



Agenda

Planning Committee

Tuesday, 20 December 2022 at 7.00 pm

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

Membership (Quorum – 4)

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

Substitute Members

Cllrs Barrett, Mrs N Cuthbert, Heard, Mrs Hones, Mrs Pearson and Sankey

Agenda

Item	Item	Wards(s) Affected	Page No
------	------	----------------------	---------

Live Broadcast

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

Contents

- | | | | |
|----|--|-------------------|---------|
| 1. | Apologies for Absence | | |
| 2. | Minutes of the Previous Meeting | | 5 - 10 |
| 3. | APPLICATION NO: 22/01523/FUL 8A Harewood Road
Pilgrims Hatch Brentwood Essex CM15 9PD | Pilgrims
Hatch | 11 - 20 |
| 4. | APPLICATION NO: 21/00269/NON/1 2 - 8A Harewood Road
Pilgrims Hatch Essex CM15 9PD | Pilgrims
Hatch | 21 - 26 |
| 5. | APPLICATION NO: 22/01336/FUL Development at Land
South Of Harewood Road Pilgrims Hatch Essex CM15 9PD | Pilgrims
Hatch | 27 - 60 |

- | | | | |
|-----|--|--|-----------|
| 6. | APPLICATION NO: 22/01282/HHA 59 Petresfield Way West
Horndon Brentwood Essex CM13 3TG | Herongat
e,
Ingrave
and West
Horndon | 61 - 72 |
| 7. | APPLICATION NO: 22/01202/FUL 70 Orchard Lane Pilgrims
Hatch Brentwood Essex CM15 9RE | Pilgrims
Hatch | 73 - 86 |
| 8. | Planning Enforcement Activity Overview | All Wards | 87 - 96 |
| 9. | Epping Forest District Council Further Main Modification
consultation | All Wards | 97 - 104 |
| 10. | Infrastructure Funding Statement 2021-22 | All Wards | 105 - 118 |
| 11. | Urgent Business | | |



Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
12.12.2022

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

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

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

Point of Order/ Personal explanation/ Point of Information

Point of Order

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

Personal Explanation

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

Point of Information or clarification

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

Information for Members of the Public

Access to Information and Meetings

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

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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

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

 **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

Planning Committee Tuesday, 22nd November, 2022

Attendance

Cllr Tanner (Chair)	Cllr Gelderbloem
Cllr Barber (Vice-Chair)	Cllr Jakobsson
Cllr Dr Barrett	Cllr Mrs Murphy
Cllr M Cuthbert	Cllr Mynott
Cllr Fryd	Cllr Wiles

Apologies

Cllr Laplain	Cllr Parker
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Substitute Present

Cllr Mrs Hones
Cllr Sankey

Also Present

Cllr Mrs Pearson

Officers Present

Phil Drane	- Director of Place
Caroline Corrigan	- Corporate Manager (Planning Development Management)
Carole Vint	- Planning Officer
Claire Mayhew	- Corporate Manager (Democratic Services) and Deputy Monitoring Officer
Jonathan Quilter	- Corporate Manager (Strategic Planning)
Kathryn Williams	- Consultant Planner
Zoe Borman	- Governance and Member Support Officer

234. Apologies for Absence

Apologies had been received from Cllrs Parker and Laplain. Cllrs Hones and Sankey were substitutes respectively.

235. Minutes of the Previous Meeting

The Minutes of the last Planning Committee held on 18th October 2022 were agreed as a true record.

236. APPLICATION NO: 21/01766/FUL - Land North of Roman Road, Roman Road, Ingatestone

This application had been submitted on behalf of Hallmark Care Homes (Ingatestone) Limited, for the erection of a headquarter office with associated Centre of Excellence and care home.

The proposal has been subject to extensive pre-application consultation with Council officers, and discussion with Parish Council and Local Ward Councillors. A virtual public consultation took place in February 2021 and the scheme was presented twice to the Essex Quality Review Panel (EQRP).

Ms Kathryn Williams was present at the meeting and presented the report.

The Committee then heard from Mr Paul Brailsford, Agent on behalf of the applicant.

Cllr Jane Winter, Ingatestone & Fryerning Parish Council, raised concerns including the heavy workload of the GP Practice and local concern around the use of the A12 slip road given the 3 development sites in close proximity.

Cllr Sankey addressed the Committee as Ward Councillor opposing the application commenting the application would be detrimental to the ward for reasons including considerable increase of vehicular use and lack of parking.

Cllr Wagland also spoke as Ward Councillor, raising issues such as parking, flooding and the NHS provision and offer of an Impact Assessment, and the need for acoustic glazing and fencing.

Cllr Tanner, spoke in favour of the application and **MOVED** that the application be **APPROVED**. This was **SECONDED** by Cllr Barber.

Following a full discussion Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, Gelderbloem, Hones, Jakobsson, Murphy, Tanner, Wiles (8)

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

ABSTAIN: (0)

The motion to APPROVE the application was RESOLVED subject to the conditions and S106 agreement outlined in the report, plus 2 additional conditions agreed as follows:

40 Noise

Prior to occupation of the office building and the care home, the following details need to be submitted to and approved in writing by the local planning authority:

- Details of glazing and ventilation 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.

41 Boundary treatment

Prior to commencement of above ground works, a detailed scheme for the siting and design of all boundary treatments and way finding shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the use hereby permitted commences and retained for the lifetime of the development, unless otherwise approved, in writing, by the local planning authority.

Reason: In order to ensure high quality landscaping for the boundaries of the site in the interests of visual amenity.

237. APPLICATION NO: 22/01190/FUL - 1 Pilgrims Hall Cottages, Ongar Road, Pilgrims Hatch, Brentwood, Essex CM15 9SA

This application comprised of the construction of two detached dwellings adjacent to No. 1 Pilgrims Hall Cottages.

The application had been referred at the request of Cllr Aspinell for the following reason:

I accept that this site lies within the green belt but it currently is, and has been for many years, a site that is aesthetically harmful to the location - perhaps best described as an unofficial scrap yard. There are currently two 1950's tractors rotting on the site, along with an assortment of other vehicles and machinery. To the rear and sides there are wooden buildings that have been covering the majority of the site for decades. These were originally used as a storage facility and repair shop.

It is my opinion that special circumstances do exist within this application as the demolition of the wooden buildings and clearing of the site would allow for the construction of two much needed bungalows (we are rapidly losing such properties in Pilgrims Hatch due to conversion into houses) and offer a more visually attractive sightline and environment for neighbouring properties.

Mrs Carole Vint presented the report.

Mr Paul Calder, Agent for the applicant, addressed the committee in support of the application.

The Chair read a statement from Cllr Aspinell, Ward Cllr, giving reasons for his referral.

Following a full discussion Cllr Tanner **MOVED** that the application be **REFUSED**. This was **SECONDED** by Cllr Barber.

Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, M Cuthbert, Fryd, Gelderbloem, Hones, Jakobsson, Murphy, Mynott, Tanner, Sankey, Wiles (12)

AGAINST: (0)

ABSTAIN: (0)

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

238. APPLICATION NO: 22/01282/HHA - 59 Petresfield Way, West Horndon, Brentwood, Essex CM13 3TG

This application had been withdrawn due to the consultation period not having expired.

239. Housing Delivery and Supply Monitoring Update

There is a legal requirement for the Council to monitor completions and the impact of the 'Five Year Land Supply' of sites for future housing.

This report provided a summary of housing delivery and supply monitoring information to the year ending 31 March 2022. The report briefed Members on the publication and implications of this updated information.

Mr Quilter summarised the report.

Following a full discussion the report was noted.

240. Urgent Business

There were no items of urgent business.

The meeting concluded at 20:51

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SITE PLAN ATTACHED

8A HAREWOOD ROAD PILGRIMS HATCH BRENTWOOD ESSEX CM15 9PD

INSTALLATION OF PLANT TO REAR YARD AREA AND 2.1 METRE HIGH TIMBER FENCE ENCLOSURE

APPLICATION NO: 22/01523/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	27 December 2022
CASE OFFICER	Mr Daryl Cook		
Drawing no(s) relevant to this decision:	3614-PL-04B; CR3 (A0)/REV 03; 3614-PL-05C; Plant Noise Impact Assessment Report (89793/NIA/Rev5);		

1. Proposals

Planning permission is sought for the installation of plant to the rear yard area to be enclosed by a 2.1m high timber fence enclosure at 8A Harewood Road, Pilgrims Hatch, Brentwood.

The building and surrounding curtilage is owned by Brentwood Borough Council. The application is therefore to be determined by the Planning & Licensing Committee.

2. Policy Context

Brentwood Local Plan (2016-2033) (BLP):

The Brentwood Local Plan 2016-2033 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.

- Policy BE14 Creating Successful Places

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

3. Relevant History

- 21/00269/BBC: Removal of internal partitions between existing shops to create one single shop with alterations to shop fronts, installation of a ramp to the rear elevation, raise flat roof to the rear of the store and minor alterations to include the infilling of existing openings – Committee Approval
- 21/01018/BBC: Installation of plant to rear yard area and 2.5 metre high close boarded timber fence enclosure. – Committee Approval
- 21/01019/ADV: 1 x Co-op Fascia sign with halo illuminated logo and non-illuminated lettering, 2 x Co-op non-illuminated fascia signs, 1 x Post Office non-illuminated projecting sign, 1 x Post Office non-illuminated Service Menu Board and 2 x Co-op logo externally illuminated (trough light) projecting signs. – Committee Approval
- 21/00269/NON/1: Non material amendment to application 21/00269/BBC (Removal of internal partitions between existing shops to create one single shop with alterations to shop fronts, installation of a ramp to the rear elevation, raise flat roof to the rear of the store and minor alterations to include the infilling of existing openings) for the removal of ramp to the rear of the building. – Pending Committee Decision

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/>

This application has been advertised by way of neighbour notification letters. At the time of writing this report, no neighbour representation has been received for this application.

5. Consultation Responses

- **Environmental Health & Enforcement Manager (07.12.22):**

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

I have reviewed the acoustic assessment carried out by Noise Solutions Ltd dated 12th February 2021.

The impact of proposed plant noise at the site was assessed using BS 4142:2014. Calculations to determine the predicted rating levels of the sources is shown in Table 5, all results are shown to be below the existing background level.

Therefore, the proposed plant is acceptable and will not adversely affected the nearest sensitive receptors by way of noise.

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.

Planning permission is sought for the installation of plant to the rear yard area to be enclosed by a 2.1m high timber fence enclosure at 8A Harewood Road, Pilgrims Hatch, Brentwood.

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

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

The building and surrounding curtilage is owned by Brentwood Borough Council. The application has therefore been referred by officers to Planning & Licensing Committee for members consideration.

Site context

The application site comprises the rear yard of the row of shops (Use Class E) which are situated on a corner junction shared with Clarence Road and Harewood Road.

The application before the committee, in summary, seeks to amalgamate the AC units which were on the rear wall of the building as part of the earlier application to the rear plant area with the location (red outline) and size of the area differing necessitating a new full application to be submitted.

Design, Environmental Health 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. 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). 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 proposed plant and fencing (2.1m high) would be located to the rear of the building. The height of the fencing would provide both additional and substantial screening from the public realm of the plant which is proposed although it is marginally lower than previously (400mm) given the proximity to the boundary.

The positioning and amount of the plant being proposed is considered to be reasonable and proportionate in respect of the alterations to the building as a whole to enlarge the existing Co-Op. The works are not considered to give rise to a detrimental impact upon the character, appearance and visual amenity of this area as a result.

In respect of neighbour amenity, the plant would be offset from the common boundary shared with the neighbouring dwellinghouses. The proposed fencing would provide sufficient screening which is considered to ensure the proposal would not give rise to an overbearing form of development.

Overlooking and loss of privacy considerations are not relevant here given the nature of the proposal.

In terms of noise and general disturbance, a noise impact assessment accompanies the proposal which has been reviewed by the Councils Environmental Health department. In summary, their revised comments outline that the impact of the plant to be acceptable given the measures proposed including screening. Sufficient distances are retained from the boundaries to avoid a material impact upon the amenities of neighbouring dwellings to the north along Balmoral Road (Nos 11 through 15 [odds]) and the one to the east, No.10 Harewood Road. Therefore, it is considered the impact is mitigated and any effect would be acceptable.

In respect of maintenance of the plant, it is reasonable to expect the developer to ensure the ongoing servicing of the units for efficiency and compliance with other legislative requirements in relation to food handling; an informative will be brought to the applicant's attention.

The proposed development is considered to be compliant with policy BE14 of the BLP and the aims and objectives of the NPPF and NDG.

Conclusion

The proposed development, for the reasoning outlined above, is considered to be compliant with policy BE14 of the BLP and the aims and objectives of the NPPF and NDG. Therefore, the proposed development is recommended for approval.

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.

Informative(s)

1 INF01

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

2 INF04

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

3 INF05

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

4 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

5 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>

6 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.

7 The air conditioning and refrigeration units, which are part of the rear plant, should be regularly serviced, ensuring they are well maintained to avoid unanticipated tonal or impulsive noise.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



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

22/01523/FUL

Scale at A4 : 1:1250

Date : 20th December 2022

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



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SITE PLAN ATTACHED

2 - 8A HAREWOOD ROAD PILGRIMS HATCH ESSEX CM15 9PD

NON MATERIAL AMENDMENT TO APPLICATION 21/00269/BBC (REMOVAL OF INTERNAL PARTITIONS BETWEEN EXISTING SHOPS TO CREATE ONE SINGLE SHOP WITH ALTERATIONS TO SHOP FRONTS, INSTALLATION OF A RAMP TO THE REAR ELEVATION, RAISE FLAT ROOF TO THE REAR OF THE STORE AND MINOR ALTERATIONS TO INCLUDE THE INFILLING OF EXISTING OPENINGS) FOR THE REMOVAL OF RAMP TO THE REAR OF THE BUILDING.

APPLICATION NO: 21/00269/NON/1

WARD Pilgrims Hatch **28 DAY DATE** 29 November 2022

CASE OFFICER Mr Daryl Cook

Drawing no(s) relevant to this decision: 3614-04; 3614-05C;

1. Proposals

A non-material amendment is sought to application 21/00269/BBC (Removal of internal partitions between existing shops to create one single shop with alterations to shop fronts, installation of a ramp to the rear elevation, raise flat roof to the rear of the store and minor alterations to include the infilling of existing openings) for the removal of ramp to the rear of the building at 2-8A Harewood Road, Pilgrims Hatch.

The application has been referred to Planning & Licensing Committee as the application site and building are Council owned land.

2. Policy Context

National Planning Practice Guidance (NPPG)

3. Relevant History

- 21/00269/BBC: Removal of internal partitions between existing shops to create one single shop with alterations to shop fronts, installation of a ramp to the rear elevation, raise flat roof to the rear of the store and minor alterations to include the infilling of existing openings – Committee Approval

- 21/01018/BBC: Installation of plant to rear yard area and 2.5 metre high close boarded timber fence enclosure. – Committee Approval
- 21/01019/ADV: 1 x Co-op Fascia sign with halo illuminated logo and non-illuminated lettering, 2 x Co-op non-illuminated fascia signs, 1 x Post Office non-illuminated projecting sign, 1 x Post Office non-illuminated Service Menu Board and 2 x Co-op logo externally illuminated (trough light) projecting signs. – Committee Approval
- 22/01523/FUL: Installation of plant to the rear yard area and 2.1m high timber fence enclosure – Pending Committee Decision

4. Neighbour Responses

N/A

5. Consultation Responses

N/A

6. Summary of Issues

A non-material amendment is sought to application 21/00269/BBC as described in the ‘Relevant History’ section above, for the omission of the ramp to the rear of the building.

The committee is advised that, as outlined within the Planning Practice Guidance (Paragraph: 002 Reference ID: 17a-002-20140306), there is no statutory definition of ‘non material’. This is because it will be dependent on the context of the overall scheme and only applies to planning permissions. An amendment that is non-material in one context may be material in another. This application is not an application for planning permission, and therefore provisions relating to statutory consultation and publicity do not apply. It is at the local planning authority’s discretion in whether and how they choose to inform other interested parties or seek their views.

The local planning authority must have regard to the effect of the change, together with any previous changes made. There is also no right of appeal against the determination of this application.

The proposal here relates to the removal of a ramp toward the rear of the building as part of the works to provide an enlarged Coop at the above site as detailed within drawing 3614-05C. The nature of these changes before officers were not considered necessary to invite public consultation. Within the covering letter, the applicant advises that the reason for the change *“is because the fire exit door is to be removed to facilitate an amendment to the proposed external plant area and*

location” currently under consideration (reference 22/01523/FUL). An external door would still be located on the rear building toward the east for “goods” as illustrated within drawing 3614-04 though levels at that point do not require a ramp.

Having considered the amendments within and the context of the original report, the alterations proposed are considered to constitute a non-material amendment and are considered to be acceptable.

7. **Recommendation**

The Application be APPROVED subject to the following conditions:-

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.

Informative(s)

1 This decision relates to the non-material amendment referred to above only and not any other changes which may be shown on the drawings submitted. This decision also relates only to the Town and Country Planning Acts and does not relate to the Building Regulations or any other legislation.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



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

21/00269/NON/1

Scale at A4 : 1:1250

Date : 20th December 2022

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



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SITE PLAN ATTACHED

Development at Land South Of Harewood Road Pilgrims Hatch Essex CM15 9PD



Redevelopment of the site including demolition of social housing scheme (29 units) and garages and development of 40, one and two bedroom apartments and community room, comprising 100% affordable housing and Zero Carbon (in use), car park, landscaping and associated works.



APPLICATION NO: 22/01336/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	21 Dec 2022
PARISH		Extension of Time	N/A
CASE OFFICER	Kathryn Williams		

Drawing no(s) relevant to this decision:	<ul style="list-style-type: none"> • Proposed plan (drawing ref. 001; 042; 100; 121; 122; 123; 124; 303; 400; 401; 300; 301; 302; 201; 202; 200) • Landscape general arrangement 800 P03 • Landscape boundary treatment systems tree pit detail 810 P02 • Landscape Management and Maintenance Plan • External Lighting Scheme 6002 • Thorlux Realta Micro Wall Light Datasheet • Undercroft parking luminaire Thorn DURO Datasheet • Illuminated EV Charge points EVBD-V01-R1 Datasheet • Bollard Thorn Thor 96264244 Datasheet • Planning Statement • Affordable Housing Statement • Design and Access Statement • Transport Statement • Flood Risk Assessment/Drainage Strategy • Essex Suds Water Quantity and Quality Proforma and Technical Note • Preliminary Ecological Appraisal and Surveys • Arboricultural Impact Assessment • Topographical survey • Sustainability and Energy Statement • Ground Investigation Report
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	<ul style="list-style-type: none"> • Preliminary Land Contamination Report • Statement of Community Involvement • Daylight and Sunlight Report • Archaeological Building Recording Report
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This application is a scheduled Committee item as the applicant is Brentwood Borough Council’s Housing Team and concerns Council owned land.

1. Proposals

The application is submitted on behalf of Brentwood Borough Council, as part of its Strategic Housing Delivery plan (SHDP), which as part of its remit identified a number of sites across the borough that could contribute to the Council’s objective of delivering affordable housing with low carbon emission and ‘green’ developments.

The proposed development includes the demolition of the existing 29 social housing units, together with a community room and garages. The redevelopment of the site is to deliver 40 flats (comprising of one and two bedrooms); a new community room, car park, landscaping and associated works. The proposal will be 100% affordable housing and will be Zero Carbon (in use).

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

Brentwood Corporate Strategy (Brentwood 2025) commits to introducing “*innovative carbon reduction and absorption schemes*” which “*identify opportunities for low emissions and green developments*” all whilst using brownfield sites efficiently. One of Brentwood Borough Objectives since 2021 is to develop a clear and deliverable strategic housing programme.

A pipeline of council owned sites was reviewed and their development potential explored in July 2020 and the site is one of them for regeneration into zero carbon affordable homes as identified by Strategic Housing Delivery Plan (SHDP).

The proposal has been subject to pre-application consultation with Council Officers in April, July and September 2022. The application is accompanied by a separate Statement of Community Involvement (SCI). The SCI provides further detail on the consultation exercise carried out as well as how the proposals were further refined and adapted following involvement with the community.

2. Site and Surroundings

The existing site comprises of two blocks of terraced bungalows to the north adjacent to

Harewood Road; one block of terraced bungalows to the east and another block of semi-detached bungalows to the south-east of Carisbrook Road. The remaining three blocks comprise of two-storey bedsit flats; one located to the north-east corner abutting the terraced bungalows and a double garage. The second is in the south-western corner of Carisbrook Road and the third to the west along Iver Road. Located to the eastern corner of the site boundary are further double garages.

The site includes a communal space in the centre of the site, shared by the residents with a concrete footpath linking the units. The development is currently used as social housing, with a communal room serving both the current residents and the neighbours of Harwood Road.

The site covers an area of 0.33ha and slopes downwards west to east. The site is accessed from Harewood Road to the north and Carisbrook Road to the south.

A building recording report has been submitted with the application, which details the appearance, size, construction, materials, layout and architectural detail of the existing buildings. The existing buildings were constructed in the early 1960's as part of a post war increase in social housing provision and have since been managed by Brentwood Borough Council. The size of the units are significantly below the current national space standards for housing, creating cramped living conditions. They are also constructed from low quality materials (including felt roofing) and have poor insulation. The buildings are not energy efficient and are considered by the applicant to be no longer fit for purpose.

The Local Plan Proposals Map does not afford the site any specific designation or heritage, landscape or other environmental protection. The surrounding development consists of residential properties with two storey terraced houses to the north, south and west and single storey bungalows to the east. A Co-Op shop is located to the west of the site on Harewood Road and Larchwood Primary School is within a short walking distance.

The Environment Agency flood risk maps shows the site as falling within a very low flood risk area, and part of the site as being subject to surface water flooding.

3. Policy Context

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

- MG01: Spatial Strategy
- MG03: Settlement Hierarchy
- MG05: Developer Contributions
- BE01: Carbon Reduction and Renewable Energy
- BE02: Water Efficiency and Management
- BE03: Establishing Low carbon and Renewable Energy Infrastructure Network
- BE04: Managing Heat risk

- BE05: Sustainable Drainage
- 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
- NE08: Air Quality
- NE09: Flood Risk
- NE06: Allotments and Community Food Growing Space
- NE10: Contaminated Land and Hazardous Substances
- PC10: Protecting and enhancing community Facilities

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, 3 neighbour representations have been received for this application. These can be summarised as follows:

- Redevelopment is very welcome in principle, but the existing bedsits provide homes for elderly, mostly single, tenants. Replacing them with one and two bedroom flats will mean families are moving onto the site.
- An increase in the number of adults means a potential increase in the number of cars being used by tenants and visitors.

- No measurements of the properties have been given, these may change down the line.
- There is a 3 storey block with balconies proposed on Carisbrook Road, how will this affect the sunlight of residents opposite and what is the distance between proposed and existing properties on the other side of the road?
- History of flooding down Carisbrook Road.
- Residents of nearby houses feel like their properties have been overlooked and that no compensation will be given to neighbours.
- Concern about dust and noise generated by the proposed works.

In response to the above comments received, the following comments are provided:

- The provision of one and two bedrooms units responds to the housing need and waiting list. The proposed layout is not suitable for families.
- Due to the demographic of future residents, it is not anticipated that the level of car ownership will be high. The development is in a sustainable location, with a community electric bus parking space on-site to promote sustainable forms of transport. Essex Highways have also raised no objections to the proposed development.
- All plans are to scale with the internal measurements provided in the accommodation schedule. Once approved, the development should be built with in accordance with the plans.
- The scheme was amended to remove the balconies to the apartments which face Carisbrook Road. The application is supported by a Daylight and Sunlight Report which confirms there will be no loss of daylighting to adjacent properties. The distance between the property of the respondent and the proposed development is circa 20m.
- The proposal cannot deal with surface water flooding outside the site boundary – but local authorities should ensure that flood risk is not increased elsewhere (by the development).
- Extensive consultation has been undertaken to obtain feedback from residents, alongside engagement with officers. These are captured in the SCI.
- The Construction and Environmental Management Plan will prevent noise and dust pollution at restricted times.

The application is also accompanied by a 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**

The above site is a previously developed site providing social housing owned by the

Council. The proposal will provide 40 new affordable homes, which will help the Council with delivering its housing needs and goes beyond the requirements of policy HP05: Affordable Housing, which requires 35% affordable homes.

The Local Plan Strategic Policy BE01: Carbon Reduction and Renewable Energy, requires all major developments to achieve at least 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations. The proposal is expected to achieve zero carbon in use which goes beyond the requirements set out in the Local Plan policy.

The policy requirements that apply to this development have been met and is policy compliant. Therefore, from a planning policy perspective there is support for the application.

- **Housing Services Manager**

Further to your consultation request on the above proposed re-development of the Council owned Sheltered Housing Scheme which comprises of 29 one bedroom and bedsit properties to create 40 one-bedroom and two-bedroom apartments, which will be 100% affordable. I can confirm that Housing Services do fully support the application.

It is critical that we can increase the supply of affordable and good quality housing provision within the Borough to ease the burden on the Councils waiting lists and reduce homelessness.

Currently, we have 321 applicants who are registered on the Council's housing waiting lists for this type of accommodation and the minimum waiting time is in excess of two years.

The majority of these properties are in extremely poor condition due to their age and build type are no longer fit for purpose. For the most part, the properties are 'hard to let' which has meant that they are either allocated as emergency accommodation or remain empty. At this present time 8 of the properties are currently empty. In addition, there has been an increase in various types of anti-social behaviour in the immediate vicinity.

The approach to delivering carbon zero homes will provide energy efficient homes by using alternative heat sources and heat recovery systems, which will result in lower running costs for our residents, which will alleviate the impact of these issues.

The planned regeneration of the site demonstrates the Council's commitment to deliver much needed new affordable, low-cost housing for its residents and will also benefit the overall wider community in providing a community that they would want to live in.

- **Ecology, Landscape and Arboriculture Officer**

The site contains existing buildings set around a courtyard. There are only 5 small trees and shrubs on the site at present. Four have been assessed as Category C (Low Value) and one Category U (Unsuitable for retention). There is one large oak close to the northeast boundary which has been assessed as a Category B (Moderate Value) tree. Other off-site trees close to the boundaries have all been assessed as Category C. The arboricultural impact assessment confirms that all the offsite trees can be adequately protected during construction.

The existing trees within the site will require removal but new tree planting provided as part of the landscape scheme would mitigate for their loss. The Category B Oak is a large specimen with good amenity value. It is proposed to crown-lift this tree as it hangs

low over the site. This work would be required irrespective of this development as its branches are already touching the existing garages and are likely to cause structural damage if left.

The landscape scheme that has been submitted is considered broadly appropriate. Details have been provided for boundary treatments which are acceptable. A planting schedule has been provided, however this does not include a number of individual species and they have not been plotted on the landscape plan. It will be necessary to request a landscape condition requiring this information unless it can be provided prior to the application being determined.

An ecological assessment has been undertaken. This concluded that the site has generally low ecological value which is considered appropriate.

Some of the buildings were assessed as having low to moderate potential for summer roosting bats due to damaged soffits and loose tiles, although no signs of use were recorded during the survey. As a result, additional emergence surveys will be required between May and August to determine whether a Natural England licence is required and what mitigation is required. It is considered that this can be conditioned due to the generally low likelihood of use and that the scheme has the potential to provide appropriate mitigation if required.

During a site visit in the summer I noted birds using the roof space of building B4 for nesting. It will be important therefore to ensure that demolition is undertaken outside of bird nesting season.

I have no objection to the proposal subject to the additional information on the proposed planting and the results of the bat emergence surveys.

- **Environmental Health Officer**

- Contaminated Land

The Ground Investigation Report dated September 2022 found elevated levels of cadmium in the topsoil. As stated in Section 10.2.2, "Localised elevated Cadmium was recorded in WS5 at 0.2m in the reworked topsoil; this is potentially a risk to Human health only if gardens where vegetables can be grown are proposed. In this case further assessment and / or remediation will be required. If only communal gardens where homegrown vegetables are not allowed are proposed there will be no significant risk to end users". Elevated Benzo(a)pyrene, Benzo(b)fluoranthene and Dibenzo(a,h)anthracene were also recorded within the area of the infilled pond.

Environmental Health agree with the recommendations provided in the Section 12 of the Ground Investigation Report (listed below).

- Completion and reporting of the scheduled gas monitoring.
- Further investigation of the reworked topsoil and Made Ground, in particular in the area of the infilled pond.
- Discussions with service providers regarding the materials suitable for pipework etc.
- Discussions with regulatory bodies regarding the conclusions of this report.
- Detailed design of foundations.
- Potential Remediation of the site and verification of the remedial works.

Environmental Health supports that a remediation strategy should be submitted and approved before development begins, particularly as the site will have gardens and the

Design and Access Statement supports 'grow your own'. A verification strategy demonstrating the results of remediation should be submitted and approved once the approved remediation strategy has commenced.

Noise

Environmental Health recommends the submission of a Construction Environmental Management Plan (CEMP) for approval prior to the commencement of any work regarding the demolition and construction within a residential area. The CEMP should, as a minimum, consider 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.

Environmental Health would also 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.

Bonfires

No bonfires during construction.

- **Operational Services Manager**

No response received.

- **Energy and Sustainability Advisor**

This review finds the planning requirements have been generally discussed, but also that there are some shortcomings in the amount and presence of some other data provided. The review suggests the need to prepare and submit a new energy review and accompanying sustainability statement to Brentwood Borough Council prior to commencement of development, to meet policy requirements and demonstrate how zero carbon in use can be achieved.

- **Mid & South Essex Health Care**

It is noted that, although the planning application proposes no.40 new dwellings, no.29 existing dwellings would be demolished giving a net gain of no.11 additional dwellings. You also highlight that all dwellings delivered would be affordable and built to net zero carbon (NZC) standards and that the scheme has significant viability challenges.

The ICB recognises the health benefits of providing high quality affordable homes and using NZC technologies. Taking these factors into consideration, the ICB would not request a financial contributions towards mitigating the development's impact on healthcare infrastructure but requests that the need for affordable homes for healthcare workers is recognised within the provisions controlling the allocation of the affordable homes to be provided.

- **National Highway**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and

needs as well as in providing effective stewardship of its long-term operation and integrity.

Referring to the consultation on the proposed development in the vicinity of the A12, that forms part of the Strategic Road Network, National Highways have no objection to the granting of permission. This site is some distance from the strategic road network, given this and the fact that the existing 29 dwellings are to be demolished and replaced, the extra traffic will be small and will be diluted by the time it reaches the A12. Therefore, the effect on the Strategic Road Network is unlikely to be severe.

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

The proposals entail the conversion of an existing local authority residential development of 29 dwellings into 40 new social / affordable one and two bed flats with parking for 22 cars. Vehicular access to the site's parking area is already established via an existing dropped kerb facility on Harewood Road. Parking provision for the proposals is below Brentwood Borough Council's adopted standards. However, the plans represent a significant improvement on the existing provision of four under-sized garages and one parking space for the whole site. It should also be recognised that car ownership for this type of housing is notably lower than for private market housing, so any impact of the development on surrounding streets should be minimised. Consequently, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to a number of requirements.

- **ECC SuDS**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to 4 conditions.

- **ECC Archaeology**

There are few entries in the vicinity of the proposed development. "Bishops Hall", a farmstead recorded in 1567 and still visible on early OS mapping (EHER 46494), is located to the south of the development area. The proposed development is outside the historic extent of this farmstead (which has been entirely demolished and is now covered in modern residential development). The site of an early 20th century radio station which played a significant role in WW2 and was heavily defended (EHER 15144) is located to the north-east of the proposed development. However, this is also outside the extent of the proposed development.

It is unlikely that the proposals will significantly affect any archaeological remains. The office has no archaeological recommendation to make on this application.

- **Essex Badger Protection Group**

Mitigation measures are recommended during the construction to protect any animals which may stray onto the site during the works. These should be included as conditions on any planning permission awarded and go beyond the basic mitigation proposed by the ecological appraisal which we consider to be insufficient.

- **Essex Police**

The applicant has had consultation with Essex Police, Designing out Crime Officer and incorporates designing out crime measures across the site, ensuring that subliminal crime prevention is apparent throughout the development and will ensure a safe and sustainable development for future residents of the development.

In view of the positive consultation and response to previous discussions between Essex Police and the applicant, Essex Police would like to see this applicant seek to achieve a Secured By Design (SBD) award in respect of this development. There are no apparent concerns with the layout of this site and we are be satisfied the site could potentially meet the necessary SBD accreditation.

- **Basildon Fire Station**

The proposal does not appear to affect Fire Service access to existing premises in the vicinity. Fire Service vehicular access to all aspects of the development will be expected to meet the requirements of the Building Regulations.

However, it is unclear how the proposal will achieve compliance with the requirement of Fire Service vehicular access to all aspects of the development for some of the 2nd floor flats, Unit 2 etc. Additionally, concern is raised with regard to the 'semi-private space' on some walkways which may lead to future access / fire loading issues and be detrimental to Brentwood Borough Council's 'CAMP' policy should the development remain under the Councils control; further observations on these matters will be made at consultation stage should the proposal be approved.

The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no objection to the application subject to a number of criteria being understood.

- **Gas Pipeline**

Regarding the planning application which is in close proximity to our medium and low pressure assets, Gas Pipeline has no objection to the proposal from a planning perspective, however the following action is required. The following Informative Note should be added into the Decision Notice to prevent damage to our assets or interference with our rights:

"Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to."

- **Anglian Water**

Assets Affected

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.

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Thames water owned asset Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Technical Note-Additional Information. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal

Anglian Water has reviewed the submitted documents DRAINAGE STRATEGY REPORT and DRAINAGE STRATEGY APPENDIX, SUDs will be utilised with a final connection to the Anglian Water network at a maximum rate of 2l/s and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted.

- **Thames Water development Planning**

Thames Water raise no objection with regard to SURFACE WATER drainage if the developer follows the sequential approach to the disposal of surface water. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimise the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way.

Thames Water would not have any objection to the above planning application, based on the information provided with regard to waste water network and sewage treatment works.

- **Historic England**

No comments.

- **Environment Agency**

No comments.

- **Essex & Suffolk Water**

No response received.

- **Essex Wildlife Trust**

No response received.

- **Natural England**

No response received.

- **Royal Society For The Protection Of Birds**

No response received.

- **National Grid**

No response received.

- **Affinity Water**

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 3 above.

- **Principle of Development**

The site is located within Pilgrims Hatch and Local Plan Policy MG03 (Settlement Hierarchy) states that the main urban areas of Brentwood Borough, including Pilgrims Hatch, fall within the Settlement Category 1, namely Brentwood Urban Area. The settlement strategy further states that Brentwood offer the most scope to develop in accordance with sustainable development principles within this settlement category. Additionally, Policy MG03 notes that brownfield redevelopment opportunities will be encouraged to meet local needs.

The current site consists of a social housing scheme with 22 small bedsit bungalows, 6 one bedroom flats, a two storey house, a community room and garages. The size of the units is significantly below the national space standards for housing. The proposal is to redevelop this brownfield site into a zero carbon (in use) 100% affordable housing development, consisting of 40 one and two bedroom units and a community room.

The development would lead to a net increase in housing from 29no. bedsits/bungalows to 40no. affordable housing units, which would contribute towards the council's five year housing supply and improve the quality and quantity of housing stock in accordance with Local Plan Policy MG01 (Spatial Strategy).

A building recording report submitted with the application has demonstrated that the buildings were constructed in the early 1960's as part of a post war need for social housing provision. The buildings now present cramped living conditions and poor level of energy efficiency. The Housing Services Manager agrees that the buildings are in extremely poor condition due to their age and build type, being no longer fit for purpose. The officer also noted that the majority of the properties are 'hard to let' due to their condition; as a consequence they are either allocated as emergency accommodation or remain empty. At this present time 8 of the properties are currently empty.

Demolishing the existing housing stock will allow the provision of a high quality affordable housing development, designed to the highest sustainability standards. The proposed scheme would make a more efficient use of land compared to the existing, as well as significantly enhance the quality of the housing accommodation to meet the needs of local social tenants.

The new carbon zero homes would provide energy efficient homes by using alternative heat sources, heat recovery systems and photovoltaics panels. This will result in lower running costs for the residents, which will alleviate the impact of the increasing energy price.

The proposed community room will replace the current community space. As a result, the development does not result in the loss of a community asset in accordance with Local Plan Policy PC10 (Protecting and Enhancing Community Facilities). The room would be a "bookable space" for tenants and community groups coordinated by Brentwood Borough Councils Housing Team.

To conclude, the principle of development is considered acceptable and in accordance with Local Plan Policies MG01, MG03 and PC10.

- **Layout**

The proposed layout is articulated into two main areas. To the east is the parking area, accessible from Harewood Road, which includes a space for an electrically charged community bus. This broadly extends across a fourth of the site.

The residential development covers the remainder of the site, with entrances from Harewood Road, Iver Road, Carisbrook Road and the proposed parking area to the east, which is the main entrance. It comprises 3 blocks (A, B, C as shown on the elevation drawings) of simple, rectangular form, which run along the site boundary, sufficiently set back to allow the provision of ground floor gardens. Block C (to the east) partially overhangs the car parking area, creating a row of undercroft car parking spaces.

The ground floor includes a communal room measuring 45.2sqm, and a dedicated bin store room.

In the centre of the development is the central communal space with seating, picnic tables, rain gardens and raised beds for 'grow your own' allotments opportunities for residents.

Secure cycle parking is provided within the entrance lobbies, and a dedicated parking area for mobility scooters and bicycles is located by the Carisbrook Road entrance. Additional cycle parking has been provided along Harewood Road.

The buildings range from 2 to 3 storeys, with two storey blocks on the south and west boundaries facing Iver Road and Carisbrook Road. The three storey blocks to the north and east face Harewood Road and the proposed car park.

The proposed layout fits in well with the local urban grain, providing strong frontages and active surveillance, with permeability throughout the site, as well as opportunities for private and communal amenity spaces.

The proposal has been designed in consultation with the Essex Police Designing Out Crime Officer and incorporates designing out crime measures across the site. These measures include a secure communal area, defensible space in front of ground floor windows, secure cycle storage, secure parking and natural surveillance over car parking spaces.

In conclusion, the proposal provides a high quality design and layout and the arrangement of streets, buildings and green spaces would create an attractive, welcoming and distinctive place, which will foster a sense of belonging and community. This aspect of the proposal is in accordance with Local Plan Policies BE14 (Creating Successful Places), and BE15 (Planning for Inclusive Communities).

- **Design, Character and Appearance**

The proposed design presents strong frontages onto Harewood Road, Iver Road and Carisbrook Road.

Following a careful analysis of the local context and discussion with officers, the 3

storey elements have been located along Harewood Road, the key frontage, acting as the main elevation of the development.

The surroundings of the site consist of two-storey terraced houses to the south and west of the site, as well as single-storey bungalows to the north and east. There are also examples of three storey blocks of flats within the wider area. The site is separated from the surrounding dwellings with roads on its three boundaries. This allows for a slightly different scale to be developed without harming the character or appearance of the area whilst providing an efficient use of the site. Therefore, the size and scale of the development is considered appropriate in line with Local Plan Policy BE14.

The materials comprise a mix of light beige aluminium composite timber frames, red multi bricks, olde Essex red multi bricks and light beige renders. The palette of material is consistent with the character of the local area.

The proposed design is characterised by a brick clad first floor, which visually unifies the development, whilst the upper floors are finished with white render. The upper floors are subdivided into sections by brick cornices that not only break down the otherwise monotony of the white render, but also reflect on the elevation the extent of each individual unit's floorplan, making it easy to distinguish the flats from street level. The brick cornices produce vertical shadow gaps, which add interest to the elevation and conceal rainwater pipes and expansion joints.

The presence of horizontal brick bands (horizontal soldier bricks) and brise soleil above doors and windows further articulates the elevations. It is noted that the sizes of fenestration and shape of brise soleil are designed to meet thermal efficiency.

The edges of the flat roof are defined by aluminium capping, not only as a decorative feature but also to protect the top of the parapet walls from deterioration.

The proposed design represents a contemporary interpretation of the local vernacular (brick clad ground floor and render above) and makes a positive contribution to the character and appearance of the locality, in compliance with Local Plan Policy BE14.

The proposed balconies are another key component of the elevations. They provide private amenity space for the upper floor units, external circulation space for the upper floor flats and, importantly, they create a connection between the various blocks creating seating areas.

The balconies' metal railings characterise the gaps between the blocks and are a design feature of the undercroft car parking, as shown in the north-east and south-east corner elevations.

With respect of daylight and sunlight, the orientation and arrangement of the buildings is such that a greater number of units would have a south facing windows, to reduce energy demands and create light and sun filled comfortable and healthy living

environments in accordance with Local Plan Policy BE14. The buildings have also been designed to accommodate measures for solar shading in accordance with Local Plan Policies BE02 (Water Efficiency and Management) and BE04 (Managing Heat Risk).

- **Density**

The site measures 0.33 hectares with a density of 120 dwellings per hectares. This would promote an efficient use of land and exceed the minimum requirement of 35 dwellings per hectare in accordance with Local Plan Policy HP03 (Residential Density). The proposed density is considered appropriate in the context of a busy urban location.

- **Housing Mix and Affordable Housing**

The proposal would provide 40 apartments with the following housing mix:

House type (Affordable Housing)	Ground floor M4(2)	Ground floor M4(3)	First floor	Second floor	Total
One bedroom	7	1	11	8	27
Two bedroom	3	2	6	2	13
Total	10	3	17	10	40

The Affordable Housing Statement submitted with the application explains that the affordable housing type, mix and size has been determined by the current occupiers right to return, the strategic housing market assessment, housing strategy and Brentwood Borough Council Housing Team to ensure the proposed mix of units meet local housing need. The overall unit mix is considered acceptable and compliant with Local Plan Policy HP01 (Housing Mix).

The proposal would provide 100% affordable/social rented housing exceeding the minimum requirement of 35% of total number of residential units, as set out in Local Plan Policy HP05 (Affordable Housing). Whilst the policy would recommend a tenure split of 86% Affordable/Social Rent and 14% as other forms of affordable housing, the proposal focuses on affordable/social rented only to reflect local demand. The Housing Manager confirmed that Housing Services fully support the proposal.

The detailed schedule of accommodation submitted with the application demonstrates that all the proposed units are compliant with the nationally-described space standards as required by Local Plan Policy HP06 (Standards for New Housing). All units will be constructed to meet requirement M4(2) accessible and adaptable dwellings, as per policy requirement, and three units will be to M4(3) wheelchair accessible ground floor units (7.5%).

The proposal is considered to meet the requirements of Local Plan Policies HP01,

HP05 and HP06 as well as paragraph 60 of the NPPF.

- **Private and Communal Amenity**

The proposed development features a 400sqm private communal garden area, in the centre of the site, this will include seating, picnic tables, rain gardens and raised beds for 'grow your own' allotments opportunities for residents.

The inclusion of 'grow your own' areas is strongly welcomed, as it encourages social integration and community cohesion, in line with Local Plan Policy NE06 (Allotments and Community Food Growing Space).

With the exception of one unit, all the ground floor flats would be provided with private gardens on their front elevations and defensible space facing the central garden area. The ground floor with no private garden benefits from a 5sqm semi-private space and from close proximity to the communal garden area.

The Essex Design Guide stipulates that development on sites larger than 0.1 hectares should provide at least 25sqm of private space for each home. For this scheme, this would equate to 1,000sqm. However, the Guide also notes that apartments adjacent to and overlooking a park or other large public space of high amenity value could be provided with a smaller amount of communal space. Incorporating balconies into residential accommodation is encouraged and will be expected where the private communal space provision does not equate to 25sqm per flat.

All the proposed ground floor units apart from 1 benefit from defensible space as well as a private garden. One unit benefits from defensible space only. All the upper floors apart from 4 will be provided with 5sqm private balconies. Seating areas and communal balconies are available to the 5 units with no private garden or balcony, in addition to the central communal garden area.

Furthermore, the proposed development is within a 7 minute walk from a park to the east by the Brentwood Centre, and a 20 minute walk to the west from Weald Country Park.

On balance, it is considered that the provision of private and communal amenity space is acceptable and in line with Local Plan Policy HP06.

The scheme does not propose to provide children's play space. This is deemed acceptable given the nature of the scheme and demographic of future residents. The development includes a mix of one and two bedroom units for smaller and older households, thus the Council's Housing Team will not be seeking to place families with young children within the development as the accommodation is not suited to families. A Local Lettings Plan bespoke to the site will be prepared and submitted to Council Housing Committee prior to the occupation of the development.

- **Residential Amenity (Privacy, Noise and Lighting)**

The site is bound by other residential properties. The proposed units will maintain a minimum of 24m back-to-back distance between the east elevation and the back of the existing neighbouring bungalows. It is therefore considered that the proposed development will not result in overlooking and loss of privacy to the existing residential properties.

The distance between the southern and eastern blocks and the properties on the other side of the road varies between 15.4m and 20m. In light of this closer relationship, these blocks are 2 storey high to avoid being overbearing and leading to overlooking and loss of privacy. The southern block facing Carisbrook Road has no balconies to avoid creating opportunities for overlooking.

The Daylight and Sunlight report that accompanies this application demonstrates that the neighbouring buildings will not experience any adverse impact in terms of daylight and sunlight intake as a consequence of the proposed development.

Due to the configuration of the proposed courtyard, the windows of the proposed dwellings will face each other. However, the distance between units is sufficient to avoid impacting on the privacy of future residents in accordance with Local Plan Policy BE14.

Local Plan Policy BE14 also requires the proposal should mitigate the impact of air, noise, vibration and light pollution from internal and external sources, especially in intrinsically dark landscaped and residential areas.

With regards to noise, the proposed development is to be delivered on an existing housing site in a predominantly residential area. As a consequence, there will not be any impact on residential amenity of future residents or existing neighbouring residents. A condition requiring the submission and agreement of a Construction Environmental Management Plan prior to the commencement of the development will outline the methods to minimise the noise and air quality impact of the development on neighbouring residents.

A lighting scheme and details of lights have also been submitted, which provides secure lighting to the parking area and limits any light spill into adjacent properties. The car parking area will be lit by undercroft lighting and from the electrical vehicle charging upstands. The courtyard area will be lit by bollard lighting. This provision guarantees a safe environment whilst avoiding light pollution.

To conclude, this aspect of the proposal is in line with Local Policies BE14 and NE08 (Air Quality).

- **Landscape, Trees and Ecology**

A Tree Survey has been submitted with the application, which considers the condition, life expectancy and importance of the existing trees which has been assessed by the

Council's Arboricultural/Ecology officer. His comments are recorded in full above, but in short he concurs with the findings of the report.

The proposed landscape arrangement sees the retention of the existing trees on the site's eastern boundary and replacement planting to offset the loss of 2 trees and 3 shrubs, with hedging and shrubs as well as 15 additional trees. This is considered appropriate and in compliance with Local Plan Policy NE03 (Trees, Woodlands, Hedgerows).

A soft landscaped area will be provided along the boundary of the site consisting of grass, hedges and trees in accordance with Local Plan Policies BE14 and BE15.

The landscape strategy for the central courtyard has already been set out earlier in this report.

The Council's Ecologist, Landscape and Arboricultural Officer confirms that the landscape scheme is considered broadly appropriate. Details have been provided for boundary treatments which are acceptable. A planting schedule has been provided however this does not include a number of individual species and they have not been plotted on the landscape plan. These details should be submitted as part of a condition attached to any planning permission.

A Preliminary Ecological Appraisal has been submitted with the application, which confirms that the habitats on the site are of low ecological value. The Council's Ecologist, Landscape and Arboricultural Officer has requested that a condition be imposed requesting additional bat emergence surveys to be undertaken between May and August, as some of the buildings were assessed as having low to moderate potential for summer roosting. The officer also recommended a condition requesting works to be carried out outside of bird nesting season.

The proposed landscape enhancements include native species rich hedgerows and trees around the site, the provision of integrated swift boxes and sparrow terrace boxes and porous hedgehog fencing. This is considered appropriate and will lead to the provision of net biodiversity gains in accordance with Local Plan Policies NE01 (Protecting and Enhancing the Natural Environment) and NE02 (Green and Blue Infrastructure).

Therefore, subject to conditions, the proposal is considered in compliance with Local Plan Policies NE01, NE02, NE03, BE14 and BE15 as well as paragraph 179 of the NPPF.

- **Access, Parking and Highway Considerations**

The vehicle access into the site's car park is already established via an existing dropped kerb facility on Harewood Road. The proposal includes a new car park with 22no. parking spaces to the east of the site.

It is noted that the parking provision is below Brentwood Borough Council's adopted standards, requiring a minimum of 1no. space per 1-bed dwelling and 2 spaces per two-bed dwellings or more. A parking stress survey has been commissioned and confirmed that there is an average capacity of 92no. unrestricted parking spaces within a 200m walking distance from the site, demonstrating that the proposed development is unlikely to lead to an adverse impact on the surrounding local highway network.

The proposal presents a betterment to the existing scheme with 29no. dwellings having 1no. parking space and 1no. disable bay. It is also noted that car ownership for the proposed development would be lower than for private market housing given the demographic of future occupants. Essex Highway Authority considered the development would have a minimal impact on surrounding streets with regards to car parking. Therefore, the proposed parking provision is considered acceptable in principle in accordance with Local Plan Policy BE13 (Parking Standards).

The proposal also provides 1no. cycle parking per dwelling and 1no. visitor cycle parking per 8 dwellings in line with Essex Council's Cycle Parking Standards. 40no. cycle parking and 6 visitor cycle parking spaces have been provided in total by the entrances to the community space. This is supported and is in line with the requirements of Local Plan Policy BE9 (Sustainable Means of Travel and Walkable Streets).

The proposed development incorporates 22 EV charging points, 11 twin outlet chargers and one single for a community bus in accordance with Local Plan Policy BE11 (Electric and Low Emission Vehicles). The inclusion of a dedicated space for a community bus is particularly welcome as it will serve residents of the development as well as of the neighbourhood and beyond.

To cater for the anticipated demographic of future residents, the proposal includes a dedicated, secure area to park 8 mobility scooters, and the 3no. M4(3) units have been designed to park internally 2 mobility scooters each.

Given the predominantly residential setting of the area, it is considered that the proposed development will not significantly increase traffic movements. A Transport Assessment has been submitted demonstrating the proposal will not have an adverse impact upon the highway network. National Highways and Essex Highway Authority have been consulted on this matter and confirmed that the impact of the proposal is acceptable from a highway and transportation perspective in accordance with Local Plan Policy BE12 (Mitigating the Transport Impacts of Development).

The proposal is therefore considered in accordance with Local Plan Policies BE09, BE11, BE12 and BE13.

- **Sustainability**

The proposed development aspires to meet the requirements of Passivhaus as well as achieving net zero emission in use. This meets the aspirations of Local Plan Policy BE03 (Establishing Low Carbon and Renewable Energy Infrastructure Network) and of paragraph 148 of the NPPF, which requires the planning system to support the transition to a low carbon future in a changing climate.

A net zero carbon building is highly energy efficient and powered from on-site and/or off-site renewable energy sources, with any remaining carbon balance offset.

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

Local Plan Policy BE01 (Carbon Reduction and Renewable Energy) requires a 10% CO2 reduction of Part L of the Building Regulations as a baseline. An Energy and Sustainability Statement has been submitted with the application which confirms that the scheme will target zero carbon emissions (in use) which exceeds policy requirements.

Policy BE01 further states that *“wherever possible, application of major development will be required to provide a minimum of 10% of the predicted energy needs of the development from renewable energy”*. Ground source heat pumps and solar photovoltaics are proposed, which meet the requirement for renewable energy supplement. The proposed waste water heat recovery system would also provide a small energy saving contribution to reduce carbon emissions.

Details of water efficiency measures to limit water use to 110 litres per person per day have also been provided. This is welcomed and in accordance with Local Plan Policy BE02.

As explained above, the homes will be designed with a fabric first approach and achieve a thermal bridge and draught free building envelope, which exceeds building regulations requirements for airtightness circa five times over. All the homes will be tested against the stringent Passivhaus pressure test requirements. This in line with the requirements of Local Plan Policy BE04.

The Energy and Sustainability Statement has been reviewed and it is found that the statement has generally positively addressed and sometimes exceeded the relevant planning requirements. The review goes on to state that certain areas of the scheme require additional detail to ensure the aims and intent of the zero-carbon in use development are achieved and to future proof the development for its occupiers.

However, there are some shortcomings in the amount and presence of some other data provided. Therefore, the Council's advisor has requested that an updated Energy Review and accompanying Sustainability Statement should be submitted prior to commencement of development to confirm how policy requirements are met and demonstrate how zero carbon in use can be achieved once the design is progressed to a more detailed stage.

Subject to the above condition, this aspect of the proposal is therefore considered to meet and exceed the requirements of Local Plan Policies BE01, BE02 and BE03 and BE04.

- **Refuse**

Local Plan Policy BE14 requires proposal to meet high design standards and to sensitively integrate parking places and functional needs for storage, refuse and recycling collection points.

The proposed site plan locates the bin store south of Harewood Road and north of the communal courtyard. During the pre-application process, the Council's Operational Services Manager confirmed that the location of the bin store room (which has not changed) is acceptable and policy compliant.

- **Drainage and Flooding**

A Flood Risk Assessment and Surface Water Drainage strategy have been submitted with the application in line with Local Plan Policies BE05 (Sustainable Drainage) and NE09 (Flood Risk). The Flood Risk Assessment confirms that the site is not at risk of flooding.

The drainage strategy has proposed the surface water to be disposed of by a combination of reuse, infiltration, attenuation and swales. The swales are located within the courtyard in line with Local Plan Policy NE02 (Green and Blue Infrastructure). Both infiltration and attenuation is proposed in the form of a below ground tank, as there is limited space for above ground SuDS features.

The majority of runoff from the residential roof will enter the filtration tanks located in the car park and the courtyard. Runoff from the car parks will be dealt with via permeable paving, and those from the footpath will be dealt with as swales in the courtyard.

With regard to surface water discharged into outfalls, a portion of surface water from the site will be discharged via infiltration and the remaining volume will be discharged to the nearby surface water sewer. Anglian Water has been consulted in the pre-application process and confirm the discharge point on Carisbrook Road in line with Local Plan Policy BE02.

Additional information has been provided by the applicant to demonstrate that the

appropriate level of treatment for all runoff leaving the site have been assessed in line with the Simple Index Approach of the CIRIA SuDS Manual C753. The pollution hazard level is considered to be low to very low.

The Essex County Council SuDS Officer has been consulted and has no objection subject to conditions. Therefore, the drainage is considered to be dealt with sustainably and would not increase the flooding elsewhere in accordance with Local Plan Policies BE02, NE02, BE05 as well as paragraphs 167 and 169 of the NPPF.

- **Archaeology**

The proposal site is not in a Conservation Area and there are no Listed Buildings or Heritage Records in its close proximity. The Essex County Archaeologist has commented on the proposal and concluded that it is unlikely that the proposals will significantly affect any archaeological remains considering the sparse nature of known nearby archaeological remains, coupled with the current developed nature of the site (which is likely to have disturbed any deposits that do exist).

The proposal is therefore considered to be then accordance with Local Plan Policy BE16 (Conservation and Enhancement of Historic Environment) and paragraph 94 of the NPPF.

- **Land Contamination**

A Ground Investigation Report has been prepared which found that there is a low to moderate risk to various receptors from a number of potential sources.

The following recommendations was made: *“Completion and reporting of the scheduled gas monitoring. Further investigation of the reworked topsoil and Made Ground, in particular in the area of the infilled pond. Discussions with service providers regarding the materials suitable for pipework etc. Discussions with regulatory bodies regarding the conclusions of this report. Detailed design of foundations. Potential Remediation of the site and verification of the remedial works”*.

The Environmental Health Officer has reviewed the Ground Investigation Report. The Officer agrees with the recommendations and requests that a remediation strategy be submitted prior to the commencement of development, and a verification strategy demonstrating the results of remediation be submitted and approved after the commencement of the remediation strategy.

Subject to conditions, the proposal is considered to comply with Local Plan Policy NE10 (Contaminated Land and Hazardous Substances).

- **Contributions**

Contributions towards healthcare would have been applicable to this proposal, in principle. However, further to discussion with officers and the applicant team, the NHS Mid and South Essex ICB recognised the health benefits of providing high quality affordable homes and using net zero carbon technologies. Taking these factors into consideration, the ICB did not request financial contributions towards mitigating the development's impact on healthcare infrastructure.

The ICB initially requested that the need for affordable homes for healthcare workers be recognised within the provisions controlling the allocation of the affordable homes. However, the Housing Department noted that the proposed affordable homes will be allocated in accordance with the local housing need list, which may include healthcare workers. Priority will be given to those existing tenants who wish to exercise the right to return. The ICB accepted this position and confirmed that they are satisfied with this approach.

The proposed number of units is below the threshold to generate a contribution towards Education.

Conclusion:

The principle of brownfield redevelopment is acceptable in the form as proposed; the scheme represents an opportunity for Brentwood Council to build, manage and retain its own affordable housing stock using its own asset, resulting in an inclusive and tenure blind affordable housing led scheme. Its sustainability credentials seek to at least match the requirements of the local plan policies. It is supported by the Council's Housing Service. In all other respects, it is considered to meet the thrust of both national and local plan policy, and is therefore recommended for approval, subject to conditions.

8. Recommendation

It is recommended that a RESOLUTION TO GRANT PERMISSION is issued subject to the following conditions:

1 TIM01 Standard Time – Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 Materials

Notwithstanding the details shown on the drawings hereby approved; no development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings and of ground surfaces, and details for fenestration and doors (e.g., typical reveals, tenure blind, concealed vent strips), 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.

4 Brickwork

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.

5 Site Levels

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

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

6 Boundary Treatments, External Lighting and CCTV

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

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

7 CEMP

No development shall commence, including works of demolition until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP should define best practice measures for ecological protection (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.

8 Ecology

The development shall not commence until a bat emergence survey, undertaken by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the recommendations of the survey.

Reason: In order to minimise the risk of harm to protected species. This information is required pre-commencement as any demolition or construction work has the potential harm protected species.

9 Landscaping

Prior to the commencement of the development hereby approved, a specification of all proposed soft and hard landscaping and tree planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme of soft landscaping shall include details of the quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape shall be similarly specified. All tree, shrub and hedge planting included within the above specification shall accord with BS3936:1992, BS4043:1989 and BS8545:2014 and current landscape best practice. The development shall thereafter be carried out solely in accordance with the details thus approved and shall thereafter be retained as such for the lifetime of the development unless otherwise approved, in writing, by the local planning authority.

Reason: To ensure a satisfactory and appropriate landscape scheme relative to the development in order to comply with Local Plan Policies NE02, NE03, BE14 and BE15.

10 Land Contamination

Prior to commencement of development, a remediation scheme should be submitted and approved in writing by the Local Planning Authority. A verification strategy demonstrating the results of remediation should be submitted and approved once the approved remediation strategy has commenced.

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.

11 Surface Water Drainage Scheme

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the

hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. 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 of exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- 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.

12 Pipe cleaning

The development hereby permitted shall not be commenced, except for demolition, 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. Failure to carry out the required maintenance 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.

13 Highway

Prior to occupation of the development, the existing dropped kerb at the site access shall be widened to a minimum 5.5m.

Reason: To ensure vehicles can pass each other in a controlled manner that is clear of the highway whilst entering and leaving Harewood Road, which is in the interest of highway safety and in accordance with Local Plan Policy BE12.

14 Highway

The proposed development shall not be occupied until such time as the vehicle parking area 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 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 Local Plan Policies BE12 and BE13.

15 Highway

Prior to first occupation, 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.

16 Highway

Prior to first occupation of the proposed development, the applicant 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.

17 Energy and Sustainability

Prior to commencement of development, an updated Energy and Sustainability Statement shall be submitted to the Local Planning Authority to demonstrate that the development will achieve zero carbon in use. This will include:

- Detailed calculations of the energy demand of the proposed building
- The way in which renewable energy generation will achieve at least 10% of the predicted energy needs of the development.
- Demonstration of how energy efficiency is to be achieved, to a standard commensurable to Passivhaus.
- The way the buildings will maintain thermal comfort during both wetter winters and drier, hotter summers

Reason: In the interests of improving resource efficiency to meet the government's carbon targets in accordance with Local Plan Policies BE01, BE02, BE03 and BE04.

18 Energy

Prior to first occupation, technical specification of the preferred ground source heat pumps and solar photovoltaics shall be submitted to the Local Planning Authority to demonstrate that the renewable energy technology can achieve the calculations set out

in the updated Energy and Sustainability Statement.

Reason: In the interests of improving resource efficiency to meet the government's carbon targets in accordance with Local Plan Policy BE01.

19 Affordable Housing

Prior to first occupation, detail of arrangements for the provision of the 100% affordable housing hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing.

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

20 Water efficiency

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.

21 Wheelchair access

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.

22 Wheelchair access

Flats 4, 6 and 10 shall be constructed to be capable of adaptation to 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.

23 Design

Notwithstanding the details shown on the drawings hereby approved; no external 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.

24 Ecology

Site clearance and demolition work shall only be undertaken between the months of September and February unless a scheme detailing a nesting bird check is submitted to and approved in writing by the local planning authority. The scheme shall include mitigation measures should any nesting birds be identified, including a suitable stand off and /or exclusion zones if nests or nests in construction are identified. The check shall be undertaken by a suitably qualified ecologist.

Reason: To avoid the destruction of habitats in accordance with Local Plan Policy NE01 and comply with relevant legislation.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG01, MG03, MG05, BE01, BE02, BE03, BE04, BE05, BE09, BE11, BE12, BE13, BE14, BE15, BE16, HP01, HP03, HP05, HP06, NE01, NE02, NE03, NE08, NE09, NE10 and PC10.

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 Cadent Gas Ltd

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

5 SuDS

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

6 SuDS

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

7 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.

8 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.

9 SuDS

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

10 SuDS

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

11 Highway

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.

12 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.

13 Highway

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

14 Secure by Design

Where possible, each element of the proposal shall be constructed to the standard required to achieve Secured by Design accreditation (as awarded by Essex Police) 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.

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:

Appendix A



Title : Land South of Harewood Road, Pilgrims Hatch, Brentwood, Essex CM15 9PD

22/01336/FUL

Scale at A4 : 1:1250

Date : 20th December 2022

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



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SITE PLAN ATTACHED

59 PETRESFIELD WAY WEST HORNDON BRENTWOOD ESSEX CM13 3TG

DEMOLISH EXISTING CONSERVATORY. CONSTRUCTION OF TWO-STOREY SIDE EXTENSION, SINGLE STOREY SIDE/REAR EXTENSION, LOFT CONVERSION TO INCLUDE 2 X PITCHED GABLES TO REAR, INSERTION OF 4 X ROOFLIGHTS TO FRONT ELEVATION AND ALTERATIONS TO FENESTRATION.

APPLICATION NO: 22/01282/HHA

WARD	Herongate, Ingrave & West Horndon	8/13 WEEK DATE	4 November 2022
PARISH	West Horndon	POLICIES	BE05, NE09, BE14
CASE OFFICER	Miss Georgia Taylor	01277 312620	

Drawing no(s) relevant to this decision: A.001; A.002; A.003; Site & Block Plan;

A Planning Referral Request was submitted by West Horndon Parish Council for the following reason:

Proposed works are large and bulky and will create privacy issues for neighbouring properties. Also, there is a substantial increase in habitable space leading to an increased off street parking requirement. Proposed works make no allowance for this. This will lead to increase on street parking. The property has a shared drive arrangement with neighbouring properties. This has been identified as a future area for conflict given the increased parking need.

1. Proposals

Demolish existing conservatory. Construction of two-storey side extension, single storey side/rear extension, loft conversion to include 2 x pitched gables to rear, insertion of 4 x rooflights to front elevation and alterations to fenestration.

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.

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy BE14: Creating Successful Places

3. Relevant History

- 22/00577/HHA: Proposed loft conversion to create rear dormer to include x5 roof lights. Single storey side and rear extension to include x4 rooflights. Height increase to existing porch to include x1 rooflight and alterations to fenestration.
-Application Refused

4. Neighbour Responses

Two neighbour objections were received during the initial neighbour consultation process with the following comments -

- No alterations made to the size of the development from the previous application
- No surrounding properties have a dormer window or Juliette balcony enabling exposed viewing to adjacent properties
- Additional bedrooms would increase parking which is currently maximised.
- The proposal seeks to show garden converted into parking spaces which would cause potential flooding issues
- Current driveway has access to three properties (No. 57, 59 and 61), and the proposed construction would result in disruption
- Discrepancies within the plans – application form and drawings appear to contradict themselves.
- Not opposed to extension, but the proposed is excessive in size and would be disruptive.
- Extension is overly large and bulky, and is out of keeping with the character of the area
- Loss of light from proposed single storey side extension
- Proposed dormer windows which although improved, are still considered obtrusive.
- Concerns regarding the waste.

Neighbours and the parish council were re-consulted following a correction to the description of the development to include a two storey extension. Following the re-consultation, a further neighbour comment was received with the following comments

- Loss of privacy to houses to the rear of the site.

- The proposal does not appear to be in line with the Brentwood Local Plan due to the reduced garden space.
- The proposed extensions are considered excessive in size.
- The area of West Horndon is located within a flood zone area, and any effect on drainage would result in risk to surrounding dwellings.

5. Consultation Responses

- **Parish Council:**

Parish Councillors noted that the proposed works were extensive and bulky. Given the increase in size of the property Parish Councillors believed that considerable privacy and parking problems would be experienced by neighbouring properties. It was expected that concerns would be raised by nearby properties and the Parish Council fully supported any comments submitted to the planning department regarding potential intrusion on living conditions for adjacent homes.

Second response:

Parish Councillors continued to be of the view that the proposed works were extensive and bulky. Indeed, following the clarification that a two storey side extension is proposed the works were regarded as even bulkier. Given the increase in size of the property Parish Councillors believed that considerable privacy and parking problems would be experienced by neighbouring properties. It is known that the occupants of both neighbouring houses hold objections to the proposed works and the Parish Council supports them in believing that this planning application should be refused.

In the period since submitting views on the first description of the proposed works, the Parish Council has written to Essex Highways seeking clarification on (a) why it was believed that sufficient off street parking remained within the curtilage of the property given the significant proposed increase in habitable space; and (b) if a site visit had been undertaken to appreciate the problems posed by the shared driveway arrangement with neighbouring properties. Unfortunately, the Parish Council still awaits a reply.

- **Highway Authority:**

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

The proposal retains adequate room for off-street parking within the curtilage, therefore:

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

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above condition is 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.

6. Summary of Issues

Planning permission is sought to construct a two-storey side extension, a single storey side and rear extension, rear dormer windows and insert roof lights at the front of the house to facilitate a loft room conversion. The extensions would accommodate 1 additional bedroom on the ground floor, and 1 additional bedroom in the loft space.

Site Description

The application site is located on the east side of Petresfield Way, West Horndon and comprises a two-storey detached dwelling, with a link detached garage shared with No. 57. The site is set in a corner plot of a turning head and abuts the rear gardens of dwellings in Thorndon Avenue to the east and open fields to the north. The house is accessed by a shared drive with its immediate neighbours, No. 57 and No.61.

The dwellings in Petresfield Way are a mixture of two storey detached dwellings of similar designs.

Site History

Planning permission was recently refused for a similar development at 59 Petresfield Way under planning application 22/00577/HHA for the following reasons:

R1

The proposed single storey rear extension would result in an unneighbourly addition along the full width of the common boundary with No. 57, resulting in an overbearing extension, detrimental to the enjoyment of the garden the occupiers should expect to experience. This is in conflict with Policy BE14 of the BLP and the NPPF.

R2

The proposed rear dormer, by way of its scale and design, would result in a bulky and dominant addition in the rear roofscape which would be to the detriment of both visual amenity and the character and appearance of the surrounding area. Furthermore, the front first floor extension to the hallway result in a disproportionate vertical addition,

harmful to the appearance of the surrounding area. As such, the proposals are in conflict with Policy BE14 of the BLP, the NPPF and the NPPG.

It should be noted that under provision of off-street parking was not a reason for refusal and the effect on neighbours living conditions was focused on no.57. Therefore the revised application need only seek to overcome the previous reasons for refusal while not creating new issues from a new design.

Pre-application was undertaken following the submission of the current application.

Design, Character, and Appearance

The previous application sought to construct a single storey side/rear extension with an 'L-shape' design that extended along the entire depth of the common boundary with No. 57, resulting in 8.9 m long built form. The current proposal seeks to construct an 'L' shaped single storey side/rear extension but the depth along the boundary has been reduced to 6 metres, with a mono pitch roof design, a maximum height of 3 metres and an eaves height of 2.3 metres. This is considered to overcome the first reason for refusal by reducing the depth along the boundary.

The current proposal has altered the design, style, and size of the proposed rear dormer by constructing two triangular pitched roofs with a flat roof link between. The roof of the dormer would be below the ridge height of the main house and it would be set in from each side of the roofscape; the triangle pitched sides have reduced the bulk of the dormer extension from the refused scheme and improved the design, therefore it overcomes the second reason for refusal.

The existing conservatory would be removed and, in its place, a two-storey, gable end extension would be constructed to a depth of 3 metres and a width of 5.9 metres. The ridge line of the main dwelling would be continued with eaves to match the existing; materials would also match. A full floor to ceiling height window is proposed at second floor.

The proposed alterations and fenestration include the insertion of 4 x rooflights to the front elevation which are set high within the roof scape and would enable natural light into the rooms within the roof.

Overall the design of the extensions are considered acceptable and would not have a harmful effect on the visual amenity or character and appearance of the surrounding area, and is compliant with the design criteria of policy BE14 of the Brentwood Local Plan.

Impact on Neighbour Amenity

No. 57

The immediate neighbouring dwelling No. 57 is located to the south and is positioned forward to the application site, closer to the highway. The attached garage is sited further back, forming one half of the double. It is considered that the reduced depth of the extension is much improved and no longer be a dominant overbearing addition. The proposed two storey element would be located at the other side of the application dwelling and have no effect on these neighbours living conditions by way of loss of light or overbearing. As the application property is set further back from no. 57 there would be no harmful overlooking into the rear garden from the rear dormer.

No. 61

The neighbouring dwelling No. 61 is set due west; the two-storey extension would be 4.7m away from the shared boundary and located on the north facing elevation. It would be far enough away from the neighbour so as to not result in a loss of light or overshadowing to habitable rooms; the windows proposed on this elevation would face towards open fields; oblique glimpses of the very rear of the back garden of no. 61 may occur but not to the detriment of their living conditions or to result in material overlooking.

No. 167 Thorndon Avenue

The neighbouring dwelling No. 167 is due east; the houses in this part of Thorndon Avenue have long gardens that abut the common boundary. The distance from the rear of the application site to the rear of 167 is approximately 56m. Given this distance it is considered that the proposed development would not be of a size or design to result in loss of light, have an overbearing impact or result in overlooking leading to a loss of privacy.

Highway Matters

The proposal does not include any changes to be made to the existing access and the parking arrangements will remain as existing. The driveway access is shared between 3 dwellings (Nos. 57, 59 and 61), the application site can accommodate two off-street parking spaces which complies with the Brentwood Borough adopted parking standards, and the Highway Authority has not raised any concerns with the parking provision provided. It is further noted that on-street parking restrictions apply.

Other Matters

Comments have been raised in regard to drainage and flooding, however the site does not lie within the critical drainage area or a flood zone area and therefore does not require specific mitigation to be introduced. The extensions would not reduce the private garden space for the occupiers of the application site to an unacceptable level.

Procedural matters:

The recommendation was listed on 28th October 2022 although the overall consultation period for comments to be received did not expire until 1st November. The published recommendation did not preclude further comments from being received or reported or from a request to refer the application to planning committee, but it would allow the application to be determined by its formal target date of 4th November should no substantively different comments be received that would alter the recommendation.

Conclusion

The development would not harm the living conditions of surrounding occupiers and the extensions for the main part are not seen from Petersfield Way. The revised plans are considered to overcome the previous reasons for refusal and in all other respects, the proposal would comply with Local Plan Policy BE14.

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 MAT03 Materials to match

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

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

Informative(s)

1 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 INF21

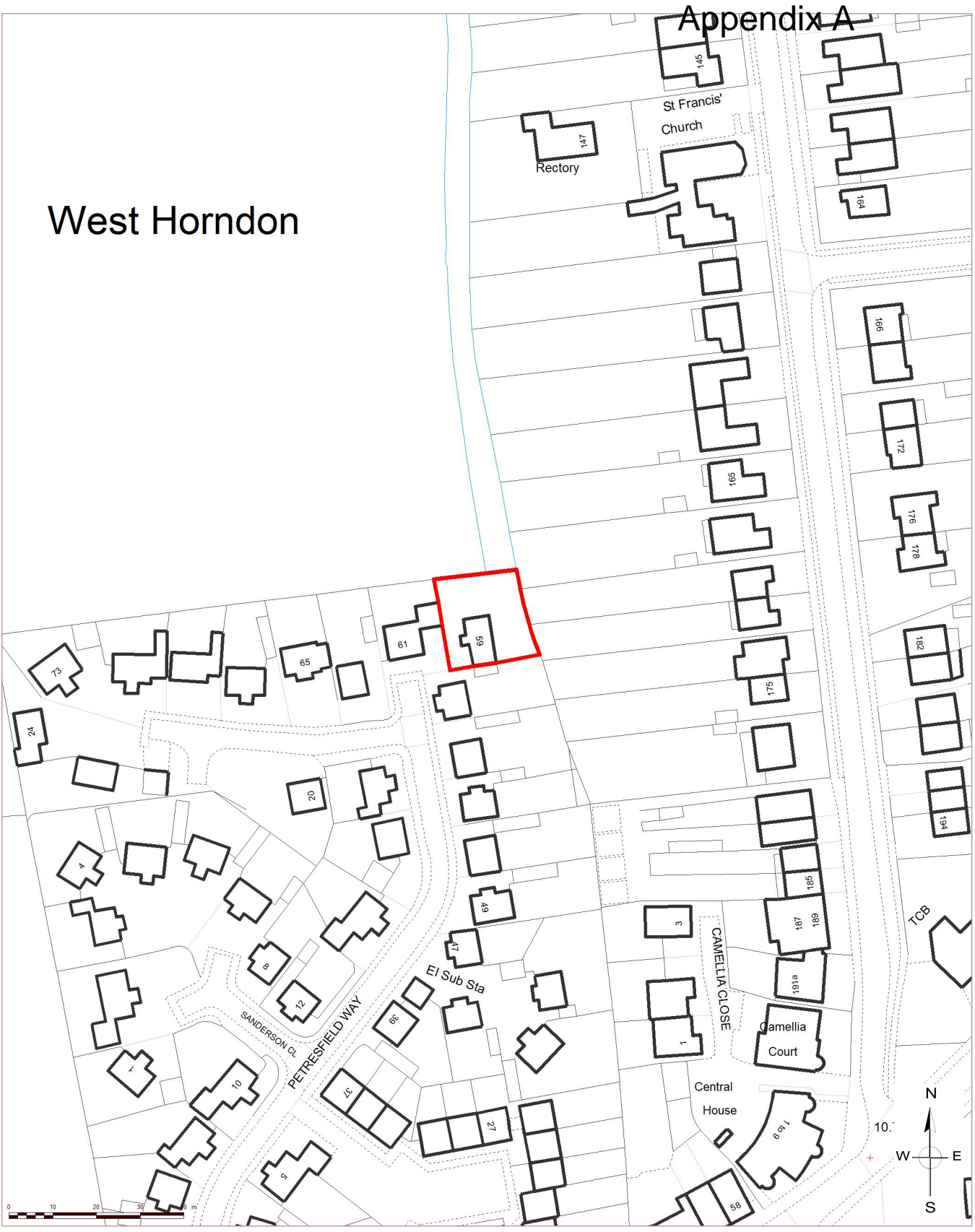
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

BACKGROUND DOCUMENTS

DECIDED:

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West Horndon



Title : 59 Petresfield Way, West Horndon, Brentwood, Essex CM13 3TG

22/01282/HHA

Scale at A4 : 1:1250

Date : 22nd November 2022

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



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SITE PLAN ATTACHED

70 ORCHARD LANE PILGRIMS HATCH BRENTWOOD ESSEX CM15 9RE

CONSTRUCTION OF REPLACEMENT DWELLING

APPLICATION NO: 22/01202/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	18 October 2022
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CASE OFFICER	Mr Daryl Cook	APPLICANT	Mr. Garry Woods
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Drawing no(s) relevant to this decision: 01/B; 02/F;

This application has been referred by Cllr David Kendall for the following reasons:

The adjoining neighbours life is detrimentally affected by the development. It is overbearing, it effects the light in their lounge and the height of the building is unbalancing the adjoining property.

(Note: The adjoining neighbour is No.72 Orchard Lane.)

1. Proposals

Planning permission is sought for the construction of a replacement dwelling at 70 Orchard Lane, Pilgrims Hatch.

2. Policy Context

Brentwood Local Plan (2016-2033) (BLP):

The Brentwood Local Plan 2016-2033 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.

- 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 HP01 Housing Mix
- Policy HP03 Residential Density
- Policy HP06 Standards for New Housing
- Policy NE03 Trees, Woodlands, Hedgerows
- Policy NE09 Flood Risk

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

3. Relevant History

- 20/01452/HHA: Two storey side and rear extension to chalet bungalow, two dormer windows to the front elevation, a front porch and fenestration alterations. – Application Refused
- 21/00065/HHA: Single storey rear and two storey side extension incorporating rear dormer, add two front dormers with new front porch and fenestration alterations. – Application Refused
- 21/01870/HHA: Demolition of existing single storey rear extension and construction of a side/rear flat roof extension, a hip to gable roof alteration with front and rear dormer window to include x1 roof light to front elevation. - Application Permitted

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/>

This application has been advertised by way of neighbour notification. At the time of writing this report, one neighbour representation has been received for this application objecting to the proposed development:

No.72 Orchard Lane

- Overlooked further by the provision of a balcony to the rear of No.70
- The rear extension is higher than what was permitted
- Would request a visit from the Committee
- Unable to comment on the application during the consultation period
- Concerns that the development has continued to progress

5. Consultation Responses

• **Highway Authority-**

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

The proposal includes a replacement dwelling. The existing vehicle accesses will be utilised and adequate room for two off-street parking spaces is retained within the curtilage, therefore:

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

• **Environmental Health & Enforcement Manager-**

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

I 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.

I would also recommend the submission of a Construction Environmental Management Plan (CEMP) 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 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.

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.

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.

Planning permission was granted for householder extensions under application reference 21/01870/HHA dated 18/2/2022. However, following an enforcement investigation, the Council has become aware that the existing dwellinghouse has been substantially demolished with amendments to the design and the construction works would constitute the creation of a new dwellinghouse¹.

Ongoing amendments have necessitated further periods of consultation with stakeholders, further officer site visits and the submission of revised drawings were necessary which have been received during the lifetime of the application.

The principle of the layout and general form of the building have been previously considered acceptable. The external changes to the scheme, from that previously permitted, are identified below:

Front elevation:

- Enlarged front dormer window
- Additional and enlarged roof lights
- Enlarged entrance door
- Projecting side extension, with parapet adjoining porch

Side elevation:

- Alterations to and reduction in number of window openings
- Front and rear dormer windows are higher
- Introduction of parapet wall to side addition

¹ See Case Law: *Arnold v SSCLG [2015]* and *Oates v SSCLG [2018]*

Rear elevation:

- Rear dormer window is higher
- Alterations to fenestration (bi-fold doors)
- Introduction of parapet wall

General changes:

- Materials to consist of silicone render to walls/dormers and Marley grey rooftiles
- Enlarged glass roof lantern to rear

It is not possible for the applicant to carry out the previously approved permission in these circumstances. A permitted development fallback for a single storey rear extension, referred to within previous reports, is also not applicable now but should be noted could have been constructed were it not for all other alterations proposed. However, pertinent here are that there are no alterations to the footprint of the building or to the depth of the rear projecting element which is offset from the common boundary shared with No.72 from the previously approved scheme.

Design 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 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.

In terms of design, the building still retains a chalet bungalow appearance of the original scheme. The referral reason alludes to the height of the building, but there is no ridge height increase proposed and thus whilst there is an elongation of the building's form (gable end to side), this is consistent with extensions and alterations within the immediate vicinity. Extensions to the side and rear incorporate a flatted roof with

parapet wall to reduce additional bulk, when compared to nearby developments such as those at the neighbouring site, No.68 (20/01511/HHA).

Within the EDG, dormer windows should be a minor incident in the roof plane. Their purpose should be to light the roof space and not to gain extra headroom over any great width. Here, it is considered that a large dormer window is proposed – greater than the scale of that permitted under the householder application – which would not be consistent with the guidance within the EDG. However, aerial photography demonstrates that the character of this area is now defined by large scale dormer windows, many of which likely constructed under permitted development, and therefore it is not considered the scale of this dormer – set in from all sides - would appear out of character with the area. Similarly, the scale of the front dormer window, in this particular context, is considered to be acceptable. Likewise, the additional front facing rooflight is acceptable.

Whilst neighbour representations have been fully considered, in terms of neighbour amenity, the extensions as proposed (and substantially constructed) are not considered to give rise to a detrimental impact upon the amenities of neighbours. Adequate distances are retained from the neighbouring dwellings to the east (No.68) and north (No.1 Pilgrims Close) to avoid overbearing effects, loss of privacy and overlooking. In terms of No.72, an officer site visit has been undertaken at this address for the earlier application, and whilst their concerns have been continually noted, the enlargement is single storey of a height of approx. 3m and offset from the common boundary. The addition of a parapet has provided approx. 300mm increase in height when scaled from the earlier drawing. Access to the flatted roof can be controlled by way of condition. It is not considered to materially impact the amenities of the neighbour who has previously benefitted from a conservatory extension to the rear.

However, in this particular case where a new dwelling is being constructed and the rear building lines as existing, it is recommended that a condition is attached to any permission removing some 'permitted development' rights automatically conferred to new dwellings, which will provide the Council with opportunity to manage future development that may result in harm to neighbours living conditions.

Other Matters

In respect of the neighbour representation received, comments upon overlooking and the design/scale of the structure have been made above. A member visit is at the discretion of the Chair. Enforcement Officers continue to monitor the situation onsite, and any actions taken are dependent on the decision made. During the lifetime of this application, there have been IT maintenance undertaken which has limited access to

internal and external Council platforms including Public Access which has resulted in further periods of consultation being undertaken where amendments were considered material to fulfil the local authorities statutory duties.

The Brentwood Local Plan has been adopted since the previous approval, which is a material consideration in the determination of this planning application. To ensure compliance with the new planning policies for the creation of a new dwellinghouse, conditions are recommended to comply with the new policies within the development plan.

The Environmental Health department have recommended conditions, but the nature of the development scheme is not considered to necessitate those suggested. An informative is brought to the applicant's attention.

The Highway Authority have recommended conditions, but the nature of the development scheme is not considered to necessitate those suggested. No vehicular crossover or alterations are proposed (per the form) and the gardens which are adjunct to the Highway are logical areas for building materials to be stored.

Conclusion

The proposed development, for the reasoning outlined above, is considered to be compliant with policies BE02, BE04, BE05, BE07, BE11, BE12, BE13, BE14, HP01, HP03, HP06, NE03, NE09 of the BLP and the aims and objectives of the NPPF and NDG. Therefore, the proposed development is recommended for approval.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

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 The materials to be used in the construction of the external surfaces of the building hereby permitted are as follows:

- White silicone render to walls/dormers
- Grey roof tiles
- Brick soldier coursing and quoining
- UPVC or Aluminium fenestration openings

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

3 The flat-roof of the single-storey elements hereby permitted shall in no way be used as a balcony or raised platform accessed from any fenestration opening of the dwelling.

Reason: To prevent undue overlooking of neighbouring windows and private amenity areas and to safeguard the character and appearance of the area.

4 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 futureproofing;
- 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.

5 The proposed residential dwelling shall not be occupied until details and specifications of waste and refuse storage facilities serving the building have been submitted to and approved in writing by the local planning authority. These facilities shall be well integrated into the development ensuring they are of an appropriate scale, secure and appropriately ventilated whilst avoiding 'bin blight'. Development shall be carried out in strict accordance with the approved details.

Reason: in order to provide appropriate facilities in association with the residential use of the building(s) and in order to safeguard the character and appearance of the area.

6 Prior to first residential occupation of the dwelling, a report and accompanying scaled drawing shall detail where the space and infrastructure for electric vehicle charging/plug-in points is to be provided for the future occupants of the dwelling. The documents shall detail the type, design, scale, location and include manufacturers information as a minimum and 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 and the charging points shall be fully operational prior to first occupation. The starting point for determining the number of charging/plug-in points to be operational at the point of occupation shall be the approved Document S of the Building Regulations unless otherwise agreed in writing by the local planning authority.

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.

7 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.

8 Prior to the first occupation of the proposed building(s), a report, showing the sustainable drainage features that have been incorporated into the development, shall be submitted to and approved in writing by the local planning authority. The sustainable drainage features shall be fully installed in accordance with the approved details prior to first occupation.

Note: Householder/Minor developments are expected to incorporate private features which can include, but not limited to, water-butts, cisterns, water-barrels, permeable paving, rainwater harvesting systems and rainsave planters. These facilities shall be proportionate to the quantum of development and be well integrated into the development ensuring they are of an appropriate scale and location.

Reason: the site is located within a critical drainage area as identified within the policies map and individual measures are required to mitigate flood risks in accordance with policies BE05, BE14 and NE09 of the Brentwood Local Plan.

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), no development falling within Schedule 2, Part 1, Class A of that Order shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reasons: In order to safeguard the character and appearance of the area and in order to provide the local planning authority an opportunity to manage further work that would otherwise impact upon the living conditions of the nearby occupiers.

10 The proposed building shall not be occupied until a hard and soft landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the local planning

authority. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

Informative(s)

1 INF01

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

2 INF04

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

3 The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE02, BE04, BE05, BE07, BE11, BE12, BE13, BE14, HP01, HP03, HP06, NE03, NE09; 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

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 INF31

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

8 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 : 70 Orchard Lane, Pilgrims Hatch, Brentwood, Essex CM15 9RE

22/01202/FUL

Scale at A4 : 1:1250

Date : 20th December 2022

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



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Committee(s): Planning	Date: 20 December 2022
Subject: Planning Enforcement Activity Overview	Wards affected: All
Report of: Phil Drane, Director - Place	Public
Report Author: Caroline Corrigan, Corporate Manager, Planning Development Management	For information

Summary

1 This report summarises the enforcement activity undertaken in Brentwood Borough for the period between 1 January 2022 and 30 September 2022.

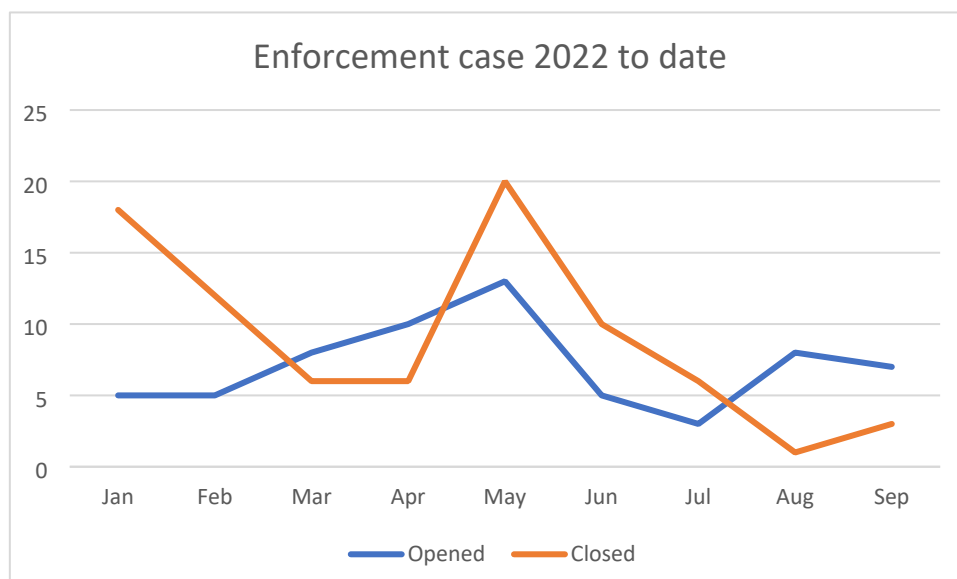
Main report

2 The following information provides an overview of the number of enforcement cases opened during the three quarters in 2022 and the number that have been closed. The team is consistently successful in its negotiations with residents to achieve compliance with the Regulatory requirements of planning.

Table 1: Number of cases opened, and number closed in the year to date

Quarter	Cases Opened	Cases Closed
Q4 (Jan 22-Mar 22)	18	36
Q1 (Apr 22-Jun 22)	28	36
Q2 (Jul 22-Sept 22)	18	10
Total	64	82

Figure 1: Number of cases opened and number closed in the year to date



(NB: A further 19 enforcement case were closed in October and November 2022)

3 It should be noted that although the above graph shows the number of cases that are recorded in the Uniform enforcement module, and subsequently investigated, it does not show the greater number of enquiries received on a daily/weekly/monthly basis from various sources including Members, internal and external departments, and residents.

These enquiries/queries are dealt with at the first point of contact and go through an initial investigation process to establish whether they need to be registered as a formal enforcement case for a full investigation. Some of these enquiries do not become registered cases, for example because there has been no breach, or the alleged breach benefits from planning permission or Permitted Development, or do not raise planning issues (i.e. boundary/land ownership/deed/covenant disputes) or are matters only relevant to other bodies/departments (i.e. damage to grass verges, blocked drains, etc) which are not covered under planning legislation.

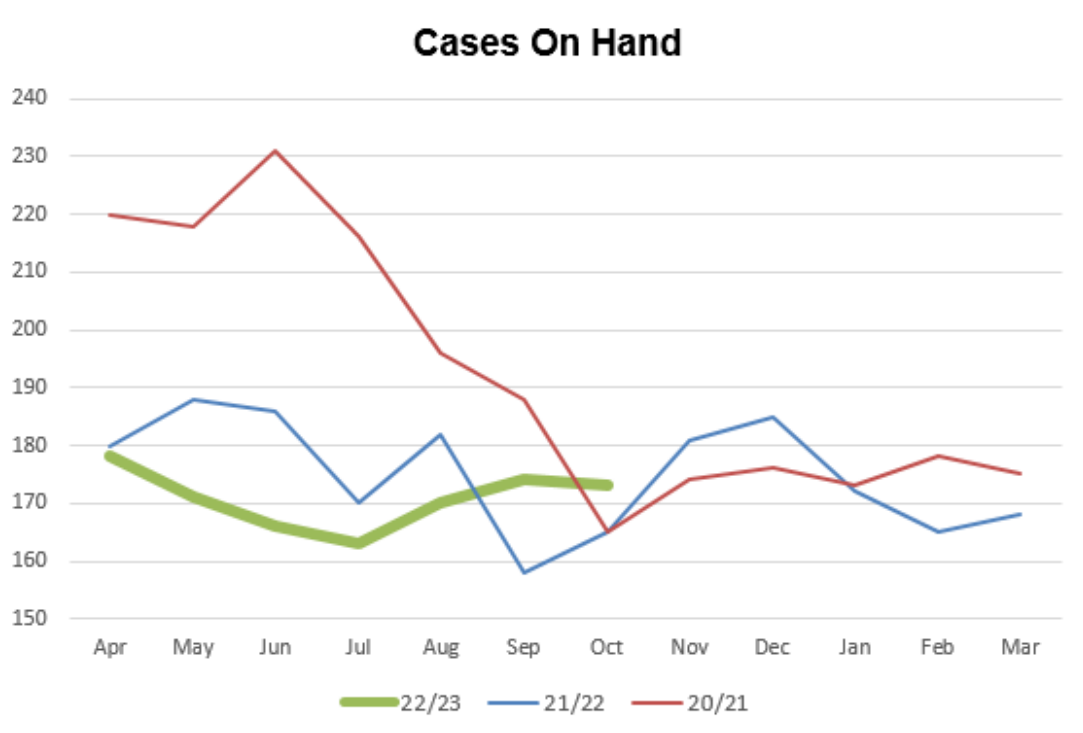
It is however important to note that these initial “triage” investigations may still take up significant officer time. Although these assessments are not represented within the graphs provided, the service has shown that this initial assessment is an effective use of officer time and resources due to the number of cases that would otherwise be logged and unnecessarily involve a full investigation.

Within the reported period, the planning enforcement team have also dealt with and **closed 101 initial enquiry investigations** in addition to the 82 recorded full investigations closed. Following investigation into the individual circumstances of each recorded enquiry, cases are recommended for closure by determining one of the following outcomes, either:

No Breach **or**; Breach Remedied **or**; No Further Action **or**; Take Legal Action.

Further details regarding the processes for recommending cases to be closed and also how investigations are undertaken are contained in the Brentwood Council Enforcement Plan on the Councils website, as approved by Members.

Figure 2: Number of cases on hand (past 3 years comparison figures)



4 As can be seen from the red line in the above graph (year 20/21) the lack of resources within the enforcement team at that time (1 FTE) was addressed during that year and resulted in a significant impact in reducing the number of outstanding cases. This is key to the efficiency of the front line service as enforcement enquiries are dealt with from the initial raising of the enquiry to the enforcement team through to resolution, be that negotiated compliance, remedial works being undertaken, submission of planning application, formal enforcement proceedings, dealing with the Pins appeals, court prosecutions, injunctions, etc. Some of these investigations also require liaison with the Heritage Consultant, Arboricultural Consultant to assess harm, gather evidence and possible formal caution and/or prosecution proceedings.

Therefore the length of time that an enforcement case can be subject to ongoing proceedings can vary greatly depending on the seriousness of the breach and the specific resources required and may involve several compliance site visits. Every effort is made to provide regular updates to the complainant(s), Councillor(s) (via Members Request system), and are provided following an email request to the specific enforcement case officer, eg from Parish Council, Senior Management, Leader, etc.

5 Although the number of Enforcement Notices issued over the three quarters in 2022 has reduced, this should be interpreted as the enforcement team succeeding in achieving successful resolutions and regularisations of the breaches identified. This is achieved through effective negotiations, liaison with the other departments/bodies, residents (both owners and complainants) and agents to ensure compliance with planning legislation, policy and guidance. Given that 89% of the borough lies within the green belt, this is a major factor in assessing the harm and expediency of planning breaches given the stringent local plan policies, national planning guidelines and the national permitted development regulations which need to be assessed based on the circumstances and merits of each case. As is shown by the individual enforcement cases listed within this report, a significant number of reported planning breaches have green belt implications.

6 This information should go some way to providing a clearer understanding of the volume of work that has been undertaken by the team over the previous three quarters. An effective enforcement team sets out to reduce the number of complaints/breaches of planning control that occur throughout the borough. The above figures show that the current enforcement team is consistently achieving this aim.

Planning Notices served

7 Planning Contravention Notice (PCN) served to ascertain alleged breach of planning control circumstances to assist investigation in advance of consideration of formal planning enforcement proceedings:

Spring Farm, Murthering Lane, Navestock, RM4: PCN served on landowner following allegation of unauthorised equine use and associated structures on green belt land at the rear of the site. Negotiated compliance achieved by the cessation of the use and removal of structures, site cleared and restored to open green belt land.

Land Opp Clementines, Murthering Lane, Navestock, RM4: PCN served on landowner following allegation of unauthorised vehicle storage use and associated repairs on green belt land at the southern part. Negotiated compliance achieved by the cessation of the use and the removal of the vehicles from the site which has returned to open green belt land

Clapgates, Warley Gap, Little Warley, CM13: PCN's served on joint landowners following allegation of unauthorised development works on green belt land. Current ongoing enforcement investigation in conjunction with the owners planning agent.

Gardeners, Ongar Road, Kelvedon Hatch, CM15: PCN's served on joint landowners following allegation of unauthorised development works on green belt land. Current ongoing enforcement investigation in conjunction with the owner's representative.

Legal Action

8 Further witness statements have been provided to Legal Services following the High Court injunction served in July 2021 on the owners and occupants of the newly created travellers site: **Saint Michael's View in Horseman side, Navestock**. Matter currently with external Legal Advisor for impending High Court hearing date.

Injunction sites previously served are kept under review, namely:

Land adj The Spinney, School Road, Kelvedon Hatch served on 07/04/2020 (suspected impending traveller incursion on green belt land). Awaiting planning refusal appeal hearing in February 2023. (Site remains unoccupied land.)

Land at Five Acre Farm, Warley Street served on 21/05/2020 (unauthorised travellers' site to prevent further breaches on green belt land). Awaiting Public Inquiry planning refusal and Enforcement Notice appeal(s) in January 2023.

Land adj Elm Farm, Chelmsford Road served on 27/07/2020 (suspected impending traveller incursion on green belt land). (Site remains unoccupied land).

Consultation.

9 None

References to Corporate Plan

10 The Corporate Plan 2020-2025 identifies the Council's five key priorities, the most relevant to the service "Protecting our Environment". The success of the enforcement service is paramount in maintaining a high level of confidence within the Planning System. The Council's Enforcement Plan provides the Councils' priorities for enforcement action, provides transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers, in turn providing clarity for all parties engaged in the development process.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)

Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

11. This report is for noting and as such there are not direct financial implications. Any additional financial costs as a result of enforcement action has to be met from within existing resources.

Legal Implications

Name & Title: Andrew Hunkin, Interim Director (People & Governance) and Monitoring Officer

Tel & Email: 01277 312500/andrew.hunkin@brentwood.gov.uk

12. The power to issue an enforcement notice is discretionary. It should only be used where the Local Planning Authority is satisfied that there has been a breach of planning control and it is expedient to issue a notice, having regard to the provisions of the development plan and to any other material considerations.

Economic Implications

Name/Title: Phil Drane, Director (Place)

Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk

13. There are no economic implications arising from this report.

Background Papers

Appendices to this report

Enforcement notices at appeal				
Case Number	Address	Breach	Notice Issued	Compliance/Appeal Status
15/00039/UNLCOU	Karma Court Ashwells Road Pilgrims Hatch	Unauthorised change of use of land to commercial use and also residential use	Sep-18	Public Inquiry appeal dismissed June 2022 - requirements of Enforcement Notice are: 1) commercial use of land to cease (complied with by compliance date of 29/7/22) and also: 2) residential use of land to cease (compliance date is 29/12/22).
16/00080/UNOPDE	Craigielea, Chivers Road, Stondon Massey	Unauthorised change of use of land to residential use	March 2020 - withdrawn & re-issued Feb 2021	Enforcement Notice withdrawn and re-issued. Notice appealed, awaiting Public Inquiry date.
14/00100/UNOPDE	Chivers Farm Swallows Cross Wyatts Green	Unauthorised boundary treatment (brick walls, pillars, metal railings and wooden fencing)	Nov-16	Enforcement Notice upheld and appeal dismissed. Following two successful prosecutions for non-compliance, remedial works undertaken in May 2022 (walls, railings & pillars) and also by 31/12/22 (wooden fencing).

18/00008/UNOPDE	Hunts Farm, Old Church Road, Mountnessing	Unauthorised construction of a residential dwelling and change of use of land to builders yard	Nov-20	Enforcement Notice appealed - awaiting decision by Planning Inspectorate following appeal site visit on 1/11/22.
19/00152/UNLCOU	Rustic Dene, Parkwood, Doddinghurst	Unauthorised subdivision of planning unit to create additional primary residence	Nov-20	Public Inquiry took place Nov 2021. Enforcement Notice appeal upheld by Planning Inspectorate.
20/00129/UNOPDE	St Ninians, Alexander Lane, Hutton	Unauthorised erection of a balcony not in accordance with the approved planning permission	Nov-20	Enforcement Notice appeal dismissed Sept 2022- compliance now achieved (balcony has been removed).
20/00107/UNLCOU	Riverside, Albyns Lane, Navestock	Unauthorised change of use of land to residential use and commercial use	Dec-20	Enforcement Notice appealed - awaiting decision by Planning Inspectorate following appeal site visit on 20/9/22.
19/00103/UNOPDE	Five Acre Farm, Warley Street, Great Warley	Unauthorised change of use of land to residential travellers' site	Feb-20	Enforcement Notice appealed - Public Inquiry to take place Jan 2023.

19/00014/UNOPDE	Meadow View Murthering Lane Navestock	Unauthorised sunken garden(s)/basement to front and rear of authorised dwelling	July-22	Enforcement Notice issued (no appeal made, remedial works currently being undertaken to ensure compliance)
20/00068/UNLCOU	Meadow View Murthering Lane Navestock	Unauthorised builders compound/storage area on green belt land	July-22	Enforcement Notice issued (not complied with, prosecution proceedings pending)

(FOR INFORMATION: Additional enforcement case at above land re: unauthorised development on green belt land, i.e. Henge at Meadow View, Murthering Lane, Navestock recommended for closure following Planning Committee decision by Decision Notice dated 5/10/22 to grant a temporary planning permission for a period of 18 months to allow for a submission for a Turner Prize award).

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Agenda Item 9

Committee(s): Planning Committee	Date: 20 December 2022
Subject: Epping Forest District Council Further Main Modification consultation	Wards Affected: All
Report of: Phil Drane, Director of Place	Public
Report Author/s: Name: Andrea Pearson, Senior Policy Planner Telephone: 01277 312572 E-mail: andrea.pearson@brentwood.gov.uk	For Information

Summary

Epping Forest District Council submitted their Local Plan to the Secretary of State in 2018. Following the initial examination, additional work was required regarding air quality and recreational impacts on Epping Forest. A Main Modifications consultation was undertaken in 2021. Brentwood Borough Council did not respond to this consultation as no previous objections had been raised through the Regulation 18 stage.

Due to the length of time between the commencement examination and the completion of the Main Modifications consultation, added to the availability of the appointed Planning Inspector, a new inspector was appointed to continue the examination process in May 2022. Upon review of the responses received from the 2021 modifications consultation, Epping Forest District Council were instructed to undertake a Further Main Modification consultation, which has recently concluded. Core modifications made to the emerging Local Plan included:

- Stronger requirements regarding air quality and protection of Epping Forest;
- Stronger climate change policies including on-site low carbon and renewable technologies requirements;
- Amendments made to align with the Use Class Order changes;
- Removal of rural residential sites; and
- Inclusion of developer's contributions for infrastructure improvements both on and off site.

An officer response to the Further Main Modifications was submitted, expressing general support that Epping Forest District Council progress their local plan. This report is provided for information to update members on the progress of the plan-making process in an adjoining district.

Main Report

Introduction and Background

1. The National Planning Policy Framework (NPPF) requires each local planning authority to produce a local plan. This should set out strategic priorities for the area and plan positively for development and infrastructure needs, in line with national policy and guidance.
2. As part of plan-making (Chapter 3), the NPPF states that plans should:
 - a) Be prepared with the objective of contributing to the achievement of sustainable development;
 - b) Be prepared positively, in a way that is aspirational but deliverable;
 - c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
3. The Epping Forest District Council Further Main Modifications document draws upon representations received in response to previous consultations held prior to the submission of the Local Plan to the Secretary of State on 22 September 2018, the Local Plan examination process (2019), and the representations received from the first Main Modifications consultation (2021). The plan has also been developed further through the various additional evidence produced and published throughout the examination process.
4. The Epping Forest Local Plan examination was undertaken by Inspector Ms. Louise Phillips MA MSc MRTPI. Ms. Phillips required Epping Forest District Council to undertake additional work related to air quality and the recreational impacts on Epping Forest. The District Council completed the additional evidence, which was then reviewed by a second Inspector, Mr. Jonathan Bore MRTPI, who was appointed in May 2022. Following the review of consultation representations and additional work undertaken on air quality, climate change, and energy efficiency, the Inspector instructed the council to undertake a Further Main Modifications Consultation.

5. Brentwood Borough Council responded to the Regulation 18 consultation in December 2016, expressing general support. However, the council raised concern regarding the district's ability to meet its housing needs, as at the time a Memorandum of Understanding between Epping Forest, East Herts, Harlow and Uttlesford districts (who all share a housing market area), had not been finalised (Item 238: Planning and Licensing Committee, 13 December 2016).
6. Since then, a significant amount of work has been undertaken by Epping Forest District Council. Concerns regarding the district's ability to meet their housing needs have been resolved. As such, officers have responded to the Further Main Modifications consultation in line with the council's response in 2016, to express support for Epping Forest District Council's efforts to move forward with a new local plan (Appendix A).

Issue, Options and Analysis of Options

7. The Epping Forest Local Plan Further Main Modifications Consultation ran between 28 October and 9 December 2022. Core modifications made to the emerging plan include:
 - a) Stronger requirements regarding air quality and protection of Epping Forest;
 - b) Stronger climate change policies including on-site low carbon and renewable technologies requirements;
 - c) Amendments made to align with the Use Class Order changes;
 - d) Removal of rural residential sites; and
 - e) Inclusion of developer's contributions for infrastructure improvements both on and off site.
8. The Epping Forest Local Plan is at an advanced stage, and the recommended further main modifications have been made in order to ensure the plan meets the four tests of soundness and legal compliance as required by national planning policy and guidance. Following the Inspectors review of the Further Main Modifications consultation representations, the Inspector will determine whether the plan is sound and can be adopted.
9. An Officer's response to the Further Main Modifications consultation was made to express general support for Epping Forest District Council's efforts to progress their Local Plan, consistent with the council's response in December 2016. Brentwood Brough Council has not previously objected to the Epping Forest Local Plan nor did the Council request to appear at the examination hearings. Therefore, it was considered appropriate for an officer response to issued that recognises the importance of local planning authroities in Essex

(and beyond) to have up-to-date local plans in place to meet local development needs, among other things.

Consultation

10. The Epping Forest District Council Further Main Modifications consultation ran for six weeks from 28 October to 9 December 2022.

References to Corporate Plan

11. The Corporate Plan identifies priority areas to grow our economy, protect our environment, improve housing, and develop our communities. By formally responding to the wider Epping Forest local plan process, the council is proactively engaging in the Duty to Cooperate and expressing a view about how priorities for Brentwood are important to the wider area.

Implications

Financial Implications

Name/Title: Tim Willis, Interim Director of Resources

Tel/Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk

12. There are no direct financial implications arising from this report.

Legal Implications

Name & Title: Andrew Hunkin, Interim Director of People & Governance and Monitoring Officer

Tel & Email: 01277 312500/andrew.hunkin@brentwood.rochford.gov.uk

13. The Localism Act 2011 places a legal duty on local planning authorities and other defined local bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but local planning authorities must make every effort to secure the necessary cooperation before they submit their local plan for examination. The cooperation should produce effective and deliverable policies on strategic cross boundary issues.

Economic Implications

Name/Title: Phil Drane, Director of Place

Tel/Email: 01277 312610/phil.drane@brentwood.rochford.gov.uk

14. There are no direct economic implications.

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure and Health)

Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk

15. Consultation undertaken by Epping Forest District Council considers equality and diversity.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None

Background Papers

- Item 238: Planning and Licensing Committee, 13 December 2016, Response to Epping Forest Draft Local Plan

Appendices to this report

- Appendix A: Officer's response to the Epping Forest Further Main Modifications consultation

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Brentwood Borough Council, officers' response to the Epping Forest District Council Further Main Modifications Local Plan

December 2022

1. Thank you for inviting Brentwood Borough Council to provide comments as part of the Epping Forest Further Main Modification on the emerging Local Plan.
2. Brentwood Borough Council did not respond to the last Main Modifications consultation in 2021, as we did not have any objections to the emerging Plan. The Council last responded to the Epping Forest draft Local Plan, Regulation 18 consultation, expressing general support in the Council's efforts in progressing their Local Plan, however raised concerns regarding the Council's ability to meet its housing needs within its housing market area. At the time of our response there was a draft Memorandum of Understanding (MoU) published between the local authorities within the West Essex and East Hertfordshire Housing Market Area. Since then, the concerns regarding Epping Forest's ability to meet its housing needs have been resolved and this is no longer a concern.
3. It is acknowledged that since the previous Main Modifications consultation took place, Epping Forest has undertaken a significant amount of additional evidence which supports the changes made to the latest iteration of the Epping Forest emerging Local Plan. Key changes made include:
 - a. Stronger requirements regarding air quality and protection of Epping Forest
 - b. Stronger climate change policies including on-site low carbon and renewable technologies requirements
 - c. Amendments made to align with the Use Class Order changes
 - d. Removal of rural residential sites
 - e. Inclusion of developer's contributions for infrastructure improvements both on and off site

4. Brentwood Borough Council felt it was appropriate to respond to the Epping Forest Further Main Modifications consultation to express our support in the efforts the Council has made to progress their Local Plan and acknowledge the additional work undertaken by officers to ensure the Plan meet the four tests of soundness in order to be legally compliant. It is important that local planning authorities have up-to-date plans in place to manage growth that meets development needs within a local context.

Committee(s): Planning Committee	Date: 20 December 2022
Subject: Infrastructure Funding Statement 2021-22	Wards Affected: All
Report of: Phil Drane, Director of Place	Public
Report Author/s: Name: Jonathan Quilter, Corporate Manager – Strategic Planning Telephone: 01277 312735 E-mail: jonathan.quilter@brentwood.gov.uk	For Information

Summary

The council is required to prepare an Infrastructure Funding Statement at least annually by 31 December. The most recent statement sets out a summary of the developer contributions received via section 106 obligations for 2021-22.

Main Report

Introduction and Background

1. The Community Infrastructure Levy (CIL) regulations and National Planning Policy Framework (NPPF) require for any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an infrastructure funding statement by 31 December every year.
2. The intention is that infrastructure funding statements will give policy makers better insight into how developer contributions are supporting new development and local infrastructure. The statement provides a summary of financial contributions that Brentwood Borough Council has secured through Section 106 agreements (s106) from new developments.
3. Information included in the funding statement will be updated annually and published on the council's website. This will ensure the most up to date information on the amount of developer contributions received by the council from new developments, in addition to information on where funds have been spent, is readily available to members of the public and other interested parties.
4. The council's Infrastructure Funding Statement provides information on the monetary and non-monetary contributions sought and received from developers for the provision of infrastructure to support development within the borough.

5. Developers are required to make developer contributions to help deliver the infrastructure that is needed to support development or address the cumulative impact of development on an area. These contributions can be financial, such as a sum of money paid to the local authority to provide new sports facilities or improved public open spaces, or non-financial, such as the provision of affordable housing on the development site itself. Legal agreements are used to ensure there are legally enforceable obligation to provide this mitigation. Collectively, these are known as planning obligations and may take the form of a Section 106 (S106) agreement between a developer or landowner and the local planning authority, or alternatively, a unilateral undertaking where a developer or landowner alone will give a legal commitment to carry out an obligation.
6. Since 2010 it has been a legal requirement that planning obligations may only constitute a reason for granting planning permission for the development if the obligation is:
 - a) Necessary to make the development acceptable in planning terms.
 - b) Directly related to the development.
 - c) Fairly and reasonably related in scale and kind to the development.
7. These tests are set out as statutory tests in the Community Infrastructure Regulations 2010 (as amended) and as policy tests in the Government's National Planning Policy Framework. The application of these statutory tests means that the council can only require developer contributions which are designed to address individual or cumulative impacts of development. Developer contributions cannot be used to remedy existing deficiencies or demands from population growth driven by other factors, such as birth rates. They can only be used to deal with the impact of development.
8. The Infrastructure Funding Statement only relates to S106 obligations for which the council is legally responsible for ensuring compliance. The data in the Statement does not cover S106 obligations applying to land in the borough for the following cases:
 - a) Where the S106 obligation is given to Essex County Council and where the County Council are signatory to the legal agreement (e.g. Education, highway works, sustainable transport, Public Rights of Way).
 - b) Where Essex County Council is the local planning authority and is responsible for determining the application (e.g. mineral and waste applications).

- c) Section 278 Highways works agreements between the developer and Essex County Council.
 - d) Where Brentwood Borough Council determined a planning application, but where Essex County Council is signatory of the S106 to the effect that it is directly responsible for compliance. This mainly relates to certain highway payments.
9. Therefore, the Brentwood Infrastructure Funding Statement should be read in conjunction with the funding statement produced by Essex County Council to obtain the complete picture of all financial and non-financial developer contributions originating from developments in Brentwood borough.
10. In future the Infrastructure Funding Statement will also include information on funding secured through CIL. The Council recently consulted on a Draft Charging Schedule and subject to Submission for Examination in Public and being found sound will be adopted. Once adopted, expected later in 2023, any future funding secured via CIL will be reported including how it is spent.

Issue, Options and Analysis of Options

11. A summary of the outputs from the 2021-22 Infrastructure Funding Statement is set out below.
- a. The total amount of money to be provided under any planning obligations which were entered into during the reported year: **£594,954**
 - b. The total amount of money under any planning obligations which was received during the reported year: **£105,000**
 - c. The total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority: **None**
 - d. Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of:
 - i. In relation to affordable housing, the total number of units which will be provided: **65 units**

- ii. In relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided: **No school places provided**
- e. The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure: **£2,461,598**
- f. The total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend): **£82,084**
- g. In relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item:

Item	Amount
Nightingale Centre, Warley refurbishment of part owned by Council.	£284,696
Commutated sum for future management and maintenance of public open at Marconi Gardens, Pilgrims Hatch.	£28,316
Commutated maintenance sum for transferred Open Space land a piece of unnamed woodland to the rear of properties in Worrin Road and the former blood bank off Crescent Drive, Shenfield into a managed state.	£40,290
Off-site facilities towards the provision and maintenance of open spaces within the vicinity of the development site - Hutton Recreation Ground, Hutton Polo Field and Hutton Poplars.	£12,389
Off-site Affordable Housing.	£1,409,738
Public open space improvements towards the North Road play area, Brentwood.	£9,589
North Road Play Area, Brentwood.	£61,066
Commutated sum for maintenance of hedging Rosen Crescent, Hutton.	£6,500
Infrastructure enhancements of roadways/footway access to Woodman Road cemetery, Warley.	£2,395
Upgrade of the play area, erecting metal railings, new footpaths, benches, play equipment and safety surfacing within the immediate vicinity of Warley.	£6,202
Provision, enhancement and/or development of public open space and recreational facilities within Brentwood	£60,000
Affordable homes at Willingale Close, Hutton.	£165,000
Sport pitches at King George's playing fields and Warley playing field, Brentwood.	£37,152
Woodland path management at Mascalls Park, Mascalls Lane, Warley.	£12,000
Affordable homes at Crescent Road, Brentwood.	£32,684
Open space contribution towards maintaining the open space at St James Road, Brentwood.	£40,020

Maintenance of sluice gate on open space land at St James Road, Brentwood.	£17,200
LEAP - Cost of projects and associated infrastructure located off the site Mountnessing.	£35,536
NEAP - Cost of 8 pieces of equipment and associated infrastructure located off the site Mountnessing.	£80,000
Open space contribution to the Seymour Playing fields and Mountney Close play area, Ingatestone.	£37,825
Open space contribution to the Courage playing fields, Shenfield.	£83,000
Total:	£2,461,598

h. In relation to money (received under planning obligations), which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of:

i. The items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item:

Item	Amount
Maintenance of the grounds of the Nightingale Centre, Warley.	£12,130
Open space contribution for ongoing maintenance at La Plata wood, Brentwood.	£6,670
King George Playing Fields, Brentwood.	£19,820
Off-site (Mountnessing) LEAP works	£43,463
Total:	£82,083

ii. The amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part): **None**

iii. The amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations: **None**

i. The total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year: and where any of the retained money has been allocated for the purposes of longer-term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held:

Item	Amount
Grounds of the Nightingale Centre, Warley.	£284,696
Management and maintenance of public open at Marconi Gardens, Pilgrims Hatch.	£28,316
Open Space land a piece of unnamed woodland to the rear of properties in Worrin Road and the former blood bank off Crescent Drive, Shenfield into a managed state.	£40,290
Maintenance of hedging Rosen Crescent, Hutton.	£6,500
Maintenance of sluice gate on open space land, St James Road, Brentwood.	£17,200
Total:	£377,002

Consultation

12. As required by the CIL regulations and National Planning Policy Framework, an Infrastructure Funding Statement must be published at least annually by 31 December. There is no requirement to undertake public consultation on this document as it is reporting on a factual position for information.

References to Corporate Plan

13. The Corporate Plan identifies priority areas to grow our economy, protect our environment, improve housing, and develop our communities. Monitoring infrastructure funding is a vital process to measure performance for achieving these priorities.

Implications

Financial Implications

Name/Title: Tim Willis, Interim Director of Resources

Tel/Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk

14. The publication of the Infrastructure Funding Statement provides a clear view on the status of funds secured as contributions towards infrastructure required as a result of the impact of approved development. It is important that the council monitors the status of secured funds and spends them appropriately to secure required infrastructure in the borough.

Legal Implications

Name & Title: Andrew Hunkin, Interim Director of People & Governance and Monitoring Officer

Tel & Email: 01277 312500/andrew.hunkin@brentwood.rochford.gov.uk

15. There is a legal requirement for the council to prepare an Infrastructure Funding Statement at least every year by 31 December, as set out in the CIL Regulations and National Planning Policy Framework.

Economic Implications

Name/Title: Phil Drane, Director of Place

Tel/Email: 01277 312610/phil.drane@brentwood.rochford.gov.uk

16. Sufficient infrastructure investment helps enable economic growth in a variety of ways. Measuring how new development is contributing to this, in combination with any shortfalls, helps to identify progress and needs.

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure and Health)

Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk

17. None

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None

Background Papers

- None

Appendices to this report

- Appendix A: Brentwood Borough Infrastructure Funding Statement 2021-22

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Brentwood Borough Infrastructure Funding Statement 2021/22

April 2022

Introduction

This Infrastructure Funding Statement sets out income and expenditure relating to section 106 (S106) agreements for the year 2021/22. All authorities are required to produce an infrastructure funding statement on an annual basis. This is Brentwood Borough Council's second infrastructure funding statement.

The statement provides a summary of financial contributions the Council has secured through S106 agreements from new developments for off-site infrastructure works and affordable housing,

Requirements

The matters included for each reported year are as follows:

1. The total amount of money to be provided under any planning obligations which were entered into during the reported year: **£594,954**
2. The total amount of money under any planning obligations which was received during the reported year: **£105,000**
3. The total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority: **None**
4. Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of:
 - a. In relation to affordable housing, the total number of units which will be provided: **65 units**
 - b. In relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided: **No school places provided**
5. The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure: **£2,461,598**
6. The total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend): **£82,084**
7. In relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item:

Item	Amount
Nightingale Centre, Warley refurbishment of part owned by Council.	£284,696
Commutated sum for future management and maintenance of public open at Marconi Gardens, Pilgrims Hatch.	£28,316
Commutated maintenance sum for transferred Open Space land a piece of unnamed woodland to the rear of properties in Worrin Road and the former blood bank off Crescent Drive, Shenfield into a managed state.	£40,290
Off-site facilities towards the provision and maintenance of open spaces within the vicinity of the development site - Hutton Recreation Ground, Hutton Polo Field and Hutton Poplars.	£12,389
Off-site Affordable Housing.	£1,409,738
Public open space improvements towards the North Road play area, Brentwood.	£9,589
North Road Play Area, Brentwood.	£61,066
Commutated sum for maintenance of hedging Rosen Crescent, Hutton.	£6,500
Infrastructure enhancements of roadways/footway access to Woodman Road cemetery, Warley.	£2,395
Upgrade of the play area, erecting metal railings, new footpaths, benches, play equipment and safety surfacing within the immediate vicinity of Warley.	£6,202
Provision, enhancement and/or development of public open space and recreational facilities within Brentwood	£60,000
Affordable homes at Willingale Close, Hutton.	£165,000
Sport pitches at King George's playing fields and Warley playing field, Brentwood.	£37,152
Woodland path management at Mascalls Park, Mascalls Lane, Warley.	£12,000
Affordable homes at Crescent Road, Brentwood.	£32,684
Open space contribution towards maintaining the open space at St James Road, Brentwood.	£40,020
Maintenance of sluice gate on open space land at St James Road, Brentwood.	£17,200
LEAP - Cost of projects and associated infrastructure located off the site Mountnessing.	£35,536
NEAP - Cost of 8 pieces of equipment and associated infrastructure located off the site Mountnessing.	£80,000
Open space contribution to the Seymour Playing fields and Mountney Close play area, Ingatestone.	£37,825
Open space contribution to the Courage playing fields, Shenfield.	£83,000
Total:	£2,461,598

8. In relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of:

- a. The items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item:

Item	Amount
Maintenance of the grounds of the Nightingale Centre, Warley.	£12,130
Open space contribution for ongoing maintenance at La Plata wood, Brentwood.	£6,670
King George Playing Fields, Brentwood.	£19,820
Off-site (Mountnessing) LEAP works	£43,463
Total:	£82,083

- b. The amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part): **None**
- c. The amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations: **None**

9. The total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year: and where any of the retained money has been allocated for the purposes of longer term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held:

Item	Amount
Grounds of the Nightingale Centre, Warley.	£284,696
Management and maintenance of public open at Marconi Gardens, Pilgrims Hatch.	£28,316
Open Space land a piece of unnamed woodland to the rear of properties in Worrin Road and the former blood bank off Crescent Drive, Shenfield into a managed state.	£40,290
Maintenance of hedging Rosen Crescent, Hutton.	£6,500
Maintenance of sluice gate on open space land, St James Road, Brentwood.	£17,200
Total:	£377,002

www.brentwood.gov.uk

Email: planning@brentwood.gov.uk

Telephone: 01277 312500

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Planning and Economy, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY

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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.

Terms of Reference 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.

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