. Visitors bays would be marked with a 'V' and residents would not be permitted to park in these. These would be policed by the management company and appropriate action would be taken against residents who misuse them.

### Electric Vehicle Charging

All of the houses with on plot parking or bays immediately adjacent to them (plots 1-52, 60-80 and 82-83) would be provided with passive electric vehicle charging points. (i.e. physical conduits to support future charging points) This would allow occupiers to install a charging point without the need to run electric cables through the house etc. Ten



percent of the parking provision for the flats, visitors and houses with communal parking bays (plots 53-59 & 81) would be provided with active (ready to use) electric vehicle charging points and 10% passive electric charging points would also be provided.

### Green Belt

Around 1.8 hectares of the site is in the Green Belt. All proposed buildings would be within the settlement boundary i.e. outside the greenbelt. The land would remain as open space, available for recreation by residents and would include an east-west cycle route running between Barrack Wood and PROW 29 (to the east) and Warley Gap and PROW 112 (to the west). It would accommodate a SUDS feature pond, a play area and general open space. On this basis the development would not be inappropriate development within the Green Belt.

### Flood Risk and SUDS

The northern site would have swales (shallow channels with gently sloping sides) running along the northern side of Block C and its parking area and between Block A and B. The large openspace adjacent to the southern parcel would contain a balancing pond. All on-site roads and parking areas would be laid with permeable paving. The expression of sustainable drainage (SuDS) features has drainage, landscape and ecological benefits, though in this scheme those benefits are limited due to the relatively small scale of such features. Subject to conditions the Environment Agency and SUDS team raise no objections.

### Landscape and Ecology

A detailed landscaping scheme has been developed and submitted with the application. Its implementation can be required by planning condition.

The site has been assessed by a specialist ecologist. The site itself has no statutory ecological designation. The nearest SSSI is Thorndon Park, 05 km to the east, and Barrack Wood, local wildlife sites at Donkey Lane Plantation, Ellens Wood, Little Warley Common and Warley Gap, are closer but none are considered to be affected by the development. The grassland, buildings and large areas of hardstanding on the site are of no more than low ecological value. The deciduous woodland at the east of the site would be retained in full. Most of the site offers little for protected species other than the woodland to be retained and enhanced through a landscaping proposal. Statutory consultees offer no objections.

### Planning obligations

Planning obligations - secured through Section 106 of the Town and Country Planning Act - assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. They should only be used where it is not possible to address unacceptable effects through a planning condition(s). Conditions have a slightly more limited ability to deal with issues, for example they cannot be used to require the payment of monies. Planning obligations, can cover financial contributions,

but must only be sought where they meet the tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (and repeated in national planning policy NPPF paragraph 56), that is:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

In discussions through the work being done on the emerging LDP, the applicant has agreed with the LPA that development on the site will need to provide or make proportionate financial contributions through a S106, towards necessary infrastructure to mitigate its cumulative impacts.

The applicant has suggested that the following financial contributions could be appropriate to make this proposal acceptable in planning terms and proposes a S106 agreement to cover the following matters:

1. Provision of affordable housing
2. Financial contribution towards provision of education for residents, if requested by Essex County Council – ECC has responded to say that it cannot make a case that such provision is necessary.
3. Health needs contribution, if requested by the local commissioning group. The commissioning group has made such a request.
4. Open space contribution, if requested by local authority
5. Site specific highway works, if requested by local highway authority, for example enhanced crossing arrangements along Eagle Way and the Drive, and traffic calming measures
6. Travel plan coordinator, implementation of Travel plan as agreed with local planning and Highways authorities
7. Cycle and walking improvements
  - a. Funding of study to improve walking and cycling accessibility to the station (£25,000)
  - b. funding of improvement plan on that route (up to value of £100,000)
8. Public transport improvements
  - a. Public Transport Contribution of up to £226,000
  - b. Bus Infrastructure Improvement Contribution of £25,000
  - c. subject to confirmation by the County Council that these can be applied locally to the site.
9. Financial contribution of £35,000 towards Local Car parking zones monitoring, consultation and implementation

The applicant also proposes to establish a car club with a current provider and in any event include an obligation to fund the implementation of a car club should this be established through later phases of the redevelopment.

Essex County Council Infrastructure team has confirmed that no case can be made to justify an education payment. For that reason, such a payment will not be requested.

The Mid and South Essex NHS Clinical Commissioning Group has calculated that the development would be likely to have an impact on the NHS funding programme for the delivery of health and care provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated. The CCG advises that the development could generate approximately 319 residents and subsequently increase demand upon existing constrained services. The group has calculated that this extra demand would require extension, reconfiguration, refurbishment or relocation of primary, community and out of hospital services for the benefit of the residents of the proposed development. The costs of this has been assessed as £50,301 based on 2015 levels. This request and the evidence provided in the CCGs representation indicates that the above three tests are met and it is reasonable to require the developer to fund such provision. The CCG has asked that payment should be made before the development commences and this is reasonable and such a trigger point for the payment can be part of the S106 agreement.

#### Open Space provision

Current plan policy LT4 requires a provision of public open space the proportion of which should be informed by the extent, nature and accessibility of existing provisions, and the suitability of the site to accommodate open space. Appendix 5 (Miscellaneous Residential Design Guidelines) sets out the starting point for assessing the proportion of space. Within larger housing areas (sites of 50 units and above) at least 15% of the site area should be set aside for public open space, part of which should be suitably hard surfaced. The proposal exceeds this level of provision – fifteen percent would be 0.8 hectares, provision over the whole site is 1.96 ha, with 1600 sqm on the northern parcel.

The applicant has made a financial offer for the maintenance and improvement of the local open space, areas which are likely to be visited and used by future residents. This is on the basis of £1,000 per unit, i.e. a total of £133,000. This would be captured in the S106 agreement.

#### Housing land supply and delivery

The scheme would deliver market housing and affordable housing. The Council is unable to demonstrate a five year housing land supply against its local housing need and the rate of delivering new dwellings is low. At the recent Ingatestone appeal the housing land supply was agreed to be 2.36 years. This shortfall is substantial and on that basis government policy is that the Council's planning policies relating to housing supply cannot be considered to be up to date.

National planning policy states that the balance (in the decision making process) should, as a result, be tilted in favour of sustainable development and planning permission should be granted except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The appeal site is owned by the appellant, a national house builder, and the site can be considered deliverable in that regard. Therefore, substantial weight can be attributed to the provision of additional housing.

The NPPF lists specified protected areas, such as greenbelt, where this permissive approach does not apply. However, this site is not one of those protected areas (eg green belt, SSSIs, AONB, National Park, irreplaceable habitats, designated heritage assts etc) and therefore the 'tilted balance' does operate with regard to this development. Consequently, when considering this proposal substantial weight should be given to the benefits of the proposal and grant permission except permission where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

However, as indicated in this report, this proposal is acceptable in its own right and therefore does not rely on the 'tilted balance' to be considered acceptable. It is noted however that 133 new dwellings would be a significant addition to the number of dwelling coming forward in the borough.

As indicated above, the proposal is considered acceptable, even before considering the tilted balance and the recommendation is that planning permission be granted subject to conditions and a S106 agreement.

## **7. Recommendation**

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

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:

- i. vehicle routing
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. 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 takes 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](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.

4

- 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.



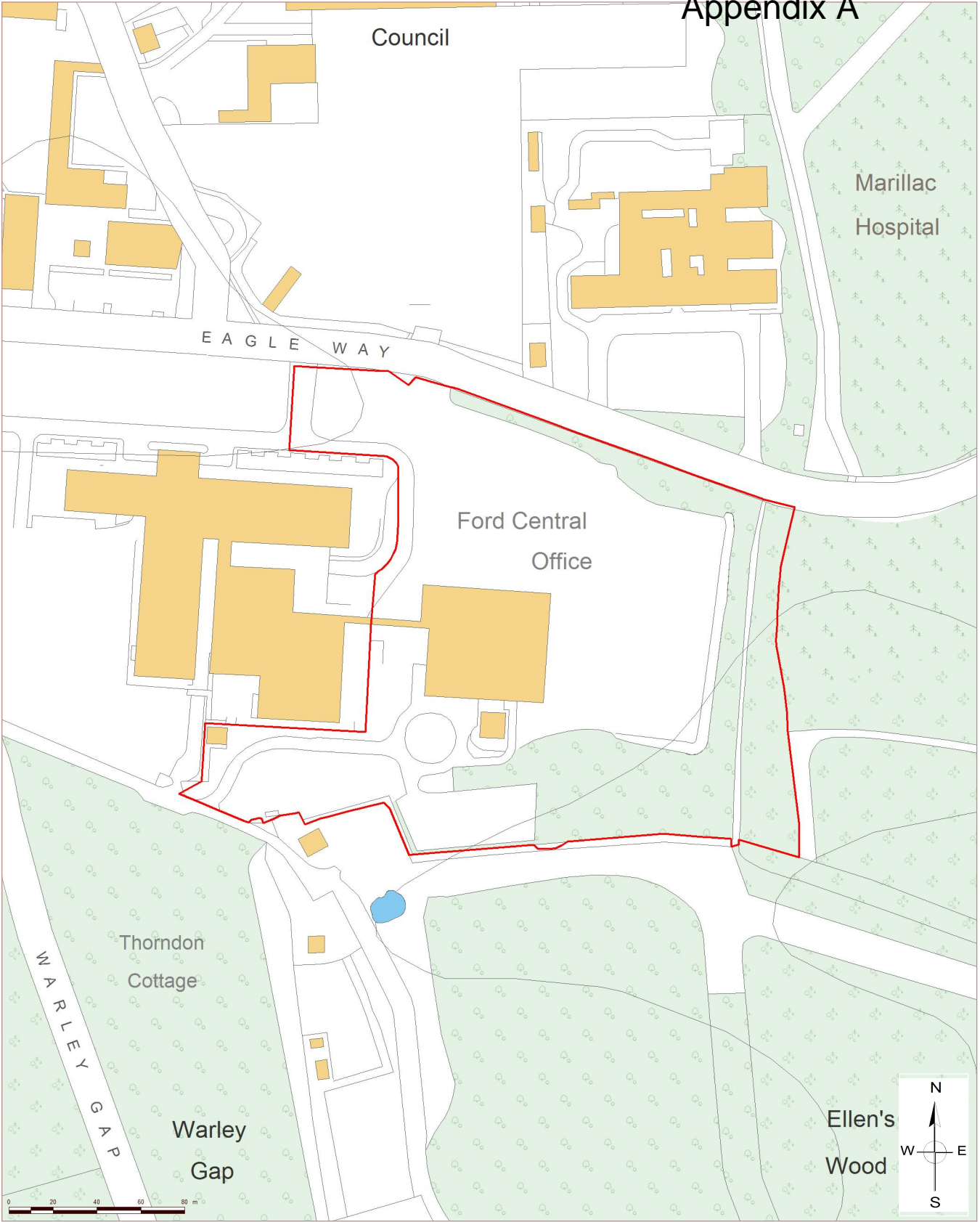
o We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of 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.

*BACKGROUND DOCUMENTS*

**DECIDED:**



Appendix A



Title : Car Park opp Central Office, Ford Motor Co Ltd, Eagle Way, Warley, Brentwood, Essex

20/01111/FUL

Scale at A4 : 1:2500

Date : 29th June 2021

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Planning and Licensing Committee**

### **Planning**

- (a) Town and Country Planning Act 1990 and any related legislation including: -
- (i) determination of planning applications;
  - (ii) enforcement of planning control;
  - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990
- (i) determination of applications for Listed Buildings and Conservation Area consent;
  - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
- (i) To guide the Council in setting its policy objectives and priorities.
  - (ii) To carry out the duties and powers of the Council under current legislation;
  - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
  - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
  - (v) To consider and approve relevant service plans;
  - (vi) To comply with the standing orders and financial regulations of the Council;
  - (vii) To operate within the budget allocated to the committee by the Council.
  - (viii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

### **Licensing**

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including
- i. Trading Requirements
  - ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
  - iii. Animal Welfare and Security
  - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
  - v. Sex establishments (including Sex Entertainment Venues (SEV))
  - vi. Pavement Permits
  - vii. Charitable Collections
  - viii. Camping, Caravan Sites and Mobile Homes
  - ix. Scrap Metal
  - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.