



Agenda

Planning Committee

Tuesday, 21 February 2023 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 and Sankey

Agenda

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Live Broadcast			
Live broadcast to start at 7pm and available for repeat viewing.			
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Head Brook Street Brentwood Essex

Weald

**6. APPLICATION NO: 21/01440/FUL 53-55 High Street
Brentwood Essex CM14 4RH**

Brentwood 115 - 144
d North

7. Urgent Business

A handwritten signature in black ink, appearing to read 'Jonathan Stephenson', is written over a horizontal line.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
13.02.2023

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.

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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**

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 **Evacuation Procedures**

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



Minutes

Planning Committee Tuesday, 17th January, 2023

Attendance

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

Apologies

Cllr Mrs Murphy

Substitute Present

Cllr Mrs Pearson

Also Present

Cllr Barrett
Cllr Heard
Cllr Lockhart
Cllr Russell

Officers Present

Phil Drane	- Director - Place
Caroline Corrigan	- Corporate Manager (Planning Development Management)
Claire Mayhew	- Corporate Manager (Democratic Services) and Deputy Monitoring Officer
Paul Adams	- Licensing Manager
David Carter	- Environmental Health Manager
Carole Vint	- Planning Officer
Brooke Pride	- Planning Officer
Zoe Borman	- Governance and Member Support Officer

315. Apologies for Absence

Apologies were received from Cllr Murphy and Cllr Pearson was substitute.

316. Minutes of the Previous Meeting

The Minutes of the last meeting held on 20th December 2022 were agreed as a true record.

317. APPLICATION NO: 22/01459/FUL Birley Grange Hall Lane Shenfield Brentwood Essex CM15 9AL

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

The recommendation for refusal is understood in the context of policy. However, this does not take into consideration the health and safety benefits that the additional parking would have on local residents and the pupils and staff of the school opposite. In addition, the applicant has noted the officer's recommendation and altered the plans accordingly.

In short, I do not believe the recommendation gives account for the reality of the present situation and lacks fairness. I would be most appreciative if the committee could visit the site and debate the application at the next planning meeting.

Mrs Vint presented the report.

A statement of objection from Mr Jones was read by the Chair.

Mr Willis, agent on behalf of the applicant, addressed the committee.

Ward Cllr Fryd addressed the committee stating his reasons for not supporting the application for reasons outlined in the report.

Cllr Fryd **MOVED** that the application be **REFUSED**. This was **SECONDED** by Cllr Mynott.

The committee also heard from Cllr Heard, Ward Councillor, reiterating his reasons for referral.

Cllr Mynott spoke objecting to the application for reasons including no very special circumstances for building within the green belt. This was echoed by many Members.

Following a debate a vote was taken and members voted as follows:

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

AGAINST: Cllrs Barber, Gelderbloem, Jakobsson, Pearson, Parker, Tanner, Wiles (7)

ABSTAIN: (0)

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

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

The committee made it clear that the very special circumstances that exist to clearly overcome the adverse harm by policy and impact on the green belt, was the provision of on-site parking for users of the church and school which in turn makes safe the highway use along Hall Lane, currently a dangerous and unsafe passage for pedestrians and car users alike.

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

FOR: Cllrs Barber, Gelderbloem, Jakobsson, Pearson, Parker, Tanner, Wiles (7)

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

ABSTAIN: (0)

The application was **APPROVED** subject to standard conditions to be agreed.

318. APPLICATION NO: 22/01290/FUL First Floor 40 High Street Brentwood Essex CM14 4AJ

This application had been reported to the Planning and Licensing Committee having been referred by Cllr Gareth Barrett. The reasons given are:

The smoking area/the balcony impacts the residents of Alfred Road and High Street properties directly. For context, noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are not permitted but not yet commenced).

Ms Brooke Pride presented the report.

Cllr Barrett, Ward Councillor, addressed the Council outlining the reasons for his referral and objecting to the application.

Objections were raised to the external noise that would be created by people using the rear terrace area and concern that the installation of the wall and protective barriers would rebound the noise rather than absorb it which would

lead to an impact upon the amenity of surrounding residents. The retractable canopy would also allow noise to escape the area when open with no controls.

The Committee heard from David Carter, Environmental Manager, regarding proposals in the application and how mitigation measures were being proposed within the application to mitigate noise and the noise limiter that has already been installed. David Carter confirmed that the only noise level that cannot be controlled is the one from people.

The committee concluded that the use of the premises as nightclub and drinking premises, including the use of the first floor rear external terrace area was not appropriate within this location and would impact upon other night-time economy contrary to policy PC09, and harmful to the local residents by reason of noise from its users.

Following debate, a motion to **REFUSE** the application was **MOVED** by Cllr Wiles and **SECONDED** by Cllr Barrett. Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, Cuthbert, Fryd, Gelderbloem, Jakobsson, Laplain, Mynott, Pearson, Tanner, Wiles (11)

AGAINST: (0)

ABSTAIN: Cllr Parker (1)

The application was **REFUSED**.

Notwithstanding the issue of a Premises Licence, the nightclub is not acceptable in this location because of the harm it will cause to nearby residents and other users of this part of the high street arising from noise, disturbance and anti-social behaviour from comings and goings arising from its use, and especially from the first floor rear terrace area, in conflict with local plan policy PC09.

319. Planning Appeals Update (September - December 2022)

This report provided Members with a summary of recent planning appeal decisions.

Mr Drane presented the report. Following a full discussion, the report was noted by Members.

320. Fees & Charges Update

Fees and charges made by the Council for various services are reviewed on an annual basis by the relevant Committees relating to the services provided.

Recommended amendments to the fees and charges are incorporated into the budget setting process to take effect from the following financial year.

Cllr Tanner **MOVED** and Cllr Barber **SECONDED** the recommendation in the report with the removal of Appendices D and E as they were not contained within the report. The amended report is attached to the Minutes.

Members agreed unanimously to:

Approve the proposed charges for 2022/23 as attached in Appendix A, B and C subject to the annual budget setting process.

Reasons for Recommendation

Officers review fees and charges annually and this will be used to inform the 2022/23 budget setting process.

321. Urgent Business

There were no items of urgent business.

The meeting concluded at 20:46

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SITE PLAN ATTACHED

**CHEALE MEATS LTD ORCHARD FARM LITTLE WARLEY HALL LANE WEST
HORNDON LITTLE WARLEY BRENTWOOD ESSEX CM13 3EN**

CONSTRUCTION OF MEAT PROCESSING BUILDING (USE CLASS B2), ONE HGV MAINTENANCE BUILDING (USE CLASS B2) AND ONE FOOD STORAGE BUILDING (USE CLASS B8) WITH ROOF MOUNTED SOLAR PV PANELS, NEW ACCESS AND STAFF PARKING, ENHANCED LANDSCAPING, SUSTAINABLE DRAINAGE AND A COMBINED HEAT AND POWER PLANT.

APPLICATION NO: 22/01205/FUL

WARD	Herongate, Ingrave & West Horndon	13 WEEK DATE	22 November 2022
PARISH	West Horndon	Extension of time	tbc
CASE OFFICER	Mr Daryl Cook		

Drawing no(s) relevant to this decision: 001/A; 002/E; 003/A; 004/A; 007; 008; 008/A; 009; 010; 011; SG (Illustrative Structural Planting Strategy); WIE17721-100-R-1-1-5_AQA - Air Quality Assessment; Badger Survey Technical Note; Health Impact Assessment by Icen Projects; Arboricultural Impact Assessment prepared by Simon Jones Associates; Contaminated Land Preliminary Risk Assessment prepared by Waterman; Design and Access Statement prepared by Icen Projects; Flood Risk Assessment and Sustainable Drainage Strategy prepared by Icen Projects; Landscape and Visual Impact Assessment and Green Belt Assessment prepared by CSA Environmental; Noise Assessment prepared by Waterman; Preliminary Ecological Appraisal prepared by CSA Environmental; Sustainability and Energy Statement prepared by Icen Projects; Transport Assessment prepared by Icen Projects; Travel Plan prepared by Icen Projects;

This application has been referred to Committee on the basis that Officers consider this proposal would “*have significant policy or strategic implications, including departures from the approved development plan which would require referral to the Secretary of State*” if approved (Part B, paragraph 2.1, pg.204 of the Constitution v27.07.22).

1. Proposals

Planning permission is sought for the “Construction of meat processing building (Use Class B2), one HGV maintenance building (Use Class B2) and one food storage building (Use Class B8) with roof mounted solar PV panels, new access and staff parking, enhanced landscaping, sustainable drainage and a combined heat and power plant” at Cheale Meats Ltd, Orchard Farm, Little Warley Hall Lane, West Horndon, Little Warley, Brentwood, Essex, CM13 3EN.

2. Policy Context

The Development Plan

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 BE01 Carbon Reduction, and Renewable Energy
- Policy BE02 Water Efficiency and Management
- Policy BE03 Establishing Low Carbon and Renewable Energy Infrastructure Network
- Policy BE04 Managing Heat Risk
- Policy BE05 Sustainable Drainage
- Policy BE07 Connecting New Developments to Digital Infrastructure
- Policy BE09 Sustainable Means of Travel and Walkable Streets
- 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 PC01 Safeguarding Employment Land
- Policy PC02 Supporting the Rural Economy
- Policy NE01 Protecting and Enhancing the Natural Environment

- Policy NE02 Green and Blue Infrastructure
- Policy NE03 Trees, Woodlands, Hedgerows
- Policy NE04 Thames Chase Community Forest
- Policy NE08 Air Quality
- Policy NE09 Flood Risk
- Policy NE10 Contaminated Land and Hazardous Substances
- Policy NE11 Floodlighting and Illumination
- Policy MG01 Spatial Strategy
- Policy MG02 Green Belt
- Policy MG03 Settlement Hierarchy
- Policy MG04 Health Impact Assessments
- Policy MG05 Developer Contributions

National Policy and guidance

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

3. Relevant History

There is an extensive site history for the Abattoir facilities relating to extensions and provision of new buildings in association with the use and is detailed within the supporting Planning Statement.

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, public site notice and press advert. At the time of writing this report, no neighbour representation has been received for this application.

5. Consultation Responses

- **County Archaeologist:**

The Essex Historic Environment Record (EHER) shows little in the way of archaeological evidence in proximity to the proposed development. A collection of cropmarks identified from aerial photographs, located some 700m to the north, appear to show a double ditch linear feature (EHER 18130). 17th-century Little Worely Hall, its associated moated enclosure and 15th-century church, lie 750m to the north-west (EHERs 1872, 1869 & 1870). The closest known area of potential archaeological activity is a series of cropmarks 200m to the east of the development (EHER 48304), however, these have been interpreted as representing recently removed 19th-century field boundaries.

It is unlikely that any of these potential areas of archaeological activity extend into the proposed development site. Therefore, based on our current knowledge, there are no archaeological implications for the proposed development and we would not recommend any conditions for this application.

- **Essex Badger Protection Group (revised):**

Thank you for contacting us regarding this scheme and for providing the updated badger survey note dated November 2022.

No objection in principle. The circumstances of this site and the submitted information make it essential for a further survey to be carried out as close to the commencement of the development as possible and no later than 3 months prior. Other than that, we concur with the recommendations of the latest survey report and have no additional comments to make.

- **Arboriculturalist (10/01/2023):**

In my previous comments of 17th October 2022 I sought clarification regarding the effects on trees and hedging on the east side of Little Warley Hall Lane. The applicant has confirmed that two oak trees growing either side of the proposed new access will require removal to achieve the necessary visibility splays. In addition, the boundary hedge will need to be reduced from its current height of approximately 2.0m to 0.6m.

Having inspected the trees along the route it is agreed that most of them contain significant defects as a result of historic damage. Both of the oaks to be removed have significant damage and decay within the trunks and branches. One tree has

signs of long-term fungal growth. While the trees could remain standing for some time it is likely that they will continue to decline in the short-term.

The landscape strategy has been updated to show how the loss of the two trees and reduction in the height of the hedge will be mitigated. New standard trees will be planted within a woodland buffer of up to 15m wide beside the lane. This new planting would provide future replacement trees for the remaining retained trees which all have signs of decline.

At the moment the planting mix comprises mainly tree species and I would recommend more shrub species be included. The detail of the planting scheme can be finalised through condition. The final landscape scheme would also need to provide details of planting within the site and for the swales.

While it is unfortunate that the two trees would require removal to achieve the visibility splays, it is agreed that the trees contain many issues that are likely to impact on their future viability. The landscape strategy should provide a significant wooded strip that would mitigate for the loss of trees and reduction of the height of the existing hedge.

I have no objection on landscape grounds subject to the successful implementation of the landscape scheme.

- **Arboriculturalist (17/10/2022):**

The site is a U-shaped area of grassland that wraps around the southern side of the existing abattoir buildings to the east of Little Warley Hall Lane and immediately north of the railway.

An LVIA has been submitted with the application. This considered that views of the site are largely screened or filtered from most viewpoints, with the most significant effects being on the residential properties immediately adjacent to the site.

There is an existing hedge with trees on the roadside boundary. The landscape plan and arboricultural report show the hedge being largely retained except for a new access. However the paragraph 5.4 of the LVIA refers to 92m of hedgerow along the western boundary requiring removal as a result of the associated visibility splays. Can the applicant confirm which is correct?

A landscape parameter plan shows the existing perimeter planting being retained and thickened by new planting. No detail has been provided regarding the specification of what is to be provided; however in principle this would be considered appropriate to help improve the screening and ecological value of these features.

Swale features have also been proposed between the buildings. These features could help achieve a biodiversity enhancement if they were appropriately designed (e.g., with graded slopes and sown with a wetland wildflower seed mix and appropriately managed) as they link to the hedges and wooded belt which would ensure connectivity for species.

If the scheme is permitted I would request that there be a landscape condition placed on the scheme requiring a detailed landscape scheme be submitted to, and approved by, the LPA prior to commencement. The scheme should also incorporate the suggested biodiversity enhancement measures.

- **Highway Authority:**

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

The proposals include the provision of a new site access onto Little Warley Hall Lane to complement the existing access. It is not possible for the new access to be provided with visibility splays that fully comply with highway standards without crossing land under the control of a dwelling by the name of Shiloh. However, it is understood that the current owner of Shiloh, Mr Paul Cheale, is also the owner of the Cheale Meats land. Consequently, it has been agreed that a deed of covenant will be drawn up to ensure that the requisite visibility splays for the new access will be maintained across Shiloh in perpetuity (cf. condition below).

Having reviewed both the submitted Transport Statement and the most recent 5-year road traffic collision data, the Highway Authority is satisfied that, although there will be an increase in vehicle movements to / from the site, the cumulative impact on the safety and efficiency of local highway network will not be unacceptable or severe, which is the criteria for refusal of planning permission as defined in the National Planning Policy Framework.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

Reason: To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

2. Subject to a suitable legal agreement and prior to first use by vehicular traffic, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 110 metres to the north and 2.4 metres by 121 metres to the south, as measured to a point no more than 1m from the nearside edge of the carriageway (as shown in Appendix A4 of the Transport Statement). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction above 600mm in perpetuity.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

Note: The applicant has submitted a draft deed of covenant between Mr Paul Cheale (owner of the dwelling named Shiloh) and Cheale Meats Ltd. The finalised document must be signed and submitted to the Local Planning Authority prior to any approval of the application. The covenant must secure legal rights over land under the control of Shiloh in order to provide the visibility splay to the north of the newly-proposed access as described above in perpetuity and regardless of title holders.

3. Prior to first occupation of the proposed development, the Developer shall submit an updated workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,383 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

4. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

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

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

Informative recommended.

- **Anglian Water (194208/1/0154354):**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Informative should be brought to applicants' attention.

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

Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the applicant has not identified a drainage strategy, with point of connection, discharge regime, and if pumped a rate to discharge into the network. We therefore request a condition requiring an on-site drainage strategy. Informatives recommended.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a

statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Informative recommended.

In terms of Water Sewerage Network, a condition for on-site foul water drainage works should be submitted to the LPA.

- **ECC SuDS (revised):**

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

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

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

Lead Local Flood Authority position

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

Condition 1

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

- o Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- o Limiting discharge rates to 36.6l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the

relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.

- o Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- o Final modelling and calculations for all areas of the drainage system.
- o 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. Indices tables should be provided.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason:

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

Condition 2

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

Reason:

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

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

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

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason:

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

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

Reason

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

We also have the following advisory comments:

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

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

Informatives recommended.

- **Environmental Health & Enforcement Manager:**

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 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.

Noise

The submission has been supported by a Noise Assessment carried out by Watermans Group dated 18th August 2022 Report Reference: WIE17721-100-R-2.1.7_Noise.

Background Noise measurements were taken at a representative location and identified the main noise source and the dominant noise source was noted to be vehicles movements, mainly HGVs, along Little Warley Hall Lane.

The impact of noise upon the site was assessed using BS 4142:2014+A1:20197 . However, specific details on the fixed external and building service plant have not been provided at this stage. The report suggests that plant noise limits can be met with noise mitigation measures (suggestions written in the report), however, no specific plan.

Due to this I would recommend the following condition, ensuring a full BS 4142 assessment is completed prior commencement. Once approved the scheme of mitigation shall be implemented in full prior to the use commencing and permanently maintained thereafter and replaced in whole or in part as often is required to ensure compliance with the noise levels.

Contaminated Land

The Phase 1 Report submitted in this application - Orchard Farm Preliminary Risk Assessment - concludes on pages 19 that the current overall risk rating for the site is medium. This was because of three potentially unacceptable risks: nearby residents inhaling potentially contaminated dust during construction, construction workers coming into direct contact with/ingesting/inhaling potentially contaminated soils, and potentially contaminating drinking water supply pipes.

I would therefore suggest that a Phase 2 Report is submitted to the planning authority prior to the commencement of works. Additionally, I would also suggest that a Remediation Strategy Plan is submitted to the planning authority prior to the commencement of works. However, it is also hoped that the submission of a CEMP as requested above will help to mitigate the first potentially unacceptable risk.

Air Quality

I have read and accept the methodology and findings of the air quality impact assessment dated November 2022. In accordance with this document and my colleague Zac Byrne's response in September, I want to reiterate the importance of ensuring adequate dust control measures within a CEMP. Mitigation should be appropriate for a medium risk site as per the recommendations within the AQIA (November 2022) and the Institute of Air Quality Management: Guidance on the Assessment of Dust from Demolition and Construction, 2014.

- **Bats - Mrs S Jiggins:** No response received at the time of writing this report.
- **Essex Wildlife Trust:** No response received at the time of writing this report.
- **Natural England:** No response received at the time of writing this report.
- **Secure by Design (Essex Police):**

Thank you for the opportunity to comment on planning application 22/01205/FUL. Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. SBD is the official police security initiative that works to improve the security of buildings and their immediate surroundings to provide safe places to live and work and is designed to address emerging criminal methods of attack. This reflects sections 92, 112 and 130 of the NPPF.

Whilst there are no apparent concerns with the layout of this site, Essex Police requests that the developer seeks to achieve the relevant Secured by Design accreditation for this development, which in this case will be Secured by Design Commercial Developments 2015 version 2. The SBD website- (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

Lighting Considerations:

Lighting plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within that space. When designing both public and private space, and when applied and designed correctly, lighting can reduce the potential for crime.

Essex Police recommend that lighting design meets the current relevant standard (i.e., the newest standard for street lighting BS5489-1 2020).

Access Roads and Service yards:

With HGV and cargo crime being prevalent across Essex, careful consideration is required regarding the design of the proposed access road and service yard for the proposed development.

According to NaVCIS (National vehicle crime intelligence service,) Essex remains the area with the highest number of cargo crime reports, and therefore, it is important that the design of this area promotes good design and staff welfare.

CCTV Operation and supporting policies:

Although CCTV is not cited within the documents submitted to the planning portal for this application, it is assumed that the proposed additional site will have additional CCTV cameras integrated with the main site CCTV; the most important aspect of utilising CCTV is the quality of the system and its imagery. This should be based on a series of comprehensive operational user and requirement tables. It requested that the CCTV will be monitored at all times, and therefore management plans and procedures, alongside data sharing protocols are required detailing the expectation of all parties. This will need to be embedded within contingency plans and overall policies and procedures. It should be acknowledged that despite the most careful appropriate design and incorporating the most sophisticated physical and electronic security measures the net result will be diminished without suitable policies and procedures.

Moreover, the policies must be translated into practice through relevant management, training, and evaluation. A policy folder on a shelf does not deliver the intended outcome; its implementation does.

- **Basildon Fire Station:**

No objections raised. Informative recommended.

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

Referring to the consultation on a planning application dated 06/09/22 referenced above, in the vicinity of the M25 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Statement on Reasons

National Highways has undertaken a review of the Planning Statement, accompanying a full planning application submission.

National Highways interests relate to the operation and safety of the SRN, and in proximity to the proposed site, this includes the M25. We are interested as to

whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of this development.

The proposed development comprises the expansion of the existing facility to the south to provide an additional 5,055sqm of floorspace, provided across three separate buildings.

The existing vehicle access from Little Warley Hall Lane will be retained with an additional access provided approximately 130m south of the existing access, providing access onto Little Warley Hall Lane through a priority junction measuring 7.5m in width.

The Development Proposals include for an additional 55 car parking spaces. These 55 spaces are to be made up of 9 disabled bays, 14 electric vehicle charging bays and 32 standard bays. 21 long stay spaces are to be provided and 11 short stay cycle parking spaces based on standards referenced in the Essex Design Guide. Refuse collection will take place on-site with sufficient space for a refuse vehicle to manoeuvre to allow both access/egress in forward gear. The design of the vehicle route through the Site ensures that refuse collection vehicle can stop next to the bin stores to reduce dragging distances.

The trip generation indicates that there will be a 16% increase in traffic on Little Warley Hall Lane. However, this equates to an additional 208 vehicle trips per day, likely spread across a 12 hour or more period. This results, as a worst case, in there being an additional vehicle approximately every 3 -4 minutes. This is not anticipated to have a significant impact on the highway network.

In view of the above, it is considered that the proposals satisfy the criteria of the revised NPPF, and as such there is no justifiable reason to object to the application on highways and transportation grounds.

Conclusion

We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

Recommendation

National Highways raises no objections based on the information set out above.

- **Parish Council:**

I can confirm that this application was discussed at the West Horndon Parish Council meeting held on Thursday 29th September 2022.

Parish Councillors acknowledge that the proposed works would lead to a substantial increase in food production at the site. This would bring a significant increase in

traffic movement in terms of animals being brought to the abattoir for slaughter, food produce being taken from the site for further processing/delivery to retailers and general vehicular traffic in respect of workers, packaging and other related supplies.

Little Warley Hall Lane South is accessed at its northern end by the A127 and at its southern end by St.Mary's Lane. It is a relatively narrow rural lane and at certain points only permits single file traffic. This situation is exacerbated by the hump back bridge over the C2C railway towards the southern end of the road and the large HGV vehicles bringing animals to the site. Many traffic problems have been experienced in Little Warley Hall Lane South. The junction with the A127 creates difficulties in that the slip roads are not of sufficient size to accommodate turning articulated vehicles. This has caused accidents on the main trunk road. Similar problems occur at the St.Mary's Lane junction where articulated and heavy goods vehicles experience significant problems negotiating the small rural lanes and the hump back bridge over the railway. Traffic is often brought to a standstill and the large vehicles cause numerous accidents.

Given the increased traffic movement, which would be created by the proposed works, it seems surprising that a comprehensive transport report has not been prepared. This should highlight the present traffic problems in this area and give information on what road improvements would be undertaken to assist in resolving the present difficulties, as well as addressing any further issues expected to arise if the proposed works are given approval to proceed.

With a lack of clarity regarding how future transportation issues are to be resolved the Parish Council is unable to support this application and believes it should be rejected.

Additional comments 20.10.22:

I have now heard back from the West Horndon Parish Councillors and there is no wish to change the comments previously provided in respect of Planning Application No. 22/01205/FUL.

The Transport Statement and Transport Plan prepared by Icen are regarded as aspirational in terms of how the increased transportation and journeys along Warley Hall Lane South will be handled. Indeed, the chosen wording for the documentation appears resigned to the fact that whilst walking and cycling to the site would be helpful, they stand little chance of success and other measures such as car share are unlikely to have a large take up.

The report from National Highways was viewed by the Parish Councillors as being poor in content and showed little if any appreciation of the nature of Little Warley Hall Lane South itself or the type of road it is in terms of its width and terrain and the fact that along its length there is a single track hump back bridge over a railway.

Indeed, a number of Parish Councillors questioned whether a site visit had been undertaken.

The increased number of journeys along Warley Hall Lane South by articulated lorries, heavy goods vehicles and cars resulting from the proposed works at Cheale Meats Limited require that road improvements are made if serious accidents in this area are to be avoided.

- **Design Officer:** No comment.

6. Summary of Issues

The starting point for determining a planning application is the Development Plan, in this case the BLP. 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 construction of a meat processing building (Use Class B2 (General Industrial)), one HGV maintenance building (Use Class B2) and one food storage building (Use Class B8) with roof mounted solar PV panels, new access and staff parking, enhanced landscaping, sustainable drainage and a combined heat and power plant.

Site context

The application site is adjacent to and wraps partially around the existing abattoir operation at Orchard Farm expanding towards the railway line to the south and located along the eastern side of Little Warley Hall Lane. The application site is free from development with the wider site partially screened by foliage along common boundaries and currently used as a grazing field. The site falls within the metropolitan Green Belt which washes over the locality. The existing abattoir has previously been subject to extensions and alterations over the years and has extensive site history, though as this proposal relates to a separate land parcel, this has not been listed above.

Environmental Impact Assessment considerations

During the lifetime of the application, Officers have considered whether EIA screening of the application site is required but consider the development proposals to fall below the thresholds set out within Schedule 2 of the Town and Country

Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). As a result, Schedule 1 of the EIA Regs would not apply and the development would not likely result in significant effects on the environment, either alone or cumulatively with other development. This assessment is not based on the merits of the proposal, rather whether the EIA regime is triggered by this development, which as indicated above it is considered not to.

Green Belt considerations

Chapter 13 of the National Planning Policy Framework (NPPF) relates to the protection of Green Belt land. Paragraph 137 states that the Government attaches great importance to Green Belts and the protection of its essential characteristics – its openness and permanence. Green Belt is a spatial designation not a qualitative one, therefore the requirement to protect openness applies just as much to attractive countryside as to less attractive areas of Green Belt. Paragraph 147 states that where development is considered to be inappropriate, this is “by definition” harmful to the Green Belt and should not be approved except in very special circumstances (VSC). However, VSC would not exist unless the potential harm is clearly outweighed by other considerations. Policy MG02 of the BLP is relevant to this application which states “All development proposals within the Green Belt will be considered and assessed in accordance with the provisions of national planning policy”.

The NPPF stipulates that new buildings are inappropriate development in the Green Belt, unless one of a short list of quoted exceptions in paragraph(s) 149 or 150.

The applicant outlines within their Planning Statement that the proposals would amount to inappropriate development within the Green Belt and would therefore not meet the exceptions within the above paragraphs as the development entails “*construction of substantial new buildings*”. There is common ground between the LPA and applicant on this matter. The acceptability of this proposal is wholly reliant upon VSC and would need to meet the threshold which is set out within the NPPF, as below:

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

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

The last sentence is particularly worthy of note. Even were there to be matters in favour of the proposal, for them to be considered to be VSCs they would need to clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. This is a much higher threshold than an 'on balance' judgement. The following sections consider other material planning considerations before reviewing the merits of the considerations put forward by the applicant as part of the VSC claim.

Employment considerations

The proposed development envisages an increase in employment on site. The supporting statement differs on the existing number of employees on-site quoting figures of 93-107 (para 7.40) and 120 (para 4.7/application form). However, it estimates that a further 39-43 new positions would be created through this development. These roles would predominantly result from the new cutting and deboning hall which is a more labour-intensive process.

Paragraph 81 of the NPPF outlines the importance of policies and decision making in helping to create conditions for businesses to invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Policy PC01 seeks to safeguard employment land and criterion 2 states development proposals (including the redevelopment of existing developed areas) on designated employment land within the Green Belt will be considered in line with national and local Green Belt policy. As the site (grazing land) would not redevelop existing developed areas and is not designated employment land, this policy does not support the proposal.

Policy PC02 supports proposals which seek to diversify the range of economic activities on a farm or within a rural area, but this is subject to compliance with Green Belt policy. The explanatory text also notes that economic growth can be achieved through an expansion of agricultural and other businesses and enterprise within a rural area. However, as the proposal is agreed to be inappropriate development within the Green Belt and amounting to a diminution of Green Belt openness, the policy would not support this form of development.

Consideration of wider opportunities for development have been identified with the recent adoption of the BLP which identifies suitable levels of employment land for an identified need allocating sites which in turn has released some areas from the Green Belt. This site has not be released and remains green belt.

Design, Character and Appearance 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 explanatory text for policy BE14 identifies that the Essex Design Guide (EDG) is a useful starting point for a development.

The proposal seeks to construct three new buildings which spread across the site coupled with ancillary parking facilities, including HGV holding areas, and open landscaping between. These buildings are of a bland industrial appearance commensurate with their use which sees an expansion of the existing abattoir facilities. The supporting Design and Access Statement indicates that the separation of buildings and routes have been designed to avoid cross contamination.

Building 1 would be up to 8.2 metres in maximum height with eaves ranging between 4.4m and 6.4m. The floor area, within Class B2 use, would be 2,055sqm. The building would be used for deboning and packing containing facilities including freezers, packaging zones, preparation zones, air-controlled curing facilities, office, WC and warehousing.

Buildings 2 and 3 would have a maximum height of 7.8m and a level eaves of 6.5m. Building 2 would be used for storage purposes storing pallets, parts, packaging refrigerated vehicle supplies. The floor area, within Class B8 use, would be 1,800sqm. Building 3 is to be used for HGV maintenance i.e., vehicle and trailer checks. The floor area, within Class B2 use, would be 1,200sqm.

The total B2 use would be up to 3,255sqm across two buildings and a B8 use of up to 1,800sqm for the final and third building. Buildings are to be fitted with roof mounted solar PV panels.

The Gas CHP Unit is indicatively shown to have a height, excluding plant, of 2.9m, length of 12.19m and width of 2.44m to be located between the existing buildings to the north east corner and Building 1 proposed toward the south east corner. Details of plant could be sought through condition.

In terms of secure by design, the Designing Out Crime Officer advises there are no apparent concerns with the layout of the site. However, it is advised that the developer seeks to achieve the relevant Secured by Design accreditation for Commercial Developments. This can be brought to the developer's attention by informative. Details of lighting strategies could be sought through condition. It is also advised that there is suitable CCTV operation and secured facilities for cargo to limit crime.

Evidently there would be a loss of openness through the construction of substantial buildings and that would be harmful in respect of Green Belt considerations and the character of this part of the site together with its contribution to the character of the locality. However, these facilities would also be read within the context of the existing abattoir facilities which has an effect on the character of the immediate area. On that basis, while the quantum of built form would grow, the building typologies themselves would not appear incongruous within the locale and to that extent would comply with policy BE14 of the BLP.

Impact on Neighbour Amenity

No neighbour representations have been received as part of this application. The proposed development is within close proximity to existing abattoir facilities and there is considered to be sufficient distances between the boundaries of the (very isolated) residential properties to the proposed buildings one of which is within the ownership of the Cheale family. In this particular case, the nature of the proposed works are not considered to give rise to an overbearing form of development, nor lead to a material loss of privacy, overlooking or general disturbance effect in accordance with policy BE14 of the BLP.

Parking and Highway considerations

The Highway Authority (HA) and National Highways have both reviewed the merits of this proposal.

The proposal would include a new vehicular access along the eastern side of the highway (Little Warley Hall Lane); to the west of the red outline and south of the existing access which serves the remainder of the existing abattoir.

The proposal includes a total of parking 55 spaces are to be provided made up of 9 disabled bays, 14 EV charging bays and 32 standard bays. Within an amended block plan, the provision of cycle parking has been reduced to 16 (from 32) within drawing 002/E. Details of EV charging points can be sought through condition as well as increased cycle parking provision to ensure compliance with local policies.

The HA advise that the visibility splays relied upon would cross over land and curtilage of the dwellinghouse 'Shiloh' contrary to highway standards. However, the current owner of this dwellinghouse is Mr. Paul Cheale, a member of the Cheale family who operates the abattoir. The applicant's agent has confirmed that they have agreed a deed of covenant which is, at the time of writing this report, being drawn up to ensure that the requisite visibility splays will be maintained across 'Shiloh' in perpetuity. A copy of the deed of covenant in draft format has been supplied to both the LPA and HA.

The HA advise further that having reviewed the accompanying Transport Statement and most recent 5-year road traffic collision data, they consider the cumulative impact of an increased vehicular movements to/from the site would not be unacceptable in respect of highway safety and efficiency of the local highway network.

The HA advises that subject to conditions regarding the provision of a Construction Management Plan, securing of a legal agreement for the visibility splays (which are illustrated within Appendix A4 of the Transport Statement), an updated workplace travel plan for a period of 5 years or more, parking provision and cycle storage provision. A financial contribution is also recommended within condition 3 (see consultee response) of £6,383 (plus the relevant sustainable travel indexation) payable prior to occupation. Such a contribution would need to be sought through a s106 agreement; it is not possible to achieve this by planning condition.

Whilst the concerns of the Parish Council are acknowledged, statutory consultee advice is that the works proposed would be acceptable on highway grounds and it on that basis the proposal is considered to be compliant with policies BE08, BE09, BE11, BE12, BE13 and MG05 subject to conditions and s106 agreement. A 'Grampian style condition' (negatively worded condition) would be recommended to ensure access is provided before the commencement of development.

Natural Environment considerations

The Councils Arboriculturalist and Ecologist has reviewed the submission on several occasions. To accommodate visibility splays, discussed above, revisions to the boundary hedge adjacent to the highway have been sought from 2m high to 0.6m high. Two oak trees, adjacent to the access, will also need to be felled.

The trees in question have been inspected and it is agreed they have “significant defects as a result of historic damage”. There is decay within the trunks and branches. One tree has signs of long-term fungal growth. It is likely there would be a continued decline in the short-term.

The applicant has submitted a revised landscape strategy to incorporate mitigation for the reduction in height of the hedgerow and loss of trees. New trees would be planted within a woodland buffer of up to 15m wide beside the lane. This planting would provide future replacement trees for the remaining retained trees. It is made clear that the strategy would need to provide a significant wooded strip to mitigate the loss of the hedgerow and trees. It is also advised that shrub species are incorporated too and that there are further details of planting within the site and for the swales. Swales offer an opportunity to enhance biodiversity, providing a link to the hedges and wooded belt to ensure connectivity for species. This is subject to suitable design i.e., with graded slopes and sown with a wetland wildflower seed mix and appropriately managed. It is considered that all of these requirements could be suitably controlled through condition in the event of permission being granted.

In terms of ecology, the submission details biodiversity enhancement measures and in the event that permission was granted, their inclusion as approved documents, would require these measures to be implemented. It is recommended that a further survey in respect of badgers would need to be undertaken prior to commencement of the works as these are a highly mobile species and accurate data can change rapidly as a consequence. Notwithstanding, mitigation measures during the construction phase indicated within the latest survey report is considered to be satisfactory.

The proposed works are not considered to prejudice the implementation, aims and objectives of the Thames Chase Plan, which this site falls within the area of.

The proposal is considered to comply with policies NE01, NE02, NE03 and NE04 of the BLP subject to conditions.

Environmental Health considerations

An Air Quality Impact Assessment (AQIA) has been submitted during the lifetime of the application. This has been reviewed by the Councils Environmental Health (EH) team who consider its contents to be acceptable.

A Land Contamination report has also been submitted and reviewed by the EH team. Page 19 of the report outlines there is an overall medium risk rating as a consequence of three potentially unacceptable risks: i) nearby residents inhaling potentially contaminated dust during construction; ii) construction workers coming

into direct contact with contaminated soils; and iii) potentially contaminated drinking water supply pipes. On that basis, a Phase 2 report plus remediation strategy plan are recommended alongside a Construction Environmental Management Plan. The CEMP will also help to mitigate impacts upon Air Quality.

In terms of noise, the application is accompanied by a Noise Assessment dated 18 August 2022. Background noise measurements have been taken and the dominant noise source was noted to be vehicular movements. No specific details on the fixed external and building service plant has been provided. The report identifies that plant noise limits can be met with mitigation measures, with suggestions referenced within the report, but with no specific plan. Therefore, an acoustic assessment condition in respect of plant is recommended. Conditions restricting outdoor working would also be recommended.

EH advise further conditions restricting construction activities and bonfires. Where these cannot be dealt with by condition, an informative outlining requirements to comply with separate environmental health legislation is recommended. Issues of lighting and illumination could be dealt with through condition.

The proposal is considered to comply with policies BE14, NE08, NE10 and NE11 of the BLP subject to conditions.

Sustainability considerations

Policies BE01, BE02, BE03 and BE04 of the BLP are pertinent here. The application is supported by a Sustainability and Energy Statement which excludes specific reference to policy BE02, but does include recommendations for reducing water consumption.

Policy BE01 requires new developments to be of sustainable construction and seek to reduce carbon. Major developments are required to achieve at least a 10% reduction in carbon dioxide emissions above the requirements of Part L of the Building Regulations. New non-residential development is also required to achieve an 'Excellent' rating under the BREEAM New Construction (Non-Domestic Buildings) 2018 scheme, or equivalent standard. Proposals are also required to provide a minimum of 10% of the predicted energy needs of the development from renewable energy. Where on-site provision of renewable technologies is not appropriate, or cannot be achieved, 'allowable solutions contributions' via a s106 agreement should be sought alongside off-site provision. Where standards are not met, the applicant must demonstrate compelling reasons providing evidence as to why achieving such standards is not technically feasible or economically viable.

Policy BE02 requires new development to ensure water efficiency and management. Water conservation is necessary and new non-residential development is expected to meet BREEAM 'Excellent' rating in category Wat 01. Major developments are also expected to provide substantial water management measures such as rain and grey water harvesting. Measures to address waste water and sewage to improve the water environment (and quality) ensuring adequate capacity and misconnections are eliminated are also expected.

Policy BE03 requires new development to establish a low carbon and renewable energy infrastructure network. For this major development, the proposal is expected to demonstrate that the heating and cooling system has been selected in accordance with the heat hierarchy.

Policy BE04 seeks to manage heat risk through the design of new buildings including their orientation.

During the lifetime of the application, the LPA have sought external advice from an independent sustainability consultant, to review the credentials of the supporting Sustainability and Energy statement. Per the executive summary, the headline points are:

- The report provides a high-level view of the sustainable design and construction methods
- Sections of the report broadly address sustainability policy drivers and the energy strategy to minimize CO2 emissions
- The report finds the modelled building services performances, building fabric thermal efficiencies, and air permeabilities quoted, do not improve on and are only just within the limits of L2(A)2021 compliance for the modelled area. Therefore, the thermal fabric of the buildings should be significantly improved to reduce energy demand and consumption; architectural detailing for low air permeability should be considered
- Additional on-site electricity generation will be required to achieve carbon neutrality in both design and operation should that be required
- A technical nuance would be, if agreement could be reached with the local building control officer as to the confirmation of industrial nature of part(s) of the development (which could be excluded from Approved Document Part L2(A)2021 calculations), then the relative percentage reduction by CHP and PV would increase for the same plant and PV area
- Importantly, the proposal only considers the benefits of the new site. It does not consider the impact of the proposed development on the existing buildings and site infrastructure, or quantify how it may impact on them. For

example, the design access statement notes the massing of the new buildings to the east, south, and west of the existing PV array. The proposed buildings are likely to periodically overshadow this installation, at least partially, and some drop in yield will result, which could impact on existing site operation and costs. This is not mentioned in the report, and no assessment has been identified of the changes in existing PV array yield, or how the new development and installation would contribute to offset this

- From a site stewardship viewpoint, the energy and sustainability report would benefit from an addendum to demonstrate both how zero-carbon design, and zero carbon in operation might be achieved. This is a separate issue from simple part L2(A) compliance and that required by the LPA
- From a long-term perspective, a strategic statement would be very useful, showing a route to full site de-carbonisation in the future. This may include consideration of green hydrogen-fuelled CHP plant, with associated fuel storage and delivery areas, and / or additional PV arrays to ensure the full site achieves carbon neutrality by 2050
- The report did not state why low carbon heat generation, such as air or ground source heat pumps (ordinarily considered before CHP / cogeneration district heat networks due to their low-carbon nature) were not considered. This may be because the Food Standards Agency document on Abattoirs states a minimum domestic hot water temperature of +82°C is required for cleaning purposes. This is well above what a heat pump system could provide (i.e., constant peak water flow temperatures are not greater than +55°C).

The applicant's team advises that the findings of the consultant could be dealt with through condition. They consider that this would seek to confirm measures to achieve net zero-carbon emissions in operation, details of measures to minimise carbon emissions associated with the building design, an assessment of how the proposed development would impact upon the existing development and associated renewable energy infrastructure, consideration of a future pathway to full site decarbonisation and an assessment of the space and water heating systems to be incorporated into the development.

Whilst the proposal may demonstrate simple compliance with Part L of the Building Regs and would ultimately be considered under separate legislation, compliance is a pre-requisite for any development and this is neutral in the planning balance.

Officers are of the view that the proposed scheme makes aspirational claims, does not commit to the basic principles of the policy requirements in achieving BREEAM 'Excellent' ratings and overall is lacklustre. The references to measures within the suggested condition do not commit to anything substantial and lack specific detail whilst envisaging changes to parts of the abattoir which fall outside of the red

outline of the development site and therefore cannot be controlled by condition; no blue line is included within the accompanying site plan. Therefore, there is no scope within this application to improve upon the existing sustainability credentials of the existing development; instead, the proposal has been found to have a negative impact on the existing situation and therefore the positive impacts of the proposed development are considered to be limited.

This proposal is not considered to represent an exemplar scheme in respect of sustainability. The applicant would need to achieve a level of sustainability substantially above the level sought within this application in order for meaningful weight to be given to the sustainability credentials which forms part of their very special circumstances claim. This could, for example, have been sought through cladding of existing facilities and expanding upon solar provision. However, this is not a matter which could be dealt with through this application.

The proposal has failed to demonstrate that the proposed development would fully comply with the requirements of policies BE01 and BE02 of the BLP. As there has been no commitment to achieving BREEAM standards within the submitted documents, which officers consider would need to be demonstrated from the early stages of the design process, it is not considered possible for this to be conditioned. A further reason for refusal is recommended as a consequence.

Flood Risk considerations

The application site is located within Flood Zone 1. A flood risk assessment and SuDS strategy accompanies this application. Essex County Council are the Lead Local Flood Authority (LLFA) and have reviewed this submission on two occasions. In their most recent advice, dated 10 October 2022, they raise no adverse comments to the proposed development subject to conditions to cover a detailed SuDS scheme to be submitted, measures to minimise offsite flood risks, maintenance plans and yearly logs of maintenance.

Anglian Water have provided consultee response on this scheme and advise of assets close to or crossing the site citing the Water Industry Act 1991 and that the developer may be liable for costs associated with reconfiguring or diverting apparatus. However, this is beyond the scope of planning considerations and would be a civil issue between the two parties. They consider that development will lead to an unacceptable risk of flooding downstream but advise that a condition requiring on-site drainage strategy prior to commencement of development would mitigate this risk. Informatives are also recommended were the application to be acceptable in all other respects.

On that basis, it is considered risks could be mitigated through condition and the proposal would comply with the requirements of policies BE05, BE14 and NE09 of the BLP in respect of flood risk and incorporation of sustainable drainage features.

Health Impact Assessment considerations

The proposal is accompanied by a HIA. This has been reviewed by the HIA steering group. The report sets out Health Determinants and how the proposal performs against each category. Within the response, recommendations are made alongside shortfalls with the application such as but not limited to: little consideration of social cohesion and inclusive design principles, measures to improve cyclist and pedestrian safety, additional measures to improve security, the impacts upon noise pollution and air quality. It is considered that such matters could be reasonably conditioned or brought to the applicant's attention by way of informative. In principle, the proposal is considered to comply with the requirements of policy MG04 of the BLP.

Other Matters

Consultation with Essex County Fire & Rescue Service has been undertaken. They advise that the proposal would not affect Fire Service access to the premises and subject to building control approval, and therefore considered under separate legislation, they would raise no objections to this scheme. An informative of their recommendations (i.e., sprinkler systems) could be brought to the developer's attention.

Very Special Circumstances

It is common ground between the LPA and applicant that the proposal would amount to inappropriate development within the Green Belt. The applicant has put forward a case to outline what they consider to be material considerations and planning benefits which they conclude would amount to VSC and these are bullet pointed below, as summarised by Officers.

Weight is required to be given to these different considerations put forward as VSC. The degree of weight is to be accorded to each is a matter for the decision taker. This can be divided into two steps: the first is to determine whether these individual factors would outweigh the harm and the second is to determine whether these factors in combination outweigh the harm. The weight to be given to any particular factor is a matter of degree and planning judgement. The case should be decided on the planning balance qualitatively rather than quantitatively.

1. Performance of Site against Green Belt Objectives

2. Need for Employment land and suitability of the site for the proposed use
3. Protection of existing rural employment and provision of new jobs
4. Sustainability credentials (decarbonisation and expansion of low carbon energy generation)
5. Rising energy costs threatening the viability of the business
6. Compliance with the regulatory framework for food hygiene safety
7. Ecological and landscape benefits
8. Provision of sustainable drainage features and sustainable transport modes

Performance of Site against Green Belt Objectives:

The Brentwood Borough Council London Metropolitan Green Belt review concluded that the study parcel which contains this site made a “moderate contribution” to the Green Belt purpose. The applicant contends that the application site is a small part of the overall study area and has provided a Landscape and Visual Impact Assessment and Green Belt Assessment to assess the site against the purposes of the Green Belt. The applicant indicates that the site fulfils few of the purposes of the Green Belt i.e.:

- *To check unrestricted sprawl of large built-up areas*
- *To prevent neighbouring towns merging into one another*
- *To assist in safeguarding the countryside from encroachment*
- *To preserve the setting and special character of historic towns*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

The assessment of the site’s contribution to the purposes of the Green Belt is particularly narrow and largely relates to an assessment of the proposal in isolation. Green Belt policies should be applied consistently. Furthermore, in this case the proposal would result in encroachment in the countryside and would not assist in the recycling of urban land. This consideration is afforded “low” weight.

Need for Employment land and suitability of the site for the proposed use:

The applicant considers that the need for employment land and the suitability of the existing site for the proposed use to attract “very significant weight”. Whilst they

concede alternative sites are available, they are not considered suitable as food produce would need to be transported increasing the carbon impact of the business as well as additional food miles. They also consider the location of an abattoir close to residential areas unsuitable for amenity reasons.

Details of alternative sites have not been provided within this application and therefore it is not possible to judge the suitability of other sites, or how this may impact upon residential amenity. However, it seems apparent that the use of electric vehicles could help to mitigate carbon impacts for commercial purposes. Failure to provide a robust assessment of alternative sites significantly reduces the weight attributed to this consideration.

The BLP identifies site allocations for Employment of which this site is excluded. A requirement of between 38.41 and 50.61 hectares is identified within Figure 7.4 of the BLP (pg.133) of which ~46.64 hectares have been allocated in addition to existing commitments. This has involved the release of sites from the Green Belt. As the adoption of the BLP provides for the necessary requirements threshold, there is not an identifiable need for further Employment land at present.

Therefore, the LPA are of the view this consideration would only attract “limited” weight.

Protection of existing rural employment and provision of new jobs:

The NPPF sets out within para 81 that significant weight should be placed on the needs to support economic growth and productivity. Indeed, sustainable development has an economic objective, a social objective and an environmental objective (para 8).

The applicant contends that the premise of policy PC02 of the BLP supports the proposed development. The supporting statement provides an analysis of employment within Brentwood between urban and rural areas. They identify the business as one of the very few “median-sized” rural business in Brentwood employing between 93-107 (or 120) people on-site (dependent on day-to-day operations) and a key employer in one of the area’s largest sectors (retail and wholesale). The scheme would enable the creation of an additional 39-43 roles on-site, but this is not a ceiling number. They also consider the expansion to enable significant increases in UK wholesale production which would contribute towards food security. Together with the economic benefit the expansion of the business would provide, the applicant contests that this should attract “very significant weight”.

It is difficult to measure the importance of food security in the context of planning decisions, it is a hugely complex factor. However, a Government publication in December 2021 entitled the “UK Food Security report” provided a comprehensive overview of the country’s food security. The Executive Summary¹ outlined that “we have a high degree of food security in the UK. Domestically we produce 60% by value of all the food we need, rising to 74% of food which we can grow or rear in the UK.” It goes on to state that “strong domestic production, balanced with international trade, contributes to a diverse and resilient UK food supply”. Importantly, this strategy also recognises the impacts of the Ukraine crisis, energy crisis and climate change. This particular strand of argument is therefore considered to attract “limited” weight given the “high degree” of food security existing.

An increased number of employees on site would without doubt contribute towards the economic objective of sustainable development and para 81 of the NPPF outlines that this should be given “significant” weight.

Sustainability credentials (decarbonisation and expansion of low carbon energy generation):

The applicant considers that decarbonisation and expansion of low carbon energy generation supply on site in the context of rising energy costs and existing supply not meeting needs, on site heat and power system alongside additional PV panels to enable zero-carbon electricity generation would result in a scheme which, in the context of recent approvals (although none are listed), is exemplar. They contest this should attract “significant” weight.

However, the LPA consider that the sustainability credentials of the site have been overstated and are aspirational. Material harm has been identified as discussed within the report above in terms of policy compliance and impacting upon the existing development (solar array) in a negative capacity by virtue of the new buildings positions and heights. Whilst compliance with building regulations may be met, this is a pre-requisite for any development. On that basis, the proposal is not considered to be exemplar and this consideration is “neutral” in the planning balance.

Rising energy costs threatening the viability of the business:

Within the supporting statement, and as shown by figures produced by the applicant during the lifetime of the application, the business has faced increased energy costs which, it is claimed, is affecting the viability of the business. It is presumed that the

¹ Source:
<https://www.gov.uk/government/publications/government-food-strategy/government-food-strategy>

applicant would also rely upon this as a consideration, but there is no specific reference to the weight to be attributed.

In this case, the LPA consider that whilst viability of the business could be a material consideration, rising energy costs are an issue on a nation and global scale and not site specific. In effect, this is an issue facing residential households and businesses alike and therefore is only considered to attract “limited” weight.

Compliance with the regulatory framework for food hygiene safety:

The applicant sets out that the proposal has been carefully designed to maintain the highest food and hygiene standards. The applicant already holds a full range of approvals in respect of varying standards. Existing regulations specify the requirements for abattoirs to ensure separation in space or time of differing parts of the industrial process/operation.

The site has developed piecemeal over the years and a need to continue to comply with the regulatory framework is argued to be afforded “some” weight. If these requirements are not met, there is a risk of closure.

However, no recent application has explored a redevelopment of existing facilities to ensure continued compliance. It does not necessitate the expansion of facilities across an undeveloped land parcel. Ultimately, compliance with these regulations is a pre-requisite and covered by separate legislation. It has not been demonstrated that this cannot be achieved within the existing facilities or necessitates expansion. The effect of this is considered to be “neutral” in the planning balance.

Ecological and landscape benefits:

As the application would enable improvements to the landscape through expanded tree and hedge cover, there would also be an ecological benefit and it is contested this would attract “moderate” weight.

However, all development proposals are required to incorporate appropriate landscaping into developments and be sensitive to ecological impacts by promoting biodiversity. The effect of this is considered to be “neutral” in the planning balance.

Provision of sustainable drainage features and sustainable transport modes:

The proposal would seek to incorporate sustainable drainage features and sustainable transport modes for staff and improved facilities which the applicant contests should be afforded “some” weight.

Similarly to the above, this is a pre-requisite of all development proposals of this nature and scale. The effect of this is considered to be “neutral” in the planning balance.

Summary:

The table (1) below illustrates within the first two columns the material harm and the weight afforded to each. The third column identifies the material considerations advanced by the applicant as summarised by officers. The fourth column identifies the weight officers attach to each material consideration:

Table 1: Material Harm and VSC/Planning Benefits

Material harm	Weight afforded	Material consideration/ Planning Benefit	Weight afforded
Inappropriate development within the Green Belt	Substantial	Performance of Site against Green Belt Objectives	Low
Non-compliance with policies BE01 and BE02	Substantial	Need for Employment land and suitability of the site for the proposed use	Limited
		Protection of existing rural employment and provision of new jobs	Significant
		Sustainability credentials (decarbonisation and expansion of low carbon energy generation)	Neutral
		Rising energy costs threatening the viability of the business	Limited
		Compliance with the regulatory framework for food hygiene safety	Neutral
		Ecological and landscape	Neutral

	benefits	
	Provision of sustainable drainage features and sustainable transport modes	Neutral

In summary, the applicant argues that the “...*cumulative benefits of the scheme are considered to clearly outweigh any harm to the Green Belt*”. This view is not shared by officers. There is identifiable harm in respect of the Green Belt and non-compliance with sustainability policies; primarily through failure to demonstrate BREEAM ‘Excellent’ ratings.

Whilst there is an identifiable benefit from increased employment, the BLP and its recent adoption clearly identifies a suitable level of employment land within the borough for the subsequent years. This will provide numerous economic benefits to the local and wider economy. The applicant would therefore be well advised to consider the call for sites as part of the ongoing local plan review if further needs are identified to be required.

The NPPF outlines that VSC need to *clearly outweigh* inappropriate development within the Green Belt and all other harm identified. In this case, no material consideration or benefit would achieve this (very) high threshold either in isolation or cumulatively outweighing all harm identified.

Conclusion

The proposed development, for the reasoning outlined above, is considered to be contrary to policies BE01, BE02 and MG02 of the BLP and the aims and objectives of the NPPF and NDG. The material considerations advanced in support of the application are both in isolation and cumulatively not considered to amount to VSC which would *clearly outweigh* the harm to the Green Belt and all other harm identified. Therefore, the proposed development is recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 The proposed development by virtue of its overall size and spread of built form across grazing land would conflict with the purposes of the Green Belt through the resultant encroachment into the countryside and urban sprawl. The proposed development represents inappropriate development in the Green Belt contrary to the aims of Chapter 13 of the NPPF and policy MG02 of the Brentwood Local Plan.

No very special circumstances accompany the scheme which would clearly outweigh the harm identified by reason of its inappropriateness and all other harm identified.

R2 The proposal does not commit to achieve the Non-Domestic Buildings BREEAM 'Excellent' (or other suitable equivalent) rating for the new facilities in terms of the buildings fabric and water efficiency (Wat 01) ratings and has not demonstrated compelling reasons, supported by evidence, as to why the sustainability standards are not technically feasible or economically viable contrary to the requirements of policies BE01 and BE02 of the Brentwood Local Plan.

Informative(s)

1 The following Development Plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE01, BE02, BE03, BE04, BE05, BE07, BE09, BE11, BE12, BE13, BE14, PC01, PC02, NE01, NE03, NE04, NE08, NE09, NE10, NE11, MG01, MG02, MG03, MG04, MG05; as is the National Planning Policy Framework (NPPF), National Design Guide (NDG) and National Planning Practice Guidance (NPPG).

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF23

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

BACKGROUND DOCUMENTS

DECIDED:

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Title : Cheale Meats Ltd, Orchard Farm, Little Warley Hall Lane, West Horndon, Brentwood, Essex CM13 3EN

22/01205/OUT

Scale at A4 : 1:2500

Date : 21st February 2023

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



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SITE PLAN ATTACHED

LAND AT BROOKFIELD CLOSE HUTTON ESSEX

ADVERTISEMENT CONSENT FOR: 2X NON ILLUMINATED TIMBER V-FRAME (TRIANGULAR) SIGN BOARDS AND 1X NON ILLUMINATED TIMBER PANEL SIGN

APPLICATION NO: 22/01637/ADV

WARD	Hutton Central	8/13 WEEK DATE	17 January 2023
PARISH		POLICIES	BE14
CASE OFFICER	Brooke Pride		
Drawing no(s) relevant to this decision:	62 P01, HBS-DR-B-61 P04, HBS-DR-B-60 P03, Supporting Statement		

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

1. **Proposals**

Advertisement consent is sought to display one non-illuminated timber panel sign at the corner of Brookfield Close and Rosen Crescent and two non-illuminated timber V frame (triangular) sign boards, one on the corner of Hutton Drive and the other facing onto Hanging Hill Lane. The signs are to advertise the forthcoming zero carbon in use affordable housing which is to be built in replacement of the existing development at Brookfield Close (application reference 20/01912/FUL).

The applicant wishes to erect the above signage to advertise the regeneration of the site and provide further information to the public whilst the site is developed. Consent is sought to display the advertisement until 06/01/2025.

The proposed timber panel sign will measure 1.8 metres in height, 1.5 metres in width and 0.25 metres in depth and would be positioned 0.6 metres above ground level on two timber posts. The overall total height of the sign would be 2.4 metres.

The two V frame sign boards will have two sides, the sign will measure 1.8 metres in height, 1.5 metres in width and 0.25 metres in depth and would be positioned 0.6 metres above ground level on three timber posts between the two sides. The overall total height of the sign would be 2.4 metres.

The advertisement would have a white background with predominantly green and black lettering alongside an image of the development approved under 20/01912/FUL and contact details and a QR code for more information.

2. Policy Context

National Planning Policy and Guidance

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

Development Plan, Policies and Supplementary Planning Documents

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

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. The following policies are most relevant to this application:

BE14 – Creating Successful Places

3. Relevant History

- 20/01912/FUL- Redevelopment of site including demolition of houses and bungalows and development of 62 zero carbon homes incorporating extensions and conversion of Courage Court to form 22 flats, construction of 16 houses and 24 flats; provision of open space, landscaping and associated works – Approved – 12.07.2021

4. Neighbour Responses

None.

5. Consultation Responses

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposed signs are all located clear of the highway boundary.

Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority as it is not contrary to policy.

6. Summary of Issues

Principle of Development

Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and Planning Practice Guidance (PPG) also provide guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of built and natural environment and on public safety.

Paragraph 136 of NPPF states:

“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

In general the principle of displaying advertisements to advertise forthcoming developments is considered acceptable, the other material planning considerations in relation to amenity and public safety are considered below.

Amenity

“Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements)(England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

The proposed advertisement does not make a sound and therefore aural amenity considerations are not relevant.

In assessing the impacts of visual amenity, the Local Planning Authority must assess the visual amenity in the immediate locality of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

Two of the adverts will be located fronting Hanging Hill Lane, set back from the highway and pathway. Hanging Hill Lane is a busy route so they will be highly

visible to drivers and pedestrians. The other sign is located along Brookfield Close, near to the road which turns into Rosen Crescent. All three locations are within residential areas, where advertisements such as proposed are not common features or part of the prevailing character of the area, but consent is sought only for a limited period of time (06.01.2025) until the development is due to complete, when the signs will be removed. It is common for regeneration sites to advertise the forthcoming development and it is an effective way to inform local residents of what is being built on the site.

The proposed text and illustration on the advertisement are considered acceptable and use muted colours. The advertisements are clear in their purpose and would not appear cluttered or include any overly bright colours which may appear out of character in this setting.

Therefore, taking into account the temporary nature of the advertisements, their design, and appearance, as well as their function in informing local residents of the new development, it is not considered that the proposal would result in a detrimental impact on the visual amenity of the area.

Public Safety

Factors relevant to public safety are specified in regulation 3 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007. Public safety is not confined to road safety and includes all the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air.

The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.

All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.

In this case, two of the signs are facing Hanging Hill Lane one of which will return onto Hutton Close; Hanging Hill Lane is a major route connecting north Hutton to the south of the borough, it has a restricted speed limit but traffic often moves much slower because of the commuter effect at peak times in morning and afternoon. The third sign is in a residential road where it is more likely motorists will be moving at a much slower speed and the location of the advertisements on the grass verges set back from the road would not impact on driver visibility or have a detrimental effect on public safety.

Furthermore, given the location of the proposed advertisement, it is considered unlikely to pose harm to security or adversely affect any cctv cameras in the area and as such the proposal would not affect crime prevention.

Conclusion

Having taken all material planning considerations into account, it is considered that the proposed advertisement would not have a detrimental impact on the amenity of the surrounding area or on public safety and therefore, subject to appropriate conditions, it is considered acceptable and in accordance with the requirements of the NPPF and policies of the Brentwood Local Plan.

7. Recommendation

GRANT ADVERTISEMENT CONSENT subject to the following conditions:

1. The advertisement hereby granted consent shall not be displayed on the site after the date of completion of development or after 06/01/2025, whichever first occurs.

Reason: For the avoidance of doubt as to the length of consent and pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

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

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

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

4. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); or
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reasons 3 – 7: These conditions are imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.

Informative(s)

1

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

2

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

3

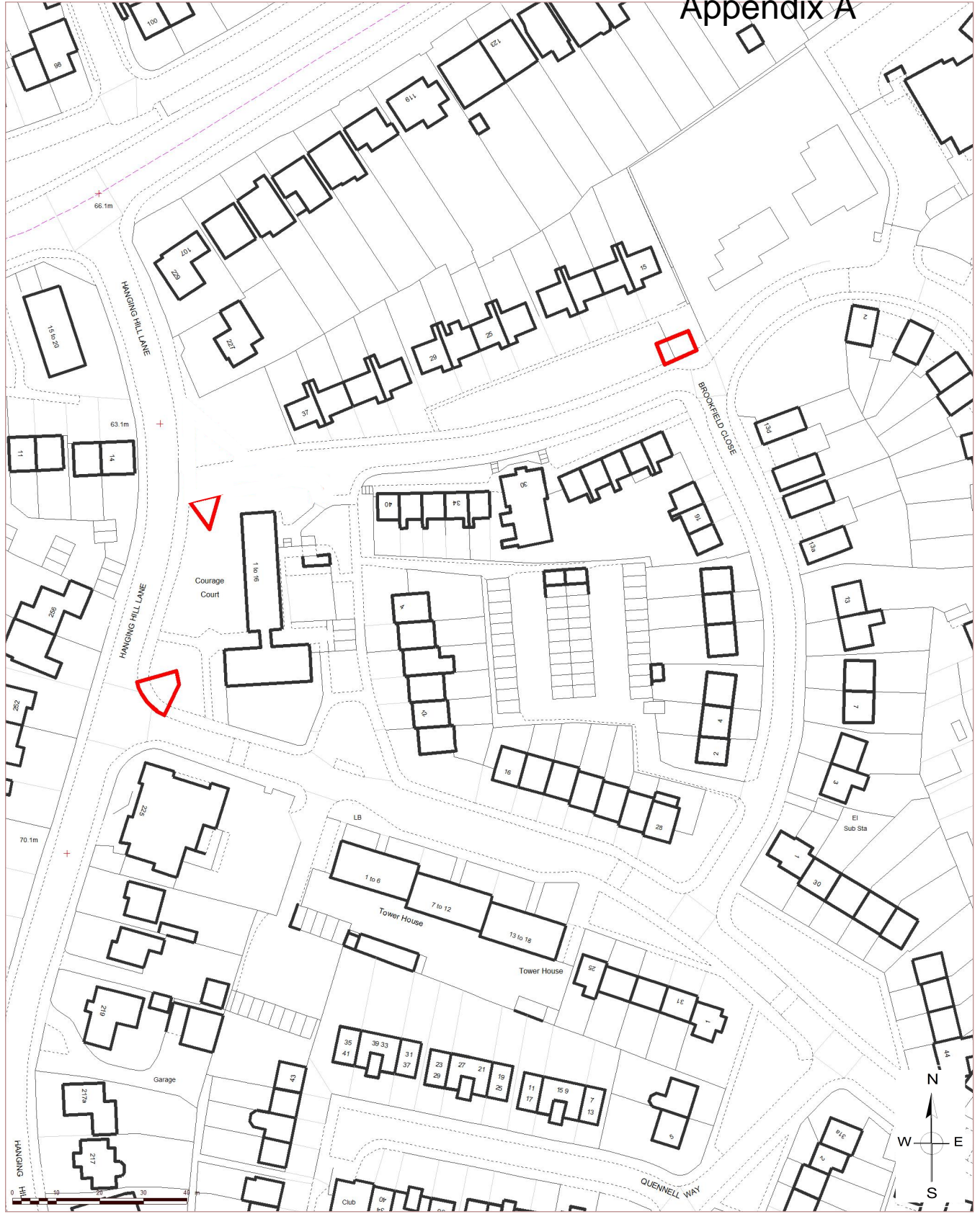
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

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>

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

22/01637/ADV

Scale at A4 : 1:1250

Date : 21st February 2023

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



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SITE PLAN ATTACHED

LAND TO THE REAR OF THE NAGS HEAD, BROOK STREET, BRENTWOOD, ESSEX

OUTLINE PLANNING APPLICATION (ALL MATTERS RESERVED OTHER THAN ACCESS) FOR MIXED USE DEVELOPMENT COMPRISING UP TO 12,000SQM GIA CAR SHOWROOM USE WITH ANCILLARY OFFICE USE (SUI GENERIS), 20,250SQM GIA FLEXIBLE EMPLOYMENT/STORAGE AND DISTRIBUTION USES WITH ANCILLARY OFFICE USE (B2/B8) AND 50 RESIDENTIAL DWELLINGS (C3) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING WORKS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED MATTERS).

APPLICATION NO: 22/00044/OUT

WARD	South Weald	8/13 WEEK DATE	Extension of time agreed.
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CASE OFFICER Mr Justin Booiij

Drawing no(s) relevant to this decision:

- Planning Application Form
- Site Location Plan (3496-BTW-SRA-XX-00-M2-A-PL-001 Rev P02)
- Architectural Plans:
 - Existing Site Plan (3496-BTW-SRA-XX-00-M2-A-PL-002 Rev P05)
 - Existing Site Sections A-A, B-B, C-C and D-D (3496-BTW-SRA-XX-00-M2-A-PL-005 Rev P03)
 - Existing Site Sections E-E, F-F, G-G and H-H (3496-BTW-SRA-XX-00-M2-A-PL-006 Rev P03)
 - Illustrative Masterplan (3496-BTW-SRA-XX-00-M2-A-PL-010 Rev P11)
 - Proposed Site Sections A-A, B-B, C-C and D-D (3496-BTW-SRA-XX-00-M2-A-PL-015 Rev P04)
 - Proposed Site Sections E-E, F-F, G-G and H-H (3496-BTW-SRA-XX-00-M2-A-PL-016 Rev P05)
 - Parameters Plan 3496-BTW-SRA-XX-00-M2-A-PL-011 Rev P09
- Access Drawings:
 - Brook Street drawing ref 3260-1100-T-007 Rev L
 - Nags Head Lane Access drawing ref. 3260-1100-T-008 Rev L
- Planning Statement
- Design & Access Statement (DAS) and Statement of Design Intent

- Landscape and Visual Appraisal (LVA)
- LVA Supporting Information:
 - Location and Designations
 - Landscape Character
 - Existing Visibility
 - Site Analysis
 - Soft Landscape Strategy
 - Photographs
- Preliminary Ecological Appraisal (PEA)
- Reptile Survey and Mitigation Strategy
- Nocturnal Bat Surveys
- Arboricultural Impact Assessment (AIA)
- Flood Risk Assessment (FRA)
- Proposed Drainage Strategy
- Phase 1 and Phase 2 Geotechnical and Geo-environmental Site Investigation Report
- Noise Assessment
- Air Quality Assessment
- Energy and Sustainability Statement
- Environmental & Sustainability Opportunities
- Heritage Assessment
- Archaeological Desk Based Assessment
- Transport Assessment and Transport Assessment Addendum
- Commercial Market Demand Report
- Economic Case
- Statement of Community Involvement (SCI)
- Health Impact Assessment (HIA)
- Section 106 draft Heads of Terms

The application has been referred to the Council’s Planning and Licensing Committee at the discretion of the Head of Planning and Development

1. Proposed Development

The Applicant, Brentwood gateway Park Limited, is being represented by planning agents Sphere 25 LLP in bringing forward this planning application.

The proposed development’s description is as follows.

“Outline planning application (all matters reserved other than access) for mixed use development comprising up to 12,000sqm GIA car showroom use with ancillary office use (Sui Generis), 20,250sqm GIA flexible employment/storage

and distribution uses with ancillary office use (B2/B8) and 50 residential dwellings (C3) with associated access, parking and landscaping works (Appearance, Landscaping, Layout and Scale reserved matters).”

The specific procedural and assessment aspects of the Outline planning application format are covered further on in this report.

2. Site Description and Relevant History

This report relates to an Outline application with all matters reserved apart from Access for LAND TO THE REAR OF THE NAGS HEAD, BROOK STREET, BRENTWOOD, ESSEX.

Application Site

The Application Site comprises an 8.5 ha plot that is bounded by: the Brook Street (A1023) to the north-west; Nags Head Lane to the east; Railway to the south, and; greenfield land to the west. The Site is located outside Settlement Category 1 (Brentwood Settlement Hierarchy, policy MG03) and to the east of M25 Junction 28. The site is abutting an Air Quality Management Area (Policy NE08) to the east. It is currently green field within the Metropolitan Green Belt with verdant edges fronting onto Brook Street and Nags Head Lane and hedgerows with trees the main apparent structuring elements of its existing field pattern.

Neighbouring to the east of the Application Site is the Grade II Listed Nags Head Public House. Also adjacent to the south-east of the Site across from Nags Head Lane lies Local Plan Allocation Site R06 Land off Nags Head Lane, which is identified as a residential development for around 125 new homes. This is subject to a current yet underdetermined planning application, Reference: 22/01347/FUL.

To the north of the site across from Brook Street are a diverse range of businesses as part of an inconsistent street frontage with significant setbacks, with Vicarage Close access road interrupting. The exception to this is a residential cottage at 61 Brook Street, which sits close up to the pavement. From Vicarage Close towards Brentwood town centre, Brook Street's north side has a tree-lined green verge with footpath in front of the business premises. West of Vicarage Lane, development on the north side of Brook Street appears less coherent although there is partial verdant frontage that continues a green verge with trees further along after a slip road that leads to the Shell petrol station. The old farmhouse is located between the Application Site's western boundary and Junction 28.

Access is taken from a gated access point off Nags Head Lane, near the railway bridge.

Public transport is available immediately adjacent to the Site with the number 498 bus route between Romford and Brentwood, stopping at the front of the Site on

Brook Street. The Site is located between two railway stations: Brentwood Railway station (2.6km / 1.6 miles away) and Harold Wood Railway Station (3.4km / 2.1 miles away).

The Site's levels vary across the site with a slope up from Brook Street with a sharp change in levels at the junction with Nags Head Lane. There is a slope upwards to the centre of the Site and the landscape across the plot undulates somewhat with an overall change in levels towards the northern boundary on Brook Street which is at a lower level.

The Site's open and green character is derived from prevalent trees, hedgerows, shrubs, and pasture grassland.

In terms of heritage interest, the Site is not located within a Conservation Area and does not contain any statutorily or locally listed buildings. The Nags Head Pub (Grade II) is located adjacent the Site's northeast corner. This building was Listed on 20 February 1976 with the following description:

“Public house. C17, early C18, C19 and 1961. Red brick, machine-made tile roof. Rectangular plan with C20 additions to rear. 1961 extension to W, lower in height, in matching style, not of special interest and not to be included in this listing.

[...]

Listing NGR: TQ5739792663”

It is noted that the highest value element of the Pub in heritage terms is the original building fronting Brook Street, with later extensions to the building having taken place to the side and rear.

Apart from the adjacent Grade II Listed Nags Head Pub, there is evidence of historical development on the Site including farm buildings and a corn windmill.

In terms of underground service infrastructure, an existing gas main and associated 25m wide easement currently runs diagonally across the Site from the north-west corner to the southern boundary. Two existing foul sewers also run across the Site from the north-east corner to the southern boundary.

Planning History

The application site's relevant planning history comprises the following.

- Brentwood Council Pre-application Advice Ref. 19/06265/PMAJ (car showroom (Sui Generis), Hotel (C1) and employment floor space (B2/B8) – Officers unable to support proposals

- Brentwood Council Pre-application Advice Ref. 20/06188/PMAJ (Car showroom (sui generis) of 11,437sqm GIA; Care home (C2) of 4,528 sqm GIA, Employment (B2/B8): 22,707sqm GIA) – Officers unable to support proposals
- Essex Quality Review Panel Advice 15/10/2020 – Panel unable to support proposals
- Essex Quality Review Panel Advice 15/3/2021 – Panel unable to support proposals
- Request for EIA Screening Opinion Ref. 20/01620/EIASO 2/12/2020 – Proposed Development NOT considered to constitute EIA Development.

3. Policy Context

National Planning Policy and Guidance

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

Development Plan, Policies and Supplementary Planning Documents

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

- Policy MG01: Spatial Strategy
- Policy MG02: Green Belt
- Policy MG04: Health Impact Assessments
- Policy MG05: Developer Contributions
- Policy BE01: Carbon Reduction, and Renewable Energy
- Policy BE02: Water Efficiency and Management
- Policy BE04: Managing Heat Risk
- Policy BE05: Sustainable Drainage
- Policy BE07: Connecting New Development to Digital Infrastructure
- Policy BE08 Strategic Transport Infrastructure
- Policy BE09: Sustainable means of travel and walkable streets
- 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 BE15: Planning for Inclusive Communities
- Policy BE16: Conservation and Enhancement of Historic Environment
- Policy HP01: Housing Mix
- Policy HP03: Residential Density
- Policy HP05: Affordable Housing
- Policy HP06: Standards for New Housing
- Policy PC01: Safeguarding Employment Land
- Policy PC03: Retail and Commercial Leisure Growth
- Policy PC04: Retail Hierarchy of Designated Centres

- Policy PC11: Education Facilities
- Policy NE01: Protecting and Enhancing the Natural Environment
- Policy NE02: Green and Blue Infrastructure
- Policy NE03: Trees, Woodlands, Hedgerows
- Policy NE04: Thames Chase Community Forest
- Policy NE05: Open Space and Recreation Provision
- Policy NE08: Air Quality
- Policy NE09: Flood Risk
- Policy NE10: Contaminated Land and Hazardous Substances

The following guidance documents are relevant material considerations for this application.

- Developers' Guide to Infrastructure Contributions (ECC)
- Essex Design Guide (ECC)
- The Sustainable Drainage Systems Design Guide for Essex (ECC) ,
- Draft Planning Obligations SPD (November 2022)
- Essex Planning Officers Association (EPOA) Guidance Note on Health Impact Assessments (2019)
- Building Research Establishment: Site layout planning for daylight and sunlight (2022)

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/>.

At the time of writing this report, 62 neighbour representations have been received for this application. Discounting multiple responses from the same respondents, there were 33 in support, 21 objecting, 1 neutral). The matters raised are summarised as follows.

Supports

- Principle of the Proposed Development
 - The Proposed Development would provide an opportunity to change unused and unkept land into an attractive entrance to Brentwood that would signal that its 'Open for business and growth'.
 - The Proposed Development would promote strategic planning
 - The Proposed Development would be beneficial to use this large piece of land which is currently not utilised
 - The Site's location being so close to the motorways and very busy roads are not suitable for livestock, farming, dog walking etc, and

fortunately Brentwood already has many wonderful natural and rural surrounding areas to offer this

- Character and Appearance of the Local Area
 - The Proposed Development would improve the entrance to the town
 - The Proposed Development would improve the visual appearance of the area
- Economy
 - The Proposed Development would provide much needed storage and distribution space, bringing in additional business, jobs for all levels of skill, clientele, visitors and housing, all of which are very much needed in this town to support local economic recovery and rejuvenation of Brentwood and surrounding areas
 - It is very sensible having the industrial units in one prime location
 - The Proposed Development would attract more upmarket brands
 - The Proposed Development would showcase some of what the Borough has to offer
- Highways and Economy
 - The chosen site will also move employment and distribution space away from the town centre, and thus HGVs will also be kept away from the town centre
 - The Proposed Development would reinforce the strategic position of Brentwood as an area where businesses can invest and thrive due to its excellent transport links and proximity to London
- The Proposed Development would have a beneficial effect on house prices and desirability of the area

Objections

- Principle of the Proposed Development
 - Availability of other sites including Local Plan allocation sites, brownfield sites, existing empty car showroom sites, offices, warehouse spaces, dwellings in and around Brentwood should be utilised without the need to build more.
 - The Proposed Development would be contrary to the need to protect the Green Belt (in general and specifically the reduction of the Green Belt between Brentwood and London, setting a precedent for more development in the Green Belt, jobs and training not a justification for loss of Green belt).
- Nature Conservation
 - The Proposed Development would be detrimental to wildlife, habitats incl natural ponds, insects, birds, reptiles and mammals
- Highways
 - The Proposed Development would lead to an increase in existing traffic congestion (including from construction traffic and HGVs)

- There is insufficient existing road capacity (such as traffic lights, pavement widths, pedestrian crossings, street lighting, parking spaces)
- The Proposed Development would worsen road safety
- The submitted Transport Assessment is incorrect
- The Proposed Development would lead to a potential conflict from proposed residential access junction from traffic waiting for traffic lights near to Nags Head Lane-Brook Street junction. Lack of visibility at proposed junction.
- The Proposed Development would lead to disruption from cumulative construction activity in the area
- Economy
 - The Proposed Development would have an adverse impact on Brentwood high street business
 - The advantage of extra employment being generated by a proposed nursing home has been lost
- Visual Impact, Heritage and Design
 - The Proposed Development would be unsympathetic to the current gateway at the listed Nags Head pub and Brentwood's history as a medieval cathedral town and a borough of villages
 - The Proposed Development would lead to a loss of views and local character (Brentwood's rural and green character, Nags Head Lane's quiet country lane character, the Proposed Development is too big, out-of-scale and out of character compared with its surroundings, open countryside views)
 - No detailed drawings have been provided for the proposed residential plot
- Amenity
 - The Proposed Development would lead to a loss of privacy
 - The Proposed Development would lead to a loss of amenity space
 - The Proposed Development would lead to a loss of sunlight
- Community infrastructure
 - The Proposed Development would lead to a lack of schools a to support proposed new dwellings, doctors, hospitals)
- Pollution
 - The Proposed Development would lead to pollution from increase in traffic
 - The Proposed Development would lead to dirt and muddy roads from construction activity
 - The Proposed Development would lead to light pollution
 - The Proposed Development would lead to air pollution
 - The Proposed Development would lead to an increase in noise
- Trees
 - The Proposed Development would lead to a loss of old trees
- Land and Water

- There is instable land next to the railway
- The Proposed Development would lead to potential local flooding and drainage issues
- There is insufficient existing sewage infrastructure to support the Proposed Development
- Sustainability
 - The Proposed Development would lead to an increase global warming
 - The Proposed Development would contribute to Climate Change
- Other
 - The planning application to include 50 homes appears to be a way of getting around planning laws and no doubt pay for Grange Motors' move
 - The costs of policing and security of the site and associated XR demonstrations will be considerable
 - The Proposed Development would benefit rich people

Neutral

- Would like to see some micro and scale up business units due to local shortage

Any matters raised that are material to the planning assessment have been considered as part of this report.

The application is also accompanied by a Statement of Community Involvement (SCI). The SCI provides further detail on the public consultation exercise carried out by the applicant prior to the submission of the application, as well as a response to key issues expressed by the local community.

5. Consultation Responses

The council consulted a number of times over the application's determination period, as follows.

- Initial consultation: 20 January 2022
- Second consultation (Additional submission comprising: amended access junctions and bus stop location and associated updated information, additional Health Impact Assessment, and Statement of Intent documents): 16 November 2022
- Third consultation (Additional submission comprising: Transport Assessment Addendum): 21 December 2022 and 9 January 2023

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/](#). Where relevant to the assessment, the Planning Assessment below contains commentary verbatim from relevant consultation responses.

- Brentwood Borough Council Landscape and Arboricultural Advisor (Ecology): No Objection, subject to planning conditions and/or planning obligations
- Brentwood Borough Council Landscape and Arboricultural Advisor (Trees): No Objection, subject to planning conditions
- Brentwood Borough Council Landscape and Arboricultural Advisor (Visual Impact): Objection
- Brentwood Borough Council Design & Conservation Officer (Design): Objection
- Brentwood Borough Council Heritage Buildings Officer (Built Heritage): Objection
- Brentwood Borough Council, Director of Housing: No Objection, subject to planning conditions and planning obligations.
- Brentwood Borough Council Environmental Health Officer (Noise): No Objection, subject to planning conditions.
- Brentwood Borough Council Environmental Health Officer (Air Quality): No Objection, subject to planning conditions.
- Brentwood Borough Council operational Services Manager: No Objection, subject to planning conditions and planning obligations.
- Brentwood Council's Corporate Manager for Economic Development: No Objection, subject to planning conditions and planning obligations.
- Brentwood Borough Council Sustainability Officer: No Objection.
- Brentwood Borough Council / Place Services Historic Environment Advisor (Archaeology): No Objection, subject to planning conditions.
- Planning Policy: Objection.
- Essex County Council (Lead Local Flood Authority): No Objection, subject to planning conditions.
- Essex County Council (Highway Authority): No Objection, subject to planning conditions and planning obligations.
- Essex County Council (Economic Development): No Objection, subject to planning conditions and planning obligations.
- National Highways: No Objection.
- Badger protection Group: No Objection, subject to planning conditions.
- Essex Police: No Objection, subject to planning conditions.
- Natural England: No Objection.
- Transport for London: No Objection.
- National Highways: No objection.
- East of England Ambulance Service: No Objection, subject to planning obligations.
- Mid and South Essex Integrated Care System: No Objection, subject to planning obligations.
- Essex County Fire and rescue Service: No Objection.

6. Outline Planning Application

Below follows an explanation of the form of application that is specific to the proposal scheme.

Parameter Plan and Illustrative Masterplan

Whilst the illustrative masterplan is not submitted as a proposed document to be approved, it has informed the parameter plan ref PI-011 Rev. P03 that has been submitted “for approval”. The other purpose of the illustrative masterplan is to demonstrate a development that could be delivered, subject to approval of such details at the Reserved Matters stage, which would involve a full assessment of all relevant details.

As detailed on the parameter plan, the proposed development for assessment at the current Outline stage therefore provides a maximum extent of development, which may be considered to be a “worst case scenario” on which assessment can be undertaken. The final specification of details for the development such as building dimensions for Reserved Matters submissions would be required to remain within any approved size parameters. If not, a further assessment and potentially a fresh planning application requirement may be triggered. One specific aspect of the assessment in this report relates to Daylight/Sunlight impact on nearby residential properties, where the approval of the parameters as a maximum extent of development should be subject to further assessment at the Reserved Matters stage. A parameter plan and any exceptions would normally be enforceable via a planning condition.

Phasing of the Development

No details regarding the sequenced delivery of the various plots of the Proposed Development have been submitted, but this information can be required via a planning condition alongside the submission of Reserved Matters.

Access

The application is made in Outline, with all matters reserved apart from Access. The Access provided in the application comprises one vehicular access junction along Brook Street to serve the retail employment component, and one vehicular access junction along Nags Head Lane, to serve the residential component of the Proposed Development. The details can be found in the Transport Assessment Addendum Appendix C.

Pre-application Process

The Application Scheme is the result of an extended pre-application phase that started in 2019 and that lasted up until the submission of the planning application. In addition to verbal feedback throughout the process, Brentwood officers provided written commentary on three occasions over this period. Whilst the Applicant team sought to enhance the proposals throughout the pre-application period, Officers confirmed at these occasions that the proposed development could not be supported and provided reasons for this position.

Pre-application submission Ref. 19/06265/PMAJ concerned the first iteration of the proposal scheme that came forward. It comprised: a car showroom (Sui Generis), Hotel (C1) and employment floor space (B2/B8). The officer assessment of the merits of the scheme was as follows.

“It is recognised that the proposed development would provide a larger site for a long established business to expand providing employment benefit to the area. In addition, the provision of a hotel and further industrial floor space would further contribute to the borough’s economy. However, the site is not allocated for development within the current or emerging local plan for development and is located in an area of Green Belt which is a primary gateway to the borough. The very special circumstances outlined in your working draft such as the provision of employment and the ‘moderate’ Green Belt value of the site do not outweigh the harm caused to the openness of the Green Belt and as such the proposal is not supported by officers.”

A meeting between the Applicant team and senior officers in the Council’s planning service was convened on 24 June 2020, where the principles were agreed a bespoke pre-application process to be secured through a Planning Performance Agreement (PPA). This was subsequently actioned in consultation with the applicant team, to allow the team to focus the preparation of an intended planning application around anticipated key issues informed by early feedback from a number of consultees and stakeholders. As intended, this process was guided by a formal Planning Performance PPA, which the Applicant entered into with Brentwood Borough Council on 2 November 2020 (Ref. 20/06188/PMAJ).

The Applicant team engaged ECC for separate pre-application advice so the pre-application process involved both BBC and ECC, and there has been some pre-application coordination between both Councils regarding Highways matters, but not regarding other matters such as Drainage and Flood Risk. The Council’s pre-application process coordinated the early involvement and consultation of BBC technical officers, but not of any external parties.

The pre-application process has therefore involved an interactive process during successive meeting sessions with opportunities to jointly review the evolving scheme and supporting information from various relevant technical perspectives, involving BBC DM officers, BBC consultees, ECC Highways Officers and the Essex Quality Review Panel (EQRP). In particular, pre-application stage consultation responses were generated from BBC technical officers and ECC Highways officer, and from the Essex Quality Review Panel (EQRP).

The Council issued two further pre-application advice letters: on 17 December 2020 and on 23 March 2022. Officers initially concluded as follows.

“The Proposed Development is inappropriate development in the Green Belt. The list of very special circumstances that you have provided are not exceptional, and do not, singularly or cumulatively clearly outweigh the harm to the Green Belt caused by policy definition or by actual harm.

The assessment of Land Uses lead me to conclude that the site is not appropriate either in terms of its location or its proposed uses. Whilst the economic benefits of relocating an existing local car dealership may be desirable, the quantum of proposed employment land is not supported by the Council’s plan-led approach that discounts this employment component from the delivery of economic development sites in the Borough in favour of other sites. The proposed residential care home would, contrary to policy, find itself in a relatively isolated location away from services and facilities.” ...

“In conclusion, the complexity of the Proposed Development at this Site has not successfully been resolved by the pre-application submission, and significant lacking information has been highlighted to assist with the completion of the planning application submission.”

The final letter provided subsequent advice to informally suggest critical requirements for an updated scheme that could create the potential to overcome the high threshold that needs to be met or exceeded given the Green Belt policy status of the site. The following key topics and issues were highlighted.

- a powerful vision for the re-design of the Site
- unable to reconcile a Care Home in this location
- integration of the scale of the development
- a truly aspirational and exemplary Sustainability Strategy
- Improved precision of assessments (Heritage, LVIA in particular).
- Contribution to Gateway function of the area.
- a compelling place-making rationale.
- updated supporting economic case documentation

Essex Quality Review Panel

The emerging application scheme was reviewed twice by the EQRP during the pre-application stage. On both occasions the Panel found that it was unable to support the proposals that were presented to them.

The EQRP conducted a first review of an early iteration of the proposed development (EQRP letter of 15 October 2020). The EQRP received a presentation by the Applicant Team and a briefing by the Council's Case Officer. On the basis of this and submitted information the EQRP held a discussion and subsequently circulated its formal review comments. The review comments of the Panel are a material consideration in considering a planning application, and should be accorded commensurate weight. In this regard it is worth mentioning that the scope of the EQRP review is not as wide as that of an application assessment by the LPA, and that the LPA will be the decision-making authority for the application.

The EQRP's comments received at the time can be summarised as explaining the Site attributes and characteristics including its context, and the potential impacts from the proposed development, before raising a number of fundamental concerns, and concluding that there was: *"a lot more work required for this scheme ... to bring this development to an acceptable level in terms of placemaking quality and implementing satisfactory sustainable and green infrastructural elements into the masterplan"*. Specifically, the Panel's collective explanation of the context went beyond the draft baseline assessment information in the submitted pre-application pack, and it focused on the qualities of the existing situation and the history leading up to it, to help establish an appropriate cross-cutting baseline.

This review challenged the Applicant to update the proposal scheme to respond adequately to the particular situation, including specifically, the need to compensate for the loss of the existing open greenfield land resource.

The EQRP reviewed the proposals for a second time at a Panel Meeting on 24 February 2021. A related report was issued on 15 March 2021, which came to the following conclusion.

"the panel would not support the proposals which were presented as part of the panel session. It was considered little change had been undertaken to meet the requirements of very special circumstances of the green belt and justify the role of a gateway development for Brentwood.

The approach to the landscape setting is seen as a key downfall of the proposals to date. The small interventions proposed as part of the landscape scheme contributed little and added minimal value to the green belt land. A landscape led

approach is required which will dictate the extent and type of development that can be brought forward as part of the site.

The panel questioned if large box units are suitable for green belt land given the challenges these hold in contributing positively to the very special circumstances of the site. It was recognised by the panel that a more residential led approach to the south should be explored where this offered further value to the setting and landscape approach.

The overall approach to architecture and design, particularly to Brook Street was raised as a key issue where what was presented added or contributed very little to the gateway placemaking approach required for this site.

There were several routes highlighted by the panel which the sales buildings could go, where a more forward thinking and innovative approach is required. Given the requirements of this land it was questioned why an outline application approach was being taken forward. Given the need for details to demonstrate the approach to very special circumstances and the need to enhance rather than just mitigate, it was recommended by the panel that either a full or hybrid application needs to be taken forward to both commit and demonstrate the approach.”

Environmental Impact Assessment

During the pre-application period for this application, the applicant submitted a formal Request for the Council’s EIA Screening, pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Council duly published its formal Opinion Ref. 20/01620/EIASO to confirm that the proposed development is not EIA development. Relevant environmental technical matters still form part of the considerations for this planning application.

7. Planning Assessment

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. The proposals have also been considered in accordance with: Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the

protection of listed buildings and Historic assets, and; the Town and Country Planning (Environmental Impact Assessment) Regulations (2017).

The assessment process for this application is sequenced as follows.

- Principle of Proposed Development – Green Belt and Proposed Very Special Circumstances
- Principle of Proposed Development – Proposed Land Uses (Economic Development and Housing)
- Access, Highway and Transportation, and Parking Considerations
- Design Matters
- Landscape and Visual Impact
- Historic Environment
- Community Infrastructure
- Sustainability
- Health Impact
- Ecology and Biodiversity
- Arboriculture
- Land Contamination
- Flood and Water Management
- Noise
- Air Quality
- Refuse and Recycling
- Neighbours' Amenity
- Crime and Safety
- Planning Obligations
- Summary and Recommendation

Principle of the Proposed Development

The Brentwood Local Plan contains specific Strategic Objectives that are relevant to the assessment of the principle of the Proposed Development.

SO1 aims to *“Manage Growth Sustainably, by directing development to the most sustainable locations along identified transit growth corridors, ensuring that the characteristics and patterns of our different settlements are protected and enhanced to provide a strong emphasis on ‘sense of place’ to be enjoyed by people living, working and visiting Brentwood”*.

SO3 aims to *“Deliver Sustainable Communities with Diverse Economic & Social - cultural Opportunities for All, opportunities which flexibly respond to the changing economic climate and employment sector trends making citizens feel economically empowered to enjoy and benefit from the necessary community/social infrastructure that sustains inclusive, informed, vibrant, active and cohesive communities.”*

SO1 illustrates key requirements for the Application Scheme, which is a speculative development that is not in accordance with the Application Site's Local Plan status as being unallocated within the Green Belt, and which therefore should seek to deliver benefit over and above the assessed need for economic and housing growth that has already been accounted for in the recently adopted Local plan's sustainable growth pattern. In contrast, SO3 highlights the need to be responsive to changes in economic opportunities in the context of developing the local community. The Proposed Development therefore requires consideration on its own merits to balance the planning merits arising from the Proposed Development's policy constraints and its relative benefits.

To this end, the first issue for assessment of the principle of the Proposed Development concerns whether there would be harm to the Green Belt. The other two issues concern the additionality relative to the growth already accounted for in the Local Plan, as provided by the application's proposed land uses, and this concerns Economic Development and Housing.

Green Belt Matters and Assessment of Proposed Very Special Circumstances

The Application Site is situated within the Metropolitan Green Belt and this notation washes over the locality. This is shown on the map that accompanies the Local Plan. There is no proposal to remove the Site from the Green Belt and the Council's Planning Policy team have specifically explained some context regarding the Application Site's previous unsuccessful candidacy for removal from the Green Belt as part of the Local plan process, and the importance of this process to ensure sustainable development:

"The application site was included within the Council's Housing and Economic Land Availability Assessment (HELAA) 2018 for a mixed-use employment led scheme. Within which the site formed part of a larger site, Reference 175B. Following assessment through the HELAA the site was considered to be "deliverable" for a mixed-use scheme, and as such was considered further as part of the Local Plan process. However, the site was later discounted principally on grounds it was considered to perform poorly in Green Belt terms, given the strategic importance of maintaining a robust Green Belt gap between Brentwood and the London Borough of Havering (for commentary on the shortlisted omission sites see Sustainability Appraisal, January 2019)."

The government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Green Belt is a spatial designation not a qualitative one, therefore the requirement to protect openness applies as much to less attractive areas of Green Belt as it does to attractive parts of the Green Belt. Policies MG01 (Spatial Strategy) and MG02

(Green Belt) aim to control development but support a limited range of development, subject to being appropriate to the Green Belt and protecting its openness.

The proposed parameter plan shows that the site levels would be recontoured to create a large scale development of seven large building plots with maximum roof heights of: 10m (two car showroom plots facing Brook Street), 12m (four commercial/industrial plots) and 8m (one residential plot). Such scale of development combined with the replacement of screening vegetation and the placement of two new junctions would mean that proposed buildings would be highly visible (as described further on in the Landscape and Visual Impact section). Officers consider that such a Proposed Development on this undeveloped predominantly green pasture land, will have a fundamental detrimental effect on the existing openness at the Application Site.

The NPPF stipulates that new buildings are inappropriate development in the Green Belt unless they fall within a short list of exceptions in paragraph 149. The Applicant's Planning Statement acknowledges that the proposal is inappropriate development in the Green Belt and officers concur with this conclusion.

The NPPF states that:

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

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

The last sentence is particularly worthy of note. If there were to be very special circumstances, they would need to clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, which is a much higher threshold than an on balance judgement.

The application's Planning Statement provides the Proposed VSCs and the Applicant's reasoning, and this part of the assessment considers whether each Proposed VSC is considered justified. If any VSC is considered justified, then its significance is assessed for the purposes of subsequent assessment of any cumulative VSCs against harm to determine whether the assessment threshold for "inappropriate development" in the Green Belt has been met.

Proposed VSC 1: “Green Belt Objectives”

The Planning Statement describes how, in the Applicant’s opinion, the Application Site performs in relation to each of the five purposes of the Green Belt (as set out in NPPF Paragraph 138):

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In response to the applicant’s analysis of the Council’s Green Belt Study Part 2: Green Belt Parcel Definition and Review, November 2018 – it’s important to note this study forms part of a series of 3 studies that together provide the Green Belt evidence used to inform the emerging Local Plan. The purpose of Part 2: Green Belt Parcel Definition and Review, was to assess the level of contribution of general land areas (referred to as ‘Green Belt Parcels’) to fulfilling the purposes of the Green Belt on a strategic level. The Study concludes:

“Those parcels which are generally smaller and well contained to the existing large built up areas, where they do not extend far beyond the existing settlement limits and/or are bounded by significant infrastructure, tend to be rated at an overall level of Moderate or Low Moderate; however these may still be important ‘Countryside Gaps’ (separating Towns) under Purpose 2 which may be a key special planning consideration.” (paragraph 3.2.5)

Given the above extract and its relevance to Green Belt Parcel 27B (which includes the application site area), It’s important to consider how the application site preformed at a closer level. It’s therefore necessary to consider the application sites analysis within the Green Belt Study Part 3: Individual Sites Assessment, November 2018; within the context of a mixed-use employment led scheme. As previously referenced the application site formed part of a larger site (Reference 175B) within the HELAA for a mixed-use employment led scheme, as such it was assessed on this basis through the Part 3 Green Belt site assessment work.

As per the ‘Employment Mixed Use Assessment Sheet – for Site 175B’ (Appendix L7 of the Green Belt Study Part 3), **the overall contribution of the site to Green Belt Purposes is considered moderate to high**. Significantly the comments made in the analysis under Purpose 2 state:

“The M25 is a significant barrier between Brentwood and Romford. Development would significantly reduce the countryside gap between Brentwood and Romford. Although the two ‘towns’ could not physically merge due to the presence of M25, the perception to users of the M25, A12, A1203 and rail line would be of countryside

encroachment with minimal separation between towns if Site were developed. Mixed Use development is likely to comprise a number of larger buildings. This will be perceived as a greater massing of built form in the green belt compared to housing and would be more visually intrusive – however town coalescence would not occur.”

*Within the Green Belt Study Part 3, it states - “In terms of Green Belt considerations only, Employment and Mixed Use Sites should be prioritised for consideration as per the table in Appendix L6, with Sites 024A, 101C, 111, 112D, 175A, 180 and 228 being most highly prioritised. Relative to other Sites, Sites 024B (Mixed Use), 038B (Mixed Use), **175B (Mixed Use)**, 200 (Mixed Use) and 302C (Mixed Use) should be of lower priority (i.e. all received a High or Moderate to High overall assessment rating).” (paragraph 3.3.7).*

It's noted the application site does not represent the entirety of Site 175B (see Appendix L8 of the Green Belt Study Part 3 for site area and overall contribution of site to purposes of the Green Belt), however it does represent a significant proportion, and the above analysis is considered applicable.

As set out above, the Application Site can be regarded as providing a moderate to high overall contribution to the Green Belt purposes, given it provides a significant countryside gap between Brentwood and Romford. It's within this context that harm arising from inappropriate development must be considered.

For this reason, officers are unable to accept that proposed VSC 1 qualifies as a Very Special Circumstance.

Proposed VSC 2: “Need for Employment Development”

The Planning Statement explains that the Proposed Development would complement the delivery of the Local Plan employment allocation sites and in particular, the Proposed Development:

- would be capable of early commencement without the need for large scale infrastructure mitigation such as that for the proposed Brentwood Enterprise Park (LP Allocation Site E11)
- would reduce over-reliance on a large scale employment allocation site (E11)
- would address a geographical imbalance of planned employment development
- would address insufficient quantum of new employment land to address expected displacement from London
- would address insufficient qualitative requirements for new employment land (e.g. larger scale units of over 5,000 m2)

The Applicant has sought to substantiate this proposed VSC with a number of sources of information, including HJA's economic case report and Savills'

Commercial Market Demand Report of supply and demand of employment space in the borough. Further supporting information comprises three recent planning appeal cases concerning employment developments in the Green Belt.

The Council's position is that the appropriate level of employment land and supply to meet that need (employment land allocations), have been identified in the recently adopted Local Plan, this position has been robustly tested through the Local Plan examination, is supported by extensive evidence and has been found to be sound.

The need for employment development was discussed in a great level of detail through the recent Local Plan hearing sessions as part of the examination. Topics examined as part of the relevant hearing sessions included the Council's employment land need calculation, site coverage ratios, vacancy rates, employment land trajectory and deliverability of strategic employment sites.

On 23 February 2022, the Council received the Inspectors' Final Report on the Examination of the Brentwood Local Plan 2016-2033. The report concludes "*Overall, the approach used to assess the employment need and overarching requirement is in line with the Framework and the PPG and is based on credible evidence*". No shortfall in employment land supply or need for additional site allocations is identified. The Report goes on to conclude that subject to a number of main modifications, set out in the appendix to their report, "***the identified employment and retail development needs have been positively prepared and the employment land and retail floorspace requirements in the Plan are justified and effective.***"

It's recognised that the provision of additional employment land and associated benefits the proposal would generate are a positive factor. However, the degree of weight that can be attributed to this must be considered within the context that the borough has a recently adopted Local Plan through which the employment needs and requirements have been adequately addressed.

For this reason, officers are unable to accept that proposed VSC 2 qualifies as a Very Special Circumstance.

Proposed VSC 3: "Need for Gateway Development"

The Planning Statement describes that: "*The development proposals will comprise a prestige "gateway development" for Brentwood in a strategic location at the entry to the largest settlement in the Borough", and that "It is envisaged that this new "gateway" development will raise the profile of Brentwood and encourage further inward investment in the town.*"

The relevance of the M25 Junction 28 Gateway (as identified on the Local Plan Key Diagram) to potential development at the Application Site is not clear.

- The gateway is some distance away from and does not cover the Application Site, also not the settlement areas and any growth locations within them.
- The gateway is noted on a Key Diagram that relates to functional matters related to a spatial strategy, including settlement hierarchy, growth locations and mobility & connectivity.

It should be noted that in identifying a number of gateways around Brentwood in the Local Plan’s Key Diagram, the Council has, at this point in time not provided any guidance regarding specific requirements including whether or not any new development in or around them would be appropriate, apart from where new development has already been formally allocated. As explained in the assessment of VSC1, development at the Application Site was discounted in favour of superior sustainable growth locations that were adequately demonstrated to be capable of delivery to satisfy the Borough’s growth needs. This is re-iterated in the Local Plan’s Spatial Strategy section par. 3.12:

“Two key growth corridors have been identified, to meet our overarching aim to deliver sustainable development in accessible and connected transit corridors. Along these corridors, a comprehensive sequential analysis and review of sites has been undertaken to select suitable site allocations.”

Further, no formal placemaking or economic development requirements have been linked to the gateway locations. However, the Local Plan’s Infrastructure Development Plan does contain functional improvements to the highway network at M25 Junction 28.

In conclusion, it is considered that at best the Application Site may be loosely related to the enhancement of the M25 Junction 28 Gateway although the Site is explicitly not meant to be developed. Although it is acknowledged that the Applicant engaged in a Quality Review Process, this did request further analysis of the local need for and the requirements for the Brentwood Gateway at Junction 28. Rather than a piecemeal and predominantly unilateral approach that appears to have been highlighted by the Applicant as a problematic pattern of development in the locality, a comprehensive analysis should have been generated in order to determine the role of the Application Site to address the need for the improvement of the Gateway alongside and in balance with any other complementary development. As such, officers are not able to accept the Applicant’s rationale for the Proposed Development as it relates to the M25 Junction 28 Gateway and the proposed VSC3 as a qualifying Very Special Circumstance.

Proposed VSC 4: “Economic Benefits”

The Planning Statement explains that: *“The submitted Economic Case prepared by HJA in support of this application sets out the range of socio-economic benefits*

brought about by the proposed development in line with the above economic aims of the emerging Local Plan and all other policy/guidance of relevance.”

The Planning Statement summarises the economic benefits of the proposed development as helping to:

- Strengthen under-represented areas of the local economy;
- Contribute to stated policy ambitions at national, sub-regional and local level;
- Complement, de-risk and enhance the economic and employment strategy of the Local Plan;
- Help to retain a key local business in Brentwood; and
- Support jobs and wages for local residents.

Further supporting information comprises three recent planning appeal cases concerning socio-economic benefits of developments in the Green Belt.

It's noted within the Applicant's Planning Statement that *“Once fully occupied the Proposed Development will accommodate an estimated 610 full time equivalent (FTE) jobs. Once allowance is made for part-time working this increases to an estimated 680 total jobs.”* Clearly this forecast provision of job growth as a result of the proposal would have positive implications for the borough and serve to improve access to a range of employment opportunities for the borough's residents. The benefits associated with such job growth need to be placed in the context of what has been allocated in the Local Plan.

Local Plan Policy MG01: Spatial Strategy makes provision for approximately 46.64ha of new employment land, 1,604 square meters (net) of comparison retail floorspace and 4,438 square meters (net) of convenience floorspace, to enable the creation of at least 5,000 additional jobs. The proposal would provide an additional quantum of jobs on top of that secured through policies in the Local Plan, and it is within this context that the degree of weight that can be attributed to economic benefits must be considered.

124 FTE additional operational jobs accrue from the proposed car showroom use that is not provided for within the Local Plan. The car showroom would support 170 FTE jobs but this should be discounted by the current Grange car showroom site that already supports 46 FTE jobs. Additional temporary employment has been estimated to be 590–650 person-years of employment within the construction sector over the entire construction phase.

In consideration of the full context and the benefits of the Proposed Development, officers accept that the economic additionality of the proposed VSC 4 could potentially qualify as a Very Special Circumstance.

Proposed VSC 5: “Housing Delivery”

The Planning Statement advances a number of data, including historic housing delivery statistics, planned new development quantum and planning appeal

information for residential Green Belt developments, to support the argument that the Proposed Development would be beneficial to Housing Delivery. In particular, it highlights that proposed Plot 07 is targeted at over-55s, which addresses a market sector that is locally in demand, although the Applicant would be required to commit to this through a s106 Legal Agreement.

The provision of additional housing, both market and affordable is a benefit to the borough. It's understood the proposal is to provide a Policy compliant quantum (35%) of affordable housing on site, which is welcomed. As with employment provision, there is a need to consider the provision of additional housing in the context of the recently adopted local plan to 2033, which allocates sufficient land to meet identified needs.

The Council's position in respect of housing provision is that it is able to demonstrate a robust five year supply of deliverable housing sites (6.9 years) and on this basis provision to address housing need does not rely on developing Green Belt sites, which would be contrary to Local Plan policies and the requirements of the NPPF.

It's worth noting the number of new homes (NET) delivered in Brentwood Borough for the most recent monitoring period 2021/22 is 407 dwellings. This comfortably surpasses the councils housing requirement figure in the adopted Local Plan for the year 2021/22, which is 300 dwellings.

The provision of 50 new dwellings would be an additional benefit to the borough in terms of increasing housing supply. However, the degree of weight that can be attributed to this must be considered within the context that the borough has a recently adopted Local Plan, which allocates sufficient land to meet identified needs.

In consideration of the full context and the benefits of the Proposed Development, officers are unable to accept that proposed VSC 5 qualifies as a Very Special Circumstance.

Proposed VSC 6: "Design and Sustainability Considerations"

In the Planning Statement, the Applicant highlights that a number of Design features are relevant to this proposed VSC. Their qualification towards Very Special Circumstances are assessed in turn.

- Indicative designs for the car showroom element; Gateway development, and; High quality landscaping scheme to frontage: These features do not qualify as they do not form part of a commitment as part of the Outline Planning Application scope.
- Improved pedestrian and cycle accessibility will also open up the Site for a range of sustainable travel modes: These features are an ordinary requirement to meet policy compliance standards.

- Proposals will ensure that appropriate road infrastructure interventions are in place to minimise highway impacts of the development: These features are an ordinary requirement to meet policy compliance standards.
- A key area of open countryside between the Site's western boundary to the M25 is safeguarded, with a c. 11m wide tree belt of appropriate species along the Site's western boundary to screen the Site and preserve the landscape character of the wider green belt parcel: This is already existing open countryside, and this is part of a larger area of open countryside that includes the Application Site. This is not considered to contribute to Very Special Circumstances.
- Any predicted landscape effects are limited to the Site itself, and the residual character of the Site would be reflective of other commercial development within the study area: regardless of the fact that this is not agreed by the Council's Landscape and Arboricultural Advisor, this is not considered to contribute to Very Special Circumstances.
- The proposals have benefitted from two design reviews with the Essex Quality Review Panel with positive design development undertaken. Heritage advice has been fundamental to the emerging design of the scheme since an early stage, and the Heritage Assessment which accompanies this Application confirms no overall harm to the heritage asset: With reference to Local Plan Policy SP06 (Effective delivery of development), Design Review is a standard expectation for comparable large scale and/or complex development proposals (i.e. allocation sites). Therefore, this is not considered to contribute to Very Special Circumstances.
- The indicative layout will ensure significant greening with an appropriately designed central landscape zone with water feature at the centre of the Site in the interests of visual amenity and ecological diversity: These features do not qualify as they do not form part of a commitment as part of the Outline Planning Application scope.

In terms of Sustainability Considerations, the Planning Statement explains that: *"Hilson Moran as environmental masterplanners have been an integral part of the design team to advise on the emerging proposals, and have produced a robust assessment of sustainability opportunities that could be incorporated into the development proposals to enhance the environmental and sustainability credentials of the scheme, with the intention of delivering enhancements that exceed planning policy requirements to deliver a highly sustainable scheme."...* *"a range of design interventions are recommended for incorporation within the proposed development". ... "inclusion of a high proportion of the measures and concepts presented would ensure delivery of a highly sustainable scheme that has the potential to meet the requirements of 'exceptional' sustainable design."*

Further relevant features of the Proposed Development are:

- Delivery of a minimum 10% Biodiversity Net Gain (proposed to be secured via a planning condition or s106 planning obligation): Biodiversity

enhancement and securing a net gain in biodiversity are already a requirement of Local Plan Policy NE01, and 10% is a level of BNG that would not qualify as part of a Very Special Circumstances case, because this is the level that is due to become mandatory later on this year by virtue of the Environment Act 2021. This would be before the Proposed Development would be likely to become operational.

- Relative reduction of greenhouse gas emissions as indirect environmental benefits: this is a standard policy requirement that is not considered to contribute to very Special Circumstances.

Specialist Sustainability Consultants Ecolytik have assisted officers with the assessment of the Proposed Development's performance against sustainability criteria. Apart from the required assessment of Sustainability against policy standards that is covered further on in this report, a key matter for assessment would be whether the Proposed Development's performance beyond standard requirements is significant and if so, where it sits on a scale between basic policy compliance and demonstrating a truly aspirational and exemplary Sustainability Strategy to demonstrate its qualification as a Very Special Circumstance.

Their review of the proposals explained the relevance of the Hills Moran document relative to the submitted Energy and Sustainability Assessment: *"Hilson Moran's report identified a number of opportunities that could be proposed and implemented for the development across a wide range of sustainability considerations. We recognise the foresight presented within the report in terms of discussing new building standards, regulations and industry recognised targets prior to those becoming official guidance when the report was published (December 2021). Whilst we note the purpose of this report and appreciate the level information included within, it does not clearly set out what has been specifically proposed for the application to Brentwood Borough Council. ... When reviewed in conjunction with Cudd Bentley's [Energy and Sustainability] report, the majority of the opportunities highlighted within this document do not seem to have been incorporated as part of the application."*

Ecolytik concluded that: *"Overall, the submitted strategy fails to demonstrate how the development meets relevant planning policy as well as how it pursues some of the highest standards of energy and sustainability performance which would be relevant for development of VSCs within the Green Belt."*

Officers have recognised that this situation has partly arisen due to the time that has passed since the application was submitted, during which a number of new policy requirements have been formalised. This includes the adoption of the current Brentwood Local Plan. Officers recognise the requirement of NPPF paragraph 38 that Local Planning Authorities *"should use the full range of planning tools available, ... , and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area."*

Therefore, in order to explain the Proposed Development's potential to elevate its sustainability performance from the initially assessed under-performance to a level of performance that would be policy-compliant and that could also be considered as part of a Very Special Circumstance case, Ecolytik recommended specific features that could be secured via conditions. After some discussion with the Applicant, it was confirmed that the Applicant was in agreement with the following additional performance commitments, to:

- Net Zero carbon development
- Achieve a minimum 50% reduction in carbon emissions compared to 2021 Building Regulations Part L baseline and minimum 10% of total site's energy demand from renewable sources;
- Maximise biodiverse green roofs (not just green roofs) and high specification PVs on all roof areas so that the development is targeting net zero operation on-site as far as feasible;
- Achieve EUI targets (Total EUI of 35 kWh/m².year for residential portions of the scheme, and Total EUI of 55 kWh/m².year for offices across the scheme. The same target should apply to warehouses if they are heated, and the applicant should clarify what the proposed strategy for the warehouse is);
- Achieve specific embodied carbon emissions targets compliant with the most ambitious target from the latest guidance by LETI, RIBA and UK GBC, or achieving Passivhaus;
- Utilise all reasonable endeavours to achieve the following sustainability credentials to be fully assessed at Reserved Matters application stage(s):
- Achieve BREEAM 'Excellent' on commercial plots (1-6) at target score of 80%+
- meet and exceed where possible BREEAM 'Very good' standard under Wat 01 Water Consumption for non-residential and enhanced target of 110 l/p.d for residential use;
- Implementation of greywater and rainwater harvesting for the development informed by feasibility testing at Reserved Matters application stage(s)
- Use of building materials with Green Guide ratings of between A+ to B
- utilisation of Passivhaus standards for the design of residential development at Plot 7;
- Maximum possible utilisation of green roofs across commercial Plots 3-6 and residential Plot 7;
- Information to be submitted with regard to proposed cycle and electric vehicle parking to exceed minimum policy standards, and;
- The Applicant would have to provide detailed technical and financial feasibility reports to show that certain aspects of the condition may not be feasible to achieve and to propose compensatory alternative means of achieving exceptional sustainability standards.

In respect of proposed VSC6 (Design and Sustainability Considerations), officers consider that the Design of the Proposed Development is not demonstrated to be at an exceptional level of Design, and because only a partial aspect of the proposed

VSC can be considered to be extraordinary (i.e. the Sustainability performance), it is concluded that proposed VSC6 is unable to qualify as a Very Special Circumstance.

Conclusion on Very Special Circumstances

For the reasons explained in the step by step assessment above, officers are only able to potentially qualify the Applicant's proposed Very Special Circumstances individually in terms of the Economic Benefits. Also, certain elements of the proposed VSCs could in combination qualify as Very Special Circumstances (i.e. Economic benefits including the retention of a local business, and Sustainability Performance). However, in conclusion of this matter, taken against the potential loss of a substantial area of 8.32 ha of valued Green Belt and other planning harm (as identified further on in this report), there are not considered to be VSCs that would clearly outweigh the harm to the Green Belt. It is therefore considered that the Principle of the Proposed Development conflicts with Local Plan Policy MG02 (Green Belt) and with the aims and objectives of the NPPF paragraphs 147 and 148.

As noted in the Policy Context section above, the application requires specific assessment in respect of a number of topic requirements identified in the NPPF, in policies within the Local Plan, as well as other relevant requirements in published guidance. In respect of the Principle of the Proposed Development, the proposed land uses require assessment in respect of Economic Impact and Housing.

Economic Impact

The Local Plan is focused on securing a balanced distribution of economic growth. Local Plan Policy PC01 (Safeguarding Employment Land) is concerned with retaining purposely designated employment land, whilst Policy PC03 (Retail and Commercial Leisure Growth) identifies that to meet identified retail floorspace needs as set out in Policy MG01, retail floorspace will be provided at William Hunter Way Car Park (R14) and Wates Way Industrial Estate (R15), as part of mixed-use development. Policy PC04 (Retail Hierarchy of Designated Centres) aims to retain a balanced retail hierarchy within Brentwood's settlement.

It is noted that the proposed car showroom element would not be a standard retail use, and that this land use requires assessment on merit as a similar use. Assessment therefore includes a sequential assessment. In this case, it is clear that there are no readily available existing car showroom sites or development sites within Brentwood that would satisfy the Applicant's related quantum needs and qualitative requirements e.g. the former/existing Vauxhall dealership site on the opposite side of Brook Street has been suggested as a relative comparable by a number of respondents but this site only has approximately 1,200 m² GIA. In addition, the closest growth sites for retail at William Hunter Way Car Park and Wates Way Industrial Estate would not be suitable because the proposed showroom would not be in accordance with the mixed-use principles in Allocation

Policies R14 and R15. Officers therefore accept that there is no further requirement for a sequential test such as that referred to in Policy PC04.

Aside from impacts during the construction stage, the main economic impact would result from the operation of *“12,000sqm GIA Car Showroom Use with Ancillary Office Use (Sui Generis), 20,250 sqm GIA Flexible Employment/Storage and Distribution Uses with Ancillary Office Use (B2/B8).”*

As discussed in the above sections about Very Special Circumstances, for the purposes of a planning assessment there is limited weight that can be attributed to the Proposed Development's economic benefits. The net-additional benefits concern 124 FTE additional operational jobs related to the proposed car showroom's expansion compared to its existing location, and temporary construction employment estimated to be 590–650 person-years of employment.

Consultation responses have been received from both Brentwood Council's Corporate Manager for Economic Development and of Essex County Council's Principal Planning Officer for Economy, Investment and Public Health.

Both are supportive of the economic opportunities of the Proposed Development and they are keen to cooperate with the Applicant to embed additional benefits in case the application were to be approved, such as:

- The Scheme should include workspace. In particular, four B2/B8 units could attract small- and medium-sized businesses in the transport & storage, manufacturing and logistics sectors, helping to diversify Brentwood's economy. The units might also provide much-needed grow-on space for local firms.
- Proposals should consider provisions for home-based employment in terms of suitable space(s) and infrastructure.
- The Scheme should offer apprenticeships.
- The Scheme should work with the JobCentre to provide work opportunities for those who are the furthest from the labour market.
- The Scheme should link to local secondary schools to provide work experience and skills training for younger residents.
- The Proposed Development's occupying businesses and construction contractors should recruit locally wherever possible.
- The Scheme should, during the construction phase, work closely with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex, and the emerging South Essex Technical University.
- The Scheme should provide an Employment and Skills Plan and associated financial contribution secured via a s106 contribution, helping to fund employment training to give local residents the best chance of securing jobs at the Proposed Development.

On account of Economic Impact alone, subject to conditions and/or planning obligations, the Proposed Development is considered to comply with Local Plan Policy PC01 (Safeguarding Employment Land), Policy PC03 (Retail and Commercial Leisure Growth), and Policy PC04 (Retail Hierarchy of Designated Centres).

Housing

Local Plan Policy HP01 (Housing Mix), Policy HP03 (Residential Density) and Policy HP05 (Affordable Housing) aim for high quality and sustainable new housing development to meet local needs.

The main impact to local housing provision would result from *“50 Residential Dwellings (C3)”*.

The Council’s Housing Director has commented that: *“The 35% affordable housing policy compliant position is welcome and I note that the proposal is for all the affordable homes to be rental. My expectation is that 15% of the affordable offer would be delivered as a low cost home ownership product.”* ... *“we would expect all affordable homes to be delivered on a ‘tenure blind basis’ and ‘pepper potted’ through the development. I have some initial concerns with the size mix which we would want to explore with the applicant, being as it is, confined to one and 2 bed accommodation. We’d also want to understand the conversations that the applicant is having with it’s preferred RP on the future management of the stock.”*

The matters raised here are either for determination at Reserved Matters stage and/or they can be secured via planning conditions and s106 planning obligations.

The Council’s Planning Policy Officer has explained that limited weight should be given to the Proposed Development’s housing delivery due to the fact that the recently adopted Local Plan already accounts for the Borough’s housing need. There is also a recent track record of housing delivery so a robust housing supply is in place and there is no “tilted balance”.

On account of Housing alone, subject to conditions and/or planning obligations, the Proposed Development is considered to comply with Local Plan Policy HP01 (Housing Mix), Policy HP03 (Residential Density), and Policy HP05 (Affordable Housing).

Further Considerations

Access, Highway and Transportation, and Parking Considerations

The proposed main access for the car showroom and employment uses is situated from Brook Street, located along the site’s northern boundary, which will provide access for cars, delivery vehicles, cycles and pedestrians. The proposed main

access for the residential uses is situated from Nags head Lane, located along the site's south-eastern boundary, which will provide access for cars, delivery vehicles, cycles and pedestrians.

The proposed accesses off Brook Street and Nags Head Lane lead to an internal circulation layout that is yet to be determined, which would provide access to parking and servicing areas.

A Transport Assessment and Travel Plan have been submitted in support of this application. ECC Highways issued a holding objection to the application as the submitted TA fell short in a few areas. Further modelling information and updated plans of junction details were submitted. Although the outline application does not propose car parking and cycle parking because this would remain a Reserved Matter, the submitted Transport Assessment assumes that: *“Car parking will be provided in line with ECC parking standards and operational requirements. Cycle parking for each land use will be provided in line with Essex County Council’s parking standards set out in the Parking Standards Design and Good Practice guidance”*.

ECC Highways have confirmed that: *“both accesses fully comply with modern highway standards and have been safety audited. The proposals involve various improvements to the local highway network on both Brook Street and Nags Head Lane which will benefit walking and pedestrian as well as vehicular accessibility. They also complement National Highways walking / cycling improvement plans for Brook Street. The proposals have also been through a robust traffic assessment and the Highway Authority is satisfied that the development can be provided without a material impact on highway safety and efficiency.”* And that the Proposed Development would be acceptable subject to conditions.

National Highways have confirmed that they: *“are content that the development can be accommodated on the SRN without additional mitigation measures and therefore offer no objection.”*

Transport for London responded initially without objection, but with advisory comments regarding matters that have been considered by the relevant highway authorities.

Local Plan Policy MG05 (Developer Contributions) sets out that new development will be expected to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the Infrastructure Delivery Plan and other policies in the Plan.

As set out within the Council’s Draft Planning Obligations SPD, *“where development is proposed on non-allocated sites in the vicinity of the identified strategic and necessary infrastructure and development will benefit or be acceptable due to the said infrastructure, landowners and developers of those sites may also be required*

by the Council to contribute towards the cost of such strategic infrastructure via a S106 agreement. The Council shall determine on a case-by case basis, in line with the statutory tests for planning obligations, whether such contributions or a proportion thereof, should be payable” (Paragraph 3.16).

The Council’s IDP sets out the key infrastructure projects required in the Borough and outlines how funding sources will be used to deliver new infrastructure. The Council’s approach to apportioning the cost of infrastructure mitigation measures is discussed in Chapter 15 of the IDP (document F45). It is considered the relevant infrastructure requiring contributions from this non-allocated site, listed in the IDP Part B, include:

- Brentwood Town Centre Public Realm Enhancement (IDP Ref T7)
- Brentwood and Shenfield Railway Station Public Realm Improvement (IDP Ref T8)
- Quietway Cycle Routes in Brentwood Urban Area (IDP Ref T10)
- Railway Station Cycle Infrastructure (IDP Ref T12)
- M25 Junction 28 (TA ref. Junction 25) (IDP Ref T28)
- M25 Junction 29 (TA ref. Junction 20 and Junction 26) (IDP Ref T29)

The infrastructure requirements listed above are based on comparable items required from allocated sites within close proximity to this non-allocated site, primarily that of Local Plan Allocation R06: Land off Nags Head Lane. In determining whether such contributions or a proportion thereof, should be payable with regard to this application its necessary to consider forecast trip generation.

Section 8 of the applicants Transport Assessment sets out the proposed development trip generation. This assessment presents the combined trip generation for the whole development during peak hours and concludes the site will generate 234 two-way vehicle movements in the AM peak and 217 two-way vehicle movements in the PM peak periods (a combined total of 451 generated trips). This level of forecast trip generation is considered to necessitate the requirement for developer contributions towards the cost of such strategic infrastructure, as set out below:

IDP Ref	Infrastructure
T7	Brentwood Town Centre Public Realm Enhancement
T8	Brentwood and Shenfield Railway Station Public Realm Improvement
T10	Quietway Cycle Routes in Brentwood Urban Area
T12	Railway Station Cycle Infrastructure
T28	M25 Junction 28
T29	M25 Junction 29

With regards to contributions towards Junction 28 and 29 (IDP ref T28 and T29), National Highways have responded to advise in this case no contributions would be required, hence no value is provided.

Subject to financial contributions and conditions, the proposal is therefore considered to be compliant with Local Plan Policies BE08 (Strategic Transport Infrastructure), BE09 (Sustainable means of travel and walkable streets), BE11 (Electric and Low Emission Vehicles), BE12 (Mitigating the Transport Impacts of Development), BE13 (Parking Standards) and Policy MG05 (Developer Contributions).

Design Matters

The scope of an Outline Planning Application (with all matters reserved apart from Access) would normally have limited consideration to Design. However, in this case, the application is accompanied by relevant information to be approved, in the form of a parameters plan that has been informed by an illustrative masterplan. The parameters plan does inform layout and scale considerations that are implicitly Design-related.

Further, as explained earlier in this report, the Applicant has advanced proposed Very Special circumstances that relate to Design in order to meet a high threshold for assessment due to the Green Belt context.

- Design and Access Statement
- Hilson Moran Environmental & Sustainability Opportunities document
- Statement of Design Intent

In giving urban design and place advice on this application, the Council's Conservation, Place & Development Officer has advised against the residential aspect of the application, because this *"component of the scheme dilutes the narrative, it is incongruous to this site as a Place; my professional opinion is the siting of residential adjacent to the operations of a large scale employment site is not conducive to inclusivity and the spirit of good placemaking"*.

The Council's Design & Conservation Officer (Design) also found: *"the layouts and large-scale orthogonal forms contextually inappropriate for development in this landscape context"*.

However, The Council's Design & Conservation Officer (Design) has offered that (should permission be granted): *"due consideration at reserved matters stage should seek a bespoke language through design coding to ensure buildings are responding to context through their arrangement, scale and architectural form. Further details for fabric first and zero carbon should be demonstrated to create a Gateway which announces in buildings terms the ethos of development which complement the corporate objectives of the Council."*

A Statement of Design Intent goes some way to overcome the usual missing link between the Outline Application scope and the detailed information required for discharge at the Reserved Matters stage. This would lead to a requirement for a Design Code via a planning condition.

However, by virtue of the Parameter Plan, the approximate site levels, the site layout and massing of the Proposed Development would be informed, giving sufficient certainty to reach the conclusion of the Conservation, Place & Development Officer in relation to inappropriate inclusion of the residential component and the contextually inappropriate layout and form of the Proposed Development. Therefore, it is considered that in relation to Design Matters, the Proposed Development fails to comply with Policy BE15 (Planning for Inclusive Communities) and Local Plan Policy BE14 (Creating Successful Places) respectively.

Landscape and Visual Impact

Policy BE14 (Creating Successful Places) is supportive of development proposals provided they *“respond positively and sympathetically to their context and build 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)”* and they *“integrate and enhance the natural environment by the inclusion of features which will endure for the life of the development, such as planting to enhance biodiversity, the provision of green roofs, green walls and nature based sustainable drainage”*.

The site is in a prominent position at the gateway to the borough. It currently comprises open pasture that has not been actively farmed for several years. The grass is currently subject to ad hoc mowing.

The proposed masterplan has been subject to extensive pre-application advice and an Essex Quality Review Panel assessment. This has led to changes in the illustrative masterplan’s type and layout of the proposed buildings and wider and better-defined landscape elements that include a central ‘node’ with swales and a stronger east-west connection through the site. The changes provide more opportunities for landscape measures including increased planting. The east-west connection better reflects the existing hedges that would require removal to facilitate development. This has potential to contribute towards the ecological mitigation for commuting bats and nesting birds so long as elements such as external lighting in adjacent development plots are appropriately designed.

The proposed units fronting Brook Street would be up to 10m high. The other four would be up to 12m high.

Reprofiling of the site will result in the buildings adjacent to Nags Head Lane being set lower than the existing ground levels although they would still be visible above the existing boundary vegetation. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, which has been prepared in accordance with good practice guidance.

The LVIA's landscape assessment has reviewed the national, regional and local landscape character assessments. The district LCA and Land of the Fanns LCA both assess the area as having relatively high sensitivity to change compared to the regional assessment which assesses that character area as having moderate sensitivity. This is not considered surprising as the local assessments are able to consider smaller areas in finer detail so can better assess their sensitivity to change in a local context.

The site is close to the edge of the Great Warley Wooded Farmland local character area. There is a line of development north of Brook Street and adjacent to the A12. Much of this is set back from the road on lower lying ground and which helps retain views out over the wooded hills in South Weald.

The magnitude of change of the proposed development is assessed as High. During construction there would be the loss of 8.49ha of grassland and trees and hedges within the site. The site currently contains a low ridge through the centre and there would need to be ground reprofiling to create the necessary building platforms. The central ridge would be lowered. The LVIA therefore assesses these effects as Substantial Adverse at construction.

The LVIA considers that the effects would reduce to Moderate Adverse once the new landscape planting establishes.

Views into the Site have been restricted by tall trees and hedges which reduces the sense of openness that is experienced from Brook Street and Nags Head Lane. However, in 2021 a section of hedge was removed on the Brook Street boundary near the Nags Head pub. This has opened views over the grassland and trees within the Site.

The LVIA's visual assessment considered the potential receptors that would be affected by the proposal. The Site is in a prominent location at a key entrance to the town; however views of the Site are limited by existing development and infrastructure, topography and vegetation. There are no public rights of way through the site in the surrounding area. The key receptors were therefore identified as walkers using the footways beside Brook Street and Nags Head Lane, drivers on those routes and residents. The viewpoints used in the assessment were agreed with the Local Planning Authority.

The assessment recognises that for walkers using Brook Street the effects would be Substantial Adverse during construction. It considers that the effects would reduce

to Moderate Adverse by Year 10 once the new tree and hedge planting has begun to establish. The significance for motorists would be lower as their sensitivity is lower.

The effects on users of Nags Head Lane were assessed as Moderate Adverse for walkers and Minor Adverse for motorists as most of the existing boundary trees and hedges would be retained which would help filter the views. These effects would be reduced further once additional planting had begun to establish.

The assessment recognises that the development would not be fully screened over time by the planting along Brook Street as the commercial operation requires visibility of the showrooms to be retained. Views of the site however are across the main road.

There are currently no houses on the section of Nags Head Lane north of the railway; however land to the east of the road has been allocated for housing which will increase the number of people experiencing the development in the future.

The Council's Landscape and Arboricultural Advisor has commented as follows.

“The site is currently undeveloped open grassland on slightly raised ground that is outside of the urban settlement and is wholly within the Green Belt. It therefore contributes towards a rural character at a key gateway to the town.

The LVIA argues that the area is significantly influenced by the existing commercial development to the north of Brook Street. The existing larger buildings, such as the Holiday Inn are on lower ground which slopes away from Brook Street, set back from the road and partially screened by established trees and shrubs. These factors help to retain prominent views of the wooded hills to the north of the A12 which contains the buildings and lessens their prominence.

This proposal would introduce significantly larger buildings on higher ground where elevations would breach the skyline and therefore be more prominent features. The LVIA recognises that the proposed development would result in Significant Adverse (significant) landscape effects due to the removal of many of the existing hedgerows and trees, 8.49ha of grassland and the recontouring of site levels. Landscape planting cannot be provided until the works are complete. As the individual plots will be constructed for specific customers it would be essential that the structural planting and that beside the main accesses for example be delivered as soon as these are constructed to start to deliver the necessary mitigation. The effects during construction will be influenced by how quickly the individual plots are brought forward. No information has been provided on potential phasing of the individual plots. If the application is permitted and not all plots are to be constructed at the same time, it will be necessary for there to be condition requiring that structural landscaping and that associated with the access roads and public realm are delivered as part of the first phase of works. It might be necessary for planting

within the individual plots to be provided separately; this is unlikely to be significant if the rest of the landscaping is provided.

Post construction there will be a permanent change of character from grassland to large commercial buildings. The large new car showrooms would be constructed in a prominent position on slightly higher ground close to Brook Street. Landscape planting will be provided but this would seek to soften the visual effects rather than provide new tall hedging similar to the current planting to screen the buildings as the applicant wishes to retain views into the showrooms. Some screening will be provided by retained planting on boundaries; however the proposed new landscape mitigation measures will take time to establish with effects still being Moderate Adverse after 10 years.

The LVIA states that the Site is a good location for employment uses due to its proximity to the major road network. It states that the uses would not be wholly out of keeping with the character of the surrounding area as there are existing car showrooms and commercial uses nearby. However, the scale of the proposed buildings is significantly larger than other in the immediate area and sited closer to roads and therefore they would be more prominent. There is not a similar site comprising a collection of large commercial buildings in this part of the borough. The site is close to the M25/A12 junction and the LVIA argues that such a development would not be out of character in this setting. The LVIA refers to the published Landscape Character Assessments acknowledging the urbanisation around the historic towns is a characteristic of the settlements. However, the scale of the proposed development is not in keeping with other development in the vicinity.

The site is prominent at the entrance to the town being on higher ground, albeit it is proposed to grade the levels to form building platforms, and so it will be difficult to screen. The proposed showrooms on the northern boundary will require that any landscape planting does not screen the buildings. It is considered therefore that the proposal would appear out of character due to its scale.

It is agreed that the effects of the proposal would be localised as views to the site are restricted by existing development, vegetation and topography. There are no public rights of way through the site. The main viewpoints are from adjacent roads. The most sensitive receptors will be people walking along the footways beside the roads, however few would be using these routes for recreational purposes. While the effects experienced by those walkers would be significant the effects are localised and experienced in relation to busy roads and existing development. The LVIA recognises that the proposal would have Substantial Adverse effects initially. It is agreed however that these effects would be contained by the existing infrastructure and would be reduced over time by the proposed landscape strategy. Overall however, the scale of the proposed development is considered out of character and would result in the loss of an area of open countryside that is characteristic of the borough. As a result on balance, I am unable to support the proposal on landscape grounds.”

Officers concur with the Landscape and Arboricultural Advisor and it is therefore considered that in terms of Landscape and Visual impact, the Proposed Development fails to comply Local Plan Policy BE14 (Creating Successful Places).

Historic Environment

Built Heritage

A Heritage Assessment has been submitted in support of this application. The Council's Heritage Buildings Officer (Built Heritage) does not agree fully with the Heritage Assessment and raises objection to the Proposed Development. The following includes the verbatim assessment of the Heritage Buildings Officer (Built Heritage), which describes the areas of contention and the assessed resultant material harm to the setting of the Grade II Listed Nags Head Inn that the Application Site borders onto.

In particular, the submitted Heritage Assessment concludes that: "the proposals would not have direct impact upon the listed building of Nag's Head Inn, or indirect impact through development within setting. Having assessed the submission I advise that whilst it is correct to state no direct impact to the listed building (this is due to the fact there are no works proposed to the listed building of the Nag's Head Inn) the assessment of impact upon setting I find to be flawed and the conclusion of impact, in my opinion, incorrect.

The assessment on impact offered to the LPA, affords weight (Section 3.10) to the phasing of the listed building, it goes on through photographic reference to illustrate the historic core being located at the furthest point of the zone cited for development; the significance of a listed building and its setting however, is not wholly reliant on phasing of individual chambers, a listed building is listed as a whole, and as with all Heritage Assets, one aspect is not graded higher than another, significance and setting relates to more than a period of inception.

I agree the listed building is sited on an important character corner and the intersection with Nag's Head Lane is characterful, but as a transitional point it's setting has dual character, one which responds to the growth of the urban area (east) and at the west it offers an open and rural environ at the edge of Borough; the agrarian landscape which currently exists at the proposed development site is unchanged, not subjected previously to the urban growth of the town. The Heritage Assessment is silent with regards to impact within the wider setting e.g., from Mascalls, South Weald. The County Archeologist should advise in respect of Heritage Environment Record given the Roman Road Monument to the north.

Section 4.3 of the HA states 'there is historical precedent for development within its boundaries, with demolished built form visible on historic mapping on and to the rear of the Brook Street frontage'. This is in reference to very limited plots dated within the C18th and C18th century, including the Windmill, such map regression

does not illustrate a precedent of urbanism, moreover this shows the land use as agrarian, at most small holdings to support the land.”

In summarising, the Heritage Buildings Officer (Built Heritage) confirms that: *“the harm does not trigger Para 201 of the National Planning Policy Framework, it does however trigger Para 202”*. Officers concur with this analysis.

Archaeology

The Place Services Historic Environment Advisor has advised that the Application Site’s potential heritage interest may comprise Medieval and Roman remains in addition to a series of historic buildings are visible within the development site on the 1st edition OS map (surveyed in 1866), including a windmill.

“Any archaeological deposits present on site may be destroyed or disturbed by the proposed work and should therefore be recorded prior to development.” Therefore,

“A professional team of archaeologists should undertake the archaeological work, which will initially comprise a trial trenching evaluation of the proposed development site. This will be followed by a programme of archaeological excavation and/or monitoring, depending on the results of the trenching.” This should be secured via planning conditions in case the application were to be granted permission.

Balancing Assessment and Conclusion (Historic Environment)

Paragraph 200 of the National Planning Policy Framework states that *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”* Therefore, an assessment of the material harm to heritage assets officers should be weighed against the public benefits of the proposal. In this case, neither the submitted Heritage Assessment nor the Planning Statement offer specific explanation of what the public benefits of the proposal would be for the purpose of a planning judgment regarding this matter.

These benefits are considered to comprise the additionality in terms of economic opportunities and housing provision, that have been described in the assessment of the Principle of the Proposed Development in this report. The headlines for this comprise:

- employment from the operation of the Proposed Development;
- additional business location space in particular an opportunity for the existing car dealership business to decant from its current expiring lease site (this particular benefit may be secured by a personal planning permission), and;
- 50 additional dwellings, 18 of which would be affordable housing.

It is noted again, that limited weight can be given to these benefits due to the fact that the Local Plan already allocates land for development to satisfy local need.

This should be weighed against the harm in terms of the significance of the setting of the Grade II Listed Nags Head Inn, which is ostensibly the open land that retains the contrast to inform the edge of settlement with gateway condition with the Nags Head Inn at its focal point that would be fundamentally changed as a result of the Proposed Development.

Officers consider that this a finely balanced case but that the assessed harm to heritage assets is not outweighed by the benefits from the discounted scale of economic opportunities and housing provision that is assessed to result from the Proposed Development.

In conclusion, officers consider that the Proposed Development does not accord with Policy BE16 (Conservation and Enhancement of Historic Environment) of the Brentwood Local Plan.

Community Infrastructure

Policy MG05 (Developer Contributions) requires that: *“All new development should be supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered in a timely and, where appropriate, phased manner by the proposal.”* And that: *“Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the local planning authority and the appropriate infrastructure provider.”* And the Essex Developers’ Guide to Infrastructure Contributions provides associated detailed requirements.

A number of relevant consultation responses have been received, but these do not cover all the remits of Policy MG05 and the Essex Developers’ Guide to Infrastructure Contributions. East of England Ambulance Service has requested funding for ambulance service (as well as providing design advice) and Mid and South Essex Integrated Care System has requested funding for additional floorspace of additional health services. The Essex County Fire and rescue Service responded with advisory observations regarding: emergency response arrangements; access; flood plain risk; water supplies, and; sprinkler system.

It is considered that the Proposed Development would not be able to deliver the community infrastructure required on site. Therefore, should planning permission be granted, in order to comply with Policy MG05 of the Local Plan, the Applicant would be required to enter into a Legal Agreement and planning conditions would need to be imposed so that appropriate mitigation would prevent harm to community infrastructure such that it would not be able to meet the needs of the existing community as well as the prospective occupants of the Proposed Development.

Please refer to the Planning Obligations section of this report for further information.

Sustainability

A formal Energy and Sustainability Statement and an Environmental & Sustainability Opportunities document have been prepared to clarify the overall sustainability credentials of the proposals and the extent to which renewable energy technology can be incorporated into the development.

The key sustainability features are as described in the above section regarding Proposed VSC 6: "Design and Sustainability Considerations", including the positive outcome of negotiations with the Applicant to secure improved Sustainability performance of the Proposed Development. The Council's Sustainability Officer provided an initial response, which was later supplemented by review commentary from the Council's Sustainability Consultant Ecolytik.

Therefore, officers are satisfied that, subject to planning conditions to secure additional requirements agreed with the Applicant, the Proposed Development would be compliant with and exceed the relevant standards of Local Plan Policy BE01 (Carbon Reduction and Renewable Energy), Policy BE02 (Water Efficiency and Management), and Policy BE04 (Managing Heat Risk).

Health Impact

Local Plan Policy MG04 (Health Impact Assessments) stipulates that: *"To ensure new developments is designed to promote good health, a Health Impact Assessment, will be required for residential proposals of 50 or more units (or less than 50 units at the discretion of the planning authority where the number of units could propose a significant impact on the community and infrastructure) and non-residential developments of 1,000m², or more, and hot food takeaways that are not within a designated town, district or local centre and are within 400 metres of a school entrance. The Health Impact Assessment will be prepared in accordance with the advice and best practice as published by Public Health England and locally through the EPOA HIA Guidance Note, using the most up to date guidance. The purpose of the Health Impact Assessment is to identify opportunities of positive health impacts and potential negative impacts and how they might be mitigated. "*, and that: *"Where significant impacts are identified, planning permission will be refused unless reasonable mitigation or planning controls can be secured."*

The issue of Health is a cross-cutting theme that affects many other areas of assessment, such as Employment, Housing, Design, Air Quality, Noise, residential Amenity, Community Infrastructure, etc

The application contains a Health Impact Assessment, which was prepared with reference to the Essex Planning Officers Association HIA online guidance, together with the Welsh Health Impact Assessment Support Unit (WHIASU) HIA guidance, to identify the following overarching health determinants:

1. Access to education;
2. Access to work and training;
3. Access to health and social care services and other social infrastructure;
4. Access to open space and nature;
5. Accessibility and active travel;
6. Housing and Homes Design;
7. Access to healthy food;
8. Social cohesion and inclusive design;
9. Crime reduction and community safety; and
10. Environmental Sustainability.

On each of these determinants, the Proposed Development has scored between “neutral” and “moderate benefit” apart from Environmental and Sustainability determinants (in relation to the construction phase only), on which the score is a “slight adverse”. The Proposed Development is expected to have an overall neutral effect during the construction phase and an overall slight to moderate positive effect during operation.

The key elements of the operational proposals which can be seen to improve local health outcomes can be summarised as follows:

- Creation of significant jobs during the construction and operational phases, supporting stable incomes across a range of skill levels which can in turn permit access to stable housing, healthy food and access to sport and recreational activities.
- Potential reduction in rates of out-commuting through delivery of employment locally, leading to reduced and shorter car journeys.
- Reducing overweight and obesity in adults through the provision, support, and accessibility to walking and cycle routes in and around the Site and encouragement through key connections. Furthermore, the land use proposed incorporates open amenity spaces for use by future employees and residents, and the public.
- Encouraging physical activity for all through introduction of high quality landscaping and pedestrian links, and provision of information on local sport and recreation amenities, and parks and areas of nature, to future employees and residents.
- Welcome pack information for employees and residents regarding active and public transport opportunities, and Travel Plan monitoring to set and monitor targets for reduction in car usage.

- A large central open space is to be provided as open space, which will promote activity, community cohesion and the reduction of isolation, passive surveillance and reduction in opportunities for crime and anti-social behaviour.
- Combating carbon emissions within new commercial space through the delivery of energy efficient buildings, based on minimising heat loss and renewable technologies throughout.
- High quality design of homes including energy efficiency, natural lighting and green landscaping environment rich in biophilia. Homes to be designed to permit home working to reduce commuting and car reliance.
- Encouragement of community gardening initiatives among residents to increase access to healthy food and enhance community cohesion and social capital.

Officers concur with the HIA's conclusions, and the Applicant has accepted that should planning permission be granted, the proposed development will necessitate related planning conditions and planning obligations, which have been identified under other related assessment headings. This may be in line with Local Plan Policy MG05 (Developer Contributions) and Local Plan Policy MG04 (Health Impact Assessments).

Ecology and Biodiversity

Local Plan Policy NE01 (Protecting and Enhancing the Natural Environment) requires development proposals to use natural resources prudently and protect and enhance the quality of the natural environment. All proposals should, wherever possible, incorporate measures to secure a net gain in biodiversity, protect and enhance the network of habitats, species and sites (both statutory and non-statutory) and avoid negative impacts on biodiversity and geodiversity. Compensatory measures will only be considered if it is not possible fully to mitigate any impacts.

Policy NE04 (Thames Chase Community Forest) requires that development proposals which fall within the Thames Chase Community Forest Area should not prejudice the implementation, aims and objectives of the Thames Chase Plan, of which those relevant to the application's ecology are as follows.

- b. to sustain the natural integrity of the Community Forest's air, land and water including wildlife, and;
- e. to enable effective partnership working from national to local level to maximise the impact of available resources.

Two Preliminary Ecological Appraisals were undertaken in April 2019 and July 2020, in accordance with CIEEM good practice guidelines. The PEA concludes that the site has moderate ecological value and recommended mitigation measures and further surveys that would be required.

The ecology report states that a full scheme of enhancement measures should be designed for implementation on the site following the results of further surveys and establishment of any specific mitigation measures.

The Council's Landscape and Arboricultural Advisor has commented that:

"While specific mitigation has been outlined the wider enhancements have not been detailed. Measures shown in the landscape plan such as the proposed western tree belt and planting beside the swales would provide some wider mitigation for lost features however it is limited and would not fully mitigate the loss of wider habitat."

The Council's Landscape and Arboricultural Advisor has also commented in respect of the proposed 10% Biodiversity Net Gain that:

"No Biodiversity Net Gain calculations have been provided with this application. ... Running the BNG metric calculations would be a way of showing that the scheme can achieve an overall benefit for biodiversity to help demonstrate the sustainability of the scheme."

Officers understand that the detailed assessment of the Proposed Development is not a realistic possibility until further details are available in the form of surveys and design and specification details, including Biodiversity Net Gain. This is inherent to the limited scope of an Outline Planning Application. The Council's Landscape and Arboricultural Advisor has not raised significant concern advising an objection on the grounds of ecological impact. Therefore, it is reasonable that further details of ecological surveys and mitigation measures including those within detailed landscaping proposals should be the subject of a planning condition to inform further ecological assessment. Further the specific deliverable of 10% Biodiversity Net Gain should also be secured, either through a planning condition or a planning obligation as appropriate.

The Essex Badger Protection Group have raised no objection subject to conditions. Natural England responded to confirm they have no comment. Thames Chase Community Forrest did not respond to its consultation notification.

It is considered that subject to the above conditions, in respect of ecology and biodiversity, the Proposed Development would comply with Local Plan Policy NE01 (Protecting and Enhancing the Natural Environment) and Policy NE04 (Thames Chase Community Forest).

Arboriculture

Local Plan Policy NE03 (Trees, Woodland, hedgerows) requires that: *"proposals should, so far as possible and practicable, seek to retain existing trees, woodlands and hedgerows where they make a positive contribution to the local landscape"*

and/or biodiversity or which have significant amenity value. Wherever possible and appropriate, landscaping schemes should take account of and incorporate these existing features in the scheme and where any loss is unavoidable, incorporate measures to compensate for their loss.”

The arboricultural assessment recorded a total of 187 individual trees, 14 hedges, 13 tree groups and 1 woodland area on-site or immediately adjacent to the site boundary. A total of 136 of the trees were assessed as Category C (Low Value) or Category U (72%). One Category A tree was recorded within the grounds of the Nags Head. The proposed layout would require the removal of 97 individual trees, 7 hedges and 9 trees to facilitate development or due to their poor condition. Most of the tree to be removed have been assessed as Category C with 14 Category B trees requiring removal. The most significant trees to be removed are the old and veteran oaks associated with the hedges crossing the site. These include two historic pollards which were assessed for their cultural value.

The proposed landscape strategy shows a new woodland belt on the western boundary and new tree and shrub planting throughout the site. While these would help to mitigate the losses, it is essential that as part of a final landscape scheme large growing specimen trees are incorporated to replace the larger mature oaks that would be lost. There should be space, for example within the central green spine. The trees fronting Brook Street will be clear stemmed and need to retain views of the car showrooms.

The Council’s Landscape and Arboricultural Advisor has commented that: *“A large proportion of the existing trees would require removal to facilitate development however most of these are of low value when assessed individually. The scheme will result in the loss of 14 Category B some of which are veteran pollards which have cultural value, albeit the trees have defects which are typical of specimens of that age. Most of the trees to be removed are within the site and screened by existing vegetation on the boundaries. This reduces the impacts on amenity that the proposal would have if these trees were removed. New tree planting would be provided which would mitigate for the loss of the trees. It would be necessary however to ensure a proportion of the new tree planting comprises large growing specimens that adequately mitigate the loss of the mature oaks. As this is an outline scheme it is considered that the detail could be provided as part of reserved matters application; however I would request that the principle of providing some larger specimens is included within a landscape condition.”*

Therefore, officers consider that subject to a condition, the Proposed Development complies with Local Plan Policy NE03 (Trees, Woodland, hedgerows).

Land Contamination

Local Plan Policy NE10 (Contaminated Land and Hazardous Substances) aims to manage any risks, including to human health and the environment including the quality of local groundwater or quality of surface water.

A Geo Environmental Assessment and a Geo Environmental Risk Assessment. Brentwood Council's Environmental Health Officer has commented that: *"The Phase 1 and 2 Geotechnical and Geo-Environmental Report, dated 1st January 2019 found no significant pollution linkages, suggesting the land is uncontaminated. There were a couple of recommendations within the report, that should be followed, including:*

- *If topsoil is to be exported from the site it should first be stockpiled and an*
- *appropriate number of samples tested for the BS3882 suite to confirm its*
- *suitability as multipurpose topsoil.*
- *A Design Sulphate Class of DS-4 AC-3s should be adopted for concrete in contact with the ground."*

These matters should therefore be the subject of a planning condition so that the Proposed Development complies with Local Plan Policy NE10 (Contaminated Land and Hazardous Substances).

Flood and Water Management

Local Plan Policies NE09 (Flood Risk) and BE05 (Sustainable Drainage) aim to avoid unacceptable risk of flooding and to incorporate appropriate Sustainable Drainage Systems (SuDS) for the disposal of surface water, in order to avoid any increase in surface water flood risk or adverse impact on water quality. The Sustainable Drainage Systems Design Guide for Essex provides complementary guidance on the planning, design and delivery of attractive and high-quality SuDS schemes which should offer multiple benefits to the environment and community alike.

A Flood Risk Assessment and a drainage strategy accompany the application. The Environment Agency's Flood Map for Planning shows the site to lie within Zone 1. The site is not at significant risk of flooding from any source.

Shallow infiltration type SuDS, such as shallow soakaways, have been shown to be unsuitable through soakaway testing due to the presence of impermeable London Clay. Deep borehole infiltration has also been shown to be unviable by testing. It is proposed that surface water will discharge to an existing highway drainage system, which is assumed to discharge to an unnamed watercourse 200m north of the site. The off-site drainage system will be offered for adoption by Thames Water. Attenuation storage will be sized for the 1 in 100 year plus climate change event and accommodated by permeable block paving over a voided stone sub-base in the car parking areas and oversized pipes or proprietary below ground voided storage

units if required. Foul effluent will discharge to the diverted public foul sewer systems crossing the site. The on-site drainage systems will be privately owned and maintained.

Additional information was requested by ECC SuDS to assess the application, which was provided by the Applicant. Further to this, ECC SuDS confirmed that the proposal is acceptable subject to conditions.

The above demonstrates that, subject to conditions, the scheme meets the requirement of Local Plan Policies NE09 (Flood Risk), BE05 (Sustainable Drainage) and the Sustainable Drainage Systems Design Guide for Essex.

Noise

Local Plan Policy BE14 (Creating Successful Places) aims to safeguard the living conditions of future occupants of the development and adjacent residents.

A Noise Impact Assessment has been submitted in support of this application.

Brentwood Council's Environmental Health Officer has confirmed that: *"the construction hours [that have been submitted] are in line with Environmental Health's recommendations and the noise mitigation measures are appropriate. It is recommended the construction times are conditioned ..."*

Due to the site's proximity to the strategic road network, Brentwood Council's Environmental Health Officer has concluded that traffic noise *"would likely impact the material enjoyment of future property owners and occupiers"*. The imposition of a planning condition has been recommended.

The noise assessment not only assessed the current noise but considered noise from the proposed commercial sites within the build, including noise from deliveries and increased traffic as a result of the build. Brentwood Council's Environmental Health Officer has concurred a required condition to curtail operational activities.

Subject to planning conditions, with respect to Noise, the Proposed Development is therefore considered to comply with Local Plan Policy BE14 (Creating Successful Places).

Air Quality

The purpose of Local Plan Policy NE08 (Air Quality) is for development to meet national air quality standards and identify opportunities to improve air quality or mitigate local exceedances and impacts to acceptable legal and safe levels.

An Air Quality Assessment report has been submitted in support of this application.

The air quality report concludes that the development should not have any impact on local air quality, and close receptors will not be impacted. However, with the proposed construction, the risk from dust was classed as “medium risk”. This is because large volumes of dust will be produced by earthworks, construction, and truck out, creating a medium risk of dust soiling to sensitive receptors. The report lists recommendations from the Institute of Air quality Management.

Brentwood Council’s Environmental Health Officer has commented that: “would like an Environmental Construction Management Plan (CEMP) or Dust Management Plan confirming how dust will be controlled at the proposed build.” This may be imposed by a planning condition.

Officers consider that the Proposed Development would, subject to a condition, with Local Plan Policy NE08 (Air Quality).

Refuse and Recycling

Local Plan Policy BE14 (Creating Successful Places) aims for proposals to meet high design standards and deliver safe, inclusive, attractive and accessible places. This includes consideration of functional needs for storage, refuse and recycling collection points.

The application is submitted in Outline so specific design and management arrangements regarding refuse and recycling should be submitted at a follow-on stage in case the application were to be approved. Environmental & Sustainability Opportunities report does include a number of suggested measures in relation to the management of the Proposed Development’s waste as follows.

- Incorporation of recycled materials into the development where possible;
- Provision of composting facilities for residential dwellings and site landscaping, and;
- Encouraging tenants to explore local recycling options for waste produced on site e.g. end-of-life tyre recycling for rubber modified asphalt.

The Sustainability Statement that accompanies this application notes that: *“It is anticipated that this development will produce a Site Waste Management Plan, highlighting key refurbishment materials and the correct waste streams for recycling these materials.”* Therefore, no specific proposals have been included for how the Proposed Development’s would manage its waste, and a condition should require submission of relevant proposed details including a Site Waste Management Plan.

Subject to conditions to secure the matters discussed above, the Proposed Development is considered to be compliant with Local Plan Policy BE14 (Creating Successful Places), in respect of Refuse and Recycling.

Neighbours' Amenity

Policy BE14 (Creating Successful Places) of the Local Plan is generally supportive of development proposals provided they safeguard the living conditions of future occupants of adjacent residents, and, as noted above, a number of related issues of specific concern have been raised in representations.

A small number of residential properties are located relatively close to the Application Site. These properties may have the greatest potential to be affected by the Proposed Development in terms of any impact on their amenity. There are also residential areas east of the Nags Head junction.

There would be two key stages of the Proposed Development to be considered specifically in relation to residential amenity and these are the construction and the operational stages. Most of these matters are assessed elsewhere in this report under headings, including: Noise and Air Quality (alongside Highways and Transportation).

There would be specific requirements enshrined in planning conditions to govern the mitigation arrangements for neighbouring residential amenity (as well as other users of the area) during the construction stage. Examples of these are a Construction Environmental Management Plan and a Dust Mitigation Plan as advised by the Council's Environmental Health Officer.

One specific matter in relation to residential amenity is the potential impact on residential properties' access to Daylight and Sunlight. The Building Research Establishment's advice is that properties should retain adequate levels of light, not necessarily retain existing levels. Whilst the Outline application does not include a daylight and sunlight assessment regarding light to nearby residential properties, officers have reviewed the distance and relative situation of the properties. Officers have had particular regard to the westerly offset and distance of 61 Brook Street with the nearest proposed corner building block, and the old farm's situation due west of the Application Site. Officers are satisfied that there are no concerns that the proposed parameter outline of the nearest buildings could not be constructed to avoid potential harmful impact on the daylight and sunlight exposure of these two nearby properties, so long as their detailed design was properly tested. In order to secure such a safeguard, a planning condition should be imposed to ensure that this matter would be properly assessed at the Reserved Matters stage.

Therefore, subject to such a condition, officers consider that in terms of any potential harmful impact for reasons of Daylight and Sunlight, the Proposed Development complies with Policy BE14 (Creating Successful Places) of the Local Plan.

Crime and Safety

Policy BE14 (Creating Successful Places) of the Local Plan is generally supportive of development proposals provided they safeguard the living conditions of future occupants of adjacent residents, and that proposals should provide a comprehensive design approach that delivers a high quality, safe, attractive, inclusive, durable and healthy places in which to live and work.

The Essex police service responded with a requirement to achieve the relevant Secured by Design accreditation for this development, which will be Secured by Design Homes 2019 Version 2, March 2019 for the residential properties and Secured by Design Commercial Developments 2015 version 2 for the commercial units. Further, the Police service also provided advisory commentary regarding: Lighting; Public Realm and open Space; Car Parking Provision, and; Road Layout, Cycle Paths and Footpaths.

As mentioned above, the Outline application format does not include full design details for the Proposed Development and therefore, at Reserved Matters stage, such details will be assessed with reference to Policy BE14 and with reference to Secure by Design Guidance.

Therefore, officers consider that in terms of Crime and Safety, at this stage the Proposed Development complies with Policy BE14 (Creating Successful Places) of the Local Plan.

Planning Obligations

The applicant has accepted that any planning permission granted would necessitate certain obligations in respect of the proposed application to be dealt with by way of an Agreement under Section 106 of the Town & Country Planning Act 1990. This is in line with Local Planning Policy MG05 (Developer Contributions) and the Essex Developers' Guide to Infrastructure Contributions.

The Applicant has provided proposed s106 Heads of Terms, covering the following topics.

- Highways and S278 Works
- Employment and Training
- Health
- Affordable Housing
- Biodiversity Net Gain

Officers observe that the above list does not cover all relevant topics for this development, including those specified in the Essex Developers' Guide to Infrastructure Contributions. In light of officers' recommendation (see further

below), the obligations required to make the Proposed Development acceptable in planning terms have not been fully resolved between the applicant, officers, the Highway Authority and other consultees/stakeholders.

As the application is recommended for refusal, no legal agreement has been advanced. Should the Committee be minded to approve the application, further discussions on any legal agreement is delegated to officers to resolve. However, based on the current position, it is considered that the Proposed Development does not comply with Local Planning Policy MG05 (Developer Contributions) and the Essex Developers' Guide to Infrastructure Contributions.

7. Conclusion

As is appropriate for the assessment of a planning application of this scale, officers have conducted a proportionate assessment that has reached a number of conclusions that need to be balanced against each other in order to advise a final recommendation.

The Proposed Development is inappropriate development in the Green Belt and would have a significant impact on the openness of the Green Belt. There would need to be very special circumstances that *clearly* outweigh this harm for the application to be approved. It is officers' view that the very special circumstances advanced by the applicant, either individually or collectively, do not outweigh the established overall harm to the Green Belt and the assessed other harm arising from the proposed development, such as the effect on the setting of the listed building. Despite the assessed benefits in respect of Economic Development, Housing and Sustainability Performance, the residual harm to the Green Belt means that the Proposed Development fails to comply with NPPF paragraphs 147 and 148, and Local Plan Policy MG02 (Green Belt) and for this reason the principle of the Proposed Development is unacceptable.

The assessed harm from the Proposed Development apart from its impact on the Green Belt comprises the following matters.

- The Proposed Development fails to comply with Local Plan Policy BE14 (Creating Successful Places) because:
 - (in terms of Design) the layouts and large-scale orthogonal forms contextually inappropriate for development in this landscape context.
 - (in terms of Landscape and Visual impact) temporary but Significant Adverse landscape effects would result due to the removal of many of the existing hedgerows and trees, 8.49ha of grassland and the recontouring of site levels, and because the scale of the proposed development is considered out of character and would result in the loss of an area of open countryside that is characteristic of the borough.

- The Proposed Development fails to comply with Local Plan Policy BE15 (Planning for Inclusive Communities) because (in terms of Design) the siting of residential adjacent to the operations of a large scale employment site is not conducive to inclusivity and the spirit of good placemaking.
- The Proposed Development does not accord with Local Plan Policy BE16 (Conservation and Enhancement of Historic Environment) due to the resulting harm to the setting of the Grade II Nags Head Inn that is not outweighed by the assessed public benefit.
- The Proposed Development does not comply with Local Planning Policy MG05 (Developer Contributions) and the Essex Developers' Guide to Infrastructure Contributions, without a commitment to all the required mitigation in respect of Community Infrastructure and other matters.

As a final conclusion; whilst beneficial economic outcomes and a welcome additional supply of housing would result from the Proposed Development, only limited weight can be given to their additionality. The assessment has therefore established that overall, there would be resulting planning harm from the Proposed Development. Officers recommend that the planning permission be **REFUSED** for the detailed reasons stated above.

Recommendation

The Application be REFUSED for the following reasons:-

R1 The Proposed Development is unacceptable because it would result in the erection of new buildings in the greenbelt outside any exception listed in the National Planning Policy Framework. The proposal therefore represents inappropriate development in the greenbelt which is harmful. The very special circumstances advanced by the applicant, either individually or collectively, do not clearly outweigh the significant harm to the Green Belt and the other identified harm arising from the proposed development including the impact on the setting of the listed building. The development conflicts with Local Plan Policy MG02 and the aims and objectives of the National Planning Policy, paragraphs 147 and 148.

R2 The layouts and large-scale orthogonal forms are contextually inappropriate for development in this landscape context, and the siting of residential units adjacent to the operations of a large scale employment site is not conducive to inclusivity or of good placemaking.

The Proposed Development is therefore contrary to Local Plan Policy BE14 (Creating Successful Places) and Local Plan Policy BE15 (Planning for Inclusive Communities).

R3 Temporary but significant adverse landscape effects would result due to the removal of many of the existing hedgerows and trees, 8.49ha of grassland and the recontouring of site levels, and because the scale of the proposed development is

considered out of character and would result in the loss of an area of open countryside that is characteristic of the borough.

The Proposed Development is therefore contrary to Local Plan Policy BE14 (Creating Successful Places).

R4 The Proposed Development would result in harm to the setting of the Grade II Nags Head Inn. Although that harm is considered to be less than substantial, it not outweighed by the public benefit of economic development and housing.

The Proposed Development is therefore contrary to Local Plan Policy BE16 (Conservation and Enhancement of Historic Environment).

R5 The proposal fails to provide the required level of mitigation in respect of Community Infrastructure.

The Proposed Development is therefore contrary to Local Planning Policy MG05 (Developer Contributions) and the Essex Developers' Guide to Infrastructure Contributions.

Informative(s)

1 INF05 Policies

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

2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 U0007906

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

BACKGROUND DOCUMENTS

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:



Title : Land to the rear of The Nags Head, Brook Street, Brentwood, Essex

22/00044/OUT

Scale at A4 : 1:2500

Date : 21st February 2023

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



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SITE PLAN ATTACHED

53-55 HIGH STREET, BRENTWOOD, ESSEX CM14 4RH

DEMOLITION OF EXISTING REAR STRUCTURE AND CONSTRUCTION OF 3 STOREY DEVELOPMENT CONSISTING OF 13 UNITS AND COMMERCIAL GROUND FLOOR USE.

APPLICATION NO: 21/01440/FUL

WARD	Brentwood North	8/13 WEEK DATE	22 November 2021
PARISH		Extension of Time	31 th March 2023
CASE OFFICER	Kathryn Williams		

Drawing no(s) relevant to this decision:

- Existing Location Plan (Drawing No. S01)
- Existing Elevations and Site Plan (Drawing No. S02)
- Topographical Survey (Drawing No. 22717 SE-01/A)
- Measured Building Survey (Drawing No. 22717 se-02)
- Proposed First Floor Plan (Drawing No. L02/D)
- Proposed Second Floor Plan (Drawing No. L03/D)
- Proposed Elevations 1:100 (Drawing No. L09)
- Proposed Ground Floor Plan (Drawing No. L01/F)
- Proposed Third Floor Plan (Drawing No. L04/F)
- Proposed Roof Plan (Drawing No. L05/F)
- Proposed Floor Plans & Accommodation Schedule, and Space Reference Key (Drawing No. L06/G)
- Proposed Elevations 1:200 with Context (Drawing No. L07/F)
- Proposed Elevations 1:100 (Drawing No. L08/F)
- Proposed Elevations 1:100 (Drawing No. L09/H)
- Proposed Elevations 1:100, Proposed Sections 1:100 (Drawing No. L10/G)
- Proposed Elevations 1:100 (Drawing No. L11/G)
- Design And Access Statement
- Daylight & Sunlight Report Ref: WW/DW/ROL00161
- Heritage Impact Assessment Ref: 240336
- Flood Risk Assessment and Surface Water Drainage Strategy Ref: 47191
- Financial Viability Appraisal (October 2022)

1. Proposals

This planning application seeks permission for the part demolition and redevelopment of the site, to create a three-storey development comprising two commercial units on the ground floor and 13 residential units above. The proposal retains part of the principal façade of the building.

The proposal comprises two blocks: A and B. Block A will front onto High Street and, to the rear, overlook the internal courtyard proposed as part of the scheme. It comprises a ground floor retail unit and 8 apartments, one of which will be duplex. Block B will front onto William Hunter Way and, to the rear, the proposed internal courtyard. It comprises a further 5 apartments and a ground floor retail unit.

The development includes 24 no. cycle parking spaces for residents and 4 no. cycle parking spaces for the commercial units. No on-site car parking is provided.

This planning application has been subject to extensive discussion with officers both at pre-application stage and post submission.

2. Site and Surroundings

The site is located on the northern side of Brentwood High Street within the designated Brentwood Town Centre (Settlement Category 1) and the Brentwood Town Centre Conservation Area. Nos. 53-55 is not a listed building but is situated 45m north-east of the Schedule Monument and Grade II listed ruins of the Old Chapel of St Thomas a Becket. The site sits within the Primary Shopping Area (Brentwood High Street).

The application site measures 0.064 hectares and is long, narrow and largely flat. The site is situated within the prime retail area of Brentwood High Street which provides a wide range of community amenities and services.

The site comprises a part two-storey commercial property fronting the High Street, and a part single storey element which serves as a storage space for the commercial unit, accessible from William Hunter Way. The building has been vacant since November 2020. The rear of the site also comprises a side alley (with private access) which links the front unit to William Hunter Way. Overall, the ground floor provides retail space and storage, the first floor additional storage and ancillary space.

The Historic Buildings and Conservation Officer advised that the High Street component of the building makes a neutral/positive contribution to the character and appearance of the Conservation Area, whilst the rear of the application site makes a negative contribution to the Conservation Area.

Immediately to the east is no. 51, a large modern post-war building that is currently a Boots store, and that makes a negative contribution to the Conservation Area. Adjacent

to the west lies no. 57, an early 20th century building which does contribute as neutral/positive to the Conservation Area.

The site is well connected to the local highway network, with the A1023 High Street to the front and William Hunter Way to rear, providing access to Brentwood and its surrounding environs. The site is also well-served by public transport: High Street is served by a multitude of bus routes, providing a frequent service between Brentwood and Warley, Pilgrims Hatch, Bulphan, Stondon Massey, Shenfield and Herongate. The site is only a 10 minute walk to Brentwood mainline railway station, providing access to central London (London Liverpool Street).

3. Policy Context

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

- Policy MG01: Spatial Strategy
- Policy MG03: Settlement Hierarchy;
- Policy MG05 Developer Contributions;
- Policy BE01: Carbon Reduction, and Renewable Energy;
- Policy BE02: Water Efficiency and Management;
- Policy BE04: Management Heat Risk;
- Policy BE05: Sustainable Drainage;
- Policy BE09: Sustainable Means of Travel and Walkable Streets;
- Policy BE12: Mitigating the Transport Impacts of Development;
- Policy BE13: Parking Standards;
- Policy BE14: Creating Successful Places;
- Policy BE15: Planning for Inclusive Communities;
- Policy BE16: Conservation and Enhancement of Historic Environment;
- Policy HP01: Housing Mix;
- Policy HP03: Residential Density;
- Policy HP05: Affordable Housing;
- Policy HP06: Standard for new Housing;
- Policy PC04: Retail Hierarchy of Designated Centres;
- Policy PC05: Brentwood Town Centre;
- Policy PC06: Mixed Use Development in Designated Centres;
- Policy PC07: Primary Shopping Area;
- Policy NE01: Protecting and Enhancing the Natural Environment;
- Policy NE05: Open Space and Recreation Provision;
- Policy NE09: Flood Risk;
- Brentwood Town Centre Design Guide

National Policy:

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

4. Relevant History

None relevant.

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, a total of 2 neighbour representations were received raising a number of concerns: a letter written on behalf of 7 owners of the flats at Luke Court and a letter written by a local Ward Member Cllr Makr Lewis.

A third representation was received asking for clarifications, expressing neither support nor objection to the proposal. The issues raised have been addressed later in this report.

- The proposal is too tall.
- Adverse light impact for local residents. There will be privacy and visual impact issues.
- Concerns about the loss of privacy that would result from the stairwell windows facing Luke Court and the large glazed link.
- No provision for car parking, which will negatively impact on the available on-street parking provision in the area.
- Concern that the flat roof above the second floor flat number 3 could be utilised as a roof terrace to flat number 5, which would cause even greater overlooking and loss of privacy to the residents of Luke Court.
- William Hunter Way is a small road with limited capacity to cope with extra usage.
- Negative impact on local sewerage and drainage, which are at limits.
- Negative impact on local facilities such as doctors, dentists, schools and other social functions.
- There is no town centre plan in place to fit this scheme.
- The existing dwellings at Luke Court benefit from an existing, well-established level of daylight and sunlight. The majority of affected windows within this neighbouring building will suffer from an unacceptable loss of VSC and daylight. This is contrary to BRE guidelines and Policy C1.
- With the exception of the High Street elevation, the remainder of the building is considered uncharacteristic, bulky and rather bland and would not be of a high standard of design nor be compatible with its location and the surrounding development. This is contrary to local policies and the NPPF.
- The inclusion of a commercial unit (Class E) to the rear of the site is strongly objected to, as several of these uses would have a significant impact on the residential amenities of neighbours.

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/>.

- **Historic Buildings and Conservation Officer**

Having assessed this revised information holistically and considered fully the impact upon the significance of the Designated Heritage Asset of Brentwood Town Centre Conservation Area by way of this scheme, find the proposals would be of 'neutral impact', therefore I remove my standing objection subject to Conditions of planning to include:

- Details of doors eaves, verges and cills to be submitted
- Sash windows to be timber and without trickle vents
- Samples of materials to be submitted including sample panel of brickwork with bond, mortar and joint

No electricity, gas, water meter boxes, antennae (roof level) or extraction vents shall be fixed to the façade of the building. All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

- **Planning Policy**

The open space and outdoor sports contribution has been calculated based on the BCC Open Space Calculator and Sport England's Playing Pitch Calculator, it amounts to: £16,701.

- **Housing Services Manager**

We accept that at present the development would be unviable if affordable housing given the viability position that has been assessed by the Council's own advisor. In line with that advice, we would also expect the resulting section 106 agreement to contain a 'clawback' provision to a maximum policy compliant position, should the viability prove better than expected as the works progress. The Council would engage with advisors to obtain a maximum value and 'clawback' assessment mechanism to be included in the section 106 agreement in due course.

- **Operational Services Manager**

No comments.

- **Environmental Health & Enforcement Manager**

There are concerns over the potential for noise disturbance from the High Street activity, including night-time economy uses, and also for the possible uses for the commercial and retail units below the residential accommodation, and between units of accommodation. As it is unlikely that the commercial use has been determined at present, there will need to be an assessment made to ensure that the levels of noise

attenuation between the ground and first floor are appropriate for likely situations, e.g., a bar/restaurant type activity that could extend into the evening period.

As such, I would wish to confirm that the internal noise levels of the residential units meet with the requirements of BS:8233-2014 Guidance on sound insulation and noise reduction for buildings.

In order to do this an assessment of road traffic and other ambient noise shall be undertaken, with regard to the windows and other elements of the structure facing onto the High Street area, to determine an appropriate specification for noise insulation on this façade. A similar assessment should also be made to determine whether additional measures to prevent noise transmission from the commercial units to the residential (and potentially vice versa) and between bedrooms and living area of adjacent units of accommodation. A condition has been recommended.

- **Arboriculturalist**

In principle there are no landscape or ecology objections to the proposal; however, if permission is granted a landscape condition would be required.

The DAS states that a detailed landscape scheme has not been prepared at this stage; however, illustrations indicate that new tree planting would form a key element of a central courtyard. The DAS also refers to the provision of two green roofs with plans showing additional trees. It is not clear if it is proposed for these to be podium gardens rather than traditional green roofs with no access.

The usability of the courtyard will be restricted both by its size and the fact that it is likely to receive limited sunlight due to the height of the surrounding buildings. This will also have implications as to the types of trees and other planting that would thrive in these conditions and therefore careful thought will be given to species choice.

Several illustrations within the DAS show the main roof as a green roof, although this is not picked up in the text. Clearly this would be welcomed and should be included if possible.

- **ECC Archaeologist**

The Essex Historic Environment Record (EHER) shows that the proposed development lies within the medieval settlement of Brentwood (EHER 525), which was first mentioned in 1176. The site is in proximity to the medieval Scheduled Chapel of St Thomas a Becket (EHER 528) at the heart of the medieval High Street. In addition to this likely medieval activity there are features and possible buildings marked on the 1st edition OS mapping, meaning these buildings pre-date 1880. Recent archaeological work carried out on the High Street, revealed extensive medieval and post-medieval remains and it is likely that further deposits will be found in the proposed development area. Any archaeological deposits may be destroyed or disturbed by the proposed work and should therefore be recorded prior to development. The programme of archaeological work will be carried out to the rear of the building following the demolition to ground level of the existing single storey structure. In view of this, a condition is requested in line with the National Planning Policy Framework.

- **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.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

- **Highway Authority**

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
2. Prior to first occupation, the redundant part of the existing vehicle access up to the site boundary to the west, shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing.
3. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
4. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

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

- **Historic England**

No comments.

- **Essex Police**

No objection

Essex Police considers that it is important that this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler.

To ensure that these standards are met Essex Police requests that the developer seeks to formally achieve the full Secured by Design accreditation, which in this case will be Secured by Design Homes 2019 Version 2, March 2019 for the residential units and Secured by Design Commercial Developments 2015 Version 2 for the commercial units.

- **Thames Water Development Planning**

No objection subject to conditions.

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. 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 mixed-use development

The site is located within Brentwood Town Centre, in a very sustainable location within the designated Primary Shopping Area. Policies MG01 (Spatial Strategy) and MG03 (Settlement Hierarchy) confirm that Brentwood High Street falls under Settlement Category 1 where growth is supported, and where there is a wide range of existing community infrastructure and services to support the local population.

Policy PC04 (Retail Hierarchy of Designated Centres) states that Brentwood Town Centre should be the first choice for retail, leisure and main town centre uses, and that change of use of upper floors above commercial premises to working space and/or residential will be encouraged, provided that reasonable facilities and amenities are provided for, that development does not result in the loss of ancillary storage space or other beneficial use to the extent that it would make a ground floor unit unviable, and that the development would not prevent off street servicing of any ground floor unit.

This planning application entails the demolition of the existing building (retaining part of the front elevation) and erection of a ground plus 3 storey building, comprising commercial use at ground level and residential on the upper floors.

The proposed mixed-use development will, in line with Policy PC05 (Brentwood Town Centre), return the ground floor of 53-55 High Street to viable use after over two years of vacancy, ensuring that it contributes to the vitality and viability of the High Street, and it complements the character and appearance of the Conservation Area. There will be no detrimental loss of ancillary storage space for the retail units and off-street servicing will be retained.

In line with Policy PC06 (Mixed Use Development in Designated Centres), the proposal is considered to be in proportion to the scale and function of the centre, contains

appropriate ground floor uses, makes efficient use of the site and is considered to be of appropriate density.

To conclude, the proposed development complies with Policies PC04, PC05 and PC06, will contribute to the Council's housing supply and will improve the local retail offer in a sustainable, town centre location as supported by Policies MG01 and MG03.

Layout

The proposed layout has been dictated by the siting of the existing building, and the requirement to complement the surrounding urban fabric whilst preserving the amenity of neighbouring residential occupiers, especially Luke Court immediately to the west of the site.

The development comprises two separate elements, Block A fronting the High Street and Block B fronting William Hunter Way. The two blocks are linked by an internal courtyard that serves the residential entrance, residential and commercial refuse stores, the enclosed cycle storage, two storage areas for the commercial units and the rear entrance of both commercial units. The courtyard is accessible from William Hunter Way, echoing the location of the existing side alley.

The Conservation, Place & Development Officer commented that the mid and rear components of the development have been influenced by the courtyard arrangement. Given the evolution of the backlands of the Conservation Area, this is justifiable narrative to lead from and is informed by contextual analysis.

Whilst the front elevation of Block A is aligned with the other buildings along the High Street, Block B is slightly set back from the pavement line and the footprint of the upper floors above, and the building line has been designed at an angle, naturally leading the eye towards the entrance to the courtyard.

The proposed layout will deliver two active frontages. The retail unit on the High Street will contribute to the vitality and viability of the town centre, in line with planning policies. The retail unit on William Hunter Way positively addresses the aims of Policy PC05 (Brentwood Town Centre), which states that proposals on this road should provide additional shopfronts and contribute to the improvements of frontages and public realm through landscaping and redevelopment.

Therefore, it is considered that the proposed layout is appropriate and in line with Policies BE14 and PC05.

Design, scale and effect on the Conservation Area

Policy BE14 (Creating Successful Places) is supportive of development proposals provided they respond positively to the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design, take

account of the need to conserve or enhance biodiversity, have satisfactory access and parking and can be accommodated by local highway infrastructure.

Policy PC05 (Brentwood Town Centre) states that development should conserve the positive qualities of Brentwood Town Centre while enhancing and improving negative aspects of function and appearance where relevant. Development in the town centre should contribute to the capacity and quality of the public realm, to a vibrant High Street and to the surrounding Conservation Area in line with the Town Centre Design Guide SPD.

The Town Centre Design Guide SPD requires new development in the High Street Character Area to be respectful of the architectural and historic context, respond appropriately to the scale of the surrounding context, consider the use of upper storey setbacks, and undertake daylight-sunlight studies to ensure that adjacent buildings are not adversely affected.

The scheme retains the first floor of the principal façade of the building whilst removing shopfront, signage and parapet (which is a modern addition). The small grill at first floor level will be removed and infilled with matching brickwork.

It is proposed to install a new, traditional-style shopfront and increase the scale of the elevation on the High Street, by way of an additional storey alongside residential accommodation within the roof space. This roofspace will be afforded natural light and ventilation by means of dormer windows.

The new parapet will be of matching brick to the historic walling and will incorporate a brick plat band. The new second floor is set back from the parapet and will also be built with matching gault brick. The proposed timber framed sash windows under flat brick arches match the floor below, and their size will be slightly smaller than the first floor ones.

The third floor will sit within the attic space and externally will have a plain clay tiles roof with leaded dormers with timber framed sash windows, aligned with the windows below. A hopper and rainwater pipe will be added to the front of the building, part of which to be concealed in the new shopfront.

The front elevation is the most significant element of the building, and this part of the proposal will have the greatest impact upon the Conservation Area. The proposed approach to the front elevation is considered appropriate and in line with the character and appearance of the Conservation Area, subject to conditions requiring the submission of architectural details and material specifications (see conclusions of this section).

With regards to the roof, the ridge line of the new extension has been kept below the height of the adjacent ridge line to the west, although it is noted that the Historic

Buildings & Conservation Officer would have preferred a more significant drop in ridge line.

Beyond the traditional-style pitched roof, the roof then extends all the way to William Hunter Way taking the shape of a flat, green roof. The Conservation, Place & Development Officer expressed concern that the flat roof element might be visible from the High Street, however views in the Design and Access Statement demonstrate that this is not the case.

Adding interest to the design and visual appeal, part of Block B fronting the courtyard is set back on the third floor, creating an opportunity for an additional green roof area. This is not to be used as a terrace to avoid overlooking onto Luke Court.

The roof above the refuse stores, at first floor level, has a similar treatment: the front half, abutting the courtyard, has been designed to be another green roof area whilst the rear half accommodates a 3 storey glazed element which indicates the presence of the corridor linking Blocks A and B.

The block fronting William Hunter Way (Block B) and the rear of Block A show a more contemporary architectural approach.

The William Hunter Way elevation has a strong vertical emphasis and is cladded in a type of brick that complements that of the main elevation. The recessed ground floor shopfront and the decorative protruding brickwork above add interest to the elevation. The contemporary approach is supported in this location and it is not considered to affect the significance of the Conservation Area.

There is a small gap between the William Hunter Way elevation and Luke Court elevation. The Conservation, Place & Development Officer does not support this design solution, which should not create a precedent for development in the Conservation Area, although it is not considered to be sufficiently detrimental to the scheme or the Conservation Area to warrant its refusal.

In the internal courtyard, the architectural treatment is similar to that of the rear elevation, with the addition of the glazed element and a seamed zinc roof with a modern interpretation of the High Street dormers.

The upper floors of the rest of the Block A element are set back from the building's footprint, to allow the introduction of windows and create a buffer between Block A and the building immediately to the west of the site. This element of the proposal retains the contemporary architectural approach and introduces a coated zinc cladding.

Whilst the contemporary design approach in the courtyard elevation and the rear of Block A is supported, the final material of the roof and cladding will need to be agreed via condition.

Officers agree with the conclusions of the Heritage Impact Assessment that although four storeys, the scale of this part of the building is broadly in keeping with large buildings located further east along the road.

It is suggested that the boundary treatment between the proposal and Luke Court will take the form of railings, as opposed to a hard, brick boundary treatment. The final material will have to be approved by officers as part of one of the design conditions.

Based on the advice of the Historic Buildings and Conservation Officer and subject to conditions, it is considered that the proposals would be of neutral impact on the significance of the Designated Heritage Asset of Brentwood Town Centre Conservation Area. The conditions attached to the permission are key to ensure the use of appropriate materials having regard to the importance of this scheme in the Brentwood Town Centre Conservation Area, and to ensure that the choice of materials and details will harmonise with the character of the surrounding development.

The proposal is therefore in accordance with Policies BE14 (Creating Successful Places), PC05 (Brentwood Town Centre) and BE16 (Conservation and Enhancement of Historic Environment), and the Town Centre Design Guide SPD.

Proposed commercial units

The proposal includes two commercial units (Class E): a 239 sqm unit fronting the High Street and a smaller 75 sqm unit fronting William Hunter Way, with a combined Class E floorspace of 314 sqm. Both units benefit from a separate store/office area accessible from the internal courtyard for a total floorspace of 29sqm, included in the overall 314sqm.

The two units will replace the existing 560 sqm retail floorspace, comprising 357sqm of retail unit and 203sqm of ancillary space.

Comparing the overall existing and proposed retail floorspace, there would be a loss of 246sqm. However, the loss of net retail floorspace would only be 72sqm, whilst there would be a greater loss of ancillary floorspace: 174sqm. This is not considered to be a concern, as the existing ancillary area is significantly oversized for any town centre retail unit.

Policy PC07 (Primary Shopping Areas) states that retail development in these locations should contribute to the area's attractiveness, accessibility and vibrancy by adding to or providing a range of shops to meet local needs, not result in subdivision of an existing large retail unit, be fully integrated with the existing shopping area, and facilitate safe, convenient and pleasant pedestrian movement through improved lighting and landscaping.

Whilst the proposal will result in a small loss of existing net commercial floorspace, 72sqm, the proposal will improve the vitality, viability and diversity of the town centre by

delivering a large, functional retail unit on the High Street (thus fully integrated in the shopping area). The smaller unit on William Hunter Way will contribute to activating this back street and improving its frontages. On balance, the proposal offsets the loss of existing retail floorspace and is considered to be in line with Policies PC05 and PC07.

Housing mix and density

The proposal seeks to provide 13 dwellings with the following unit mix:

Type	Market	Percentage
Studio	2	15%
1 bed apartment	5	38.5%
2 bed apartment	5	38.5%
3 bed apartment	1	8%

Whilst the percentage of 2 bedroom apartments is roughly in line with the Indicative Size Guide for Market Housing provided in the Local Plan (Figure 6), the proposed unit mix leans towards smaller units instead of family sized dwellings. Given the size and nature of the proposal, in a highly sustainable location in the town centre, it is considered the development is better suited to small sized units, as larger garden areas would be required for family sized homes that cannot be accommodated on a site of this size. Therefore, the unit mix is considered acceptable.

In accordance with Policy HP06 (Standards for New Housing), all units meet the Nationally Described Space Standards.

A condition has been added to ensure that all units will meet the requirements of part M4(2) of the Building Regulations (accessible and adaptable homes), in line with Policy HP01 (Housing Mix).

Policy HP03 (Residential Density) expects proposals to achieve a density above 65 dwellings per hectare in Brentwood Town Centre. The proposal will deliver 13 units on a small site and therefore has a high density in excess of 200 dwellings per hectare. However, this is not uncommon with small scale accommodation in sustainable urban areas and would be comparable to the density of the adjacent development of Luke Court. The proposed density is thus considered appropriate for the site.

Affordable housing provision

Policy HP05 (Affordable Housing) requires the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development sites on proposals of 10 or more (net) units.

This planning application is accompanied by a Financial Viability Appraisal that was independently reviewed. It concludes that any affordable housing contribution would

make the scheme unviable and as a consequence, all the proposed 13 units will be market housing.

The Housing Manager accepts that at present the development would be unviable if affordable housing was provided, given the viability position that has been assessed by the Council's own advisor. In line with that advice, Officers would also expect the resulting section 106 agreement to contain a 'clawback' provision to a maximum policy compliant position, should the viability prove better than expected as the works progress. The Council would engage with advisors to obtain a maximum value and 'clawback' assessment mechanism to be included in the section 106 agreement in due course.

The applicant has agreed to include the 'clawback' provision as part of a Section 106 Agreement.

Residential amenity

The proposed development does not include provision for private amenity space, due to the very limited site area and likely negative impact on neighbouring residents. As such, the proposal does not meet the requirements of policy HP06 for external amenity space for the 2 and 3 bedroom units.

The courtyard, which measures 83sqm, will provide a communal amenity space to future residents. Town centre locations can be more difficult to provide private amenity space such as balconies, for the reason stated above; the closest quality public open space is considered to be Shenfield Common which is about 500m away and King Georges Playing Fields which is further afield. In the context of this planning application and on balance, the lack of private amenity is considered acceptable. Any private amenity proposal for this underutilised site would end up having a detrimental impact on the amenity of neighbouring occupiers, due to their close proximity, typical of a town centre location. Instead, the current scheme will return a derelict site into viable use, will contribute to the vitality of the High Street and help creating a new active frontage on William Hunter Way.

Policy NE05 requires all new development to maximise opportunities to incorporate new publicly accessible, high quality and multifunctional open space, enhancing provision where appropriate. It sets out the amount and type of provision required will be determined according to the Council's identified needs. The application site would not be able to deliver public open space, and it is also noted that studios and 1 bed apartments would not be required to contribute towards play space.

The Planning Policy team advised that, based on the BCC Open Space Calculator and Sport England's Playing Pitch Calculator, the contribution towards open space and outdoor sports would amount to: £16,701. The applicant has agreed to pay this sum as part of a Section 106 Agreement.

With regards to daylight and sunlight provision within the proposed dwelling, all habitable rooms have been assessed in accordance with the BRE methodology. The proposal demonstrates good levels of daylight, with 96% of habitable rooms achieving the recommended ADF target in accordance with the BRE guidelines. The proposed scheme also demonstrates very good levels of sunlight, with 100% of the rooms with south facing windows achieving or exceeding the BRE guidelines recommendation for annual sunlight hours. For winter sunlight hours, 100% of the rooms would achieve or exceed the BRE recommendation of 5%.

The above demonstrates the high level of amenity that will be enjoyed by future residents.

Refuse and recycling

The proposal includes dedicated residential and commercial refuse stores, based on commercial requirements and number of units. Both refuse stores are accessible from the courtyard and are located within 25m of the parking position of the refuse vehicle on the adopted highway, whether the High Street or William Hunter Way. They are also located right next to the entrance to the flats, ensuring convenience of use for residents.

Overall, the refuse strategy is considered appropriate and in line with the advice of the Essex Design Guide.

Parking and highway considerations

As previously explained, the application site is located in a highly sustainable location in Brentwood Town Centre. It enjoys access to a variety of public transport links, as well as to Brentwood's facilities and car parks.

The proposed development is therefore car free, an approach supported by Officers since the initial pre-application discussion. The Highway Authority confirmed that this is acceptable acknowledging the site's location and that the adopted parking standards state that "*for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development*". Furthermore, the local highway network is protected by parking restrictions.

An enclosed, secure cycle parking area is provided as part of the proposals, accessible from the courtyard. A total of 28 spaces are delivered:

- 4 x commercial spaces
- 24 x residential spaces

The proposed commercial cycle parking provision accords with the requirements of the Essex Parking Standards, adopted by the Council, whilst the proposed residential provision exceeds the standards (14 spaces), which is welcomed and contributes to the use of sustainable transport modes.

Subject to conditions, including the provision of a Residential Travel Information Pack, the proposal therefore complies with Policies BE09 (Sustainable means of travel and walkable streets), BE12 (Mitigating the Transport Impacts of Development) and BE13 (Parking Standards).

Impact on neighbours' amenity

The proposed massing and the proximity of the proposal to existing buildings, especially 57-61 High Street and Luke Court, has been subject of extensive discussion with officers since pre-application stage. Blocks A and B have been designed so that the proposal will not have an overbearing impact on neighbouring residential properties.

With regards to the relationship between the proposal and Luke Court to the left, it is considered that the design of the building would not amount to an overbearing impact on the Luke Court units: Block B does not extend to a depth that would breach the 45-degree guidance and the courtyard design alleviates the bulk of built form away from the main habitable area of Luke Court.

The stairwell windows facing Luke Court and the glazed link could result in potential overlooking, as noted in the two objection letters received. However, this can be dealt with by carefully choosing the type of glass used in these elements of the proposal, and will be addressed as part of conditions 3 and 4.

The properties at 1-10 Luke Court will have 11 out of 24 (46%) windows assessed that will adhere to the BRE guidelines. The majority of the remaining windows have Vertical Sky Component (VSC) reductions between 0.60 and 0.79 times their former value. The Daylight and Sunlight Assessment notes that existing VSC levels for Luke Court are very high for an urban context, owing to the low-level existing building and the courtyard design of their building with the majority of the windows facing directly towards the proposed development site. The Assessment also comments that all of the windows will retain VSC results in the mid-high teens and low twenties which are frequently considered to be acceptable in an urban context with neighbouring buildings in close proximity.

In making assessments, a judgement is made as to the level of impact on affected windows. Where there is a less than 20% change in VSC the effect is judged as to not be noticeable. Between 20-30% it is judged to be minor adverse, 30-40% moderate adverse and over 40% major adverse. All these figures will be impacted by factors such as existing levels of daylight and sunlight and on-site conditions. The judgements that arise from these percentages do not form part of the BRE Guide and have become part of an industry standard utilised by Daylight and Sunlight specialists. It is for the Local Planning Authority to decide whether any losses result in a reduction in amenity which is or is not acceptable, depending on a number of circumstances.

The BRE Guidance also states: *“Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design... In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”.*

In this case, Luke Court indeed enjoys existing VSC levels that are very high for an urban context and that would not normally be found in a busy town centre. Nonetheless, the impact of the proposed development should not be detrimental to the amenity of existing residents.

Assessing the proposed values, there are only two windows that would experience a major adverse impact, both belonging to bedrooms. The windows that would be on the lower range of the ‘moderate adverse’ impact would also belong to bedrooms, with the exception of two living room/kitchen/dining areas. However, all these windows would retain VSC results in the mid-high teens and low twenties which are typical of many dense urban locations.

The Daylight and Sunlight Report shows that the living/kitchen/dining rooms of Luke Court are single-aspect deep rooms with the kitchen area located towards the back of the room. Inevitably, it is more difficult to receive good levels of daylight in the kitchen area, although the Report demonstrates that the area closest to the main window will still retain access to good levels of daylight.

In terms of daylight distribution, 9 out of 17 (53%) rooms will adhere to the BRE guidelines. The report demonstrates that 3 rooms are marginally below the BRE guidelines with reductions between 0.61 and 0.65 times their former values. The remaining rooms will retain between 0.3 and 0.58 times their former values. However, 2 of these rooms are bedrooms where it is acknowledged that daylight is of less importance.

In terms of sunlight, all windows that have been assessed (those orientated towards the south) will adhere to the BRE guidelines for both annual and winter probable sunlight hours.

One letter of objection comments that because the site is not within a historic city centre, nor is it in an area with modern high-rise buildings, there is no justification to interpret the BRE guidelines flexibly. Officers disagree with this consideration. In light of the location of the application site in a busy and accessible town centre location, where growth is directed and supported by local policies, it is inevitable that development proposals will result in a denser urban fabric, with taller buildings. Therefore, BRE guidelines will need to be interpreted flexibly, as recommended by the BRE Guidance itself, taking into account all aspects of the proposal and of the site context.

On balance, considering the dense urban location, the benefits that the proposal will bring to the High Street, the activation of the William Hunter Way frontage, and the fact that the worst affected windows would be bedrooms, it is considered that the impact on Luke Court is acceptable.

With regards to the impact on 57-61 High Street, 10 out of 11 (91%) windows tested for VSC will adhere to the BRE guidelines. Only 1 window will transgress marginally from the BRE guidelines, retaining 0.724 times their former value. All of the rooms tested will satisfy the BRE guidelines for daylight distribution.

There are no windows at nos.57-61 that qualify for sunlight assessment according to the BRE guidelines, as all the rear windows to this property face within 90 degrees of due north.

Therefore, the proposed development will not have a negative impact on the daylight and sunlight levels of the adjoining properties at 57-61 High Street that have rear windows facing in the direction of the site.

A condition has been added requesting the submission of a Construction Environmental Management Plan (CEMP), to demonstrate how the proposed construction activities will 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.

Landscape

The site contains buildings and hardstanding with no trees or other vegetation present. The proposal seeks to introduce a landscaped courtyard with planting, small trees and podium planting, as well as a green roof.

The Council's Landscape Officer has no objections to the proposal, subject to a detailed landscaping scheme being conditioned, and careful choice of planting that could withstand shady conditions, given its location within an internal courtyard.

The Officer also noted that the proposed green roof would provide a rainwater buffer and greater energy efficiency of the building and improve air quality in the area. Both the soft landscaped courtyard and green roof would contribute to biodiversity enhancement of the site and in turn encourage ecology within an urban location.

Overall, the landscape proposal is considered appropriate in this location, subject to a detailed landscape scheme being submitted, and it complies with Policy NE01 (Protecting and Enhancing the Natural Environment).

Flood and drainage

A Flood Risk Assessment and Surface Water Drainage Strategy have been submitted as part of the application submission and has been reviewed by Essex County Council who are the Lead Local Flood Authority (LLFA). The application site is within Flood Zone 1, at a low risk of flooding from all sources, and is located within a defined Critical Drainage Area (CDA).

In terms of SuDS strategy, the proposed green roof provides an opportunity for the collection of rainfall whilst reducing the velocity and time of concentration to the wider drainage system. Roof water will be conveyed by rainwater downpipes to ground level, where surface water will pass through a secondary treatment process in the form of permeable paving. Surplus run-off in extreme or intense storm events will be conveyed over the permeable paving surface and directed towards a rain garden in the courtyard.

Surface water will ultimately be discharged to the Thames Water public surface water sewer network within William Hunter Way at a discharge rate, in order to not have an exacerbating effect on the assets within this Critical Drainage Area. A vortex flow control device will be used to regulate flows and discharge volume.

The LLA have raised no objection to the proposal, which is thus in compliance with Policies NE09 (Flood Risk) and BE05 (Sustainable Drainage).

Noise

The Environmental Health Manager raised concerns over the potential for noise disturbance from the High Street activity, including night-time economy uses, and for the possible uses for the commercial and retail units below the residential accommodation, and between units of accommodation.

Therefore, a noise assessment has been conditioned to ensure that the levels of noise attenuation between the ground and first floor are appropriate for likely situations, e.g., a bar/restaurant type activity that could extend into the evening period.

A condition has been added requesting the submission of a CEMP, to demonstrate how the proposed construction activities will 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.

Sustainability

According to Policy BE01 (Carbon Reduction and Renewable Energy), all applications for major development should be accompanied by a Sustainability Statement. The Sustainability Statement will need to address the requirements of Policies BE01

(Carbon Reduction and Renewable Energy), BE02 (Water Efficiency and Management) and BE04 (Management Heat Risk).

As this requirement was not relevant at the time of submission, no such assessment was submitted and has therefore been conditioned. The Sustainability Statement will need to demonstrate how, among other points, the proposal will achieve: at least a 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations; limits of 110 litres per person per day; a minimum of 10% of the predicted energy needs of the development from renewable energy; a reduction for the potential for overheating and reliance on air conditioning systems.

Archaeology

The Essex Historic Environment Record (EHER) shows that the proposed development lies within the medieval settlement of Brentwood (EHER 525). In addition to this, the 1st edition OS mapping shows features and possible buildings, which would pre-date 1880. Indeed, recent archaeological work carried out on the High Street, revealed extensive medieval and post-medieval remains.

To ensure that any archaeological deposits found during the proposed works are recorded prior to commencement of development, the Essex Historic Environment Officer requested a number of conditions to be added to the decision notice, including a programme of archaeological works. The conditions have been added, and the proposal is considered to comply with Policy BE16 (Conservation and Enhancement of Historic Environment).

Legal Agreement

The applicant has accepted that it will be necessary for certain obligations in respect of the proposed application to be dealt with by way of an Agreement under Section 106 of the Town & Country Planning Act 1990. This is in line with Policy MG05 (Developer Contributions).

The Heads of Terms will include contribution to open space and the affordable housing clawback clause.

It is noted that as the proposal is for 13 units, of which 7 will be studios and 1 bed apartments, it does not meet the threshold for education or healthcare contribution.

8. Recommendation

It is recommended that a RESOLUTION TO GRANT PERMISSION is issued subject to the legal agreement being resolved, and to the following conditions:

1 TIM01 Standard Time – Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 Design details

Works above ground shall not be commenced until additional detailed drawings that show proposed new windows, doors, eaves, verges and cills by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The new sash windows (High Street) shall be in painted timber, and without trickle vents. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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

4 Materials

Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. This is to include a sample panel of brickwork (no less than 1 sqm) with bond, mortar and joint, and the glass to be used for the glazed link.

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

5 Design details

No electricity, gas, water meter boxes, antennae (roof level) or extraction vents shall be fixed to the façade of the building. All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

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

6 Landscape

No development above slab level shall commence until a landscape scheme, providing specification of all proposed soft and hard landscaping and tree planting, is submitted to and approved in writing by the Local Planning Authority. The scheme of soft landscaping shall include details of a diversity of species, that includes native species or varieties of known biodiversity value where appropriate. 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, anticipated routine maintenance and protection, and limited sunlight they are likely to receive. The specification shall include all green roof details. All tree and shrub 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 Policy NE01.

8 Highway

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Local Plan Policies BE09 and BE12.

9 Highway

Prior to first occupation, the redundant part of the existing vehicle access up to the site boundary to the west, shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Local Plan Policy BE09.

10 Highway

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Local Plan Policies BE12 and BE13.

11 Highway

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Local Plan Policies BE09 and BE12.

12 Thames Water

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

13 Noise

Development shall not be commenced until a scheme for protecting the proposed accommodation from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include mechanical ventilation where appropriate and details of the specification for windows facing onto external areas, particularly on the High Street façade, to ensure that the internal noise levels within any habitable room are not predicted to exceed the recommended standards set out in Table 4 of BS8233:2014, i.e. no greater than 30dB LAeq23:00 to 07:00 (night time) and 45dB LAeq from 07:00 to 23:00 (day time). The building shall be constructed so as to provide sound insulation against internally and externally generated noise to ensure that internal noise levels will meet the standards of Table 4 BS8233:2014, with windows shut and other means of ventilation provided.

Reason: In order to protect the amenity of future occupiers.

14 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 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 protect the amenity of neighbouring occupiers.

15 Sustainability

Prior to commencement of development, a Sustainability Statement shall be submitted to the Local Planning Authority to address:

- Detailed calculations of the energy demand of the proposed building
- Detailed calculations to demonstrate how the proposal will achieve at least a 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations
- Renewable energy generation (wherever possible, a minimum of 10% will be required)
- Adaptation to climate change

- Water management
- Site waste management
- Use of materials

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.

16 Archaeology

Following the demolition of the existing buildings to ground level no further development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

17 Archaeology

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the programme of archaeological trial trenching.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

18 Archaeology

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

19 Archaeology

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

INFORMATIVES:

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, BE04,

BE05, BE09, BE12, BE13, BE14, BE15, BE16, HP01, HP03, HP05, HP06, PC04, PC05, PC06, PC07, NE01, NE05, NE08 and NE09.

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 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.

5 SUDS

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

6 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.

7 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.

8 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.

9 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.

10 Thames Water

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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.

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 or by post to: SMO3 -Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

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.

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>

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Appendix A



Title : 53-55 High Street, Brentwood, Essex CM14 4RH

21/01440/FUL

Scale at A4 : 1:1250

Date : 21st February 2023

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



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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

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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