



# Agenda

## Planning and Licensing Committee

Tuesday, 26 July 2022 at 7.00 pm  
Council Chamber - Town Hall

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### Membership (Quorum – 4 )

Cllrs Bridge (Chair), Barber (Vice-Chair), Dr Barrett, M Cuthbert, Fryd, Gelderbloem, Jakobsson, Laplain, Mynott, Parker, Wiles and Tanner

### Substitute Members

Cllrs Barrett and Mrs Pearson

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### Agenda

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### Live broadcast

[Live broadcast to start on the rising of Licensing Committee and available for repeat viewing.](#)

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Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
18.07.2022

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### Information for Members

#### Substitutes

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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

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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

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##### 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

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#### 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.



## Minutes

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### Planning and Licensing Committee Tuesday, 28th June, 2022

#### Attendance

Cllr Bridge (Chair)	Cllr Jakobsson
Cllr Barber (Vice-Chair)	Cllr Laplain
Cllr Cuthbert	Cllr Mynott
Cllr Fryd	Cllr Parker
Cllr Gelderbloem	Cllr Wiles

#### Apologies

Cllr Dr Barrett	Cllr Tanner
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#### Substitute Present

Cllr Barrett  
Cllr Mrs Pearson

#### Also Present

Cllr Sankey  
Cllr Mrs Francois  
Cllr Mrs Murphy

#### Officers Present

Phil Drane	- Corporate Director (Planning and Economy)
Caroline Corrigan	- Corporate Manager (Planning Development Management)
Claire Mayhew	- Corporate Manager (Democratic Services) and Deputy Monitoring Officer
Brooke Pride	- Planning Officer
Julia Sargeant	- Consultant Planner

#### LIVE BROADCAST

[Planning Committee - Live broadcast to start on the rising of Licensing Committee and available for repeat viewing.](#)

**54. Apologies for Absence**

Apologies were received from Cllr Tanner and Cllr Mrs Pearson was substitute and Cllr Dr Barrett and Cllr Barrett was substitute.

**55. Minutes of the Previous Meeting**

The Minutes of the Planning and Licensing Committee held on 15<sup>th</sup> March 2022 were agreed as a true record.

**56. 53 Crown Street Brentwood Essex CM14 4BD**

This application has been referred to the Planning Committee by Cllr Gareth Barrett for the following reason:

*The proposal proposes an inconsistent density with the property in the local area, new velux style windows create overlooking and a reduction in privacy, and while without clear measurements on the plans available this is not easy to confirm, appears it is not in line with the gross internal area standards for a nine bedroom property (in terms of floor space across the site, in multiple rooms and height in the 2<sup>nd</sup> floor rooms).*

Mrs Sargeant presented the report to the committee.

**The chair read out a statement on behalf of Mr & Mrs Ludwig in objection to the application.**

*As a very close resident (1 Primrose Hill), to the said property (53 Crown Street), my husband and I have grave concerns of a 9 bedroom HMO opening on our doorstep. The property in question was set up some time ago (by previous owners) as a unlicensed HMO and we suffered lots of disturbance, noise pollution and excessive rubbish waste behind our garden. The amount of bedrooms squeezed into the new developed property seems questionable and far too many occupants compared to surrounding properties. The owner has also added two 'new' windows to the side of the property which directly overlook our garden and living areas. Thankfully this was picked up as unauthorised development.*

*However, the windows are still in place and causing us concerns for our privacy. We have a young son who is often playing in the garden and previously had to be subjected to groups from the property hanging around in the car park using foul language and smoking illegal substances.*

*The developer for this application has already built a large development in front of our property (Primrose Mews) and is now planning to house another 9+ residents behind us. It all seems very excessive considering how many other developments we have going on in the area?*

*We have lived in our property for 15 years and considerate it our family home. We feel an HMO on our doorstep would compromise our privacy and wellbeing.*

**The chair read out a statement from the agent on behalf of the applicant in support of the application.**

*The application before you seeks to resurrect the use of 53 Crown Street as a house of multiple occupancy providing accommodation of high-specification that meets all planning and licensing policies for use as a HMO. Including bike stands, bin store and parking spaces in excess of the required minimum standards.*

*As the existing and proposed elevations demonstrate and in accordance with the planning officers request, the amendment to the side elevation has been limited to the removal of 1 window and the enlargement of 1 window at ground level. There are no further changes to the building's fenestration.*

*Historically, 53 Crown Street was licensed (BRW/HMO/021) as an HMO of 9 dwellings from January 2014 with a licence renewal date of January 2019. The property currently has the Classification of B1 (Office), albeit previously approved for D2, planning permission was also granted to convert the property to 2 residential apartments as well as previously being used as an individual residential dwelling.*

*Due to lack of use and/or interest under its current classification, the property had fallen into a dilapidated state of repair under previous ownership, with extensive repairs and renovation required throughout. This application, now under new ownership seeks to re-purpose the property, providing residential housing therefore assisting with the boroughs current housing requirements, having no effect on the loss of employment or as per the officers report no adverse effect on the neighbouring occupiers.*

*The proposal looks to address the government's framework and local plans which place emphasis on residential development within sustainable locations, particularly the conversion of offices to residential use. For the assurance of safety, all fixtures and fitting including appliances are certified for fire safety in line with building control legislation. In addition, CCTV is installed in all communal areas.*

*The case officer has also demonstrated that each dwelling has been given sufficient floor space, **in excess of** the minimum requirement. All benefiting from ensuite shower rooms and kitchenette. Both the planning case officer and Environmental Health Officer are satisfied with the proposals and therefore recommended this application for approval.*

*As the applicant was advised that a site visit would be external viewing only. Photos demonstrating the high standard of the internal space were previously circulated to officers and members via post C/O the town hall.*

*The application site lies between Knight Court which has 19 x apartments housing 40 residents and Primrose Mews a development of 12 x apartments housing 23 residents. A block of five apartments stands on the corner at 73 – 81 Crown Street and adjacent to the application site is Felders Court hosting 8*

*apartments. Therefore, the applicant believes that the proposals are inline with the density of accommodation in Crown Street.*

*The applicant has addressed all the reasons for referral by the ward councillor and hopeful that the planning committee will now endorse Brentwood Borough Councils professional planner's recommendation to approve this application.*

Cllr Barrett, Ward Councillor, spoke on his referral and informed the Chair that he wouldn't be voting on this item.

Cllr Wiles, Ward Councillor also spoke in support of the application and **MOVED** that the application be **APPROVED**, which was **SECONDED** by Cllr Mrs Pearson.

Concerns were expressed by Members in relation to lack of direct open space and private amenity in relation to policy HP06 (Standards for new Housing) as well as lack of direct outlook for some units as stated in the HMO 2018.

A vote was taken, and Members voted as follows:

FOR: Cllrs Barber, Bridge, Mrs Gelderbloem, Jakobsson, Parker, Mrs Pearson and Wiles (7)

AGAINST: Cllrs M Cuthbert, Fryd, Laplain, Mynott (4)

ABSTAIN: (0)

*(Cllr Barrett did not vote on this item).*

The motion to **APPROVE** the application was **RESOLVED** 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.

4 Limitation of Occupancy

The HMO hereby permitted shall not be occupied by more than 9 persons and no more than one person shall occupy any of the 'suites' as shown on the approved drawings.

Reason: To ensure that appropriate living conditions are maintained and to avoid issues of overcrowding.

5 RESL04 No PD for windows etc

Aside from those indicated on the approved drawings, and 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 windows, dormer windows, glazed doors or rooflights shall be constructed 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.

6 Details of cycle and refuse store

None of the accommodation hereby permitted shall be occupied until the facilities to be provided for the storage of cycles and refuse; have been provided in accordance with the details shown on the approved drawings. Thereafter the accommodation shall not be occupied unless those facilities are retained.

Reason: To ensure that adequate provision is made in order to safeguard the character and appearance of the area.

7 Basement not for HMO Use

This permission relates to the approval of a HMO on the ground, first and second floor of the building. The basement as shown on approved drawing shall only be used for the storage of plant and CCTV and accessed by the landlord or owner of the building and shall not be accessible or used by occupiers of the HMO for any purposes, unless approved in writing by the local planning authority.

Reason: To safeguard the future occupiers of the development to ensure adequate living conditions are provided.

8 Electric Car Charging

Prior to first occupation, the proposed development shall be provided with, as a minimum, the space and infrastructure required to provide electric vehicle charging/plug-in points in the proposed car parking spaces for the future occupants of the building.

Reason: In order to provide for the transition to electromobility and reduce pollution and climate change impacts in the interests of the health and wellbeing of the public in accordance with policy BE11.

9 Sustainability - water efficiency

The proposed building shall not be occupied until details of:

- measures to ensure that the building does not exceed 110 litres per person per day;
- measures to provide wastewater infrastructure capacity;
- measures to achieve lower water consumption rates and to maximise future proofing;
- measures to demonstrate the development would not have an adverse impact upon the sewerage network; and
- measures to improve water quality and protect the quality and functioning of existing water courses/groundwater.

have been submitted to and approved in writing by the Local Planning Authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved.

Reason: in order to ensure that the proposed development incorporates the sustainable principles in relation to policy BE02 of the Brentwood Local Plan.

10 Digital Infrastructure

The proposed buildings shall not be occupied until the infrastructure for the fastest available broadband connection installed on an open access basis has been provided for the future occupants of the building.

Reason: In order to ensure that new developments are connected to digital infrastructure in accordance with policy BE07 of the Brentwood Local Plan.

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.

- 12 Obscure Glazing – (on drawings)  
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.

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

#### 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 U0008628

The following Development Plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE02, BE04, BE07, BE11, BE13, BE14; HP06; as is the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG).

##### 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 U0008630

This consent is only in relation to the town and country planning act. Other legislation may be applicable for which consent is required, such as licensing. The applicant is required to contact the Council's Environmental Health Department to ensure an appropriate licence is

sought for the HMO. It is the duty of all parties to ensure compliance with all laws.

#### 6 Secure by Design

This proposal should comply with the security section of the “Essex amenity standards for Houses in Multiple Occupation” (extract below). This includes security of the external doors, accessible windows and secure cycle storage. Essex Police also recommend that each individual resident has access to securable personal space including lockable cabinets/storage within the shared kitchen area.

It is recommended that dual certificated doors (fire and security) are installed in the property. Secured by Design provides guidance on flat entrance doorsets, which may be useful for this property (*A Guide to Selecting Flat Entrance Doorsets*). The SBD website- (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

#### 57. **Havering Grove Farm, 552A Rayleigh Road, Hutton, Brentwood, Essex CM13 1SG**

This application is presented to Committee for determination as it has been referred by Cllr Olivia Sanders (Francois) for the following reason:

*Havering Grove Farm is a farmstead with a mixture of buildings. Due to cessation of these storage buildings a proposed development of four residential units is proposed.*

*These buildings will be constructed on the current hard standing therefore the green belt will not be harmed. It will vastly improve the appearance of the site given what is there currently. The associated landscaping will also help to enhance the area. As this proposal will see homes built instead of commercial storage, there will be a reduction in traffic movements on this small section of Rayleigh Road which will definitely be of benefit to the residents who live either side of the farm.*

Mrs Sargeant presented the report to the committee.

Cllr Sanders (Francois) Ward Councillor, spoke in support of the application.

Members expressed that this application would improve the site as it is at present and that residents are in support of the application. Discussion was had in relation to very special circumstances for allowing inappropriate development in the Green Belt. It was considered that very special circumstances exist in this case as the proposal would enhance the landscape, visual amenity and biodiversity, as well as improving damaged and derelict land.

Following a full discussion, Cllr Parker **MOVED** and Cllr Barber **SECONDED** that the application be **APPROVED**.

A vote was taken, and Members voted as follows:

FOR: Cllrs Barber, Bridge, Jakobsson, Parker, Mrs Pearson and Wiles (6)

AGAINST: Cllrs Barrett, M Cuthbert, Mrs Gelderbloem, Fryd, Laplain, Mynott (6)

ABSTAIN: (0)

The Chair used his casting vote, and the application was **RESOLVED** subject to the conditions:

Draft conditions have been sent to the Chair and Vice Chair and are copied below (please note these are still subject to agreement):

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: To ensure that the development is as permitted by the local planning authority.

3. No development shall take place, including any ground works or demolition, until a Construction Environment Method 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. the parking of vehicles of site operatives and visitors
- ii. a waste management plan
- iii. details of measures to minimise noise and vibration during construction and demolition
- iv. measures to control the emission of dust and dirt during construction
- v. route to be used by construction vehicles to and from the site
- vi. loading and unloading of plant and materials
- vii. site set-up including arrangements for the storage of plant and materials used in constructing the development
- viii. wheel and underbody washing facilities
- ix. hours of works

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 to minimise the impact of the construction of the development upon the environment.

4. No development shall take place above slab level until samples 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. The inspection of material samples shall be undertaken on site unless otherwise agreed 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 and for the avoidance of doubt.

5. No development shall take place above slab level until detailed scaled plans of the detached garages (floor plans and elevations) at 1:100 or 1:50, including external materials to be used, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the overall design and appearance of the garages are appropriate, to safeguard the character and appearance of the area and for the avoidance of doubt.

6. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.

7. Prior to the first use/occupation of the development hereby approved, details of bat sensitive external lighting scheme for the development shall be submitted to and approved in writing by the local planning authority. The details submitted shall include the luminance and spread of light and the design and specification of the light fittings. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

Reason: In the interests of biodiversity and to ensure that external lighting of the development does not result in excessive external light spill over existing light levels, particularly to the northern boundary.

8. 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:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - Limiting discharge rates to 1.2l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - 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.
  - 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.
  - 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.
  - An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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, and to provide mitigation of any environmental harm which may be caused to the local water environment

9. 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.

10. The applicant or any successor in title must maintain yearly logs of maintenance as agreed under condition No. 9 which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon 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.

11. No works except demolition shall occur until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

12. No development shall commence until an arboricultural method statement has been submitted to and approved in writing by the local planning authority. The arboricultural method statement shall detail measures to protect existing trees during construction and specific management requirements for the veteran trees. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure appropriate protection of the trees to be retained on site.

13. The development shall be carried out to ensure that all mitigation and enhancement measures as detailed in the Ecological Assessment (December 2021) are carried out. Furthermore within 3 months of commencement of the development an updated badger survey should take place the details of which, along with any required mitigation measures, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with any additional mitigation agreed.

Reason: To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of



Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (priority habitats and species).

14. No development above slab level shall take place until a scheme of soft landscaping for the site has been 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 and those areas to be grassed. The approved scheme of soft landscaping works 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.

15. No development above slab level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include surfacing materials; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; and any proposed functional services above ground as well as existing and proposed ground levels. The development shall then be carried out in accordance with the approved hard landscaping scheme and retained as such thereafter.  
Reason: In order to safeguard and enhance the character and appearance of the area.

16. 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 have been submitted to and approved in writing by the local planning authority. The approved boundary treatments 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.

17. The development shall not be occupied until the infrastructure for the fastest available broadband connection installed on an open access basis has been provided for the future occupants of the

building.

Reason: in order to ensure that new developments are connected to digital infrastructure in accordance with policy BE07 of the Brentwood Local Plan.

18. No development above slab level shall take place until details of:
- measures to ensure that the building does not exceed 110 litres per person per day;
  - measures to provide wastewater infrastructure capacity;
  - measures to achieve lower water consumption rates and to maximise futureproofing;
  - measures to demonstrate the development would not have an adverse impact upon the sewerage network;
  - measures to improve water quality and protect the quality and functioning of existing water courses/groundwater.

have been submitted to and approved in writing by the Local Planning Authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved.

Reason: in order to ensure that the proposed development incorporates the sustainable principles in relation to policy BE02 of the Brentwood Local Plan.

19. No development above slab level shall take place until a sustainability statement has been submitted to and approved in writing by the local planning authority. The sustainability statement shall outline the approach of the development to:
- Adaptation to climate change;
  - Carbon reduction;
  - Water management;
  - Site waste management;
  - Use of materials.

The development shall be carried out in accordance with the details as agreed.

Reason: in order to ensure that the proposal development incorporates the carbon reduction and renewable energy principles in relation to policy BE01 of the Brentwood Local Plan.

20. Prior to first occupation the cycle parking shall be provided in accordance with the adopted 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.

21. Prior to first occupation of the dwelling to which it relates, the onsite vehicle parking shall be provided as shown in principle on the approved plans. Furthermore, a fast charging point shall be provided adjacent to at least one parking space for each new dwelling. The vehicle parking areas shall be retained in the agreed form at all times.

Reason: To ensure adequate parking is provided and to promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality.

22. 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, which shall have been submitted to and approved in writing by the Local Planning Authority. The packs are 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.

23. The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently be removed from the site prior to the first occupation of any part of the development hereby permitted.

Reason - In the interests of maintaining the openness of the Green Belt.

24. 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 dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reason – To prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt.

25. 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 development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a

dwellinghouse') shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reason - To prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt and to limit the further spread of built form of adjunct and incidental outbuildings, within the curtilage of the dwellinghouses, into the Green Belt.

**58. 9 Sebastian Avenue, Shenfield, Brentwood, Essex CM15 8PN**

The application is reported to the Planning Committee as referred by Councillor Thomas Heard for the following reason:

*Last July, plans were approved for an extension at 9 Sebastian Avenue. Building work started in the Autumn and is continuing. At the time of the original approval residents in neighbouring properties identified to the Planning department that they believed the approved plans were flawed in that they were inaccurate and confusing.*

*There have been many issues of concern since building started, not least that some of the building work was in breach of the original plans (enforcement have been involved). There have been 14 revised plans submitted. Neighbours have been in lengthy communication with Brentwood Planning concerning, amongst other things, the inaccuracy of plan measurements and accompanying statements and establishing a clear view of what it is we are supposed to be reviewing as neighbours.*

Miss Pride presented the report to the committee.

Mr Jenkins was present and address the committee in objection to the application.

Mr Maitana, the applicant was also present and address the committee in support of the application.

Cllr Fryd, Ward Councillor, spoke about his concerns relating to the application process.

Concerns were expressed by members in regarding to the number of alternatives drawings that were submitted by the applicant.

Following a full discussion, Cllr Parker **MOVED** and Cllr Wiles **SECONDED** that the application be **APPROVED**.

A vote was taken, and Members voted as follows:

FOR: Cllrs Barrett, Barber, Bridge, Mrs Gelderbloem, Jakobsson, Parker, Mrs Pearson and Wiles (8)

AGAINST: (0)

ABSTAIN: Cllrs M Cuthbert, Fryd, Laplain and Mynott (4)

The motion to **APPROVE** the application was **RESOLVED** subject to the conditions below:

- 1 DRA01A Development in accordance with drawings  
The development hereby permitted shall not be carried out except in complete accordance with the approved documents listed above and specifications.

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

- 2 U0046541  
This permission only relates to the variation of condition 2 of the permission granted under reference 21/00645/HHA and all other conditions, i.e. conditions 1, and 3 to 5, of that permission shall continue to apply in full unless otherwise discharged.

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

#### Informative(s)

- 1 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.

- 2 INF05  
The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE14 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

- 3 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.

**59. Lee Farm, Horseman Side, Navestock CM14 5ST**

The application is reported to the Planning Committee as it has been referred at the request of the Parish Council for the following reasons:

*The site has been granted the construction of 3 substantial houses in the past two years now potentially 4 more and their associated parking spaces in this application, with the prospect of more plans for housing put forward as other farm buildings exist on other parts of the farm.*

*The road the site lies off of is a rat run suffering from speeding issues and the introduction of more houses and vehicles will only add to impact on ill maintained country lanes of the Parish.*

*There is no public transport.*

*The design is not in keeping of the area.*

*The site is neither brownfield nor infill and does not form part of the LDP.*

*The site is nearby to the growing development of illegal travellers site.*

*The Parish Council and residents consider it is over development in the greenbelt impacting on its openness and loss of greenbelt*

Miss Pride was present at the meeting and presented the report.

Mr Halladay, Agent, spoke on behalf of the Applicant.

Cllr Mrs Gelderbloem, spoke in support of the concerns expressed by the Parish Council.

(Cllr Mrs Gelderbloem declared an non pecuniary interest)

Cllr Parker **MOVED** and Cllr Mrs Pearson **SECONDED** that the application be **APPROVED**.

A vote was taken, and Members voted as follows:

FOR: Cllrs Barber, Bridge, M Cuthbert, Fryd, Jakobsson, Laplain, Mynott, Parker, Mrs Pearson and Wiles (10)

AGAINST: Cllr Mrs Gelderbloem (1)

ABSTAIN: Cllr Barrett (1)

The motion to **APPROVE** the application was **RESOLVED** subject to the conditions below:

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 BOU01 Boundary treatment to be agreed (general)

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 have been submitted to and approved in writing by the local planning authority. The approved boundary treatments 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.

5 BOU08 No walls or fences

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) no walls, fences or other means of enclosure shall be erected within the application site.

Reason: In the interests of safeguarding the character and appearance of the area.

6 DEM01 Demolition of buildings on site (green belt)

The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently be removed from the site prior to the first occupation of any part of the development hereby permitted.

Reason - In the interests of maintaining the openness of the Green Belt.

7

No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason: To preserve the character and appearance of the area.

8

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 development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reasons: To prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt

9

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 prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt

#### 10 Noise attenuation

With the proposed development within close proximity of the M25 a noise assessment should be completed, suitable for the development hereby permitted and shall be submitted to and approved in writing by the local planning authority before development begins. The noise assessment should consider noise from both internal and external environments, with reference to BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the noise assessment shall be made available to the Local Planning Authority to review before development begins.

#### 11 Contamination

No development shall take place until a desk top study of the nature and extent of any possible ground contamination has been carried out. The results of the investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

12



Prior to the development proceeding above slab level, details of the surfacing materials of footpaths, driveways and parking areas shall be submitted to and approved in writing by the local planning authority and construction shall be in strict accordance therewith.

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

13

The proposed development shall not be occupied until a landscaping scheme showing details of new and replacement trees, shrubs and native hedges (including those to be used as boundary treatments in lieu of high fencing) and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection across the entire application site during the construction phase, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area. Note: Native species include hornbeam and hawthorn and are recommended.

14

No development shall proceed above slab level until a detailed Arboricultural Method Statement to include tree protection measures and plan have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

15

Prior to first occupation, the proposed building shall be provided with, as a minimum, the space and infrastructure required to provide at least 1 electric vehicle charging/plug-in points for the future occupants of the building and visitors to the site.

Reason: in order to provide for the transition to electromobility and reduce pollution and climate change impacts in the interests of the health and wellbeing of the public in accordance with policy BE11.

16

The proposed building shall not proceed above slab level until details of:

- measures to ensure that the building does not exceed 110 litres per person per day;
- measures to provide wastewater infrastructure capacity;
- measures to achieve lower water consumption rates and to maximise futureproofing;
- measures to demonstrate the development would not have an adverse impact upon the sewerage network;

- measures to improve water quality and protect the quality and functioning of existing water courses/groundwater. have been submitted to and approved in writing by the Local Planning Authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved.

Reason: in order to ensure that the proposed development incorporates the sustainable principles in relation to policy BE02 of the Brentwood Local Plan.

17

The proposed building shall not be occupied until the infrastructure for the fastest available broadband connection installed on an open access basis has been provided for the future occupants of the building.

Reason: in order to ensure that new developments are connected to digital infrastructure in accordance with policy BE07 of the Brentwood Local Plan.

### 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 Local Plan 2016-2033 are relevant to this decision: BE14, MG02, BE13, HP06; National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

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.

4 Environment Health

No bonfires should be permitted during construction.

Any asbestos containing materials within the existing buildings should be removed by an appropriately licensed contractor before demolition commences

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

Heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday-Friday.....08.00-18.00

Saturday.....08.00-13.00.

No noisy activities on Sundays or Bank Holidays.

Particularly noisy equipment such as Pile Drivers/Angle Cutters/Pneumatic Drills/Cement Mixers etc. should be used approximately one hour after the beginning hours mentioned above and one hour before the said end times.

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

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

Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc.)

Radio noise should not be audible at the boundary of the nearest neighbouring property.

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.

**60. Planning Appeals Update (February - May 2022)**

This report provided members with information regarding recent planning appeal decisions. Mr Drane presented the report, which was to note. Members thanked officers on the work undertaken on appeals.

**61. Urgent Business**

There were no items of urgent business.

The meeting concluded at 21.18

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**SITE PLAN ATTACHED**

**54 NAGS HEAD LANE BRENTWOOD ESSEX CM14 5NL  
DEMOLITION OF EXISTING DWELLING AND GARAGE AND CONSTRUCTION OF  
A REPLACEMENT NEW DWELLING INCLUDING NEW PATIO.**

**APPLICATION NO: 22/00699/FUL**

<b>WARD</b>	South Weald	<b>8/13 WEEK DATE</b>	7 July 2022
<b>CASE OFFICER</b>	Mrs Carole Vint	<b>Extension of time</b>	
<b>Drawing no(s) relevant to this decision:</b>	3193 L03; 3193 L01;	3193 L02;	3193 S01;

**The application has been referred at the request of Cllr McLaren for the following reason:**

Resident has put forward a proposal which in volumetric terms is similar to what has been approved under PD for a single story extension. The proposal is modest in scale and further development could be constrained through removal of further PD rights. I can only assume that it has been refused on basis of being inappropriate development in the green belt, as from a street scene / scale perspective it is more modest than other schemes which have previously been approved. Any impact on the green belt, e.g. openness, is subjective and I believe should be open to question by the planning committee. Note that even in it's proposed form the property does not meet the residents housing need.

**1. Proposals**

This application relates to the demolition of an existing dwelling and garage and construction of a replacement new dwelling including new patio. The proposed works would retain three of the existing ground floor external walls, however the proposal would involve significant alterations to the original dwelling, insofar that the original dwelling would be unrecognisable, therefore this application is being determined as a replacement dwelling as per the description.

**2. Policy Context**

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. 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 2021 (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 below.

The Brentwood Local Plan 2016-2033

- Policy MG02 Green Belt
- Policy BE14 Creating Successful Places
- Policy BE13 Parking Standards

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

National Planning Policy and Guidance

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

### **3. Relevant History**

- 21/02098/PN42: Single storey rear and side extension. The proposed extensions would extend 8m beyond the rear wall of the original dwelling, the maximum height of the proposed extensions would be 3.75m and the proposed eaves height would be 4m -Prior Approval is Not Required
- 21/02079/S192: Application for a Lawful Development Certificate for a proposed use or development for a single storey side extension and 2 No. side facing dormers. -Application Permitted
- 21/00465/HHA: Demolition of existing garage. Part single part two storey side extension, two storey rear extension. Loft conversion to include dormers to front and sides, Juliette balcony to rear. Construction of new front porch to include pitched roof. Fenestration and landscaping alterations. -Application Refused
- 18/01372/FUL: Demolition of existing dwelling and construction of replacement dwelling to include Juliette balcony to rear, roof lights to side elevations, dormer to front rear and side, and new front porch with pitched roof. -Application Refused/ Appeal Dismissed

### **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/>

A total of three letters have been received in support of the proposal.

Supporting comments summary:

- Improvement to the area and great asset to the community and to the residents;
- Improve the look of the house and be in keeping with other houses in the road;
- The proposed dwelling will fit in with the surrounding houses

## **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/>

### **• Highway Authority-**

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal does not alter the existing vehicular access to the site and retains adequate room for off-street parking and turning for a minimum of two vehicles, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. 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. 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 DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

### **• Environmental Health & Enforcement Manager-**

Noise

It is recommended that a Construction Environmental Management Plan (CEMP) would be submitted to the LPA for approval prior to works commencing. The CEMP should as

a minimum deal with the control of dust during construction and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. The CEMP should also confirm construction hours. Environmental Health would recommend restricting construction activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

#### Contaminated Land

Due to the current residential use of the site, it would not be necessary for a Phase 1 contaminated land report, but a watching brief should be kept during groundworks for any unforeseen contamination. If any is encountered an intrusive investigation would be required and a risk assessment and remediation strategy submitted to the LPA for approval should the investigation find it necessary.

#### Asbestos

Any asbestos within the current building, must be removed by a licensed contractor.

#### Bonfires

No bonfires should be permitted on site.

### **6. Summary of Issues**

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

- Impact of the proposal on the Green Belt;
- The impact of the proposal on the character and appearance of the area;
- Impact on the living conditions of the occupiers of neighbouring properties;
- Parking and Highway considerations

The site has history, application reference 18/01372/FUL for the demolition of existing dwelling and construction of replacement dwelling to include Juliette balcony to rear, roof lights to side elevations, dormer to front rear and side, and new front porch with pitched roof., which was refused following reasons:

- 1 *The replacement dwelling would be inappropriate development in the Green Belt in that it would be materially larger than the dwelling it replaces and be harmful to the openness of the Green Belt. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and Chapter 13 of the National Planning Policy Framework (2018) as regards to development in the Green Belt.*
- 2 *There are no matters in support of the application which would clearly outweigh the harm the development would cause through inappropriateness and reduction*



*in openness of the Green Belt, within which the site is located. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development.*

- 3 *The replacement building would result in an increase in height and bulk, along with the crown roof element would appear out of character with the surrounding area and would result in a dominant and overbearing dwelling, that is considered to have an unacceptable detrimental impact on the visual amenity and the character and appearance of the surrounding area and would be contrary to Chapter 12 of the NPPF, which requires good design and Policy CP1 (i) and (iii) of the Brentwood Replacement Local Plan.*
- 4 *The increase in the built form along the boundaries and the new openings at first floor would have a harmful impact on the occupiers of the neighbouring properties No.'s 55 and 53 Nags Head Lane by way of an overbearing effect, would dominate the neighbouring dwellings and have an unacceptable degree of material overlooking, contrary to Policy CP1 (ii) of the Brentwood Replacement Local Plan.*

An appeal on this refusal was lodged and the appeal was dismissed.

Following the refusal and appeal decision, a further application was submitted, reference 21/004665/HHA for the demolition of existing garage. Part single part two storey side extension, two storey rear extension. Loft conversion to include dormers to front and sides, Juliette balcony to rear. Construction of new front porch to include pitched roof. Fenestration and landscaping alterations, which was also refused for the following reason:

1. *The proposed extensions, due to their size would amount to a disproportionate addition in relation to the size of the original dwelling, representing inappropriate development in the Green Belt that would have materially greater impact on the openness of the Green Belt. The proposal therefore conflicts with Brentwood Replacement Local Plan Policies GB1 and GB2 and Chapter 13 of the National Planning Policy Framework as regards to development in the Green Belt. There are no matters in support of the application which would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development.*

More recently lawful development certificates were sought for extensions and alterations, including single storey side extension, rear extensions, side and rear extension and side facing dormer windows (both sides), which were all considered lawful.

The current application, when compared to the most recent refusal, is identical in terms of design, however, has an increase in the overall depth of the dwelling.  
Green Belt

Policy MG02 within the Brentwood Local Plan implements national policy applicable to the green belt. Chapter 13 of the NPPF (2021) states the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 149 of the NPPF states that the Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in Green Belt with limited exceptions. The supporting statement claims compliance with Paragraph 149d of the NPPF, which is as follows:

- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

The existing building is a modest single storey dwelling with a simple rectangular plan form and gable front and rear, with a small single storey flat roof rear extension. The loft area although boarded, is not converted to habitable accommodation and no staircase exists to the first floor. Positioned one metre to the south of the dwelling lies a detached single garage. Case law (see Sevenoaks District Council v Secretary of State for the Environment and Dawe (1997)) has determined that the Inspector was fully entitled to hold that the garage was part of the dwelling, in the sense that it was a normal domestic adjunct, and thus to treat the appeal proposal as an extension to it. The mere fact that the garage is physically separated from the main house does not prevent it from being part of the dwelling and in this case, the garage has been treated as normal domestic adjunct.

Although the NPPF (2021) does not define what would be considered 'materially larger', analysis of existing built form compared with what is proposed and in particular any visual increase that would harm the openness of the Green Belt, are considered to be relevant determining factors. Calculations below are taken from the applicants supporting statement.

	Existing	Proposed
Footprint approx.	89 square metres	152 square metres
Volume	400 cubic metres	775 cubic metres

The existing building (drawing S03A) comprises of a gable end dwelling with a maximum eaves height of 2.6 metres and a ridge height of around 6 metres with a footprint of approximately 89 sqm. The width of the dwelling is 7.6 metres and a maximum total depth of 12 metres, including a 2.9 metre flat roof element at the rear.

The proposed replacement building would have a similar front building line with a gable front, with the addition of a pitched roof cross wing gable to the western side and a secondary pitched roof element at the rear, along with dormer additions to the front and both sides. The proposed dwelling would maintain the existing eaves height and have an increased ridge height by 0.6 metres to 6.6 metres.

The overall depth of the main gable element would be increased from 9.1 metres to 14.1 metres, extruding the depth at the rear by 5 metres, resulting in an approximate footprint of 152 square metres, an increase of 71 % compared to the footprint of the existing dwelling and an increase in 94% in the volume.

In comparison, the submitted drawings (L02) quite clearly show a substantial chalet dwelling. When comparing the overall height, bulk, mass and footprint, the proposed building would be materially larger than that of the existing building. It would therefore be inappropriate development in the Green Belt and would not comply with paragraph 149d of the NPPF, which is the same outcome as stated in the supporting statement.

In the previous appeal decision, the Inspector also referred to the exception in paragraph 149g of the NPPF, which is outlined as follows:

*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.*

The Inspector set out the concept of openness of the green belt as being part visual impact. The proposal also does not relate to affordable housing and therefore the last bullet can be discounted.

The overall size and mass of the proposed dwelling would be significantly different to the existing buildings and would be visible from the green belt. Therefore, the proposal would have a greater impact on the openness of the Green Belt than the existing development and it would not comply with the exception listed under paragraph 149g. Accordingly, it would not preserve the openness of the Green Belt. The proposal is, therefore, inappropriate development in the Green Belt. Inappropriate development, by definition, is harmful and contrary to Chapter 13 of the NPPF (2021) and Policy MG02 of the Brentwood Local Plan.

Other considerations

The applicants statement points to the permitted development opportunities that could be built to extend the existing dwelling without the need for planning permission and asserts that these should be 'taken into account'.

However, the Framework clearly indicates that replacement buildings are inappropriate development if they are materially larger than the *existing* building. Where permitted development should be taken into account as a fall back position, there needs to be a very real and likely prospect that they would be built. Furthermore where permitted development is not more harmful to the Green Belt than the proposed development it is unlikely to justify permitting the inappropriate development. Moreover, the supporting statement makes reference to the permitted development schemes not making efficient use of the building layout, with the rear extensions resulting in a substantial footprint, and therefore there is not a high probability that these works would be undertaken.

The permitted development extensions would result in predominately single storey side extensions to both sides and to the rear, with dormer additions to the roof on both sides of the main gable. Although the permitted development extensions would have a greater footprint than what is proposed, officers consider that if the extensions were to be built instead of the proposed scheme, they would be less harmful than the development proposed here, in terms of visual impact. Even if the fall back position were judged to be a realistic possibility it does not justify the approval of the application proposal.

The supporting statement makes reference to a 2018 decision on a property within the locality. This application was assessed under the different criteria of the NPPF as is related to an extension to a dwelling – the test being disproportionate to the original dwelling - not a replacement dwelling – where the test is materially larger than the existing dwelling.

No other considerations have been put forward that would constitute 'very special circumstances' to clearly outweigh the harm that the development would cause to the Green Belt.

#### Design and Character and Appearance of the Area

The application site is on the northern side of Nags Head Lane and is occupied by a detached single storey dwelling, a commercial MOT centre is located to the rear and open fields opposite the site. The street scene is mainly characterised by detached dwellings, two storey and chalet dwellings. To the west lies a pair of two storey semi-detached dwellings, that have a forecourt parking area between the application dwelling, creating the appearance of openness to the west of the site. The application dwelling is set back and down from the road frontage and has off street parking for approximately 6 vehicles.

The proposed main gable would maintain the front building line, eaves height and increase the ridge height by 0.6 metres to 6.6 metres. A pitched roof cross wing would

be positioned on the western elevation and have a pitched roof element added at the rear, along with dormer additions to the front and both sides. The proposed dwelling would result in a greater depth and width than that of the existing dwelling, with the overall depth of the main gable being increased from 9.1 metres to 14.1 metres, extruding the depth at the rear by 5 metres.

The roof would maintain the existing gable design, with the insertion of dormer additions that are considered to be a subsidiary additions, are set in from the side walls of the property and below ridge height. A pitched roof open fronted porch would be positioned off centre at the entrance.

The size and siting of the proposed works are not dissimilar to the surrounding dwellings. The area has a mixed overall character and as such the design is acceptable. No objection is therefore raised to the design of the proposal in terms of Chapter 12 of the NPPF 2021, which requires good design or Policy BE14 of the Brentwood Local Plan.

#### Impact on Living Conditions

In relation to overlooking, the existing dwelling does not have any window openings at first floor level in the side elevations. The proposed openings would be positioned 2.4 metres from the boundary with No. 53 and 5.7 metres from the boundary with No. 55. These dormer windows would serve secondary windows to the bedrooms, these windows could be conditioned to be obscure glazed and non-openable above a height of 1.7 metres from floor level to prevent any degree of overlooking.

With respect to overbearing impact, given the distance to the adjacent dwelling No. 55, there would be no significant loss of privacy nor would the extensions appear overbearing. However, in relation to No. 53, with the existing staggered building lines, the majority of the proposal would extend beyond the rear elevation of No. 53. The overall increase in bulk of the dwelling by 5 metres, positioned approximately 1.5 metres from the north eastern boundary, it is considered that the proposal would result in an overbearing impact to the residential amenity of the occupiers of No. 53 Nags Head Lane, which would be contrary to Policy BE14 of the Brentwood Local Plan.

#### Living Conditions

The floor plan indicates that all rooms will be served by adequate windows providing light, ventilation and outlook and that a reasonably sized garden is retained. No objection is raised on this basis.

#### Parking and Highway Considerations

There is ample off street parking provided within the proposed layout. No objection is raised on this basis.

## Conclusion

The proposed development constitutes inappropriate development in the Green Belt and would harm the openness of the Green Belt, by way of a replacement building with one materially larger than the one it replaces. The applicant has not demonstrated very special circumstances to justify permission for inappropriate development in this case.

The proposal would therefore be contrary to Policy MG02 and BE14 of the Brentwood Local Plan and the NPPF.

## 7. Recommendation

The Application be REFUSED for the following reasons:-

R1 Inappropriate development in the green belt

The replacement dwelling would be inappropriate development in the Green Belt in that it would be materially larger than the dwelling it replaces and have a greater impact on the openness of the Green Belt than the existing development. The proposal would therefore conflict with Brentwood Local Plan Policy MG02 and Chapter 13 of the National Planning Policy Framework (2021) as regards to development in the Green Belt.

There are no matters in support of the application which would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development.

R2 Overbearing impact upon the neighbouring amenity area

The increase in the built form along the north eastern boundary, would result in an overbearing impact upon the residential amenity area of the occupiers of No. 53 Nags Head Lane, which would be contrary to Policy BE14 of the Brentwood Local Plan.

### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG02, BE14, BE13, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at

<https://www.brentwood.gov.uk/planning-advice-and-permissions>

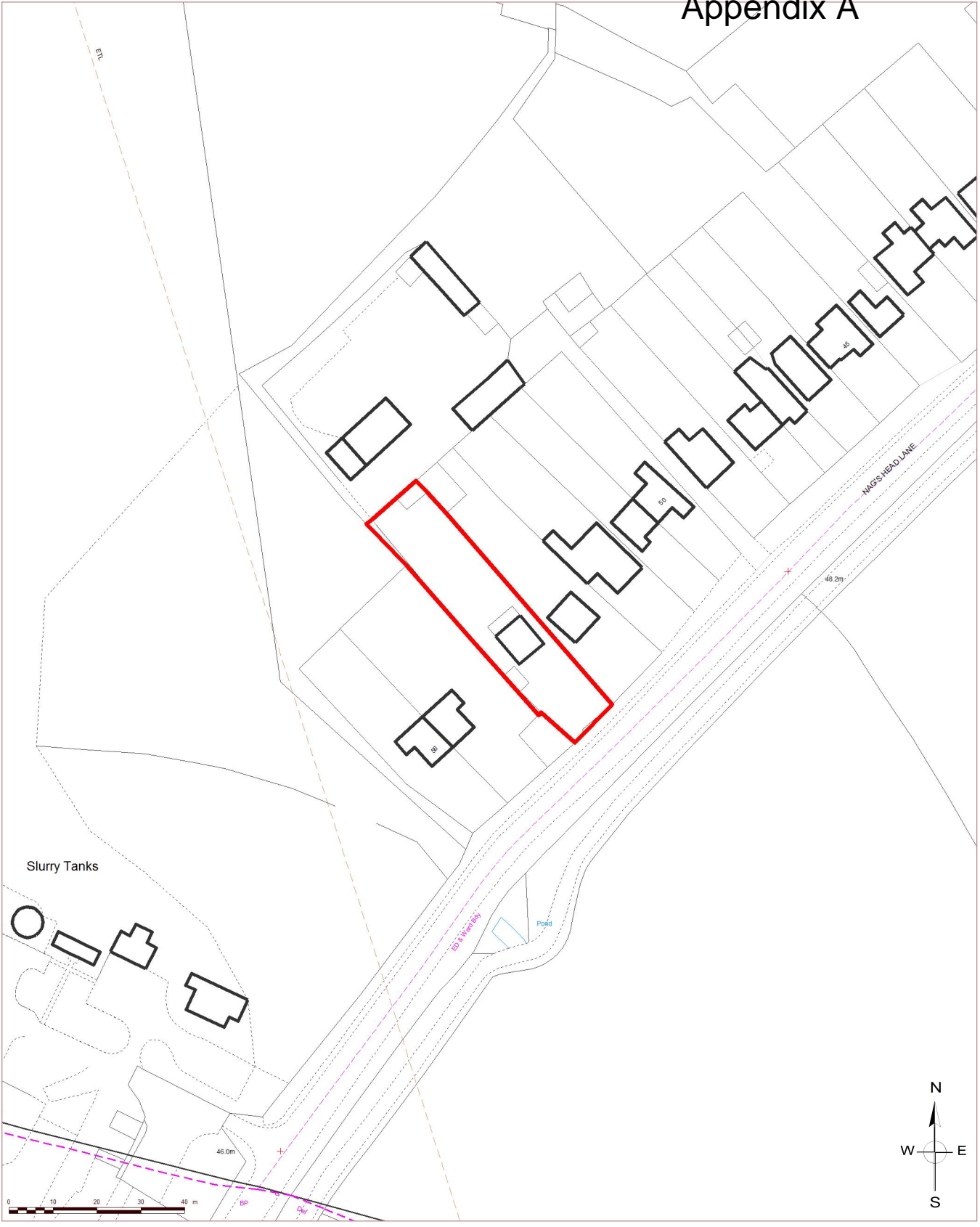
*BACKGROUND DOCUMENTS*

**DECIDED:**





Appendix A



Title : 54 Nags Head Lane, Brentwood, Essex, CM14 5NL

22/00699/FUL

Scale at A4 : 1:1250

Date : 26th July 2022

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



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**SITE PLAN ATTACHED**

**BIRLEY GRANGE HALL LANE SHENFIELD BRENTWOOD ESSEX CM15 9AL**

**CONVERSION OF EXISTING DWELLING INTO TWO APARTMENTS AND RETENTION OF EXISTING ANNEX TO BE USED AS A DWELLING. REMOVAL OF TENNIS COURT AND CONSTRUCTION OF 6 DWELLINGS, INCLUDING 3 DOUBLE GARAGES AND A SINGLE GARAGE. ADDITIONAL CAR PARKING SPACES FOR THE EXISTING CHURCH.**

**APPLICATION NO: 22/00291/FUL**

<b>WARD</b>	Shenfield	<b>8/13 WEEK DATE</b>	15 April 2022
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<b>CASE OFFICER</b>	Mrs Carole Vint	01277 312500
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<b>Drawing no(s) relevant to this decision:</b>	8742/02C with details; 17-055-FS-03C; 8742/02C; 8742/17; 8742/18A; 8742/07A; 8742/10; 8742/11; 8742/12; 8742/13; 8742/08A; 8742/01; 8742/06A; 8742/15A; 8742/04A; 8742/05A;
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**The application has been referred at the request of Cllr Heard for the following reason:**

The developer has spent the last 3 to 4 years obtaining highways approval / working with the church and diocese to agree an extension to the church car park to increase parking for both the church and the school. In addition they have worked with the local badger protection group to avoid harm to the protected species, and addressed the drainage issues as currently the existing buildings are not connected to mains drainage. So it is clear that a lot of work has been going on behind the scenes. The developer would welcome the opportunity to show the committee the project and for them to make a decision on the development.

The overall area is approximately 2 acres and this is a very low density project which would provide much needed accommodation to local residents. Another critical point is that enhanced parking for the church will stop people parking on the road which can become hazardous.

## **1. Proposals**

This application relates to the conversion of existing dwelling into two apartments and retention of existing annex to be used as a dwelling. Removal of tennis court and

construction of 6 dwellings, including 3 double garages and a single garage. Additional car parking spaces for the existing Church.

## **2. Policy Context**

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. 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 2021 (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 below.

The Brentwood Local Plan 2016-2033

- Policy MG02 – Green Belt
- Policy BE02 – Water Efficiency and Management
- Policy BE04 – Managing Heat Risk
- Policy BE05 – Sustainable Drainage
- Policy BE07 – Connecting New Developments to Digital Infrastructure
- Policy BE11 – Electric and Low Emission Vehicle
- Policy BE12 – Mitigating the Transport Impacts of Development
- Policy BE13 – Parking Standards
- Policy BE14 – Creating Successful Places
- Policy BE16 – Conservation and Enhancement of Historic Environment
- Policy HP03 – Residential Density
- Policy HP06 – Standards for New Housing
- Policy NE01 – Protecting and Enhancing the Natural Environment
- Policy NE03 – Trees, Woodlands and Hedgerows
- Policy NE07 – Protecting Land for Gardens

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

National Planning Policy and Guidance

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

## **3. Relevant History**

None relevant.

#### **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/>

A total of 18 letters have been received, 8 objecting to the proposal, 8 in support and 2 neutral. The concerns arising from the letters include:

- Concerns regarding ecology and the variety of species reported to be on the site;
- Impact upon the local highway due to construction, increased and ongoing vehicular and pedestrian access;
- Proposed impact upon green belt land, resulting in overdevelopment;
- Confirmation no agreement between the developer and the Church over exchange of land for the car park;
- Potential negative impact upon a future planning application on Church land;
- Number of parking spaces gained is unclear as some will be lost to facilitate the car park extension;
- Exact details of the parking arrangements between the developer and the Church to be set out and agreed;
- Concerns regarding the single width vehicular access along Hall Lane;
- Impact upon setting of heritage assets of Grade II Church and Shenfield Hall;
- Increase in traffic will result in an increase in noise and pollution to neighbouring residents;
- Loss of privacy;
- Negative impact upon adjacent trees;
- Concerns regarding water table levels on surrounding sites;
- Loss of trees, bushes and hedges on the site and impact upon local wildlife;
- Impact of potential light pollution on the surrounding area;

Supporting comments summary:

- In support, good for Shenfield and surrounding areas;
- In support, cannot see why this should not be accepted;
- Big plot of land for just one house that will create more family homes;
- More parking being made available for the Church and school drop off;
- Good access to Church, Schools, train station and Brentwood;
- Not on green belt land and not car reliant development;

## 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/>

- **Highway Authority-**

The documents submitted with the planning application have been duly considered and a site visit has been carried out.

The existing site access is being retained and, although the proposals will result in a minor increase in its use, it does allow two vehicles to pass each other comfortably clear of the highway. It also complies with highway standards in terms of visibility splays for the observed speed of the road and the proposals fully comply with Brentwood Borough Council's adopted parking standards.

There are no formal pedestrian footways immediately outside the access on Hall Lane. However, historic data indicates that this area of the highway sees slow speeds and it is regularly used safely by pedestrians to access the neighbouring church and primary school. Given the modest size of the development and the absence of any recorded road traffic incidents in this location of Hall Lane over the last 5 years, there is no evidence to suggest that the proposals will have an unacceptable impact on highway safety, which is the NPPF criteria for refusal on highways grounds.

Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. 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. 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-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway, in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

2. The site access shall be provided in accordance with Drawing no 17-044-FS-03C.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, and so that vehicles can enter and leave the highway in a controlled manner, in the interest of highway safety and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. 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, as 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 policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

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).

- **County Archaeologist-**

The above planning application has been identified on the weekly list as having archaeological implications and checked on the website by the Historic Environment Advisor to Brentwood Borough Council.

The Essex Historic Environment Record (EHER) shows that the buildings proposed for conversion and demolition have historic origins. Birley Grange (labelled as a 'Parsonage') is visible on the 1777 Chapman and André map of Essex. The more detailed Shenfield tithe map of 1838 depicts the main dwelling as well as the annex

proposed for demolition, and two other buildings that have since been demolished. Additionally, the tithe map and, later, the first edition OS map from the 1860s, both show the site as containing a series of formal gardens associated with the dwelling. The alterations and conversions detailed in the proposals are extensive, and, crucially, involve the demolition of an apparently original annex. Historical fixtures or fittings may survive within the buildings and surviving stylistic or typological evidence could provide dating evidence for their construction and evolution since that time. The buildings should therefore be 'preserved by record' by a programme of historic building recording prior to their alteration or demolition.

In addition, the development is located directly adjacent to a historic medieval manorial site, today comprising the church/hall complex of the 16th-century Shenfield Hall and the 15th-century church of St Mary the Virgin, as well as an associated threshing barn (all of which are listed buildings). Medieval manorial complexes in Essex are commonly located outside of larger settlements, and as well as the core of a manor house and church, they also often include an array of other buildings, including agricultural buildings (such as the still standing barn) and ancillary dwellings. Given that the 1777 map clearly shows the development area as being within the manorial site, it is likely that archaeological remains associated with this historic complex (including earlier building remains) may survive and be impacted by the proposed development.

In view of the above, the following recommendations are made in line with the National Planning Policy Framework, paragraph 205:

**RECOMMENDATION: A Programme of Building Recording**

1. No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a Written Scheme of Investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.
2. No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
3. The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

**RECOMMENDATION: A Programme of Trial Trenching, followed by Open Area Excavation**

1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching evaluation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the Local Authorities archaeological advisors.



3. A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified shall be submitted to the local planning authority following the completion of the archaeological evaluation.
4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
5. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

A professional and accredited team of historic building specialists and archaeologists should undertake the building recording and evaluation work. Both phases of work should be carried out prior to the commencement of development. If both programmes of work were carried out by the same contractor this office would accept the submission of a single Written Scheme of Investigation detailing both works.

The work will comprise a Historic England Level 3 historic building recording survey of the main dwelling and the annex proposed for demolition, and a trial-trenching evaluation of the development site, focused on the footprints of the proposed new dwellings and associated infrastructure. Subsequent to this, depending on the results of the trenching, a further phase of archaeological excavation and/or monitoring may be required.

The Borough Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief outlining the work required and the level of recording will be issued from this office on request.

- **EBPG-**  
**Initial comments:**

Thank you for contacting us regarding this scheme, and for sending a copy of the Preliminary Ecological Appraisal ("PEA") dated 26 April 2021.

Based on the documents presented in support of this case, we do not believe that sufficient information is held for a planning decision to be made. With this in mind, an updated badger survey should be provided before further consideration is given to granting planning permission for this scheme.

**Revised comments:**

Thank you for contacting us again regarding this scheme and for sending a copy of the updated badger survey from Adonis Ecology dated 25th April documenting the results of survey work from 7th February 2022.

Whilst we have no objection in principle to this scheme, and are appreciative of the efforts being made to protect the species, we do believe that further work needs to be undertaken by the applicant and the ecologist to satisfy additional concerns prior to the application being determined.

- **Historic England-**

Thank you for your letter of 23 March 2022 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

- **Bats - Mrs S Jiggins-** No comments received at time of writing the report.
- **Essex Wildlife Trust-** No comments received at time of writing the report.
- **Arboriculturalist-**

The site contains a large house with a detached residential annex, outbuildings and a tennis court. These are set within a large garden area containing large trees and shrubs, enclosed by wooded belts. It is adjacent to the parish church.

The application is supported by tree survey undertaken in accordance with BS5837:2012. The report confirms that a Category A tree and part of a Category A woodland group (WG2) would require removal to allow the construction of Plot 1. It is expected that schemes are designed to minimise impacts on Category A trees; however this scheme layout has sought to maximise the number of new dwellings and has not considered how the T27 could be retained, for example by omitting Plot 1.

The plans indicate only a small area of WG2 being removed although it is noted that its existing canopy is approximately 5 metres from the proposed dwellings in Plots 1 & 2. Therefore I do not agree with the assessment in 3.7.1 that the retained trees would not result in significant shading of houses and gardens.

The existing church car park access is on a bend in Hall Lane and there are views through it towards WG2 and T27. The removal of T27 together with the reduction of WG2 (which is likely to be greater than that shown on the plans), would reduce the screening of the new dwellings, particularly Plot 1. This would have a detrimental effect

on the character of this section of Hall Lane as it would open up views of the new dwellings.

The ecological survey confirms two trees have potential value as bat roosts. If permission were granted a CEMP would be required to set out the detailed requirements to minimise the effects on ecology. A bat survey would be required to inform mitigation requirements.

In conclusion I consider the scheme to be overdeveloped which will result in adverse effects on the local streetscape. The loss of Category A trees has not been justified. The proximity of the new dwellings to existing large trees and shrubs will result in post-development pressures to remove/reduce trees due to excessive shading. I cannot support the current proposal.

- **Environmental Health & Enforcement Manager-** No comments received at time of writing the report.
- **Historic Buildings and Conservation Officer-**

Thank you for consulting on this application which pertains 'Conversion of existing dwelling into two apartments. Demolition of annex and tennis court and construction of 7 dwellings including 6 x garages. Additional car parking spaces for the existing Church'. No preapplication has been undertaken. The proposed development site is situated within the setting of the Grade II\* listed building of CHURCH OF ST MARY THE VIRGIN, List UID: 1197213, Grade II listed building of TOMBSTONE OF RICHARD MOSS, 5 METRES NORTH OF NAVE OF CHURCH OF ST MARY THE VIRGIN List UID: 1197214 and TOMBSTONE OF GEORGE GROSS, 9/10 METRES EAST OF CHURCH OF ST MARY THE VIRGIN, list UID: 1297231. The NHLE also identifies to the north Grade II listed building of BARN AT SHENFIELD HALL List UID: 1297233 and Grade II listed building of SHENFIELD HALL List UID: 1197215. The EHER holds records for a wider area around this cluster of listed buildings which abut the proposed development site, please consult the ECC County Archaeologist and Historic England given the designations and polygons on the EHER.

This submission is not accompanied by a Heritage Assessment, section 6.0 of the submitted planning statement is entitled 'Heritage Statement' but does not meet the minimum requirements of NPPF para 194. It concludes that the lack of invisibility from the development site to the Grade II\* listed building of St Mary the Virgin negates impact; however, the Planning Note 3 clearly sets out setting is more than a visual assessment.

My from own assessment I find the proposals seek to urbanise a sensitive setting, this is clear in the proposed layout, which offers a 'street' arrangement of urban typologies akin to an urban estate, notwithstanding matters of design, the development in all dimensions is contextually inappropriate, and conflicts with NPPF para 197 (c). Based on the information submitted Built Heritage offer no adverse comments to the subdivision of the Host Building but raise an in-principle objection to the new

development and parking, this is in the interests of the Historic Environment and character of Hall Lane. This character and overriding rural setting is intrinsic to the significance of heritage assets. The harm identified is material, in determining this application, the Local Planning Authority should bear in mind the statutory duty of sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Para 202 should be relied on terms of the scale of harm. However, paragraph 200 of the National Planning Policy Framework states 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. I trust the above advice is of assistance.

## **6. Summary of Issues**

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

- Impact of the proposal on the Green Belt;
- The impact of the proposal on the character and appearance of the area;
- The impact of the proposal on the adjacent heritage assets;
- Impact on the living conditions of the occupiers of neighbouring properties;
- Impact on the trees and ecology;
- Parking and access issues

### Principle of Development

The Brentwood Local Plan 2016 – 2033, as approved, has been produced in light of the NPPF's emphasis on sustainable development and strategic policies MG01, MG02 and MG03 set out the overarching strategic strategy for growth within the Borough. Policy MG01 refers to the sites allocated for growth along the strategic corridors, ensuring the benefits of sustainable development, of which this site is not one of the strategic sites identified. Policy MG02 ensures to maintain the openness of the green belt in line with national planning policy and Policy MG03 sets out the settlement hierarchy, which identifies Shenfield as settlement category 1, a semi-connected settlement.

The site is within the Metropolitan Green Belt, as such the acceptability of the principle of the proposal will very much depend on whether it complies with green belt policies. Having assessed the principle other development management issues such as design, appearance, impact on the adjacent heritage assets and effect on neighbours, if any, will be considered.

### Green Belt

Chapter 13 of the NPPF (2021) states the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by

keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt Policy MG02 of the Brentwood Local Plan is to implement the green belt policies of the NPPF.

Paragraph 149 of the NPPF states that a Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt with limited exceptions.

The supporting statement submitted with this application makes no reference to the development complying with any of the exceptions listed under Paragraph 149 or 150 of the NPPF. However, in order to assess the application, officers have considered the proposal in the context of the nearest relevant exception to inappropriate development which is:

*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.*

The proposal does not relate to affordable housing and therefore the last bullet can be discounted.

There is no official measure to assess openness and the NPPF even in its latest form does not suggest a method to compare existing and proposed development or judge openness. 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. While it's 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 and is not supported in National Planning Practice Guidance.

The application site is on land currently associated with Birley Grange. The proposal relates to the conversion of the existing dwelling into two apartments and retention of the existing detached chalet dwelling (annexe) on the site to be used as a dwelling. That part of the scheme is compliant with paragraph 150 relating to reuse of existing buildings. Further it relates to the removal of tennis courts and construction of 6 detached two storey dwellings, including 3 double garages and a single garage and the provision of additional car parking spaces for the existing adjacent Church.

The existing dwelling, Birley Grange is a substantial two storey detached dwelling, set amongst a large garden area containing large trees and shrubs, enclosed by wooded belts. The main dwelling has an attached two storey pool building and to the northeast of the site is an existing detached chalet annexe. The existing buildings are to be retained with the main dwelling being sub-divided into two flats and the annexe becoming a separate dwelling. The proposed two storey dwellings would part encircle the existing dwelling and be located to the southeast, east and to the north of the site. Currently the land surrounding the existing dwelling is open, devoid of development, with the exception of the existing detached annexe to the northeast and the tennis courts to the north western part of the site.

The site is predominantly enclosed along all boundaries with mature trees, shrubs and bushes. The site is set back from highway, with the land falling slightly to the northwest. The proposal includes the removal of a Category A tree and part of a woodland group for the construction of the dwellings, thereby opening up views of the proposed dwellings from the street. Given the location and its location and proximity to surrounding development, the site cannot be considered as limited infilling.

Whilst not claimed by the applicant, however, even if the site were to be claimed as previously developed land (PDL), as outlined in the Glossary (Annex 2) to the NPPF, it should not be assumed that the whole of the curtilage should be developed.

The location of the proposed dwellings and the increase in the bulk and spread of the development would have a greater impact on openness than the existing dwelling and detached annexe currently on the site and therefore would not meet the criteria of this exception of the NPPF (149g). The proposal therefore constitutes inappropriate development in the Green Belt contrary to local policy MG02 of the local plan and Chapter 13 of the NPPF, and as such very special circumstances that clearly out way the harm to the green belt and any other harm, would be required to justify this inappropriate development in the Green Belt.

#### Very special circumstances

For inappropriate development in the greenbelt to be considered further requires consideration of whether there are very special circumstances. Two paragraphs in the NPPF are particularly relevant in this regard:

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

148. 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 outweigh the 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.

The planning statement submitted with the application sets out the following as very special circumstances:

#### Housing demand

The application was submitted prior to the adoption of the new local plan and makes reference to the Council not having a 5 year housing land supply.

The Council has recently adopted The Brentwood Local Plan 2016 – 2033 and is able to demonstrate a five year housing land supply. However, footnote 8 of paragraph 11 of the NPPF states that policies in relation to housing delivery are considered out of date and this includes where the Housing Delivery test indicates that the delivery of houses was below 75% over the last three years. Therefore, this application must be considered under paragraph 11 d) ii) of the NPPF and the tilted balance applies in relation to this application which would deliver a net gain of eight new dwellings – that is granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF lists specified protected areas, such as greenbelt that are not subject to a permissive approach to boosting housing supply as protection of the greenbelt provides a strong reason to restricting development itself. Therefore, the contribution to housing land delivery does not provide a justification for approving inappropriate development in the greenbelt, regardless of design or context.

#### Community asset

The planning statement makes reference to the gift of part of the land to extend the Church car park by 7 car parking spaces and providing additional parking for the local school drop off and collection. Comments were received from representatives of the Church that no formal acceptance of this offer has been agreed, however, the addition of 7 car parking spaces would not outweigh the harm to the green belt identified above.

#### Design, Character and Appearance and impact upon Heritage Assets

The site is located on Hall Lane, Shenfield, within the setting of the adjacent Grade II\* Church of St Mary the Virgin to the east, that has Grade II listed tombstones of Richard Moss and George Gross within the grounds. The site comprises a detached two storey dwelling, positioned centrally within a large garden, a detached chalet annexe is located to the north eastern corner. The access to the site is located on the right hand

corner of Hall Lane and has a sweeping drive with a downwards gradient towards the main dwelling. The topography of the site continues in a downwards gradient towards the rear boundary, levelling off for the existing tennis courts. The site is wholly located within the Green Belt and has a verdant boundary on all sides, with mature trees, hedgerows and shrubs along and within the site.

The proposal includes the conversion of the existing dwelling into two apartments, the attached two storey building, which is set lower within the ground, is currently used as a swimming pool, which would be infilled providing parking for the flats. The existing detached annexe on the north eastern corner of the site would be retained and used as a dwelling. The reuse of these elements would have a neutral effect on the character of the area. The construction of six detached two storey dwellings, including 3 double garages and a single garage would be located to the south east, east and north of the site, which is currently void of development, along with the provision of additional car parking spaces for the existing adjacent Church.

The proposed dwellings would be detached, two storey four bedroom dwellings. The layout of the dwellings would be urban in context, whilst Policy HP03 refers to development proposal not allocated within the plan should have a density of at least 35 dwellings per hectare, subject to context. The development proposed is of a lower density than normally required elsewhere, but due to green belt and character constraints, such a density of at least 35 dwellings per hectare on this site would not be sympathetic to the rural character of the existing site.

In terms of materials, the existing dwelling is a detached two storey dwelling, with rendered elevations. The existing detached annexe is a part weatherboarded and rendered dwelling, with a rear and side facing dormer. The design of the dwellings are fairly generic bland house types, three different house types comprising of two dwellings each, mixed amongst the site, with their orientation ensuring that heat risk was managed and would comply with local policy BE04. The proposed materials would comprise red multi stock bricks and cream render, with a mixture of slate grey and mixed russet roof tiles. When compared to the existing dwelling and of those within the vicinity and the site immediate context, the proposed bland house types would appear at odds with the existing development and involve the introduction of built form in this location which would erode the open nature of the site and green belt, contrary to Policy BE14.

In relation to heritage assets, the supporting statement contains a section dedicated to heritage, however it is considered that this statement does not meet the minimum requirements of paragraph 194 of the NPPF. The statement concludes that the site is separated by the mature and dense boundary treatment and that the site is set lower in land level to that of the Church and that both sites cannot be viewed in context to each other and goes on to state *"The design and layout of the development proposal will not have any impact upon the identified historical assets"*. Planning Note 3 from Historic England, relates to good practice advice in relation to the setting of heritage assets and clearly sets out that setting is more than a visual assessment.



The Councils Historic Buildings and Conservation Officer considers the proposal would urbanise this sensitive setting, indicated by the proposed layout, with a street arrangement of urban typologies similar to that of an urban estate, which is contextually inappropriate and would conflict with paragraph 197c of the NPPF, which refers to development that makes a positive contribution to local character and distinctiveness. An in principle objection is raised to the new dwellings proposed and the parking arrangements, by way of impact upon the historic environment and the character of Hall Lane. The character of the site has a rural setting and is essential to the significance of the adjacent heritage assets. The harm identified by the Councils Historic Buildings and Conservation Officer, is material. Therefore, under S66(1) of the Planning and Listed Building and Conservation Areas Act 1990, makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Chapter 16 of the NPPF (2021) aims to conserve and enhance the historic environment, with paragraph 199 stating that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

As outlined above, the Historic Buildings officer considers the proposal would result in material harm to the adjacent designated Heritage Asset and its setting. In addition, the proposals are not justified by a credible Heritage Assessment. Without such baseline analysis the approach has been misled and resulted in a design not complementary to the character and architectural interest of the adjacent listed building. No adverse comments are made in relation to the subdivision of the Host Building.

The Historic Buildings and Conservation Officer’s comments above are pertinent to the proposal and as such, the proposed development overall is considered contextually inappropriate by way of the arrangement of street arrangement of bland urban typologies that urbanise a sensitive setting and would fail to preserve the setting of the adjacent listed building and assets, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and contrary to Chapters 12 and 16 of the NPPF 2021, which require good design and conserving and enhancing the historic environment and Policies BE14, BE16 of the Brentwood Local Plan.

#### Impact on Neighbour Amenity

A number of letters of representation have been received in relation to this application raising concerns over loss of privacy as well as disturbance in relation to increased noise. In terms of noise and disturbance the proposal is located within a residential area where further residential development would not be considered unacceptable from the point of view of undue noise or disturbance. Noise and disturbance during

construction could be minimised through the use of a Construction Environmental Management Plan.

Given the location of the proposed dwellings, they are located at a sufficient distance to protect neighbours from an overbearing development harmful to residential amenity. The proposal would not result in any overbearing impact, loss of light, outlook or privacy to the adjacent occupiers.

#### Other matters

The comments received from the neighbouring occupiers have already been fully considered in the above evaluation of the proposal. The comments in relation to the agreement over land for the extension to the Church car park, would be a civil matter between both parties. The impact of the proposal on future potential development, each application is determined on its own merits.

#### Living Conditions for future occupiers

The dwellings would comply in terms of amenity space provision (both for the host dwelling and the proposed, as well as meeting the nationally described space standards Policy HP06.

#### Parking and Highway Considerations

At least two off street parking spaces are proposed with adequate space for safe manoeuvre which is compliant with Essex guidelines. ECC Highways has provided a consultation response listed in full above and raise no objection to the scheme, subject to conditions and would comply with Policy BE12 and BE13.

Policy BE11 also requires the provision of, as a minimum, the space and infrastructure for electric vehicle charging / plug-in points for occupants and visitors to the application site in order to reduce pollution and climate change impacts. This is a key requirement for a large-scale transition to electromobility envisioned within the plan. Were the application to be considered favourably, then a condition requiring electric vehicle charging infrastructure would be required.

#### Trees, Landscaping and Ecology

The site contains a large house with a detached residential annex, outbuildings and a tennis court. These are set within a large garden area containing large trees and shrubs, enclosed by wooded belts. It is adjacent to the parish church.

The Council's Arboricultural officer has considered the Arboricultural Impact Assessment submitted that contained a tree survey undertaken in accordance with BS5837:2012. The proposal is considered to be overdeveloped which will result in adverse effects on the local streetscape. The loss of Category A trees has not been

justified. The proximity of the new dwellings to existing large trees and shrubs will be likely to result in post-development pressures to remove/reduce trees due to excessive shading and would be contrary to Policies NE01, NE03 and NE07.

In relation to ecology, the ecological survey confirms the site is immediately adjacent to a Local Wildlife Site but has generally low ecological value; however it is noted that there are protected species and two trees have potential value as bat roosts. The scheme has been revised from its initial submission with a revised layout to reduce effects on protected species. However, if permission were granted a Construction Environmental Management Plan (CEMP) would be required to set out the detailed requirements to minimise the effects on protected species. A bat survey would be required to inform mitigation requirements.

The application is therefore not supported on arboricultural and ecology grounds and would be contrary Chapter 15 of the NPPF and local Policies NE01, NE03 and NE07, in relation to the location of the development and the existing trees, the potential loss of the trees would result in a negative impact to the visual amenity of the area.

## Sustainability

The purpose of the planning system is to contribute to the achievement of sustainable development. In determining whether a proposal would represent sustainable development there are three objectives which must be considered;

- An economic objective,
- A social objective, and
- An environmental objective.

Paragraph 38 of the NPPF states that “*Decision-makers at every level should seek to approve applications for sustainable development where possible.*”

Economically the proposal would generate employment during the construction period. Socially the proposal would provide a net gain of eight family homes. In terms of environmental sustainability, the design and access statement makes reference to the buildings being incorporated with high levels of insulation, reducing the space heating requirements and reducing CO2 emissions. Low energy lighting would be used, flow restrictors, aerated taps and dual flush cisterns, with waste being segregated by contractors during construction. Further full details would be required to confirm that the proposal would be capable of delivering the 10% reduction in carbon dioxide emissions as per Policy BE01, along with confirmation that the new dwellings would be able to achieve the limits of 110 litres per person per day as per Policy BE02. Details of the private drainage system and connectivity to a new sewer have not been provided, in order to comply with Policy BE05. However, most of the requirements of these policies could be dealt with via pre-commencement conditions should planning permission be granted.

Environmentally it is however also considered that the proposal would appear out of character with the prevailing pattern of development resulting in demonstrable harm to the street scene. The proposal would not therefore represent sustainable development as set out within the NPPF.

## Conclusion

The site is in the Green Belt and the proposal is by definition inappropriate development. The matters put forward in support of the proposal do not amount to very special circumstances that clearly outweigh the harm to the Green Belt or the other harm identified within the above report. The addition of 8 units would contribute to the boroughs housing supply but would not amount to a reason to approve the development as outlined within the NPPF and the NPPG. The application is recommended for refusal.

## 7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 Inappropriate development in the green belt

The location of the proposed dwellings and the resultant increase in the bulk and spread of the development would have a greater impact on openness than the existing dwelling and detached annexe currently on the site and as such fails to fall within the list of exceptions to inappropriate development outlined in NPPF para 149. The proposal therefore constitutes inappropriate development and would therefore conflict with Brentwood Local Plan Policy MG02 and Chapter 13 of the National Planning Policy Framework (2021) as regards to development in the Green Belt.

The considerations put forward by the applicant do not amount to 'very special circumstances' that would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located.

R2 Development out of character with the locality and Heritage Assets

The proposed dwellings would not be in keeping with existing pattern of development and materially would appear at odds with the existing dwelling and surrounding development and involve the introduction of built form in this location which would erode the open nature of the site and green belt. The layout of the proposed development is considered contextually inappropriate by way of the arrangement of street arrangement of bland urban typologies that urbanise a sensitive setting and would fail to preserve the setting of the adjacent listed building and assets, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would result in the loss of a

Category A tree and part of a Category A woodland group, to facilitate the construction of Plot 1. The loss of the trees would result in a detrimental effect on the character of this section of Hall Lane. The proposal is considered to be contrary to Chapters 12, 15 and 16 of the NPPF 2021, which require good design, conserving and enhancing the natural and historic environment and Policies BE14, BE16, NE01, NE03 and NE07 of the Brentwood Local Plan.

Informative(s)

1 U0008940

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE01, BE02, BE04, BE05, BE11, BE12, BE13, BE14, BE16, MG02, HP03, HP06, NE01, NE03, NE07, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF23

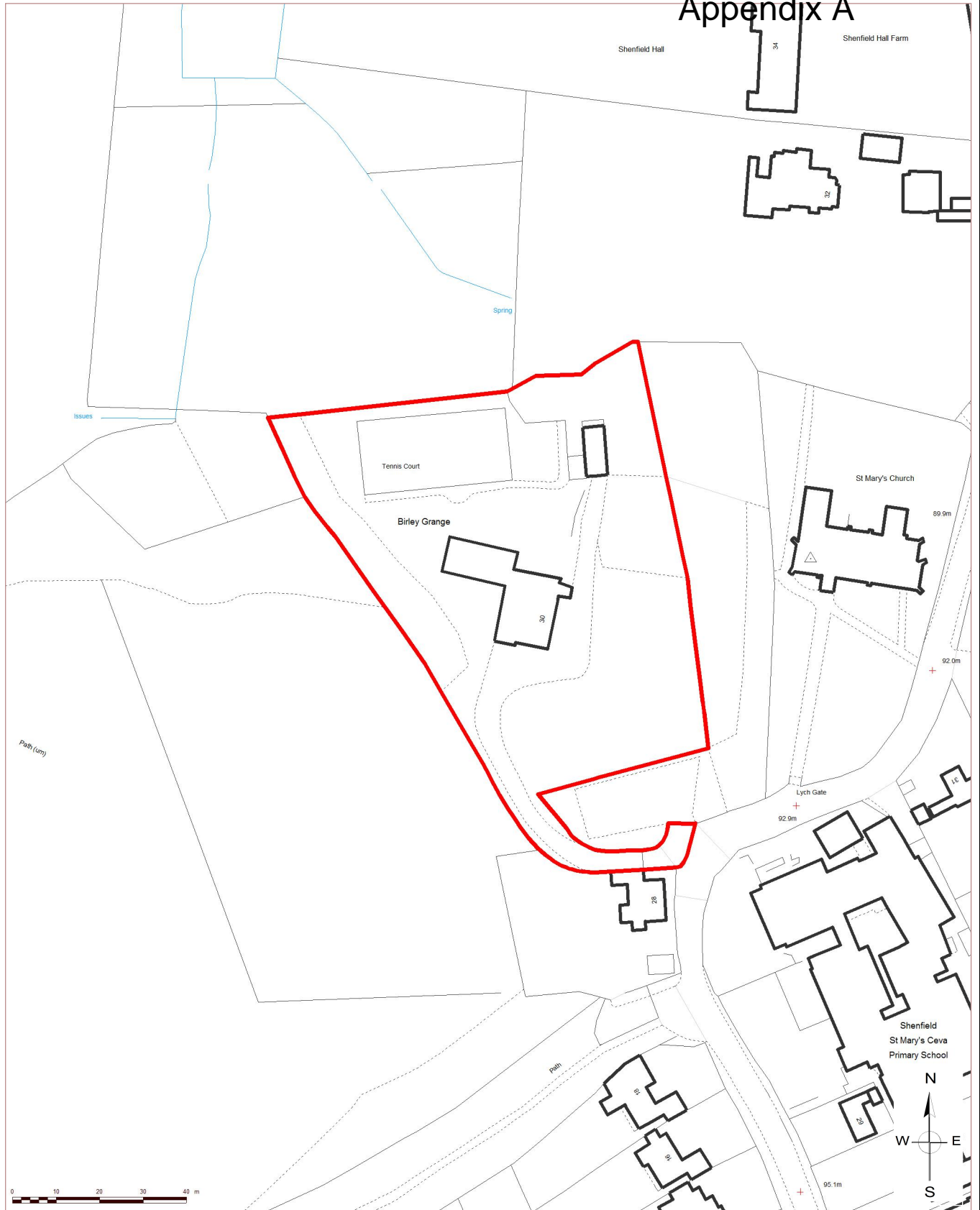
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

*BACKGROUND DOCUMENTS*

**DECIDED:**



# Appendix A



Title : Birley Grange, Hall Lane, Shenfield, Brentwood, Essex CM15 9AL

22/00291/FUL

Scale at A4 : 1:1250

Date : 26th July 2022

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



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**SITE PLAN ATTACHED**

**DE ROUGEMONT MANOR GREAT WARLEY STREET GREAT WARLEY  
BRENTWOOD ESSEX CM13 3JP**

**PROPOSED REDEVELOPMENT OF THE DE ROUGEMONT MANOR HOTEL AND  
GROUNDS (C1) TO CREATE 45 RESIDENTIAL DWELLINGS (C3) INCLUDING  
CONVERSION AND NEW BUILD HOMES, WITH ASSOCIATED ACCESS, PARKING  
AND LANDSCAPING WORKS.**

**APPLICATION NO: 22/00148/FUL**

<b>WARD</b>	Warley	<b>13 WEEK DATE</b>	2 May 2022
<b>CASE OFFICER</b>	Mike Ovenden	<b>EXTENSION OF TIME</b>	29 July 2022
<b>Drawing no(s) relevant to this decision:</b>	20.5082.02 Rev C; 3750-1110-T-004 Rev E; 3750-1110-T-014 Rev C; 3750-1110-T-005 Rev E; 3750-1110-T-007 Rev E; 3750-1110-T-008 Rev E; Flood risk assessment and drainage strategy Rev C Vol 1-5; 937-PL-03F; 937-PL-15; 937-PL-16; 937-PL-17; 937-PL-18; 937-PL-23; 937-PL-24A; 937-PL-25B; 937-PL-26C; 937-PL-27B; 937-PL-28B; 937-PL-29; 937-PL-30; 937-PL-32; 937-PL-33; 937-PL-34; 937-PL-35; 937-PL-36A; 937-PL-37B; 937-PL-38A; 937-PL-39A; 937-PL-40; 937-PL-41; 937-PL-42; 937-PL-43; 937-PL-44; 937-PL-45; 937-PL-46; 937-PL-47; 937-PL-01; ARBORICULTURAL IMPACT ASSESSMENT; ENERGY AND SUSTAINABILITY STATEMENT; NOISE IMPACT ASSESSMENT; Preliminary Ecological Appraisal and Bat Survey; TRANSPORT STATEMENT; Viability Report; 937-PL-04 B;		

This application has been referred to committee at the discretion of the Corporate Director - Planning and Economy - as a major application that is likely to be of interest to the committee.

## **1. Proposals**

This proposal relates to the residential redevelopment of the De Rougemont Manor hotel site to create 45 dwellings with associated access, parking and landscaping works. Eighteen dwellings would be created through the conversion, remodelling and extension of the main hotel building, four from conversion of the stable building (Goldings) and twenty three would be new build dwellings. The site has an overall area of approximately 3.4 hectares, of which approximately 1.4 hectares is proposed for development, including the conversions, extensions and other new build.

The main building has its origins in the 1880s, is not listed but is of some local merit.

The main hotel building would be retained with external changes. There was a significant fire around the turn of C20th/C21st and at around that time extensions and alterations were carried out.

The hotel closed due to Coronavirus restrictions in March 2020, reopened in July 2020, closed for a month in November 2020, opened for a fortnight in December 2020 before closing again to reopen in May 2021. It is currently in operation. The applicant says the hotel is currently constrained by staff shortages preventing a return to full occupancy.

At the rear of the main building, the restaurant addition and two relatively recent two and a half storey additions would be removed. The northern most would be replaced by a 'freestanding' three storey building containing 2 units – number 6 (flat) and 13 (duplex). The southern rear additions would be replaced with a three storey extension providing two flats on each of the ground and first floors and a further one at second floor level. Under this part of the new building would be a semi enclosed basement providing 37 parking spaces, cycle parking and lift access to the main building.

Proposed units 19 to 22, would be created from the conversion of a two storey stable building (Goldings) adjacent to the access. This has the proportions of a large two storey dwelling, would regain its original quadrangle form, with the central infill removed and the area becoming a communal courtyard for the four units created through its conversion. The proposal would involve the removal of previous additions and adjacent outbuildings and the conversion works would have limited effect on the appearance of the building.

The former clocktower adjacent to the main access along the road frontage, which has long since lost its upper section including clocks would be restored, with its clock faces and copper top reinstated.

The new build would be mostly on the existing car park, the surface of which is part tarmac/part road planings, it would replace some low buildings adjacent to the road frontage. Units 31 to 33, would extend marginally into an area of woodland towards the north of the site, their car ports and gardens slightly more so. Units 43 to 45 would extend southwards to approximately the position of an existing open air swimming pool and health club building which would be removed. The new build dwellings would be arranged either side of and facing a new internal spine road, running NW/SE roughly parallel to the main road. Units 23 to 30 would be two terraces of four units running approximately parallel to the highway and estate road.

The site is not on level ground but slopes down inconsistently from north to south, away from the highway, with levels changing most dramatically to the rear of the main building and to the southwest.

Vehicular access to the site would be from the existing main access, widened to allow two vehicles to pass. Works to provide a footway along the frontage from the vehicular access to the southern boundary and pedestrian crossing points are proposed. Parking

would be provided in a mix of basement parking (main hotel building) outside parking spaces, car ports and garages. The land to the south and west of the site would be retained as open gardens as would the Italian Garden adjacent to the south elevation of the main building.

Since the last application the proposed size mix has altered.

<b>Bedrooms per dwelling</b>	<b>20/01913/FUL</b>	<b>22/00148/FUL</b>
2	24 dwellings (53%)	18 dwellings (40%)
3	12 dwellings (27%)	19 dwellings (42%)
4	9 dwellings (20%)	8 dwellings (18%)
Total	45 dwellings (100%)	45 dwellings (100%)

The other main difference to the application refused by the committee in January 2022, in accordance with the recommendation, is the number of affordable dwellings has been increased from 5 shared ownership dwellings to 4 shared ownership and 2 affordable rent (units 23-26, 34 and 35). The applicant maintains that the economics of the scheme do not allow for the provision of any affordable units, notwithstanding the offer for six affordable dwellings. Whether this offer is acceptable is considered in the main body of the report, below.

## **2. Policy Context**

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- Strategic Policy MG02: Green Belt
- Policy MG03: Settlement Hierarchy
- Strategic Policy BE01: Carbon Reduction, and Renewable Energy
- Policy BE02: Water Efficiency and Management
- Policy BE04: Managing Heat Risk
- Policy BE05: Sustainable Drainage
- Policy BE07: Connecting New Developments to Digital Infrastructure
- Policy BE11: Electric and Low Emission Vehicle
- Policy BE12: Mitigating the Transport Impacts of Development
- Policy BE13: Parking Standards Strategic
- Policy BE14: Creating Successful Places
- Strategic Policy BE16: Conservation and Enhancement of Historic Environment
- Strategic Policy HP01: Housing mix
- Policy HP05: Affordable Housing

- Policy HP06: Standards for New Housing
- Strategic Policy PC10: Protecting and Enhancing Community Facilities
- Strategic Policy NE01: Protecting and Enhancing the Natural Environment
- Strategic Policy NE02: Green and Blue Infrastructure
- Policy NE03: Trees, Woodlands, Hedgerows
- Policy NE04: Thames Chase Community Forest
- Policy NE10: Contaminated Land and Hazardous Substances

#### National Planning Policy and Guidance

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

### **3. Relevant History**

- 20/01913/FUL: Proposed redevelopment of the De Rougemont Manor hotel and grounds (C1) to create 45 residential dwellings (C3) including conversion and new build homes, with associated access, parking and landscaping works. - Application Refused

### **4. Neighbour Responses**

- The development is in green belt
- In Great Warley conservation area, extended only a few years ago
- will generate additional traffic in an area already becoming increasingly congested
- Extra traffic will put yet further pressure on local lanes eg bird lane, which due to heavy volumes of traffic are already heavily letter-strewn and verge-battered.
- Hotel currently kindly allows overspill parking for church; with the loss of car parking facilities from the Manor I am frightened of what could occur
- would alter the character of the village and put extra pressure on
- Green Belt should be respected at all costs especially as Great Warley provides a break between urban Brentwood and the suburban sprawl of the Havering
- a development that breaks the Green Belt and destroys the Conservation Area status
- I urge our Council to step back and consider what will be lost with this precedent in the Conservation Area and to maintain the bigger picture about what could keep Brentwood special before it is too late.
- no attempt to demonstrate that the hotel cannot be viably sold to alternative operators
- I object for all the same reasons I detailed in relation to the original application/ I am even more against it / nothing materially different in the revised planning application
- Nothing in this application changes my view in any respect and would justify any building beyond the current building (not car parking) footprint

- The loss of the car park will represent a significant loss of amenity to the life of the village and church
  - Disruption to wildlife: birds, deer etc in the surrounding ancient woodland. This also goes against the new development of the Hole Farm site by National Highways
  - There have already been housing developments locally at The Old Pump Works, 20 units and Kilns Hotel lower down Great Warley St. and still within Great Warley the huge development at Fords and adjoining lands.
  - local services not improved - it takes six weeks to get a doctors appointment in the area!
  - Construction traffic and ongoing traffic will add to a major increase in traffic down Great Warley Street
  - will set a precedent for future developments in the area
  - inadequate infrastructure for all of these new developments already
  - The number of new residences planned is disproportionate to the existing number of residential properties and likely to have a negative impact on the nature of Great Warley as a small conservation area village
  - has been freely accessible and enjoyed by visitors from Brentwood and beyond.
  - If the Hotel becomes a development of flats the fascinating interior design, pictures, and ambience will never again be visible to the general public.
  - The site in question is located in a semi-rural area
  - has minimal public transport services and would result in more traffic using a local infrastructure
  - It is acknowledged that development will almost certainly be approved of the existing hotel buildings, but the scale of the proposed new builds is of primary concern
  - I strongly urge members of the Planning Committee to remind themselves of their obligations to protect our green belt from such proposed developments and to familiarise themselves with the historical nature of both the site, and surrounding area which has been acknowledged through the achievement of conservation area status.
- 
- There is a need for additional property throughout the Brentwood area
  - This development is preserving a local landmark within its plans
  - The appearance from the road will remain much as it is at present.
  - the car park and storage area is the main area of redevelopment which will actually create more garden and grass area than at the moment.
  - The plans are mindful of maintaining the rural surroundings and conservation areas as well as bringing new homes to the area. The development and future residents will bring additional income to local businesses.
  - will create jobs
  - It is a very upmarket area and I feel this development suits the surrounding areas beautifully.
  - the houses proposed are aesthetically pleasing

- will enhance the present building and the additional housing development and landscaping will be an asset both to Brentwood and Great Warley.
- the impact on the village will be less than that of the hotel business and considerably less than the impact of the Ford HQ development.
- This is a great idea. The conversion of this hotel will allow this small village to thrive once again and will attract new neighbours.
- less traffic will be going down Warley Road, making the environment thrive.
- As this is on current hardstanding, I think it would benefit the area.
- this development is essential for the area/perfect place for development
- What I like about the planning is that they are maintaining the original frontage and the development is behind and out of sight and only really using car parking area.
- less noise, less pollution than the hotel
- currently when a wedding finishes guests leave on mass and in the early hours of the morning.
- would be beneficial to the community and enhance the customer footfall in the town thus ensuring the high Street continues to prosper.
- the fact the hotel will keep a lot of its original features and grounds for the public is a bonus too!/> fabulous as they can then be enjoyed by all.
- I feel that luxury homes in a village is far more enhancing than that of a derelict building - especially of this size!
- Brentwood council have a responsibility to ensure we play our part in ensuring adequate housing for the growing population
- I feel that the owners have little alternative but to develop the site as the future of the hospitality industry is in serious doubt with these businesses being the first to lockdown and the last to reopen.
- Having picked up from the hotel as a taxi driver I can say that the substantial car park was full every time I had a job there
- Given that trees and a wall will be built it will be secluded and not be an eyesore.
- Believe strongly that it will develop the village and bring youth to the community and revitalise the village.
- Unfortunately, we do not live in the era of La Belle Epoque and Great Warley isn't the Vatican City and has lost it's village feel and is more like a mini version of the M25.
- The new builds which are the only green belt concern are to be built on a hard standing car park which all have their own allocated parking so there would be no parking issues.
- I am led to believe that the ongoing problem with the Japanese knotweed in the area will be rectified by the developers
- I believe the positives out way many negative concerns.
- would be great to see new homes on this site rather than a car park full of commercial/trade vehicles
- will attract the type of residence who will take pride not only in the development itself but the surrounding area too.

## 5. Consultation Responses

- **County Archaeologist:**

RECOMMENDATION: A Programme of Building Recording

1. No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a Written Scheme of Investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.
2. No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
3. The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

RECOMMENDATION: A Programme of Trial Trenching, followed by Open Area Excavation

1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching evaluation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the Local Authorities archaeological advisors.
3. A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified shall be submitted to the local planning authority following the completion of the archaeological evaluation.
4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
5. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

A professional and accredited team of historic building specialists and archaeologists should undertake the building recording and evaluation work. Both phases of work should be carried out prior to the commencement of development. If both programmes of work were carried out by the same contractor this office would accept the submission of a single Written Scheme of Investigation detailing both works. The Borough Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief outlining the work required and the level of recording will be issued from this office on request.

- **Historic Buildings and Conservation Officer:**

This submission is made further to the recently refused application (REF: 20/01913/FUL); the proposals largely mirror the refused application and pertain conversion and extension of De Rougemont Manor, a quantum of remodelling/conversion of outbuildings, and the erection of new build dwellings within the existing car park. The development is located within the Great Warley Conservation Area, within the site context are listed buildings and buildings in a landscape context which collectively define and contribute positively to the character and appearance of the Great Warley Conservation Area. In respect of Built Heritage there is no material change within this submission which addresses concerns previously and consistently raised to the LPA, the applicant sought not to realign with their Built Heritage advisor to lead a refinement of the design proposed despite advice which would negate negative impact upon Heritage Assets. I reiterate the principle of conversion, extension and construction of new homes is fully supported, however the scheme before the LPA remains deficient in design, with particular reference to the approach to De Rougemont Manor itself. It will without doubt result in material harm and goes against Policy C1 of the National Design Guide in respect of Placemaking. I found the scheme at preapplication to be deficient in design, resulting in no sense of Place, not context led in its approach to development resulting in low quality Placemaking, I support the inclusion of the affordable homes which now forms part of the submission.

As a NDHA1 (Non Designated Heritage Asset), De Rougemont is a building of merit, and its later accretions have scope for remodelling as previously advised, however the design style adopted with large gabled extensions and expanses of bland brickwork offer a visually detached style, uncomplimentary to the host building. The new dwellings are of a similar approach taken to the extension to De Rougemont, which in turn amplifies the retrograde step in architectural narrative. Summary: There is a wealth of character in this settlement, whilst precedents are illustrated in the DAS, it remains clear these have not informed the resultant typologies, this can be avoided through a context led approach to development. Recommendation: The proposals would result in a high level of material harm to the character and appearance of the Great Warley Conservation Area. In terms of the legislative test, the proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Great Warley Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 200 states that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing



justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (Paragraph 203). I trust this advice is of assistance.

- **Great Warley Conservation Society:**

I repeat GWCS comments from the previous application that was refused. Regarding the proposal, the majority have little objection to a sympathetic conversion of the Hotel buildings into dwellings thereby conserving its character and maintaining the historic building but object strongly to the proposed new housing element in the car park.

There is a total lack of infrastructure to support these additional residences and would be detrimental to the village and local area should it be approved.

-What ALL comments received have pinpointed is the total lack of additional capacity at GP practices and schools which are already oversubscribed. This would only be compounded by 48 new dwellings. Take into account the large Fords redevelopment, the pump house scheme, The Old Forge, Clements park, Leverton and other recent local housing projects and it is clear that All local amenities are already at saturation point ....or worse.

-All are concerned that there would be an increase in vehicles, generated by the number of new dwellings, to a road already inundated with traffic, served with narrow or non existent pavements and are sceptical regarding figures submitted in the highly questionable Traffic report.

-This is a village which, at its heart, has a conservation area and it is with this in mind that there is objection to the new houses, which together with the hotel buildings conversion could double the amount of dwellings in the village which constitutes massive over development.

The proposal, therefore, seems both ambitious and not in keeping with the ethos of Great Warley being a rural village with a conservation area and green belt setting.

-The car park is still green belt and has never had buildings on it. It must, therefore, be afforded protection through planning constraints and conservation area guidelines.

The society endorses all other comments made on here and reiterates that this is, first and foremost, a green belt issue.

- **Essex Police (Secured by Design):**

Security forms a key part of a sustainable and vibrant development. Essex Police considers that it is important that, 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 92, 112, 119 and 130 of the NPPF. Secured by Design (SBD) is the official police security initiative that works to improve the security of buildings and their immediate surroundings to provide safe places to live and work. Para 6.44 of the Planning Statement refers to Brentwood Council's saved policy 'C19 'Secured by Design' but we were unable to find any further references.

Essex Police requests that the developer formally seeks to achieve the relevant Secured by Design accreditation which in this case will be Secured by Design Homes 2019 Version 2,

There are a number of areas related to security that we would be keen to clarify further, these include:

- Postal arrangements for the flats - 'Through the wall' mailboxes or mailing arrangements in a secure lobby are recommended. Trades buttons are strongly discouraged.

-Inclusion of secure cycle storage is welcomed but we would like more details of the secure cycle storage and undercroft parking access control, as well as the refuse and recycling storage areas, for the flats.

- We would also be keen to clarify further, external lighting proposals for both the flats and the proposed new houses.

To date Essex Police has not been consulted in any pre-application discussions.

Preplanning consultation is always preferable in order that security considerations for the benefit of the intended residents are agreed prior to a planning application. 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. Contact with Essex Police Designing Out Crime team is via [designingoutcrime@essex.pnn.police.uk](mailto:designingoutcrime@essex.pnn.police.uk)

- **Council For the Protection of Rural England:** None received
- **Environmental Health & Enforcement Manager:**

Suggest conditions and informatives.

Conditions

#### 1 Noise

In accordance with the Noise Impact Assessment, a good internal noise environment would be achieved for the properties in the middle and to the West of the development using the proposed glazing and natural ventilation:

- o Wall: x2 100mm Block (90mm Filled Cavity + Butterfly Tie)
- o Windows: Standard Double Glazing Units
- o Trickle Ventilators: Trimvent 4000

Therefore, these materials, or similarly performing materials should be used within the construction, ensuring the calculated internal noise levels presented can be achieved.

The houses on the East of the development, closer to the B183 road require a further 9dB of sound attenuation to achieve the same performance as the acoustic properties of the other dwellings. The use of acoustic double glazing and acoustic trickle vents with acoustic ratings of 33dB Rw or better would achieve the internal noise requirements of BS8233:2014, along with considering the location of noise sensitive rooms.

Noise in external amenity areas recorded above the recommended BS8223:2014 standards, which suggest external amenity areas should be between 50 and 55dB(A). A barrier should be added to the eastern boundary of any amenity space proposed to border the site along the eastern boundary will cause attenuation to reduce noise levels to appropriate standards. The barrier should be a close-boarded timber fence / brick wall, at least 1.8m in height. This should be solid and imperforate and have a minimum mass per surface area of 12 kg/m<sup>2</sup>. Where timber is to be used, the barrier should be close-boarded using good quality wood without holes, knots or damage. The sheets should be 20mm thick in all places and where timber overlaps there should be a minimum overlap of 25mm.

## 2 Construction and Vibration

Once demolition method statements have been drafted, full and dedicated noise and vibration assessments should be undertaken to ensure both compliance and minimal adverse effect on surrounding residences. I would request to see this documentation. This could be accomplished by the submission of a Construction Environmental Management Plan (CEMP) for approval prior to works commencing. The CEMP should as a minimum deal with the control of dust during construction and demolition and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.

## 3 Construction hours

Construction activities are to be restricted to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

## 4 Bonfires

No bonfires should be permitted during construction.

## INFORMATIVES

The Noise Impact Assessment recommends avoiding noise sensitive rooms (eg. Bedrooms) from being placed directly adjacent to the road and to instead place ensembles on this wall. If unavoidable, windows on properties adjacent to the B183 could have side-hung windows on the perpendicular façade that open away from the road or top-opening 'hopper' style windows on the façade parallel to the road.

- **Arboriculturalist:** None received
- **Bats - Mrs S Jiggins:** None received.

- **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 sett 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.

Badgers and their setts are fully protected in the UK by the Protection of Badgers Act 1992 and by Schedule 6 of the Wildlife and Countryside Act (as amended), and Section 40 of the Natural Environment and Rural Communities Act 2006 places a public duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The presence of badgers is therefore of material consideration when it comes to planning applications.

We understand that no new ecological survey has been prepared to support this scheme and that the August 2020 report prepared for the previous refused application (20/01913/FUL) has instead been resubmitted. Badgers are dynamic animals, such that nature and levels of activity throughout their range would be anticipated to vary over time and accordingly, any survey can only provide a snapshot of the current/recent activity to guide consideration of the overall activity levels at a site, with surveys considered to remain valid/up to date for a limited period (no more than 12 months). This is supported by the current Natural England/CIEEM guidance for developments which can be found here: Badgers: advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk)) On this basis, we do not consider the current ecological survey, in so far as it relates to badgers, suitable for the purposes of this application.

Furthermore, the updated Natural England guidance for local planning authorities, which can be found here : Protected species and development: advice for local planning authorities - GOV.UK ([www.gov.uk](http://www.gov.uk)), states that "you should not usually attach planning conditions that ask for surveys. This is because you need to consider the full impact of the proposal on protected species before you can grant planning permission." With this in mind, we recommend seeking an updated survey before consideration is given to granting planning permission for this scheme.

In conclusion, whilst the Essex Badger Protection Group has no objection to this proposal in principle, we do not believe that a satisfactory badger survey has yet been carried out and that this needs to be done prior to any planning permission being granted for the scheme.

Furthermore, in order to ensure the protection of any transient badgers during construction, we would expect the following mitigation measures to be included as a minimum. These may need to be revised/strengthened depending on the outcome of the updated survey.

- o Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- o Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped. Should a badger be found then formal ecological advice must be sought before work commences for the day.
- o 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.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o 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 formal ecological advice must be sought before work commences for the day.

- **Highway Authority:**

The documents accompanying the application have been duly considered and a site visit carried out when assessing the earlier application (reference 20/01913/FUL). In highways terms, the changes from the previous application are immaterial. Consequently, the Highway Authority would offer the same comments as before, which are as follows;

The development upgrades an existing access onto the highway and complies with the minimum parking standards for residential developments, as adopted by Brentwood Borough Council. The proposals are also not expected to result in an increase in trip numbers to and from the site compared to its existing permitted use when fully operational.

Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirements;

1. A Construction Management Plan shall be 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. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to occupation of the proposed development, the site access shall be upgraded to provide a 5.5m wide carriageway and 2m footway on its southern side in accordance with the Site Plan as Proposed (Drawing 937-PL-03 F).

Reason: To ensure vehicles and pedestrians can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to occupation, a new 2m pedestrian footway shall be provided along the site frontage on the western side of the B186 from the main site access to the southern boundary of the site. New dropped kerbs and tactile paving shall be provided for pedestrians to cross the road adjacent to the site access and the retained vehicular access in front of the existing hotel building.

Reason: To enable pedestrian access, the interest of accessibility in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to occupation, the redundant part of the site access to the front of the existing hotel shall be suitably and permanently closed.

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 DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Prior to occupation, the existing southbound bus stop opposite the site shall be improved to Essex County Council specifications. This shall include a new flag, pole, timetable information display and raised kerbs to facilitate pedestrian and wheelchair access. A new northbound stop shall similarly be provided to Essex County Council specifications with new flag, pole, timetable information display and raised kerbs with the exact location to be agreed with the Highway Authority.

Reason: To encourage trips by public transport in the interest of accessibility in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. No unbound material shall be used in the surface treatment of the vehicular accesses within 12 metres of the highway boundary for the main site access and 6 metres of the existing access in front of the hotel.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and the site access 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 and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. The proposed development shall not be occupied until such time as the vehicle parking area, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the local planning authority.

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

9. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

10. Prior to occupation of the proposed development, the Developer shall be responsible for the provision 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).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10

of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

### Informatives

All residential 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 commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

The rural location of the site is such that, for the majority of journeys, the only practical option would be to use the private car. This should be taken into consideration by the Local Planning Authority when assessing the overall sustainability and acceptability of the site.

The applicant is advised that owing to the development size and design of the internal site layout, it is unlikely that the access road would 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.

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.

- **Essex Wildlife Trust:** None received
- **Essex & Suffolk Water:** None received
- **Anglian Water Services Ltd:** None received
- **ECC SUDS:**

We do not object to the granting of planning permission based on the following:

#### Condition 1

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 2.3l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- 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.
- 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.
- 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.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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.

Condition 2

- 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.

### 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.

- **Housing Services Manager:**

#### Original comments:

We are willing to accept 6 shared ownership homes as described by the applicant, as an affordable housing contribution given the viability position that has been assessed by the Council's own advisor. In line with that advice, we would also expect the resulting section 106 agreement to contain a 'clawback' provision to a maximum policy compliant position, should the viability prove better than expected as the works progress. I can work with advisors to obtain a maximum value and 'clawback' assessment mechanism to be included in the section 106 agreement in due course and assuming the Committee approves the application.

#### Revised comments:

Now that the independent viability assessment has been completed, we are able to review our position on the provision of affordable homes. We acknowledge the viability assessor had offered a range based upon the valuation of the site. Our strong view is that the site will support the provision of 5 affordable rented homes and 3 shared ownership homes, 8 affordable homes in total. Since this falls short of the Council's policy position, in addition, we would also expect the resulting section 106 agreement to contain a 'clawback' provision to a maximum policy compliant position, should the viability prove better than expected as the works progress.

## **6. Summary of Issues**

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. This is an up to date and recently adopted local plan. 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 2021 (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 planning history of the site, particularly the decision earlier this year to refuse a very similar proposal, is a significant material consideration for this application.

## Green Belt

The site is in the greenbelt which washes over the locality and continues a significant distance away from the site. This situation remains unchanged from the previous local plan which was operative at the time of the last application. 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, and the requirement to protect openness applies just as much to less attractive areas of greenbelt as to attractive countryside. Policy MG02 seeks to implement the green belt policies of the NPPF. At the time of the last application, while the then operative 2005 plan contained green belt policies the NPPF was considered to be a more up to date and concise statement of greenbelt policy. Therefore, the application of green belt policies has not changed since the time of the last application.

The proposal falls into three parts, 1) changes of use 2) extension/remodelling of the existing building and 3) new buildings. The NPPF considers changes of use, extensions and redevelopment in different ways.

The works proposed for the conversion of the stable building are largely limited to a change of use and internal works, and this part of the proposal is considered to comply with paragraphs 149 and 150 of the NPPF which support the reuse of buildings in the greenbelt that preserve its openness.

The main hotel building has been significantly extended over the years, though the planning records are incomplete. Therefore, the erection of further additions increasing its size would amount to inappropriate development. However, the proposed extension works to the main building would also involve the removal of significant modern extensions to the extent that the physical works proposed would have a largely neutral effect on the openness of the greenbelt. The works to reinstate the top of the clock tower would increase its stature but as a work of replacement/reinstatement this is accepted and its effect on the green belt would be neutral.

A significant element of the proposal is the erection of the new twenty three dwellings. Proposals for new buildings in the greenbelt are inappropriate development unless they are within a limited number of exceptions list in the NPPF. The exception below is relevant to the proposal and is considered below.

*“149(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.”*

The car park is previously developed land though its visual impact outside of the site, even when occupied by parked vehicles is minimal. Likewise, the small buildings to the north of the stable building have little impact on the openness of the site or character of the area and their loss would not be a significant benefit. In contrast the erection of the twenty three, two storey dwellings as proposed would have a significantly greater impact on the openness of this part of the greenbelt and the character of the area than the current state of the site. The dwellings along the road frontage would range in heights between 8.3/8.4m tall (units 23 and 26), 8.08m (units 27-30) and 7.8m high (units 31-33). The two terraced buildings (units 23 - 26 and 27-30) would be 12.5/12.65 and 10.8/14.9m from the Warley Street common boundary respectively. The development would be clearly visible, significantly reduce the openness of the site and change the rural character of this part of Great Warley Street.

The applicant acknowledges that the proposal would have a greater impact on the openness of the Green Belt than the existing development - though contends that its effect would be limited - and is therefore inappropriate development. The proposal is overwhelmingly for market housing and therefore the reference to affordable housing in the above section of 149(g) has limited relevance to the proposal. The applicant therefore recognises that as the proposal is inappropriate development in the green belt it is completely reliant on there being very special circumstances of the required weight if it is to be accepted. These are assessed later in the report.

#### Effect on the Great Warley Conservation Area and listed buildings

The whole of the site is included within the Great Warley Conservation area. The Planning Act requires planning authorities to have special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy BE16 adopts the same approach and contains a number of tests that seek to protect the area through careful consideration of a proposal, its context with other buildings, open spaces, trees, views which together contribute to the character of the area.

The conservation area was extended in 2012 to take in the building and its grounds in recognition of its qualities and the need to protect its character. As indicated in the Consultation Section, the conservation officer has assessed the proposal and advises that the proposal would bring about substantial harm through its urban form, scale and unsuitable architectural style. The overall development is not context led and while there are some benefits, for example the Clock Tower reconstruction and remodelling at the frontage, these benefits have limited weight. The Heritage assessment sets out the

history well though has not acted as a lead for the architectural and development narrative of the proposals.

The design of the additions to the main building with large gabled extensions and expanses of bland brickwork offer a visually detached style uncomplimentary to the host building nor offering sufficient contrast. The conservation officer advises that the new build applies the harm to the setting of the building and character of the area.

The applicants Heritage Appraisal identifies parts of the proposal to be harmful, for example the proposal to reconstruct the upper terrace to cover the undercroft parking to be 'low harm' and the conversion of the main house to be 'low harm'. It also assesses the residential new build to be 'low harm'. The Conservation officer disagrees with this assessment of the development. Other works to the building, including internal works have been identified as enhancements but those benefits would largely not be visible outside the building and therefore have little weight in the planning balance.

The reasons that the proposal would detract from the character of the conservation area are similar to the way the proposal would reduce the openness of the green belt (see above). Currently the site is defined by the two existing buildings (hotel and stables) set in gardens and woodlands. The car park, being a surface car park set away from the road by brick walls and trees is largely shielded from public view, the lack of buildings on the rest of the site giving it an open rural character. The development of the new build as described above would fundamentally alter that spacious rural character, replacing it with a housing estate. This degree of change is due to the scale and spread of the new built form but in addition the conservation officer advises that the extensions and new building are not of high quality and this adds to the harm to the conservation area and non listed heritage asset (hotel).

The Essex Quality Review Panel, was not supportive of the scheme, considering it out of character with the historic character of the original country house, and considering it to be a suburban housing estate of executive homes of limited quality. Overall the panel indicated that the scheme should be scaled back and be given a more spacious and landscape first character, and that in its presented form it there would be "considerable harm to the Conservation Area" and would not provide enough benefits to support the loss of Green Belt land. The proposal has been revised since that time though is broadly similar, the latest alterations do not materially alter the proposal.

The measures suggested by Environmental Health to address road noise would result in very inappropriate fenestration on the dwellings affected and a more appropriate solution would need to be developed.

The NPPF clearly states that where proposals would lead to substantial harm, they should be refused unless that harm is necessary to bring about substantial benefits. As a whole this is harmful new development which could be avoided through a context led approach to development, balanced with a reality of what capacity there is for

development. The proposal fails to comply with Policy BE16 and associated sections of the NPPF (chapter 16).

There are listed buildings in the locality. The two closest are Fairstead (Grade II) and Warley Elms (Grade II). These are both in excess of 150 metres from the hotel building and it is considered that at that distance their setting would not be materially affected by the works to the existing buildings or the new build proposed. On that basis there is no conflict with Policy BE16 as it relates to listed buildings.

#### Affordable housing

Under Policy HP05, on sites of 10 dwellings or more – this is for 45 dwellings - the Council will require the provision of 35% of the total number of dwellings to be provided as affordable housing, in this case 15-16 dwellings. Furthermore, within the overall number of dwellings provided as affordable housing, the policy requires a tenure split of 86% affordable/social rent and 14% as other forms of affordable housing, for example shared ownership, to meet the borough's identified housing need.

The applicant has provided some updated information on request but maintains that the proposal cannot viably support any affordable housing. Despite that it has offered to provide affordable housing as part of the development, though the detail of that has changed during the life of the application. The updated offer is six dwellings (4 for rent and 2 intermediate/shared ownership). In discussions, the applicant has been asked why it wishes to pursue a proposal that it believes not to be viable. The applicant has responded that it is willing to accept a reduced profit in order to bring forward the development of the site.

At the time of the last application the local planning authority appointed a specialist consultant to review the applicant's evidence and claims. Further advice has been received during the life of this application. The Council's consultant disagrees with the basis for the applicant's conclusion primarily due to the applicant's valuation of the existing hotel, indicating that its claimed value is too high, which inflates the costs of the development. In the planning statement submitted with the application, the applicant has stated that the hotel is no longer viable in its existing use – it refers to the "intention of the current premises owners to close the hotel" - that it requires investment and that its future is uncertain, though at the same time is claiming that the hotel has a high existing use value indicating there would be active interest in the market to buy the hotel for continuing use. These appear to be contradictory statements.

The applicant claims that the valuation of the existing hotel should allow for a premium on the value of the hotel in order to bring it forward for residential development. While that was accepted at the time of the last application, the applicant continues to assert again that the hotel is not sustainable in its current use and on that basis the Council has been advised that the premium is unjustified.

As the Council's advisor believes that the site premium is unjustified, the economics of the development should be able to provide 5 rented homes and 3 shared ownership homes. This is not accepted by the applicant. Therefore, the number and type of affordable housing that would be appropriate has not been agreed by the two parties. It therefore remains a reason for refusal being contrary to Policy HP05. Had the quantum and tenure split been agreed, then in the event of a permission the matter would need to be secured by S106 agreement, with a review and claw back clause to take account of possible improvements in the economics of the scheme post decision.

#### Residential amenity

Policy BE14 is a general design policy requiring development proposals to be of good design, for example protect the character and appearance of the surrounding area and protect the amenities of neighbours.

Part of the character of the area comes from its rural situation within the greenbelt and therefore development that harms the greenbelt would harm the character of the area and to that extent be contrary to Policy BE14. However, with regard to the impact on living conditions of neighbours there is no particular reason to believe that the proposal would necessarily harm the reasonable amenity of neighbours by overlooking or material loss of sun light or daylight. Those aspects of the proposal would not be contrary to Policy BE14.

However, as indicated above part of the character of the area is derived from the open and treed appearance of the site. This is considered above, and the proposal has not demonstrated that this part of its character would be protected and therefore fails Policy BE14. Matters relating to highways and parking are considered below.

A noise report on the original proposal identified that some of the dwellings and their gardens are liable to be subject to noise from the road. While noise levels would not of themselves preclude the development, mitigation measures would be required to lessen the noise likely to be experienced in some of the units. This could be covered by condition in the event of the proposal being granted permission.

#### Standard of accommodation

The Department for Communities and Local Government March 2015 Technical Housing Space Standards (THSS) have been adopted by the Council under policy HP06 and therefore in contrast to the time of the last application they do carry the weight of development plan. These units also meet the standard. The Design and Access statement says "The aim is to provide 100% 'Part M4(2) Accessible and Adaptable Dwellings' across the new build development only." This matter can be required by condition.

#### Sustainability

Since the adoption of the new local plan In March 2022, issues not previously considered by the operative local plan, for example carbon reduction, and renewable energy, water efficiency and management and managing heat risk have become policy requirements (BE01, BE02 and BE04). The application includes the energy and sustainability statement submitted with the previous application. The proposal follows a fabric first approach. The sustainability report identifies emissions from a building regulation baseline and seeks to improve on it. Improvements are shown with regard to the converted units and the new build. However, the improvements are limited, heating and hot water would be via high efficiency gas boilers, ventilation through natural ventilation and mechanical extraction, and lighting via LED lights “where applicable”. The report rules out the use of bio fuels boilers, wind turbines, ground source heat pumps, solar water heating, air source heat pumps though photovoltaic cells are proposed on the new build dwellings. There is an indication that “water efficient fixtures will be considered” but no commitment is given. On the whole this proposal is underwhelming though to some extent could be addressed by planning condition, though some aspects are likely to have some impact on the appearance of the development.

With regard to the transport sustainability of this location, the locality does not support the fully range of day to day services and therefore occupants would need to travel from the site into larger centres to access those services. The settlement hierarchy in policy MG03 identifies Great Warley at the bottom of the hierarchy – i.e. settlement hierarchy 4) which are “remote and small local villages and hamlets, with poor public transport, limited or no shops, jobs and community facilities; some of these rely on nearby settlements for services.”

The applicants transport statement advises that the NPPF promotes sustainable transport. The transport report identifies one bus route with one hourly peak service in each direction in the AM and PM periods. The transport statement lists a number of destinations that could be reached by walking or cycling. Brentwood Town Centre which does provide a range of day to day services, is identified as 4.2 km, 53 minutes walk or 13 minutes cycle ride. There is no evidence that occupiers would be particularly likely to use the infrequent bus service or walk or cycle consistently throughout the year, along the busy road, especially that sort of distance, and are most likely therefore to use their private cars. This location is therefore not a sustainable location with good access to a wide range of day to day services as recognised in the local plan.

#### Secured by Design

The consultation reply for this application raises no objections and the further comments could be included as a note on the decision notice were the application to be approved.

#### Highways and Parking

Access to the site would remain from Great Warley Street though it would be improved with provision of a 5.5m wide carriageway for a distance of 15m into the Site. Alongside



the updated carriageway a 2m wide footway would be provided at the south end of the carriageway adjacent to the main building.

The footway would be continued along the frontage from the site entrance to the southern boundary of the site providing improved facilities for pedestrians. An uncontrolled crossing point with dropped kerbs would be provided at the edge of the existing layby on Great Warley Street, and a new pedestrian entrance would be provided at the northern end of the site. The access would connect to a new internal spine road of 6m wide. Visitor parking would be provided on street in a mix of parallel bays along the road and perpendicular bays adjacent to residential parking.

The highways authority raises no objection subject to the ten conditions listed in the consultee section above.

The design and access statement gives the following dwelling mix: 18 x two bed, 19 x three bed and 8 x four bed dwellings. The car parking requirement is therefore two spaces per dwelling ie 90 spaces, plus 12 visitor spaces. The proposal would provide the required number of spaces (with the exception of three less visitor spaces) in a mix of open parking, basement (main building), car ports and garages. Other than the minor shortfall in visitor parking, this provision complies with the requirements of the adopted parking standards. Approximately five dwellings would have garages and each would meet the larger 7m x 3m internal dimensions standard. A fifth of the 37 spaces (i.e. 7 or 8) in the basement would have electric charging points. The updated Building Regulations and Policy BE11 look for a greater provision of charging points than proposed and applied to new buildings and conversions and could be addressed by planning condition. The requirement for cycle parking is one space per dwelling and this could be accommodated in the development. For the reasons given above the proposal would meet the requirements of policies BE12 and BE13.

#### Local Community Facilities

With regard to Policy PC10 (Protecting and enhancing community facilities) the existing activities are not village halls, community centres, libraries or sports, leisure, healthcare or arts venues. shops, public houses, community halls, petrol filling stations, or medical facilities. The requirements of Policy PC10 do not apply to this proposal.

#### Flood Risk and SUDS

The site lies in flood zone one, the area least at risk from flooding. The Lead Local Flood Authority (ECC) offers no objections subject to the conditions listed above. The proposal meets the requirements of policy BE05.

#### Landscape and Ecology

An overall landscape strategy has been submitted (see drawing 20.5082.02). The applicant proposes that a detailed hard and soft landscaping scheme would be

developed in response to a planning condition, together with a landscape management plan.

The applicant submitted an ecologist's assessment of current habitat and wildlife on the site and found no protected species, though acknowledged a likelihood of nesting birds which would require relevant works to be carried out outside the nesting season, or where this is not possible, be carried out under the supervision of an ecologist. The report identifies no irreplaceable or otherwise noteworthy habitat that would be affected by the proposal. Japanese Knotweed was found and this would be treated/remediated as necessary.

The ecology report briefly lists proposed ecological enhancements to the site as required by 174(d) of the NPPF. There is no detailed proposal, but the applicant's ecologist suggests it could cover management of areas of woodland, carrying out native planting, with a wildflower meadow including pollinators on the site of the existing tennis courts and more widely on the site, together with the provision of bird and bat boxes.

#### Other matters

Information has not been provided relating to Policy BE07 (Connecting New Developments to Digital Infrastructure) but such matters could be addressed by planning condition.

#### Assessment of Very Special Circumstances

The proposal - as agreed by the applicant – is inappropriate development. Therefore, the acceptability of the proposal is wholly reliant on very special circumstances meeting the threshold set out in the NPPF as below.

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

148. 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 outweigh the 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.

The applicant has summarised the matters it considers to be material considerations and planning benefits, which are largely those matters raised at the time of the last application. In addition, a more lengthy document has been provided listing generalised

benefits perceived by the applicant, and this can be viewed on public access. These seem to be of a lesser order and more general than claimed very special circumstances. Some are descriptions of the development, others are repetitious, some are aspirational, lack objectivity and are open to debate, some matters, like good design (not accepted by the design officer) are issues that should be part of any scheme and on that basis are not very special circumstances.

The main issues identified by the applicant are summarised as follows:

1. Performance of Site against Green Belt Objectives
2. Minor Extension of Previously Developed Site
3. Retention of Heritage Asset
4. Housing Need
5. Transport & Highways Safety
6. Public Access Improvements

With regard to those items the following comments are made:

1. Green belt objectives
  - The applicant indicates that the site fulfils few of the purposes of the green belt ie:
    - to check the unrestricted sprawl of large built-up areas;
    - to prevent neighbouring towns merging into one another;
    - to assist in safeguarding the countryside from encroachment;
    - to preserve the setting and special character of historic towns; and
    - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The applicant's assessment of the site's contribution to the purposes of the green belt is particularly narrow and largely relates to an assessment of the proposal in isolation. Green belt policies should be applied consistently. Furthermore, in this case the proposal would result in encroachment in the countryside, would fail to preserve the setting and special character of this settlement in the conservation area and would not assist in the recycling of urban land.

2. Minor Extension of Previously Developed Site

Its not clear how this is a matter amounting to very special circumstances.

3. Retention of heritage asset

The main building is of some local merit, though not listed. The proposal would remove some previous additions and include some replacement additions. As indicated above the Conservation Officer has reservations about the merits of the works to the existing buildings as well as objections to the new build dwellings. The overall benefits are limited and further tempered by the harm to the conservation area. The proposed

internal and other refurbishments weigh in favour of the proposal to a very limited extent.

4. The provision of additional housing, both market and affordable is a benefit to the borough, however there is a need to consider this in the context of the recently adopted local plan to 2033, which allocates sufficient land to meet identified needs. The Council's position in respect of housing provision is that it is able to demonstrate a robust five year supply of deliverable housing sites (5.21 years); this is a position that has recently been tested through the local plan examination and on that basis the plan does not rely on developing green belt site which would be contrary to its policies and the requirements of the NPPF.

A recent appeal (APP/H1515/W/21/3285390) concerning 17 dwellings (6 affordable) at Land at Chitral, Wyatt's Green Road, Swallows Cross has been dismissed. The Inspector identified that the market and affordable housing would be a clear benefit but with regard to the 'Tilted balance' (paragraph 11 of the Framework) the Inspector said, *"the policies in the Framework, insofar as they relate to the Green Belt, provide a clear reason for refusing the development proposed (based on my findings above), the presumption in favour of sustainable development would not apply."* While appeal decisions do not have the weight of caselaw, officers consider that this recent and local appeal covers similar issues to those relevant to this application and indicates that despite examples and claims to the contrary, Inspectors continue to make decisions that protect the green belt.

5. Transport and highway safety

The applicant considers that the proposal would reduce the traffic attracted to and from the site to the benefit of the character of the area and highway safety. At the same time, it is noted that part of the applicant's case is that the site is no longer economic to operate as a hotel and therefore any benefit would be more limited than it might have been while a viable hotel was in full operation. In strict planning terms the hotel could continue in operation and if fully used its traffic generation would exceed that in the proposed development. It is proposed to provide a footway, with simple crossing points, along the frontage which is likely to have some public benefit in improved highway safety though that benefit would be limited.

6. Public access

The application documents refer to improvements to the Italian Garden adjacent to the main building and it together with the rest of the site would, it has been indicated, be opened to public use. The details of this would need to be subject to a management plan. While this access would be of some benefit, details of how it would operate have not been provided and its overall benefit is considered to be limited.

Conclusion

As set out above, the proposal taken as a whole is contrary to green belt policy, having a greater impact on openness than the existing development on the site. Furthermore, as identified above the proposal gives rise to other harm: would fail to preserve or enhance the character of the conservation area; the development would be detrimental to the character and setting of the non listed building; would fail to make appropriate provision for affordable housing; is poorly situated with regard to access to day to day services. To amount to very special circumstances matters in favour of the proposal would need to clearly outweigh all such identified harm. Officers' clear view is that they do not.

If the committee were now minded to resolve to grant planning permission they must, first, identify whether there are matters that represent very special circumstances ("VSC") that meet the required threshold; secondly what are these VSC, and, thirdly, identify why these VSC now clearly outweigh the harm of the development. In doing so the committee will need to give its reasons for differing both with its previous decision to refuse in respect of application 20/01913/FUL, and, with their officers' recommendation still to refuse this application. That explanation will need to show how the VSC clearly outweigh, individually or collectively, the harm to the greenbelt, and any other harm. This identification and weighing up should occur before the committee votes on any proposal to grant planning permission for the development.

#### Secretary of State for Levelling Up, Housing and Communities

If the committee resolves to refuse the application, the decision may be issued as for any other application. However, if the committee resolves to grant planning permission for the development, then, prior to issuing a decision, this local planning authority must notify the Secretary of State of the intention to grant permission, in accordance with the requirements of The Town and Country Planning (Consultation) (England) Direction 2021.

The Direction defines this form of development as "Green Belt development" which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan and which consists of or includes development that exceeds the following thresholds:

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The proposal is, insofar as it relates to new build dwellings, as described on page 52 of the Design and Access Statement) is over three times the threshold in (a) and the proposal would have a significant impact on the openness of the greenbelt, irrespective of any justification.

The Direction specifies the information that must be sent to the Secretary of State including a statement of the material considerations which the authority considers indicate the application should be determined otherwise than in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004 (i.e. to determine the application in accordance with the adopted Development Plan). Given the recommendation of refusal the report to committee does not contain such a statement. If the committee were to come to the view that the planning merits of the case justify the grant of planning permission its reasons should be recorded when making its resolution, as advised above, and this record would act as the statement on behalf of the local planning authority and sent to the Secretary of State as part of the notification.

The purpose of the Direction is to give the Secretary of State, by his power of “call-in”, the opportunity to make his own determination under S.77 of the Town and Country Planning Act 1990.

The local planning authority could not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the authority in writing is the date he received the required documentation unless the Secretary of State has notified the authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 (i.e. that the Secretary of State will determine the application) in respect of the application, in which case the authority may proceed to determine the application, or directs that he requires additional time.

Finally, if the Secretary of State allows the local determination of this application to proceed, the local planning authority will issue the decision notice subject to appropriate planning conditions and obligations. In that context, it is requested that authority be appropriately delegated to the Head of Planning in consultation with the Committee Chair to agree appropriate planning conditions and obligations.

## **7. Recommendation**

The Application be REFUSED for the following reasons:

### **1 Inappropriate development in the Green Belt**

The proposal would be inappropriate development in the Green Belt that would materially detract from its openness, it would represent an encroachment of development in the countryside and would fail to preserve the setting and special character of this rural settlement in the conservation area and not assist in the recycling of urban land. It would therefore conflict with The Brentwood Local Plan 2016-2033 Policy MG02 and the objectives of the Framework as regards development in the Green Belt.

### **2 Poor design and effect on Conservation Area**

The proposal would be harmful to heritage assets. De Rougemont is a non listed building of merit and the design of the proposed additions with large gabled extensions and expanses of bland brickwork is inappropriate and uncomplimentary to the host building. Furthermore, the scale, spread and design of the proposed new build dwellings would fail to protect the setting of this heritage asset or the open rural character of the conservation area. It would therefore be contrary to Policy BE16 of the Brentwood Local Plan 2016-2033, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and chapter 16 of the NPPF.

3 Unacceptable Affordable Housing provision

The proposal does not make a policy compliant contribution to affordable housing in the borough. Although the viable level of affordable housing provision has not been resolved, the local planning authority does not agree with the applicant's assessment that it is not capable of viably supporting the provision of affordable housing, or that the offer of 4 shared ownership and 2 affordable rent dwellings on site would be an acceptable level of provision. The proposal therefore fails to comply with Policy HP05 of the Brentwood Local Plan 2016-2033.

4 Unsustainable location

The application site is poorly located with regard to accessing the full range of day to day services required by future occupiers. It is not a location that is or could be made sustainable through offering a genuine choice of travel. Occupiers of this significant sized residential development would be overly reliant on the use of private cars for access to day to day services contrary to Policy MG03 of the Brentwood Local Plan 2016-2033 and Chapter 9 of the NPPF.

5 No very special circumstances

Other matters that may weigh in favour of the proposal have been considered but collectively they do not clearly outweigh the harm to the Green Belt and the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.

Informative(s)

- 1 The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG02, MG03, BE01, BE02, BE04, BE05, BE07, BE11, BE12, BE13, BE14, BE16, HP01, HP05, HP06, PC10, NE01, NE02, NE03, NE04, NE10, National Planning Policy Framework (NPPF) 2021 and NPPG.
- 2 The drawing numbers listed above are relevant to this decision

- 3 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. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**



Appendix A



Title : De Rougemont Manor, Great Warley Street, Great Warley, Brentwood, Essex, CM13 3JP

22/00148/FUL

Scale at A4 : 1:2500

Date : 26th July 2022

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



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**SITE PLAN ATTACHED**

**FAIRFIELD HOUSE, FAIRFIELD ROAD, BRENTWOOD, ESSEX, CM14 4SD**

**PARTLY RETROSPECTIVE APPLICATION FOR INTERNAL AND EXTERNAL ALTERATIONS TO INCLUDE REORIENTATION OF CONSENTED HALLWAY, COMMUNAL AREAS AND RESIDENTIAL DWELLINGS, PROVISION OF GARDENS TO 3NO DWELLINGS, RELOCATION OF BIN AND CYCLE STORES TO THE NORTH-WEST OF THE SITE, LAYOUT AND DESIGN ALTERATIONS TO FLAT 1 (THIRD FLOOR) INCLUDING PROVISION OF AN ADDITIONAL WINDOW AND CHANGE TO A 2-BED 3-PERSON FLAT, PLUS LAYOUT AND DESIGN ALTERATIONS TO FLAT 1 (FOURTH FLOOR) TO INCLUDE ADDITIONAL WINDOW.**

**APPLICATION NO: 22/00485/FUL**

**WARD** Brentwood West **8/13 WEEK DATE** 4 July 2022

**Extension of time:** TBC

**CASE OFFICER** Mr Daryl Cook

**Drawing no(s) relevant to this decision:** P201/C; P202; P203; P204/B; P205;

**The application has been referred to the Planning and Licensing Committee at the request of Cllr Sarah Cloke for the following reasons:**

In the planning statement associated with this application the developer cites (policy) BE14 in our new LDP and reminds us that developments should safeguard the living conditions of future occupants. However, they fail to cite the full statement which is item J of BE14: *safeguard the living conditions of future occupants of the development and adjacent residents.*

The alterations to the development disregard the living conditions of adjacent residents as follows:

- 1. Relocation of bin store and bike shed now mean these elements of the development will abut directly onto the rear of 2 Fairfield Road. Planned tree planting to form a barrier seems to have been removed from between the store and 2 Fairfield Road from what I can discern of the plans. We believe the adjustments should retain a planted barrier and in LDP 8.45 it states Trees, woodlands, hedges and hedgerows, wherever*

*appropriate, should be incorporated within a landscape scheme. Since this was incorporated before it is unacceptable this has now been removed/downscaled. Furthermore, the noise and disruption of residents from 20 apartments entering the bin store regularly should not be underestimated. An alternative location should be sought and if not available measures to prevent door noise and transmission of smells into adjacent neighbours should be taken.*

*2. The reduction of car parking spaces from 14 to 12 is also unacceptable. The plan was originally approved for 12 apartments with 14 spaces, now 20 apartments with 12 spaces. Despite proximity to the train station, it is likely more than 50% of residents (even assuming only 1 adult per apartment which seems unlikely will want to park cars, not to mention visitors etc. Fairfield road is a narrow cul-de-sac that already suffers from antisocial parking issues that will only be worsened by this step. Recently a fire engine was not able to access the street to attend to an emergency. The LDP part 5.111 states "b. the type of development (fringe site, infill site, etc.) - infill sites are much more likely to be located in areas with existing travel patterns, behaviours and existing controls, and may be less flexible" This small street has already seen huge over development around it with no consideration to the ever-worsening access issues that existing residents are suffering.*

## **1. Proposals**

Part retrospective planning permission is sought for internal and external alterations to include reorientation of consented hallway, communal areas and residential dwellings, provision of gardens to 3no dwellings, relocation of bin and cycle stores to the north-west of the site, layout and design alterations to Flat 1 (third floor) including provision of an additional window and change to a 2-bed 3-person flat, plus layout and design alterations to Flat 1 (fourth floor) to include additional window at Fairfield House, Fairfield Road, Brentwood.

Revised drawings have been received during the lifetime of the application which can be summarised (below). No re-consultation of neighbours was considered necessary given the nature of the changes, but clarification on some matters has been sought from consultees given the reasons for referral.

- Amendment to parking provision onsite from 12 spaces to 14 spaces
- Indicative landscaping

The committee should note that, at the time of writing this report, the elevations drawing reference number: P203 incorrectly labels the flank (side) elevations, the 'east' elevation should be labelled 'west', and the 'west' elevation should be labelled 'east'. A revised drawing has been requested and will be circulated for committee. The report has been written factoring in this error.

## **2. Policy Context**

## **Development Plan, Policies and Supplementary Planning Documents (where applicable)**

- The Brentwood Local Plan (2016-2033) (BLP)
  - Policy BE12 Mitigating the Transport Impacts of Development
  - Policy BE13 Parking Standards
  - Policy BE14 Creating Successful Places
  - Policy HP01 Housing Mix
  - Policy HP06 Standards for New Housing
  - Policy NE01 Protecting and Enhancing the Natural Environment
  - Policy MG03 Settlement Hierarchy

*The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.*

- Brentwood Town Centre Design Guide SPD (BTCDG)

## **National Planning Policy and Guidance**

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

## **3. Relevant History**

- 17/00663/PNCOU: Prior Approval Notification Class O - Change use of existing offices (Class B1a) on ground, first and second floors to 12 No. flats (Class C3) - 6 No X 1 bed and 6 No. X 2 bed - Prior Approval is required/Given
- 17/01936/FUL: Proposed two storey extension on the roof of the existing building. Seven flats are proposed across the two floors. The existing elevations remain unchanged. - Application Refused
- 19/01300/FUL: Add 3rd floor to existing office block to create 4 x 1 bed flats, remove staircase and re-clad whole building, alterations to fenestration, add new entrance canopy and bin storage - Application Permitted

- 19/01728/PNCOU: Prior Approval Notification Class O - Proposed change of use of office space at ground, first and second floors to 6 no 1 bed flats and 6 no 2 bed flats (Class C3) and associated basement storage - Prior Approval is Not Required
- 21/00250/PADCOD: Prior Notification for the construction of two additional storeys to provide 8 dwellinghouses on the existing detached mixed use building. - Prior Approval is required/Refused
- 21/00389/FUL: Re-cladding of and minor works to the facade of the existing building. - Application Withdrawn
- 21/01016/FUL: Re-cladding of and minor works to the facade of the existing building. - Application Permitted
- 21/01044/PADCOD: Prior Notification for the construction of two additional storeys to provide 8 flats on the existing detached mixed use building. - Prior Approval is required/Given
- 21/01016/COND/1: Discharge of Condition 3 (Details of Materials) of application number 21/01016/FUL (Re-cladding of and minor works to the facade of the existing building). - Application Permitted
- 21/01044/COND/1: Discharge of conditions 1 (Details of materials) of application 21/01044/PADCOD (Prior Notification for the construction of two additional storeys to provide 8 flats on the existing detached mixed use building). - Application Permitted
- 21/01016/NON/1: Non material amendment to application 21/01016/FUL (Re-cladding of and minor works to the facade of the existing building) for the addition of wheelchair ramp to the east at ground floor level fronting the existing building; Replacement of east most window, at ground floor level on the front elevation of the existing building, with main door directly leading to residential unit; Addition of windows along east end of front elevation; and Reorientation of ground floor portal to point east. - Application Permitted
- 21/02038/PADCOD: Prior Approval seeking a two storey residential upward extension of the existing building to deliver 8no. self contained dwellings under Schedule 2, Part 20, Class AA of the Town and Country (General Permitted Development) (England) (Amendment) (No2) Order 2020 - Application Withdrawn

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

This application has been advertised by way of neighbour notification letters and public site notice. At the time of writing this report, two neighbour representations have been

received for this application both objecting to the proposed development as summarised below:

- Reduction of parking spaces onsite detrimental to highway safety and may result in a loss of parking spaces for existing residents of Fairfield Road.
- Cycle stores are idealistic
- Cumulative works has led to overdevelopment within this street
- Parking constraints within the street have led to issues with fire access epitomised by recent events
- Re-siting of the bin area will be to the detriment of nearby residents' health and amenity by virtue of its foul smell, positioning and sound.
- Impact upon property value
- Overlooking concerns
- Drawing 9074/92 rev B does not show the bin store in its actual proposed position
- No.9 Fairfield Road omitted from the plans

## **5. Consultation Responses**

- **Basildon Fire Station:**

*N.B. Comments received prior to revised drawings referenced above.*

The submission has been considered and the following observations are made:

### Access

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13(1)(a)(b) and The Building Regulations 2010.

The additional proposal does not affect Fire Service vehicular access to the development thereby maintaining the recently agreed requirements of the Building Regulations with the appointed Building Control body by way of compliance with BS:9991-2015, (and so address Section 13 (1)(a) of The Act).

The proposal itself does not affect Fire Service access to any existing premises in the vicinity and therefore maintains compliance with Section 13 (1)(b) of The Act. However, whilst not necessary in direct contravention of The Essex Act the opportunity is taken to express concern that the removal of parking spaces within the development may contribute to Fire / Emergency Service vehicular access issues due to the number of parked vehicles that are already being experienced by attending fire crews not only to the development in question, but other properties located in Fairfield Road and Railway Square.

Other than requesting that this concern is given due consideration when assessing the application. the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no objection to the application.

- **Highway Authority:**

Initial comment:

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

A reduced car parking standard has been applied. Brentwood Borough Council's adopted parking standards state that "for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development."

The local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Brentwood's facilities and car parks, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions:

1. Prior to first occupation the cycle parking 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.

2. 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.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

An informative is also recommended.

Additional comment (on latest drawings):



The additional parking spaces are welcomed. All vehicles will utilise an existing and established access and the surrounding highways network is protected by parking restrictions, therefore, to confirm, the Highway Authority recommendation remains as before.

- **Environmental Health & Enforcement Manager:**

Initial comment:

I refer to your memo in connection with the above mentioned application and would note the design alterations would cause no further risk in terms of noise impact or contamination. I therefore have no further comments to make.

Additional comment (following referral):

Noise: It is unlikely a statutory nuisance will occur from noise caused by the bin shed door. The noise of a door shutting even 20 times a day is unlikely to cause a statutory nuisance and the bins are enclosed by a flat roof, which will further mitigate noise from the bins themselves.

Odour: Providing bins are used responsibly by residents (lids kept closed and bin shed door closed after use) I do not foresee the bins causing a sufficient level of odour to disturb nearby residents. The bins being stored inside the brick shed building will also mitigate odours further than bins stored in the open air.

## **6. Summary of Issues**

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. 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 include the NPPF and 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.

### **Site context**

The application site is located within an area comprising a mix of residential dwellinghouses and commercial buildings including retail uses located on the periphery of the Town Centre and within (very) close walking distance to Brentwood train station.

The site comprises of a detached building currently undergoing refurbishment and alterations to provide for residential flats (20). This application seeks to gain consent for partly retrospective works which go beyond the scope of the prior approval applications and to alter elements of previously approved schemes. The principle of these alterations is considered to be acceptable.

## **Recent Planning History**

There is an extensive planning history for this site aforementioned.

## **Design, Living Conditions, Landscaping and Neighbour Amenity considerations**

Policy BE14 seeks to create successful places ensuring new development meets high design standards (including materials) and delivers safe, inclusive, attractive and accessible places. Buildings should be sustainable, including the surrounding places and spaces and capable of adapting to changing conditions. Proposals should respond positively and sympathetically to their context building upon existing strengths and characteristics and, where appropriate, retain or enhance existing features which make a positive contribution to the character, appearance or significance of the local area (including natural and heritage assets). The integration of the natural environment to enhance biodiversity should be incorporated into designs and proposals should seek to incorporate trees into development. Proposals should also protect the amenities of future occupiers and neighbours living conditions, provide suitable parking provision and refuse/recycling points whilst mitigating the impact of air, noise, and other pollution.

The preamble text for policy BE14 identifies that the Essex Design Guide (EDG) is a useful starting point for a development.

The Brentwood Town Centre Design Guide Supplementary Planning Document (BTCDG) seeks to ensure new schemes are sympathetic and reflective in design terms to the local character and appearance of the surrounding townscape.

In terms of design, the alterations to the internal corridors and reorientation of the units within are considered to be acceptable. The number of units (20) total has already been established, but the conversion of a previously 1 bed-2 person flat to a 2 bed-3 person flat is supported in line with policy HP01 of the BLP with the Strategic Housing Market Assessment requiring more two-bedroom units (see Figure 6.1 of the BLP, pg.107). The living conditions of future occupants would not be adversely impacted by these arrangements as the accommodation would still remain compliant with the nationally described space standards in accordance with policy HP06 of the BLP.

In terms of the additional windows for flat 1 (third floor) and flat 1 (fourth floor), these are considered to be acceptable in respect of design and not give rise to a material overlooking/loss of privacy effect as they are both located on the eastern flank at third and fourth floor (toward Essex House and 101 to 135 Kings Road) where there is already a degree of mutual overlooking within this urban context. The amenities of neighbouring dwellings within the surrounding area, including Fairfield Road, are not considered to be adversely affected by these fenestration alterations.

The ground floor units would also be provided with access to further amenity areas to the rear which, whilst small, is considered to be acceptable given the physical constraints of the site and not having previously been proposed.

The relocation of the bin store from the ground floor element of the, now demolished, west projection (previous stairwell) is considered to be a very minor change and an

improvement to the overall design of the principal building. The bin store would still be enclosed within a purpose-built structure for the bins with a maximum height of 2.85m and will also incorporate the cycle store. The location is considered to be discreet and would provide ease of access for future occupants of the building and, for the cycles, is considered to encourage their use in comparison to the previous basement location. This is considered to be acceptable.

The Environmental Health officer considers the proposal would not give rise to an adverse impact from noise and odour. However, in the interests of neighbours living conditions and for the avoidance of doubt, conditions can be sought to mitigate odour impacts ensuring adequate ventilation to this building is provided as well as shading from foliage depicted within the drawings or the white washing of roofs to reflect heat. In order to mitigate noise, the proposal illustrates a soft closing door and seal around the bin store door, but not for the cycle store and therefore this is also recommended by way of condition. Adequate screening by way of foliage around the bin store is also illustrated and this is considered to be acceptable in accordance with policy NE01 of the BLP and controlled by way of a landscaping condition for the site.

The proximity from the neighbour's rear boundary (No.2 Fairfield Road) is depicted within supplementary drawing 9074-P205. There is a boundary to wall distance (at their closest points) of 8m with an existing garage in between as well as raised hard standing. This proximity is considered to be acceptable to ensure no adverse effects.

The proposed development is considered to be compliant with policies BE14, HP06 and NE01 of the BLP, the BTCDG and the aims and objectives of the NPPF and NDG.

### **Parking and Highway considerations**

The Highway Authority has reviewed the proposed development which is accompanied by a transport assessment. The site falls within settlement category 1 of policy MG03 which means it falls within a highly sustainable location with frequent train and bus services as well as being within walking distance of services and shops. The Highway Authority recommends conditions in respect of ensuring cycle parking accords with the adopted EPOA Parking standards and a residential travel pack is distributed to each dwelling free of charge. This is consistent with previous applications and a condition to this effect is recommended.

The BLP outlines that Brentwood has a very high level of car ownership in comparison to the national average and that the delivery and encouragement of sustainable transport alternatives is essential. Its sustainable location would be supportive of a reduced level of car parking spaces. The encouragement of sustainable transport is a key component of sustainable development by encouraging an active lifestyle, contributing towards improving air and noise quality, improving public health, provides safer environments for children, increases social interaction in the neighbourhoods and can save travel time by reducing congestion (para 5.64 BLP). The applicant's agent also highlights that there is a climate crisis, and we need to reduce reliance upon the private car.

Policy BE11 requires the provision of, as a minimum, the space and infrastructure for electric vehicle charging / plug-in points for occupants and visitors to the application site in order to reduce pollution and climate change impacts. This is a key requirement for a large-scale transition to electromobility envisioned within the plan. A condition to this effect is recommended.

The Highway Authority indicates that it is appropriate therefore to apply a reduced car parking standard within an area where there are existing parking restrictions. Committee members will recall previous suggestions at other committees for a parking permit restriction condition. However, whilst there are mechanisms for its use within London, caselaw outlines that section 106 agreements are to control the use of land and the land which provides on street parking falls outside the ownership of the applicant. It is therefore not possible to impose such restrictions by condition or S106 agreement, were these proposed, would not be enforceable.

Notwithstanding, and during the lifetime of the application, the applicant has amended the car parking provision from the initially proposed 12 spaces to now provide 14 (as previously proposed under the prior approval applications) including 1 disabled parking space. Cycle storage is provided alongside. The number of parking spaces is considered to be appropriate within the site albeit two spaces (numbered 2 and 3) fall short of the minimum standard (2.5m x 5m).

Notwithstanding, this is considered to be acceptable, and the proposal would accord with the aims of policies BE11, BE12 and BE13 of the BLP and those within the NPPF.

### **Other Matters**

In terms of fire safety, which has been raised as a concern, Essex County Fire & Rescue Service has provided a formal consultee response. In summary, it indicates that the proposal does not affect Fire Service vehicular access to the development, nor would it affect Fire Service access to any existing premises in the vicinity. It advises that the removal of parking spaces (no longer proposed) was a concern given parked vehicles along Fairfield Road and how this may have affected Fire/Emergency Service vehicular access. However, it advises that this is not in itself contrary to the requirements of the Essex Act 1987 (which encompasses a number of powers affecting aspects of issues relating to land and open space including parking, highways and streets, public health and amenities, public order and safety and so on). With the proposal retaining 14 parking spaces consistent with previous applications and existing parking restrictions on the surrounding roads, the proposed development is not considered to give rise to an adverse impact. In any event, inappropriate parking on the Highway is beyond the scope of planning and controlled by separate legislation.

There are a number of supporting documents (noise assessment, contamination assessment, flood risk, transport statement, daylight/sunlight reports etc.) accompanying the application which relate to the prior approval applications. These elements remain substantially the same from the consented development and it is not considered any further controls are required for these matters. The remaining material considerations are considered within this report.

Several neighbour representations have been received relating to this development. The following comments resolve outstanding concerns which have not been commented (and considered) above:

- The principle of an upward extension has been established. These works seek minor alterations from the approved scheme to incorporate ancillary features associated with the residential occupation of the building. Officers do not consider these works to amount to overdevelopment.
- Impacts upon property values are not a material planning consideration.
- The drawings which accompany the application are considered to be accurate and whilst No.9 Fairfield Road is omitted from the site location plan, this does not materially affect the determination of the application.

## **Conclusion**

The proposed development, for the reasoning outlined above, is considered to be compliant with policies BE11, BE12, BE13, BE14, HP01, HP06, NE01 and MG03 of the BLP and the aims and objectives of the NPPF and NDG. Therefore, the proposed development is recommended for approval subject to conditions.

## **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 documents 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 All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

Reasons: In order to safeguard the character, appearance and visual amenity of this area and for the avoidance of doubt.

4 Prior to first residential occupation of the building, each parking space proposed shall be provided with the space and infrastructure required to provide electric vehicle charging/plug-in points for the future occupants (and visitors) of the building. The infrastructure can be shared between spaces where appropriate and details shall be 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 provide for the transition to electromobility and reduce pollution and climate change impacts in the interests of the health and wellbeing of the public in accordance with policy BE11.

5 Prior to first residential occupation of the building, a landscaping scheme showing details of any new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reasons: in order to safeguard and enhance the character and appearance of the area and in the interests of visual and neighbour amenity.

6 Prior to first residential occupation of the building, measures to mitigate noise and odour from the bin and cycle store shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Note: this can include, but is not limited to, soft-closing doors, ventilation measures to allow for the dispersal of odours (such as hit and miss brickwork) as well as appropriate shading to cool the space (from planting and/or white washed roofs).

Reasons: in the interests of neighbours living conditions and for the avoidance of doubt.

#### 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 in representations, 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 Local Plan 2016-2033 are relevant to this decision: BE11, BE12, BE13, BE14, HP01, HP06, NE01, MG03, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

### 4 INF15

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. The Development Management Team can be contacted by the applicant and their team by email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

The developer is reminded that under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

### 5 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.

### 6 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>

## 7 INF32

When carrying out building work, you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction which shall be complied with. Notwithstanding, the developer is reminded to ensure compliance with the requirements of the Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required, the Authority may serve a notice on the site/works setting out conditions of permitted work under section 60 of the Act. British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work. An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

The developer is also reminded that, where applicable, during the construction phase on the building site, no bonfires should be undertaken. The Environmental Protection Act 1990 outlines that smoke arising from bonfires can be considered a statutory nuisance. The Highways Act also outlines smoke drifting onto a public highway is an offence.

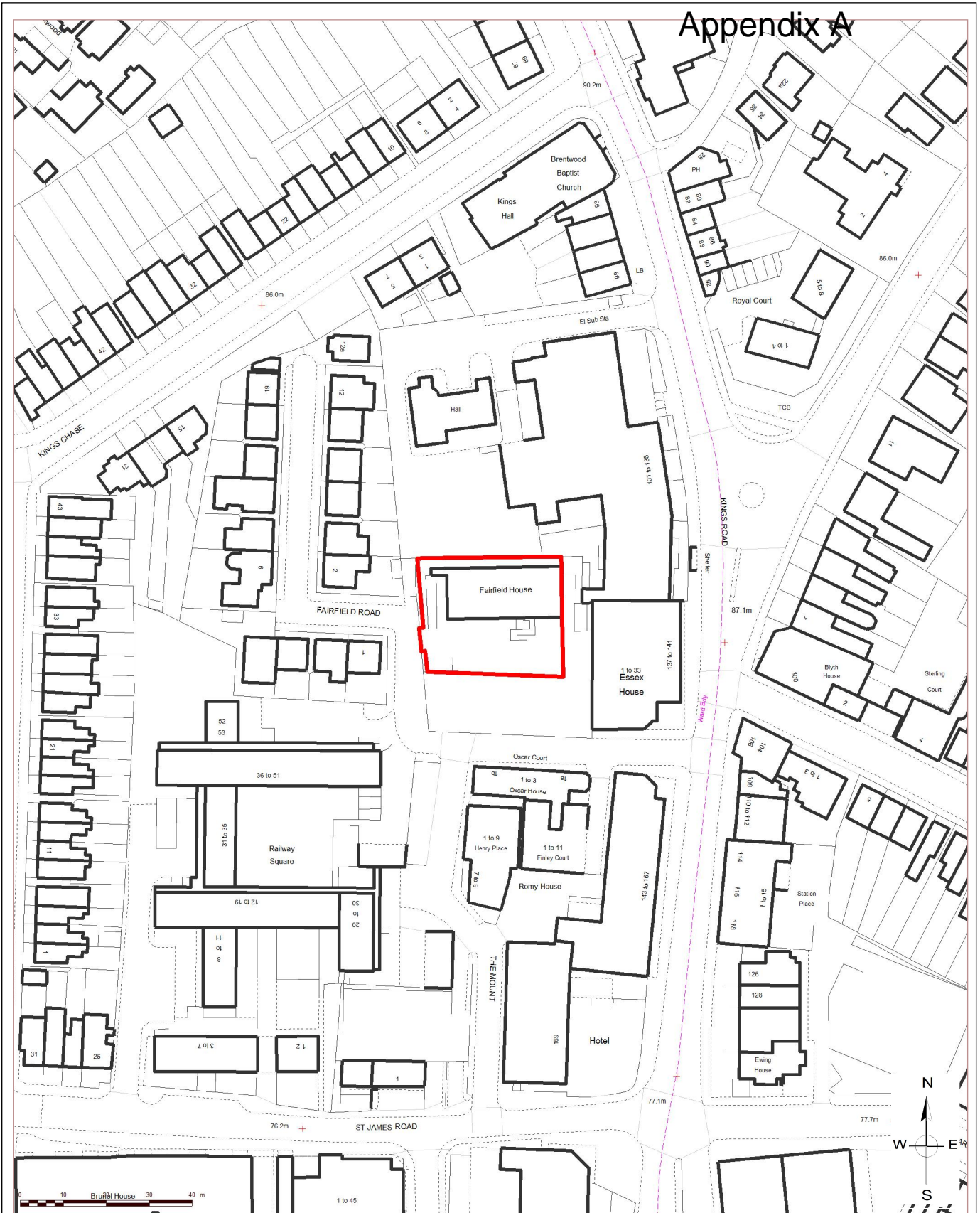
The developer is also reminded, where applicable, to ensure that any asbestos containing materials within existing buildings is removed by an appropriately licensed contractor before undertaking any development on site in the interests of health and safety.

## *BACKGROUND DOCUMENTS*

### **DECIDED:**



# Appendix A



Title : Fairfield House, Fairfield Road, Brentwood, Essex CM14 4SD

22/00485/FUL

Scale at A4 : 1:1250

Date : 29th July 2022

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



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**SITE PLAN ATTACHED**

**DEVELOPMENT LAND ADJACENT TO ROMAN ROAD ROMAN ROAD  
INGATESTONE ESSEX**

**ERECTION OF 57 DWELLINGS (INCLUDING 20 AFFORDABLE DWELLINGS)  
ACCESSED FROM ROMAN ROAD, TOGETHER WITH ASSOCIATED  
HIGHWAY WORKS, LANDSCAPING, UTILITIES, DRAINAGE,  
INFRASTRUCTURE AND PARKING.**

**APPLICATION NO: 22/00423/FUL**

<b>WARD</b>	Ingatestone, Fryerning & Mountnessing	<b>8/13 WEEK DATE</b>	20 June 2022
<b>PARISH</b>	Ingatestone & Fryerning	<b>Extension of Time</b>	31 July 2022
<b>CASE OFFICER</b>	Kathryn Williams		

**Drawing no(s)  
relevant to this  
decision:**

- Planning Statement
- Design and Access Statement
- Draft Section 106 Heads of Terms
- Schedule of Accommodation
- Statement of Community Involvement
- Updated Affordable Housing Statement
- Air Quality Assessment
- Archaeological Desk Based Assessment
- Health and Wellbeing Assessment
- Noise Impact Assessment
- Tree Survey Report
- Phase I Site Appraisal
- Phase II Site Appraisal
- Ecological Assessment
- Transport Assessment and Travel Plan Measures
- Flood Risk Assessment
- Proposed plans (drawing ref. nos: 21139 S101; 21139 P101 rev F; 21139 P110 rev B; 21139 P111 rev A; 21139 P112 rev A; 21139 P113 rev A; 21139 P114 rev A; 21139 P115 rev A; 21139 P116 rev D; 21139 P117 rev C; 21139 P118; 21139 P119; 21139 P120; 21139 P121 rev C; 21139 P122; 21139 P123 rev C; 21139 P124; 21139 P125 rev A; 21139 P130; 21139 P135; 21139 P136; 21139 C101 rev A; 21139 C102 rev A; 21139 C103 rev A; 21139 C104 rev A; 21139

- C105 rev A).
- Landscape plans (drawing ref. nos. L1129-2.1-1000 Rev P1 Landscape Masterplan; L1129-2.1-1002 Rev P1 Play Area 01 LAP/Natural Play; L1129-2.1-1003 Rev P1 Play Area 02 Linear Park; L1129-2.1-1004 Rev P1 Planting Plan; L1129-2.1-1005 Rev P1 Boundary Treatments Plan)
  - Additional Drainage information (SW Results 1 in 10 Report and drawing ref. nos RSK-C-ALL-05-10-01 P5, RSK-C-ALL-05-11-01 P1 and RSK-C-ALL-06-01-01 P6)
  - Additional Transport information (drawing ref. nos 16113.OS.109.113 rev B and 16113.OS.109.117 rev A)
  - Letter addressing local objections dated 13<sup>th</sup> May 2022
  - Transport Technical Note dated 6<sup>th</sup> May 2022
  - Letter to National Highways dated 24<sup>th</sup> June 2022

## **1. Proposals**

The application is submitted on behalf of Cala Homes, for the erection of 57 dwellings (including 20 affordable dwellings) accessed from Roman Road, together with associated highway works, landscaping, utilities, drainage infrastructure and parking.

The proposal has been subject to extensive pre-application consultation with Council officers, since October 2016, and was presented to local Councillors and the Parish Council Planning & Highways Committee in 2019 and 2021. The scheme was also presented twice to the Essex Quality Review Panel (EQRP), in 2020 and 2021.

A virtual public consultation took place in November 2021.

**Highways matters and legal agreement are outstanding. It is recommended to the Committee that these are delegated to Officers to resolve, if Members are minded to approve the application.**

## **2. Site and Surroundings**

The application site is a former arable field which comprises of scrubland with no significant trees. It is well screened by boundary planting on its northern, southern and western boundaries.

It measures approximately 1.39ha and gently slopes from west to east. It is located to the south-west edge of Ingatestone and is allocated in the adopted Brentwood Local Plan for housing development (site ref. R22).

The current vehicular access point is approximately midway along the eastern boundary with Roman Road.

The nearby shops on Ingatestone High Street and the village facilities (schools, GP surgeries, etc.) are just over 1.0km to the north-east, whilst the village centre of Mountnessing is about the same distance in the opposite direction (south-west).

There are two bus stops located to the north of the site along Roman Road, approximately a 300 metre walk from the site, providing regular services between Brentwood and Chelmsford. Ingatestone Railway Station, just over 1km to the north-east, provides services between London Liverpool Street and Braintree or Clacton.

The site is bound by Roman Road to the east and the A12 (Ingatestone By-Pass) to the west. It abuts residential properties in its south-eastern corner and opposite the eastern boundary. To the north is the B1002 and opposite this is another allocated site, E08, currently subject to application ref. 21/01766/FUL.

The former Ingatestone Garden Centre, an allocated housing site with permission for 91 dwellings, is located further to the south on the eastern side of Roman Road

### **3. Policy Context**

Adopted Brentwood Local Plan (the Local Plan) 2016-2033:

- R22: Land Adjacent to A12, Ingatestone
- MG01: Spatial Strategy
- MG04: Health Impact Assessment
- MG05: Developer Contribution
- BE01: Carbon Reduction and Renewable Energy
- BE02: Water Efficiency and Management
- BE05: Sustainable Drainage
- BE08 Strategic Transport Infrastructure
- BE09: Sustainable means of travel and walkable streets
- BE11: Electric and Low Emission Vehicles
- BE12: Mitigating the Transport Impacts of Development
- BE13: Parking Standards
- BE14: Creating Successful Places
- BE15: Planning for Inclusive Communities
- BE16: Conservation and Enhancement of Historic Environment
- HP01: Housing Mix matrix
- HP03: Residential Density
- HP05: Affordable Housing
- HP06: Standards for New Housing
- NE01: Protecting and Enhancing the Natural Environment
- NE02: Green and Blue Infrastructure
- NE03: Trees, Woodlands, Hedgerows
- NE05: Open Space and Recreation Provision
- NE08: Air Quality
- NE09: Flood Risk

- NE10: Contaminated Land and Hazardous Substances

The Ingatestone & Fryerning Neighbourhood Plan was formally accepted by Brentwood Borough Council under Regulation 15 in November 2021. The plan has been through the examination process (Regulation 18), with the Inspector's report stating that the Neighbourhood Plan could proceed to Referendum stage subject to certain modifications.

The Neighbourhood Plan has now progressed to Regulation 19 Referendum, which commenced on 30 June 2022. A majority vote in favour of the Neighbourhood Plan is required for the plan to formally become part of the Brentwood Development Framework. Therefore, some consideration should be given to the neighbourhood plan as part of this application.

National Policy:

- National Planning Policy Framework (NPPF) 2021
- National Planning Practice Guidance (NPPG)

#### **4. Relevant History**

There is no planning history available for the site.

#### **5. 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/>.

At the time of writing this report, 7 neighbour representations have been received for this application. These are addressed in full at the end of the report.

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 applicant prior to the submission of the application, as well as a response to key concerns expressed by the local community.

#### **6. 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/>.

- **Planning Policy**

**Principles of development**

The application site is residential-led allocation R22 in the Brentwood Local Plan, as such the principles of residential development on this site are supported and are considered to align with the Local Plan's spatial strategy and strategic objectives. Local Plan Policy R22: Land Adjacent to the A12, Ingatestone, provides the basis for how development is expected to come forward and key considerations.

Other Local Plan policy considerations of note include:

**MG04: Health Impact Assessment** – all developments of 50 or more residential dwellings are required to provide a Health Impact Assessment which follows the guidance as outlined by Public Health England to ensure all health determinates have been considered and appropriately mitigated where possible. It is noted a Health Impact Assessment (dated February 2022) accompanies this application.

**MG05: Developer Contributions** – In terms of contributions to off-site highway infrastructure improvements: This should be read in conjunction with Policy BE08 Strategic Transport Infrastructure, Policy BE12 Mitigating the Transport Impacts of Development and clause 3 of Policy R22. In order to support and address the cumulative impacts of planned and incremental growth, the Local Plan Transport Assessment proposed a number of highways infrastructure improvements and sustainable transport measures; these were later included and costed in the IDP Part B (the latest version was updated on 29th January 2021, document F70). Some of these measures would accommodate travels generated from this site and/or address its cumulative impacts on the highways network; as such, they require proportionate contributions from the development. The relevant transport infrastructure requiring contribution from this site are listed in the IDP Part B, they are:

- T12 - Railway Station Cycle Infrastructure (Central Growth corridor)
- T27 - B1002 / A12 Off-slip / Roman Road - Staggered Priority Junctions
- T28 - M25 Junction 28
- T29 - M25 Junction 29.

With regards to contributions to Junction 28 and 29 (IDP ref T28 and T29), National Highways would be in a better position to provide more detailed comments on the potential impacts on the highways network which will determine the level of contributions.

The Council's approach to apportioning the cost of infrastructure mitigation measures is discussed in Chapter 15 of the IDP (document F45).

In terms of contributions towards primary care facilities: as additional population created by the development would have impacts on the local primary care facilities, the NHS/ Mid and South Essex STP should be consulted to advise the level of contributions to be sought from this development.

In terms of contributions towards education facilities, Essex County Council as the Lead Local Education Authority should be consulted to advise the level of contributions to be sought from this development. The Essex Developers' Guide to Infrastructure

Contribution (revised 2020) provides details on how Essex County Council may seek contributions from developers in order to mitigate their impacts on education facilities and make development acceptable in planning terms.

In terms of contributions towards flood mitigation measures in the local area, Essex County Council as the Lead Local Flood Authority should be consulted to advise the level of contributions to be sought from this development.

**BE01: Carbon Reduction and Construction Materials** – all major developments (10 or more dwellings) are expected to achieve at least 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations. In order to ensure compliance with this requirement it is recommended a planning condition specifying words to the effect of the below, be applied:

The development hereby approved shall be designed and built to achieve at least a 10% reduction in carbon dioxide emissions above the requirements as set out in Part L Building Regulations. Reason: In the interests of improving resource efficiency to meet the government's carbon targets in accordance with Policy BE01 of the Brentwood Local Plan 2016-2033.

**BE02: Water Efficiency and Management** – the policy sets out clear requirements to ensure adequate water efficiency and quality. It's noted within the applicants Planning Statement assurances are given that the proposal complies with this policy. In order to ensure compliance with this requirement it is recommended a planning condition specifying words to the effect of the below, be applied:

*The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.*

*Reason: In the interests of improving water usage efficiency in accordance with Policy BE02 of the Brentwood Local Plan 2016-2033.*

**HP01: Housing Mix** – on residential developments of 10 or more dwellings each dwelling is required to be constructed to meet requirement M4(2) accessible and adaptable dwellings, unless it is built in line with M4(3) wheelchair adaptable dwellings of the Building Regulations 2015, or subsequent government standard. It's noted within the applicants Planning Statement assurances are provided that all dwellings have been designed to meet M4(2) standards. In order to ensure compliance with this requirement it is recommended a planning condition specifying words to the effect of the below, be applied:

*All dwellings shall achieve at least the optional Category 2 accessible and adaptable dwellings of the Building Regulations 2015.*

*Reason: In the interests of ensuring all dwellings are capable of being readily adapted to meet the needs of those with disabilities and the elderly in accordance with policy HP01 of the Brentwood Local Plan 2016-2033.*

#### **Ingatestone & Fryerning Neighbourhood Plan:**

In addition to the Local Plan policies, the site falls within the boundaries of the emerging Ingatestone & Fryerning Neighbourhood Plan.



On 17 June 2022 Brentwood Borough Council and Ingatestone & Fryerning Parish Council formally received the Inspectors report stating that the Ingatestone & Fryerning Neighbourhood Plan could proceed to Referendum stage (provided the required modifications were made). Subsequently the neighbourhood plan has now progressed to Regulation 19 Referendum, which commenced on 30 June 2022, with the vote scheduled to take place on 4 August 2022. As such policies within the neighbourhood plan must be given significant weight.

The neighbourhood plan consists of seven policies, four of which should be given consideration – Policy 1: Housing, Policy 2: Housing Design, Policy 5: Transport, and Policy 6: Environment.

**Policy 1: Housing** – this policy specifically references Local Plan housing allocation R22 and lists a number of policy requirements including, but not limited to, positively integrating the development into the surrounding area, creating a strong sense of place, landscaping requirements, providing cycle and pedestrian paths, etc. The policy also requires financial contributions to be made to education facilities, open space, and community facilities.

**Policy 2: Housing Design** – Ingatestone and Fryerning is a historic town. It is important for housing design to take into account the design and character of the surrounding and to ensure positive placemaking. Based on the details provided this appears to be planned for, which is welcomed. It is also worth noting that this policy goes beyond the Brentwood Local Plan in regards to M4(3) building control requirement. The Ingatestone and Fryerning Neighbourhood Plan requires all developments of 20 or more dwellings to provide 5% M4(3).

It's the Policy Teams understanding that the applicant is to provide 3 units compliant with M(4)3 standards in accordance with Policy 2. This proposal is welcomed, and we would request consideration is given to this being secured by way of a planning condition.

**Policy 5: Transport** – this policy focuses on car parking requirements, impacts on local highways, and bicycle routes and parking. Car parking standards and local highway impacts are addressed by Essex County Council and are not covered as part of this response. Access to public transportation, and cycle routes have been considered as part of the application. Policy 5 also seeks to ensure that new development does not detrimentally impact on air quality and public health in the parish as a result of increased traffic and congestion. The site is well located to transport links; however, it is reasonable to assume there will be an increase in traffic within the Parish and surrounding area as a result of this development. The Air Quality Assessment accompanying the proposal is welcomed as it assists our understanding of the current air quality surrounding the development site and outlines the potential implications of the proposed development on the wider area air quality. Contributions to air quality monitoring might be sought towards the delivery of air quality monitoring technology, collection and analysis of air quality data, and ongoing maintenance of the equipment; however, this is to be discussed with and confirmed by the Council's Environment

Health Officer. (*Officer Comment: see response from Environmental Health on assessment of air quality impact*)

**Policy 6: Environment** – policy seeks a wide range of requirements from increased biodiversity net gains, increased access to green infrastructure and open spaces, opportunities for reduced carbon emissions, and contribute toward air quality monitoring. The proposal makes an effort to include green infrastructure and increased biodiversity as part of the application. This is welcomed, particularly with the recent focus on climate change indicatives and the announcement of the updated Environment Act 2021.

- **Design and Conservation Officer**

The revisions have been supplied further to a design led meeting with the Project Architect, requested in respect of layout, massing and fenestration detail. For example, Plot 18 now incorporates activation with fenestration on the return elevation, whilst this is marginal it is welcomed. Plot 20 has been retracted into its plot, so as not to align with the ‘row’ adjacent, again as advised at preapplication, what appear marginal matters of positions, are important to overall appearance, diminishing uniformity which is not the character of this context.

Having assessed the revised drawings, I am satisfied the further scrutiny of the matters above are positive when taken collectively, however, to ensure cohesion and quality of Place, detail for appearance must be requested by way of Condition should the scheme be recommended for approval.

Please ensure Conditions include locations of meter boxes on each unit, open eaves are apportioned to support ecology, fenestration and doors (Tenure blind and no visible vent strips), surface materials, rainwater goods must be supplied, and brick sample panels must be erected on site, this is to include mortar colour, jointing and bond; boundary treatments alongside lighting and way finding should be comprehensively considered to ensure a soft edge to the development.

- **Housing Manager**

I have now reviewed the applicant’s submission. In terms of quantum and size mix, the proposed development is consistent with Policy HP05 of the Local Plan providing 35% of the proposed dwellings as affordable homes. The affordable rent to low-cost homeownership is consistently balanced towards the 86%/14% ratio required in Policy HP05. If you have any further queries, please do not hesitate to contact me.

- **Landscape / Ecology**

The scheme has been subject to extensive pre-application advice which has resulted in a revised layout that has better integrated the landscape elements, including play and SuDS.

The site is a former arable field which contains no significant trees within the main site. The best trees on the perimeter would not be adversely affected by the proposal. The hedge fronting Roman Road is of low quality with significant gaps. It is proposed to retain and enhance the northern section close to the junction.

The open space provision to the front of the scheme will enable the creation of an attractive landscape feature which will allow the inclusion of some larger growing specimen trees. It will incorporate the main play provision. It will also include a new pedestrian/cycle link that links to houses on the southern side of the site. The removal of vehicular access will help ensure that this is a more usable space.

The linear park feature will provide additional informal play provision.

The ecological assessment confirmed that the site has generally low ecological value comprising largely improved grassland which has developed on former arable farmland with hedgerows and trees confined to the boundaries. The main site does not contain habitat features suitable for supporting protected species although foraging bats could use the area. Nesting birds and small mammals were also likely to be associated with the hedges.

The landscape scheme has incorporated a mix of new tree and shrub planting and wildflower area which will help enhance the biodiversity value of the site. Features such as hibernacula and nest boxes are also proposed.

Details have been provided of the proposed planting, materials and boundary treatments. These are considered suitable for the site, and I would not require a specific landscape condition to be applied.

I note the comment of the EBPG and recommend a condition be added requiring that appropriate precautionary measures be adopted during construction to avoid injury to badgers and other mammals which might access the site during construction.

I do not have an objection to the scheme on landscape or ecology grounds.

- **Environmental Health Manager**

The Air Quality Assessment considers the impact of dust emissions on air quality during the construction phase and also the impact of the development on air quality in the area and the predicted air quality affecting future occupants of the development.

The report concludes that implementation of the recommended mitigation measures should reduce the residual dust effects to a level categorised as “not significant” and that the impact of the development on local air quality will also be negligible.

With regard to the health effects of air quality on future residential occupants of the development the assessment concludes that as the predicted pollutant concentrations at the facades of proposed residential receptors are within the air quality objective levels air quality for future occupants of the proposed development should be exposed to acceptable air quality and the site is deemed suitable for its proposed future use.

I would therefore consider that there would be no significant concerns relating to air quality, providing that the dust mitigation measures recommended are implemented during the construction phase of the development.

The Phase I and Phase II Site Appraisal states that the risk to end users from soil contamination is considered to be negligible.

There do not seem to be any additional measures required to deal with site contamination as a result although there are recommendations on further investigation to determine the effect of some of the identified hazards.

The Noise Assessment report identifies that noise levels in external amenity areas exceed the upper limit given in BS8233 and that the layout of the proposed

development is likely to provide some mitigation, although this is still above the recommended noise levels as a result of road traffic in the vicinity of the site.

It is however considered that “acceptable internal noise levels are predicted to be achieved in habitable rooms of the development subject to the adoption of acoustically upgraded glazing and ventilation in the development design”.

I would recommend that a planning condition is attached to any approval to require the submission of details of the glazing and ventilation for habitable rooms within the development and that the proposed measures to mitigate against noise in external amenity areas are required to be implemented.

The proposed arrangements to ensure suitable internal noise levels shall be agreed in writing with the LPA and further acoustic testing shall also be carried out following installation to confirm that the measures operate as designed to provide appropriate internal noise levels.

I would recommend that conditions to achieve the above noise control measures and further site investigations identified in the Phase II Site Appraisal are attached if the development is approved.

- **Open Space Strategy Coordinator**

No comments received.

- **Operations Manager**

The Officer confirmed that the proposed refuse and recycling strategy is acceptable.

- **Highway Authority (Essex County Council)**

The documents submitted with the planning application have been duly considered and site visits have been carried out.

The proposals involve the development of a piece of land lying between Roman Road and the main A12 trunk road. The proposed access onto Roman Road fully complies with highway standards and the impact of the development can be suitably mitigated with local highway improvements.

The proposals include the provision of 96 car parking spaces, which falls slightly below the level to fully comply with Brentwood’s adopted standards. However, Brentwood Borough Council, in their role as the parking authority, have indicated their wish to reduce carbon emissions and not insisted on the full provision. The Highway Authority is prepared to accept this as, should any issues with parking on the highway outside the site arise post-development, the applicant will have to fund the cost of a Traffic Regulation Order to restrict such practice and thus ensure the future safety of all highway users.

Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to a number of requirements.

- **National Highways (Previously Highways England)**

Awaiting final response.

- **Essex County Council (ECC) SUDS**

The proposals involve the development of a piece of land lying between Roman Road and the main A12 trunk road. The proposed access onto Roman Road fully complies with highway standards and the impact of the development can be suitably mitigated with local highway improvements.

The proposals include the provision of 96 car parking spaces, which falls slightly below the level to fully comply with Brentwood's adopted standards. However, Brentwood Borough Council, in their role as the parking authority, have indicated their wish to reduce carbon emissions and not insisted on the full provision. The Highway Authority is prepared to accept this as, should any issues with parking on the highway outside the site arise post-development, the applicant will have to fund the cost of a Traffic Regulation Order to restrict such practice and thus ensure the future safety of all highway users.

Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to a number of conditions.

- **Public Health Officer**

After reviewing the planning application and the submitted Health Impact Assessment, the conclusion found within the HIA are broadly supported. The additional work undertaken through the independent design review process is welcomed and does appear to have had a positive impact on the final design of the development thus supporting a number of the health determinants.

It is recommended that further consideration be given to the Ingatestone & Fryerning Neighbourhood Plan, policy 2 regarding M4(2) Building Regulations. Providing adoptable homes is becoming increasingly more important as the population ages and people are living longer. Therefore, from a health perspective, providing the minimum M4(2) Building Regulations could have a negative impact on the health and wellbeing of those who reside within these homes. It is recommended that appropriate planning conditions are used to address this, as supported by the Brentwood Planning Policy response.

The proposals for reducing water and carbon for the site is also welcomed. However, it is unclear by the information provided as to how these reductions will be achieved. Therefore, it would be advisable to include appropriate planning conditions to ensure this is achieved.

- **Mid & South Essex Health Care**

The Basildon and Brentwood Clinical Commissioning Group (CCG) and the Mid and South Essex Health and Care Partnership (HCP) have identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that these are secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.

- **Ingatestone & Fryerning Parish Council**

Ingatestone & Fryerning Parish Council raise OBJECTION to planning application 22/00423/FUL - Development Land adjacent to Roman Road, Ingatestone.

The Parish Council is very concerned with drainage (foul and surface water) and that the existing village infrastructure is ill equipped to handle this and the other proposed developments in the immediate area (Redrow Homes and Hallmark Care Home). The village infrastructure - Surgery, Chemist, High Street parking, Junior and Infant Schools need immediate improvement to accommodate this influx of in access of 150 homes. The current parish sewage plant is operating at 120% capacity now. The aforementioned infrastructure must be implemented before these developments can proceed. The obvious increase in traffic flow (volume and frequency) from the combined new developments into Roman Road make it essential for traffic calming measures/roundabout prior to the commencement of the building works and a review of the speed limit. The Parish Council requests that S106 monies should be used to implement these essential Highways measures.

- **ECC Education**

Having assessed this as being 29 houses and 28 flats, all but 12 of the dwellings will have two or more bedrooms, a development of this size can be expected to generate the need for up to 3.33 Early Years and Childcare (EY&C) places and 11.1 primary school, and 7.4 secondary school places.

Early years & Childcare contribution required is for 3.33 places and will be £55,264.68 adjusted by the percentage change in build cost from the Education point prevailing at Jan 2022 to the Education Index point at payment date.

Primary School contribution required is for 11.1 places and will be £191,674.80 adjusted by the percentage change in build cost from the Education point prevailing at Jan 2022 to the Education Index point at payment date.

With regards to secondary education needs, this proposed development is located within the Brentwood Secondary Group 02 forecast planning group. No contribution for additional secondary school places will, be requested from this development at this time.

Having reviewed the proximity of the site to the nearest primary and secondary schools, we will not be seeking a school transport contribution.

- **ECC Archaeology**

Based on our current knowledge, there are no archaeological implications for the proposed development and we would not recommend any conditions for this application.

- **Historic England**

No objection.

- **Essex Police**

Security forms a key part of a sustainable and vibrant development and Essex Police

considers that it is important that 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.

Essex Police therefore requests that the developer seeks to achieve the relevant Secured by Design accreditation for this development, which will be Secured by Design Homes 2019 Version 2, March 2019. Essex Police is pleased to note that Secured by Design (SBD) is referenced in para 8.3 of the Design and Access Statement and the applicant indicates that a number of SBD features are incorporated in the design of this proposed development. It therefore seems sensible that the applicant is required to demonstrate its commitment to Secured by Design by formally applying for the Secured by Design accreditation as a condition of this planning approval.

- **Essex Badger Protection Group**

No objections to the scheme in principle. The standard construction related mitigation are considered essential in order to protect badgers and other wildlife which may visit the site between approval and commencement of the project, and throughout the construction phase.

- **Natural England**

No response received.

- **Environment Agency**

No response received.

- **Anglian Water**

Section 1 - Assets Affected

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 SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Ingatestone Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Application form, site location plan, Design and Access Statement part 1 and 2, Flood Risk Assessment  
The sewerage system at present has available capacity for these flows to connect via

gravity into Roman Road in the 225mm pipe. 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.

- **Affinity Water**

No response received.

- **Essex & Suffolk Water**

No response received.

- **Thames Water Development Planning**

No response received.

- **Essex Wildlife Trust**

No response received.

- **Bats**

No response received.

- **Royal Society for the Protection of Birds**

No response received.

- **UK Power Networks**

No response received.

- **National Grid**

No response received.

- **Essex County Fire & Rescue Service**

No response received.

## **7. Summary of Issues**

### **Consideration of the proposal**

The starting point for determining a planning application is the current development plan, which is the Brentwood Local Plan 2022 ('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 2021 (NPPF) and National Planning Practice Guidance (NPPG). 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 5 above.



The policies set out in emerging Ingatestone & Fryerning Neighbourhood Plan are also a consideration in the determination of the application, however the level of weight afforded to policies within the plan should be commensurate with the stage it has reached in formal adoption.

## **Principle of development**

Local Plan Policy R22 (Land Adjacent to A12, Ingatestone) focusses on the application site and states:

*Land adjacent to the A12, Ingatestone is allocated for around 57 new homes.*

### **1. Development Principles**

*Proposals should:*

- a. provide vehicular access via Roman Road;*
- b. provide public open space as required by policy NE05;*
- c. provide appropriate landscaping and buffers along sensitive boundary adjoining the A12; and*
- d. be accompanied by a heritage assessment taking account of archaeological potential for the proximity to Roman Road.*

### **2. Drainage**

*As the site is located within a Critical Drainage Area, development should minimise and mitigate surface water runoff in line with Policy BE05 Sustainable Drainage.*

### **3. Infrastructure Contributions**

*Applicants will also be required to make necessary financial contributions via planning obligations towards off-site highway infrastructure improvements as maybe reasonably required by National Highways and Essex County Council in accordance with policies MG05 and BE08 (the planning obligation will determine the level and timing of payments for these purposes).*

The emerging Ingatestone & Fryerning Neighbourhood Plan should also be given consideration in the determination of this application. Policy 1 (a) and (b) (Housing) makes specific reference to Local Plan site allocation R22, listing the following development principles:

- Respond positively and integrate with existing development surrounding the site, particularly in relation to layout, form, scale, appearance and use of materials.*
- Create a strong and positive sense of place and identity.*
- Provide planting and landscaping on the western boundary of the site to contribute towards the attenuation of traffic noise from the A12.*
- Incorporate noise attenuation measures for dwellings on the west of the site, adjacent to the A12, to meet BS8233:2014 standards[1].*
- Provide street tree planting as recommended within the Essex County Council Street Material Guide: Design and Good Practice 2012[1]*

*together with proposals for the satisfactory long-term maintenance of newly-planted trees.*

- *Provide attractive pedestrian and cycle access to Roman Road from all areas of the site.*
- *Provide appropriate surface water management in accordance with the LLFA's most up to date Sustainable Drainage Systems (SuDS) Design Guide.*

## **Layout**

The scheme proposes a landscape-led layout. The existing entrance from Roman Road will be upgraded, providing vehicular, cycle and pedestrian access into the site. Cycle and pedestrian links will extend across Roman Road through the existing triangular green space fronting the site to promote connectivity with the village of Ingatestone, positively addressing Policy 1 (Housing) of the Ingatestone & Fryerning Neighbourhood Plan.

A new public open space has been located at the entrance of the site from Roman Road, easily accessible to future residents of the site as well existing Ingatestone residents. It has been designed as a continuation of the existing triangular green space on the opposite side of Roman Road, emphasizing its relationship with the wider area, and will act as a key focal point for the development making the entrance to the site easily identifiable.

The public open space will include a dedicated play area and SuDS features. A series of additional "doorstep" play areas are scattered around the site, whilst the green area along the A12 provides a welcome landscape buffer defined as the 'linear park'. A noise barrier will also be placed along the A12.

The proposed houses are arranged along the looping spine road which provides access to all parts of the development. The dwelling types include apartments, terraces, semi-detached and detached houses. The Design and Access Statement notes that the use of smaller development parcels enables the creation of perimeter blocks, where the homes front onto streets and/or open spaces creating visual interest and variation.

The row of dwellings fronting the western boundary will face the linear park, thus providing the rear facing rooms and private gardens with maximum protection from road traffic noise.

The rows of dwellings located along the northern and southern boundaries will face the spine road, providing activity, natural surveillance and guaranteeing privacy for the rear gardens.

The dwellings fronting Roman Road are divided into two groups. Firstly, the apartment block to the north-east corner will be separated from Roman Road by a hedgerow and

will provide a strong frontage along this important thoroughfare. The corner building will be another key focal point for the development.

Secondly, the houses facing the area of public open space and the footpath running along it will provide valuable natural surveillance, as well as create a positive outlook for the users of the open space. By removing vehicular flow from the edge of the park, the area will be safer for all users.

The layout aims to reduce the impact of parked cars through using a variety of surfaces and parking options. The tree-lined looping spine road from the entrance connection with Roman Road leads to a shared surface with a backdrop of a substantial buffer to the west with an acoustic screen with localised climbing plants and incidental play potential throughout this linear park.

The shared surface double backs toward Roman Road before evolving into a pedestrian route through the eastern public open space and landscaped water feature, providing traditional and natural play opportunities, as well as pedestrian and cycle links to the wider village.

Car parking courts are located away from the street scene to reduce car dominance and are complemented by planting, which further soften their appearance and integrate it with the wider landscape infrastructure.

New footways are proposed along the site frontage with Roman Road and along the linear park to improve pedestrian access and promote connectivity with the wider area, through the existing triangular traffic island fronting the site which will be re-landscaped. Permeability throughout the development is achieved by multiple pedestrian access points, shared surfaces and a pedestrian/cycle loop around the whole site. The proposed dwellings are oriented to utilise natural light, whilst also incorporating street trees and other landscaping to assist with urban cooling.

Overall, the proposed layout has been subject to extensive pre-application discussion and has significantly improved compared to the first iterations, having incorporated the advice provided by officers and design panel. The design process is well illustrated in the Design and Access Statement.

During the pre-application discussion, the applicant explained that opportunities to identify additional pedestrian access points to the south and north were considered but these are not deliverable due to ownership constraints, the topography, existing vegetation and width of Heybridge Lane.

To conclude, the proposal delivers a sense of place and is compliant with Local Plan Policies R22 (Land adjacent to the A12, Ingatestone), MG01 (Spatial Strategy), BE14 (Creating Successful Places) and BE15 (Planning for Inclusive Communities). It is also compliant with Policies 1 (Housing) and 2 (Housing Design) of the Ingatestone & Fryerning Neighbourhood Plan.

## Scale and Density

The proposed development incorporates 10 x 2 storey houses, 1 x 2 storey apartment block, 19 x 2.5 storey houses alongside 2 x 3 storey apartment blocks. One apartment block is located to the north-east corner fronting Roman Road, providing a strong frontage and focal point. The other is located to the south-west corner. Both locations are considered acceptable and are satisfactorily distanced from existing and proposed dwellings. The proposed height range is seen elsewhere in Ingatestone and considered appropriate for this proposal. The development will use a combination of different dwelling sizes and designs, creating a distinctive character area.

Based on a site area of 1.39ha, the proposed development of 57 dwellings will have a density of 41 dwellings per hectare. This is appropriate in the local context and in line with Local Plan Policy R22. Specifically, supporting paragraph 9.169 of Local Plan Policy R22 confirms that *“the site will provide for around 57 homes”*. This is also reiterated in Policy 1 (Housing) of the Ingatestone & Fryerning Neighbourhood Plan.

The development is therefore compliant with Local Plan Policies R22 (Land adjacent to the A12, Ingatestone), BE14 (Creating Successful Places) and BE15 (Planning for Inclusive Communities). It is also compliant with Policies 1 (Housing) and 2 (Housing Design) of the Ingatestone & Fryerning Neighbourhood Plan.

## Appearance

The Design and Access Statement sets out the research undertaken to choose the proposed architectural language: a traditional approach which takes cues from local architectural styles and prominent historic buildings. During the pre-application process, the Conservation, Place & Development Officer confirmed that the traditional intent would be acceptable.

The materials palette proposed for the development is considered appropriate, subject to further details being approved. The proposed buildings will use brickwork and red-brown roof tiles across the majority of dwellings within the centre of the development, with the book-end dwellings on the site’s eastern boundary using black boarding. The apartment block on the site’s south-western corner uses brickwork and grey roof tiles, whilst the apartment block on the site’s north-eastern corner uses a combination of brickwork, white roughcast render, and black boarding, with grey roof tiles. Although render is a feature of some buildings in the village, the applicant noted that given the site’s proximity to the A12 and the potential for render to become discoloured, its use will be limited. This approach is considered acceptable.

The applicant has provided local sections across the site, which helpfully illustrate the relationship between the housing typologies proposed, and how the development integrates within the sloping land. As recommended during the final pre-application meeting, varied ridge and eaves levels together with dropping of roofs have been proposed, which help to better articulate the elevations (especially of the larger

apartment buildings). Open eaves will be provided to dwellings around the open space and chimneys will “book-end” some of the street scenes.

As noted in the earlier section, the Conservation, Place & Development Officer advised that some housing typologies, especially fronting the proposed public open space and the linear park, would have benefited from further amendments. The applicant has finalised the design proposal, reaching a level of detail and architectural interest which not only delivers a high quality residential scheme, but will also benefit the wider community, which is acceptable.

The prominence of plot 29 has been emphasized and additional side windows have been added to activate the flank wall of the building on plot 18. This additional level of detail ensures that plots 18 and 29 provide an attractive entrance into the site for residents and visitors, once they have passed the initial landmark building on the corner with Roman Road. The design of the houses fronting the linear park (plots 37 to 42) has also been amended, making the architectural composition more balanced and attractive.

The proposal is considered to comply with Local Plan Policies BE14: Creating Successful Places) and BE15 (Planning for Inclusive Communities). It is also compliant with Policy 2 (Housing Design) of the Ingatestone & Fryerning Neighbourhood Plan.

### **Unit Mix and Affordable Housing**

The proposal seeks to provide 57 dwelling, with the following unit mix:

<b>Size / Type</b>	<b>Market</b>	<b>Affordable</b>	<b>Total</b>
1 bed apartment	0	13	13
2 bed apartment	10	5	15
2 bed house	3	2	5
3 bed house	17	0	17
4 bed house	7	0	7
<b>Total</b>	37	20	57

The overall unit mix is considered acceptable and compliant with Local Plan Policy HP01 (Housing Mix). All units will be constructed to meet requirement M4(2) accessible and adaptable dwellings, as per policy requirement.

In line with the emerging Neighbourhood Plan Policy 2 (Housing Design), the applicant has committed to building 3 affordable housing units (5% of total) in accordance with Building Regulations Part M4 (3). The introduction of these wheelchair accessible units is strongly welcomed.

In terms of tenure, 37 units will be open market housing (65%) and 20 units will be affordable housing (35%) which is in line with Local Plan Policy HP05 (Affordable Housing).

The table below sets out the proposed affordable housing mix, which is considered acceptable by the Housing Services Manager:

Property Type	No. of bedrooms	Number of homes	Sq.ft	Total Sq.ft	Tenure
Apartment	1	13	538 - 841	6,747	Affordable Rent
Apartment	2	5	665 - 806	4,485	4 x Affordable Rent 1 x Shared Ownership
House	2	2	1,097	2,196	Shared Ownership
<b>Total</b>		<b>20</b>		<b>13,426</b>	

The affordable rent to low-cost homeownership is consistently balanced towards the 86% / 14% ratio required in Policy HP05.

The affordable dwellings will be tenure blind and will meet nationally described space standards. All of the affordable apartments will have their own parking space and both affordable houses will have 2 parking spaces each.

An Affordable Housing Statement accompanies the application. It states that the applicant *“approached 14 Registered Providers which are mainly local RPs as many larger, national providers are unlikely to get involved in a site with under 25 affordable homes”*. Responses were received from some RPs supporting the proposals *“along with confirmation that they would be willing to make an offer for these homes”*.

To summarise, the proposal meets the requirements of Local Plan Policies HP01 (Housing Mix) and HP05 (Affordable Housing). It is also compliant with Policies 1 and 2 (Housing) of the Ingatestone & Fryerning Neighbourhood Plan.

## Landscape

The landscape strategy is embedded in the overall scheme, which is a welcome approach. The Landscape and Ecology Officer notes the scheme has been subject to extensive pre-application advice, which has resulted in a revised layout that has better integrated the landscape elements, including play areas and SuDS.

The landscape strategy incorporates multiple areas of landscaping and amenity space, including a principal open space along the eastern boundary, which has been divided into legible areas of play space and SuDS; a landscaped buffer (the linear park) along the western edge of the site, neighbouring the A12; and doorstep play areas scattered throughout the site, particularly neighbouring the apartment blocks.

The strategy includes a mix of new tree and shrub planting and wildflower area, which will help enhance the biodiversity value of the site. Features such as hibernacula and nest boxes are proposed. An established landscape buffer to the north, west and south of the site provide an opportunity to borrow a moderately mature landscape from beyond the planning boundary and reinforce the vista with the proposed planting, which includes native, nectar rich and biodiverse varieties.

The traditional play space is enclosed with formal hedging and self-closing gates to offer a safe, more hands-off environment for children in proximity to the SuDS feature. A more dynamic and immersive opportunity is provided for natural play and interaction with the SuDS feature through a series of swales with adjacent clambering boulders and timber crossing features, that culminate in the larger attenuation pools. This floodable landscape exposes all to the changing state of the seasons and the associated water story, providing educational and play-on-the-way opportunities alike.

The linear park to the west provides a circuitous route linked with the adjacent shared surface. This provides the opportunity to deliver spatial 'rooms' offering incidental play integrated within in layers of planting. Water is a constant feature of the open space strategy, which in the linear park takes the shape of rain gardens integrated into the wider planting to encapsulate surface run-off.

An acoustic fence is provided to add to the noise reducing mature landscape buffer of the A12 and will be planted with climbers that offer a backdrop colour and scent.

The applicant provided the following measurements for the public open space:

- Main area of public open space = 1,291.67sqm
- Western linear park = 461.23 sqm
- Doorstep play adjoining Building 2 = 55.43 sqm

The Landscape and Ecology Officer confirms that there are no objections on landscape grounds to this application. The applicant has submitted extensive landscape design, planting and boundary treatment details, which the officer considers suitable for the site. No specific landscape conditions need to be applied. An Arboricultural Report has been submitted, which the Council's Landscape and Ecology Officer raises no objection.

The site is a former arable field, the most significant trees area on the perimeter and they would not be adversely affected by the proposal. The hedge fronting Roman Road is of low quality with significant gaps. It is proposed to retain and enhance the northern section close to the junction. The principal space fronting the site includes larger-stature statement oak, aspen and lime trees, forming a strong linear presence to the eastern edge, a feature mirrored along the western boundary alongside the A12 to 'enclose' the site.

Within the site, smaller ornamental trees have been selected to create a visual language, that complements the surrounding hard materials in allowing residents and visitors to better navigate the spaces though the use of varied tree form, colour and seasonality. To the south, a series of mature oak, ash and maple trees are to be retained. This existing landscape buffer melds with the landscape proposals allowing the development to nestle within a substantially landscape scheme.

The proposal therefore complies with Local Plan Policies NE01 (Protecting and Enhancing the Natural Environment), NE02 (Green and Blue Infrastructure), NE03 (Trees, Woodlands, Hedgerows) and NE05 (Open Space and Recreation Provision), as

well as Policy 6 (Environment) of the emerging Ingatestone & Fryerning Neighbourhood Plan.

## **Ecology and Biodiversity**

The application is accompanied by an Ecological Assessment. The Phase 1 Habitat Survey identified that most of the site comprises tall ruderal grassland which has developed on former arable farmland, with mature tree confined to the northern, western and southern boundaries, and a defunct hedgerow along the eastern edge.

The assessment confirms that the loss of grassland to accommodate the development would not have a significant negative ecological impact. A section of the eastern hedgerow will also need to be removed to allow for access and visual splays. This is not considered to be an issue because this native hedgerow offers limited ecological or landscape value. The main site does not contain habitat features suitable for supporting protected species although there is moderate potential for commuting and foraging bats. Nesting birds and small mammals are also likely to be associated with the hedges.

The assessment recommends mitigation and compensation measures to offset the potential impact on these species, including a lighting plan to avoid disturbing bats; the enhancement of the retained tree buffers along the northern, western and southern boundaries; and native species planting throughout the scheme. These have been incorporated in the landscape strategy. The lighting plan has been required as part of a condition.

The habitats related recommendations set out within the Ecological Assessment have also been incorporated into the landscape strategy: the green spaces around the site maximise opportunities to create new habitats through the incorporation of native planting, hibernacula, insect hotels, bird and bat boxes, and SuDS features which have been designed with marginal and aquatic vegetation.

The Council's Landscape and Ecology Officer and the Essex Badger Protection Group (EBPG) confirm that there are no objections on ecology and biodiversity grounds to this application. Both recommend a condition to be added requiring that appropriate precautionary measures be adopted during construction to avoid injury to badgers and other mammals which might access the site between approval and commencement of the project and during construction.

Subject to the above conditions, the proposal is in line with Local Plan Policy NE01 (Protecting and Enhancing the Natural Environment) and Policies 2 (Design of New Developments) and 6 (Environment) of the emerging Ingatestone & Fryerning Neighbourhood Plan.



## Access, Parking and Highway Considerations

There is an existing field access point midway along the eastern boundary on Roman Road (B1002), which is proposed to be upgraded to accommodate development traffic. It will be designed as a priority junction, with a 5.5m wide carriageway, 6m junction radii and 2m footways on both sides of the carriageway, providing access for cars, cycles and pedestrians. The Highway Authority (Essex County Council) confirmed that the proposed access fully complies with highway standards.

The scheme proposes to provide a new pedestrian crossing to the east of the site across Roman Road to improve pedestrian safety and ease of access to the surrounding pedestrian network and on the desire line from the site towards the village centre and railway station.

A total of 96no. parking spaces are provided, including 8 parking spaces for visitors. This provision means each flat is provided with 1no. car parking space, and all houses are provided with a minimum of 2no. parking spaces. Two houses are provided with 3no. parking spaces.

The parking strategy includes the following:

- Secure parking courts overlooked by Flats Over Garages (FOGs);
- Frontage on-street parking;
- Garages, and;
- Private driveways.

The proposed 88+8 spaces fall below the Highway Authority's parking standards, which would be 115 for residents +15 for visitors. However, in light of the accessibility of the site and the proposed pedestrian links towards Ingatestone centre, it is considered that the 96 car parking spaces are acceptable. Crucially, the lower car parking provision and pedestrian links improvements will contribute to a modal shift towards active transportation, which not only alleviates carbon footprint, but has also a number of health benefits.

Cycle parking will be provided within garages, garden sheds and cycle stores, which meets Essex County Council parking standards. At least one parking space per dwelling will be provided with an EV charging point, and the remaining spaces will be provided with passive provision in the form of cables. This is a welcome approach which exceeds Essex County Council standards and contributes to the desired modal shift.

The applicant has also confirmed that residential travel packs will be provided to all households, which has been secured via condition and will be included in the legal agreement.

The Highway Officer accepts the impact on the network can be mitigated with local highways improvements. The Highway Authority is also prepared to accept the lower provision of car parking spaces as should any issues with parking on the highway

outside the site arise post-development, the applicant has agreed to fund the cost of a Traffic Regulation Order to restrict on-street parking ensuring the future safety of all highway users. This contribution is included in the legal agreement.

National Highways have also been consulted. There is an ongoing dialogue between the applicant, the Highways Authority, National Highways and the Council with regards to the impact of the proposal on the wider, strategic highways network. The Council is currently reviewing the transport evidence provided by the applicant, before seeking monetary contributions towards traffic calming measures and transport-related local improvements.

It is recommended to the Committee that the outstanding highways matters are delegated to Officers to resolve, if Members are minded to approve the application.

Subject to contributions and conditions, the proposal therefore complies with Local Plan Policies BE08 (Strategic Transport Infrastructure), BE09 (Sustainable means of travel and walkable streets), BE11 (Electric and Low Emission Vehicles), BE12 (Mitigating the Transport Impacts of Development) and BE13 (Parking Standards). It is also compliant with Policies 5 (Transport) and 6 (Environment) of the Ingatestone & Fryerning Neighbourhood Plan.

## **Sustainability**

The Design and Access Statement sets out that the development includes a fabric first approach to construction, with high performance thermal insulation used to significantly reduce the heating energy demands with increased air tightness in the building envelope. The fabric insulation standards and the construction specification of the dwellings will exceed the minimum required by the Building Regulations.

All properties will be provided with Air Source Heat Pumps to exceed the policy target of a 10% reduction in carbon emissions above the requirements of Part L of the Building Regulations, energy efficient lighting and appliances, electric vehicle charging points, flow restrictions on water supplies.

The overall approach is welcomed and to ensure that the required water and carbon reduction are delivered, planning conditions have been added in line with those recommended by the Strategic Policy Planning team.

Subject to conditions, the proposal is considered to meet the requirements of Local Plan Policies BE01 (Carbon Reduction and Renewable Energy) and BE02 (Water Efficiency and Management), and Policy 6 (Environment) of the emerging Ingatestone & Fryerning Neighbourhood Plan.

## **Refuse and Recycling**

The refuse provision will be primarily in the form of bins kept in rear gardens with rear access or within garages, whilst the apartments will have integral communal bin stores. The applicant has confirmed the turning areas would be sufficient for a 26 ton RCV to turn round in.

The proposed refuse strategy is appropriate and there are no objections. The proposal is therefore compliant with Local Plan Policy BE14 (Creating Successful Places).

## **Drainage**

The site is located within a Critical Drainage Area. A Flood Risk Assessment and a Drainage Strategy accompany the application and demonstrate how a greenfield runoff rate will be achieved, as requested by Local Plan Policy R22 and Neighbourhood Plan Policy 1.

The proposed SuDS for the site include a combination of permeable paving in the private shared drives and modular storage beneath a landscaped attenuation basin, which have been located prior to outfall to the sewer at the lowest point of the site on the eastern boundary, within the public open space. The proposed SuDS features are designed to provide the required storage volume as required by ECC SuDS (the Lead Local Flood Authority) and will ensure greenfield runoff rates are maintained.

ECC SuDS confirmed that the proposal is acceptable subject to conditions.

Anglian Water responded to the consultation noting that it 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 developer's cost or, in the case of apparatus under an adoption agreement, liaising with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Anglian Water confirmed that the foul drainage from this development is in the catchment of Ingatestone Water Recycling Centre that will have available capacity for these flows. It also confirmed that the sewerage system at present has available capacity for the anticipated flows to connect via gravity into Roman Road in the 225mm pipe. If the applicant wishes to connect to the Anglian Water sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991 and Anglian Water will then advise of the most suitable point of connection.

The above demonstrates that the scheme meets the requirement of Local Plan Policies NE09 (Flood Risk), BE05 (Sustainable Drainage) and R22 (Land Adjacent to A12, Ingatestone). It is also compliant with Policies 1 (Housing), 2 (Design of New

Developments) and 6 (Environment) of the Ingatestone & Fryerning Neighbourhood Plan.

### **Health Impact Assessment**

A Health Impact Assessment (HIA) was submitted in support of the proposal in line with the requirements of Local Planning Policy MG04 (Health Impact Assessment), which was jointly reviewed by the Strategic Policy team and the Public Health Officer. Officers broadly support the conclusions of the HIA.

Giving consideration to Policy 2 of the Ingatestone & Fryerning Neighbourhood Plan, Officers recommended that the applicant would commit to 5% of dwellings meeting M4(3) Building Regulations. This is beyond the Local Plan requirement of all units meeting M4(2) Building Regulations. The applicant has agreed to this and confirmed that 3 units will meet M4(3) Building Regulations. Conditions are attached to ensure that the required water and carbon reduction are achieved once development commences.

The above demonstrates that the proposal has met the requirements of Local Planning Policy MG04 (Health Impact Assessment).

### **Noise**

A Noise Impact Assessment has been completed to assess the suitability of the site with regards to noise and vibration, considering the proximity of the site to the adjacent A12.

The assessment demonstrates that acceptable internal noise levels can be achieved in habitable rooms of the development subject to the adoption of acoustically upgraded glazing and ventilation in the development design. This is in line with the recommendations for the application site contained in Neighbourhood Plan Policy 1.

Noise levels in external amenity areas have been reduced to the lowest practicable levels through adopting a layout which is well considered from an acoustic point of view, with protection offered to the gardens by the positioning of the buildings and overall site layout design. Nonetheless, external noise levels will still be above the recommended levels as a result of road traffic in the vicinity of the site.

The Environmental Health Manager raised no objection to the findings of the assessment. The officer recommended that planning conditions are attached to any approval to require the submission of details of the glazing and ventilation for habitable rooms within the development, and the implementation of the proposed measures to mitigate against noise in external amenity areas. Further acoustic testing shall also be carried out following installation to confirm that the measures operate as designed to provide appropriate internal noise levels.

Subject to the above conditions, the proposal therefore complies with Local Plan Policy BE14 (Creating Successful Places) and Neighbourhood Plan Policy 1 (Housing).

### **Air Quality**

An Air Quality Assessment has been submitted that considers the air quality impacts of the proposal from the construction phase to when the proposal is fully operational.

During the construction phase, the mitigation measures proposed should ensure that the risk of adverse dust effect is reduced to a level categorised as 'not significant'.

The assessment concludes that the predicted pollutant concentrations at the facades of the proposed residential buildings are within the air quality objective levels. Therefore, the site is deemed suitable for its proposed future use

The Environmental Health Manager considers that there would be no significant concerns relating to air quality, providing that the dust mitigation measures recommended are implemented during the construction phase of the development. A Construction Method Plan has been conditioned which will set out dust mitigation measures.

The emerging Ingatestone & Fryerning Neighbourhood Plan states that in the absence of any regular monitoring, all new major developments in the parish will be required to demonstrate an understanding of the current air quality surrounding the development site and outline the potential wider air quality implications of the proposed development on the parish. The Environmental Health Manager has concluded that because the air quality for future residents within the development will be acceptable and the operational air quality effects without mitigation will not be significant, no additional measures would be required and there is no need air quality monitoring contribution.

The proposal therefore complies with Local Plan Policy NE08 (Air Quality) and Policy 5 of the emerging Ingatestone & Fryerning Neighbourhood Plan.

### **Archaeology**

An Archaeological Evaluation accompanies the application, as requested by Policy R22. It demonstrates that there is low density of archaeological remains across the site, with four of the fourteen evaluation trenches containing potential archaeological remains: a pit of medieval date, a post-medieval field boundary ditch and an undated post-hole. A probable natural feature was also investigated.

The Archaeological Evaluation concludes that this small number of archaeological features likely attests to the agricultural nature of land use in this location of the landscape, particularly during the medieval and post-medieval periods.

The site has previously been the subject of archaeological investigation in 2019, which showed that few archaeological remains were present on the site. A medieval pit dating to the 11th-14th century, the most significant feature identified, was fully examined at the time of the evaluation and found to have no associated features in the immediate vicinity.

ECC Archaeology commented on this proposal and confirmed that there are no archaeological implications for the proposed development and that it is not necessary to recommend any conditions for this application.

Historic England confirmed that they had no comments to make on this application.

This application therefore complies with Local Plan Policies BE16 (Conservation and Enhancement of Historic Environment) and R22 (Land adjacent to the A12, Ingatestone).

### **Land Contamination**

The Environmental Health Manager reviewed the Phase I and Phase II Site Appraisal submitted as part of this application. The officer agrees with the conclusions set out in the appraisal, that the risk to end users from soil contamination is considered to be negligible.

Therefore, no additional measures are required to deal with site contamination although there are recommendations on further investigation to determine the effect of some of the identified hazards. The officer recommended that further site investigations be undertaken as identified in the Phase II Site Appraisal.

Subject to conditions, the proposal is considered to comply with Local Plan Policy NE10 (Contaminated Land and Hazardous Substances).

### **Secure by Design**

The Secured by Design officer commented that Essex Police is pleased to note that Secured by Design is referenced in the Design and Access Statement and that a number of SBD features are incorporated in the proposal. The officer recommended that a condition be added to any approval requiring the applicant to formally apply for the Secured by Design accreditation. This is considered appropriate, and a condition has been added accordingly.

Subject to the above condition, the proposal therefore complies with Local Plan Policy BE14 (Creating Successful Places).

## **Legal agreement**

The applicant has accepted that it will be necessary for certain obligations in respect of the proposed application to be dealt with by way of an Agreement under Section 106 of the Town & Country Planning Act 1990. This is in line with Local Planning Policy MG05 (Developer Contributions).

The contributions required to make the proposed residential development acceptable in planning terms are currently being discussed between the applicant, Council officers, the Highway Authority, National Highways, Essex County Council (education) and the NHS. These are expected to include contributions towards highways improvements and mitigation, education, healthcare provision and open space, and details of market and affordable housing provision.

As the legal agreement is outstanding, it is recommended to the Committee that this is delegated to Officers to resolve, should Members be minded to approve the application.

## **Other comments raised in representations**

The Ingatestone & Fryerning Parish object to this application expressing concern about drainage (foul and surface water) and mentioned that the current parish sewage plant is operating at 120% capacity. ECC SuDS have no objections to the proposal and Anglian Water confirmed that the foul drainage from this development is in the catchment of Ingatestone Water Recycling Centre, that will have available capacity for these flows. It also confirmed that the sewerage system at present has available capacity for the anticipated flows to connect via gravity into Roman Road in the 225mm pipe. Officers are therefore satisfied with this element of the scheme.

Concern was also raised with regards to the inability of the existing village infrastructure (surgery, chemist, High Street parking, junior and infant schools) to handle this and the other proposed developments in the immediate area (Redrow Homes and Hallmark Care Home). The NHS and ECC Education have been consulted as part of this application and they have set out the necessary monetary contributions for the upgrade of the existing New Folly Surgery and local schools. The applicant will include the required contributions in the s106 agreement.

Finally, the Parish Council requested that s106 monies should be used to implement essential Highways measures to mitigate the impact of the increase in traffic flow. There has been extensive consultation with the Highways Authority and National Highways and the Council is currently reviewing the transport evidence provided by the applicant, before seeking monetary contributions towards traffic calming measures and transport-related local improvements.

A total of 7 neighbour representations were received raising a number of concerns, which the applicant addressed in a dedicated letter. The concerns are taken in turn below.

- Cumulative impact of this proposal and applications for nearby sites on local traffic, congestion, existing availability of car parking spaces in Ingatestone, and the safety of A12 slip road - The Highways Authority confirmed that the impact of the proposal is acceptable subject to a number of requirements.
- Insufficient car parking provision within the scheme - The parking provision has been agreed with the Local Planning Authority through pre-application discussions: one space per flat and a minimum of two spaces per house. A total of 88no. parking spaces are provided, with an additional 8 parking spaces for visitors.
- Reduce speed limit to 30 mph on Roman Road and introduce a mini-roundabout - A review of the speed limit is subject to a consultation process that is separate from the planning process and it has not been recommended by the Highway Authority. The applicant confirmed that a mini-roundabout had been considered during the design process, however, the provision of mini-roundabouts instead of priority junctions tends to result in difficulties for pedestrians and cyclists. It is also noted that the speed survey undertaken at the site access (as reported in the submitted Transport Assessment) revealed that vehicles were traveling at an average speed of 38mph (at 85th percentile speeds), which is below the posted speed limit of 40mph.
- Concern about impact on the current local infrastructure, particularly schools and GP surgery - A Unilateral Undertaking has been signed which includes contributions towards local facilities and highways, as requested by ECC Education and the NHS.
- Noise - The Noise Assessment has demonstrated that acceptable internal noise levels can be achieved in habitable rooms of the development subject to the adoption of acoustically upgraded glazing and ventilation in the development design. This has been conditioned. Noise levels in external amenity areas have been reduced to the lowest practicable levels and it is not uncommon for noise levels in gardens in urban areas to be higher than the recommended levels. Finally, the Environmental Health Officer has not objected to the scheme.
- Air Quality - The Environmental Health Manager considers that there would be no significant concerns relating to air quality, providing that the dust mitigation measures recommended are implemented during the construction phase of the development. These mitigation measures have been conditioned.
- Drainage - The application is supported by a Flood Risk Assessment and Drainage Strategy, which incorporates SuDS features to provide the storage volumes required by the Lead Local Flood Authority and ensure that greenfield runoff rates are maintained. The development will not therefore exacerbate existing issues. Anglian Water confirmed that the foul drainage from this development is in the catchment of Ingatestone Water Recycling Centre, that will have available capacity for these flows.



- Sewerage system - Anglian Water confirmed that the sewerage system at present has available capacity for the anticipated flows to connect via gravity into Roman Road in the 225mm pipe.
- Visual impact of 3 storey corner block - It is considered that the 3 storey block is appropriate in the local context as it provides a strong frontage on Roman Road and a focal point for the development. At this location, the proposed block will be separated by the closest houses on Roman Road by a generous hedgerow along the site boundary as well as the existing triangular green space fronting the site. This will considerably soften the visual impact of the 3 storey building.
- Overlooking from plots 57 and 56 on neighbouring properties - Plots 56 and 57 have both been designed with large rear gardens which provide around 14m of separation between the closest first floor windows of dwellings on these plots and the garden of the adjacent property. Furthermore, the dwelling on plot 56 sits at an angle to the adjacent property with garages on both this plot and the adjacent property partially obscuring the line of sight. A 1.8m high timber close boarded fence is proposed along the boundary of plots 56 and 57 to provide enclosure and privacy to the gardens of these plots and the adjacent property.
- Application site was formerly part of the Green Belt - The site has been allocated for residential development through the recently adopted Brentwood Local Plan, and this process has seen it removed from the Green Belt.
- Two paragraphs of the Planning Statement have been redacted - These paragraphs relate to the results of a habitat survey carried out for the site and it is common practice that such information is not made publicly available in order to protect potential protected species. The full Planning Statement and the Ecological Assessment were sent to the relevant consultees.
- Inaccuracies in the Planning Statement with regards to proximity to local services - These inaccuracies are very minor and did not affect the determination of this planning application.

## 8. **Recommendation**

It is recommended that a RESOLUTION TO GRANT PERMISSION is issued subject to highways matters and legal agreement being resolved, 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 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, in particular badgers and nesting birds) as well as protection methods of retained trees. The CEMP should include a method statement to avoid injury to any animals entering the site during construction. The CEMP shall identify that construction activities so far as is practical do not adversely impact amenity, traffic or the environment of the surrounding area by minimising the creation of noise, air quality pollution, vibration and dust during the site preparation and construction phases of the development. 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.

## 4 Contamination

Prior to commencement of development, further investigation will need to be undertaken as recommended in the Phase II Site Appraisal, section 12. The results of the investigation need to be submitted to and approved in writing by the Local Planning Authority. Should a remediation scheme be required, this shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: To safeguard future users or occupiers of this site and the wider environment from irreversible risks associated with the contaminants which are present on site.

## 5 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 3l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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.
- 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.
- 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.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy. The scheme shall subsequently be implemented prior to occupation.

#### 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.

#### 6 Drainage

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

To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

#### 7 Highways

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

#### vi. dust mitigation measures

Reason: To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety and in accordance with Local Plan Policies BE09 and BE12.

#### 8 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 and of ground surfaces, and details for fenestration and doors (e.g., typical reveals, tenure blind, concealed vent strips), eaves (to support ecology) and rainwater goods 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.

#### 9 Brickwork Sample Panels

No development above ground level shall take place until further details of the brickwork 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 jointing, and bonding. Development shall be carried out in accordance with the approved details.

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

#### 10 Highways

Prior to first occupation of the development and as shown in Drawing no 16113.OS.109.13 Revision B, the proposed site access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 73 metres to the north and 2.4 metres by 82m to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the site access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway in the interest of highway safety in accordance with Local Plan Policy BE09.

#### 11 Highways

Notwithstanding the site access drawing 16113.OS.109.13 Revision B, prior to first occupation the developer or successor in title shall provide kerbed radii at the site access.

Reason: To ensure that all vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Local Plan Policies BE09 and BE12.

#### 12 Highways

The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. 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.

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 Local Plan Policies BE12 and BE13.

#### 13 Highways

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, as 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 Local Plan Policies BE09 and BE12.

#### 14 Highways

Prior to first occupation, the highway pedestrian improvements shown in Drawing 16113.OS.109.17 in Appendix C of the Transport Assessment shall be implemented and tactile paving and dropped kerbs will be constructed at the site access bellmouth junction and a minimum 2m wide footway that extends northwards from the main site access towards the junction where Roman Road meets the B1002.

Reason: To provide pedestrians and the mobility impaired with safe access in all directions in accordance with Local Plan Policies BE09 and BE12.

#### 15 Lighting scheme

Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority. The lighting scheme shall be designed to ensure the amenity of local residents, ensure highway safety and protect ecology by preventing excessive light spill onto sensitive habitats. The development shall be implemented in accordance with the agreed details.

Reason: To ensure minimal nuisance or disturbance is caused to the detriment of the amenities of local residents, of ecology and of the area generally.

#### 16 Noise

Prior to occupation of the residential units, the following details need to be submitted to and approved in writing by the local planning authority.

Details of glazing and ventilation for habitable rooms within the development to ensure suitable internal noise levels; and

Results of further acoustic testing to be carried out following installation, to confirm that the measures operate as designed to provide appropriate internal noise levels.

The proposed measures set out in the Noise Report to mitigate against noise internally and external amenity areas are required to be implemented.

Reason: In order to protect the amenity of future occupiers.

#### 17 Drainage

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.

#### 18 Secure by Design

Prior to occupation, a Secure by Design Statement shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The Statement shall set out how the development achieves a Certificate of Compliance in respect of the Secured by Design Homes 2019 Version 2, March 2019, to the satisfaction of Essex Police. All security measures applied to the approved development shall be permanently retained thereafter.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime, in accordance with Local Plan Policy BE15 and the aims and objectives of the NPPF chapter 8.

#### 19 Meter Boxes

Notwithstanding the details shown on the drawings hereby approved; no meter boxes shall be installed until details and locations of the meter boxes 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.

#### 20 Ecology

The following precautionary construction techniques must be followed:

- A walkover survey to be conducted by a suitably qualified ecologist as close as practicable, and no earlier than three months, before the commencement of the proposed works.
- All workers on site should be fully briefed concerning the presence of badgers in the area and the mitigation measures to be followed.
- Ensure security lighting is kept to a minimum and away from setts if these are present.
- Cover trenches at night or leave a plank of wood leant against the side to ensure badgers can escape if they were to accidentally fall in.
- Cover open pipework with a diameter of greater than 120mm at the end of the workday to prevent animals from entering and becoming trapped.
- Ensure that chemicals are stored appropriately overnight.
- Remove litter and waste material regularly.
- Check open pipework and open excavations each morning, before the commencement of work, to ensure no badgers or other animals have become trapped overnight.

Reason: In order to minimise the risk of harm to protected species.

#### 21 Sustainability

The development hereby approved shall be designed and built to achieve at least a 10% reduction in carbon dioxide emissions above the requirements as set out in Part L Building Regulations.

Reason: In the interests of improving resource efficiency to meet the government's carbon targets in accordance with Policy BE01 of the Brentwood Local Plan 2016-2033.

#### 22 Sustainability

The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.

Reason: In the interests of improving water usage efficiency in accordance with Policy BE02 of the Brentwood Local Plan 2016-2033.

#### 23 Accessibility

All dwellings shall achieve the M(4)2 standard for accessible and adaptable dwellings of the Building Regulations 2015.

Reason: In the interests of ensuring all dwellings are capable of being readily adapted to meet the needs of those with disabilities and the elderly in accordance with policy HP01 of the Brentwood Local Plan 2016-2033.

#### 24 Accessible Units

The two houses on plots 52 and 53 and apartment 43 in Block 3 shall be constructed to be capable of adaptation and comply with Part M4(3) of the Building Regulations 2015 (wheelchair accessible).

Reason: In the interests of ensuring all dwellings are capable of being readily adapted to meet the needs of those with disabilities and the elderly in accordance with policy HP01 of the Brentwood Local Plan 2016-2033.

#### 25 Highways

Cycle parking shall be provided for each dwelling in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Local Plan Policies BE12 and BE13.

#### 26 Drainage

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.

#### 27 Contamination

Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed and a remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: To safeguard future users or occupiers of this site and the wider environment from irreversible risks associated with the contaminants which are present on site.

#### Informative(s)

##### 1 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG01, MG04, MG05, BE01, BE02, BE05, BE08, BE09, BE11, BE12, BE13, BE14, BE15, BE16, HP01, HP05, NE01, NE02, NE05, NE08, NE09, NE10 and R22.



## 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 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.

## 4 Anglian Water

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.

## 5 Anglian Water

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 0345606 6087.

## 6 Anglian Water

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.

## 7 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. INFORMATIVE:

## 8 Anglian Water

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.

## 9 ECC 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).

## 10 ECC SuDS

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

## 11 ECC SuDS

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.

## 12 ECC SuDS

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.

## 13 ECC SuDS

The Ministerial Statement made on 18<sup>th</sup> 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.

## 14 ECC SuDS

We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> 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.

## 15 Highways

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.

#### 16 Highways

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.

#### 17 Highways

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.

#### 18 Highways

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.

### *BACKGROUND DOCUMENTS*

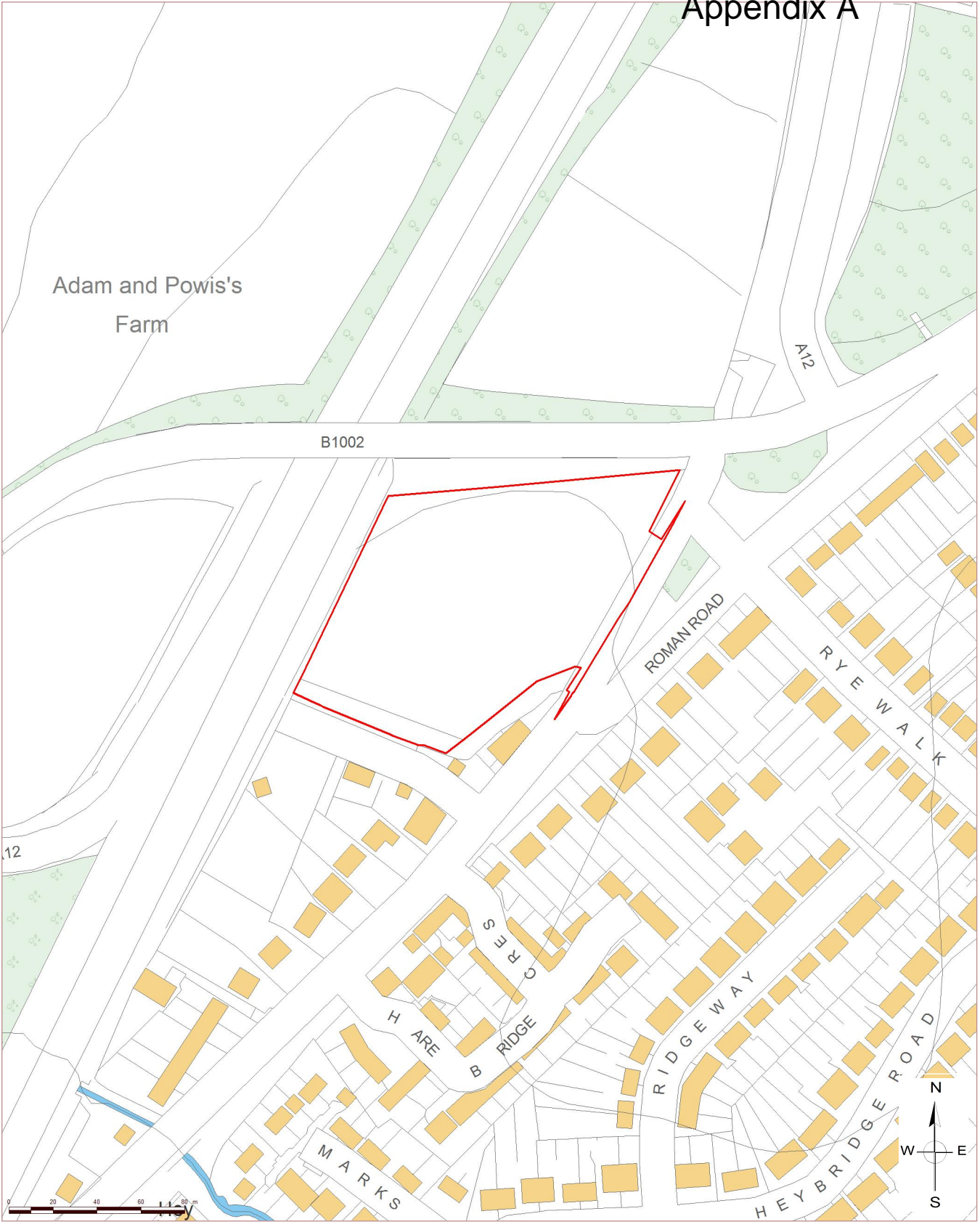
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://www.brentwood.gov.uk/-/applicationsviewcommentandtrack>

### **DECIDED:**

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Appendix A



Title : Development Land Adjacent To Roman Road, Ingatestone, Essex

22/00423/FUL

Scale at A4 : 1:2500

Date : 26th July 2022

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.