



Agenda

Planning Committee

Tuesday, 14 March 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 Sankey

Substitute Members

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

Agenda

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Live Broadcast

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

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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
06.03.2023

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.

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

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

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

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

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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, 21st February, 2023

Attendance

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

Apologies

Cllr Mrs Murphy	Cllr Wiles
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Substitute Present

Cllr Mrs Hones
Cllr Mrs Pearson

Also Present

Cllr Kendall
Cllr Lewis
Cllr McLaren
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
Paulette McAllister	- Programme Lead - Strategic Housing Development Programme
Daryl Cook	- Planning Officer
Kathryn Williams	- Consultant Planner
Justin Booij	- Senior Planning Officer (Dunton Hills Garden Village)
Brooke Pride	- Planning Officer
Brendan Johnston	- Strategic Development Engineer, Essex Highways
Zoe Borman	- Governance and Member Support Officer

338. Apologies for Absence

Apologies had been received from Cllrs Murphy and Wiles. Cllrs Hones and Pearson were substitutes.

339. Minutes of the Previous Meeting

The Minutes of the last meeting held on 17th January 2023 were agreed as a true record.

340. APPLICATION NO: 22/01205/FUL Cheale Meats LTD Orchard Farm Little Warley Hall Lane West Horndon Little Warley Brentwood Essex CM13 3EN

This application had 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).

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.

Mr Daryl Cook presented the report.

Mr James Bompas, Agent, spoke on behalf of the applicant.

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

Some members spoke objecting to the application stating inappropriate development in the green belt and there being no need for employment. Others considered that very special circumstances would exist to overcome all harm arising from the development.

Cllr Fryd requested a traffic survey be conditioned.

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

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

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

ABSTAIN: Cllr Dr Barrett (1)

The application was **APPROVED** subject to conditions and obligations to be agreed between Officers and the Chair and reported to the Secretary of State prior to a decision notice being issued.

341. APPLICATION NO: 22/01637/ADV Land at Brookfield Close Hutton Essex

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.

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.

Ms Brooke Pride presented the report and advised that the application was retrospective as the signs were already in place.

The committee noted that the materials were stated as timber in the report and the application form but in fact consisted of metal. Nevertheless, this is acceptable.

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

Members voted as follows:

FOR: Cllrs Barber, Barrett, Cuthbert, Fryd, Gelderbloem, Jakobsson, Hones, Laplain, Mynott, Parker, Pearson, Tanner (12)

AGAINST: (0)

ABSTAIN: (0)

The application was **APPROVED** subject to conditions stated in the report.

342. APPLICATION NO: 22/00044/OUT Land to rear of the Nags Head Brook Street Brentwood Essex

This application had been referred to the Council's Planning and Licensing Committee at the discretion of the Head of Planning and Development on the basis that this proposal would "have significant policy or strategic implications,

including departures from the approved development plan which would require reporting to the Secretary of State” if approved (Part B, paragraph 2.1, pg.204 of the Constitution v27.07.22)..

The proposal is for 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.

Mr Justin Booij presented the report.

Mr Alex Kensit, resident, was present at the meeting and spoke in favour of the application.

Mr Peter Jeffery, Agent, was also present and addressed the committee on behalf of the applicant.

Cllr Tom McLaren, Ward Councillor, spoke objecting to the application for reasons of inappropriate development within the green belt, traffic safety issues, and unsuitable location and design. He also stated that he was speaking on behalf of residents who objected to the application.

Cllr Laplain also spoke in objection to the application and **MOVED** that the application be **REFUSED**. The motion was **SECONDED** by Cllr Mynott.

Following a full discussion, a vote was taken, and Members voted as followed:

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

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

ABSTAIN: (0)

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

Cllr Tanner spoke in favour of the application stating its economic benefit to the borough and a great opportunity for Brentwood. Cllr Tanner **MOVED** that the application be **APPROVED**. This was **SECONDED** by Cllr Barber.

Mr Booij advised that should the committee be minded approving the application then there were a number of conditions and s106 obligations that had been proposed through working with the applicant which should form part of the application.

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

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

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

ABSTAIN: (0)

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

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

This planning application sought 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.

Ms Kathryn Williams presented the report to members.

Mr Brendon Robins, Agent, spoke on behalf of the Applicant.

Ward Cllr Lewis addressed the committee objecting to the application having concerns of loss of light and commercial use at the rear of the property.

Cllr Tanner thanked the officer for the report and **MOVED** that the application be **APPROVED**. This was **SECONDED** by Cllr Barber.

Following discussion, a vote was taken by Members who voted as followed:

FOR: Cllrs Barber, Dr Barrett, Gelderbloem, Jakobsson, Hones, Parker, Pearson, Tanner (8)

AGAINST: Cllrs Cuthbert, Laplain, Mynott (3)

ABSTAIN: Cllr Fryd (1)

The application was **APPROVED** subject to conditions stated in the report.

344. Urgent Business

There were no items of urgent business.

The meeting concluded at 21:30

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SITE PLAN ATTACHED

LAND NORTH OF WOOLLARD WAY NINE ASHES ROAD BLACKMORE ESSEX

RESIDENTIAL DEVELOPMENT OF 40NO. DWELLINGS INCLUDING MARKET AND AFFORDABLE HOUSING, INTERNAL ROADS AND PAVEMENTS, LANDSCAPING, SUDS FEATURES, PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE. CONSTRUCTION OF NEW VEHICULAR AND PEDESTRIAN ACCESS FROM NINE ASHES ROAD, PEDESTRIAN LINK TO FINGRITH HALL LANE AND PEDESTRIAN/CYCLE LINK TO WOOLLARD WAY.

APPLICATION NO: 22/01411/FUL

WARD	Tipps Cross	8/13 WEEK DATE	5 January 2023
PARISH	Blackmore, Hook End And Wyatts Green	Extension of time DATE	18 February 2023
CASE OFFICER	Fiona Dunning		

Drawing no(s) relevant to this decision:

0337-0001 Rev A, 0337-1001 Rev I, 0337-1501 Rev C, 0337-2001 Rev B, 0337-2002 Rev D, 0337-2003 Rev C, 0337-2004 Rev E, 0337-2005 Rev C, 0337-2006 Rev C, 0337-2007 Rev C, 0337-2008 Rev B, 0337-2009 Rev C, 0337-2010 Rev A, 0337-2011 Rev A, 0337-2012, 0337-2013, 0337-2501, 0337-2502 Rev B, 0337-2503 Rev B, 0337-4001 Rev E, 0337-4002 Rev B, 0337-4003 Rev A, 21094-GUA-DR_L-001-P03 (Illustrative Landscape Masterplan), 21094-GUA-DR_L-001-P05 (Outline Landscape Proposals), 21094-GUA-DR_L-002-P03, 21094-GUA-DR_L-003-P03, 21094-GUA-DR_L-004-P03, 21094-GUA-DR_L-005-P03, 21094-GUA-DR_L-006-P03, 21094-GUA-DR_L-007-P03, ST-2396-10-D, Design and Access Statement, Arboricultural Impact Assessment, Ecological Impact Assessment, Environmental Desk Study, Heritage Statement, Landscape and Visual Appraisal, Landscape Design Strategy, Planning Statement, Transport Statement, Written Scheme of Investigation, Flood Risk Assessment, Energy Statement, Sustainability Statement, Stomor Response to LLFA, Road Safety Appendices, Heritage Advice Note, Housing Mix Addendum, Biodiversity Net Gain Assessment March 2023, Biodiversity Metric 3.1

This application is of a strategic nature identified within the Brentwood Local Plan and as such is deferred to the Planning Committee for decision at the discretion of the Director of Place Services.

1. **Proposal**

The site is located on the northern edge of Blackmore village settlement and is an allocated strategic residential site for around 40 dwelling in Brentwood Local Plan (Policy R25). The site has an area of 3.31ha and has frontage to Nine Ashes Road to the west, Redrose Lane to the north and Fingrith Hall Road to the east, with a hedgerow on these road frontages. Woollard Way is to the south of the site. Within the site there is a hedgerow running in a north-south direction approximately 55 metres from Fingrith Hall Road. The remainder of the site is grassland recently used for horse grazing, with two existing agricultural gates on Redrose Lane with a small agricultural building in the north-west corner. The site has a slight fall from the north-west to the east. Adjacent to the site on Redrose Lane and Fingrith Hall Road are drainage ditches.

Residential properties on Nine Ashes Road, Woollard Way and Fingrith Hall Road adjoin the site. To the north on Redrose Lane and east on Fingrith Hall Road are small clusters of dwellings and farmland. Other land uses in the locality include the primary school and Village Hall to the west.

The proposal for 40 dwellings includes a mix of detached, semi-detached and terrace houses, landscaping, SuDS features, public open space and provision for cycle and car parking. Fourteen of the dwellings (35%) are affordable. Vehicular and pedestrian access to the site is off Nine Ashes Road with additional pedestrian links to Redrose Lane, Fingrith Hall Road and Woollard Way. Each dwelling is provided with vehicular parking and secure cycle storage with 10 visitor car parking spaces provided at various locations within the site. The landscaping, open space and SuDS features surround the proposed dwellings to minimise any impacts on adjoining and nearby neighbours.

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.

- 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: Managing Heat Risk
- Policy BE05: Sustainable Drainage
- Policy BE07: Connecting New Developments to Digital Infrastructure
- Policy BE08: Strategic Transport Infrastructure
- Policy BE09: Sustainable Means of Travel and Walkable Streets
- Policy BE11: Electric and Low Emission Vehicles
- 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 NE01: Protecting and Enhancing the Natural Environment
- Policy NE02: Green and Blue Infrastructure; and
- Policy NE03: Trees, Woodlands, Hedgerows
- Policy NE05: Open Space and Recreational Facilities
- Policy NE08: Air Quality
- Policy NE09: Flood Risk
- Policy NE10: Contaminated Land and Hazardous Substances
- Policy R25: Land North of Woollard Way

Other local and regional documents/guidance

- ECC Green Infrastructure Standards
- ECC Sustainable Drainage Systems Design Guide
- ECC Parking Standards
- ECC Infrastructure Contributions
- ECC Design Guide

3. Relevant History

- None

4. Neighbour Responses

Twenty-one neighbour responses have been received and are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

Objection to principle of development

- No proven need for these houses and no genuine concern for the village and its occupants
- Unwanted and unnecessary development not suitable for small rural village
- A 30% increase in houses (12 new houses on Red Rose Lane opposite strategic site 26 (22/01110/FUL for 35 dwellings and 40 for 22/01411/FUL) is too much for the village already impacted by flooding
- Brownfield sites should be used for housing and there are brownfield sites in the borough
- Government is reviewing its housing policy as it should have the consent of the local community
- Cumulative impact of this development and the adjoining site and loss of green belt
- Wrong development in the wrong place
- Impact on small historic village
- The scheme is developer led and not BBC identifying suitable sites for housing

Flooding

- Increased risk of flooding with development with a small SuDS area shown
- Even with SuDS, there is an increased risk of flooding downstream in the flood risk area of the River Wid
- ECC SuDS have commented on flood proofing measures within the development. If the risk of flooding is that big then the site is not suitable for residential development
- Loss of field to absorb water will impact on lower-lying parts of the village
- Insufficient sewerage system

Impacts on infrastructure

- Detrimental impact on village due to the overloading of services and facilities
- Increase in traffic and with this site and the adjoining site (75 additional dwellings in total), there could be an additional 150 vehicles using an already limited road infrastructure
- Existing school and GP surgery are oversubscribed
- Local population did not want the site removed from green belt due to flooding and lack of infrastructure
- The maintenance arrangements for the SuDS and communal areas needs to be in place early to ensure necessary maintenance is carried out

Highway safety

- Greater risk to pedestrians, cyclists and horse riders with additional traffic in village
- Access and egress is fraught with problems with it located opposite the school
- Poor public transport so cars will have to be used having damaging impacts on the environment
- Red Rose Lane is narrow without a pavement
- A roundabout is required at Village Hall Road and Redrose lane to help slow vehicles
- Roads are in a poor state and are not maintained and increase in traffic will cause more damage

Other comments

- Proposal is better than the adjoining site but is out of character with the village
- Sustainability will not be improved as there will not be any additional employment opportunities in Blackmore and future residents will rely on private vehicles
- Insufficient car parking on site
- Not all residents of Blackmore and surrounds were notified by letter
- A smaller number of dwellings should be provided and be in keeping with the needs of the residents of the village
- The increase in the number of houses proposed from 20 to 30 and beyond will create significant problems without any resolution
- No objection subject to the submitted plans being strictly adhered to without deviation
- Andersons have undertaken considerable engagement with the village for many years and the green buffer and cap of 40 houses, design and materials, affordable housing and village heritage has been understood

5. Consultation Responses

- **Highway Authority:**

The documents submitted with the planning application have been duly considered and a number of visits to the locality have been carried out since the site was originally included in the Draft Local Plan. It is noted that the site remains included in Brentwood Borough Council's adopted Local Plan of March 2022 (Site R25). The proposals entail the provision of a new site access on Nine Ashes Road which fully complies with modern highway standards. The proposals also comply with Brentwood's adopted parking standards.

The Highway Authority is satisfied that the proposed development can be accommodated without a material impact on the safety and efficiency of the local highway network. The site is also within walkable distance of the village centre and the services that it provides.

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

Reason: To ensure that on-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. Prior to occupation of the proposed development, the site access visibility splays shall be provided as clear to ground and in accordance with Drawing ST-2396-10-D.

Reason: To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to occupation of the proposed development and as shown in Drawing ST-2396-10-D, a new 2 metre pedestrian footway shall link the proposed main vehicle site access to the existing footway that currently terminates outside the dwelling named Five Farthings on the east side of Nine Ashes Road. As shown, it shall also incorporate a dropped kerb pedestrian crossing of Nine Ashes Road together with associated tactile paving outside the primary school with the precise location to be agreed with the Highway Authority.

Reason: To provide pedestrians and the mobility impaired with safe accessibility to nearby facilities and services in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to occupation, permanent bollards or similar means to preclude any vehicle access shall be provided within the confines of the development at the proposed pedestrian / cycle accesses onto Woollard Way, Redrose Lane and Fingrith Hall Lane.

Reason: To protect the designated pedestrian / cycle accesses from any potential vehicle movements and in the interest of highway safety and accessibility in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. 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.

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

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

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

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

8. The developer shall make the appropriate contributions towards the cost of local highway infrastructure improvements as identified in the Brentwood Local Plan Infrastructure Delivery Plan.

Reason: To ensure deliverability of the wider infrastructure needs as set out in the Local Plan and in accordance with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- **Landscape and Ecology Officer:**

The site currently comprises pasture with hedges and small trees confined to the boundaries except for a single internal hedge.

A landscape and visual impact assessment (LVIA) has been prepared in accordance with best practice guidance. The scheme would not have any

significant effects on landscape character, given its scale and retention of features such as the boundary hedges.

The LVIA confirms that views of the site are largely contained by existing vegetation, topography and development, limiting them to the immediate area. As a result, the most significant visual effects will be experienced by existing residents of Woollard Way, Nine Ashes Road and Redrose Lane. These have been assessed as being Major adverse while construction takes place as the green field will be lost and the site enclosed by hoarding etc. Once construction has been completed and mitigation measures have begun to develop these adverse effects will reduce. The scheme has been designed to create an open space which will include new tree planting between Woollards Way and the new development. Over time this will help to reduce the adverse effects. Off Nine Ashes Road the scheme sets back housing from the road and provides an area of open 'village green' space close to the entrance of the site. The boundary hedge will be retained beside Redrose Lane and new houses will be set back from the boundary.

Views from public rights of way will be negligible at most.

The detailed landscape scheme has incorporated advice provided at pre-application stage. New tree planting and hedges will help soften the visual effects on neighbouring development. The SuDS and open space features have been designed to create attractive spaces that also help deliver a biodiversity enhancement. If the scheme is permitted a landscape condition is sought requiring the detailed planting specification, hard landscape materials and maintenance plan be submitted to the LPA for approval prior to commencement.

The ecological assessment that has been undertaken confirms that the site has generally low ecological value with hedgerows being the only priority habitat on site. Other than a single slow-worm no protected species were recorded using the site. Section 6 of the report sets out a range of precautionary measure that should be adopted should the scheme be permitted. If permission is granted, I would request a condition be imposed requiring the measures to be implemented in full to ensure no protected species are killed or injured during construction.

The Biodiversity Net Gain calculation that has been submitted with the application; however, shows an overall net loss of Habitat and Hedgerow units (-7.44% and -14.26% respectively). While BNG is not yet mandatory the NPPF 2021 paragraph 174 states that planning policies and decisions should contribute to enhance the natural local environment by (d) minimising impacts on and providing net gains for biodiversity. Paragraph 180 states 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. Can the applicant identify what further steps can be taken to avoid the net loss of biodiversity and if possible, to achieve a net gain?

In principle there are no objections to the proposal on landscape or ecology grounds subject to compliance with the conditions; however, I would request that steps are taken to achieve biodiversity net gain.

The Environment Act 2021 has set a requirement for developments to achieve at least 10% biodiversity net gain. This section of the Act does not become mandatory until November 2023.

The landscape scheme has been amended to include additional wildflower areas, additional native hedge planting and changes to the tree specification.

The BNG metric calculation has been re-run and the scheme is now assessed as 9.22% gain for habitats and 9.05% gain for hedgerows. This now accords with the NPPF and Policy NE01 of the Brentwood Local Plan and is close to the mandatory target that has yet to come into effect.

The covering report recognises that the scheme does not meet the Trading rules calculated in the metric. This is due to the relatively high score given for the existing ephemeral pond and due to scoring the new, smaller, pond as reaching 'poor' habitat condition as it is close to houses. If the pond was to reach the 'moderate' condition which is likely the trading rules would be met.

I am now able to support the proposal on landscape and ecology grounds.

- **Planning Policy:**

The application site is residential-led allocation R25 in the Local Plan, as such the principles of residential development on this site are supported and are considered to align with the Local Plan's spatial strategy and strategic objectives. Local Plan Policy R25 provides the basis for how development is expected to come forward and key considerations.

Policy MG05: Developer Contributions - development is 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 (IDP) and other policies in this Plan.

The relevant infrastructure requiring contributions from this site is listed in the IDP Part B (the latest version was published on 29th January 2021, document F70, an update to this version will be published in due course). The Council's approach to apportioning the cost of infrastructure mitigation measures is discussed in Chapter 15 of the IDP (document F45). Based on the Council's apportionment methodology, the costs to be requested from this site for 40 dwellings are as follows:

IDP Ref T28 - M25 Junction 28 - £4,041
IDP Ref T29 - M25 Junction 29 - £103,044

In terms of contributions to off-site highway infrastructure improvements (item T28 and T29): Policy MG05 should be read in conjunction with clause 2 of Policy R25, Policy BE08 Strategic Transport Infrastructure, and Policy BE12 Mitigating the Transport Impacts of Development. In order to support and address the cumulative impacts of planned and incremental growth, the Local Plan Transport Assessment proposed a number of highways infrastructure improvements and sustainable transport measures; these were included and costed in the IDP Part B. The above listed strategic infrastructure would mitigate the cumulative impacts caused by travels generated from this site on the Strategic Road Network; as such, proportionate contributions from the development are required.

In addition, with regards to open space provision: this is not listed in the IDP as the Council's default position is that open space is to be provided on site in line with Policy NE05. However, should the proposal not be able to incorporate adequate provision to serve the new community, then a commuted sum may be requested. NE05: Open Space and Recreation Provision - 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 Council has recently approved for consultation a Draft Planning Obligations SPD which, amongst other things, provides more detail and guidance on the implementation of Policy NE05. Although not yet adopted by the Council this sets out the direction of thought and clarifies the Council's position in that all residential development proposals comprising more than 10 dwellings are required to provide around 41 sqm per person for the following types of space:

- a. Outdoor sport
- b. Children's playing space
- c. Allotments and community gardens
- d. Formal open space
- e. Informal and natural open spaces
- f. Amenity greenspace

The Draft SPD encourages developers to use the Council's Open Space Calculator as guidance. This provides an approximate calculation of the space required on-site, and/ or commuted sums required by the Council, based on occupancy rates.

- **Schools & Education:**

According to our forecasts, there should be sufficient early years and childcare provision to meet the needs of the development.

This development would sit within the Priority Admissions Area of Blackmore Primary school which has a Published Admission Number of 25 pupils per year group. As at the last school census in May, the school was at or close to capacity in most year groups. Provisional data for admission this September suggests that the

school was again full in Reception with a small waiting list for places. There are no other primary schools within two miles of the proposed development.

According to our forecasts there should be sufficient places with the Brentwood secondary Group 1 to meet the needs of the development. However, the secondary schools within the Brentwood secondary Group 1 are in excess of the statutory walking distance from the proposed development and therefore ECC is obliged to provide free transport to the school resulting in a long-term cost to ECC. The cost is estimated to be £5.30 per pupil per day for 190 days per year; a standard academic year. It is the practice of Essex County Council to seek costs for a 5 year period.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary school education and school transport. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

For information purposes only, should the final development result in the suggested net increase of 40 houses with two or more bedrooms, the primary school contribution sum would be £207,216 and the secondary school transport sum would be £40,280. Both amounts would be index linked to Jan 2020 costs.

- **Mld & South Essex Health Care:**

The proposed development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated.

The proposed development for 40 dwellings requires additional floor space with a capital cost of £19,600.

- **Conservation Place and Development Officer:**

In respect of the Historic Environment, the proposed site is located upon the outskirts of the historic village of Blackmore, outside the conservation area designation but within the setting of Grade II listed buildings and adjacent to the medieval core (EHER Record).

By way of background, at preapplication the applicant team were referred to the Blackmore Historic Settlement Assessment alongside the publication 'Typical

Details'1 to support in their understanding the evolution of the settlement for establishing their development principles for the emerging scheme, including its urban grain, appropriate scale, materiality and detailing. The intent conveyed by the applicant at preapplication was a traditional language which I supported if greater interrogation of the historic environment and its vernacular was conducted to ensure the scheme complemented the character of the village and the setting of the Grade II listed buildings.

I advised that for this edge of settlement location the scheme acted as a transitional development towards a countryside setting, as such, a strong baseline for blue/green infrastructure and a narrative developed through understanding important views of the more historic roofscape alongside the setting of designated heritage assets were key principles to study.

Cross sections were requested to be submitted to convey how proposed new units and views would co-exist with The Woodbines and the historic farmstead of Wells Farmhouse; negative views also to be identified with proposals for enhancement either through built form or new landscaping.

Having completed my assessment, I offer you the following advice:
The application is accompanied by a document entitled 'Heritage Statement' (HS) which correctly identifies the Grade II listed buildings within the site context as The Woodbines List Entry Number:1197168, Wells Farmhouse, List Entry Number: 1205210 and Horselocks Cottage, List Entry Number: 204937.

The analysis of impact upon setting can be found for each listed building within the HS; whilst there is a level of analysis recognising the undeveloped nature of the land parcel, I do not find the analysis provided sufficiently comprehensive; the parcel which forms part of the wider setting of both Wells Farmhouse and The Woodbines are in my opinion contributors to setting and significance, without doubt there will be impact by the development, and setting is more than a visual judgement, other diurnal matters are to be considered and analysed. The other areas I requested at preapplication regarding roofscape views and study which are not included in this report to convey how the placement of buildings has responded to longer views. The DAS contains more information on this aspect.

Notwithstanding the analysis and conclusions drawn in the HS I find areas the design has developed since preapplication; whilst largely maintaining a balance of a green space to the south the site and a verdant edge to the more sensitive northern and easterly aspects, the Plots 15-26 are a change from the preapplication layout, they allow natural surveillance lining open green space however these units appear overly regimented. I advise applying a variation in ridge and facing material on some of these units to add interest, the spacing scale and treatment being so repetitive cumulatively this dilutes character which is in contrast to the intent set out by the applicant in their contextual studies.

In terms of the open space, the car spaces which bite into this open space are a retrograde step, therefore if required for overall parking capacity I request a low-level black metal estate rail is applied to line this area to negate informal parking and keep pedestrians and users of the green space at the hierarchy. The visual submitted shows wildflower planting lining the north of the open space parcel however this in my opinion requires a more deliberate boundary.

In terms of the more meaningful edges and boundaries this is positive and whilst verdant screening in the context of setting can be harmonious in relationship to the listed buildings (which are vernacular and existed an open undeveloped setting) screening alone is not mitigation and nor in my opinion should roofscapes be hidden from view if they have character and quality, as stated earlier in this letter, there are other diurnal matters which impact upon setting, these are not referred to in the HS and therefore the cross sections as requested at preapplication remain to be required to demonstrate the scale and its interrelationship to the designated Heritage Assets.

EQPR (Essex Quality Review Panel) advised the future architectural style for the eastern Plots (particularly adjacent to Woodbines) may be more informed by the 'polite' architectural style of the listed building, however the typology as drawn (see DRWG 2001 REVB) I find (with the exception of bulk in roof) is of a cohesive language to the overall style proposed, therefore other than a matter of relatable scale for the development as a whole I raise no concerns in this regard and support the traditional language by the applicant.

My review of the typologies overall (given I have no cross sectional information at hand) leaves me unconvinced in the scale proposed for many of the units, there is also not sufficient articulation, ridge lines are often taken straight from gables, as advised at preapplication, Blackmore has a characterful roofscape and a fine grain, and whilst the scheme has added detail into the positioning of buildings the identical spatial gaps between buildings alongside consistent ridge lines is diluting character, such matters do not result in a loss of GIA so are achievable; important in attaining a characterful development.

The sheet entitled 'Proposed Materials & Boundary Treatments Plan' complements the traditional intent, but this requires a much greater level of specification. For example, the application of cement weatherboard is not supported, in addition the bond/mortar and brickwork require sample panels to be viewed on site and Flemish bond. I have no details for fenestration, position of vents, flues and, service cabinets etc. A full street scene would also assist.

At preapplication I raised the matter for a tenure blind approach to affordable housing and a non-grouping. This is a small site and there is no justifiable rationale to set pockets for affordable housing.

Summary:

As my assessment stands, I raise no in principle objections for the new development based on the Historic Environment or Urban Design, the scheme has progressed, and the intent is that of quality and a traditional style which has meaningful open space, permeability and inclusivity.

There is however a lack of information and concern regarding scale and impact upon setting. As such my weighting given the information before me engages Para 202 and 197c of the National Planning Policy Framework.

In order to negate this weighting please request attention to the bulk in the roofs as apparent at present, improved articulation and the application of greater variety on the row fronting the green; matters raised around Affordable Housing and its positioning are key for Policy C1 of the National Design Guide.

The reconsult is requested further to revisions received in response to my advice letter dated 24th February 2023, which upon further discussion I clarified to the LPA concerns were in relation to the scale and roofscapes of Plots 1, 2, 3 and 29, 30 and 31. The cross section submitted shows the introduction of hipped elements upon the principal frontages of Plots 2 and 3 (Section AA) this is within the context of Wells Farmhouse. There are also hipped elements applied to Plot 31 (Section CC) which is the unit most pertinent to Woodbines.

In my professional opinion there remains bulk in the roofscape for the units as I raised in both consultee letters, that remains to be of concern.

However, taking all matters into the balance and subject to high quality and appropriate material specification and landscaping through Conditions of Planning, I remove my 'in principle objection'; should a more meaningful reduction in scale have been apportioned I would have sought to engage NPPF Para 206, however that is not the case, nevertheless the revisions are sufficient to not engage Para 202.

- **Parish Council:**

The Parish Council object to this application for the following reasons:

1. The proposed development is located on prime Green Belt land in contravention of Chapter 13 in the NPPF
2. Despite assurances in the Flood Risk Assessment, we are still concerned about the risk of flooding in the village centre resulting from this development
3. We believe that a large scale housing estate of 40 units would be an additional burden on the fragile infrastructure of the village and local resources.
4. The nearby primary school is at maximum capacity and unable to accommodate the additional children from the new housing who will require school places.
5. We are also concerned about the proximity of the vehicular access to the site near to the school which is opposite. At 'school run times' cars are parked along Nine Ashes road (sometimes on double yellow lines) which will cause a hazard and further congestion.

6. The car ownership arising from this development would create unacceptable traffic, parking problems, congestion and pollution in the village.
7. The doctors surgery is one of the highest doctor/patient ratios in the country currently with approximately 10,000 patients. This development would exacerbate this problem.
8. The sewage system is already over capacity and flowing into local rivers when there is excessive precipitation.

As a general comment we would like to see the S.W. access off Woollard Way restricted for use by emergency vehicles only and the pedestrian footpath leading to Redrose Lane moved further into the N.W. corner.

- **Environmental Health & Enforcement Manager:**

Noise

A Construction Environmental Management Plan (CEMP) should be submitted to the LPA for approval prior to works commencing. The CEMP should as a minimum deal with the control of dust during construction and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. The CEMP should also specify hours of construction. 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.

Contaminated Land

The Phase 1 Environmental Desk Study dated August 2022 suggests that the risk of contamination on site is low to moderate. With this in consideration, a Phase II intrusive study must be completed to further assess the contamination risks to human health and the environment. Thus, Environmental Health suggest the following conditions:

1. Site Investigation

No development shall take place until an intrusive site investigation of the nature and extent of contamination has been carried out in accordance with the suggestions made in the Phase 1 Report. The results of the site investigation shall be made available to the local planning authority before any development begins.

2. Submission of Remediation Scheme:

If the Phase II report finds contamination onsite, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Verification Report

Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

4. Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

Bonfires

No bonfires during construction.

- **County Archaeologist:**

The Essex Historic Environment Record (EHER) shows that the proposed development lies directly adjacent to the historic medieval village of Blackmore (EHER 19009), first recorded in 1086. The village is a classic example of a medieval shifting settlement, in the late 11th century it appears to have been focused at Fingrith Hall (EHER 19008), some 2km to the north of the current village, before migrating to its current location sometime in the second half of the 12th century, coinciding with the founding of St Lawrence's Priory to the south (EHER 745). The current village was originally located around a large central green that has since been encroached upon in the later post-medieval period.

Evidence of agricultural subsistence activity, land management and other extramural remains related to this medieval settlement and its post-medieval expansion may survive on the development site and would be destroyed or disturbed by the groundworks associated with the proposed development.

The applicant's archaeological contractors have already been in touch with this office and the submitted Written Scheme of Investigation for an archaeological evaluation has been seen and approved (although it should be noted that the trench plan on figures 3 and 4 should be followed, rather than the incorrect one on figure 2).

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

RECOMMENDATION: A Programme of Trial Trenching, and Open Area Excavation

1. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written

Scheme of Investigation submitted with the application and confirmed by the Local Authorities archaeological advisors.

2. A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified shall be submitted to the local planning authority following the completion of the archaeological evaluation.

3. 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.

4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

A professional team of archaeologists should undertake the archaeological work, which will initially comprise a trial-trenching evaluation of the proposed development site. This may be followed by a programme of archaeological excavation and/or monitoring, depending on the results of the trenching.

- **Essex Badger Protection Group:**

As confirmed in the latest Wildlife and Countryside Link Report, the badger remains the most persecuted protected mammal in the UK and it is therefore imperative that the location of any badger setts remains strictly confidential and is not published on public forums.

Subject to all the mitigation measures proposed within the Aspect Ecology report dated September 2022 being fully met, we have no further comment to make regarding this case and have no objection to the proposals. We would nevertheless recommend that the aforementioned mitigation measures are included as conditions on any planning approval granted.

- **Essex Wildlife Trust:**

We have examined the ecological report and can confirm we are satisfied with the proposed mitigation measures and habitat enhancements. We would expect enhancements to deliver a minimum 10% biodiversity net gain, with the aspiration to achieve 20% if possible. Details of how this will be achieved should be set out in a Biodiversity Net Gain Assessment. If planning permission is granted, the proposed avoidance and mitigation measures, along with BNG delivery, long term management and monitoring, should be secured in a suitably worded planning condition. The wording of the condition should be flexible to include measures to be implemented if future monitoring indicates that intervention is required to address any deterioration of onsite habitats.

- **Housing Services Manager:**

In terms of quantum, the proposed development is consistent with Policy HP05 of the Local Plan providing 35% of the proposed dwellings as affordable homes.

The proposed tenure mix does provide for appropriate provision of homes of affordable rented tenure which is consistent to the tenure mix requirement of affordable rent to low-cost home ownership of the 86%/14% ratio in Policy HP05. However, currently the size mix proposes 12 x 2 bedroom units and 2 x 3 bedroom units, therefore the mix requirement should be reviewed to ensure it is principally as laid out in Fig 6.2 on Page 115 of the Local Plan.

The proposed siting of the affordable housing should also be reviewed as currently it is being provided in a 'cluster' whereas the requirement would be for a 'tenure blind from the kerbside' approach and one where affordable homes are 'pepper potted' throughout the development. This helps to meet the Council's generally accepted aspiration for mixed and balanced communities rather than separated tenure clusters.

- **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 based on the following conditions:

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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to the 1:1 Greenfield runoff rate of 4.78l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. A drainage plan is required which demonstrates how the permeable paving connects to the wider system, as well as how runoff from roofs will be dealt with.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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 167 and paragraph 174 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.

- **National Highways:**

Referring to the full planning application referenced above, notice is hereby given that Highways England's formal recommendation is that we offer no objection (see reasons at Annex A);

Annex A National Highways assessment of the proposed development National Highways was appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways 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 the proposed development, in this case on the A12 specifically.

We have undertaken a review of the planning documents provided including the Transport Statement, and given the scale of the development proposed and resulting low numbers of vehicle trips in peak periods, as well as the distance from the SRN, we are satisfied that the proposals 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).

National Highways raises no objections to the planning application on the basis of information submitted with the application and we have reviewed this application as a stand alone application.

- **Open Space Strategy Coordinator :**

Looking at the site itself an attempt has been made to provide some formal public open space in the way of a 'village green' at the entrance to the site and also 'public open space' grassland to the lower section of the development. There has also been effort made to create a green 'buffer' around the perimeter of the site but none of these really create substantive or effective open space.

The play area is proposed to be developed with grass mounds and undulations, boulders, logs and a willow tunnel. None of this constitutes a play area but is naturalised landscaping. There is no mention of safety surfacing or fencing even though it is near a highway junction nor does the application state what play value these items constitute. This is simply a low value gesture by the developer to aid the application. The features are not engaging, nor will they assist in the social, physical or educational development of children on the estate.

Planting and general amenity offers little effective open space for social recreation, large areas of the grassland has been turned over to wildflower planting which, although very beneficial for wildlife and biodiversity, does mean that these will effectively be unusable for large parts of the year due to the length of grasses and flowers within the meadow areas and the manner in which these need to be managed.

I also note that the development consists of 40 individual dwellings and will therefore trigger a contribution of funds via a Section 106 agreement to existing open space provision under current local planning obligations. Under the current Replacement Local Plan it stipulated that:

Developers of residential sites of less than 0.4 ha. (or 20 units) will normally be required to make a financial contribution towards the provision of a Local Area of Play (LAP), a Local Equipped Area of Play (LEAP) and a Neighbourhood Equipped Area of Play (NEAP).

In terms of the value of the contribution, this is placed at £40,000 [equating to £1,000 a property] which is in line with contributions recently agreed on developments elsewhere in the Borough.

Any contributions received will be used to enhance existing open space or public community buildings owned by Brentwood Borough Council, firstly in the vicinity of the development and then schemes that in the wider community.

- **Affinity Water:** No comments received.
- **Environment Agency:** No comments received.
- **Operational Services Manager:** No comments received.
- **Public Rights Of Way:** No comments received.

6. Summary of Issues

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

The site is on the northern boundary of Blackmore, which is identified as a Hierarchy 3 Settlement, meeting the day-to-day needs of its local residents. The village of Blackmore has been identified in the local plan as suitable for limited growth. The site is identified for housing under Policy R25: Land North of Woollard Way for around 40 new homes. The table below sets out the policy requirement and how the proposal has addressed these.

R25 Policy Requirement	Proposal
Around 40 new homes	40 dwellings
1. Development principles: Proposals should:	
a) provide vehicular access via Redrose Lane or Nine Ashes Road	Vehicular access off Nine Ashes Road is provided and is supported by the Highway Authority subject to conditions.

b) provide good pedestrian and cycle connections to routes identified in the Brentwood Cycle Action Plan or other relevant evidence	The proposal includes new pedestrian and cycle access on Woollard Way, with pedestrian only access on Fingrith Hall Road and Redrose Lane. The main access into the site from Nine Ashes Road accommodates vehicles and pedestrians.
c) provide public open space as required by policy NE05	New publicly accessible open space provided. Biodiversity net-gain and recreational amenities are proposed. Due to site constraints, the open space strategy coordinator has requested a financial contribution.
d) be accompanied by a heritage assessment taking account of archaeological potential for the historic settlement of Blackmore	Written Scheme of Investigation submitted and archaeology fieldwork and evaluation is required by planning condition.
2. Infrastructure Contributions	
Applicants will also be required to make necessary financial contributions via planning obligations towards off-site highway infrastructure improvements as may be reasonably required by National Highways and Essex County Council in accordance with policies MG05 and BE08 (the planning obligation will determine the level and timing of payments for these purposes).	The applicant has agreed to off-site highway infrastructure improvements in accordance with policies MG05 and BE08.

Design, Character and Appearance

Policy BE14 requires proposal to meet high design standards and deliver safe, inclusive, attractive and accessible places and Policy BE15 requires development to be designed for an inclusive community. The proposal has been designed to maximise the existing landscape areas along the street frontages by locating the dwellings generally within the centre of the site, which provides a good buffer with neighbouring dwellings with access to the open space areas for existing and future residents. The proposal promotes active streets for pedestrians with the provision of a footway that is tree-lined within the site between Nine Ashes Road and Fingrith Hall Lane. There is also an access to the north on Redrose Lane and a shared cycle/path to Woollard Way to the south. The permeability will encourage walking rather than driving to facilities within the village and nearby public rights of way. The Parish Council request that the access off Woollard Way is restricted and the amended plans show that it is only suitable for pedestrians and cycles. The pedestrian access on Nine Ashes Road is also considered

to meet the request of moving the pedestrian access on Redrose Lane to the northwest corner as there is a proposed pedestrian crossing in this location which will provide safer access to the village hall, public right of way and the outdoor sports fields. These links within and outside the development site will assist in the site becoming part of Blackmore village community space in accordance with Policy BE15.

The proposed dwellings are of a traditional design to complement the character of the village, the conservation area to the south and nearby listed buildings and provide a suitable transition from the settlement area into the countryside. The dwellings are of differing heights between 5.5 metres for the two bungalows in the southwestern corner up to 9.6 metres for the five bedroom dwellings. Drawing No. 4002 Rev B shows the proposed heights.

Upon receiving the comments from the principal conservation place and development officer, the plans were amended to address the regimented appearance of Plots 15 – 26 by varying the street frontage setbacks and altering the appearance of the dwellings on Plots 20 and 21. These dwellings will provide natural surveillance of the public open space and with the street trees will provide an attractive landscape setting.

It is unfortunate that 6 parking bays will be located adjacent to this public open space but the spaces are required to meet the parking requirements and with a low-level black metal estate rail will ensure there is no ability for car parking to encroach the soft landscaped areas.

The cross sections submitted (Drawing No. 1501 Rev C) show the varying house styles, materials and ridge heights, which complement the character of the village. The impact on nearby listed buildings is addressed below. Whilst details of materials have been submitted with the application, further details on materials is required.

The bulk in some of the roofs that is a concern to the principal conservation place and development officer carries negative weight. However overall, the design, layout and traditional appearance of the proposal is supported subject to final materials being agreed. The proposal provides a suitable mix of open space and built form as well as biodiversity improvements and permeability, which carries significant weight. On balance, the proposal is considered to comply with the requirements of Policies BE14 and BE15 of the Local Plan.

Landscape, Ecology and Biodiversity

It is evident from the site plan that landscaping and impacts on neighbours was a key consideration in designing the layout of the site. Dwellings have been moved away from the boundary of the site creating a generous landscape buffer.

The illustrative Landscape Masterplan indicates that the proposal offers a range of landscaped areas and takes advantage of the existing vegetation on site that is worthy

of retention and provides additional planting throughout the site in the form of green links of tree lined streets and other green corridors native shrub beds and hedgerows, community open space of amenity grass and wildflower planting as well as a wildlife area where the attenuation basins are located.

It is noted that when developing a green field site, it is difficult to achieve a significant net gain. This was demonstrated in the net loss biodiversity in the initial submission. The updated landscape proposal has introduced more hedgerow and habitat to achieve a biodiversity net gain of 9.22% for habitats and 9.05% for hedgerows. A condition is proposed to be imposed to ensure the biodiversity net gain is achieved and the mitigation measures set out in Chapter 6 of the Ecology Appraisal are addressed within the Construction Environmental Management Plan.

The principal conservation place and development officer raised concerns about the northern wildflower planting requiring a stronger boundary and it is agreed that further details on the treatment of this wildflower planting strip is required where it adjoins the northern access roadway to prevent vehicles encroaching this area. These details can be submitted as part of the boundary treatment and landscape details required by condition.

This biodiversity net gain and the overall landscape strategy is consistent with policies NE01, NE02, NE03 and BE05 and therefore has considerable weight.

Impact on Heritage Assets

The site is identified as potentially having archaeology importance due to its proximity to the historic medieval village of Blackmore. The county archaeologist has requested trial trenching before any development commences and this has been included as a condition.

There are three Grade II listed buildings near the site and the principal conservation place and development officer raised concerns that the proposal would have a harmful impact on the setting of Wells Farmhouse on Redrose Lane and The Woodbines on Fingrith Lane, which are the two closest listed buildings. The plans have been amended to help address this impact by providing a hipped element to Plots 2 and 3 and Plot 31.

Whilst the principal conservation place and development officer remains concerned about the bulk in the roofscape, they have removed their principle objection due to the high quality of the proposal and conditions on materials and landscaping.

Housing Mix and Affordable Housing

Policy HP01 requires all new residential development to an inclusive, accessible environment and on major sites the dwelling types sizes and tenures are required to meet the identified housing needs and provide M4(2) accessible and adaptable

dwellings. The proposal provides a mix of affordable and market dwellings as shown on the table below.

Dwelling Type	Affordable	Market	Total
2 bed dwelling	12 (86%)	2 (8%)	14
3 bed dwelling	2 (14%)	10 (38%)	12
4 bed dwelling		11 (42%)	11
5 bed dwelling		3 (12%)	3
Total	14	26	40

The Strategic Housing Market Assessment 2016 (SHMA) indicates that the greatest demand for housing is for two bedroom dwellings followed by larger family housing. While the mix of market dwellings does not strictly meet the indicative size guide set out in Figure 6.1 of the Local Plan, it does provide a good mix of market dwellings that is considered suitable for the location and overall number of dwellings proposed.

Due to the constraints of the site and the character of the area being on the edge of a settlement, the density of the development is very low, consistent with Policy R25 of the Local Plan. The proposal provides 35% affordable housing with a tenure split of 86% Affordable Rent and 14% as low-cost ownership, consistent with Policy HP05 of the Local Plan. It is noted that the affordable dwellings are mainly 2 bedroom, however the design and appearance of the dwellings is the same as the market housing. Figure 6.2 of the Local Plan provides an indicative size guide based on the SHMA. There is greater demand for 1 and 2 bedroom dwellings than larger dwellings for affordable rent and 2 and 3 bedroom dwellings for other forms of affordable housing. A greater mix would be preferred but the general provision does meet the need and all of the dwellings provided are houses rather than apartment buildings, which has been provided elsewhere in the borough.

Ten of the affordable dwellings are located overlooking the open space to the south, with two dwellings having a westerly frontage on a corner plot and two dwellings facing northeast. The housing services manager considers the layout to be clustering and requested this be reviewed together with the mix. Alternatives were discussed with the applicant but due to the low density of the development and the constraints of the site, a suitable alternative layout and mix was not supported. Regarding Figure 6.2 of the Local Plan, this is an indicative guide and while not strictly meeting this, which weighs against the proposal, in this case, greater weight is given to meeting the 35% affordable provision with the tenure split and the design and appearance being the same as the market housing. For these reasons, the proposal overall meets the requirements of Policies HP01 and HP05 of the Local Plan.

Residential Amenity

The siting and design of the dwellings addresses any potential overlooking or loss of privacy. The Essex Design Guide refers to distances between buildings and buildings to boundaries of 25 metres and 15 metres respectively. It is evident from the site layout that the dwellings on Plots 1 to 9 have the potential of impacting on the adjoining residential properties of Donachie and The Cherries on Nine Ashes Road. The design response to this is to provide a landscape buffer of 4 metres in width, with a mix of shrubs and grasses, between these property boundaries and the adjoining properties. Plots 8 and 9, which are both bungalows are the closest dwellings to Donachie. Plot 8 meets the guidance and Plot 9 is setback 15 metres from the site boundary but there is 23 metres between dwellings rather than 25 metres. This is not considered to have any significant impacts given the proposed dwelling is a bungalow and permitted development rights are proposed to be removed by condition for any extensions. The removal of permitted development rights will ensure that the residents of Donachie and The Cherries will be notified of any future planning application proposed for either of these dwellings.

The nearby residents will have the opportunity of walking through the site and accessing the open spaces within the site, which is an amenity benefit.

Many of the residents who objected to the application raised existing flooding and highway safety as major concerns. Highway matters and flood risk is considered elsewhere in the report, although it should be noted that the development will provide an opportunity to improve such concerns, the test of suitability is that the proposals will not exacerbate off site concerns.

Sustainability

Policy BE01 states that all major development will be required to achieve at least a 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations and a minimum of 10% of the predicted energy needs from renewable energy. The Energy Statement submitted with the application provides details of measures including a fabric first approach to meet the minimum of 10% demand reduction and air source heat pumps and 60KWp of PV panels on roofs with a 30-degree pitch and a southerly orientation to meet the minimum of 10% renewable energy use.

Policy BE02 requires new developments to achieve water efficiency, for there to be capacity and for the water quality to be improved and/or any impacts be mitigated. Water consumption of 110 litres per person per day is proposed and a condition included accordingly to ensure this is achieved. Regarding the sewerage network, Affinity Water did not comment on the application, however the Flood Risk Assessment submitted with the application provides a pre-planning response from Affinity Water dated 27/07/2022 stating that the foul sewerage system has available capacity for the

development. The drainage measures proposed will assist in filtering surface water on site.

Policy BE04 states that developments should minimise internal heat gain through design, layout, building orientation and use of appropriate materials. It is considered that the proposal has been designed to minimise internal heat gain by the orientation of dwellings and minimising large openings directly facing south. It is considered that dwellings on plots 32, 35, 36 and 37 may have internal heat gain as they have large opening facing south and therefore a condition is proposed seeking further information on how internal heat gain is to be addressed.

Highway and Parking

Policy BE11 requires developments to maximise the opportunity of charging electric and low emission vehicles. No details have been provided with the application and therefore a condition requiring details prior to occupation is proposed.

Policy BE12 requires development not to have unacceptable impacts on highway safety, capacity and congestion. The application included some works to the highway that would not comply with the Traffic Signs Manual. The highway officer has worked with the applicant's transport consultant with the result being the Means of Access Plan (Drawing No. ST-2396-10-C). This drawing shows the provision of two pedestrian crossing points on Nine Ashes Road accessed via a footway on the eastern side of the road and within the development site. The footway will link up to the footway within the site leading to the open space and to Fingrith Hall Lane to the east. Whilst highway safety concern has been raised by several residents, the highway officer has advised that they are satisfied that the development will not create a material impact on safety and efficiency of the highway network and with the footways created around the site, future residents will be encouraged to walk to services and facilities within the village.

Policy BE13 requires each dwelling to have a minimum of 2 car parking spaces and 1 secure covered cycle space and the development to provide 10 visitor spaces in accordance with the parking standards. These minimum requirements have been met.

Subject to the proposed conditions, the proposal meets policies BE11, BE12 and BE13 of the Local Plan.

Flood Risk and SuDS

The site is within Flood Zone 1, which means there is a low probability of flooding and residential developments are permitted within this flood zone. A Flood Risk Assessment has been submitted with the application to ensure the proposed development has water runoff equivalent to the current greenfield runoff. This allows for an impermeable area of approximately 1.22ha. The sustainable drainage system (SuDS) that is proposed

requires the site to control and store 1 in 100 year storm events plus 40% for climate change. The storage of storm water hierarchy is through infiltration, watercourses and finally the public sewer system. Due to the underlying geology infiltration is not suitable. The proposed drainage includes permeable paving, swales, filter drains and detention basins on site. The SuDS will store water and filter it to minimise potential pollution from surface water runoff.

The Lead Local Flood Authority (ECC SuDS) reviewed the Floor Risk Assessment including the Indicative Drainage Strategy and requested further details. These details were submitted on 16th December 2022 with an explanation of the micro drainage calculations and ECC SuDS confirmed that the proposal is acceptable subject to conditions. Conditions removing permitted development rights for extensions and outbuildings will ensure that the amount of impermeable area is a consideration in any future planning application to ensure the SuDS is not impacted. The proposal meets the requirements of Policy NE09 and BE05 of the Local Plan.

Other Matters

The objections raised have been taken into consideration in the assessment above. There has been wide community consultation undertaken prior to the application being submitted, which has helped in addressing the potential impacts of the proposal on immediate neighbours as well as residents in the wider area.

Many of the objections raised by the local community related to the principle of development on the site and not agreeing to the site being identified in the local plan for housing. This in principle objection has no weight in the assessment of the application due to the compliance with the local plan.

Infrastructure Delivery and Planning Obligations

Many of the objections received related to the existing infrastructure not being suitable for additional residents and this included the road network, schools, GPs and the drainage system. The consultees have requested contributions towards highways, schools, health facilities and open space and obligations for the long-term management of the communal areas of the site and affordable housing.

The applicant has accepted that there are several obligations and contributions required to make the proposal acceptable in planning terms in accordance with section 106 of the Town and Country Planning Act 1990 and Local Planning Policy MG05. The contributions must meet the tests in accordance with Regulation 122(2) of The Community Infrastructure Levy Regulations 2010 as set out in paragraph 57 of the NPPF.

Infrastructure Delivery Plan Ref T28 - M25 Junction 28 - £4,041

Infrastructure Delivery Plan Ref T29 - M25 Junction 29 - £103,044

Essex County Council has requested a primary school contribution of £207,216 and the secondary school transport sum of £40,280. Both amounts would be index linked to Jan 2020 costs. The applicant has requested that the primary school contribution be towards improvements to Blackmore Primary School. The projects that the school wishes to carry out when funding is available includes upgrading classrooms, installation of solar panels on the main building, upgrading roof of covered swimming pool on site. The County Council has not raised any concerns with the contributions being specifically for Blackmore Primary School.

The Mid and South Essex NHS Clinical Commissioning Group (CCG) has calculated that the development would be likely to have an impact on the NHS funding programme specifically within the health catchment of the development and requires these impacts to be mitigated. The CCG request is for £19,600.

Open space and community facilities contribution £40,000, based on £1000 per dwelling.

Affordable housing to be provided on site shall comprise 35% of the number of dwellings with 86% affordable rent and 14% low-cost home ownership with those on the waiting list with local connections having priority.

Management company details to cover the maintenance of open space, including SuDS, and roadways as set out in the Birketts letter dated 23 February 2023 submitted with the application. This involves a service charge on residents and a commuted sum payment of transfer of the communal areas to the management company and then an obligation that the commuted sum be invested to attract interest and only used for the maintenance of the communal areas in perpetuity.

Due to the number of objections raising concerns about flooding in the village, the applicant has agreed to contribute towards the funding of a detailed flood study of the wider village to help identify the main causes of localised flooding.

7. Recommendation

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

S106 Heads of Terms:

- Infrastructure Delivery Plan Ref T28 - M25 Junction 28 - £4,041
- Infrastructure Delivery Plan Ref T29 - M25 Junction 29 - £103,044
- Primary school contribution - £207,216
- Secondary school transport - £40,280
- NHS Clinical Commissioning Group - £19,600

- Open space and community facilities - £40,000
- 35% affordable housing with 86% affordable rent and 14% low-cost home ownership with those on the housing waiting list with local connections having priority
- Management and maintenance of open space, including SuDS and unadopted roadways with details of service charge and management company arrangements
- Contribution towards funding a detailed flood study of wider village

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 U0050027

No development shall take place until a Phase II intrusive site investigation of the nature and extent of contamination has been carried out in accordance with the suggestions made in the Phase 1 Report prepared by Provectus dated 17th August 2022. The results of the site investigation shall be submitted to and agreed in writing by the local planning authority. Development shall only commence if no contamination is found on site.

Submission of a Remediation Statement

If a Phase II report finds contamination on site, no development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Submission of a Verification Report

Following completion of measures identified in the approved remediation scheme, a validation report shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

Reason: To minimise and prevent pollution of the land and the water environment and to protect human health in accordance with national planning policy guidance set out in Paragraphs 183 and 184 of the National Planning Policy Framework 2021 and Local Plan Policy NE10.

4 U0050119

No development or preliminary groundworks, apart from archaeology fieldwork, shall take place until the following has been submitted to and approved in writing by the local planning authority:

1. The completion of the programme of archaeological evaluation, identified in the Written Scheme of Investigation, prepared by Border Archaeology, dated March 2022.

2. A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified, following the completion of the archaeological evaluation.

3. The satisfactory completion of fieldwork, as detailed in the mitigation strategy, on those areas containing archaeological deposits.

Within six months of the completion of the fieldwork, the applicant shall submit to the local planning authority a post-excavation assessment. This post-excavation assessment shall include 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.

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

Reason: The archaeological programme is required to be undertaken prior to development commencing to secure the protection of and proper provision of any archaeological remains on site, in accordance with Policy BE16 of the Brentwood Local Plan and Paragraph 205 of the National Planning Policy Framework 2021.

5 U0050078

No development shall commence, including site clearance, until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. Thereafter, the construction of the development shall be carried out in accordance with the approved CEMP. The plan shall include the following information:

1. The construction programme

2. Hours of Construction, with no construction activities outside 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and no construction work on Sundays and Public Holidays.
3. Management of waste on site with no bonfires permitted.
4. Control of dust.
5. Noise and vibration mitigation measures, having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.
6. Details of how the mitigation measures set out in Chapter 6 of the Ecological Appraisal, prepared by Aspect Ecology, will be implemented during construction.

The development shall be implemented in accordance with the approved CEMP.

Reason: To ensure the amenity of neighbours is taken into consideration during construction, in accordance with Local Plan Policy BE14 and paragraphs 185 and 186 of the NPPF.

6 U0050146

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to the 1:1 Greenfield runoff rate of 4.78l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. A drainage plan is required which demonstrates how the permeable paving connects to the wider system, as well as how runoff from roofs will be dealt with.

- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy. The scheme shall subsequently be implemented prior to occupation.

The development shall be implemented in accordance with the details approved.

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

- To ensure the effective operation of SuDS features over the lifetime of the development.

- To provide mitigation of any environmental harm which may be caused to the local water environment

- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

7 U0050147

No development shall commence 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 167 and paragraph 174 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.

8 U0050150

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

i. vehicle routing

ii. the parking of vehicles of site operatives and visitors

iii. loading and unloading of plant and materials

- iv. storage of plant and materials used in constructing the development
- v. wheel and underbody washing facilities

Reason: To ensure that on-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.

9 SIT01 Site levels - to be submitted

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

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

10 U0050399

Notwithstanding the approved plans, no development above ground level for dwellings on Plots 32, 35, 36 and 37 shall take place until details addressing internal heat gain are submitted and approved in writing. The development shall be carried out in accordance with the details approved.

Reason: To ensure these dwellings do not have internal head gain in accordance with Policy BE04 of the Local Plan.

11 U0050400

No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings and of ground surfaces, and details for fenestration and doors (e.g., typical reveals, tenure blind, concealed vent strips), eaves (to support ecology) and rainwater goods hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

12 U0050401

No development above ground level shall take place until further details of the brickwork to be used in the development has been submitted to and approved in writing by the local planning authority. The details shall include: sample panels of the proposed brickwork to include mortar colour and jointing, and bonding. The development shall be carried out in accordance with the approved details.

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

13 U0050360

Prior to occupation of the proposed development and as shown in Drawing ST-2396-10-D, a new 2 metre pedestrian footway shall link the proposed main vehicle site access to the existing footway that currently terminates outside the dwelling named Five Farthings on the east side of Nine Ashes Road. As shown, it shall also incorporate a dropped kerb pedestrian crossing of Nine Ashes Road together with associated tactile paving outside the primary school with the precise location to be agreed with the Highway Authority.

Reason: To provide pedestrians and the mobility impaired with safe accessibility to nearby facilities and services in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14 U0050149

All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type shown on Drawing No. SHA 1416 TPP included in the Arboricultural Impact Assessment Report, dated September 2022, prepared by Sharon Hosegood Associates. The fencing shall be erected in accordance with Drawing No. SHA 1416 TPP before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

15 U0050359

Prior to occupation of the proposed development, the site access visibility splays shall be provided as clear to ground and in accordance with Drawing ST-2396-10-D.

Reason: To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

16 U0050361

Prior to occupation, permanent bollards or similar means to preclude any vehicle access shall be provided within the confines of the development at the proposed pedestrian / cycle accesses onto Woollard Way, Redrose Lane and Fingrith Hall Lane. For the avoidance of doubt, this excludes any temporary access for construction traffic agreed under the Construction Management Plan.

Reason: To protect the designated pedestrian / cycle accesses from any potential vehicle movements and in the interest of highway safety and accessibility in accordance

with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

17 U0050362

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.

18 U0050148

Prior to first occupation of the development, 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, shall be 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.

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

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.

19 U0050464

The site shall be landscaped in accordance with the landscaping scheme and Biodiversity Net Gain Assessment indicated on the submitted drawings and specifications hereby approved. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme that has been agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

20 BOU01 Boundary treatment to be agreed (general)

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

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

21 U0050415

Prior to first occupation of the development hereby approved, details of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved.

Reason: To promote sustainable development by encouraging the use of electric vehicles within the development in accordance with Policy BE11 of Brentwood Local Plan.

22 U0050322

The approved development shall not be first occupied until a maintenance plan detailing the maintenance arrangements for hard and soft landscaped areas is submitted to and approved in writing by the local planning authority. Should any part be maintainable by a management company, details of long-term funding arrangements are required to be provided. The development shall be carried out in accordance with the details approved.

Reason: To ensure appropriate maintenance arrangements are in place to safeguard the appearance of the site and ensure the permeable paving is retained as part of the surface water drainage system.

23 U0050363

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

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

24 U0050364

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, as approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport

operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

25 RESL06 No PD for outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reason: To retain permeable areas within gardens to meet the requirements of the drainage strategy.

26 RESL05 No PD for dormers/roof

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

27 RESL01 No PD for extensions (new dwellings)

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

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings and to ensure the approved drainage strategy has been taken into consideration .

28 BOU09 No walls or fences - except as approved

Notwithstanding the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), and with the exception of those approved as part of this permission, no walls, fences or other means of enclosure shall be erected within the application site.

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

29 LAN05 Retention of existing Trees, Shrubs and Hedges

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

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

30 U0050052

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

Reason: To safeguard future users or occupiers of this site and the wider environment from irreversible risks associated with the contaminants which are present on site.

31 U0050317

The development hereby approved shall be constructed in accordance with the Energy Statement, prepared by Energist dated 18th October 2022, to achieve at least a 10% reduction in carbon dioxide emissions above the requirements set out in Part L Building Regulations 2021.

Reason: In the interest of reducing the reliance on fossil fuels for the heating and cooling of the proposed dwellings in accordance with policy BE01 of the Brentwood Local Plan.

32 U0050318

The development hereby approved shall be constructed in accordance with the Energy Statement, prepared by Energist dated 18th October 2022, for at least 10% of the predicted energy needs for each dwelling being provided by on-site renewable energy.

Reason: In the interests of improving resource efficiency and reliance on fossil fuels in accordance with Policy BE01 of the Brentwood Local Plan.

33 U0050312

Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day.

Reason: To minimise the consumption of mains water in accordance with policy BE02 of the Brentwood Local Plan.

34 U0050319

All dwellings of the development hereby approved shall be constructed to meet the M(4)2 standard for accessible and adaptable dwellings as set out in Building Regulations 2015.

Reason: To ensure the dwellings are of inclusive and accessible design in accordance with Policy HP01 of the Brentwood Local Plan.

Informative(s)

1 INF04 Amendments to approved scheme

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

2 INF16 Section 106

This planning permission is the subject of a planning obligation made under Section 106 of the Town and Country Planning Act and the developer must ensure that the provisions of that obligation are fully implemented.

2 U0009532

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

4 INF22 Approved Following Revisions

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

5 U0009533

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, BE07, BE08, BE09, BE11, BE12, BE13, BE14, BE15, BE16, HP01, HP03, HP05, HP06, NE01, NE02, NE03, NE05, NE08, NE09, NE10, R25; National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://www.brentwood.gov.uk/-/applicationsviewcommentandtrack>

DECIDED:

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Appendix A



Title : Land North of Woollard Way, Nine Ashes Road, Blackmore, Brentwood, Essex

22/01411/FUL

Scale at A4 : 1:2500

Date : 14th March 2023

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



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SITE PLAN ATTACHED

BAYTREE SHOPPING CENTRE BRENTWOOD ESSEX CM14 4BX

PARTIAL DEMOLITION OF EXISTING BAYTREE SHOPPING CENTRE AND REDEVELOPMENT TO PROVIDE NEW FLEXIBLE RETAIL/RESTAURANT/LEISURE USES (USE CLASS E), A NEW CINEMA, A NEW PUBLIC SQUARE AND 7NO RESIDENTIAL DWELLINGS ALONG SOUTH STREET. REPLACEMENT AND REFURBISHMENT OF EXISTING SHOPFRONTS, NEW SERVICE YARD, IMPROVEMENTS OF EMERGENCY ESCAPE ROUTES FOR BECKETT HOUSE, NEW SUBSTATION AND PLANT EQUIPMENT AND ASSOCIATED WORKS.

APPLICATION NO: 22/01640/FUL

WARD Brentwood South **8/13 WEEK DATE** 22 February 2023

PARISH **POLICIES**

CASE OFFICER Julia Sargeant

Drawing no(s) relevant to this decision: A12094 D 0210/REV I1; 2249-WWA-ZZ-ZZ-L-D-0101/REV P03; A12094 D 0250/REV I1; A12094 D 0260/REV I1; DESIGN AND ACCESS STATEMENT; 2249-WWA-ZZ-ZZ-L-D-0301/REV P01; A12094 D 0100/REV I1; A12094 D 0101/REV I1; A12094 D 0110/REV I1; A12094 D 0200/REV I1; A12094 D 0201/REV I1; A12094 D 0202/REV I1; A12094 D 0203/REV I1; A12094 D 0204/REV I1; A12094 F 0100/REV I1; A12094 F 0101/REV I1; A12094 F 0110/REV I1; A12094 F 0001/REV I1; A12094 D 0150/REV I1; A12094 F 0200/REV I1; A12094 F 0201/REV I1; A12094 F 0202/REV I1; A12094 F 0203/REV I1; A12094 F 0204/REV I1; J5031-S-SK-0001_00; J5031-S-SK-0002_00; J5031-S-SK-0003_00

This application is a scheduled Committee item because the application is submitted by Seven Arches Investment Limited (SAIL). Seven Arches Investment Limited is Brentwood Borough Council's development arm and the proposal concerns council owned land.

1. Proposals

Site Description

The application site is located in the heart of Brentwood Town Centre to the south of the High Street. The application site measures approximately 0.54ha and covers just under half of the area forming the Baytree Shopping Centre.

The application site is located within the Primary Shopping Area as defined within adopted policy PC07 and is also located in a historic context within the setting of several Heritage Assets including the Scheduled Monument of the Chapel of St Thomas a Becket, Grade II listed buildings and the Brentwood Town Centre Conservation Area.

At present the application site comprises the western half of the Baytree Shopping centre which is a part covered shopping mall as well as the western service yard. The shopping mall is a mixture of 2 – 3 storey structures. The site currently contains a number of retail units (some vacant) as well as the service yard serving the western half of the shopping centre. To the south and above part of the application site is Becket House which is a residential block of flats at 8 and 11 storeys tall. To the east of the application site is the second half of the Baytree Shopping centre. To the north is Chapel High and the Scheduled Monument of The Chapel of St Thomas a Becket with 44 High Street (Grade II listed) and the High Street beyond. Becket House is the tallest building in the vicinity of the site and currently dominates views. The Brentwood Town Conservation Area is also directly adjacent to the application site running along the High Street as well as South Street.

The application site is well connected to the local highway network, with the A1023 High Street to the north of the site and South Street to the west. It is easily accessible on public transport, foot or cycle. The site is well served by public transport with the High Street served by multiple bus routes and the Brentwood mainline train station is an approximate 10 minute walk from the application site. The application site is accessible from the High Street as well as South Street (Service yard) and the rear entrance to the Baytree Centre from New Road.

Proposal

Planning permission is sought for the partial demolition of the Baytree Shopping Centre and its redevelopment to provide new flexible retail/restaurant/leisure (use Class E) units alongside a cinema, new public open space (in the form of a public square) and seven residential dwellings. The development also includes the replacement and refurbishment of existing shopfronts, a new service yard, improvements to the emergency fire escape route for Becket House as well as new substation, plant equipment and associated works. The proposed development aims to create a sustainable and desirable new retail and leisure destination based around new external public realm.

The application site itself includes the majority of the shop fronts along the western façade of Chapel High and the western half of the main area of the shopping centre

including the service yard. The site area available for the development has been informed by the various existing freehold and tenant lease periods.

The proposed works primarily result in remodelling part of the existing Baytree Shopping centre, through some demolition and rebuild, but also reconfiguration of existing floorspace. The scheme has been developed to limit the amount of demolition required, as far as is practicable, to minimise the development's carbon footprint.

The extent of demolition is limited to unit 12 (where it protrudes from beneath Becket House) part of unit 18a, the roof over the shopping centre's former food court, the first floor of unit 20, part of unit 5 and the UKPN substation enclosure on South Street. A new public square area is proposed in place of the demolished unit 12 which will open up the Baytree Shopping centre to South Street and new flexible use retail/restaurant/leisure units will be created at ground floor level within the largely retained structure. The new public square would be open with no roof with only a small section of covered walkway proposed (to the immediate south of Chapel High).

A new 4 screen cinema is proposed at first floor level with its entrance foyer positioned at ground floor at the centre of the new public square. The proposal would result in an overall extent of new built form of around 2,995sqm, and a reduction in floorspace of built form across the site overall.

New shopfronts are proposed surrounding the new public square and along the west side of Chapel High with the use of a consistent grain of shopfront openings, regular fenestration and signage zones aiding in creating an identity for the site within its historic context.

A terrace of three storey mews dwellings are proposed along the east side of South street. Six three bedroom units are proposed and one two bedroom unit. The proposed dwellings would be set back from the roadway behind a widened pavement with new street trees.

A reduced service yard is proposed to the rear of the dwellings with access now proposed to the south of the service yard instead of opposite the existing dwellings along South street. A scheme of hard and soft landscaping has been submitted alongside the proposals including new street trees, raised planters, seating and lighting.

Pre-Application process and Essex Quality Review Panel

Prior to submission of this application the proposed development was subject to pre-application discussion with Council Officers and was also placed before the Essex Quality Review Panel for review. The proposal is also accompanied by a

Statement of Community Involvement (SCI) which provides details of community engagement undertaken and the response to this.

During the pre-application process Officers were supportive of the principle of development and it was acknowledged that the new cinema would assist in generating a new anchor for the centre. The creation of new public realm was also welcomed in line with policy requirements as well as the town centre design guide SPD. Officers further advised that there is a real opportunity with this site for engagement of paragraph 206 of the NPPF and opportunity for enhancement of heritage. It was acknowledged that this is a sensitive site and any development must be truly heritage led.

Enhancing the permeability of the area and creating safe and pleasant pedestrian movement is a key objective for the Council. The pre-application proposal showed linkage through to New Road, however there was no connectivity into South Street (although dwellings were still proposed along here) and whilst welcoming the linkage into New Road officers encouraged the potential for pedestrian linkage into South Street to assist in permeability as well as enhancing and assisting in activating the frontage along South Street.

Following the meeting with Council Officers the proposal was also presented to the Essex Quality Review Panel. The Panel considered that the redevelopment of this site provides significant opportunity to enhance the town centre and recommended masterplanning potential future development phases to ensure long-term adaptability. There were concerns arising from the proposals coming forward in a piecemeal 'phased' fashion, which has clear potential to impact detrimentally on the overall quality of design and the scope to capitalise on the greater opportunity presented by the 'whole'.

Following the feedback at pre-application stage and at Essex Quality Review Panel the proposal was further refined to increase permeability into south Street, refine the design and position of the proposed dwellings along South Street, amend the public realm offer and provide further information in relation to the wholesale potential redevelopment of the Centre and how this could in the future link into this current proposal.

2. Policy Context

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked. The following policies are most relevant to this application:

MG01 – Spatial Strategy

MG04 – Health Impact Assessments (HIAs)

MG05 – Developer Contributions
BE01 – Carbon Reduction and Renewable Energy
BE02 – Water Efficiency and Management
BE04 – Managing Heat Risk
BE05 – Sustainable Drainage
BE07 – Connecting New Developments to Digital Infrastructure
BE09 – Sustainable Means of Travel and Walkable Streets
BE11 – Electric and Low Emission Vehicles
BE12 – Mitigating the Transport Impacts of Development
BE13 – Parking Standards
BE14 – Creating Successful Places
BE15 – Planning for Inclusive Communities
BE16 – Conservation and Enhancement of Historic Environment
HP01 – Housing Mix
HP03 – Residential Density
HP06 – Standards for new Housing
PC04 – Retail Hierarchy of Designated Centres
PC05 – Brentwood Town Centre
PC06 – Mixed Use Development in Designated Centres
PC07 – Primary Shopping Areas
PC08 – Non-Centre Uses
PC09 – Night Time Economy
NE01 – Protecting and Enhancing the Natural Environment
NE02 – Green and Blue Infrastructure
NE03 – Trees, Woodlands, Hedgerows
NE05 – Open Space and Recreation Provision
NE08 – Air Quality
NE09 – Flood Risk
NE10 – Contaminated Land and Hazardous Substances
NE11 – Floodlighting and Illumination

Other Local Documents or Guidance

Essex Parking Standards 2009
Brentwood Town Centre Design Guide
Brentwood Town Centre Design Plan
Town Centre Shopfront Guidance

National Planning Policy and Guidance

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

3. Relevant History

There have been numerous consents on the site and wider Baytree Centre over the years which mostly relate to new shopfronts and advertisements and are not directly relevant to this application. The most relevant planning history is shown below:

- P/BRW/351/03 – Refurbishment and extension of shopping centre including provision of service access to eastern service area via access road at the rear of the library, improvements to the south street service area, alterations and enlargement of shops, enclosure of centre, additional shops at first floor, re-paving of pedestrian areas, provision of separate coffee shop kiosk, change of use of 1 unit within atrium to A3 (food and drink) use together with the enlargement of and improvement works to Becket House and conversion of enlarged building to provide 106 flats (45 1 bed and 61 2 bed). – Approved – 12/12/2003
- P/BRW/253/05 – Deletion of condition 25 attached to planning permission reference BRW/351/2003 to enable the retail element of the approved development to be occupied independently from the residential element. Approved – 09/05/2005

4. Neighbour Responses

Within the period of public consultation 5 letters of representation have been received. One which supports the application, two which are neutral and two that object to the application. It should be noted that one of the letters of representation was received from the Becket House Leaseholders Association, which did not object to the principle of the development but raised some specific concerns with the scheme and the specific objections have been logged under the reasons for objection section of this report.

Main reasons for objection (summarised):

- Query the need for seven new dwellings along South Street.
- Concern over where new residents will park.
- Concern over number of restaurants and coffee shops proposed.
- Query over location of new service road.
- Query over the section of existing buildings to be demolished.
- Disruption for neighbours.
- Queries the need for a cinema.
- There is already anti-social behaviour and more restaurants and leisure will make it worse.
- Concerns over noise and consider insufficient attention given to existing residences at Becket House compared to the proposed new dwellings along South Street
- Noise impact on local residents during construction period is not predicted and it is unclear how long the construction works will take.

- Noise assessment only appears to consider commercial operations associated with service yard.
- Concern regarding placement and number of noise sensitive receptors used to assess impact upon Becket House.
- Concern regarding the sustainability of the number of trips required to service the proposed development.
- Mitigation requested in regard to noise should the application be approved.
- Concern over air quality during construction.
- Becket House lies within the impact zone of the dust assessment and the potential impact of dust is significant – including on the surface of the building.
- Concern regarding the aesthetic appearance of the roofs as many flats within Becket House have an outlook predominantly over this roofline.
- Requests confirmation that the proposed fire exit for Becket House raises no security concerns and that this proposal received all relevant approvals.

Main reasons for Support (summarised):

- Application is refreshingly people orientated.
- Development is designed to fit in with the historical nature of Brentwood and enhances the unique characteristics of the town.

Main comments from Neutral representations (summarised):

- Clarification requested over parking access for residents. The plans suggest an additional 5 CPZ spaces however with 7 new properties this will be a net reduction of parking spaces for current residents.
- Clarification requested over plans in place to compensate and support the existing businesses impacted by ongoing construction works.

5. Consultation Responses

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link:

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

• Planning Policy:

The Planning Policy Team welcomes the proposal for the partial redevelopment of the Baytree Centre, recognising it as an opportunity for Town Centre improvements to better meet local needs. The Team supports the development in principle provided due consideration is given to policy requirements.

• ECC SUDS:

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

- 1 – Provision of a detailed surface water drainage scheme for the site
- 2 – Maintenance plan for the surface water drainage scheme
- 3 – Yearly logs of maintenance

- **Environmental Health & Enforcement Manager:**

The applicant has provided assessments and reports relating to Air Quality, Contaminated Land and Noise, these are reviewed below:

Air Quality

Agree with the overall assessment that the site is unlikely to either affect local air quality in the long term or be subject to poor air quality.

Geo-environmental Assessment

The Phase 1 Site Investigation report submitted by Gemco indicate that there should be further investigations on the site to determine any contamination risks – the recommendations of this report should be incorporated into further work to be undertaken secured by condition:

Noise Assessment

The applicant has provided a report from AAC Air & Acoustic Consultants. This report considers the potential noise impact of the proposed operational development on the closest noise sensitive receptors from construction and operational noise sources.

“Noise levels generated by site activities are deemed to be potentially significant if the total noise (pre-construction ambient plus site noise) exceeds the pre-construction ambient noise by 5 dB or more”

I would normally wish to ensure that the noise levels are maintained at a level of 5dB below the pre-existing ambient noise where possible.

The report concludes that some adverse impacts are anticipated from fixed plant and at the proposed residential properties which will require alternative ventilation to mitigate against noise.

The worst case predicted scenario for noise sensitive receptors contained in the proposed development indicate that levels are above the expected daytime and night-time internal noise levels.

An additional ventilation strategy will be needed to provide background ventilation to the proposed residential development.

External amenity areas will meet the upper guideline level and will not require any mitigation measures.

The assessment also identifies that whilst the total area of the service yard will reduce, there will be an increase in the number of vehicles using the yard and additional items of fixed plant will be required for the proposed uses.

The predicted noise levels at four receptors are more than five dB above the background sound level at night, and three of these will also exceed the daytime noise criteria. It is therefore likely that additional sound mitigation will be required to meet the Desirable Ambient Noise Levels for Dwellings contained in BS8233:2014.

The report indicates that the Air Source Heat Pumps (ASHPs) proposed to be located on a flat roof will cause these exceedances at assessment receptors located in Becket House; it will therefore be necessary to consider quieter units, relocation and a possible additional noise barrier or enclosure.

The proposed residential units will require standard specification double glazing to meet satisfactory noise levels and suitable acoustically attenuated background ventilation will be needed in order provide an equivalent sound reduction to the glazing and other building fabric.

In conclusion, I am satisfied that the proposals should be permitted if the appropriate measures are identified and implemented to deal with any existing site contamination and to ensure that noise levels from construction or operational activities do not adversely affect nearby receptors.

- **Historic England:**

Historic England's comments on the scheme are limited to its impact on the historic square between Brentwood High Street and The Baytree Centre, formed around the standing and buried remains of the medieval Chapel of St Thomas a Becket, a scheduled monument.

The proposed redevelopment of the Baytree Centre presents key opportunities for strategic public realm interventions and improvements. The omission of the high priority chapel square undermines improvements to the historic core that may be otherwise associated with the scheme and limits the overall potential benefit. The local plan is clear that development proposals such as the one at hand should contribute to enhancement of the square to better reveal the significance of the scheduled monument, unlock public realm improvements, and better integrate the Baytree Centre development in the historic town centre.

To ensure the application complies with policy we recommend that you seek to secure works for the enhancement of the chapel ruins and square through an

appropriate planning obligation in association with delivery of the proposed 'phase 1' scheme.

Historic England does not wish to object to the application on heritage grounds. We are, however, concerned by the omission of the chapel square from the 'phase 1' scheme and recommend that any consent should be contingent on the delivery of historic environment and public realm improvements around the chapel ruins aligned with the positive strategy set out in the Local Plan and Town Centre Design Guide.

- **County Archaeologist:**

First Response

In accordance with National Planning Policy Framework paragraph 194 and Brentwood Local Plan Policy BE16, the applicant is required to describe the significance of any heritage assets affected by the application's proposals. The submitted DBA partially addresses this, however, given the potential importance of any archaeological remains surviving on the site, and in particular, the proximity to a Scheduled Monument, a programme of onsite archaeological evaluation work should also be undertaken on the proposed development site to adequately determine the significance of any archaeological remains present that may be affected by the development.

The DBA suggests, as the shopping centre is active and the associated service yard fully operative, that any invasive evaluation would not be practical at a pre-determination stage. This office is satisfied this would be the case. A programme of geophysical survey (specifically Ground-Penetrating Radar) within the service yard, however, would be far more practical and un-invasive. Its results would serve to inform both the layout of the proposed development and any future invasive archaeological evaluation/mitigation strategies.

Second Response

Since the application was submitted a programme of geophysical survey (Ground Penetrating Radar) has been completed within the accessible areas to identify any buried archaeological remains. The preliminary results of the geophysical survey have been received which have identified anomalies which may be archaeological in origin and some which may represent structural remains. Further analysis will be required to determine if the radar anomalies correlate with former buildings depicted on historic mapping.

Based on the preliminary results of the geophysical survey there are no known archaeological remains which would prohibit development within the above site and any archaeological remains that will be impacted upon by the development can be preserved by record through a programme of archaeological investigation following consent.

Recommends conditions securing a programme of trial trenching and open area excavation.

- **Operational Services Manager:**

No response at time of report.

- **Historic Buildings and Conservation Officer:**

The development zone site is within the geographic scope of the Brentwood Town Centre Design Plan, which sought to enhance desire lines through the Conservation Area and improve pedestrian permeability on the north/south axis as well as take a cohesive approach to new development in the Town Centre as a whole, the SPD relating to this 'Plan' is the adopted Brentwood Town Centre Design Guide.

Having assessed the submission which is made further to preapplication and Essex Quality Review Panel, I reiterate the principle of a conservation led regeneration of the Baytree Shopping Centre is supported, the Council's ownership of the centre brings great opportunity to repair the edges of the historic core, improve the 'offer' for residents and visitors in order to deliver an improved and greater character and appearance of the conservation area as set out in Para 206 NPPF.

The submission pack evidences a well-considered level of contextual analysis and detail by the Project Architects, this understanding of Townscape being a critical baseline upon which to transform this pivotal location within the Historic Core, the DAS includes photographic reference around areas for enhancement as signposted within the Design Plan, for example South Street which is a highly significant yet under celebrated route within the Town Centre. The DAS also refers to a wider visioning of the location which are at present not part of the submission but given due consideration in this phasing.

Overall, I find the creation of courtyards and active frontages upon the 'new routes' a complementary approach to the existing townscape. The contemporary architecture and its scale is appropriate given the baseline of the existing scale and variety within this existing Town Centre; 'opening up' new routes will be a benefit and not in my opinion result in material harm to the setting of the Conservation Area, the listed buildings of 60 and 62 High Street or a diminution of significance.

The main matter of concern raised at preapplication was the architectural treatment of the dwellings within South Street which I advised were not fully informed by the immediate context; from my assessment of this current submission, I find there to be improvement. This run of proposed 'mews' is fairly silent in its elevational appearance and the scale drops down to the thoroughfare of South Street which offers a transitional height and relationship from the modest and characterful cottages to the greater scale of the new development to the east; activation is key to line the route but most importantly in respect of achieving Para 206 is the tree

planting and quality of materials (Bricks and Bonding, coping stones, railings and fenestration set back into reveals of no less than 75mm) this residential aspect must not be value engineered or diluted and strict Conditions must apply.

A Heritage Assessment is submitted which is considered to meet the minimum requirements of the NPPF Paragraph 194.

In summary, Built Heritage and Urban Design raise no objections subject to consultation on any Conditions of Planning. The scheme in my professional opinion meets Policy C1 of the National Design Guide and Paragraph 206 of the National Planning Policy Framework which states 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.

- **Thames Water**

No comments to make at this time.

- **Essex Police – Designing Out Crime Office**

First Response

The volume of detail provided by the applicant within the Design and Access statement clearly demonstrates the consideration of the impact of excessive permeability and the desire upon completion for a positive and successful experience for those living and visiting the location.

Residential Provision

Due to the location of the proposed residential element of the development and the challenges posed by a thriving “night-time” economy, we would be keen to understand the finer detail such as the proposed lighting, physical security measures for the individual residential units, refuse provision and storage, boundary treatments and boundary proposals between individual properties and the street.

Heritage Considerations

Due to the proximity of the heritage buildings within the foreground of the development and listed buildings to the rear, heritage directly features within this project. The DOCO are keen to positively influence that any developments within the conservation areas, are protected from crime and ASB within the planning considerations.

Public Rights of Way and Public Realm Areas

Whilst we are appreciative that the proposals provide a holistic overview and are considerate of sustainability agendas, it is important to ensure the design of all public realm areas balance appropriate levels of connectivity with permeability, and do not encourage crime and ASB.

Management and Maintenance Plan

We recommend that there is a management and maintenance plan in place at the very early stages of design for the entire development. The continued and lasting security of the development will be reliant on the effective management of the site where deficiencies in security measures can be addressed. The application of management and maintenance plans are integral to an ongoing holistic security regime which should include an appropriate lighting and CCTV plan and we would be interested in the detail of these provisions.

Second Response

Anti-Social Behaviour (ASB)

Brentwood has a vibrant night-time economy and Essex Police consider violence against women and girls when making comments on developments where women and girls are likely to be present. It is the intention of Essex Police to positively influence this development with this matter in mind. Additionally, Essex Police stated an interest in any mitigation linked to the Security Plan regarding impact on the heritage and listed buildings to the front and rear of the centre which may be impacted upon by additional footfall and alcohol associated ASB.

Security Plans

The DOCO's were interested in the extent of Security provision within the centre and a copy of the Security plan is requested at the appropriate time in the planning process.

Landscape and Lighting

Notwithstanding that this is at an early stage of the application process Essex Police requested copies of landscaping and lighting plans when available. Comments were made regarding the planned trees in South Street and the landscaping of the public realm area of the new centre.

Management and Maintenance Plans

The DOCO's sought detail at the appropriate time for management and maintenance plans which we recommend should include the future maintenance of security provisions.

Residential units

Essex Police commented on the height of the front perimeter walls of the seven new houses proposed for South Street. There is some concern regarding the height of the walls and the DOCO's asked whether the applicant would consider a railing style fence to top the walls.

Access Control

The access to the service yard behind the new housing was discussed together with the access to the public realm area. Essex Police commented on the need for the developer to consider hostile vehicle mitigation (HVM) for the public realm area; advice is to be sought from Counter Terrorism Security Advisors by the DOCO.

Additional consideration

Further to the discussions within the meeting on 20th January Essex Police would request that the applicant comply with requirements regarding the provision of CCTV and submission of A Security Management and CCTV Plan.

Conclusion

Recognise that mixed residential, retail and leisure redevelopments where safety and security has been addressed and 'designed out' at the earliest planning stages, will enhance the health and wellbeing of residents, employees and users of retail outlets and leisure facilities. Perception of crime and fear of crime can be an influential factor in determining the success, synergy and ongoing sustainability of a project of this nature.

Given the complexity of the proposal which includes residential, retail and leisure provision Essex Police requests that a condition be imposed by Brentwood Planning Office on behalf of the local authority. This condition is incumbent on the developer to seek to achieve the relevant Secured by Design accreditation detailed within the current Secured by Design Homes guide for the residential element of this development and the current Secured by design Commercial developments for the retail and leisure aspects of the project; (<https://www.securedbydesign.com/guidance/designguides>), provides full details.

- **Essex Police – Counter Terrorism Security Advisor (CTSA)**
 - The entrance to the pedestrianised area on South Street will need a Vehicle Dynamics Assessment (VDA) to determine the correct rated Hostile Vehicle Mitigation (HVM) bollards. The proposed location outlined in the plans is acceptable however procedures regarding the access control management will need to be considered. If any of the bollards need to be raised and lowered constantly to allow delivery lorries throughout the day, this could potentially cause a long term issue regarding maintenance and operation. Previous experience has shown that when they break down, they are left in the lowered position and any HVM is gone.
 - A Long Goods Vehicle (LGV 2) or a box van is anticipated as the most likely form of vehicle threat.

- There needs to be some HVM installed to the right-hand side of the South Street entrance, there are currently steps shown in the plan but these will need to be of sufficient height to provide mitigation against a "vehicle as a weapon" (VAW) type attack.
- There needs to be some HVM installed at the entrance to the centre from the High St by the side of the chapel.

- **Arboriculturalist:**

The arboricultural assessment identifies a total of 10 trees within or close to the site. The trees of the highest value are the London Plane and Bay by the chapel ruins. These will be retained and unaffected by the proposals.

Only one Category B tree, a Cherry will require removal. This is growing on the edge of the service yard off South Street and views of the tree are limited. Five other trees growing on the boundary with South Street will require removal. These are all small specimens of Category C or U. The removal of these trees would not be a constraint to the proposed development.

The proposed landscape plan will provide new tree planting that will mitigate the loss of the 6 specimens. Proprietary urban tree pit drainage and pavement support products have been specified which will result in better quality trees establishing. The ecological survey found no habitat features on site other than the trees which offer some potential for nesting birds. I agree with that conclusion.

A Biodiversity Net Gain calculation has been undertaken using the current Defra metric. Given the lack of habitat currently present this confirms that the scheme would achieve a significant net gain as a result of the additional landscape planting. The Landscape Strategy sets out how the proposed landscape has been designed to take account of the important heritage assets and improve pedestrian access. It is considered that the design approach and detailed specifications are appropriate for the location.

It is considered that the proposal would result in a positive improvement to the landscape character of this important site. I have no objections to the proposal on landscape or ecological grounds.

- **Highway Authority:**

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

The proposals involve the partial redevelopment of the existing shopping centre and incorporates a relocated service access from South Street. This allows vehicles waiting to enter the site to do so clear of the public highway, which is an improvement on the existing arrangement. Accessibility improvements also include

localised widening of the South Street carriageway, a new pedestrian footway on the east side of South Street to access the proposed dwellings and a new footway to connect the adjacent multi-storey car park to the redeveloped centre.

South Street is currently protected from unwanted on-street parking by the presence of double-yellow lines and restricted resident permit holder only parking sections. There is a proposal to extend the controlled parking zone on the east side of South Street. This is a matter for Brentwood Borough Council as the parking authority and the South Essex Parking Partnership to consider. The Highway Authority is satisfied that, as this is a town centre location with good access to all of Brentwood's facilities and car parks as well as frequent and extensive public transport, there would be no harm to the safety and efficiency of the local highway network if the proposed dwellings do not include formal parking provision.

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

- Construction Management Plan
- Provision of site access as shown
- Provision of site access and highway improvements
- Existing service access to be permanently closed.
- Submission of updated workplace travel plan and monitoring fee
- Residential Travel Information Pack
- Provision of cycle parking

- **Basildon Fire Station:**

Access

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

Should the intention be for any existing premises affected by the re-development to remain trading during construction Fire Service vehicular access will be expected to be maintained to these premises at all times as it will upon subsequent completion of the project to ensure compliance with Section 13 (1)(b) of the 1987 Act.

The contents of the fire strategy document including reference to Fire Service vehicular access is also noted and will be given due consideration at Building Regulation consultation stage should the proposal be approved. The opportunity is however taken to highlight the following aspects often associated with such developments, which go on to include initial observations on access specific to this application.

o Where bollards or other removable barriers are required / proposed, then the details of design / operation should be agreed with this Fire Authority.

- o Trees and other features such as fixed seating, refuse bins, street lighting, signage should not be located where they will obstruct Fire Service vehicular access.
- o With specific reference to Fire Service vehicular access to the proposed range of dwellings it appears that a suitable turning provision may be required at the head of South Street.
- o The access routes and hard standing should be capable of sustaining a load of 18 tonnes for pumping appliances. (it is understood that buildings will be less than 11 metres in height therefore the larger Ariel Ladder access will not be required). Note turning circle of such an Essex pumping appliance is 17.8 metres kerb to kerb slightly greater than the model used to demonstrate turning provision within the service yard, it is therefore advised that confirmation is sought that the provision remains adequate
- o Where fire appliance vehicular access is required to the underside of any decking / under-croft a clear head room of no less than 3.5 metres should be ensured throughout.
- o For operational reasons initial Fire Service attendance will be as described in the fire strategy report via South Street entrance but also via High Street, this availability must be maintained, both during works and upon subsequent completion.
- o The Design & Access document confirms that the 45 metre hose length criteria to all points of the development existing & proposed is achievable from the most remote point of the development (dead-end enclosed service yard), however for safety reasons such a location cannot be considered as being suitable under fire conditions therefore where it is found that the distance cannot be achieved by alternative hose laying routes a further assessment based on vehicular access to 15% of the overall perimeter of the development will be made; this strengthens the need for maintaining High Street access and may also require the provision of dry rising mains, which subject to restrictions on overall horizontal length may be considered a suitable substitute; otherwise affected aspects of the proposal may not be acceptable to this Authority. (Such an installation(s) will require externally mounted inlet cabinet(s) to be located fully visible at Fire Service vehicular access points to the complex).
- o Access to the existing dry riser installation serving the adjacent multistorey car park located in South Street must be maintained at all times both during construction and then upon completion of the works.

Subject to the above conditions being implemented / maintained the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no objection to the application in principle, as previously referred to more detailed analysis of the overall proposal will be undertaken as part of the building regulation consultation process.

- **Essex Badger Protection Group:**

The consultation includes comments on matters relating to protected species and in accordance with current advice these detailed comments are not in the public

domain. However, the group raises no objections to the proposal subject to conditions.

- **Affinity Water:**

No response at time of report.

- **Essex & Suffolk Water:**

No response at time of report.

- **Health Impact Assessment Steering Group:**

Local planning policy has a crucial role to play in ensuring that the opportunities exist for people to be able to make healthier life choices and addressing health inequalities. The National Planning Policy Framework (NPPF) acknowledges that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Brentwood Borough Council is committed to ensuring all new developments promote healthier and inclusive environments. This is partly achieved through the Local Plan policy MG04 which requires residential developments of 50 or more homes and non-residential development of 1,000 sqm to submit a health impact assessment as part of the application process.

Applicants are expected to follow the England Public Health’s guidance on Health Impact Assessments (2021), and any up to date Local guidance, such as the EPOA HIA guidance and reference to the Essex Design Guide. The guidance identifies 10 key 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
10. Environmental Sustainability.

Members of the Brentwood HIA Steering Group all are experts within their field and sit on the Council’s Health and Well-Being Board.

Health Determinants	HIA Steering Groups Comments
Access to education	This application only consists of 7 residents homes, which will not have a meaningful impact on access to education. Therefore, this has not been considered.

<p>Access to work and training</p>	<p>The use of local supply chain during the construction phase has been noted. We would request that the applicant also make contact with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex. To encourage local labour within the borough, job opportunities should be promoted via the Brentwood Jobcentre to reach jobseekers who are the furthest from the market. We would strongly encourage the applicant to work alongside the Brentwood Chamber of Commerce, Brentwood Business Partnership and local secondary schools to highlight work experience, training and apprenticeship opportunities. It is noted that workers can use active and public travel to reach The Baytree Centre.</p>
<p>Access to health and social care services and other social infrastructure</p>	<p>Brentwood Community Hospital and two local GP surgeries are within walking distance or a short bus ride away.</p>
<p>Access to open space and nature</p>	<p>The current green space at the rear of the Baytree Centre remains in place as part of the new development. This could be developed by the way of 2 permanent table tennis tables to encourage residents and shoppers to be more active, whilst still maintaining the green space.</p>
<p>Accessibility and active travel</p>	<p>Brentwood Station is within walking distance to the development. There are a number of bus stops along the High Street to link to the rest of the borough. Secure cycle storage should be made available as part of the development. Active travel links are yet to be developed and the developer could contribute to the LCWIP for the Town Centre, which will identify routes which will need to be upgraded and improved, to encourage people to travel actively and safely in and around the town.</p>

Housing and Home Design	The seven homes proposed and their design appears to be appropriate. The homes are located within the town centre with good access to the various shops, public transport, and other services.
Access to healthy food	Will the site include a supermarket/food shop or health food shop?
Social cohesion and inclusive design	The development sits in the main town within the borough of Brentwood so it is not sitting in isolation.
Crime reduction and community safety	The report mentions natural surveillance but does not mention any public space CCTV cameras? Has any consideration been given to designing out anti-social behaviour such as position of planters, crazy paving in communal areas, creating defensible spaces etc? There is mention of living accommodation overlooking on two sides to provide security, is this a communal area or other living accommodation that is being overlooked? What security will be in place during construction?
Environmental Sustainability	There were no concerns or comments raised by the Environmental Health Officer in relation to this application.

Conclusion

Overall the HIA Steering Group are pleased to see the redevelopment of the Baytree Centre, as it is well located within the Town Centre with access to various shops, services, active travel and public transport.

It is requested that the applicant make contact with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex. To encourage local labour within the borough, job opportunities should be promoted via the Brentwood Jobcentre to reach jobseekers who are the furthest from the market. We would strongly encourage the applicant to work alongside the Brentwood Chamber of Commerce, Brentwood Business Partnership and local secondary schools to highlight work experience, training and apprenticeship opportunities.

It is noted that there are existing green spaces within the Baytree Centre site boundary. The Applicant would be encouraging to explore opportunities to

encourage the public to make use of this space, such as offering table tennis facilities or similar.

6. Summary of Issues

Principle of Development

The Council is required to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).

The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives.

As detailed above The Brentwood Local Plan 2016-2033 is the Development plan for the borough and the main relevant policies in relation to this application are listed above and although these should not be read in isolation, they are the most relevant to this application.

The site is located within the Brentwood Town Centre and also within the Primary Shopping Area under Policy PC07 of the adopted Brentwood Local Plan. The site also falls within the area covered by the Brentwood Town Centre Design Guide which is adopted as an SPD. As detailed above there are a number of policies relevant to this proposal, however policies PC04 through to PC09 of the Brentwood Local Plan are most relevant to the principle of the development.

Policy PC04 relates to the retail hierarchy of designated centres and advises that Brentwood Town Centre is designated for retail, leisure and other main town centre uses. In terms of hierarchy Brentwood Town Centre should be the first choice for retail, leisure and main town centre uses. As Brentwood Town Centre is the first choice for retail, leisure and main town centre uses there is no requirement for this proposal to undertake a retail impact assessment.

Policy PC05 relates to Brentwood Town Centre and this policy has been developed following The Brentwood Town Centre Design Plan which establishes a vision for enhancing the town through improved links and key opportunity sites. One of the key opportunity sites identified is the Chapel Ruins, Baytree Centre and South Street area, and policy PC05 under section 3 states:

"This area provides a link to strategic sites on the High Street therefore improving its permeability and integration into the wider public realm network will create a more welcoming and flexible space at the heart of the Town Centre, enable its historical settings to be celebrated. Proposals should:

- a. *Contribute to the enhancement of public realm around Chapel Ruins and the Conservation Area, retain and enhance their significance and character;*
- b. *Complement the retail function and maintain or add to the vitality, viability and diversity of the Town Centre, by means such as mixed-use schemes that include retail, leisure and residential;*
- c. *Facilitate safe and pleasant pedestrian movement through improved alleyways, lighting, wayfinding and landscaping; and*
- d. *Assist in uplifting and transforming the Baytree Centre and integrate it with the other parts of the Town Centre.”*

It will therefore be necessary to assess the proposal against the above criteria contained within policy PC05 which is done throughout relevant sections of this report.

Policy PC06 relates to mixed use development in designated centres and is written in the context of the need to retain a mix of appropriate uses for the benefit of a centre. The NPPF recognises that diversification is key to long-term vitality and viability of town centres to respond to rapid changes in the retail and leisure industries. Policy PC06 therefore sets out the criteria for assessing mixed use developments and states they will be supported if it:

- “a. Is in proportion to the scale and function of the centre;*
- b. Contains an appropriate mix of ground floor uses; and*
- c. makes efficient use of the site and is considered to be of sufficient density.”*

Policy PC07 relates to primary shopping areas and states that retail should remain the predominant use in primary shopping areas and a key consideration of this policy is to retain existing large retail units in primary shopping areas as they can be a major driver of footfall and subdivision would reduce the ability to attract major retailers. The supporting text also recognises that whilst historically non-retail uses were resisted in primary shopping areas, changes in retail trends and technology need to be taken into account as part of future development assessment.

Policy PC08 sets out non-centre uses and the criteria that must be met before any proposals for non-centre uses within designated centres is permitted. Policy PC09 relates to the night time economy and seeks to ensure that proposals, where appropriate, contribute to the diversity of the evening and night-time economy whilst not resulting in any material harm to the surrounding residential area.

This current proposal would accord with the overall principle aims and objectives of the adopted local plan. It proposed to rejuvenate the current tired and dated Baytree Centre which is identified as an opportunity site for redevelopment within The Brentwood Town Centre Design Plan and the adopted Local Plan (Policy PC05).

Town Centre Considerations

The application site is located within the area covered by the Brentwood Town Centre Design Guide and is subject to many of the Town centre policies within the Local Plan as discussed above.

From the Design Guide the majority of the application site is located within the Brentwood High Street character area with the proposed dwellings along South Street located in the other commercial streets character area.

Ensuring the vitality of town centres is an important consideration within the NPPF which advises that planning policies should (amongst other things) “*define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.*”

The current Baytree Centre is tired in appearance and contains several empty units (approx. 30% remain empty). This proposed redevelopment aims to meet the shifting demands for town centre locations and provide a more diverse mix and size of retail, restaurant and modern leisure uses around an area of improved public realm.

The application site is located within primary shopping area Brentwood High Street as set out in adopted strategic policy PC04. This policy sets out the Brentwood Town Centre should be the first choice for retail, leisure and main town centre uses. Policy PC07 relates to Primary Shopping Areas and states that retail use should remain the predominant use in primary shopping areas.

At present the majority of occupied units within the Baytree Centre are in retail use as shops with the centre closing at 5:30pm most days (4pm Sundays) (there are some exceptions such as the gym). This proposal seeks to provide new flexible E use class units to enable a variety of town centre appropriate uses that fall within Use Class E, including restaurants and cafes which would complement the proposed new cinema use and contribute to the diversity of the evening economy as promoted by policy PC09. It should be noted that the previous A1 (shops) use now falls within Use Class E and the majority of units could already be used for other E Use Classes without requiring a change of use planning application.

The overall change in floorspace proposed by the development is shown in the below table.

	Existing Gross Internal Area (GIA) sqm	Proposed Gross Internal Area (GIA) sqm
Retail and leisure (E Use Class)	13,502.4	12,814.5 (Inc. Sui Generis Cinema)

Office (E Use Class)	256.5	256.5
Residential (C3 Use Class)	0	622
Total Floorspace	13,758.9	Commercial GIA = 13,071 Residential GIA = 622 Total GIA = 13,693

Whilst the overall area of built floorspace would be reduced slightly, this is made up by the enhancement in public realm and the improved connectivity to South Street. Furthermore, the redevelopment of the site will enhance the appeal of the refurbished units (as well as existing units) to potential new tenants, particularly given the proposed new cinema which will result in the Baytree Centre becoming a destination location. The total offering of E-use class floorspace (excluding the cinema) will be 11,867sqm and will thus accommodate 86.7% of the total floorspace provided. Retail will therefore remain the predominant use in this Primary Shopping Area, as required by Policy PC07.

Flexible Use class E units will enable town centre appropriate uses at the site. All uses allowed through Use Class E are considered to be town centre appropriate uses as set out in the supporting text to policy PC08 of the adopted Local Plan. The cinema use proposed at first floor is also a town centre appropriate use.

The provision of seven residential dwellings along South Street would introduce a residential use at ground floor level within the primary shopping area. Residential use is not considered a suitable ground floor use within primary shopping centres, as set out in the supporting text to policy PC08. However South Street is a predominantly residential street at its southern end with a row of terraced cottages directly opposite the site. Currently these dwelling overlook the western rear service yard associated with the Baytree Centre and the introduction of new residential dwellings in this location will make a positive contribution to the street scene and help to activate this street frontage whilst providing additional natural surveillance to reduce the risk of anti social behaviour. The proposed dwellings would not create an over-concentration of non-centre uses and would not be harmful to the function of the primary shopping centre. There is therefore no objection in principle to the proposed seven residential dwellings in relation to policy PC08.

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.

Overall, it is considered that the proposed development is appropriate in principle for this town centre location and would comply with policies PC06, PC07, PC08 and PC09 of the adopted Local Plan.

Layout

The layout of the proposed development has been dictated to an extent by the site area and proportion of the existing Baytree Centre available for redevelopment at this time. The application site is also within a historic context and the form and layout of the proposal has been heavily influenced by the requirement for the development to reference its historic setting whilst enhancing public realm and promoting pedestrian movement and connectivity.

Alleyways within the town centre are integral to the pedestrian network and a key consideration within the adopted Design Guide. South Street benefits from one of these alleyways linking directly onto the High Street. Policy PC05 (Brentwood Town Centre) requires proposals relating to the Chapel Ruins, Baytree Centre and South Street areas to (amongst other things) “*facilitate safe and pleasant pedestrian movement through improved alleyways, lighting, wayfinding and landscaping*”.

The existing Coptfold Road multi-storey car park is located to the immediate south-east of the application site and provides parking for visitors to the Baytree Centre and wider town centre environment. The location of this car park provides a high number of potential shoppers for the Baytree Centre, however at present the more direct route along South Street, or even Crown Street is often preferred bypassing the Baytree centre and Chapel High.

The proposed layout would open up the Baytree Centre to South Street creating a new public square which will assist in desire lines for pedestrians from the south and south-west (i.e. Brentwood Train Station or the multi-storey car park). This new area of public realm will assist in boosting the commercial viability of the surrounding units as well as facilitating safe and pleasant pedestrian movement through the site and onto Chapel High and the High Street. The new public square will include raised planters and seating as well as appropriate lighting.

The Historic Buildings and Conservation Officer supports the layout approach taken advising that the creation of courtyards and active frontages upon the new routes is a complementary approach to the existing townscape. The new routes are considered to be a benefit and would not result in material harm to the setting of any heritage assets.

As part of the proposal the existing pedestrian access to the south and onto New Road will be lost. This is regrettable as it does help to activate the southern edge of the Baytree Centre. However, the existing access to Becket House will remain in this location and the new improved pedestrian realm onto South Street will compensate for the loss of the covered walkway from New Road. It is acknowledged that retaining the existing New Road access and creating the new public realm would result in the loss of more retail floorspace which would detract from the offer in this town centre location. It is therefore considered that the

proposed layout strikes a good balance in creating new public realm and connectivity alongside the provision of new retail floorspace.

The proposed layout will also enable the relocation of the vehicular access to the western service yard (which will be reduced in size). Instead of access being taken directly opposite the row of cottages on the western side of South Street a new access is proposed to the south of the South Street houses, whilst the new mews houses will screen the service yard, reducing its visual and acoustic impact. A new pedestrian footway is also proposed along the east side of South Street which will further aid safe pedestrian passage in and around the site.

It is noted within the submission that the red line of this applications site is dictated by various existing freehold and tenant lease periods; however this proposal has been developed to maximise the potential positive impact upon the Town Centre whilst ensuring potential future phases are not sterilised. The submitted design and access statement contains potential future phases and detail of masterplanning as recommended at the Essex Quality Review Panel.

It is therefore considered that the proposed layout is appropriate for this site and in accordance with policies BE14 and PC05 of the adopted Local Plan.

Design, Scale and Effect on Heritage Assets

Part of the environmental role of sustainable development as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The National Design Guide is also relevant to the consideration of this application and illustrates the Government's priorities for well-designed places.

Policy BE14 of The Brentwood Local Plan seeks to ensure that all development proposals meet high design standards and deliver safe, inclusive, attractive and accessible places. As the application site is located within the setting of heritage assets Policy BE16 is also relevant to the consideration of this application

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy BE16 of the adopted Brentwood Local Plan states that

great weight will be given to the preservation of a designated heritage asset and its setting.

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 High Street character area comprises mainly 2-4 storey buildings.

The Baytree Centre has developed over time through various extensions and remodelling. The earliest buildings on site date from the 1960's with the most recent refurbishment programme (which also included conversion of Becket House into residential units) occurred in the early 2000's. The current shopping centre is a predominantly inward facing precinct of a traditional format with a pair of large retail units located at its southern end to draw shoppers in from the High Street and along the covered mall. Of these two large anchor stores only Wilko remains (unit 8 which is to be retained). Due to this traditional covered shopping mall form the current development presents open service yards to the east and west of the site which currently detracts from the character of the neighbouring residential streets (Alfred Road and South Street).

The proposal has been designed as a sustainable heritage-led redevelopment of the site. The redevelopment of this part of The Baytree Centre seeks to open up the area and create new improved public realm and connectivity into South Street. The key feature of the proposed new development is the new cinema which is to be located at first floor to ensure that active frontages are maintained at ground floor level. The positioning and size of unit required to provide a new cinema creates a focal point for the development and also assists in wayfinding. The proposed cinema unit would measure 6 metres wide by 14 meters deep at ground floor level where the entrance atrium would be located and approximately 48 metres wide by 25 metres deep (main section) at first floor level where the main bulk of the building is located. The building would have a flat roof and reach up to a maximum height of 14.5 metres above ground level.

The cinema box would represent the highest point of the redevelopment with the remainder of the proposal featuring roof heights similar to existing. The overall height of the cinema is considered to be acceptable for this locality and in line with the guidance contained within the Town Centre Design Guide SPD which advises

2-4 storey buildings are appropriate for the High Street Character Area (4 storey is generally between 12 – 18 metres depending upon design).

The cinema would be visually prominent within the development and visible from the surrounding road network as well as being located within the setting of heritage assets. The finish of this cinema unit is crucial to the development and the external materials to be used were discussed at length during pre-application discussion as well as part of the Essex Quality Review Panel. The cinema unit is to be clad in ribbon profiled metal sheet mounted (secret-fixed) as a rainscreen cladding which will appear to be hung from the parapet capping in a finish of terracotta red. Using four variations in profile shape will provide a theatrical curtail aesthetic which is considered appropriate for the end use. The choice of a terracotta red for the paint finish evolved from a study of the site's context and a desire to complement the historic predominance of red brickwork and clay tiled roofs.

Ground floor units are to be finished in yellow/buff stock brick laid in Flemish bond. As part of the proposal the majority of shopfronts along the western façade of Chapel High and within the application site itself around the new public square are to be replaced. All new and replacement shop front screens are to be formed in a blue/grey metalwork with consistent window and door positions, fascia for branded signage and high level louvres (within the square) for ventilation. Metal bus stop signage and wall lights are proposed on brickwork piers between units in matching colour and at a regular height. Street furniture, including the lamp posts and bollards within the new public Square, are also proposed to be painted in the same blue/grey colour tone.

The application has been supported by a Heritage Assessment which concludes that the proposed development would not cause any direct harm to the built heritage assets surrounding the site and that the proposals would make a positive contribution to their settings and thus significance. The report also concluded that the character and appearance of the Brentwood Town centre Conservation Area would also be enhanced.

The Historic Buildings and Conservation Officer has been consulted on this proposal and is supportive of the development subject to appropriate conditions advising that the principle of a conservation led regeneration of the Baytree Shopping Centre is supported and this proposal brings great opportunity to repair the edges of the historic core, improve the 'offer' for residents and visitors in order to deliver an improved and greater character and appearance of the conservation area as set out in Para 206 NPPF. Furthermore, the Historic Buildings and Conservation Officer considers that the contemporary architecture and its scale is appropriate for this site given the baseline of the existing scale and variety within the existing town centre.

Historic England have commented on this application and advised that they do not wish to object to the application on heritage grounds. They have raised a concern

regarding the omission of the chapel square from the proposal and consider that any consent should be contingent on the delivery of historic environment and public realm improvements around the chapel ruins through a planning obligation. Whilst it is acknowledged that policy PC05 requires proposals to “*Contribute to the enhancement of public realm around Chapel Ruins and the Conservation Area, retain and enhance their significance and character,*” the proposal must be determined as submitted. The Chapel Ruins are under separate ownership and the area around Chapel High is not included within the red line (although it is under the same ownership). As detailed above the proposal will result in an enhancement to the area overall and the proposed new shopfronts along the western façade of Chapel High will result in an enhancement to the area directly adjacent to the Chapel Ruins. Overall, it is considered that the scheme will result in an enhancement to the setting of heritage assets and complies with policy PC05. The requirement of a planning obligation to require historic environment and public realm improvements around the chapel ruins would not meet the relevant tests (it is not necessary to make the development acceptable in planning terms).

Based on the advice of the Historic Buildings and Conservation Officer and subject to conditions, it is considered that the proposals would have a positive impact on the significance of designated heritage assets within the vicinity of the application site, including the Brentwood Town Conservation Area. The conditions recommended to be attached to the permission are key to ensure the use of appropriate materials having regard to the importance of this scheme and to ensure that the intent of design shown within the submission is not diluted.

The proposed development is therefore considered to be in accordance with policies BE14, PC05, BE16 as well as the Town Centre Design Guide SPD.

Proposed Dwellings

As part of the development seven terraced dwellings along South Street are proposed which would be positioned immediately opposite the existing terraced cottages along the western side of South Street. Six of the dwellings would contain three bedrooms and one would contain two bedrooms. There is no requirement for affordable housing as part of this development as the threshold of 10 dwellings is not met.

The Town Centre Design Guide advises that infill development could occur along South Street in order to increase density in these areas. It highlights the importance of carefully considering the scale, massing and materiality of adjacent buildings. Infill development can activate currently inactive areas of the street.

The dwellings have been designed as mews style properties with flat roof finish. The dwellings are proposed to be set back from South Street behind a new 2.5 metre tree lined pavement. They would take the form of three storey townhouses, stepping back from the street at first and second floor to set back the overall height

from the street scene. The first and second floors are set back from the street frontage behind a small roof garden/terrace. The dwellings would measure 6.5 metres wide by a maximum of 10.2 metres deep (including single storey front projection) with a maximum height of 9.8 metres. The overall terrace would have a frontage of 45 metres.

In terms of design the dwellings are of a modern townhouse design with each dwelling benefiting from a small enclosed courtyard to the front enclosed by a brick wall measuring 0.95 metre in height with access via a painted filigree metal gate. This will provide the dwellings with a small defensible space as well as secure bicycle storage whilst still activating the street. A further small roof garden/terrace is proposed at first floor level and a further small terrace at second floor level.

The dwellings are proposed to be finished in yellow/buff stock brick laid in Flemish bond with green sedum roofs to the flat roofs. All window frames and doors are to be terracotta/red painted metalwork to pick up the ribbon profile metal cladding on the cinema to the rear. The proposed dwellings will conceal the new internal service yard and provide active frontage and intimate enclosure of South Street.

The Historic Buildings and Conservation Officer has been consulted on this proposal and advises that during pre-application discussion a matter of concern related to the architectural treatment of the dwellings within South Street which were not fully informed by the immediate context. The Historic Buildings and Conservation Officer now advises that there is improvement from pre-application discussions and *“This run of proposed ‘mews’ is fairly silent in its elevational appearance and the scale drops down to the thoroughfare of South Street which offers a transitional height and relationship from the modest and characterful cottages to the greater scale of the new development to the east; activation is key to line the route but most importantly in respect of achieving Para 206 is the tree planting and quality of materials (Bricks and Bonding, coping stones, railings and fenestration set back into reveals of no less than 75mm) this residential aspect must not be value engineered or diluted and strict Conditions must apply.”*

On the basis of the above and the advice of the Historic Buildings and Conservation Officer it is considered that, subject to conditions, as recommended, the proposed dwellings accord with the guidance within the Town centre Design Guide as well as policies BE14, BE16 and PC05 of the adopted Local Plan.

In terms of the amenity of future occupiers the proposed dwellings would all comply with the Nationally Described Space Standards as required by policy HP06.

For development comprising family dwellings of three bedrooms the Council generally expects to see provision of private amenity space of 100m² per dwelling. The proposed dwellings would not meet this standard. Each dwelling would benefit from 26m² of private amenity space in the form of a ground floor courtyard, a first floor terrace and a second floor terrace. Policy HP06 of the adopted local plan

states “New residential units will be expected to have direct access to an area of private and/or communal amenity space. The form of amenity space will be dependent on the form of housing and could be provided in a variety of ways, such as private garden, roof garden, communal garden, courtyard balcony or ground level patio with defensible space from public access.”

Whilst the amount of amenity space proposed for each dwelling is below the ideal standard for family homes it is considered acceptable given the town centre location of the site. Furthermore, a variety of outdoor spaces are proposed for each dwelling which would enable flexible use of the areas.

Issues of noise are considered in detail later in this report, but the findings of the submitted noise assessment is that noise can be dealt with through appropriate mitigation to ensure that it does not materially impact upon the amenity of future occupiers of these dwellings.

Overall, it is considered that the proposed development would accord with policy HP06 in terms of meeting the required standards for new housing.

Residential Amenity

There are existing residential units to the south (Becket House) and east (along South Street) of the proposed development.

In terms of the proposed redevelopment and introduction of a cinema use and residential units this is considered to be acceptable in principle subject to detailed consideration in terms of noise (which is within the below section).

It is noted that letters of representation have been received raising concerns regarding construction noise, disturbance, and dust. Whilst these concerns are understood they would only be a temporary issue and can be managed through the use of a Construction Environmental Management Plan (CEMP) to minimise the impact of the construction of the development upon surrounding residents and businesses. A condition has been recommended in this regard.

With regard to the relationship between the proposed development and Becket House to the south, it is considered that the proposed cinema building would not result in an overbearing impact on the units in Becket House or result in any material loss of light due to the orientation of the built form. The development would result in the removal of the existing roof over the food court area of the Baytree centre and the introduction of the new public square with planting and use of green roofs at first floor level will improve the outlook from many of the units in Becket House.

In terms of loss of privacy there is a lounge area proposed at first floor level within the cinema which would have large window overlooking the green roof of the single

storey element below and then towards the new public square. This window would be positioned approximately 40 metres from the southern elevation of Becket House and due to the distance involved it is not considered to result in any material loss of privacy towards the occupiers.

The proposed location and form of the dwellings along South Street have been subject to discussion with officers at pre-application stage and a daylight, sunlight and overshadowing report has been submitted in support of the application.

At present the southern section of dwellings along South Street are located opposite the black brick wall of unit 12 (currently empty) which impacts upon the light available to the front windows of these dwellings. The northern section of dwellings are located opposite the open service yard and have a relatively uninterrupted outlook for a town centre location.

The proposed development will result in the loss of the majority of unit 12, opening up the Baytree Centre to South Street which will result in an improvement to the outlook and amount of light reaching the dwellings at the southern end of South Street. To the northern end of South Street the proposed townhouses will introduce new built form which will restrict the amount of light currently reaching front elevations of these dwellings. The report goes on to analyse the impact of the development upon the dwellings along South Street and finds that in terms of annual probable sunlight hours the existing buildings do not comply with the regulations (12.4%), however even after the proposed development the value would be less than 1% more from the original building and hence would be compliant staying within 0.8 times the former value.

In terms of skyline the report advises that if following construction of a new development, the no skyline moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit. The report concludes that the development will comply and post development the skyline value would be no less than 0.8 times its former value.

Overall, the report concludes that in comparison between the original situation and the proposed new development the southern units will benefit from improved light conditions while the more northern dwellings will not be highly affected. The report also assesses light levels for future occupiers of the proposed dwellings and concludes that they will comply with the BRE Site layout planning for daylight and sunlight 2022.

The next issue to consider is loss of privacy which was another matter raised at pre-application discussions. In response to this concern the townhouses have been set back from the highway boundary to create a pedestrian path long this side of South Street and have also been designed so that the upper floors are set back from the ground floor. The front to front distances between the dwellings are

therefore between 11 and 15 metres. Given the distances between the front elevations and the public realm positioned in between it is considered that the placement of the dwellings and windows will not result in any material loss of privacy towards the occupiers of the existing dwellings along South Street.

Private amenity space in the form of a front yard, first floor terrace and second floor balcony are proposed for each dwelling. The ground floor yard area will help to activate the street front and reduce anti-social behaviour. Front walls are proposed which will also aid in privacy as well. The first floor terrace area is of a reduced scale (5 sqm) and set back behind a green roof area with the second floor terrace (8 sqm) set further back at 15 metres from the dwellings opposite. Given the distances and the fact that any views are towards the public frontage of the dwellings (not the more private rear elevations or garden areas) it is considered that the relationship is acceptable for this town centre location and would not result in any material loss of privacy.

Overall, it is considered that the proposed development would not result in any materially harmful impacts towards residential amenity and would accord with Local Plan Policy BE14 (i and j).

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. This report considers the potential noise impact of the proposed operational development on the closest noise sensitive receptors from construction and operational noise sources.

The Council's Environmental Health Officer (EHO) has been consulted on this application and advises that:

"Noise levels generated by site activities are deemed to be potentially significant if the total noise (pre-construction ambient plus site noise) exceeds the pre-construction ambient noise by 5 dB or more.

I would normally wish to ensure that the noise levels are maintained at a level of 5dB below the pre-existing ambient noise where possible.

The report concludes that some adverse impacts are anticipated from fixed plant and at the proposed residential properties which will require alternative ventilation to mitigate against noise.

The worst case predicted scenario for noise sensitive receptors contained in the proposed development indicate that levels are above the expected daytime and night-time internal noise levels.

An additional ventilation strategy will be needed to provide background ventilation to the proposed residential development.

External amenity areas will meet the upper guideline level and will not require any mitigation measures.

The assessment also identifies that whilst the total area of the service yard will reduce, there will be an increase in the number of vehicles using the yard and additional items of fixed plant will be required for the proposed uses.

The predicted noise levels at four receptors are more than five dB above the background sound level at night, and three of these will also exceed the daytime noise criteria. It is therefore likely that additional sound mitigation will be required to meet the Desirable Ambient Noise Levels for Dwellings contained in BS8233:2014.

The report indicates that the Air Source Heat Pumps (ASHPs) proposed to be located on a flat roof will cause these exceedances at assessment receptors located in Becket House; it will therefore be necessary to consider quieter units, relocation and a possible additional noise barrier or enclosure.

The proposed residential units will require standard specification double glazing to meet satisfactory noise levels and suitable acoustically attenuated background ventilation will be needed in order provide an equivalent sound reduction to the glazing and other building fabric.

In conclusion, I am satisfied that the proposals should be permitted if the appropriate measures are identified and implemented to deal with any existing site contamination and to ensure that noise levels from construction or operational activities do not adversely affect nearby receptors.”

Following comments from the EHO (as above) the consultant acting on behalf of the agent queried the wording of one suggested condition (in relation to noise levels to be achieved) and a letter of representation was also received from the Becket House Leaseholders Association which raises a number of concerns in relation to noise and the quality of the submitted noise assessment. The contents of this letter were sent to the Environmental Health Officer for review as well as to the agent acting on behalf of the applicant.

The consultant acting on behalf of the agent has responded to the concerns raised by the Becket House Leaseholders Association in relation to noise and the

assessment carried out in support of the application. This response has also been passed to the EHO for review.

Discussions have been ongoing between the agent and officers in relation to the wording of conditions relating to noise. The initial response from the Council's EHO requested a condition requiring the rating noise level of any externally located plant or equipment to be at least 5dB below existing background noise levels. The consultant acting on behalf of the agent requested alternative wording to the condition as it was considered overly onerous.

Following further discussions, a revised condition was agreed with the EHO which requests a further noise assessment to be submitted and agreed prior to any plant or equipment being installed onto any part of the development. As part of this details of the exact specification of the plant/equipment, its location, possible enclosure or screening and any other mitigation that may be necessary to protect the amenities of surrounding residents shall also be provided. A condition in relation to the delivery and servicing plan for the commercial element of the development is also recommended.

Hours of use for the proposed development have not been submitted and the agent has requested that the proposal be assessed on the basis of flexible hours. The majority of the units at the Baytree Centre at present could change to any E use class without planning permission. Similarly, the cinema use is unlikely to result in any significant noise and disturbance during operating hours, only from people entering and leaving the premises. No potential 'bad neighbour' uses are proposed and on this basis it is considered acceptable to not restrict opening hours under the planning consent. The majority of end uses would require a licence which would further consider the appropriate operating hours and is in line with the guidance within the NPPF which advises that "*Planning decisions should assume that these regimes will operate effectively*" in relation to separate legislation to control pollution (which noise is). This is consistent with the approach taken on other sites.

It is therefore considered that subject to conditions the proposed development is acceptable in relation to noise and safeguarding the living conditions of future occupants of the development and adjacent residents.

Secured by Design

Policy BE14 (Creating Successful Places) requires new development to meet high design standards and deliver safe, inclusive, attractive and accessible places. Policy BE15 (Planning for Inclusive Communities) also requires new development to, amongst other criteria, ensure new public spaces are planned for everyone to move around and spend time in comfort and safety.

The Essex Police Designing Out Crime Office have commented on this application and requested conditions in relation to CCTV and Secure by Design Accreditation. These conditions are included within the recommendation.

Comments have also been received from the Essex Police Counter Terrorism Security Advisor who has requested that Hostile vehicle Mitigation be incorporated into the development. Full details of this can also be secured through a planning condition.

Subject to the condition as requested by Essex Police it is considered that in terms of crime and safety the proposed development complies with policies BE14 and BE15 of the adopted Local Plan.

Highways Considerations and Parking

This application has been supported by a Transport Assessment, Outline Delivery and Service Plan, and a Framework Travel Plan.

The application site is located in a highly sustainable location and served by excellent public transport links including bus and rail. Brentwood Railway Station is located approximately 650m from the application site.

The site at present does not have a car park but is adjacent to Coptfold Road multi-storey car park (523 spaces) and in close walking distance to other local car parks. Due to the highly sustainable location of the application site no parking facilities are proposed as part of the development.

The planning statement submitted in support of the application advises that:

“For the new residential properties, the closure of the existing South Street service yard access provides an opportunity for the existing Controlled Parking Zone (CPZ) bay on the eastern side of South Street to be extended. This will be increased from around 10.5m to 35m in length and is therefore expected to provide a net uplift in spaces of 5 spaces. Assuming one car per dwelling in this town centre location, the expected increased use of existing CPZ spaces is only expected to be that of 2 vehicles.”

As part of the proposal the existing access to the service yard along South Street will be closed and a new access point provided from the south west section of the site with vehicles now accessing an internal service yard (below the cinema unit and the rear of the proposed dwellings). This will ensure that delivery trucks no longer need to drive past the majority of dwellings along South Street.

The new service yard has been designed to include turning space so that vehicles can enter and egress from the same access point of the south western section of the site. Bollards will line the part of this route which crosses the new pedestrianised

area from South Street to ensure no conflict with pedestrian safety, and the protection of the schemes ability to promote sustainable means of travel and walkable streets as required by Policy BE09.

An assessment of trip generation projections based on the national and industry recognised TRICS trip rate database has been undertaken and concludes that the proposal will have a positive impact in increasing footfall to the site, whilst decreasing the number of car driver trips over the course of a typical Saturday afternoon.

In terms of cycle parking, 46 short-stay cycle parking spaces will be provided within the open spaces incorporated into the proposals. Long term cycle parking for staff is to be provided within each unit. Each residential dwelling will also be provided with two secure covered cycle parking spaces per dwelling. The cycle parking can be secured by way of a condition.

The outline delivery and serving plan details that the proposed development is predicted to generate in the region of 32 total delivery/servicing trips on a typical day, predominantly by small vans and courier/panel vans and nothing larger than a 10-metre rigid bodied truck. The service yard will be controlled by security gates set-back from the public highway such that vehicles waiting to enter the site can do so clear of the public highway which is an improvement over the existing situation.

It is projected that there may be a small increase in delivery and/or servicing trips, albeit these will mostly be undertaken by small vehicles and vans. The space has been designed however to ensure that a 10-metre rigid truck or a 7.5t box van can still enter and use the service yard when required. The provision of this service yard will ensure that all servicing can take place off of the highway, and also away from any pedestrian thoroughfares.

ECC Highways have raised no objections to the proposed development subject to conditions. They further advise that as this is a town centre location with good access to all of Brentwood's facilities and car parks as well as frequent and extensive public transport, there would be no harm to the safety and efficiency of the local highway network if the proposed dwellings do not include formal parking provision.

The adopted parking standards state:

“For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.”

As the proposal is located within the main urban area of Brentwood there is no objection to the proposal being car free. Furthermore, the local highway network is protected by parking restrictions.

It is noted that the application refers to the extension of the existing Controlled Parking Zone (CPZ) bay on the eastern side of South Street to allow for a further five parking spaces. This is outside of the red line of the application site, ECC Highways have not requested this improvement and is not required to make the development acceptable in planning terms. It is acknowledged that it would bring about some betterment in terms of parking for existing residents and an informative is suggested to encourage the provision of the extension of the CPZ.

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).

Landscape and Ecology

Paragraph 174 of the NPPF states that “Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.” Policy NE01 of The Brentwood Local Plan deals with the protection and enhancement of the natural environment seeking biodiversity net gain where possible.

The application site at present is mostly hardstanding and built form with limited soft landscaping or habitat. The application has been supported by an outline planting strategy, a tree constraints plan, a tree survey, landscape strategy, landscape masterplan, preliminary ecological appraisal and biodiversity net gain assessment.

As part of the development one category B tree (a Cherry) will be removed which is growing on the edge of the service yard as well as five other trees growing on the boundary of South Street which are all small specimens of Category C or U. The Council’s arboriculturalist advises that the removal of these trees would not be a constraint to the proposed development and proposed landscape plan will provide new tree planting that will mitigate the loss of the 6 specimens further advising that proprietary urban tree pit drainage and pavement support products have been specified which will result in better quality trees establishing.

In terms of ecology the ecological survey found no habitat features on site other than the trees which offer some potential for nesting birds. The council’s consultee agrees with that conclusion and advises that the Biodiversity Net Gain calculation has been undertaken using the current Defra metric. Given the lack of habitat currently present this confirms that the scheme would achieve a significant net gain as a result of the additional landscape planting. As part of the development two sparrow terrace boxes and 2 bat boxes are to be included.

The Landscape Strategy sets out how the proposed landscape has been designed to take account of the important heritage assets and improve pedestrian access. It is considered that the design approach and detailed specifications are appropriate for the location.

Overall, the council's arboricultural consultant advises that the proposal would result in a positive improvement to the landscape character of this important site. Full details can be controlled through the use of planning conditions.

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 there will be minimal long-term impact to the existing air quality in the area. Whilst there will be some negative impact on the localised air quality during construction (also through dust) this can be managed in line with best practice and controlled via a planning condition to require full details of mitigation measures to be agreed prior to any works starting on site.

Brentwood Council's Environmental Health Officer agrees with the overall assessment that the site is unlikely to either affect local air quality in the long term or be subject to poor air quality. Conditions have been recommended to secure mitigation during construction.

It is noted that concerns have been raised by neighbouring residents in relation to air quality and dust during the construction period. Any disruption would be temporary and subject to conditions to require appropriate mitigation to minimise impacts would not warrant refusal of the scheme.

It is therefore considered that the Proposed Development would, subject to conditions, comply with Local Plan Policy NE08 (Air Quality).

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 Phase 1 Geoenvironmental Assessment has been submitted in support of this application. This report identifies that historically the site was formerly partially residential and an open parcel/field which was redeveloped in the 1970's and again in c.1985 to a predominantly commercial premises. The Site is underlain by superficial deposits of Stanmore Gravel Formation (Sand and Gravel), which are in

turn underlain by Bagshot Formation (Sand) bedrock. Both the superficial Stanmore Gravel and Bagshot bedrock are Secondary 'A' Aquifers with a combined groundwater vulnerability of 'Medium'.

The report concludes that risks to sensitive receptors are generally considered Very Low or Low based on the likelihood of contamination or the lack of pathway due to widespread hardstanding proposed in the redevelopment.

However the report does indicate that there should be further investigations on the site to determine any contamination risks. The recommendations are as follows:

“• A Geotechnical Site Investigation will likely be required to inform the civil and structural engineering design of the proposed development, and such an investigation is recommended to include soil and water sampling for the chemical analysis of soils and water (if encountered) in order to determine the general contamination conditions at the Site and for the assessment of the risks identified by the CSM;

- Gas and groundwater monitoring may be prudent to assess the ground gas risk and determine the resting groundwater level;*
- An HSG 264 Asbestos survey is recommended to be undertaken in structures proposed for demolition and refurbishment due to the potential for the use of asbestos in pre-1999 structures; and*
- A Discovery Strategy should be in place during all the development works”*

Council's Environmental Health Officer agrees with the overall assessment and has recommended conditions which would encompass the above recommendations within the submitted report.

It is therefore considered that the Proposed Development would, subject to conditions, comply with Local Plan Policy NE10.

Archaeology

The site is directly adjacent to the historic core of Brentwood, which is first recorded in 1176 and evolved in the medieval period as a ribbon settlement along the line of the main road between London and Chelmsford (EHER 525). The Essex Historic Environment officer advises that although the proposed development is set back from the High Street there is a high possibility of archaeological deposits related to backyard plots and medieval occupation, including outbuilding remains, rubbish pits or evidence of industrial/commercial activity, being present on the site. Additionally, the site is in close proximity to the Scheduled Monument of "The Chapel of St Thomas a Becket", the ruined remains of an early 13th-century chapel (rebuilt in the 14th century) which formed the historic nucleus of the medieval town (EHER 528).

Given the above, the groundworks of the proposed development have a high likelihood of impacting upon archaeological remains. During the lifetime of the

application a programme of geophysical survey (specifically Ground-Penetrating Radar) within the service yard was requested by the Essex Historic Environment Officer and duly submitted by the applicant.

The preliminary results of the geophysical survey have been received which have identified anomalies which may be archaeological in origin and some which may represent structural remains. Further analysis will be required to determine if the radar anomalies correlate with former buildings depicted on historic mapping. Based on the preliminary results of the geophysical survey there are no known archaeological remains which would prohibit development within the above site and any archaeological remains that will be impacted upon by the development can be preserved by record through a programme of archaeological investigation following consent.

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 included within the recommendation, and the proposal is considered to comply with Policy BE16 (Conservation and Enhancement of Historic Environment).

Fire Service Access

As part of the proposed development one of the existing emergency escape route along the northern elevation of Becket House would be revised. The existing escape route exits onto an existing 1st floor rooftop from which residents escape across a roof. This route has now been shortened and a new external staircase would provide an escape route into the new public square.

The houses, due to the open plan nature, would all be fitted with domestic sprinkler systems together with fire-resistant partitions and a door to separate the ground floor from the upper floors.

The new cinema would have three fire escape stairs, offering alternatives should any route be compromised.

Space is provided within the service yard for any fire service vehicle to access and turn around.

Essex Fire Services (Basildon Fire Station) have been consulted on this application and advised that they have no objection to the application in principle and more detailed analysis of the overall proposal will be undertaken as part of the building regulation consultation process. They have made comments, most of which relate to assessment at the building control stage of the development, however where relevant the requirements have been included within the recommendation as informatives in relation to retention of fire access for trading units during

redevelopment, design and operation of bollards, access both during and post construction and maintenance of water supplies.

There were other points made by the fire service that were considered important to address at this stage and these were sent to the agent to action. The first point was where the fire service advised: *“With specific reference to Fire Service vehicular access to the proposed range of dwellings it appears that a suitable turning provision may be required at the head of South Street.”*

The agent has responded that:

“South Street is a narrow, historic street, with no existing provision for fire tender access (without a significant reversing manoeuvre) to the existing residential dwellings that line it. Whilst we are not proposing a turning head at the northern end (‘the head’) of South Street, as it would compromise the scheme’s ability to provide a new improved and active street frontage with new infill housing, in line with the local authority’s townscape and heritage requirements, the scheme instead proposes a new turning head onto the public square. This would provide significant improvements to fire tender access to South Street by allowing a three-point turn, and thus provide a Building Regulations compliant solution to tackling fire in the proposed South Street housing, and improving the existing situation in this location.” A plan has also been submitted demonstrating this turning space and also that the full extent of residential floorspace can be reached within maximum reversing and hose distance limits.

The second point raised by the fire service that required addressing was: *“turning circle of such an Essex pumping appliance is 17.8 metres kerb to kerb slightly greater than the model use to demonstrate turning provision within the service yard, it is therefore advised that confirmation is sought that the provision remains adequate.”*

The agent provided a plan demonstrating that a 17.8m kerb to kerb turning circle can be achieved in the service yard.

Flood Risk and Drainage

The application site falls within the lowest flood risk area, Flood Zone (FZ) 1, and is at low risk of flooding. Based on the NPPG flood risk vulnerability and flood zone compatibility table the development is considered ‘appropriate’ in this low risk flood zone. The development satisfies the Sequential Test based on the site falling within Flood Zone 1.

The application site is however located within a critical drainage area and has therefore been supported by a Flood Risk Assessment and Sustainable Drainage Assessment. The drainage report advises that a 62% betterment of the 1 in 1 brownfield flow rate is proposed and that overall there is a 9% decrease in impermeable area within the proposed development.

The Lead Local Flood Authority have been consulted on this application and initially raised a holding objection to the proposal as greenfield run off rates of 1.27l/s were not proposed, and rainwater re-use should be used. The consultant for the application responded to the holding objection advising that due to site constraints greenfield rates are not achievable and instead following the Essex Design Guide a 50% betterment of the brownfield 1 in 1 year runoff rate is proposed as an alternative. Rainwater harvesting is not considered feasible for this site due to its existing nature and the implications of storage and potential additional distribution.

In terms of incorporating SuDS techniques into the proposed development the most viable method for this proposal is the inclusion of green roofs, Urban Arboflow tree pits and below ground attenuation tanks.

Following the response from the consultant the lead Local Flood Authority removed their holding objection and advised that they have no objection to the proposal subject to conditions which are detailed above in the consultation section of this report.

Overall, it is considered that subject to appropriate planning conditions the development is acceptable in flood risk and drainage terms.

Infrastructure Requirements

The Planning Policy team have been consulted on this proposal and are supportive of the principle of the development. In considering whether any contributions should be made to infrastructure projects by the proposal they have advised the following:

Policy MG05 relates to Developer Contributions and 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 Infrastructure Delivery Plan (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. It is considered the relevant infrastructure requiring contributions from this non-allocated site, listed in the IDP Part B, include:

- o Brentwood Town Centre Public Realm Enhancement (IDP Ref T7)
- o Brentwood and Shenfield Railway Station Public Realm Improvement (IDP Ref T8)
- o Quietway Cycle Routes in Brentwood Urban Area (IDP Ref T10)
- o Railway Station Cycle Infrastructure (IDP Ref T12)
- o A128 Ingrave Road / The Avenue /A128 Brentwood Road / Running Waters - Double Mini Roundabout Mitigation (TA ref. Junction 15 and Junction 16) (IDP Ref T26)

The infrastructure requirements listed above are based on comparable items required from allocated sites within close proximity to this non-allocated site. In determining whether such contributions or a proportion thereof, should be payable with regard to this application its necessary to consider forecast trip generation.

It's understood the proposals will result in a reduction of 687 sqm GIA over-existing on the western part of the Baytree Shopping Centre. It's also noted the application is accompanied by a Transport Assessment, which amongst other things considers trip generation and traffic impacts of the proposal. As reported in the Planning Statement the Transport Assessment "*concludes that the proposal will have a positive impact in increasing footfall to the site, whilst decreasing the number of car driver trips over the course of a typical Saturday afternoon.... Any traffic impacts are expected to be safely accommodated within the existing highway network given its existing capacity and the projected extent of impact. It can therefore be concluded that the development will not have an unacceptable impact on the transport network in terms of highway safety, capacity and congestion, as required by Policy BE12.*"

Provided Essex County Council as the Highways Authority are satisfied with the forecast trip generation and conclusions of the Transport Assessment, in this case, it is not necessary for this proposal to contribute towards the cost of such strategic infrastructure contributions. Essex County Council have confirmed that they are satisfied with the proposed development and on this basis it is considered that there is no justification to require the development to provide strategic infrastructure contributions.

Refuse and Recycling

In respect to commercial refuse and recycling, a refuse collection vehicle will be able to enter the western service yard, collect waste, three-point-turn to then exit the site in a forward gear. This maintains the existing established arrangements for the western part of the Baytree Centre. In terms of the residential units a dedicated refuse store is proposed adjacent to the service yard which is accessible separately and independently of the service yard. The positioning of this refuse store will also enable waste service vehicles to access the store by reversing off South Street which would also aid existing waste collections along South Street which does not benefit from a turning head. The refuse strategy is considered to be appropriate and in line with advice contained within the Essex Design Guide.

Sustainability

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

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

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

In terms of the economic objective the proposal would result in a boost to the local economy and provide additional jobs. Additional residents from the 7 dwellings would also help to support the local economy. The economic objective is considered to be met.

In social terms the proposed development would provide new leisure and improved retail facilities in a sustainable town centre location as well as providing new and enhanced public realm. Additional housing would also be provided on this brownfield site. The social objective is therefore also considered to be met.

In terms of environmental sustainability, the location and accessibility to services and facilities has already been discussed. Furthermore, the design and appearance of the development is considered to be acceptable, and the development overall would result in a positive impact on the significance of designated heritage assets within the vicinity of the application site, including the Brentwood Town Conservation Area.

Furthermore, a BREEAM pre-assessment has been submitted in support of this application which has been undertaken by BREEAM Accredited professionals. This pre-assessment report finds that a score of 71.9% is achievable for the new cinema building. A score of at least 70% falls within the BREEAM Excellent rating, and therefore the construction of the new cinema building will comply with policy BE01 which requires all major new non-residential development to achieve the certified Excellent rating under BREEAM. Securing the BREEAM Excellent rating for the new cinema building can be secured via a planning condition.

A Energy Statement has also been submitted in support of the application which demonstrates compliance with Policy BE01 requirement to achieve a 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations. It also details the commitment, as a minimum for the new retail units to be EPC rated C with aspirations to achieve EPC rated B units.

The energy strategy for the residential dwellings includes for 4no. 400W photovoltaic panels at roof level. This combined with the highly efficient air source

heat pump and Future Home Standard thermal performance of the envelop, gives a 63% improvement on current Building Regulations and exceeds the requirements of policy BE01.

The new retail units are shell and core only, however they have been designed with a decentralised reversible air source heat pump system for heating and cooling in mind. PV panels are also proposed on the cinema roof level to assist in achieving the requirement for 10% of the energy needs of the development to be from renewable energy sources.

Overall, subject to conditions, the environmental objective is considered to be met and the proposed development would comply with policies BE01, BE02, and BE04 of the adopted Local Plan.

Conclusion

The proposal represents the redevelopment of an existing brownfield site within a highly sustainable location which is supported in principle by the Development Plan.

The Baytree Centre and South Street are specifically referenced in policy PC05 (Brentwood Town Centre) as a key opportunity site where the policy states that the proposal should:

“a. Contribute to the enhancement of public realm around Chapel Ruins and the Conservation Area, retain and enhance their significance and character;

As detailed above it is considered that the proposal will result in an enhancement of public realm around the South Street area which is within the Conservation Area. Whilst the Chapel Ruins are outside of the application site they will benefit from an enhancement to their wider setting through the redevelopment of the site.

b. Complement the retail function and maintain or add to the vitality, viability and diversity of the Town Centre, by means such as mixed-use schemes that include retail, leisure and residential;

The proposed development represents a mixed use scheme as it includes a new cinema unit, flexible E use class units and residential. The development will add to the vitality, viability and diversity of the Town Centre and result in the Baytree centre becoming a destination in its own right.

c. Facilitate safe and pleasant pedestrian movement through improved alleyways, lighting, wayfinding and landscaping; and

The proposal includes the provision of new, safe public realm that will integrate the Baytree centre into South Street and help activate this area. The new cinema unit

will assist in wayfinding and full details of lighting and landscaping can be dealt with via conditions.

d. Assist in uplifting and transforming the Baytree Centre and integrate it with the other parts of the Town Centre."

The proposal will assist in uplifting and transforming the Baytree centre whilst integrating it further with South Street.

Overall it is considered that subject to conditions the proposed development will represent sustainable development and accord with the Development Plan.

7. Recommendation

The Application be **APPROVED** subject to the following conditions:-

1. The development hereby permitted shall begin no later than three years from the date of this decision.

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

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

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

3. No development works above slab level, excluding demolition works, shall take place until full details of all the materials to be used in the construction of the external surfaces, including windows and doors, of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate high quality materials in the construction of the development in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

4. Prior to the use of any brickwork within the development further details of the new brickwork, including brick type, the bond, mix and colour of the mortar and joint profile shall be submitted to and approved in writing by the local planning authority. The details shall include sample panels of the proposed brickwork which shall be made available for inspection by the Council on site. The development shall be carried out in accordance with the details as approved.

Reason: To ensure the use of appropriate high quality materials and appropriate details within the development in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

5. A document pack that shows typical details of:
- (i) windows – to include the depth of reveal (no less than 75mm);
 - (ii) doors and thresholds;
 - (iii) balustrading, railings and gates;
 - (iv) cills and coping stones;
 - (v) rainwater goods;
 - (vi) ironmongery;
 - (vii) shopfront details;

shall be submitted to and approved by the Local Planning Authority in writing prior to any development above slab level excluding demolition. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the use of appropriate high quality materials and appropriate details within the development in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

6. No electricity, gas, water meter boxes, antennae (roof level) or extraction vents shall be fixed to the façade of the buildings unless otherwise agreed in writing with the Local Planning Authority. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing with the Local Planning Authority.

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

7. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) shall be occupied or brought into first beneficial use until full details of the location and screening of all required external plant has been submitted to and approved in writing by the local planning authority. The external plant and screening shall then be installed as approved and retained as such thereafter.

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

8. 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 safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

9. 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 to minimise the impact of the construction of the development upon neighbouring residents and the environment.

10. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) shall be occupied or brought into first beneficial use until a delivery and servicing plan for the commercial element of the development hereby approved has been submitted to an approved in writing by the local planning authority. The approved delivery and servicing plan shall then be adhered to in perpetuity.

Reason: To safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

11. No development shall take place within the existing South Street service yard area, including any ground works or demolition until a programme of archaeological trial trenching evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the planning authority.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

12. A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified shall be submitted to and approved in writing by the local planning authority following the completion of the archaeological evaluation.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

13. No development or preliminary groundworks can commence on those areas containing archaeological deposits within the existing South Street service yard area 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.

14. 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.

15. 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, and initial strategy set out in Drainage Strategy Report (22230-SYM-XX-XX-RPT-C-0002) has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 21l/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.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy BE05 of the adopted Brentwood Local Plan, and the National Planning Policy Framework and Planning Policy Guidance.

16. 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, shall be 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.

17. The applicant or any successor in title must maintain yearly logs of maintenance as agreed under condition 16 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.

18. Notwithstanding the details submitted with this application (Phase 1 Geoenvironmental Assessment 2111 R01: Issue 1), no development shall commence which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment (Phase 2 Contamination Report) has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to:
- human health,
 - properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's guidance on land contamination risk management (LCRM).

Reason: To ensure that any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

19. The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

20. The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

22. No development shall take place, including any ground works or demolition, until details of the proposed mitigation measures identified in the Construction Works Impact Assessment section of the Air Quality Assessment undertaken by WMEboom have been submitted to and agreed in writing by the Local Planning Authority. The mitigation measures shall be implemented as agreed during the construction phase of development.

Reason: To safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

23. No plant or equipment shall be installed onto any part of the hereby approved development until a further noise assessment is submitted and approved in writing by the local planning authority. The noise assessment shall be undertaken in accordance with the guidance and methodology detailed in British Standard 4142:2014+A1:2019 to determine the rating level of the proposed plant or equipment.

Details of the exact specification of the plant/equipment, its location, possible enclosure or screening and any other mitigation that may be necessary to protect the amenities of surrounding residents shall also be provided. The development shall then be carried out in accordance with the details and mitigation as agreed and retained as such thereafter.

Reason: To safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

24. A scheme of proposed mitigation measures shall be agreed in writing by the LPA and implemented prior to occupation to ensure that the internal sound levels within existing receptors and proposed new residential development will meet the indoor ambient noise levels recommended in Table 4: Desirable Ambient Noise Levels for Dwellings contained in BS8233:2014

These measures shall include, but not be limited to, specifications for the glazing, background ventilation and building fabric of new residential units, proposals for the location and choice of Air Source Heat Pumps, and additional noise barriers or enclosures for plant and equipment to mitigate against noise emissions affecting adjacent residential development whether existing or proposed as part of the permitted development.

Reason: To safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

25. Prior to completion of the proposed development, the site access shall be provided in accordance with Drawing No P2713/TA/C within Appendix C of the Transport Assessment.

Reason: To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway in the interest of highway safety in accordance with policies BE09 and BE12 of the adopted Brentwood Local Plan.

26. Prior completion of the proposed development, the developer shall provide site access and highway improvements as shown in principle in Drawing no D 0100 Rev I1 (Ground Floor Plan) with full details to be agreed with the Highway Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide pedestrians and the mobility impaired with safe access in accordance with policies BE09 and BE12 of the adopted Brentwood Local Plan.

27. The existing service access on South Street shall be suitably and permanently closed incorporating the reinstatement of the kerb to full height immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policies BE09 and BE12 of the adopted Brentwood Local Plan.

28. Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack to each householder for sustainable transport, as approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies BE09 and BE12 of the adopted Brentwood Local Plan.

29. Cycle parking for both the commercial development and the proposed new residential dwellings 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 Policies BE12 and BE13 of the adopted Brentwood Local Plan.

30. There shall be no development excluding demolition works above slab level until the developer has submitted an updated workplace travel plan (which shall be subject to approval of the Local Planning Authority in consultation with Essex County Council and actively implemented for a minimum period of 5 years) alongside a details of how the required monitoring fee is to be secured and paid before occupation of the development.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies BE09 and BE12 of the adopted Brentwood Local Plan.

31. Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works, excluding demolition works, occurring above slab level at the application site. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities (including for the green roofs).
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding

rates, planting methods, mulching, plant protection, staking and/or other support.

3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works

4) Details of walls with brick types, construction design and dimensions

5) Details of paved surfacing, with materials finishing and edgings

6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

Reason: To ensure the use of appropriate high quality materials and appropriate soft landscaping within the development in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

32. No dwelling pursuant to this permission shall be occupied until an FTTP (Fibre to the Premises) Statement has been submitted to and approved in writing by the Local Planning Authority detailing a scheme for the installation of a high speed wholly FTTP connection to each premises within the approved development OR supplying evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP. The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out at the same time as other services during the construction process and be available for use on the first occupation of any dwelling, or such other date agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that have been made in the absence of FTTP).

Reason: To ensure fast, reliable digital connectivity for the new residential dwellings in accordance with policy BE07 of the adopted Brentwood Local Plan.

33. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) or the new dwellings shall be occupied until a Secure by Design Statement has been submitted to and approved in writing by the Local Planning Authority, detailing how the design of the residential element of the development adheres to the principles of Secure by Design accreditation, Secured by Design Homes 2019 Version 2, March 2019, and Secured by Design Commercial Developments 2015 Version 2 for the commercial element (<https://www.securedbydesign.com/guidance/design-guides>). The development shall not be occupied until the approved measures applied to the development have been implemented and they shall be permanently retained thereafter.

Reason: To ensure that the proposal will deliver a safe and inclusive development in accordance with Policies BE14 and BE15 of the adopted Brentwood Local Plan.

34. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) shall be occupied until a Security Management and CCTV Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved Security Management and CCTV Plan.

Reason: To ensure that the proposal will deliver a safe and inclusive development in accordance with Policies BE14 and BE15 of the adopted Brentwood Local Plan.

35. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) shall be occupied until a Hostile Vehicle Mitigation (HVM) Plan has been submitted to and approved in writing by the Local Planning Authority. The HVM Plan shall include a Vehicle Dynamics Assessment (VDA) to ensure the correct rated HMV bollards are proposed.

Reason: To ensure that the proposal will deliver a safe and inclusive development in accordance with Policies BE14 and BE15 of the adopted Brentwood Local Plan.

36. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) or the new dwellings shall be occupied until details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the external lighting of the development is appropriate for its setting and to protect the living conditions of nearby residents in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

37. Within six months of the new build elements of the cinema unit hereby approved being brought into first beneficial use a final certificate shall be issued by a recognised BREEAM certification body certifying that BREEAM rating Excellent has been achieved for this element of the development.

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

38. No development shall take place above slab level of the dwellings hereby permitted until details of:
- measures towards the aim that the dwellings do not exceed 110 litres per person per day;
 - measures to achieve lower water consumption rates and to maximise futureproofing;
 - measures to demonstrate the development would not have an adverse impact upon the sewerage network;

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

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

39. No development shall take place above slab level until an Energy Statement updating the submitted Energy Statement by WMEboom dated November 2022 has been submitted to and approved in writing by the Local Planning Authority. The updated Energy Statement shall detail how a 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations will be achieved and how a minimum of 10% of the predicted energy needs of the development will be from renewable energy. The development shall then be carried out in accordance with the approved Energy Statement.

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

Informative(s)

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.

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.

Attention is drawn to conditions that require the submission and approval of details prior to the commencement of development. Failure to comply with these conditions may result in the planning permission becoming invalid with the possibility of planning enforcement action being taken by the Council.

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

Contact should be made with South Essex Parking Partnership to progress the proposal to include additional parking spaces within the Controlled Parking Zone.

It is requested that the applicant make contact with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex. To encourage local labour within the borough, job opportunities should be promoted via the Brentwood Jobcentre to reach jobseekers who are the furthest from the market. We would strongly encourage the applicant to work alongside the Brentwood Chamber of Commerce, Brentwood Business Partnership and local secondary schools to highlight work experience, training and apprenticeship opportunities.

Please be aware that separate advertisement consent may be required for new signage.

Archaeology

A professional team of archaeologists should undertake the archaeological work, which will initially comprise a trial trenching evaluation of the proposed development site. This may be followed by a programme of archaeological excavation and/or monitoring, depending on the results of the trenching. The Borough Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief detailing the work and the level of investigation required will be issued from ECC Place Services on request.

Essex Fire Service

Should the intention be for any existing premises affected by the re-development to remain trading during construction Fire Service vehicular access will be expected to be maintained to these premises at all times as it will upon subsequent completion of the project to ensure compliance with Section 13 (1)(b) of the 1987 Act.

Where bollards or other removable barriers are required / proposed, then the details of design / operation should be agreed with this Fire Authority.

The access routes and hard standing should be capable of sustaining a load of 18 tonnes for pumping appliances.

Where fire appliance vehicular access is required to the underside of any decking / under-croft a clear head room of no less than 3.5 metres should be ensured throughout.

The Design & Access document confirms that the 45 metre hose length criteria to all points of the development existing & proposed is achievable from the most remote point of the development (dead-end enclosed service yard), however for safety reasons such a location cannot be considered as being suitable under fire conditions therefore where it is found that the distance cannot be achieved by alternative hose laying routes a further assessment based on vehicular access to 15% of the overall perimeter of the development will be made; this strengthens the need for maintaining High Street access and may also require the provision of dry rising mains, which subject to restrictions on overall horizontal length may be considered a suitable substitute; otherwise affected aspects of the proposal may not be acceptable to this Authority. (Such an installation(s) will require externally mounted inlet cabinet(s) to be located fully visible at Fire Service vehicular access points to the complex).

For operational reasons initial Fire Service attendance will be as described in the fire strategy report via South Street entrance but also via High Street, this availability must be maintained, both during works and upon subsequent completion.

Access to the existing dry riser installation serving the adjacent multistorey car park located in South Street must be maintained at all times both during construction and then upon completion of the works.

The MEP report November 2022 submitted in support of this application makes reference isolation / diversion of existing fire mains it is important that should the application be successful. The architect or applicant liaises with this Authority's Water Technical Officer at Service Headquarters, telephone 01376-576344 at the earliest opportunity to discuss the necessary requirements both during construction

and then upon completion to the satisfaction of this Authority; the Officer will then liaise with the local Water Authority for the area to make the appropriate arrangements.

Many existing units located in the Baytree Centre that are to remain are provided with mains fed Automatic Water Fire Suppression Systems (AWFSS), it is important that water supplies to these installations are maintained to these premises at all times.

Lead Local Flood Authority

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

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

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.

Essex County Council Highways

The applicants are advised that any structures or non-standard lighting / materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. This is to ensure that the public rights of way are maintained to a suitable standard to allow safe and convenient access for public use.

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

Any tree planting within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance and is to be agreed with the Highway Authority.

Please note that the monitoring fee associated with the workplace travel plan under condition number 30 will be £6,383 (plus the relevant sustainable travel indexation) and will need to be paid prior to occupation of the development.

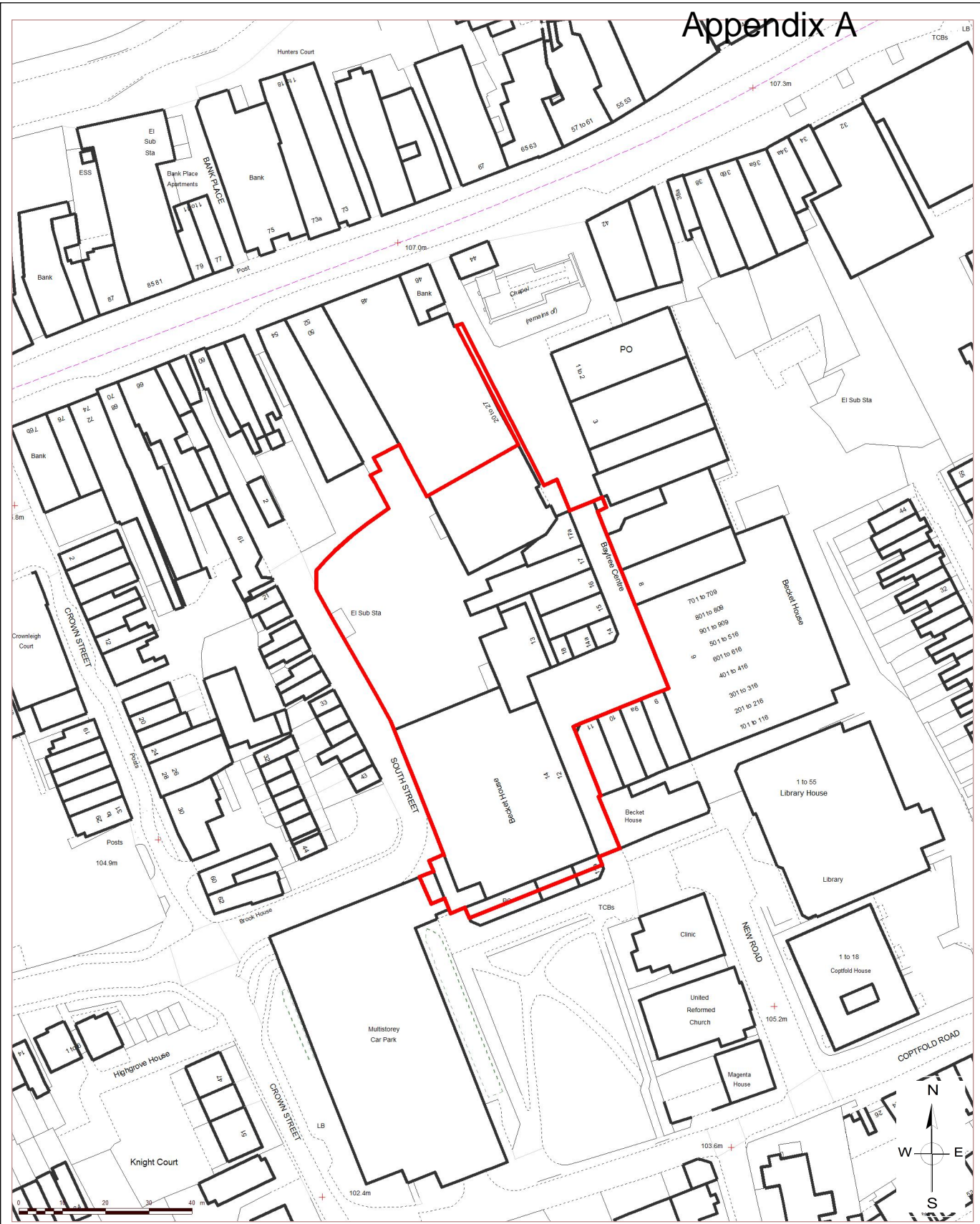
All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

BACKGROUND DOCUMENTS

DECIDED:

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Title : Baytree Shopping Centre, Brentwood, Essex, CM14 4RX

22/01640/FUL

Scale at A4 : 1:1250

Date : 14th March 2023

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



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SITE PLAN ATTACHED

GARAGE BLOCK SIR FRANCIS WAY BRENTWOOD ESSEX

DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 4 X 3NO BEDROOM, 3 STOREY HOUSES WITH ASSOCIATED CAR PARKING ALONG WITH ALTERATIONS TO EXISTING CAR PARKING AND BIN STORES

APPLICATION NO: 22/00572/BBC

WARD	Brentwood West	8/13 WEEK DATE	9 June 2022 EOT until 20/03/2023
PARISH		POLICIES	
CASE OFFICER	Julia Sargeant		
Drawing no(s) relevant to this decision:	TH-03, TH-05, TH-06, TH-07, TH-08, TH-09, TH-10, TH-11, TH-12, TH-13, TH-14, TH-01, TH-04 Rev P5, TH-02 Rev P2.		

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

1. Proposals

Background

This application has been submitted by Brentwood Borough Council as part of the Strategic Housing Delivery Plan (SHDP) which as part of its remit identified a number of sites across the borough that could contribute to the Council's objective of delivering much needed affordable housing within low carbon emission and 'green' developments.

The Council's Corporate Strategy 'Brentwood 2025' commits to Introducing "*innovative Carbon reduction and absorption schemes*", "identify opportunities for low emission and green developments" and using "*brownfield sites efficiently, such as council owned garage sites, to provide affordable homes...*"

The 7 year affordable homes development strategy (2021 – 2028) states that "*when directly developing new homes, the aim remains to provide a range of high-quality and*

energy efficient buildings to meet the needs and circumstances of Brentwood Borough Council residents both now and in the future.” The Council’s primary focus through this strategy is “the provision of new homes for letting at affordable rent or for low-cost home ownership.”

The proposal at Sir Francis Way forms part of the Phase 1 Small Sites Programme of Zero Carbon in use homes which aims to achieve around 200 new dwellings. The Small Sites Programme collectively identifies a range of housing types and tenures which is consistent with the Council’s Strategic Housing Market Assessment.

Site Description

The application site relates to an area of hardstanding and garages at the end of Sir Francis Way as well as the area of parking and bin store to the front of the blocks of flats containing No’s 49 – 89 Sir Francis Way. Access to both areas of the site is from Sir Francis Way. The site slopes gently from east to west and the surrounding area is predominantly residential with a mixture of three storey townhouses and blocks of flats ranging from 3 to 10 storeys in height.

The main section of the site, where the new dwellings are proposed, relates to a Council owned garage site which contains a total of 14 garages as well as an area of hardstanding used for informal parking, and an area of grass crete which is also used for informal parking. There are mature trees located along the southern and western site boundaries.

To the north and east of the application site is the residential development within Sir Francis Way. To the west of the application site is St Faiths Country Park and there is an informal pedestrian access point into St Faiths from the western boundary of the site. To the south of the site is the car park area associated with No. one London Road which is an office complex as well as a section of the rear garden boundary associated with No. 171E High Street.

Proposal

Planning permission is sought to demolish the existing garages on site and erect four three storey dwellings with associated landscaping and parking. Planning permission is also sought to revise the car parking and bin store to the front of flats 49 – 89 Sir Francis Way.

The proposal is for 100% affordable housing, with all four dwellings comprising affordable housing. The dwellings would be ‘Zero Carbon in use’ homes which means the amount of carbon emissions associated with the proposed dwellings and buildings operational energy is zero or negative, with any outstanding emissions being offset by renewable energy sources.

The proposed dwellings would be positioned towards the southern boundary of the main section of the site, roughly following the line of existing three storey townhouses along Sir Francis Way. To the rear each dwelling would benefit from private amenity space and to the front each would have a small front garden area. Bin stores and cycle parking will be located within the rear garden of each dwelling. 4 parking spaces are proposed to serve the new dwellings, one for each property. Six further parking spaces are also proposed within this section of the site as part of the replacement parking for those spaces that would be lost through the development.

The proposed dwellings would form a staggered terrace of three storey town houses with flat roofs running east west across the site. Each dwelling would measure 5.2 metres wide by 9.4 metres deep with an overall ridge height of 9.6 metres. The dwellings would be finished in red multi stock brickwork with waterproof membrane for the flat roof with solar PV panels facing south and aluminium powder coated windows and doors in grey.

Internally each dwelling would contain a kitchen/diner, W.C, store room, hallway and bedroom at ground floor level, a living room, store, hallway, study room and bathroom at first floor level and two further bedrooms (one with en-suite) at second floor level. The overall internal floorspace for each dwelling is 104m² and meets the requirements for a 3 bed 5 person dwelling under the Technical Housing Standards - Nationally Described Space Standards (NDSS) 2015.

The pedestrian access to St Faiths would be retained as part of the development.

As part of the proposal the parking and bin store area to the front of No's 49 – 89 Sir Francis Way are to be renovated with four additional car parking spaces created alongside new bin collection points.

2. Policy Context

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked. The following policies are most relevant to this application:

MG01 – Managing Growth

BE02 – Water Efficiency and Management

BE04 – Managing Heat Risk

BE05 – Sustainable Drainage

BE07 – Connecting New Developments to Digital Infrastructure

BE09 – Sustainable Means of Travel and Walkable Streets

BE11 – Electric and Low Emission vehicles

BE12 – Mitigating the Transport Impacts of Development

BE13 – Parking Standards

BE14 – Creating Successful Places

HP01 – Housing Mix
HP03 – Residential Density
HP06 – Standards for new Housing
NE01 – Protecting and Enhancing the Natural Environment
NE03 – Trees, Woodlands, Hedgerows
NE10 – Contaminated Land and Hazardous Substances

Other Local Documents or Guidance

Essex Parking Standards 2009

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

3. Relevant History

14/01494/FUL - Creation of a grasscrete surface for car parking spaces on grass verge, with the inclusion of timber posts and flush concrete kerbing. – Permitted - 23.03.2015

4. Neighbour Responses

Three periods of public consultation were undertaken on this application. With the first public consultation 6 letters of representation were received raising the following concerns (summarised):

- Current access to St Faiths would not be possible as end house would block this. Any new access would require a ramp and removal of trees.
- Concern over displacement parking. The DHA survey suggests 9 vehicles could be displaced which is incorrect. Average of 15 cars utilise this area at night. No alternative parking areas available.
- There are currently insufficient parking spaces for the residents of Sir Francis Way.
- People already have no choice but to park in 'no parking' areas because there are no other options.
- If this proposal goes ahead there will be between 15 and 20 vehicles double parking, parking on pavements, parking in areas where they should not be, all of which will generate a high level of anti-social behaviour and confrontation.
- While the proposal appears to meet the Essex Parking Standards for the new dwellings, in doing so, it reduces the number of spaces for existing residents and their visitors to well below the standard.
- The application makes various assumptions about people's parking habits. The current way the spaces are being used should be considered, but as per the

Essex Parking Standards, the Council should be more concerned about the number of bedrooms in each of the existing dwellings and potential cars associated with each one.

- Density of development in/around High St. area. Already far too much housing with lack of parking in the vicinity and more future plans.
- Should this proposal be allowed it will impact the wellbeing of local residents, making it difficult to park (if not impossible) also providing a knock on impact to other services such as leaving no parking for Home Carers and service providers such as Axis or other third parties needing to carry out works to existing properties.
- Proposal does not follow the local development plan.
- Loss of privacy to dwelling to rear as 4 houses will look directly onto property.
- What will be built on the boundary to the rear.
- Noise of construction will cause distress.
- Development will destroy habitat.
- Proposal will result in loss of trees and appear to propose cutting down tree on neighbours property to the rear.
- The Council is aware that parking in Sir Francis Way is insufficient as it installed the 'grasscrete' area within the site only a few years ago to increase parking provision following complaints.
- Concern over air pollution, noise pollution, traffic works during construction and impact on the environment.

One letter of representation was received neither objecting to or supporting the application raising the following point:

- Keen to ensure that this development retains the current alleyway to the left of the site and runs behind 40-47 Sir Francis Way

Under the second public consultation (consulting on changes to parking provision, retaining access to St Faiths and red line area) 2 letters of representation were received raising the following concerns (summarised):

- Whilst revisions are better than original still raise objection.
- Where are the glass recycling bins going to go?
- Loss of parking still not dealt with. 6 "new" spaces are effectively only making up 2 new spaces.
- Suggest Sir Francis Way Car Park, (currently used by Axis), alongside Drake House is purchased/earmarked for additional zonal parking to alleviate shortfall before plan is approved.
- Bin area and new parking area must be in place before garages removed and any building work commences in that area.
- In relation to access to St Faiths can a tractor actually get access from Honey Pot Lane without removing trees?
- A better use of this area would be to remove garages and put in electric charging stations for a greener driving future.
- The parking is no better as no increase in the number of parking places.

- What is the point of removing garages to create 4 houses.
- Take issue with the assertion that much needed dwellings in this part of the Borough are needed. There are plenty of empty housing units in Brentwood West already but nowhere to park.
- Will the development contribute to new schools, doctors etc
- Noise and air pollution issues.
- Sir Francis Way is very narrow with constant car parking on the road and the junction with Tower Hill/Weald Road will prove very dangerous.
- New dwellings will overlook property to the south and cause light pollution.
- Roots of trees on neighbouring land will be destroyed.
- Boundary plans to the south are unsatisfactory. A brick boundary wall should be erected like the remainder of the boundary and not a wooden fence.

Under the third public consultation (consulting on changes to the parking provision) three letters of representation were received raising the following issues (summarised):

- Current lack of parking for residents will become a much bigger problem with this development.
- Little thought given to existing residents to ensure they retain some ability to park their cars and receive visitors.
- Development at the Sir Charles Napier pub has zero parking so future residents will park their cars in neighbouring streets, Sir Francis Way being one of the closest.
- If the garages had been maintained they would easily rent out to residents.
- Idea of adding electric charging points in this area is a good idea and forward thinking.
- No feedback on ground work checks for potential pollution.
- Require clarification on who will be able to park in the newly formed spaces – will they be open for all or residential permit parking.
- Plan is inefficient use of council funds as would only deliver 4 new houses in an area already heavily populated.
- Extra parking with electric charging points should be proposed instead of housing.
- Previous objections with regard to rear boundary still stand. Garages can't be removed without trespassing on neighbouring land.
- Development will destroy the root system of fruit trees on neighbouring property as well as damage a garden shed.
- Badger run in neighbouring land will be disturbed.
- Loss of privacy.
- Disturbance from construction.

5. Consultation Responses

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link:

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

- **ECC SUDS:**

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

- 1 – Provision of a detailed surface water drainage scheme for the site
- 2 – Maintenance plan for the surface water drainage scheme
- 3 – Yearly logs of maintenance

- **Thames Water Development Planning:**

Waste Comments:

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework.

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

Water Comments:

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company.

- **Arboriculturalist:**

The site comprises a block of garages and hardstanding adjacent to residential properties on Sir Francis Way. There is access from this area into the adjacent public open space which links into St Faiths Country Park. Trees are growing on the southern and western boundaries.

A tree assessment, undertaken in accordance with BS5837:2012 has been submitted with the application. This identified 3 Category B (Moderate Value) trees and 11 Category C (Low Value) individual trees and 1 group. T5 is a Category B sycamore (although the Tree Survey suggests it is only marginally within that Category) which is just outside of the southern site boundary. This is a relatively small multi-stemmed specimen that might require some management work. There is sufficient space however for construction to be carried out without significant effects on the tree.

Following discussions with the Streetscene team it has been confirmed that the access into the public open space will be limited to pedestrian use, with maintenance vehicles accessing from Honey Pot Lane. This will enable the two Category B sycamores on the boundary with the open space to be retained without any significant impacts.

A total of 6 Category C trees will require removal to facilitate development. These are all early mature sycamore and ash. It is considered that their removal should not be a constraint to the development.

Existing trees close to the flat block can be retained if appropriate hand-dig construction measures are followed when creating additional parking and bin store provision.

An outline arboricultural method statement has been provided; however this should be updated and expanded to include the works around the trees adjacent to the flats. This can be dealt with by condition.

Opportunities for new landscape planting will be limited therefore it will be important to ensure good quality materials are used to achieve the best quality appearance. The detailed landscape scheme can be finalised by condition.

An ecological assessment has been submitted which concluded that the scheme would not result in any significant adverse effects on biodiversity. I would agree with that conclusion.

- **Basildon Fire Station:**

Access

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and the Building Regulations 2010.

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

Fire Service vehicular access will be expected to meet the requirements of The Building Regulations Approved Document 'B' Fire Safety Volume 1 Section B5 (Section 13 (1)(a) of The Act).

Subject to the above conditions being confirmed / achieved the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no objection to the application proceeding.

Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Flood Plain Risk

Although the flood plain map for the area shows that the site does not lay within a designated flood plain the following statement with regard developments within any level of flood zone / risk from fluvial / pluvial flooding is submitted as part of this consultation.

At present, Essex County Fire and Rescue Service (ECFRS) under the Fire and Rescue Services Act 2004 and the Fire and Rescue Services (Emergencies) Order 2007, does not have a statutory duty to respond to flooding issues. However, ECFRS is committed to protecting the people of Essex and will always endeavour to respond to a flooding emergency based on a risk assessed approach. Due to the limited availability of specialist water rescue resources during flooding incidents, ECFRS has, on recent previous occasions, had to limit their operational response to 'life threatening situations' only. We would not therefore support proposals that are likely to increase this situation or add to the volume of calls received.

Water Supplies

Statutory fire hydrant(s) are located in the vicinity of this development. The extent of works are such that no additional arrangements with regards water supplies for fire-fighting purposes are required.

Sprinkler Systems

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

- **Highway Authority:**

The proposals entail the continued use of the existing access at the end of Sir Francis Way. Given the type of dwellings proposed and the location of the development close to Brentwood town centre with all its facilities including car parks and extensive public transport services, it is agreed that a reduction to Brentwood's parking standards to one space per dwelling is appropriate. This will allow 6 spaces to be provided for non-residents of the new dwellings. Together with the proposed rearrangement and removal of highway rights of the existing parking square outside the adjacent apartment block, this should ensure that any losses of parking within the existing garage block will be satisfactorily offset.

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

- 1 – Submission of a Construction Management Plan
- 2 – Provision of parking to the front of the flats prior to construction of the dwellings
- 3 – provision of all parking prior to dwellings being occupied
- 4 – provision of cycle parking

5- provision of a residential travel information pack

- **Environmental Health & Enforcement Manager:**

I would recommend the submission of a Construction Environmental Management Plan to the LPA for approval prior to works commencing due to the proximity of receptors to the site of construction. The CEMP should as a minimum deal with the control of dust during construction and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. The CEMP should also confirm construction hours. Environmental Health would recommend restricting construction activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

No development shall take place until an intrusive site investigation (Phase 2 Contamination Report) is completed to identify the "unknown chemical composition beneath the site", in accordance with the suggestions made in the Phase 1 Report. The results of the site investigation shall be made available to the local planning authority before any development begins. If contamination is found, a remediation strategy should be submitted.

No bonfires should be permitted during construction.

- **Operational Services Manager:**

With regards to Sir Frances Way garage site. I have been to site and have identified a route we can use to access the Sir Francis Way public open space from the Honey Pot Lane access. It will require removal of some trees, and vegetation to ensure access is wide enough for the equipment, but is possible.

- **Housing Services Manager:**

First Response:

Further to your consultation request on the above proposed re-development of the garage site at Sir Francis Way, I can confirm that Housing Services do fully support the application.

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

Currently, we have over 140 applicants who are registered on the Council's housing waiting lists for 3-bedroom accommodation and the average waiting time is between 4 and 13 years for this type of accommodation. Whilst the proposal is fairly small in the provision of 4 new 3-bedroom dwellings, this will provide us with the opportunity to move existing tenants whose current accommodation do not

sufficiently meet their housing needs and to free up smaller sized accommodation for applicants who currently do not have secure accommodation available to them.

Part of the site includes the Council owned garage site which is in extremely poor condition and due the age and build is no longer fit for purpose. For the most part, it has historically been used for storage purposes rather than vehicular use. In addition, there has generally been a low demand for these garages, which has attracted an increase in various types of anti-social behaviour in the overall area.

The Housing department has also ensured the access to the playing fields for local residents will be retained along with grounds maintenance. In addition, visitor parking has been applied to this site as the Housing Department are aware of local pressure on capacity. The approach to deliver carbon zero homes will deliver energy efficient homes by using alternative heat sources and heat recovery systems will result in lower running costs which will reduce the impact of these issues. The planned regeneration of the site will provide not only work towards assisting the Council in the supply of much needed new affordable, low cost housing, and will benefit the overall wider community in providing a community that they would want to live in.

Second Response:

Further to your re-consultation request dated the 10th August 2022 on the above proposed re-development of the garage site at Sir Francis Way, I can confirm that Housing Services do fully support the revised application.

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

Currently, we have over 130 applicants who are registered on the Council's housing waiting lists for 3-bedroom accommodation and the average waiting time is between 4 and 13 years for this type of accommodation. Whilst the proposal is fairly small in the provision of 4 new 3-bedroom dwellings, this will provide us with the opportunity to move existing tenants whose current accommodation do not sufficiently meet their housing needs and to free up smaller sized accommodation for applicants who currently do not have secure accommodation available to them.

Part of the site includes the Council owned garage site which is in extremely poor condition and due the age and build is no longer fit for purpose. For the most part, it has historically been used for storage purposes rather than vehicular use. Currently, we have 9 garages which are void due to either lack of demand or are in such poor condition they are unlettable. In addition, there has generally been a low demand for these garages, which has attracted an increase in various types of anti-social behaviour in the overall area.

The Housing department has also ensured the pedestrian access to the playing fields for local residents will be retained. As there has been no established vehicular

right of access for any vehicles to the playing fields from Sir Francis Way we would not support any defined vehicular access into the playing fields as this would mean the loss of established trees on the boundary which would be detrimental to the local area and our residents. The Grounds Maintenance teams can access the playing fields from an established access point on Honeypot lane.

The revised plans show that the displaced grasscrete parking has been re-located and an additional 2 parking spaces will be formalised by the reconfiguration of the existing parking area to the front of the flatted block in Sir Francis Way. The revised proposal also seeks to improve the existing bin storage area, which is no longer fit for purpose, difficult or inaccessible for residents that have mobility issues and encourages fly-tipping in the immediate vicinity. It is welcomed that the proposal will allow for a greater capacity for recycling and greatly improves the safety for our residents by creating accessible designated pathways is a benefit for the immediate wider community.

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

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

6. Summary of Issues

Principle of the Development

The Council is required to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).

The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives.

As detailed above The Brentwood Local Plan 2016-2033 is the Development plan for the borough and the main relevant policies in relation to this application are listed above and although these should not be read in isolation, they are the most relevant to this application.

The application site is located within an existing residential area within the urban area of Brentwood which the Development Plan (Policy MG03) identifies

as Settlement Category 1. A settlement category 1 is defined as follows “ *This incorporates the towns and neighbourhoods that collectively form the main urban area of Brentwood Borough. They provide a wide range of existing community infrastructure, services and opportunities for employment, retail, education, health and leisure facilities in designated Town, District and Local Centres for the immediate residential areas as well as to the wider population and Borough. They are typically highly accessible and well served by public transport provision, including rail services.*”

Category 1 settlements are a focus for development in the Borough. In principle a Category 1 Settlement is an appropriate place for a development of this type and size.

The development plan does not contain any site-specific policies for the land and the site is not within proximity of any heritage assets or protected designations. The application site currently comprises hardstanding, grass-crete and garages, many of which are in a state of disrepair and appear to be underused. The site is classified as a brownfield site and NPPF within chapter 11 promotes making effective use of land, is supportive of the redevelopment of brownfield sites and making as much use as possible of brownfield sites to deliver new housing. Furthermore paragraph 120 states planning policies and decisions should “*give substantial weight to the value of using suitable brownfield land within settlements for homes...*” The principle of development is therefore supported.

Housing Need and Mix

As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).

The Council can demonstrate a five year housing land supply through its new local plan. In November 2022, a Housing Delivery and Supply Monitoring Update was provided to the Planning Committee. This report identified that the Brentwood Local Plan had identified a five year land supply of 5.21 years. Whilst this figure informs the Local Plan, a land supply of 6.9 years has now been identified.

In relation to the Housing Delivery Test (HDT), a 2022 position statement was provided, the first following adoption of the new local plan. Whilst this has not been subject to final verification by DLUHC, through the publication of the annual HDT results, the HDT measurement is anticipated to be 86%, which is in excess of the 85% requirement and the application of the NPPF paragraph 11(d) presumption in favour of sustainable development no longer applies.

However the 5YHLS is not a cap on development and the delivery of affordable housing is an important issue within the Borough. In Brentwood over the period of

5 years (2015/2016 – 2019/2020) there has been an under provision of affordable housing and it is therefore essential that the number of affordable homes being delivered is increased (Brentwood Housing Strategy 2021 – 2026).

This proposal is for four 3 bedroom affordable dwellings for affordable rent, which weighs heavily in favour of the proposal, as it would be meeting an identified need within the Borough and forms part of a larger strategy by the Council to directly deliver new affordable homes. The Council's Housing Services Department fully supports this application and advises that it is critical the Council can increase the supply of affordable and good quality housing provision within the Borough to ease the burden on the Council's waiting lists. It further advises that currently, it has over 130 applicants who are registered on the Council's housing waiting lists for 3-bedroom accommodation and the average waiting time is between 4 and 13 years for this type of accommodation. Furthermore, the provision of new 3-bedroom dwellings will provide the housing team with the opportunity to move existing tenants whose current accommodation do not sufficiently meet their housing needs and to free up smaller sized accommodation for applicants who currently do not have secure accommodation available to them.

Density

Policy HP03 of the adopted Local Plan relates to residential density and advises that development should take a design led approach to density which ensures schemes are sympathetic to local character and make efficient use of land and should be expected to achieve a net density of at least 35 dwellings per hectare net or higher, unless the character of the surrounding area suggests that such densities would be inappropriate, or where other site constraints make such densities unachievable.

This proposal would result in a density of 42 dwellings per hectare which accords with the policy requirements of HP03.

Design and Impact on the Character of the Area

Part of the environmental role of sustainable development as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The National Design Guide is also relevant to the consideration of this application and illustrates the Government's priorities for well-designed places.

Policy BE14 of The Brentwood Local Plan seeks to ensure that all development proposals meet high design standards and deliver safe, inclusive, attractive and accessible places.

The application site is located at the end of St Francis Way and is viewed within the context of the existing surrounding residential built form which comprises three storey town houses and blocks of flats of a 50's/60's modernist style.

The proposed development would introduce a further row of four staggered terraced townhouses to the southwest of the existing staggered row of townhouses. The proposed dwellings reflect the scale and bulk of the existing townhouses whilst introducing a more modern approach to the materials and finishes proposed and also incorporate small flat roofed porch projections. The dwellings would be orientated to face north-east allowing solar PV panels to be orientated south west on the roofs of the dwellings. In terms of layout the proposal is the most logical use of the site and land available, and the development would be reflective of the wider environment and character of the area.

In terms of the materials proposed red multi stock brickwork is considered to be in keeping with the surrounding area where the majority of the built form is finished in red multi stock brickwork. The introduction of aluminium powder coated windows and doors in grey would not result in any material harm to the character of the surrounding area.

Overall, it is considered that the design approach taken is appropriate to the site and wider built environment. The development would therefore comply with Local Plan Policy BE14, as well as the guidance contained within the NPPF and the NDG.

Impact on Residential Amenity

There are existing residential dwellings to the north, east and south east of the proposed development.

In terms of the proposed use the development of the site for four dwellings within a residential area would be acceptable in principle and would not result in any materially harmful impacts due to noise or disturbance. Similarly, the additional parking and reconfigured bin store to the front of the blocks of flats containing No's 49 – 89 Sir Francis Way is acceptable in principle and would not result in any materially harmful impacts due to noise or disturbance. It is noted that a letter of objection has been received from a nearby resident raising concerns over construction traffic, noise, and disturbance and whilst these concerns are understood they would only be a temporary issue and can be managed through the use of a construction method statement to minimise the impact of the construction of the development upon surrounding residents.

The Essex Design Guide (EDG) normally requires a minimum of 25 metres between the backs of properties with habitable windows facing each other. However, the guide states that where new developments backs onto the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Therefore, the new development should not encroach any closer than 15 metres to an existing rear boundary, however where the rears of the new houses face those of the existing homes at an angle of more than 30°, this spacing may be decreased proportionately, down to a minimum of 1m from the boundary. However, the EDG recognises that it is not possible to meet the distance standards on all developments, particularly in urban areas where higher density development is located. In such settings design is crucial to ensure that no material loss of privacy or overlooking occurs. Whilst the guidance within the EDG is merely guidance and not a set rule for new development to follow it is a good guide for starting the assessment of a proposed development.

To the north of the proposed dwellings is the most southern block of the block of flats containing No's 49 – 89 Sir Francis Way. The front elevation of the proposed dwellings would be positioned between 15.6 and 22 metres from the flank elevation of the block of flats. There are no windows within the flank elevation of the block of flats, and this, combined with the distance involved ensures that no materially harmful impacts will occur towards the occupiers of these flats.

To the east of the proposed dwellings is No. 48 Sir Francis Way which is the westernmost townhouse within the existing terrace of townhouses. The easternmost of the proposed dwellings would be positioned approximately 5.8 metres to the west of No. 48. There are no windows within the flank elevation of No. 48 and only one window at ground floor level within the flank elevation of the proposed dwelling. Given the distance involved, and the placement of the proposed dwelling it is considered that the proposal will not result in any material loss of privacy, overbearing impact or material loss of light towards the occupiers of No. 48 Sir Francis Way. It is noted that a letter of representation was received querying whether the excising rear access path for the existing townhouses along Sir Francis Way is to be retained. This access is shown retained on the plans and the agent has confirmed that this will be retained for the existing townhouses.

To the south east of the proposed dwellings is No. 171E High Street which is a detached property set back from the High Street which benefits from a substantial plot. Approximately half of the rear boundary of the site adjoins the rear boundary of No. 171E's rear garden area. All of the proposed dwellings would be positioned angled away from the rear amenity space associated with No. 171E, facing towards the car park associated with No. 1 London Road. Any views would therefore not be direct towards the property No. 171E High Street. Furthermore, whilst the dwellings would only be located between 7 and 9 metres from the rear boundary of the site, there would be overall distances of between 44 and 46 metres between built form, and this coupled with the angle of the proposed dwellings will ensure that

no materially harmful impacts through loss of privacy, overbearing impact of material loss of light will occur towards the occupiers of No. 171E High Street.

Internally within the development it is noted that there is the potential for some overlooking from first floor windows towards the rear amenity space of the adjoining dwelling(s). However, this is not unusual within terraces of dwellings or over and above what would be expected within an urban development.

Overall, it is considered that the proposed development would not result in any materially harmful impacts towards residential amenity and would accord with the guidance set out within the EDG as well as Local Plan Policy BE14 (i and j).

Access, Parking and Highway Safety

As part of any new development safe access to and from the Highway must be achievable to ECC Highway Standards as well as adequate parking provision to comply with the adopted vehicle Parking Standards.

The site at present comprises garages, and is used for parking (on the hardstanding, on the grass-crete area and the front of the block of flats).

Existing vehicular access to the site would be retained as is and would lead into the parking for the proposed dwellings with an appropriate turning head. Parking for the proposed dwellings would be located to the front of the properties, three in one section and a further space in the row opposite. Each dwelling would have one allocated parking space. Cycle parking would be provided within the rear garden of each dwelling. As well as the 4 vehicular parking spaces for the proposed dwellings an additional six parking spaces are proposed to serve the existing community.

To the front of the block of flats containing No's 49 – 89 Sir Francis Way the parking area is to be extended and revised to create an additional four parking spaces to serve the existing community, whilst formalising two existing parking spaces.

The application has been supported by two transport technical notes (including two parking surveys) and a further transport cover letter dated January 2023. Several revisions have been made to the proposal in relation to parking provision during the lifetime of the application which have sought to address the issue of displacement parking of existing residents of Sir Francis Way who currently use the application site for parking.

Whilst the parking surveys highlighted that there is adequate on street parking along Sir Francis Way to accommodate displaced parking, the majority of this area is covered by parking restrictions during the day and if existing residents do not have a parking permit they would not be able to utilise the spaces (please note there are no parking restrictions overnight). In order to address the loss of parking within the

current site area this proposal therefore includes the provision of four additional spaces outside the block of flats and a further six spaces opposite the dwellings.

Currently on site are six spaces within the grass crete area, and overnight parking surveys show a maximum of four vehicles parking in front of the garages in marked out bays. Whilst the garages are in a dilapidated state of repair 10 are understood to be in use. For robustness consideration has been given to Manual for Streets (MfS) which notes that half of garages tend to be used for car parking. On this basis it can be assumed that approximately five of the ten occupied garages are used for storing cars (although in reality the number is likely to be lower). Given the above it is considered that a total of 15 vehicles could be displaced as a result of the proposals (four parked in front of garages, 5 assumed within garages, and six from grass crete area).

As part of the proposals 10 spaces for existing residents are proposed and it is considered that this would be sufficient to address the displacement parking. It is acknowledged that this is not a like for like replacement in terms of parking spaces however the parking survey did find on street parking available and in reality there is likely to be less than 15 vehicles displaced as it is unlikely half the garages in use contain vehicles.

To provide the 10 spaces for existing residents a reduced parking standard has been applied to the proposed dwellings with one space proposed instead of two. In relation to parking provision Policy BE13 deals with parking standards and states that developments must take account of the Essex Parking Standards. Any provision below these standards must be supported by evidence detailing the local circumstances that justify the deviation.

The Essex parking standards read as follows:

“For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.”

Given the location of the site in close proximity to Brentwood High Street, the train station, as well as several bus routes and schools it is considered that a reduced parking standard is acceptable in this case.

ECC Highways have also been consulted on this application and raise no objection to the proposal subject to conditions. They state that *“Given the type of dwellings proposed and the location of the development close to Brentwood town centre with all its facilities including car parks and extensive public transport services, it is agreed that a reduction to Brentwood’s parking standards to one space per dwelling is appropriate. This will allow 6 spaces to be provided for non-residents of the new dwellings. Together with the proposed rearrangement and removal of highway*

rights of the existing parking square outside the adjacent apartment block, this should ensure that any losses of parking within the existing garage block will be satisfactorily offset.”

All conditions recommended by ECC Highways are included within the recommendation. The parking area outside the existing block of flats (which is to be extended and formalised) currently has highway rights which would need to be removed to facilitate the development. An informative is added to reflect this. In terms of ensuring the dwellings are not built without this additional parking a condition is recommended to require the additional parking in front of the flats to be carried out prior to the construction of the dwellings.

Overall subject to conditions it is considered that the proposed development is acceptable in relation to access, parking and highway safety.

Amenity Space

For development comprising family dwellings of three bedrooms the Council generally expects to see provision of private amenity space of 100m² per dwelling.

The proposed dwellings would not meet this standard, having private amenity spaces of 43m², 45m², 58m² and 79m². Whilst this is below the ideal standard for family homes, they are all of a useable shape and would provide sufficient out door space for patio table and chairs, garden shed and cycle parking, bin stores drying clothes and an area for children to play in. The location of the dwellings immediately adjacent St Faiths Country park will also ensure that any future residents have easy access to additional outside space. Overall given the location of the dwellings the level of amenity space provision is considered acceptable and in line with policy HP06 of the adopted Local Plan.

Landscaping and Ecology

In terms of landscaping the existing site is predominantly covered in hardstanding, although there are trees present at some site boundaries with mature trees located along the southern and western site boundaries of the main section of the site.

The application has been supported by a Tree Survey, Implications Assessment and Outline method Statement which advises that six trees will need to be removed to accommodate the development (T06- T11) which are all self-seeded trees growing along the western boundary of the site. All trees to be removed are grade C. The remainder of the trees on site (and along site boundaries) will be protected during the course of development. Some lifting and reduction of the canopies of retained trees is likely to be needed in order to allow construction access. As part of the proposals new soft landscaping is proposed to the front of the dwellings as well as around the new bin collection points to the front of the existing flats.

The Council's consultant arboriculturalist has been consulted on the submission and advises that the six category C trees to be removed are all early mature sycamore and ash and their removal should not be a constraint to the development. Furthermore, the existing trees close to the flat block can be retained if appropriate hand-dig construction measures are followed when creating additional parking and bin store provision. This can be dealt with via a planning condition. Whilst an outline arboricultural method statement has been provided this will require updating and expansion to include the works around the trees adjacent to the flats. This can be dealt with by condition. Full details of the new hard and soft landscaping can also be dealt with via planning condition.

In terms of ecology the application has been supported by a preliminary ecological appraisal which advises that the site has the potential to contain nesting birds and the tree lines provide some potential for foraging and commuting habitat for bats. The six trees to be removed did not show any potential bat roosting features and are assessed as being of negligible potential. No other protected species or evidence or suitable features for protected species was encountered during the surveys. The report concludes that demolition and vegetation clearance should be avoided during the nesting season and potential biodiversity enhancements could include:

- Planting of new native trees, including fruiting species
- The planting of native and nectar producing species to benefit bats and other wildlife
- The inclusion of new bat roosting and bird nesting provision

The Council's consultant in relation to ecology has confirmed agreement with the ecology report submitted.

Flood Risk and Drainage

The application site falls within the lowest flood risk area, Flood Zone (FZ) 1, and is at low risk of flooding. Based on the NPPG flood risk vulnerability and flood zone compatibility table the development is considered 'appropriate' in this low risk flood zone. The development satisfies the Sequential Test based on the site falling within Flood Zone 1.

The application site is however located within a critical drainage area and has therefore been supported by a Flood Risk Assessment and Sustainable Drainage Assessment. In accordance with the NPPF and the adopted Local Plan, the new development will incorporate a Sustainable Drainage System (SuDS) to manage rainfall on site and ensure that runoff is not increased elsewhere. Policy BE05 (Sustainable Drainage) also requires development within a critical drainage area to achieve greenfield runoff rate. To meet this requirement the development proposes rainwater harvesting, permeable surfaces and soakaways.

The Lead Local Flood Authority have been consulted on this application and have advised that they have no objection to the proposal subject to conditions which are detailed above in the consultation section of this report.

In relation to foul drainage, it is proposed to connect to the public foul water sewer in Sir Francis way which is the preferred method. Thames Water have been consulted on this application and have advised that they have no objection to the planning application (recommended informative in relation to the location of underground waste water assets).

Overall, it is considered that subject to appropriate planning conditions the development is acceptable in flood risk and drainage terms.

Contamination

The application has been supported by a preliminary Risk Assessment which advises that the potential for significant and widespread contaminative impact is considered 'low' however, there remains a potential for localised impact, most notably below the existing garages and hardstanding areas (tarmac). The report goes on to recommend that given there is a potential for localised Made Ground of unknown chemical composition beneath the site, intrusive exploratory works with supplementary laboratory testing, monitoring and subsequent risk assessment is recommended.

Environmental Health have been consulted on this application and have advised that a condition should be attached to any permission granted requiring an intrusive site investigation (Phase 2 Contamination Report) is completed to identify the "unknown chemical composition beneath the site", in accordance with the suggestions made in the Phase 1 Report. The results of the site investigation shall be made available to the local planning authority before any development begins. If contamination is found, a remediation strategy should be submitted. These matters can be dealt with via planning conditions.

Waste Management

Each dwelling is shown with bin store locations within the rear garden and there is space to the front for bin collection points. The full details of these can be dealt with via a condition.

As part of the proposal the existing bin collection points serving the block of flats 49 – 89 Sir Francis Way is to be replaced and updated. The existing bin store is outdated, in poor condition and has poor accessibility. The application therefore proposes to divide the existing bin storage into two areas with greater capacity for recycling new planting and footpath for ease of access for both residents of the existing blocks but also to assist with the operational matters for the Council. This will result in an enhancement for existing residents of this block of flats and no

objections are raised. Full details of the bin stores and landscaping can be dealt with via planning conditions.

Sustainability

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

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

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

The application site is considered to be located within a sustainable location close to the High Street with excellent access to local services and facilities as well as public transport.

In terms of the economic objective the proposal would result in additional employment during construction, and during the lifetime of the development the additional residents would help support the local economy. The economic objective is therefore considered to be met.

In social terms the proposal would provide four 3 bedroom affordable homes for affordable rent. There is a shortage of affordable homes within the Borough and the provision of a new 100% affordable housing development weighs heavily in favour of the scheme. It would provide new affordable dwellings in a sustainable location, whilst making best use of a brownfield site. The social objective is therefore also considered to be met.

In terms of environmental sustainability, the location and accessibility to services and facilities has already been discussed. Furthermore, the design and appearance of the development is considered to be in keeping with the surrounding area and acceptable as detailed above. The development is also designed to result in net operational zero carbon emissions once developed. This is to be achieved through a manner of ways including:

- Improved U-Values
- Enhanced air tightness
- High efficiency localised air source heat pumps (ASHP)
- High efficiency building services
- Smart metering and controls
- LED lighting and automatic controls
- Water saving technologies
- Roof mounted PV panels

The energy efficient and zero carbon in use nature of this development would result in dwellings that are affordable to run future proofing these affordable homes for both future occupants and a changing climate. The environmental objective is therefore considered to be met.

Any Other Considerations

During the first consultation period concerns were raised in relation to the access to St Faiths Country Park which would have been blocked by the proposal as originally submitted. During the lifetime of the application revisions were made to ensure that the informal pedestrian access to St Faiths is retained. The revised scheme provides a marked route through the car park area for pedestrians to the access into St Faiths.

Maintenance / vehicular access to the Country Park will be via the existing access on Honeypot Lane to the west of the application site. There is no existing formal vehicular access from the site into St Faiths Country park and the creation of vehicular access through the site to the country park would result to an unnecessary loss of category B trees, impact upon ecology, conflict with existing and future occupiers and require the implementation of a ramp to grade access which would not only urbanise the area but also require long term maintenance. The Operations team have been consulted on this application and have advised that they have no objection to the proposal and have identified a route they can use to access the Sir Francis Way public open space from the Honeypot Lane access (no high quality trees would have to be removed to facilitate this).

It is noted that concern relating to the rear boundary has been raised during the consultation of this application. The land registry with the Council ownership has been checked during the lifetime of the application and confirmed as correct. Furthermore, no trees are to be removed from the southern rear boundary and a condition is recommended in relation to boundary treatments.

In relation to pre-commencement conditions the agent has confirmed agreement to all pre-commencement conditions recommended within this report.

Conclusion

The proposal represents re-development of a brownfield site within a sustainable location. The principle of the development is therefore supported and paragraph 120 of the NPPF makes it clear that planning decisions should *“give substantial weight to the value of using suitable brownfield land within settlements for homes...”*

Furthermore, the development is for 100% affordable housing which weighs heavily in favour of the scheme and Housing Services have advised it is critical that we can increase the supply of affordable and good quality housing provision within the Borough to ease the burden on the Councils waiting lists and reduce homelessness.

The creation of a 'zero-carbon' (in use) development is also a significant benefit of the scheme, especially for affordable homes. National guidance states at paragraph 134 that significant weight should be given to "*outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings*". It is considered the development would accord with paragraph 134 and would result in a development that can provide healthy and affordable units of accommodation. The approach to deliver carbon zero homes will deliver energy efficient homes by using alternative heat sources and heat recovery systems which will result in lower running costs reducing the impact of these issues. As a result, the environmental and social benefits of this Council-led regeneration scheme are substantial and would accord with Councils corporate strategy (Brentwood 2025) which commits to introducing "*innovative carbon reduction and absorption schemes*" which "*identify opportunities for low emission and green developments*" all whilst using brownfield sites efficiently, such as council-owned garage sites.

The design approach taken is considered to be appropriate to the site and would appear in keeping with the wider streetscene replicating the form and massing of existing townhouses whilst introducing a more modern appearance. The new dwellings would benefit from adequate off road parking, and the wider development would provide additional formal parking for the wider community to offset the parking within the site that would be lost as well as improving the existing dilapidated bin store to the adjacent block of flats.

Overall, it is considered that the proposal would represent sustainable development as defined within the NPPF and in line with the Development Plan should be approved subject to the conditions below.

7. Recommendation

The Application be **APPROVED** subject to the following conditions:-

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

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

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

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

3. The dwellings hereby approved shall be used as affordable housing as defined within the National Planning Policy Framework.

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

4. No development shall take place, including any ground works or demolition, until a Construction Method Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - the parking of vehicles of site operatives and visitors
 - a waste management plan
 - details of measures to minimise noise and vibration during construction and demolition
 - measures to control the emission of dust and dirt during construction
 - loading and unloading of plant and materials
 - site set-up including arrangements for the storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities
 - hours of works

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to minimise the impact of the construction of the development upon the environment.

5. Notwithstanding the details submitted with this application, no development shall commence which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment (Phase 2 Contamination Report) has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,

- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's guidance on land contamination risk management (LCRM).

Reason: To ensure that any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

6. The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

7. The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood

Local Plan and guidance contained within the National Planning Policy Framework.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

9. 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 2.43l/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, should infiltration not be viable.
 - 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.
 - 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: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy BE05 of the adopted Brentwood Local Plan, and the National Planning Policy Framework and Planning Policy Guidance.

10. 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, shall be 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.

11. The applicant or any successor in title must maintain yearly logs of maintenance as agreed under condition 10 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.

12. No development shall take place until an arboricultural method statement has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the arboricultural method statement as approved.

Reason: To ensure appropriate protection to trees in accordance with policy NE03 of the adopted Brentwood Local Plan, and the National Planning Policy Framework and Planning Policy Guidance.

13. There shall be no works undertaken in relation to the construction of the proposed dwellings until the proposed alterations to the parking spaces and creation of new parking spaces to the front of the block of flats as shown on plan

reference TH-04 rev P5 have been completed and made available for use. The parking spaces shall be retained as such thereafter.

Reason: To ensure that sufficient parking spaces are provided to serve the existing community in the interest of highway safety.

14. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans 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 this development or neighbouring properties 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 to serve the development in accordance with policy BE13 of the adopted Brentwood Local Plan.

15. 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 BE13 of the adopted Brentwood Local Plan.

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

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

17. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:

- i) Boundary treatments;
- ii) Hard surfacing, including materials and finishes;
- iii) Soft landscaping, including planting plans with schedules of plant species, plant sizes and proposed planting numbers/densities, written specifications (including cultivation and other operations associated with

plant and grass establishment) and a programme of implementation and maintenance.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use/occupation of the development hereby approved and retained and maintained as such thereafter.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers in accordance with policy BE14 of the adopted Brentwood Local Plan.

18. No development shall take place until an ecological method statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved ecological method statement shall be adhered to as approved. The ecological method statement shall include:
- Detail of how the site will be cleared to minimise impacts on protected species and biodiversity in general.
 - Details of biodiversity enhancements as outlined in the submitted Preliminary Ecological Appraisal (RGA- April 2022)

Reason: To conserve protected and priority species and seek biodiversity enhancements in accordance with policy NE01 of the adopted Brentwood Local Plan, the National Planning Policy Framework and Planning Policy Guidance

19. No development shall take place above slab level of the dwellings until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area in accordance with policy BE14 of the adopted Brentwood Local Plan.

20. Notwithstanding the details submitted with this application prior to any works occurring above ground level at the application site full details of the bin stores

and bin collection points (to serve both the flats and dwellings) as well as proposed timing of works shall be submitted to and agreed in writing by the local planning authority. The bin store and bin collection points shall both be provided as per the agreed details and in accordance with the agreed timetable of works.

Reason: To ensure that the bin stores and bin collection points are appropriate in terms of size, function and aesthetics.

21. No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing and proposed ground levels and proposed finished floor levels, and their relationship to the adjoining land have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

22. No development shall take place above slab level of the dwellings hereby permitted until details of:
- measures to ensure that the building does not exceed 110 litres per person per day;
 - measures to achieve lower water consumption rates and to maximise futureproofing;
 - measures to demonstrate the development would not have an adverse impact upon the sewerage network;

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

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

Informative(s)

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.

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.

Attention is drawn to conditions that require the submission and approval of details prior to the commencement of development. Failure to comply with these conditions may result in the planning permission becoming invalid with the possibility of planning enforcement action being taken by the Council.

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

Highway Informatives

Please note that the granting of planning permission does not permit the parking area in front of the flats to be developed until an application has been made to The National Casework Team to remove highway rights and, following a public consultation, a Stopping Up Order has been issued. Only when the Stopping Up Order has been issued can the area in question be developed.

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

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

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

Lead Local Flood Authority Informatives:

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

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The

applicant should seek consent where appropriate from other downstream riparian landowners.

Thames Water Informatives:

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water.

Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title : Garage Block, Sir Francis Way, Brentwood, Essex

22/00572/BBC

Scale at A4 : 1:2500

Date : 14th March 2023

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



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Committee(s): Planning Committee	Date: 14 March 2023
Subject: Essex County Council Developers' Guide to Infrastructure Contributions proposed revisions 2023	Wards Affected: All
Report of: Phil Drane, Director of Place	Public
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Summary

Essex County Council are consulting with Local Planning Authorities on a new edition of the Developers' Guide to Infrastructure Contributions (Appendix B), which will replace the previous edition published in 2020. Planning Licensing Committee formally acknowledged the Developers' Guide to Infrastructure Contributions (revised edition 2016) as having material weight for planning applications (Item 104, 19 July 2016).

Revisions to the developers' guide include increased costs for education related facilities, sustainable transportation requirements (including active and sustainable travel), skills and employment and climate change ensuring the requirements outlined within the ECC Climate Action Plan (Appendix C) can be met.

An officer response will be submitted to the consultation by the 15 March deadline (Appendix A). As a planning document which has implications on infrastructure funding in the Borough, it is important that the Council respond and further consider issues through the Local Development Plan and Duty to Cooperate processes.

The majority of the comments provided in the Officers' response are a repeat of the concerns raised in the 2020 Developers' Guide Officers response which was approved at the December 2019 planning the Licensing Committee. In addition, the consultation undertaken by ECC on the new Developers' Guide was not publicly consulted on, but rather local planning authorities were invited by email to provide comments. Therefore, this report has been prepared for information only.

Recommendation

Members are asked to:

R1. Note the content of the response to the Essex County Council Developers' Guide to Infrastructure Contributions proposed revisions 2023 consultation as set out in Appendix A.

Main Report

Introduction and Background

1. Essex County Council is responsible for the development and maintenance of roads, educational facilities (such as early years and childcare, primary and secondary schools, and libraries), flood mitigations, and public health. Developer contributions are expected in order to ensure the necessary infrastructure can be built and maintained.
2. The Essex County Council (ECC) Developers' Guide to Infrastructure Contributions (appendix B) details the scope and range of contributions towards infrastructure which ECC may seek from developers and landowners to mitigate the impact and make development acceptable in planning terms. The guide aims to assist Local Planning Authorities in producing Local Plans and supporting evidence they require, and where applicable, the Community Infrastructure Levy (CIL). ECC's aim is to ensure that infrastructure is delivered in a timely manner and thereby ensuring that new development does not have an adverse impact on existing communities, by ensuring the new developments proposed properly and fairly address their own infrastructure needs and do not detract from the quality of life in Essex.
3. The ECC Developers' Guide was recently updated to take account of changes in the National Planning Policy Framework (NPPF), Community Infrastructure Levy (CIL) Regulations, and cost requirements to ensure appropriate infrastructure can be brought forward.
4. The developers' guide covers the administration area of ECC and details the scope and range of contributions towards infrastructure which ECC may seek from developers and landowners in order to make development acceptable in planning terms such as schools, roads, and libraries. It does not cover services provided by second tier local authorities (City, District, and Borough Councils), such as affordable housing or open space, nor contributions that may be sought by other infrastructure providers, such as the NHS and the Police.
5. The revised Developers' Guide to Infrastructure contributions can be viewed at Appendix B. Key changes to the fees required through this latest update can be found in the document at Table 2, Section 5 on Page 23.

Issue, Options and Analysis of Options

6. The Developers' Guide to Infrastructure Contributions was first consulted on in January 2016 (Item 104, 19 July 2016), and again in December 2019 (Item 289, 18 December 2019). The core changes to the latest update to the document include:
 - a) **Education:** Increased costs for education related facilities such as early years and childcare, primary school, and special education needs. The trigger for education contributions has not changed and remains at 20 dwellings and above.
 - b) **Libraries:** Increased fees for library developments and additional improvements, including fees for library extension, major capital projects at existing libraries, fit out (shelving, decorating) and provision of stock. This will be triggered for all developments with 20 or more dwellings.
 - c) **Highway:** New section on highways, such as sustainable transportation requirements, including active and sustainable travel
 - d) **Skills and employment:** Developments of 50 dwellings or more or 2500sqm of employment floorspace will now be required to prepare an Employment and Skills Plan.
 - e) **Climate Change:** Climate change embedded throughout the document ensuring the requirements outlined within the ECC Climate Action document (Appendix C) can be met, such as the requirements for net zero carbon developments of schools.

7. An Officers' response will be submitted by the 15 March 2023 deadline (Appendix A). A summary of the response includes:
 - a) The new and updated requirements in the revised developers' guide were not discussed with Brentwood Borough Council officers prior to the six-week consultation period. The Council's response to the 2019 version of the Developers' Guide raised that the Council would like to collaborate more with Essex County Council moving forward, to make the Developers' Guide a more effective instrument in the planning process. The Council would welcome the opportunity to discuss the development of future iterations of the Developers' Guide through the council's regular update meetings.
 - b) The Council has recently adopted its Local Plan and concluded its Community Infrastructure Levy (CIL) Regulation 16 consultation with the

intensions of submitting for examination within the coming weeks. The Council's CIL Draft Charging schedule is based on its most recent Infrastructure Delivery Plan (IDP) and viability work. The Council is concerned that the new and updated Developers' Guide could have a negative impact on the viability of sites allocated within the Plan and draft CIL.

- c) The revised developers' guide does not address a gap in the process whereby it is not flexible enough and so local authorities often have limited control over the management of developer contributions to address its specific local infrastructure challenges. As is noted from the guide, the revised guidance only concerns obligations involving ECC; issues such as affordable housing, open space, certain strategic transport infrastructure are not covered. Local planning authorities face different local infrastructure challenges and have different priorities from that of ECC and other parts of Essex. This point was raised by Brentwood Borough Council during the 2019 consultation as well, and it is disappointing that this approach has remained unchanged.
 - d) It is unclear from the developers' guide what the rationale is behind ECC's proposed changes to the thresholds and trigger points for developer contributions. BBC request that this is explained and made explicit. For example, the Child Yield method appears challengeable. It was not explained whether the child yield from housing and employment development relates to any benchmarking surveys; it is also unclear how elements of double counting would be avoided on large-scale mixed-use developments.
8. The Developers' Guide is not a statutory planning document. It provides up to date prices, requirements and expectations to enable both developers and local authority officers and planning committee members to understand the infrastructure cost and requirements to mitigate development and provide infrastructure needs. The Local Planning Authority is responsible for weighing up the identified planning obligations when considering planning applications to achieve policy compliant decisions. Brentwood Borough Council has an obligation to ensure that the appropriate developers' contribution is collected to make development acceptable in planning terms.

Reasons for Recommendation

9. Members are asked to note the officer response because the majority of comments repeat concerns raised in response to the 2020 Developers' Guide, which has already been approved by the Planning and Licensing Committee (December 2019). In addition, the consultation was not publicly available for

comment, but rather local planning authorities only were invited to provide comments given the technical nature of content and the local government audience.

Consultation

10. ECC did not run a formal consultation on the Developers' Guide, but rather offered local planning authorities within Essex and Statutory consultees an opportunity to provide comments and feedback on the guide. Consultees were given six weeks to respond between 1 February and 15 March 2023.

References to Corporate Plan

11. The Developers' Guide to Infrastructure and Contributions will provide advice on the level of contributions that would be required by developers towards infrastructure to make development acceptable in planning terms. This will inform proposed development in the Brentwood Local Plan.

Implications

Financial Implications

Name/Title: Tim Willis, Interim Director – Resources (Section 151 Officer)

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

12. There are no direct implications for the council's finances.

Legal Implications

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

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

13. The revised Developers' Guide to Infrastructure Contributions would have significant implications on infrastructure funding in the borough and so it is important that the council responds and further considers issues through the Local Development Plan and Duty to Cooperate processes. Engagement in this way is consistent with the Duty to Cooperate and the council's adopted Statement of Community Involvement.

Economic Implications

Name/Title: Phil Drane, Director – Place

Tel/Email: 01277 312500/phil.drane@brentwood.rochford.gov.uk

14. Financial contributions from development can be critical to enabling infrastructure provision and investment. An effective developers' guide,

collaboratively prepared with the council, can assist to secure necessary funding for infrastructure that enables and supports economic growth in the borough

Equality and Diversity Implications

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

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15. The report raises no specific implications in respect of equality.

Health & Wellbeing Implications

Name/Title: Jo Cory, Corporate Health & Wellbeing Officer

Tel/Email: 01277 312500/jo.cory@brentwood.gov.uk

16. The report raises no specific implications in respect of Health & Wellbeing

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

17. None

Background Papers

- Item 289, Planning and Licensing Committee, 18 December 2019, Essex County Council Revised Developer Contributions Consultation Response
- Item 104, Planning and Licensing Committee, 19 July 2016, Essex County Council Developers' Guide to Infrastructure Contributions Revised Edition 2016

Appendices to this report

- Appendix A: Brentwood Borough Council, officer comments on the Developers' Guide
- Appendix B: Essex County Council Developers' Guide to Infrastructure Contributions proposed revisions 2023
- Appendix C: Essex Climate Action Commission, Interim Report (Essex County Council)

Brentwood Borough Council's response to the Essex County Council Developers' Guide to Infrastructure Contributions

February 2023

1. Brentwood Borough Council notes that Essex County Council's revised Developers' Guide to Infrastructure Contribution introduces several new and updated requirements. Whilst the Council welcomes the intention to ensure a transparent and collaborative approach with the development industry, the Council does have some concerns as outlined below. A number of the comments have remained unchanged from the previous developers' guide which was updated in 2019. However, as these issues still exist it was felt necessary to restate them again. Moving forward BBC would welcome the opportunity to discuss ECC produced documents, such as future updates to the developers' guide at an earlier stage so that BBC's comments and concerns can be addressed earlier on in the process.
2. The new and updated requirements in the revised developers' guide were not discussed with Brentwood Borough Council officers prior to the six week consultation period. The Council's response to the 2019 version of the Developers' Guide, it was raised that the Council would like to collaborate more with Essex County Council moving forward, to make the Developers' Guide a more effective instrument in the planning process. The Council would welcome the opportunity to discuss the development of future iterations of the Developers' Guide through the council's regular update meetings.
3. The Council has recently adopted its Local Plan and concluded its Community Infrastructure Levy (CIL) Regulation 16 consultation with the intention of submitting for examination within the coming weeks. The Council's CIL Draft Charging schedule is based on its most recent Infrastructure Delivery Plan (IDP) and viability work. The Council is concerned that the new and updated Developers' Guide could have a negative impact on the viability of sites allocated within the Plan and draft CIL.
4. The revised developers' guide does not address a gap in the process whereby it is not flexible enough and so local authorities often have limited control over the management of developer contributions to address its specific local infrastructure challenges. As it is noted from the guide, the revised guidance only concerns obligations involving ECC; issues such as affordable housing, open space, certain strategic transport infrastructure that are not

covered by ECC. Local planning authorities face different local infrastructure challenges and have different priorities from that of ECC and other parts of Essex. This point was raised by Brentwood Borough Council during the 2019 consultation as well, and it is disappointing that this approach has remained unchanged.

5. It is unclear from the developers' guide what the rationale is behind ECC's proposed changes to the thresholds and trigger points for developer contributions. BBC request that this is explained and made explicit. For example, the Child Yield method appears challengeable. It was not explained whether the child yield from housing and employment development relates to any benchmarking surveys; it is also unclear how elements of double counting would be avoided on large-scale mixed-use developments.
6. Taking into account Brentwood's 2019 consultation response and this response to the 2023 developers guide, the Council requests that ECC reconsider the revised developers' guide in light of future engagement. In its current form the document lacks clarity and does not allow flexibility for local authorities to respond to their own challenges and cross-boundary issues. Moving forward, the Council would welcome a joined-up conversation with ECC and neighbouring authorities on a revised approach.



The Essex County Council Developers' Guide to Infrastructure Contributions

Proposed revisions 2023

Summary

Essex County Council (ECC) is proud to have been at the forefront in supporting the development of the new homes needed, the provision of jobs and industry and the infrastructure required to support this growth. Over the years ECC supported the two post-war New Towns of Basildon and Harlow and major town expansions such as Witham and the creation of a new settlement in South Woodham Ferrers, which was established using clear master planning and design guide principles. On this basis we have a clear track record in facilitating and supporting a Plan led approach to development through District/Borough/City Councils' Local Plans. The future will place even greater pressure on the county to provide for the housing, employment and the sustainable infrastructure needs that go with it, including proposals for several new settlements and Garden Communities, as well as the need to deal with complex Nationally Significant Infrastructure Projects (NSIPs) ~~including the new Bradwell Power Station and the Lower Thames Crossing.~~

It is recognised that Essex is a uniquely diverse county containing in equal measure, thriving urban environments and sweeping open rural landscapes which residents naturally wish to see retained and enhanced where possible. Good planning is about being pro-active and being able to achieve the right balance between conserving the best of the environment and planning ahead to ensure we have a Plan led approach to ensure we can create great places for people's needs through well designed and well-balanced new development, designing out the need to travel by car and delivering on our climate targets¹. We have worked with our partner local authorities to produce best practice guidance through the Essex Design Guide and other equally important documents to help us shape our future, whether this is in relation to planning for an ageing community, our health and wellbeing requirements climate change mitigation and adaptation or the smart and digital technological needs that new places of the future will require. What we all - developers and local authorities alike - are looking for is to achieve good quality, well designed developments that are aligned with our climate targets and which are sympathetic to their surrounding environment, whether this is in an urban or rural context.

Because of these challenges and ever-changing needs, we feel we need a more dynamic approach to the management of development in our County, ensuring the right balance between those competing needs and facilitating much needed infrastructure provision through whole-heartedly advocating the national policy desire to operate a plan led system. The only way of appropriately managing our infrastructure needs is to ensure a holistic approach to development requirements, by supporting a Local Plan led approach to planning development, whilst resisting speculative, unplanned development.

There have been and continue to be many and various changes to the planning system aimed at accelerating development, particularly housing delivery. What is new is that Government are now balancing pace of delivery with a much stronger focus on need for this to be well-designed to be able to create sustainable, beautiful places for people to live in, work and enjoy. It is evidently clear that past performance, and the unplanned speculative nature of development in some places in Essex which have not had up to date Local Plans in place, has placed an added burden on the public purse

¹ [Essex Climate Action Plan \(ctfassets.net\)](https://ctfassets.net)

to mitigate the infrastructure deficit that should have been addressed through the development itself. There is an inherent danger that increased pace of delivery will compromise the provision of accompanying infrastructure unless the local authorities work together to adopt a more transparent and collaborative approach by working with the development industry. This updated guide is aimed at providing exactly that – a clear and transparent way for the development industry to understand our expectations and how to approach the provision of development should they wish to do business in Essex. In return we commit to a high quality and professional approach in our engagement with the planning process – advocating development that is compliant with emerging or adopted local plans and resisting speculative applications that have not demonstrated adequate assessment of their impact in the light of these Local Plans and provided appropriate mitigation.

That's why we are issuing, through this latest edition of our Developers' Guide, a call to developers to help us meet this challenge. To succeed over the longer term here in Essex we need an innovative partnership with developers where we all look further into the future to ensure a steady pipeline of sustainable development. One change for example, is a new requirement for developers to assist in addressing the perceived shortage of labour and skills in connection with the construction industry, by contributing towards new apprenticeships and encouraging interest in this industry.

This approach is clearly in line with the aspirations of national policy including recent advice from the Department for Education on the expectations that developers will contribute towards education provision required for their development, being overt in our support for planned and high-quality development that brings with it appropriate infrastructure provision and economic benefits for Essex, whilst resisting ill thought-out and speculative applications.

Housebuilders and developers should understand as a result, that if their planning applications are deficient in terms of infrastructure provision, there will be a greater likelihood that such applications will generate an objection from ECC and be resisted to avoid further impact on our communities and pressure on ever decreasing public funds that would otherwise have to pick up the shortfall.

ECC is concerned about the cumulative impact of the smaller scale developments which do have an impact on existing local infrastructure. The lifting of the S106 'pooling' restriction has helped. Equally ECC supports local authorities that introduce a Community Infrastructure Levy (CIL) scheme when applied to the smaller sites, thereby ensuring all new developments contribute appropriately to mitigate the impact of development sites.

Another change is the requirement for on the provision of sustainable and active modes of travel requiring taking a longer and more strategic view than they might normally take. ECC expects developers, both individually and where appropriate working together, to design sustainable infrastructure to complement and focus on sustainable and active modes of travel, and the sustainability and the integrity of the highway and transportation network in which it will become an integral part, including the need for passenger transport due to the success of individual development sites. This will ensure that the long-term impacts of the development on ECC infrastructure are comprehensively dealt with.

As more Districts work towards introducing a CIL, planning obligations (S106) will be required to operate alongside CIL when dealing with the larger sites and land for new

schools and site mitigation. Whilst the use of the Infrastructure Levy is not currently applicable the work to establish the additional infrastructure cost of each new house is still of relevance and demonstrates that everyone should be contributing to this shared issue in a fair and even-handed way.

We have also noted that Government seems to listen and act when a strong local coalition of interests comes together to pursue a single, shared objective. We want and need to build that type of coalition across the family of Essex local authorities.

Good quality well planned infrastructure is important to achieving good place-making, and this does have a development land value cost. However, for unplanned or speculative development with inadequate infrastructure, this will cost even more in the long run, and it is only through the provision of planned development, complemented by appropriate infrastructure provision, that we can achieve a truly sustainable future for Essex.

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Introduction

1. Introduction

1.1. Purpose of this guide

This document is the latest edition of the Essex County Council Developers' Guide to Infrastructure Contributions. As with previous editions, it details the scope and range of contributions towards infrastructure which Essex County Council (ECC) may seek from developers and land owners in order to mitigate the impact and make development acceptable in planning terms.

This Guide aligns with the overall aims of the National Planning Policy Framework (NPPF) by supporting sustainable development [and is supported by national and locally derived evidence](#). By promoting a consistent and transparent approach, developers can be assured that they are making a fair contribution to the infrastructure needed to support growth, and local residents can understand how development in their area makes a positive contribution to their community. The Guide also aims to assist Local Planning Authorities in producing Local Plans and supporting evidence they require, and where applicable, the Community Infrastructure Levy (CIL). Our aim is to ensure that infrastructure is delivered in a timely manner and thereby ensuring that new development does not have an adverse impact on existing communities, by ensuring the new developments proposed properly and fairly address their own infrastructure needs and do not detract from the quality of life in Essex.

1.2. What is new in this guide

This version of the Guide takes account of the review of the Community Infrastructure Levy (CIL) Regulations 2010 which has resulted in some significant changes to the current Regulations. The regulations allow Local Planning Authorities to introduce a floor-space based charge on new development known as the CIL. At present Chelmsford City Council has implemented CIL, whilst a number of others are in the process of doing so. At the same time, as part of the process of bringing in CIL, the Regulations originally limited the use of Section 106 (S106) contributions and specifically the number of contributions which could be 'pooled' to finance a single infrastructure project, or type of infrastructure which limited this to 5 sites has been lifted. Central Government lifted this on 1st September 2019. Contributions can now be collected from more development sites towards infrastructure in the localities in which the funding has been raised and where the infrastructure is required.

The table below sets out the contributions outlined in this Guide and shows where changes have been made from the previous guide.

Table 1: Contributions outlined in this guide

Contribution Type	Contributions and/or Changes
Early Years and Childcare	Financial contribution from all sites of 20+ dwellings and land for new build where appropriate
Primary/Secondary	Financial contribution from all sites of 20+ dwellings and land for new build where appropriate
Special Education Needs	Financial contribution from sites of <u>12000+</u> dwellings
Post 16 provision	Financial contribution from sites of 20+ dwellings
Employment and Skills	Employment and Skills Plans: template and county-wide approach identified.
Highways	Changes to the commuted sums for maintenance. Addition of need for provision of Active and Sustainable Travel, and compliance with Cycling Infrastructure LTN 1/20 and Manual for Streets
Travel Planning	Travel plans now requested for sites of 80+ dwellings (rather than 250+)
Waste and Recycling	Contributions from Garden Community Developments
Libraries	R requirement for financial contributions in respect of developments of 20+ dwellings dependent on local requirements
Monitoring charges	Monitoring charges will be applied where there is infrastructure provision needed for which ECC is the statutory authority including schools and transport

1.3. Infrastructure covered by this guide

The Guide covers the administrative area of ECC, and the infrastructure referred to focuses on those services provided by this Council. This includes highways, early years and childcare facilities, schools, travel planning, libraries, waste management, specialist housing (adult social care) and in the case of employment and skills where this is not addressed by the local authority.

Both Southend-on-Sea and Thurrock are unitary authorities and they thereby provide all the services, including education, adult social care and highways and thereby operate their own developer contribution policies, and apply their own infrastructure pricing structure.

The Guide does not cover the infrastructure or service requirements applied by the local authorities themselves (City, District and Borough Councils), such as affordable housing or public open space provision. This Guide does however within 'Section 6 (Further Advice on key issues) identify that there are other infrastructure providers, such as the NHS or the Police and Fire Service who need to be engaged and taken into account when planning for new development. Section 6 of this Guide provides some helpful contacts and information developers may find helpful.

1.4. The status of the guide.

Whilst not a statutory planning document, this Guide, provides up to date prices, requirements and expectations to enable both developers and local authority officers and planning committee members to understand the infrastructure cost and requirements to mitigate development and provide for infrastructure needs. This Guide seeks to identify the cost of mitigating infrastructure requirements identified and provides a framework on which ECC will respond to submitted planning applications. The local planning authority will take the responsibility of weighing up the identified planning obligations when considering planning applications to achieve policy compliant decisions. In circumstances where required, the County Council will object to planning applications where mitigation measures and infrastructure requirements are not adequately covered, in relation to highway and transportation matters, education, local flooding and in our lead role for public health.

1.5. Essex County Council's role in relation to district councils

ECC is responsible for delivering and maintaining much of the large scale infrastructure that local people and businesses require, including sustainable transport measures (cycle routes, footpaths etc) and roads and the full range of school provision from early years through to post 16 provision. Full details are set out in Section 5 (Contributions Required by Service Area) of the Guide.

The twelve local authorities provide other important services such as waste collection, recreation facilities and secure affordable housing. It is the Local Planning Authorities who determine planning applications for new housing and commercial buildings. The County Council is also aware of the role of the design of new developments and partnered the Essex Planning Officers Association in the publication of the Essex Design Guide, which is available on the ECC website.

ECC, in our capacity as a statutory consultee and infrastructure provider, works collaboratively with district/borough/city councils in their role as Local Planning Authority, identifying the infrastructure that is needed to support growth as set out in Local Plans. In this work, ECC may provide timely advice regarding the suitability of potential growth locations in terms of how well they are, and can in the future be, served by infrastructure. Both the County Council and local authorities are acutely aware that different spatial strategies have different infrastructure cost implications. Equally the different topography of land has implications for infrastructure, for example in relation to the most appropriate place to locate a new school.

ECC also takes the view that Local Plans should include developer contributions policies to ensure effective provision of appropriate infrastructure, and this will normally be through the LPA Infrastructure Delivery Plan (IDP). This is particularly

important in relation to the unplanned and windfall sites on which both the local council and the County Council will seek to ensure the right infrastructure provision can be secured to make this policy compliant.

ECC is consulted by the Local Planning Authorities on planning applications and, in turn, provides appropriate comments and advice regarding infrastructure needs. Such advice may include requests for developer contributions to fund the infrastructure ECC needs to serve the development in question. ECC has now established a core team to respond to planning applications on the larger sites and the phased development of the new settlements. On occasions ECC will object to proposed new development that cannot suitably mitigate its own impact on a range of infrastructure requirements including transportation, schools and other community infrastructure.

1.6. Viability

ECC expects viability in the decision-making process to be assessed in line with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and the Essex Local Viability Protocol and expect any viability report submitted to be shared with ECC.

It is recognised that it is the responsibility of the local planning authority to assess the reasonableness of the level of contributions sought by any individual S106 obligation. The viability of sites, and S106 obligations, should be assessed and determined by the local planning authority during the Local Plan production stage. Only a local planning authority can consider the combined implications of all the obligations on an individual application. Essex County Council will not negotiate directly with applicants over a level of contribution requested, although working in partnership with Councils we would expect to be able to work collaboratively as the public sector partners engaging with a prospective developer.

The County Council will not agree to any reductions in obligations at the planning application stage, unless the applicant can demonstrate, in line with the NPPF, that particular circumstances justify the need for a new viability assessment to be completed. The local planning authority will consider such cases in the light of those NPPF / PPG provisions and against relevant extant Local Plan policies. In this respect, the NPPF makes clear that the weight to be given to such viability assessments is a matter for the local planning authority, as decision maker, to determine. Under no circumstances will the price paid for land be a relevant justification for a reduction in obligations.

On occasion, it may be necessary for a local planning authority to take a view on the viability of a development to meet the infrastructure requirements outlined by each infrastructure provider. In these instances, and specifically when a Council service need is asked to reduce an obligation, Essex County Council would expect a viability assessment to be prepared and shared in alignment with national policy and best practice guidance.

County Council officers will monitor any departure from the normal approach for S106, as outlined within this guide, and report to County Council senior officers and/or Members. Essex County Council will be transparent regarding any and all

S106 processes, decisions and procedures and our outrun record published in the annual Infrastructure Funding Statement.

1.7. Garden Communities

TCPA Principles, Placemaking and Placekeeping

There is perhaps no greater placemaking endeavour than the creation of a new community. With Garden Communities there is also, perhaps, no greater opportunity to create innovative, resilient, well-connected and inclusive places that align with our climate targets, and are net zero carbon, energy self-sufficient and will stand the test of time, including adapting to a changing climate. Planning at scale offers the chance to think holistically about how a place will work, and to understand what mechanisms need to be put in place to help turn an ambitious vision into a real place.

Garden Communities provide a real opportunity to deliver exemplar development throughout Essex in the longer term. These new communities need to have sustainability, including climate change mitigation and adaptation at the core of their development principles, particularly considering their size and scale, embracing new and forward-thinking approaches to the delivery of different interrelated land uses and associated infrastructure, services and facilities through an innovative and flexible approach to their design.

Whether part of an existing settlement, or a standalone new settlement, Garden Communities in Essex must be holistically planned to deliver meaningful enhancements to the natural environment, such as improved habitat connectivity and biodiversity net-gains, and offer a mix of types, tenures and affordability of high-quality, net zero carbon housing and locally accessible work and education opportunities, which meet the needs of all residents, in beautiful, healthy and sociable communities.

The Town and Country Planning Association (TCPA) Garden City Principles, are the absolute starting point for this, and should be embedded into all new Garden Communities. They provide an indivisible and interlocking framework for their delivery, and include:

- Land value capture for the benefit of the community;
- Strong vision, leadership and community engagement;
- Community ownership of land and long-term stewardship of assets;
- Mixed-tenure homes and housing types that are genuinely affordable;
- A wide range of local jobs in the Garden City within easy commuting distance of homes;
- Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food;
- Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and

- that uses zero-carbon and energy-positive technology to ensure climate resilience;
- Strong cultural, recreational and shopping facilities in walkable, vibrant, sociable neighbourhoods; and
- Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.

Fundamental crosscutting qualities of these Principles are community development, good placemaking and placekeeping, which translate into well-planned and inclusive masterplanned sites, in line with local planning policies, and development and implementation of long-term and viable stewardship arrangements. Long term Stewardship must go far beyond purely maintenance of, for example, blue and green infrastructure, and must bring new communities to the centre of oversight and decision making on sustainable placekeeping.

Garden Communities in Essex

Since the last iteration of this guide in 2016, there has been the emergence of proposals for the creation of a number of garden towns and village settlements across the county which are at different stages of planning. As of January 2023, these include:

- sites forming Harlow-Gilston Garden Town with smaller garden communities coming forward to the south, east and west of Harlow on the Harlow/Epping boundary at Gilston on the Harlow/East Hertfordshire boundary;
- Dunton Hills Garden Village in Brentwood;
- Tendring Colchester Borders Garden Community
- North Chelmsford.

Delivery of Infrastructure, Services and Facilities

Critical to making these new communities work and function sustainably is the timely and efficient delivery of associated and necessary infrastructure, services and facilities to support the people living in these new communities. This includes the delivery of physical infrastructure (transport and highways, energy, water and drainage, waste and digital connectivity), social infrastructure (education, youth facilities, libraries, sport and leisure facilities, health and social care, emergency services, community facilities, cultural facilities and markets) and green and blue infrastructure (open space networks, waterways, allotments and formal and informal play areas etc.) in addition to and alongside affordable housing.

It is essential that the required amount and nature of infrastructure, services and facilities to enable growth through new Garden Communities has been appraised and agreed with the district/borough/city and county council. ECC will engage early and throughout the development planning process to ensure that the needs and requirements of operational and strategic services areas are delivered in line with corporate priorities, plans and programmes. Developers will be asked to provide demographic studies mapping the growth of the community and showing how its

age profile will evolve. This will allow Services to take a consistent and co-ordinated approach to infrastructure planning.

Growth and Development Team (Planning Services)

ECC has created a Growth and Development Team within the wider Planning Service, which has been operational since January 2019, to assist with the growth agenda in Essex. It comprises a team of experienced town planners and transport planners to help co-ordinate and oversee the delivery of significant strategic, large-scale and complex developments like the new Garden Communities. Its focus is to work collaboratively with partners in the public and private sector on proposals throughout Essex and neighbouring areas to support the delivery of sustainable, high quality, net zero carbon and well planned residential, employment and infrastructure proposals and schemes in line with policy, including our climate targets.

The team has involvement in a range of different projects and proposals at the earliest opportunity, reaching far beyond the Council's core function as statutory consultees on major applications and national infrastructure projects. As such, proposals may be supported from inception, masterplanning and through to the delivery stage by providing robust and co-ordinated responses to particular growth challenges and opportunities as they arise, keying into key service areas at ECC throughout this process, ensuring timely professional and technical input to all aspects of schemes.

A key objective is to provide local authority partners as well as developers with a co-ordinated corporate single response from ECC to development proposals before plans are submitted through the pre-application process; which allows front loading of the planning process to occur, giving applicants clear direction and understanding of their proposals, solving problems and seeking solutions, where possible. Or alternatively once plans have been submitted. This will ensure that much needed and necessary infrastructure, services and facilities are delivered by development to create sustainable, net zero carbon development and communities.

As with many local authorities, the aforementioned pre-application engagement would, in most circumstances, be accompanied by an approved Planning Performance Agreement (PPA). ECC has produced a model PPA to outline the offer and to assist partners in this process. Charges for this approach are also detailed herein to ensure that costs are clear and transparent to assist with early engagement, once a PPA is signed.

As part of this, the team will ensure timely and detailed engagement and consultation with various internal and external service areas and providers at the earliest opportunity, so that development proposals come forward with a greater degree of certainty as to the ECC position in terms of, but not limited to, planning policy, highways, economic development, waste, health, education, adult social care, and sustainable drainage/flooding to ensure policy compliant schemes are delivered.



2

The Legal Framework

2. The Legal Framework

2.1. Community Infrastructure Levy

The 2008 Planning Act paved the way for the introduction of a charge on new development that Local Planning Authorities could collect to fund infrastructure needed to provide for growth in their area. In April 2010, the government published regulations setting out how CIL could be set and collected.

In order to set a CIL, the Local Planning Authority are generally expected to have an up-to-date Local Plan setting out the development planned in their area and the cost of the infrastructure required to support it. They must also identify other potential sources of funding. To establish the case for setting a charge they must prove that there will be a gap between the cost of the infrastructure required by development and the available funding. In terms of setting the actual level of the charge, the Local Planning Authority must consider its impact on new housing and other development, and so the charge must be set at a level that will not impact development viability to the extent that the growth set out in its Local Plan is undeliverable.

CIL is collected by the Local Planning Authority (not ECC) from developers and land owners. The charge is calculated on the additional floor-space proposed by the planning application in question. Developments of less than 100 square metres are exempt, as are social housing, self builds and developments owned by charities.

However, the Local Planning Authority is not required to introduce a CIL and, if introduced, a zero rate may be approved in relation to particular types of development or parts of the district in question. Currently, Chelmsford City Council is the only second tier Essex district to have implemented CIL.

The spending of monies collected is a matter for the Local Planning Authority. They are required to pass a proportion of the money to the local communities where new development is located. This is usually channelled through the Parish Council in parished areas. Monies should also be passed to appropriate infrastructure providers, such as ECC, to fund the projects that were identified to justify the charge.

2.2. Section 106 Agreements

Section 106 of the Town and Country Planning Act 1990 (as amended) provides a mechanism whereby developers can address the impact of their development on the local community through the provision of, or contribution towards infrastructure. The Local Planning Authority can thereby take into account any such mitigation offered when deciding whether or not to approve a planning application. Mitigation can take the form of works, money, land or buildings that must be contributed to an appropriate body that will then maintain the asset in question or deliver the required service. This body may be a public, private or charitable organisation depending on circumstance and statutory powers related to the service in question.

Legal agreements are used to secure obligations to deliver the contributions that are agreed. For an obligation to be lawful it must meet the following legal tests as

set out in Regulation 122 of the Community Infrastructure Levy Regulations (as amended) 2010:

- it must be necessary to make the development acceptable in planning terms;
- it must be directly related to the proposed development and
- it must be fairly and reasonably related in scale and kind to the proposed development.

2.3. Relationship between Community Infrastructure Levy and Section 106.

CIL is intended to help provide major infrastructure to support the development of an area, rather than to make individual planning applications acceptable in planning terms. Section 106 agreements are used to mitigate site specific impacts. Developers and land owners may thereby be liable, in many circumstances, to pay the CIL and also enter into a Section 106 Agreement.

Local Planning Authorities (including County Councils) are required to set out in an Infrastructure Funding Statement, the types of infrastructure or individual projects they will use CIL income to fund as well as details of how S106 income is to be, and has been used. This is to be published by the 31st December each year on the local authority's website (commencing 2020) and replaces the Regulation 123 list.

2.4. Planning conditions and other legal agreements

There are differing views on whether planning conditions should be used to secure non-monetary contributions whereby the developer builds the infrastructure required, although Central Government would prefer Local Planning Authorities to use conditions where possible. A Planning Condition will usually require the detailed design of the infrastructure in question to be submitted and approved at a later date.

Planning conditions are used because entering into a legal agreement takes time and has an associated cost.

Planning conditions are more commonly used in relation to highway works. In order to undertake works in the highway, however, the Local Highways Authority (ECC) must give permission and this may require the developer to enter into a legal agreement e.g. Section 38 or 278 agreements.



3

Guidance applicable to all
Section 106 contributors

3. Guidance applicable to all Section 106 contributors

3.1. Identifying infrastructure requirements

Pre-application advice

Developers are strongly advised to contact the appropriate Local Planning Authority (LPA)(listed in 'Section 6 - Further Advice on key issues') to discuss their plans at the earliest opportunity. Most LPAs will require a formal pre-application enquiry to be submitted and there may be a fee. The LPA will advise whether they wish to conduct discussions with infrastructure providers, such as ECC, or whether they are happy for the developer to approach them directly. If ECC is approached for advice, a fee is payable and there are more details about this process on the ECC website.

ECC welcomes early involvement in discussions which may help resolve key issues before planning applications are submitted. Contact details are provided in 'Section 6.1 -Contact with Local Planning Authorities', and a pre-application developer enquiry form is available in ['Appendix B: Request for Planning Advice](#)

['Appendix B: Request for Planning Advice'](#) and on ECC's web site. Using the information provided, ECC will endeavour to identify the impact of the development on local infrastructure and services, suggest possible mitigation measures and estimate the cost of any developer contributions that it may seek once a planning application is submitted. It should be noted that officers will not attend public consultation events and will only attend officer workshops if they have an appropriate focus and a Planning Performance Agreement (PPA) or pre-application charges fund officer time.

Submitting a planning application

While it is ECC's role to assess the impact of a new development on the services it provides, it is the LPA's duty to decide whether or not the level of contribution requested is appropriate. As a result of this division of responsibilities, ECC will not negotiate directly over the level of contribution requested unless asked to do so as part of a tripartite discussion including relevant LPA officers and other infrastructure providers. Only the LPA can look at the cumulative cost of the developer contributions requested, and thereby assess how the viability of the development should be balanced against the need to fund infrastructure. In cases where the LPA deem that payment of all S106 contributions would not be viable, then the legal agreement should include a review mechanism to require additional payments in the event that viability improves. In the course of the tripartite discussions mentioned above, issues such as equalising contributions between multiple developers on sites may be addressed.

In general, a development should not externalise any of its costs, but it is accepted that on occasions there may be overwhelming public benefits that can only be realised by giving permission to a scheme which would not be viable if full planning obligations were met. In these circumstances a decision of 'not viable' should not stem from a developer paying too much for land and the LPA will usually expect an 'open book' independent financial assessment before exceptions to policy are

made. The EPOA Viability Protocol is available on the website and has been adopted by most Essex authorities.

In the event that planning applications are turned down by the LPA, representations pertaining to infrastructure need may be recorded as objections and thereby reasons for refusal. ECC will assist LPAs in defending such reasons for refusal at any subsequent appeal. However, Section 106 agreements may be entered into prior to the appeal to overcome the need for ECC to raise such objections with the appeal inspector.

3.2. Type and level of contributions and triggers for payment

Each development will be assessed on its own merits and, where ECC seeks developer contributions, it will provide evidence that the infrastructure is required (in whole or in part) to serve the proposed development. Any appropriate local surplus service capacity will be taken into account before making any request. The level of contribution will always be relative to the need generated by the development in question. It should be noted that levels of provision and contributions in respect of the Garden Communities will be bespoke.

Section 106 contributions will not be requested where the infrastructure is expected to be delivered through an adopted CIL, unless circumstances mean that local mitigation is required as part of the development. For example where a new school is required to support the development.

Broad levels of contribution for each type of infrastructure are set out in 'Section 5' of this guide. Most projects will, however, require bespoke costings to provide an accurate estimate. It is essential that applicants provide comprehensive information regarding the intended unit mix and land uses on the development to allow a realistic estimate of the infrastructure requirements. Formulae are, however, enshrined in most agreements to allow the precise contribution to reflect the final development and avoid the need for agreements to be varied each time plans change.

Some contributions are only likely to be required for major developments and there is a threshold, usually in terms of numbers of dwellings, which will trigger different services to consider the need for developer contributions. These are set out in 'Section 5' of this guide. In cases where adjoining or nearby plots (regardless of ownership) are likely to be developed separately, these thresholds may be deemed to have been reached on the basis of the sites' cumulative capacity. This approach ensures that developer contributions cannot be circumvented by sites being split up and likewise ensures there is no disincentive to developers working together to bring forward comprehensive regeneration schemes.

With the largest contributions, it is sometimes appropriate to phase payments. It should be noted, however, that ECC will not support contributions being paid in arrears i.e. after the buildings, to which the amounts pertain, have been occupied. If later payments are considered essential by the LPA to ensure development viability, ECC may request surety from the developer, through a bond provider, to protect payment in the event of insolvency.

The triggers for the payment of contributions will generally be on commencement and first occupation. However, on larger phased developments there may be more triggers tied into occupation points. It should be noted that if payments are made at later stages in the development, then contributions should not be made beyond the stage where ECC will need to commence work on a new provision. This could result in ECC having to forward fund a new provision which would result in interest payments being incurred which the developer would be required to fund. It is therefore important that triggers for payment are met during early stages in the development in order to avoid additional costs.

On large developments involving a range of different contributions, it may be possible to deliver mutual benefits by combining different types of contribution. For example, a community building may be proposed that provides both for a medical centre and library provision.

It is ECC's policy to ensure that contributions are spent within a period of 10 years following their receipt. This period is also referred to in the Department for Education (DfE) guidance 'Securing developer contributions for education' amended in November 2019².

3.3. Indexation

Once a contribution has been established it must be future proofed against cost inflation. This is done through indexation. The appropriate index for each type of contribution is given in 'Section 5' of this guide. In each case the indexation must run from the date the costing is based, up until the date of payment.

In general, indexation works by establishing a base date at which the index equals 100. If costs rise, then the index point also rises by an equivalent percentage i.e. if costs have increased by 5% since the base date the current index point will stand at 105. Updated indices are regularly published, and points are given for each past quarter and in some cases for future quarters, based on estimates of cost inflation. For ease and consistency, it is normally appropriate to base contributions on the cost at the start of the current financial year. The indexation that must be applied to the contribution will therefore start from the beginning of the appropriate financial year quoted.

To apply the index and work out the contribution that is payable, the sum quoted must be divided by the index point pertaining to the 'from' date and multiplied by the index point pertaining to the 'to' date. For example, if a contribution of £10,000 is to be indexed from a point when the index point was shown as 200, to the date of payment where the index point is 210, the amount payable would be £10,500 (£10,000 divided by 200 then multiplied by 210).

Most indices are available on a subscription basis. ECC cannot therefore provide the index to developers as that would be in breach of copyright. ECC will, however, perform the calculation and provide an explanation of the result if requested to do so.

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf

3.4. Legal agreements

The simplest type of agreement is known as a Unilateral Undertaking. These do not require the LPA or ECC to perform any duties or become a signatory. They are, however, usually more suited to smaller schemes or where there are no land transfer requirements.

In the case of complex developments, full tripartite agreements are necessary. This is because ECC and the LPA will need to enter into obligations with the developer such as:

- to use financial contributions for specific purposes;
- to place sums in interest bearing accounts and
- to return unused contributions after ten years.

Where the development is supported in the Local Plan, it may be appropriate to draft a legal agreement prior to planning permission being sought. Generally, however, they are completed once the LPA has considered the application and it is clear that there will not be any abortive effort due to a decision to refuse the application.

In most cases ECC provides a first draft of the clauses required to deliver the contributions they have requested. A template agreement is provided as 'Appendix A: Section 106 Agreement Template', with a separate schedule for each type of contribution. This template should be used as a starting point to avoid delays and unnecessary expense.

Once completed, the LPA will record the appropriate obligations as land charges. Both ECC and the LPA will then monitor compliance with the agreement.

3.5. Legal agreement fees

The planning applicant is responsible for the cost of producing any legal agreement, including the charge ECC makes for its involvement. City, District and Borough Councils may also add their own fees. Standard agreements, that closely follow the template given as 'Appendix A: Section 106 Agreement Template' should not be expensive or time consuming to produce, however, agreements involving land or works in kind are inevitably more complex and protracted negotiation will obviously lead to additional expense.

3.6. Monitoring costs

A recent change to the CIL Regulations, which includes legislative requirements to require local authorities to report on contributions received and spent annually, has resulted in the Government allowing local authorities to seek a monitoring fee through S106 planning obligations. Such fees should be 'proportionate and reasonable' and reflect the actual cost of monitoring. It is therefore proposed that the monitoring fee will be identified as such within each legal agreement (see 5.12-Monitoring Costs).



4

Land, Building and Contributions in kind

4. Land, Building and Contributions in kind

4.1. When land may be needed

There are a number of circumstances under which ECC may need land to be transferred to its ownership under a S106 agreement. These include:

- To provide new or expanded schools and Early Years and Childcare facilities
- For new or expanded (often shared) community buildings (e.g. youth, library or adult learning facilities, District and NHS services)
- Land to be dedicated as highway / other transport related facilities

In most cases land is needed to establish a new facility on the development itself but in some circumstances, it may be needed to expand an existing one. On such occasions it will be appropriate for the developer to provide land adjacent to the existing facility rather than make an additional financial contribution to enable the council to purchase land.

4.2. Site suitability

During pre-application discussions the applicant and ECC need to work closely with the Local Planning Authority to identify potential locations that both fit with the emerging development masterplan (if relevant) and provide the best location for the infrastructure under consideration. Any land that is intended for public use must be safe and fit for purpose and any costs related to remediation will be borne by the developer. Issues which will need to be examined include: ground conditions, sources of contamination, [noise levels](#) flood risks and the proximity of incompatible land uses. In the case of community use, the land will need to be central to the population it is intended to serve and well connected to walking and cycling routes and local bus services.

Once a potential location for a new facility has been identified, the quality of the land itself needs to be considered in detail. New school sites, in particular, have a number of requirements that should be considered at the earliest opportunity in the planning process. The need to meet DfE guidelines (e.g. Building Bulletin 103) to establish sports pitches and ensure pupil safety are all key. The Education Site Suitability Checklist provided as 'Appendix C: Education Site Suitability Checklist' sets out, in general terms, the issues and concerns that should be looked at [along with the Land Compliance Study](#). The list is not exhaustive and any other features of the site or surrounding area that may impact upon its use should be brought to ECC's attention at the outset. Many of these criteria apply equally to other community facilities. It should also be noted that where there is a requirement for a new primary and secondary school then the land for these uses should be co-located to facilitate an all-through school and in a similar vein, Early Years and Childcare facilities are often preferably co-located with primary schools.

Ensuring that new facilities fit with, and are complemented by, the rest of the development must also be considered before a planning application is submitted. [As part of the design and layout of the development, consideration should also be given to the orientation and built form of the facility to optimise renewable energy](#)

[generation and deliver energy efficient, affordable to run, and climate resilient buildings e.g. by designing for passive solar gain whilst also mitigating overheating risks – such as through shading and cross ventilation. Reference should be made to the key principles on Solar Design included in the Essex Design Guide³. This approach will help deliver our climate target for all new schools commissioned to be net zero carbon by 2022.](#)

‘Appendix D: Exemplar Layouts for Education and Community Facilities’ provides exemplar layouts, highlighting the key issues of reducing school run traffic and providing safe drop off space. The objectives as displayed in the exemplar layouts are to:

- create a sense of place;
- avoid congestion by dispersing school drop off;
- provide a safe environment around school entrances [with no vehicle access](#); and
- encourage sustainable travel.

In general schools will not provide on-site space for parents to drop children off by car for the following reasons:

- the school site area guidelines reflect the space required for education use and it is not appropriate to set aside significant areas for other purposes;
- schools should not be expected to manage or maintain facilities which may give rise to an insurance liability in the event of accidents, and
- bespoke drop off facilities can attract additional school run traffic and concentrate vehicle movements in a particular location, leading to an unpleasant or unsafe environment.

The preferred approach is to [maximise the accommodate opportunities for safe drop off around the school perimeter, at a reasonable distance from the school](#), utilising the visitor parking spaces that the development is required to provide. The immediate area around school entrances ~~should, where possible, must~~ be traffic free to prevent ‘honey potting’ i.e. a point that attracts a disproportionate level of traffic that could cause inconvenience to other road users. Such pedestrianised areas also function as a space for parents and younger siblings to congregate safely at the beginning and end of the school day and thereby encourage a sense of community. Such spaces should be well connected to walking and cycling routes and local bus routes to make sustainable modes of travel attractive.

4.3. Land compliance requirement for new school sites

In finding a suitable location, checking the quality of land and designing the environment around it, a significant amount of information will need to be collected and analysed. This information must be formalised and submitted with the planning application in the form of a [single, self-contained Land Compliance Study report along with the Education Site Suitability Checklist](#). [It is essential that information is](#)

³ [20220474-essex-solar-design-guide-rev-b.pdf \(essexdesignguide.co.uk\)](#)

[contained within one easy to follow document, with drawings appended, avoiding links across multiple additional documents.](#)

Local Planning Authorities are asked to make this a policy requirement via their Local Validation List and ECC may object to the application if a sufficiently robust study is not submitted, proving the land is fit for purpose and meets the criteria set out in this document. By way of guidance, the following sections should be included in the Land Compliance Study report:

- Site boundary plan
- Development master-plan including partner organisation intentions
- Site Suitability Checklist (as per Appendix C in the case of education sites)
- Site history and previous uses
- Relevant planning policies including current land use designation
- Neighbouring land uses including ditches and power lines et al
- Ground conditions including local geology maps
- Topography including survey maps
- Contamination including radiation, soil and ground water
- Flood risk including Environment Agency flood zone designation
- Mobile phone/radio mast locations including operating characteristics
- Physical encumbrances
- Habitat, arboriculture and ecology study including site walkover report
- Archaeology
- Noise [Acoustic surveys and reports](#) (for education sites assessment against criteria in DfE Building Bulletin 93)
- Air quality including reference to local Air Quality Management Areas
- Access (pedestrian and vehicular) and public rights of way
- Utility and service connections/capacity including searches
- [Proposed pre-transfer works](#)
- [Sport Pitch feasibility study](#)

As part of its response to a planning application including land intended for transfer, ECC will validate the Land Compliance Study submitted by the developer and provide feedback to the Local Planning Authority. Such feedback will include any requirements that must be included in a Section 106 agreement to make the land acceptable. These will include a number of standard works that the developer will be expected to complete prior to the site being transferred to ECC. The most common requirements are decontamination, site levelling, access, utility connection rights and fencing. '[Appendix E: Land Pre-Transfer Appendix E: Land Pre-Transfer Works](#)' sets some of these out in more detail, in relation to education sites, although these requirements would also apply to land provided for other uses.

Developers and land owners must obtain collateral warranties for any studies or works undertaken, either as part of their Land Compliance Study or during site preparation. ECC will require such warranties to be transferred so that it can rely on the information or works in question. By doing so, validation of the Land Compliance Study can be speeded up and the number of precautionary S106 obligations can be reduced.

4.4. Legal agreements to transfer land

Legal agreements usually include a ten year option period during which ECC can require transfer of the land. The land will in most cases be provided at a cost of £1 as 'consideration' must be given to form a legal contract of sale. It is important that the agreement is sufficiently flexible on timescales to provide ECC adequate time to make a decision, and not be pressed into establishing a new facility prematurely. If ECC has not entered into contracts to provide the facility within five years of transfer, then the land will be handed back to the developer. Developers are, therefore, advised to consider how the Local Planning Authority might view potential alternative uses for the site in the event that it is not used by ECC.

In line with DfE guidance, additional land for expansion of new school sites should be safeguarded and alternative uses should be precluded thus enabling ECC to purchase such sites at [the intended education use value-an appropriate cost](#).

4.5. Works and buildings

In some cases, developers may agree to carry out works in lieu of financial contributions. Such works could include the construction of a building that is then transferred to ECC along with land. Such contributions are subject to strict rules, detailed specifications and appropriate surety being provided. It is important to note, however, that ECC has not agreed to any approach whereby developers / other parties undertake to build or otherwise provide schools.

Developers must also be aware of procurement and competition laws that require public works contracts to be openly tendered if they exceed a certain value. In circumstances where works in lieu are deemed acceptable, ECC will require an indemnity against any claim resulting from a breach in these regulations. However, the future of European law/regulations are 'in the balance' and may need to be clarified after the publication of this guide.



5

Contribution Requirements by service areas

5. Contributions Required by Service Area

5A. Contributions Reference Table

Table 2: Developer Contributions Reference Table for Section 5 of this guide.

Service Area	Trigger for contribution	Expected Contribution
5.1 <u>Early Years and Childcare</u>	20 dwellings +	Pupil product (0.045 per flat, 0.09 per house) x £ 21,559 <u>30,127</u> (cost per pupil). Land for a new facility.
5.2 Education -primary	20 dwellings +	Pupil product (0.15 per flat, 0.3 per house) x £ 21,559 <u>20,508</u> (cost per pupil) Land for a new school.
5.2 Education – secondary	20 dwellings +	Pupil product (0.1 per flat, 0.2 per house) x £ 26,105 <u>24,929</u> (cost per pupil). Land for a new school.
5.2.9 Education – special needs	2000 dwellings +	Bespoke
5.2.10 Education – Post 16	20 dwellings +	Pupil product (0.01 per one bed flat, 0.02 per 2+ bed flat, 0.04 per house) x £ 26,105 <u>23,962</u> (cost per pupil). Land for a new school.
5.3 School Transport	20 dwellings +	Primary - £11.40 x 190 days x 7 years = £15,162 per pupil. Secondary - £5.30 x 190 days x 5 years = £5,035 per pupil.
5.4 Employment and Skills	50 dwellings <u>and/or</u> <u>2500sqm employment floorspace</u>	Employment and Skills Plan

Service Area	Trigger for contribution	Expected Contribution
	200 dwellings and/or 2500 sqm employment floorspace	Residential – £2000 per 1000 sqm floorspace Commercial – dependent on net additional employment. Employment and Skills Plan
5.5 <u>Highways and transportation</u> Highways and transportation	All development	Highway works via S278 notices, contributions and/or commuted sums for maintenance.
5.6 <u>Sustainable Travel Planning</u> Sustainable Travel Planning	All development	Travel packs in all cases, travel plans for 80 + dwellings. Work travel plans on employment sites where there will be 50+ employees.
5.7 <u>Passenger Transport</u> Passenger Transport	All development	Bespoke contributions for small sites – funding towards bus infrastructure; medium sites – fund diversions to existing routes or make a contribution to a new route; large sites – provide a transport service. Commercial sites as required.
5.8 <u>Public Rights of Way</u> Public Rights of Way	Any development where there is a PROW	Contribution to or appropriate works carried out and arranging temporary or permanent diversions. Cycle Track Conversion Orders to be provided as necessary.
5.9 <u>Waste Management</u> Waste Management	Garden communities	Bespoke on case by case basis.

Service Area	Trigger for contribution	Expected Contribution
05.10 <u>Libraries</u> Libraries	20 dwellings +	Where required (per dwelling): <ul style="list-style-type: none"> • £244.00 library extension • Major capital project at existing library: £244 per dwelling • Fit out (shelving, decoration): £100 • Provision of stock: £75 per dwelling
5.11 Flood and water management	Major sites	Ensure provision of SuDS on major sites. Commuted sums for maintenance of SuDS as required.
5.12 <u>Monitoring Costs</u> Monitoring Costs	All S106 agreements	£550 per obligation. Bespoke payments on complex and/or major sites 1000+ dwellings.

NB Costs referred to are as at April 2022, except Education which are as at Q1 2022 and may increase each year.

Whilst this table is designed to assist in assessments of which contributions will be expected for each application, it is essential to read the relevant section in order to establish the actual amount likely to be required by ECC.

5.1. Early Years and Childcare

Service overview

Under the Childcare Act 2006, Essex County Council (ECC) must ensure that there is sufficient high quality and accessible early years and childcare places within the local area. Section 6 of the Act defines 'sufficient childcare' as sufficient to meet the requirements of parents in the area who require childcare in order to enable them to take up, or remain in, work or undertake education or training which could reasonably be expected to assist them to obtain work. Unlike education, parents can choose to access childcare away from their home area, for example near to a place of work or training.

5.1.1.

Early Years and Childcare settings in Essex provide a service to approximately 84,500 children age 5 years and under (based on GP registration data) and approximately 46,000 families (based on child benefit data). Additionally, there are approximately 92,000 families with children between the ages of 5 and 10 years old.

The County Council has statutory duties that must be met regarding Free Early Education Entitlement (FEEE) and childcare:

- Free early education entitlement funding for 2 year olds:
- Parents who meet national criteria as set by central government (the 40% most disadvantaged 2 year olds) are entitled to 15 hours of free early education for 38 weeks of the year of free nursery education (or up to a maximum of 570 hours per financial year). The aim of this scheme is to narrow the gap for the most disadvantaged families.
- Free early education entitlement funding for 3 and 4 year olds:
- All children from the term after they are three until they start reception are entitled to 15 hours of free early education for 38⁴ weeks of the year (or up to a maximum of 570 hours over a financial year).
- 30 hours free childcare for 3 and 4 year olds:
- Working parents who meet a national criteria as set by central government are entitled to an additional 15 hours of free childcare in addition to the 15 hours of free early education entitlement funding (or up to an additional 570 hours over a financial year).
- All working families with children up to the age of 14 (18 for children with special education needs and disability) can expect the local authority to ensure there are sufficient childcare places available for their children to ensure they are able to continue to work.

Early Years and Childcare provision includes: full day care, pre-schools, child minders, school run early years provision (2 to 5 year olds), and 'wrap around care' (Breakfast, After school and Holiday clubs). This multiplicity of provision, working in

⁴ Or a maximum of 570 hours per year if the entitlement is stretched over a longer period

partnership with the private, voluntary and independent sectors, enables a wide range of childcare options to be made available.

Preschool settings offer early learning and childcare places for children between the ages of 2 and statutory school age. These settings are able to offer FEE to eligible 2 year olds as well as all 3 and 4 year olds. They are run by PVI providers in local communities and some children attending will be accessing their FEE place and others will be accessing additional services for which parents pay. These settings will often be set up in community buildings or schools and will usually be open term time only.

Day nurseries offer early learning and childcare places for children from 0 to 5 years old. These settings are used by working parents for childcare purposes but they can also offer FEEE for eligible children and the extended 30 hour offer, as well as offering additional services for which parents pay. Although the majority of these settings are private businesses, their income levels are limited by the rate the FEEE funding is paid at. The cost pressures on the early years and childcare sector are well documented at a national level due to the FEEE funding level set by central government which impacts on the sustainability of the entire sector, including the private day nursery business. Therefore private day nurseries should not be classified as a private business in the usual commercial sense.

All registered childcare providers who care for children from birth to five year olds must comply with the Early Years Foundation Stage and are registered with Ofsted.

As well as early years (FEEE) provision, ECC has a statutory duty to ensure there is high quality and accessible sufficient childcare for parents and carers. This duty covers 0 to 14 year olds (19 years for children with SEND). Childcare can take place in preschools; day nurseries; childminders; and out of school provision, such as holiday clubs and after school clubs, depending on the age of the child. It can therefore take place in school or community buildings. Where a new development has generated the need for increased numbers of childcare places, new schools could be designed to be able to offer early learning and childcare places to all children (aged from birth to 5 upwards).

5.1.2.

How the need for additional provision is assessed

The County Council publishes Childcare Sufficiency Assessments, Area Action Plans and the Early Years and Childcare 5 year plan, which details where places are required across the county. These assessments give a snapshot of different providers in an area and the number of places that are filled. It should be noted that unfilled places at one type of provider cannot be taken as evidence that provision in an area is sufficient. The work patterns and incomes of parents are all different and so are their childcare needs.

All residential developments of 20 or more dwellings will be assessed to see if a developer contribution towards additional Early Years and Childcare is necessary. Applications for smaller developments will be exempt unless their co-location with other sites necessitates a holistic look at their cumulative impact.

The Early Years and Childcare Service will only require developer contributions where there is a current or forecast lack of provision in the immediate area of the proposed development

Calculating the demand from new housing development

5.1.3.

When estimating the number of children that a new housing development will generate and that will require additional provision (child yield), the Early Years and Childcare Service takes account of the number of houses and flats that are suitable to accommodate children. For Early Years and Childcare contribution purposes, houses are all dwellings with two or more floors (including chalet style bungalows with an attic room), and with sole access to private outdoor space. Maisonettes, single storey bungalows and trailers/caravans are treated as flats whilst one bedroom units and dwellings such as student and elderly accommodation, are excluded from the calculation. It should be noted that 100% affordable housing sites will be expected to contribute using the same criteria.

ECC estimates that the child yield from qualifying houses is nine children per one hundred homes (0.09 per dwelling) with half this number expected from qualifying flats i.e. 0.045 per dwelling.

Table 3: Example of a development consisting of 120 x one bed units; 200 x flats (with two or more bedrooms) and 65 houses with 2 or more bedrooms would be calculated to generate the following number of children requiring a place:

Dwelling Type	Units	Factor	Child Yield
One bed	120	0	0
Flats	200	0.045	9
Houses	65	0.09	5.85
Total	385		14.85

5.1.4.

Types and use of contributions

The financial contributions sought will be used to extend existing facilities wherever possible or provide a new facility. Larger development proposals (upwards of 250 dwellings) are most likely to trigger the need for a new facility and in such circumstances a land contribution will also be required. Where demand is of such a scale, a new facility will be sought, either co-located with a new primary school or as a stand-alone facility. For a standard 56 place day nursery, around 0.13 ha of land is needed. The process for agreeing a suitable piece of land is explained in ‘Section 4’ of this guide.

Department for Education (DfE) Guidance ‘Securing Developer Contributions for Education’ (April 2019) states that all new primary schools should be co-located with new early years provision where there is capacity to do so. In addition, the Education and Skills Funding Agency currently looks to establish two form entry

primary schools (420 places), to ensure financial viability. ECC supports this approach and, thereby, when considering new primary school sites an area of 2.2344 hectares will usually be sought as a minimum. This is in line with DfE guidance set out in Building Bulletin 103 and this land size provides space for commensurate Early Years and Childcare provision.

Any new early years and childcare facility could be built by ECC, a developer or one or more early years and childcare providers. However, it is important that any provider is agreed by ECC to ensure the required type and standard of provision is delivered in the locality. ECC has a robust process in place to allow early years and childcare providers to apply for capital funding and/or lease opportunities to create new early years and childcare places to meet the increased demand generated by developments. Capital funding and lease opportunities are advertised on the ECC Early Years and Childcare Website. This clearly sets out the S106 agreement criteria and all applications undergo a full screening and moderation process and final decisions to award funding or leases are signed off via the ECC Cabinet member for Education.

Where the development in question also triggers the need for other community facilities it is often appropriate to co-locate Early Years and Childcare facilities. Provision is commonly included in plans for new primary schools (as referred to above), but it may also be appropriate to consider the benefits of an Early Years and Childcare provider acting as anchor tenant in a joint use community facility.

<u>Class bases</u>	<u>Pupils/Places</u>	<u>Site Area (hectares)</u>
<u>14 (2FE)</u>	<u>420</u>	<u>2.104</u>

Table 1: Early Years Facility Land Requirement

<u>56 place setting</u>	<u>56 place setting and 2 FE Primary school</u>
<u>0.13ha</u>	<u>2.234ha</u>

In some circumstances, subject to procurement and competition rules, it may be appropriate for the developer to provide buildings in lieu of a financial contribution. Where this approach is accepted the facility must comply with a specification provided by ECC (example provided as ‘Appendix F: Early Years & Childcare Facility Specification’) and any tenant, and their business model, must also be approved. When the County Council commissions additional Early Years and Childcare places and uses S106 funding to provide those places, it will require the

provider to enter into a legal agreement detailing the building works and the number of additional places to be provided.

Contribution costs

The cost of each project and, thereby, any appropriate developer contribution must be considered on a case by case basis. By way of guidance, the provision of new, standalone facilities will cost around £~~21,55930,127~~ (Q1 2022 September 2020) per child place and expansion projects will cost £18,007.

5.1.5.

5.2. Schools

Service overview

The County Council is the Local Authority which has the statutory responsibility for education. It has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future.

- 5.2.1. ECC acts as a commissioner of school places, ensuring there are a sufficient number of places through the expansion of existing or provision of new schools. It has the duty to set out the requirements for any new school needed to serve a new or growing community in order that potential providers may express their interest in running that school. Where a Section 106 agreement provides the land and funding for a new school, ECC will usually procure the school building and then arrange any necessary leasehold transfer to the provider.

The availability of places at a popular and successful local school is likely to be an important factor for families considering the purchase of a new home. Conversely, new residential development is unlikely to be welcomed by the existing community if additional pupils moving to the area deny their children a place at the local school or lead to larger class-sizes. Developer contributions towards education provision thus play an important role in the success of new residential developments.

Under Section 14 of the 1996 Education Act, local authorities must secure sufficient school places to serve their area. The available schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of an appropriate education. Section 2 of the 2006 Education and Inspections Act further places ECC, as the appropriate local authority, under a duty to secure diversity in the provision of schools and increase opportunities for parental choice. Subsequent legislation ([2011 Education Act part 5.37](#)) encouraged the development of a more diverse range of education providers, particularly academy trusts and free schools, a number of which now operate within the county.

Section 2 of the 2008 Education and Skills Act requires that all persons under the age of eighteen yet to obtain a 'level three' qualification (for example two 'A' levels), must participate in education or training. Participation does not require all young people to stay on at school, as employment-based training can fulfil this requirement (see '5.4-Employment and Skills Plan').

Paragraph 94 of the NPPF states that 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- Work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

The Department for Education published guidance for ‘Securing developer contributions for education’ in April 2019, and this was updated in November 2019, in which it underlines the principles that:

- housing development should mitigate its impact on community infrastructure, including schools;
- developer contributions towards new school places should provide both funding for construction and land where applicable subject to viability assessment when strategic plans are prepared and using up-to-date cost information; and
- the early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

How the need for additional school places is assessed

5.2.2.

Any development of 20 or more dwellings will be assessed and could generate a request for a contribution.

Contributions towards the provision of additional places will not be sought where pupil forecasts suggest that existing local schools can reasonably accommodate the expected increases in demand for places without expansion. However, local authorities with allocated sites for additional housing in the Local Plan or an emerging Local Plan may take the view that where an increase in pupil numbers is anticipated then the cost of expansion should be borne by the developers of all the allocated sites on a pro rata basis.

The Essex School Organisation Service’s 10 Year Plan, ‘Meeting the demand for school places in Essex’, is published on the Council’s website on an annual basis and sets out the forecast availability of school places in each area of the county, during each year’s admissions round for Reception and Year 7 (the start of secondary school) places. These forecasts are based on G.P. registration data, planned housing development, historical trends and other factors likely to affect admissions to particular schools.

The need for additional school places to serve new development may either be immediate or gradual. It is considered reasonable to take account of the future demand for places as well as the current picture since:

- there will be a time lag between the planning application and completion of the development;
- the peak of additional demand for places generally comes a few years after a development is first occupied and
- the development will be a permanent feature of the local community and it should not cater just for its immediate impact.

Forecast demand is generally measured against the yearly ‘Admission Number’ that each school must publish as part of the annual admissions process. However, any school accommodation that is temporary in nature, as defined by either its planning permission or design life, may be deemed to reduce the number of available places. The presence of temporary accommodation should be taken as evidence that a

school is already under pressure for places. Although some 'temporary' class-bases can remain on school sites for a considerable period of time, they will eventually be removed if not needed by the existing community. It would be unreasonable for pupils from a new development to generate the need for temporary class-bases to be converted to permanent build without the developer making an appropriate contribution.

It is generally accepted that education provision in an area should not operate at 100% of its capacity, as it is important to retain some level of surplus places. The National Audit Office report 'Capital Funding for New School Places' (2013) refers to a minimum 5% surplus that the Department for Education assumes in its planning as necessary to support operational flexibility (mid-year admissions) and facilitate parental choice. A deficiency may thus be deemed to exist without the certainty of every local place being filled.

In deciding which local provision it is reasonable to include in an assessment, the needs of the new development must be balanced against those of the existing community. If the new development displaces pupils from another area there may be significant local opposition to the scheme. It is, therefore, important to look not just at the nearest school but also at the wider area. There may, for example, be places at a school within reasonable distance of the new development to which pupils could safely walk. A reasonable walking distance is defined in the Essex Design Guide as 600 metres for primary and 1500 metres for secondary school pupils. Conversely there may be surplus places ~~forecast~~ at the nearest school that will be needed by the current population because another local school will be forecast to be oversubscribed.

Traditionally schools have admitted pupils from their priority admissions or 'catchment' areas. Current school admissions are, however, also based on a number of other criteria including the presence of siblings at the school, faith or aptitude in a particular curriculum area. Schools with admissions policies that could exclude the majority of pupils moving to a new development from gaining admission are excluded from the assessment of developer contributions. A list of admissions criteria for schools can be found in the Schools Admission Policies Directories which are available on the ECC website.

Having taken all the above factors into account, where it can be demonstrated that the number of pupils generated by a development is greater than the surplus capacity in permanent accommodation in a suitable school(s), ECC may require a developer contribution to build additional permanent capacity. This may on occasions include the transfer of land. For this purpose, a suitable school is any academy, free school or maintained school that provides education appropriate to the age, ability and aptitude of a child between the ages of 4-19. This definition excludes schools providing education exclusively for pupils with special educational needs or disabilities. Whilst selective schools and faith schools can and do provide education that is appropriate, they are excluded from the assessment of developer contributions on the basis that their admissions policies could exclude the majority of pupils moving onto a new development.

In addition to contributions to build additional permanent places, a contribution may also be sought to fund transitional costs. This may apply when there is no surplus capacity at schools within a reasonable travelling distance and additional provision

cannot be delivered quickly to serve the development. In such cases ECC will need to provide temporary accommodation at existing schools and/or provide school transport to schools in excess of two miles for children under the age of eight and three miles for older children. These distances are measured via the shortest available safe walking route.

ECC may seek developer contributions to fund these costs in addition to the sums required to provide the permanent places needed. This situation will only usually arise during the first phases of a major development or when [the phasing of development viability](#) does not allow [a new school permanent facilities](#) to be delivered early on.

Calculating the demand from new housing development

5.2.3.

When estimating the number of children that a new housing development will generate, and that will require a school place (yield), ECC takes account of the number of houses and flats that are suitable to accommodate children. One bedroom units and dwellings, such as student and elderly accommodation, are excluded from the calculation. For education contribution purposes, houses are all dwellings with two or more floors, (including chalet style bungalows with an attic room) and with sole access to private outdoor space. Maisonettes, single storey bungalows and trailers/caravans will be treated as flats. It should be noted that 100% affordable housing sites will be expected to contribute using the same criteria.

The primary school yield from qualifying houses is thirty pupils per one hundred homes (0.3 per dwelling) with half this number, fifteen, expected from qualifying flats (0.15 per dwelling). For secondary schools the yield (excluding 6th form students) is 20 pupils per 100 qualifying houses (0.2 per dwelling) and 10 pupils per 100 qualifying flats (0.1 per dwelling).

Table 4: Example of a development consisting of 120 x one bed units; 200 x flats (with two or more bedrooms) and 65 houses would generate the following number of children requiring a place:

Dwelling Type	Units	Primary		Secondary	
		Factor	Yield	Factor	Yield
One bed	120	0	0	0	0
Flats	200	0.15	30	0.1	20
Houses	65	0.3	19.5	0.2	13
Total	385	Pupils	49.5	Pupils	33

Due to the younger than average age profile, most new developments will, for a time, generate greater demand for school places than suggested by the above factors. [On large developments additional contributions to temporarily accommodate these ‘bulges’ may be necessary.](#)

Expanding existing provision

It is not planned to build a new school, financial contributions will be used to fund capital works to add additional capacity at ~~academies, free schools or maintained~~ schools in the appropriate area.

5.2.4.

It is often not practical or desirable to use S106 contributions to provide additional capacity at the nearest school because, for example, their site may be constrained, the expansion could result in an unacceptable admission number or the school may not have the necessary infrastructure, in respect of ancillary accommodation, to support the increased capacity. In addition, due to legislation that enables voluntary aided schools, free schools and academies to refuse proposed expansions, ECC may be forced to look further afield. In these circumstances the contributions could be used to provide additional capacity through extension, refurbishment or re-modelling of other schools where the needs could be best met. This may result, through parental choice, in changes to local admission patterns or require priority admission area changes to be negotiated with local schools.

When ECC commissions additional places through a free school or academy, and uses S106 funding to provide those places, it will require the provider to enter into a legal agreement detailing the building works and the number of additional places to be provided.

5.2.5.

Thresholds for new schools

The Education and Skills Funding Agency currently looks to establish two form entry primary schools (420 places), to ensure financial viability. ECC supports this approach and, thereby, when considering new primary school sites an area of [2.4234](#) hectares will usually be sought as a minimum. This is in line with Department for Education guidance set out in Building Bulletin 103 and also provides space for commensurate Early Years and Childcare provision.

420 primary aged pupils is the number likely to be generated by approximately 1,400 new houses or a mixed development of approaching 2,000 dwellings. However, it must be recognised that if suitable existing local schools cannot be expanded, a new school may become necessary to cater for a lower number of new homes.

Generally, secondary schools accommodate at least 600 pupils or four forms of entry (one form of entry = five age groups x thirty per class). However, larger schools are:

- able to offer a wider curriculum to their community;
- cheaper to build on a per place basis;
- more resilient to fluctuations in demand that could challenge financial viability.

For these reasons ECC will look to establish a new school only where demand for six forms of entry has been established (from approximately 4,500 new or existing houses).

In the case of both age groups, there is no exact growth threshold for establishing a new school and the following factors need to be considered when deciding whether a particular development should include land for a school:

- the ability of local schools to expand sufficiently and the impact of a new school on them;
- cumulative impacts with other residential development proposals and the needs of the existing community;
- the viability of the development and the cost of a new school against other solutions;
- the viability of a new school (particularly in the first years);
- the potential for innovative solutions such as an all-through school (combined primary and secondary) or a split site school (with more than one campus).

ECC may request on occasions that additional land is set aside to future proof the new school site and allow for its potential expansion.

The cost of additional school places

5.2.6.

The costs for extending an existing primary school and a secondary school are based on the DfE National Scorecard ([national evidence](#)). The cost for a primary school place (as at Q1 2022~~0~~) is £~~18,007~~~~47,268~~, and for a secondary school place it is £~~25,003~~~~23,775~~. These costs are likely to increase year on year. These costs include buildings, site works, professional fees plus furniture and equipment.

With an extension scheme it is often unnecessary to expand all the common areas used by a school such as the staff room, toilets or the hall. The cost of major works and new schools is thus higher and the National Scorecard figures for primary and secondary (at Q1 2022~~0~~) are £~~21,559~~~~20,508~~ and £~~26,105~~~~24,929~~ respectively.

5.2.7.

The precise cost of projects will be determined by ECC after reviewing the Land Compliance Study report (see '4.3-Land compliance requirement for new school sites') that the developer must submit with any planning application that includes [school land for a new school](#).

School site areas

The area of land that ECC requires for schools is based on current Department for Education Building Bulletins, the latest being BB103; [the information set out below is correct at the time of publication but may be amended based on updated guidance from DfE as necessary, and other relevant publications](#). In line with its aspiration to increase educational achievement and enhance skills, ECC will always seek site areas towards the top end of the recommended range. Government also encourages 'extended schools' that include other community services and, clearly, larger sites are required if joint use of school facilities is to be considered. In order to produce a school with manageable year groups, ECC may require slightly more land than is indicated by a straightforward calculation of pupils from a development. The following figures are a guide to likely requirements in terms of land:

Table 5: Primary school land requirement (ages 4-11)

Class bases	Pupils/Places	Site Area (hectares)
14 (2FE)	420	2.104

Table 6: Secondary school land requirement (ages 11 -18)

Class bases	11-16 Pupils/Places	Site Area (hectares)
6FE	1125	8.597
8FE	1500	11.078
10FE	1875	13.559

[Land for 6th form provision is required alongside all secondary school sites and the figures above include land for 6th form provision. However, construction of 6th form provision will follow occupation of the secondary school, and therefore siting of vehicle entrance requires careful consideration. Discussion with ECC is recommended.](#)

One extremely important consideration when considering the land required for a new school is the provision of sports pitches. For a playable surface, a consistent gradient of approximately 1 in 70 widthways should be achieved. This encourages suitable water run off without hindering play.

[The developer will be required to complete a sport pitch feasibility to ensure the land proposed is fit for education and out of hours community use.](#)

The following pitch sizes need to be considered:

Table 7: Pitch sizes (including run off areas)

Age	Width (metres)	Length (metres)	Area (hectares)
Minimum Primary	49	82	0.402
Preferred Primary	59	92	0.543
Age 13 to 15 min.	54	87	0.470
Age 15 to 17 min.	59	103	0.608

Senior (18) min.	72	114	0.821
Adult min.	76	118	0.897

Where ideal site areas cannot be achieved, artificial pitches may be considered as a way of reducing the land that a school requires. The cost of providing and maintaining artificial pitches is, however, significant and likely to add considerably to the financial contribution sought by ECC from the developer.

~~Additional site requirements to consider~~

The ~~main-general~~ requirements that ~~apply to school site education land must meet~~ are set out in appendix C and the process and evidence needed to agree a ~~school~~ site are explained in 'Section 4 (Land, Building and Contributions in kind) of this guide. There are, however, a number of considerations specific to schools which warrant additional guidance here.

5.2.8.

Utility requirements.

Table 8: Utility requirements

Pupil Places	210	315	420	630
Electrical (three phases)	100KVA 200amps	130KVA 200amps	150KVA 200apms	200KVA 300amps
Gas (21mbar at meter)	230KW/HR	300KW/HR	400KW/HR	550KW/HR
Water (domestic)	50mm 1.5L/S	65mm 2.0L/S	65mm 3.0L/S	65mm 4.2L/S
Water (sprinkler system)	A 100mm mains connection pressurised system is required, storage tank with pumps to fill the tank in 36 hours.			
Telecom ducts (90mm)	2	2	2	3

N.B. It is recommended that pre application A₂ advice should be sought from ECC's Infrastructure Delivery team and the appropriate project manager before relying on these estimates and to discuss any non-traditional energy supply options.

Fence Requirements

Prior to transfer to ECC, all school sites must be fenced by a 2.4 metre high welded mesh polyester powder coated fence (conforming to BS1722-16:2009) with vertical wire diameter of at least 5mm and horizontal wire diameter of at least 5mm conforming to BS 1722 Part 14:2017 'specification for open mesh steel panel fences

Category 1 (general purpose fences up to 2.4m high)', and gated at both highway access points.

Where congruent to vegetation or soft landscaping the fence must be supplemented by rabbit-proof fencing that shall be a minimum of 0.9m in height. The rabbit-proof fencing must be constructed with wire netting, to be 18-gauge (1.2mm diameter) with 31mm hexagonal mesh conforming to the appropriate British Standard and European DIN Standard. The base of the fence must be turned outwards from the school site by a minimum of 150mm and buried with clean topsoil. The specification for the rabbit fencing, including all posts, struts and stakes must also be in accordance with CIRIA report C645 'A Guide to Rabbit Management'.

Where appropriate, fencing should be complemented by landscaping. New tree and shrub planting should also be protected with individual rabbit guards. Species should be considered carefully to ensure that plants will not prove a burden to the school either in terms of maintenance, safety and/ or security.

Soil Quality Requirement

The levels of any compound in the soil, to a depth of at least three metres below the final soil level, shall not exceed figures set for residential end use as defined by the Soil Guideline Values (SGV) derived using the Contaminated Land Exposure Assessment (CLEA) model and published by the Environment Agency and also the Generic Assessment Criteria values published by Land Quality Management and the Chartered Institute of Environmental Health at the time of the assessment. Any contaminants leaching from the site must not exceed the levels published in the United Kingdom Environmental Quality Standards (statutory and proposed).

Top soil is to be supplied across the entire site which must comply to BS 3882:2015 and be applied evenly to a minimum of 300mm but is not to exceed 500mm in depth at any point.

The environment around schools

Establishing a safe environment around schools, which is conducive to learning is paramount. [Substantial traffic free public realm around school entrances used by pupils must be incorporated into development plans. Such areas do not form part of the school itself and, for the avoidance of doubt, public realm abutting roads and/or parking are not considered traffic free. Other important issues / measures that must be considered include healthy school streets:](#)~~The following issues / measures should be considered:~~

- establishing and improving walking and cycling routes to schools (including off site provision);
- reducing school run traffic and dispersing it away from school entrances;
- enforcing low traffic speeds around schools and the walking routes pupils use;
- 'school [street](#) zones' where [motor](#) traffic is [controlled restricted](#) in the area at the start and the end of the school day;

- ensuring pavements around schools are clear and wide enough for parents with pushchairs to pass (three meter minimum width);
- ~~substantial pedestrianised zones around school entrances used by pupils;~~
- providing public art, outdoor gym equipment, nature areas and local history information boards, in the immediate area, to offer learning opportunities;
- the planting of trees and / or hedges to enhance air quality / reduce exposure to poor air quality; and
- the use of landscaping and carefully selected street materials to reduce noise.

Special Education Needs

5.2.9.

Some of the children generated by the development of new dwellings will have special educational needs (SEN). It is extremely difficult to predict the number of SEN places required in any given planning area for each type of need. However, the number of children likely to present with SEN can be roughly calculated as follows:

The following statistics applied at the 2020 SEN2 return to the DfE :

- 15% of the Essex school population has some sort of SEN.
- 3.4% of the child population currently has an Education, Health and Care Plan (this is now closer to 3.9%), and of this, 2.1% has a plan and are educated in mainstream schools, including specialist SEN units in mainstream schools, and 1.3% are educated in a special school.

~~This is the current position and t~~These percentages are subject to fluctuation, although the trend has been upwards in recent years. Applying these figures would result in 7 SEN places per 1000 dwellings.

The cost of providing an SEN place is much higher~~generally greater~~ than that of a primary or secondary place ~~depending on the type of need to be met~~. The capital cost per child of a special needs school varies with the type of need to be addressed. However, the DfE guidance 'Securing developer contributions for education' (November 2019) recommends that developer contributions for special or alternative school places are set at four times the cost of mainstream places which is consistent with the space standards in Building Bulletin 104.

Only the largest housing developments will generate the number of children with serious special educational needs which justify the requirement for a new school. It is more likely that the Council would seek to create a small unit of Specially Resourced provision in a mainstream school or to expand an existing unit of Specially Resourced Provision in a mainstream school.

It is therefore ~~be~~ necessary to request a contribution commensurate with the need arising from any significant development which in the case of SEN requirements would constitute a development of more than 1000~~2000~~ dwellings. A development of this size could result in SEN requirements for 744 pupils which would be significant enough to warrant new provision within a mainstream school or the expansion of an SEN school within the locality.

All new school sites within new developments will be considered for the provision of special needs facilities and appropriate bespoke contributions will be requested if a need is identified.

Post 16 Education.

Service overview

5.2.10.

Access to education for the post 16 year olds plays a key role in skills development and assists both residents and businesses progression into, and through, sustainable employment, including apprenticeships.

The DfE's 'Participation of young people in education, employment or training statutory guidance for local authorities' (September 2016) ⁵requires all young people in England to continue in education or training beyond the age of 16. This is a duty under the Education Act.

Young people have a choice at key stage 4 (year 11) as to how they continue in education or training post-16, which could be through:

- full-time study in a school, college or with a training provider
- full-time work or volunteering (20 hours or more) combined with regulated part-time education or training (about one day per week).
- an apprenticeship⁶ or traineeship (See '5.4-Employment and Skills Plan' for guidance on obligations and contributions for apprenticeships).

ECC has a duty to secure sufficient and suitable education and training provision for all young people in their area who are over compulsory school age but under 19, or aged 19 to 25 and for whom an Education, Health and Care Plan (EHCP) is maintained. To fulfil this, ECC needs to have a strategic overview of the provision available across the county in order to identify and resolve gaps and ensure appropriate choice in provision. This requires ECC to ensure training provision is holistic and reflective of local industry skills requirements.

ECC determines 'sufficient' as having enough post 16 provision to meet need and choice. ECC determines 'suitable' as offering a range of academic, technical and vocational provision against demand.

Revenue funding for all post 16 education is provided via the Education Skills Funding Agency (ESFA) and covers academic and vocational learning.

Due to a growing number of 16-19 year olds (up to 25 with an EHC plan) from local housing developments, where necessary, capital contributions will be sought to support additional full-time Post 16 education as referred to above. Apprenticeships and other skills related requirements are outlined in '5.4-Employment and Skills Plan'

The Local Growth Fund (LGF) is government funding awarded to Local Enterprise Partnerships (LEPs) for projects that benefit the local area and economy. This

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/561546/Participation-of-young-people-in-education-employment-or-training.pdf

⁶ <https://www.gov.uk/topic/further-education-skills/apprenticeships>

funding is not ringfenced to support post 16 provision, however some funding may be sourced through an application to the LGF. Investment is limited on a case-by-case basis and not guaranteed. Developers’ contributions would make up any unmet funding from other sources.

Calculating the demand for Post 16 education

The funding formula is calculated on the basis that there are 0.04 qualifying post 16 students per house and half this number from qualifying flats. One bed units are included as research has revealed that in the 2011 census there were 1% of young people aged 16-18 living in one bedroom properties across Essex. However other types of accommodation such as aged restricted units are discounted as they are unlikely to generate a need for additional places. The key difference between post 16 provision and primary / secondary education is the element of choice and the landscape of different training routes. Therefore, the need in any area will be assessed on a case-by-case basis, so that contributions are only required where necessary.

Table 9: Per 100 qualifying homes examples

Dwelling Type	Units	Post 16 – total Factor	Post 16 - total Yield
One bed	100	0.01	1
Flats	100	0.02	2
Houses	100	0.04	4

The Cost of Additional Places

Subject to indexation the cost per place for full-time post 16 places is £~~26,105~~^{23,962} based on the DfE National Scorecard.

The precise cost of projects will be determined by ECC after reviewing the Land Compliance Study report (see ‘Section 4’) that the developer must submit with any planning application that includes land for a new educational provision.

5.3. School transport and sustainable travel

How the need to provide school transport is assessed

The Education Act 1996, as amended by Part 6 of the Education and Inspections Act 2006, places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children as they consider necessary to facilitate their attendance at school. Walking distance is defined by S 444(5) of the Education Act 2006 at two miles for those aged under 8 and three miles for those who have attained the age of eight years.

5.3.1.

These distances are measured by the shortest available walking route. An 'available route' is one which a child, accompanied as necessary, may walk with reasonable safety to school. In excess of these distances ECC has to fund 'free' school transport. Where development is proposed in locations that may require ECC to provide school transport, developer contributions are sought to fund provision for a minimum of seven years for primary and five years for secondary pupils

The cost of school transport

On average the cost of transporting a primary school child to school is ~~around £16.63~~~~£11.40~~ per day (return). The corresponding cost for secondary school transport is ~~£5.24~~~~£5.30~~ (April 2021~~19~~ costs). This is due to economies of scale. The calculation of school transport contributions is based on 190 days per year over 7 years for primary school children, and 190 days per year over 5 years for secondary school children.

5.3.2.

Promoting sustainable modes of travel

ECC has statutory duties to promote the use of sustainable methods of transport for all education and training related journeys, from pre-school age to post 16 students. Under the Education and Inspections Act 2006 authorities are encouraged to develop Travel Plans with schools.

ECC will use its highways, transport and schools expertise to examine the provision of safe walking and cycling routes from new housing to education and other community facilities. Safe direct routes that encourage parents to leave the car at home will be required on all new developments. Financial contributions may also be required for off-site works. Such contributions may also be appropriate from smaller developments.

~~Where appropriate, h~~Highway contributions (as set out in '5.5.3-Highways work versus contributions') to establish a safe walking route will be considered before seeking a school transport contribution.

5.4. Employment and Skills Plans

Service overview

5.4.1.

~~Residential sites with 50 dwellings or more, or employment sites providing 2,500sqm (GIA) or more of floorspace will be required to provide an Employment and Skills Plan (ESP). Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships, and to invest in skills to realise personal and economic aspirations. Importantly, ECC has a role to play in supporting Local Planning Authorities and helping to ensure that industry has the necessary skills to build the net zero carbon homes and communities the county needs. Therefore, ECC requires the delivery of Employment and Skills Plans (ESP) which will be produced with developers and landowners to reflect the profile of individual construction projects. Therefore, developers and landowners are required to produce an ESP to reflect the profile of individual construction projects. This ESP will be produced through consultation between the developer and landowner and the LPA and ECC where relevant. Unless there is an existing plan, the ESP must address the employment and skills needs in the area that arise in line with the construction project. The ESP must be shared with and agreed by the LPA and ECC ahead of the s.106 being signed off. This will enable relevant and proportionate targets to increase the volume and quality of employment and skills interventions through construction projects, thus meeting local communities' specific needs in a fair, measurable and sustainable way.~~

~~Skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Improving the skills of the local labour force will be key to maintaining its economic competitiveness. Increased skills and employability will enable residents to take advantage of opportunities created by new development.~~

~~In the current economic climate and national skills shortage, ECC will expect developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the 'development phase'.~~

~~ECC will expect landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the 'end-use phase'. Templates for Employment and Skills Plans for both development phase and end-use phase can be found in Appendix L.~~

~~Skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Improving the skills of the local labour force will be key to maintaining its economic competitiveness. Increased skills and employability will enable residents to take advantage of opportunities created by new development.~~

~~Therefore residential sites with 50 dwellings or more, or employment sites providing 2,500sqm (GIA) or more of floorspace will be required to provide the relevant ESPs.~~

~~A monetary contribution will be sought for sites meeting either of the above thresholds in order to address skills levels and work readiness. Contributions will bring about interventions for those requiring additional support to enter the job market.~~

As part of the development of the ESP, the LPA and ECC where relevant, will work with the developer and landowner to identify a particular strategic aim relating to an employment or skills need in the area and seek a financial contribution to address this strategic aim. ECC and the LPA can support in both identifying the skills and employment need in an area and in calculating the appropriate contributions. See section 5.4.3 on financial contributions.

These measures seek to enable local residents to benefit economically from new developments by reducing long-term unemployment, increasing skills and employability levels as well as providing employment and in-work progression opportunities for Essex residents. It will encourage realistic and deliverable provision for employment and skills, responding flexibly to the circumstances of individual schemes.

Employment and Skills strategy plan

5.4.2.

Employment and Skills Plans should be created by the applicant prior to implementation and must include a series of key performance indicators for both the development phases and, in the case of commercial sites, for the end-use phases. Where developers are already bringing about activity, these may contribute towards meeting the agreed ESP performance indicators. The ESP is expected to include the following key performance indicators and developments are expected to meet the minimum benchmarks outlined. The benchmarks are pursuant to the National Construction Skills Academy model adopted by the industry and outlined in 'Appendix L: Employment and Skills'.

Construction Phase

- Growth in construction apprenticeships (new employees, resident in Essex) working on the project, and notification of apprenticeship opportunities, prior to advertisement, to ECC, local authority or any other agency nominated by ECC or the local authority. open to candidates nominated by ECC (or other agency as agreed by ECC), and notification of apprenticeship opportunities, prior to advertisement, to ECC or any other agency nominated by ECC.
- School/college engagement activities or events to enable them to promote the achievement of the skills and qualifications needed for employment in the construction and built environment sectors amongst young people aged 11 to 19 (25 years for those with an Education, Health and Care Plan (EHCP)). The ESP will need to contain a detailed programme for the initiatives to be delivered. Examples include career inspiration events, employability and work readiness activities, curricula support and employer engagement. Examples of how these could be achieved include:
- a. Careers talks in schools and colleges from the developer on the industry or company itself. These could be in person or recorded for schools and

colleges to use. There is the opportunity to challenge stereotypes and include presentations from those in positions that challenge particular stereotypes, or that have overcome barriers. For example, those in positions that are perceived to be held by a particular sex or those that have retrained and moved careers.

b. Virtual tours of the real work environment that could be used by schools or colleges. These could be live or recorded.

c. Masterclasses on technical skills delivered in schools and colleges to facilitate skills-based training and inspire the next generation.

d. Competitions or project briefs (with work mentors provided) to help students in colleges and schools benefit from project-based learning, problem solving, and acquisition of skills for working life.

- Work placements. ~~ECC expects d~~Developers or their supply chains to support residents in Essex with real-life experiences of work by providing placements-work experience placements lasting a minimum of one week for those 16+ and supporting the work experience requirements of T level qualifications.

- ~~Note: in order to prepare for the forthcoming introduction of technical study programmes (T Levels), ECC will continually review and where necessary, update the appropriateness of the above obligation in relation to work experience placements to reflect changing Government policy.~~

- Supported employment opportunities.

- Pre-employment opportunities. Support the delivery of bespoke pre-employment and skills training for Essex residents that will provide them with the skills to access the jobs that are being created.

End-use phase

- Supported employment for local residents. Provision of employment opportunities which have appropriate support to make them suitable for those unemployed or groups who require additional educational and skills support such as individuals with an EHCP, care leavers, young carers, youth and ex-offenders.

- ~~ECC would expect every 2,500 sqm of commercial development to be capable of generating at least one paid job placement lasting for a minimum of forty-six months. These supported employment opportunities will need to prioritise Essex residents. These supported employment opportunities will need to be open to candidates nominated by ECC (or another agency as agreed by ECC).~~

End-use and construction phase:

- Provision for notification of job vacancies (including apprenticeships), arising from both the construction and end-use occupation, to ECC and the local authority or any other nominated agency ~~nominated by ECC.~~

Templates for Employment and Skills Plans for both development phase and end-use phase can be found in Appendix L3.

~~The obligations set out above envisage that developers and/or landowners will make, or will bring about, the necessary provision. However, if the developer or landowner can demonstrate to the satisfaction of the LPA and ECC that there are circumstances specific to the scheme such that either direct provision is not operationally feasible, or that an alternative means of delivery would result in a more effective outcome because of the particular circumstances of the scheme, then the LPA and ECC may consider a financial contribution in lieu. ECC encourages developers and landowners to engage with LPA and ECC officers where relevant at the earliest opportunity, to discuss the specific circumstances of the scheme. See Appendix L2 - Employment and Skills' contribution in lieu guidance.~~

Financial contributions towards Employment and Skills

5.4.3.

~~In addition to the obligations set out as part of an ESP, developments will be expected to make financial contributions to- The financial contributions set out as part of the ESP will help support those sections of the Essex workforce that are furthest from employment, having been out of work for a long period of time and/or having low levels of skills, or groups who require additional educational and skills support such as individuals with an EHCP, care leavers, young carers, ex-forces, youth and ex-offenders. ~~The f~~Financial contributions will be used by the Councils to fund training and support to enable access to newly created employment opportunities for those who may struggle to access the opportunities without extra support. Contributions may be sought as follows:~~

Financial contributions will be calculated by the LPA and ECC where relevant in consultation with the developer and landowner, based on the strategic aim to be met and will be proportionate to the scale of development or resulting employment opportunities from the project. The LPA and ECC can support in both identifying the skills and employment need in an area and in calculating the appropriate contributions. The calculations in Appendix L and the Employment and Skills Plan templates in Appendix L3 can be used as a guide where appropriate.

- ~~• Residential developments and residential elements of a mixed-use development of 200+ dwellings: a monetary contribution of £2,000 towards the cost of vocational training and employment support will be required by ECC for every 1,000sqm of development.~~
- ~~• Commercial developments and commercial elements of a mixed-use development: a monetary contribution will be calculated on the basis of an assumption about the level of net additional employment generated by a development.~~

Development phase construction (build) costs

~~To agree the volume of obligations and monetary contributions, it is expected that developers will supply ECC with the total build values of their project. In the absence of these values ECC will calculate the construction costs using the Building Cost Information Service, based on the unit mix and/or commercial floor space.~~

Compliance

5.4.4.

The S106 agreement will set out what the developer will need to do by way of providing information about progress against the ESP objectives – generally to provide data on a quarterly basis. The S106 agreement will also contain provision for ~~the authority through which the ESP objectives were agreed~~ ~~ECC~~ to seek a compliance payment from developers if ~~they are~~ ~~ECC is~~ not satisfied that the developer has been using reasonable endeavours to deliver the target employment opportunities set out in the ESP.

Should instances occur where ESPs are not met or are partially met, relevant penalty clauses will be applied, based upon 'Appendix L: Employment and Skills' contribution in lieu guidance. ~~Developers and land owners who fail to agree to an ESP (but who haven't agreed a payment in lieu) will be subject to a deemed target number of Essex resident jobs being imposed for the purposes of calculating the amount of a compliance payment.~~

~~Further advice~~

~~'Appendix L: Employment and Skills' contains examples of contribution payments.~~

5.5. Highways and transportation

Service overview

A high quality and efficient [sustainable](#) transport system is central to the growth of the Essex economy. ECC as the strategic highways and transportation authority works closely on long-term transport plans with each Local Planning Authority in support of their Local Plans. This work assesses the overall impact of development and identifies transportation measures to deliver sustainable development, including enhanced passenger transport services and infrastructure, comprehensive ~~cycle and pedestrian~~ [active travel](#) networks, improved public rights of way, and ~~sustainable~~[active](#) travel planning.

5.5.1.

ECC, acting as the Highway Authority, is consulted by the Local Planning Authorities on any planning applications that may have an impact on the Highway. In its response, ECC may request mitigation measures in the form of works to the highway, provision of active travel [interventions](#), [sustainable travel](#) planning measures and/or financial contributions towards strategic [sustainable](#) transportation projects. Where planning applications cannot satisfactorily mitigate their impact on the highway network and/or meet with current policy requirements the Highway Authority may raise an objection to the planning application.

Assessing the impact of development

5.5.2.

Any development site that proposes more than 50 dwellings, or commercial development that generates equivalent or higher traffic flows, will require a full Transport Assessment (TA). Lower levels of development may require a Transport Statement (TS). The TA will identify the sustainable transport measures that will be required to ensure that the site is accessible by a choice of modes other than the private car, including cycling, walking, public transport and horseriding. It should also assess the residual impact of the development traffic on the highway network, including identifying appropriate mitigation to ensure there is no detrimental impact on the safety and capacity of the highway network. Early pre-application discussion with the Highway Authority is essential to agree the scope of any TA or TS and for the applicant to understand the transportation requirements and strategy for the local area. Details on the thresholds for TAs and TSs are given in Appendix B of ECC's Development Management Policies February 2011 and any subsequent updates.

5.5.3.

Highways work versus contributions

Where mitigation is required this must be fully funded and delivered directly by the developer. The developer will be required to enter into a S278 Agreement with the Highway Authority to deliver the works. All work within or affecting the highway will be subject to technical approval by the Highway Authority prior to commencement on site. Details are to be agreed with the Development Management Team at development.management@essexhighways.org.

Contributions for highway works will only be taken in exceptional circumstances such as for large scale strategic transportation schemes, with more than one funding source, which have been identified through the borough, city and district Local Plan process and included in the associated Infrastructure Delivery Plan.

Where more than one development in an area generates the need for a specific local highways scheme which cannot be delivered by an individual development, it may be appropriate for ECC to secure financial contributions and to procure the works. ECC will require the developer to enter into a legal agreement under S106 or S278 agreement, as appropriate, to secure the contribution.

Highways work and surety

ECC will require an appropriate surety (either a cash deposit or a Bond) that can be called upon to pay for the completion of works in the event that the developer does not complete the highway works to the satisfaction of the Highway Authority.

5.5.4.

Inspection fees

Where developers are working in the highway, inspections have to be carried out by ECC and fees are charged, based on the cost of the works. At the current time the following fees apply:

5.5.5.

Table 10: Fees applied to cost of works

Cost of Works	% fee applied to cost of works
Under £10,000	Inspection fee based on the cost of the works with a minimum of £1,450
£10,000 to £500,000	8.5% of cost of works
£0.5m and £1.5m	7.5% of cost of works
Above £1.5m	Determined case by case

Prior to ECC embarking on any drawing checks an advanced checking fee of £3,000 will be required.

5.5.6.

Further guidance is available in the Development Construction Manual available on the ECC website.

Traffic Regulation Orders (TROs)

Where a development requires a traffic regulation order e.g. to provide waiting restrictions, there is a fee payable, to ECC, to cover the costs of processing and advertising the order(s). The fee varies according to what order and associated works are required. The developer will be responsible for procurement and implementation of the associated infrastructure including signage and lining. This will be secured through a S278 agreement. Further guidance can be found in the Development Construction Manual.

5.5.7.

Commuted sums for maintenance

When the Highway Authority takes on assets from developers it incurs maintenance costs for the life of the assets, and replacement costs at the end of their useful life.

Committed sums to cover these costs are required from the developer. These sums are secured through both Section 278 and Section 38 agreements, but any agreement that includes the transfer of an asset to ECC may require such a contribution. The types of asset include:

- Street lighting
- Traffic signals and illuminated signs
- Pedestrian crossings
- Highway structures such as retaining walls, bridges and gantries
- Landscaping and adopted land
- Fencing and noise bunds
- Bus shelters and other public transport infrastructure
- Street furniture and bollards
- Soak-aways
- Drainage infrastructure
- Tree planting in soft and hard landscaping, hedges
- Culverts
- Traffic management features
- Interceptors
- [Pavements](#)
- [Cycle ways](#)
- [Electric vehicle charge points](#)

The calculation of committed sums for maintenance follows the principles set out in the guidance produced for the Department for Transport by ADEPT, the Association of Directors of Environment, Economy, Planning and Transport, formerly the County Surveyors' Society. More details of this guidance, and how sums are arrived at, are given in '[Appendix G: ADEPT guidance on maintenance costs](#)~~Appendix G: ADEPT guidance on maintenance costs~~'. A full list of assets, with relevant maintenance contributions, is given in '[Appendix H: Standard Committed Sums for Maintenance \(April 2017\)](#)~~Appendix H: Standard Committed Sums for Maintenance (April 2017)~~'. It must be noted that developers should not assume that ECC will accept responsibility for or maintain all Highways infrastructure. For example, street lighting that does not form a useful network function may not be requested on some roads and it would not thereby automatically be eligible for adoption.

Any asset that a developer is seeking ECC to adopt must be in an appropriate condition and any required maintenance work at that time must be completed by the developer prior to transfer. Where proposed materials are not within the current specification applied by the Highway Authority, additional sums may be added or adoption of the item refused.

There are also special circumstances whereby ECC will require commuted sums for maintenance of an asset it already owns. For example, if construction traffic is likely to damage the carriageway, the developer may be required to deposit a sum with ECC. The sum will in whole or in part be returned if no damage occurs. This type of maintenance is usually secured through a Section 106 agreement.

5.6. Sustainable Travel Planning

Service overview

Travel Plans are long term management strategies providing a framework for managing [travel needs](#) transport issues and promoting travel choice. Developing a Travel Plan can help to reduce the use of the private car, which in turn helps to tackle localised congestion, [reduce air pollution and mitigate climate change](#).

5.6.1.

In accordance with the requirements of the NPPF, Travel Plans are an essential component of workplace, residential and school planning applications. Each Plan contains 'modal share' targets and identifies measurable outcomes, along with arrangements for monitoring the Plan's progress, and mitigating actions to be agreed in the event that targets are not met.

The Sustainable Modes of Travel Strategy sets out how ECC aims to effectively target and adopt different methods of successfully encouraging modal shift, by giving the people of Essex a better choice when it comes to travelling in and around the county; as well as trying to alleviate some of the strain on the highway network. The strategy also aims to facilitate the associated environmental, social and health benefits of better managed congestion.

Example frameworks for Workplace, Residential and School Travel Plans and accompanying guidance notes can be found at:

<https://www.essex.gov.uk/sustainable-travel>

Workplace travel plans

Workplace Travel Plans are required for all commercial developments, including expansion plans, where the proposal would take total staff numbers to 50 employees or more. A robust Travel Plan can aid recruitment, retention and morale, improve transport infrastructure and reduce congestion in and around the site, also raising the ethical profile of the company. [More information on developing a Workplace Travel Plan can be found in the document 'Helping you create a Business Travel Plan'](#). ECC also runs a network for businesses who want to develop and implement a travel plan – see '[Appendix I: Smarter Travel for Essex Network](#)~~Appendix I: Smarter Travel for Essex Network~~' for further information.

5.6.2.

Residential travel planning

Focusing on travel by residents and designed to encourage sustainable travel from the start of a journey, rather than to a specific destination, and for a number of journey reasons, i.e. work, leisure, education and/or accessing services.

The size of a residential development determines the requirement, as set out below:

Residential Travel Information Pack - applicable for all residential developments comprising of 1 to 79 dwellings:

A booklet, tailored to the specific site location, containing information on local transport and travel opportunities and promoting the benefits of these; including tickets for free bus (or rail) travel.

Contents included are:

- Introduction
- Walking and Cycling
- Public Transport - broken down into bus and rail travel (including free tickets if applicable)
- Park and Ride
- Car Sharing
- Electric Vehicles
- School Transport
- Taxi travel
- Useful contacts

The packs can be purchased at a charge through the Sustainable Travel Planning Team (travelplanteam@essex.gov.uk).

Residential Travel Plan - applicable for all residential developments comprising of 80+ dwellings:

A working plan includes a number of travel plan measures (listed below) to ensure sustainable means of travel are available to residents. The Plan will incorporate information on the Travel Plan Co-ordinator, Aims and Objectives, Targets (including an Action Plan) and an agreed monitoring programme (including biennial travel surveys and annual traffic counts).

Measures include:

- Residential Travel Information Pack
- Safe pedestrian and cycle routes
- Car Clubs
- Public Transport services, maps, leaflets and information
- Websites, travel information boards or online portals
- Community travel events
- Community Engagement Group
- Car Sharing
- Car charging points (standard and rapid chargers)
- Marketing, Promotion and Information (including walk/cycle challenges)

5.6.3.

School Travel Plans

Where a new development includes a proposal for building new educational or training spaces, schools will be expected to help minimise the carbon footprint produced by the education establishment. Developers will also be expected to

ensure the design and layout of the development surrounding the education establishment is designed to encourage active and sustainable modes of travel.

They Developers will be required to work with the Sustainable Travel Planning Team to implement a School Travel Plan. This will involve consideration of access to the educational site and the walking and cycling routes to it, including any appropriate crossing facilities and the funding of a School Crossing Patrol (for Primary Schools), in line with the ECC School Crossing Patrol Volunteer Agreement that must be signed and agreed by the developer for the duration of the development. Further considerations will include:

- School entrance/s for pedestrians should be located to improve accessibility from all relevant directions, and a sense of place – consider a public square just outside each entrance
- Design out car drop-offs and picks-ups by creating the car-free zone of an appropriate radius
- A permeable development layout, shortening the walking and cycling distances against road travel, i.e. short-cut footpaths
- Provide design cues that this is a school entrance street (e.g. school signage, artwork created by pupils, planters, street trees, cycle parking, etc)
- Good crossing points, across roads and cycle paths alike, for pedestrians
- Widened footways (minimum 2 metres)
- Defined separation of walking and cycling sections of pathways
- Low-level (pedestrian-focused) street lighting
- Cycle parking, for pupils and staff, for long and short stays near school entrance
- Scooter parking for KS1-2 schools
- Parental waiting shelters
- Separate traffic entrance/s should be provided for permitted vehicles (staff, deliveries, maintenance, emergency services, as well as disabled access)
- Staff showers and changing rooms

5.6.4.

Section 106 requirements

Details of the legal obligations associated with Travel Plans are set out in the template Section 106 agreement provided as 'Appendix A: Section 106 Agreement Template' of this guide. Developers are required to pay a one-off fee of £5,000, index-linked with the Government's Consumer Price Index (CPI) and based on April 2019 costs for ECC to monitor and review each Travel Plan. The fee pertains to ECC involvement over a minimum five year period from the date of first occupation, to ensure the Travel Plan remains an 'active' document with the overarching aim of achieving a reduction in single car occupancy

Monitoring and review consists of three main activities:

1. Management and co-ordination of annual travel surveys
2. Setting modal shift targets annually with agreement between both parties
3. Providing advice and support to the on-site Travel Plan Co-ordinators

The travel plan monitoring fee structure for residential developments is detailed below:

Table 11: Travel plan monitoring fee structure for residential developments

Dwelling	Fee
Up to 79 dwellings	No fee
80-449 dwellings	£1,500 per annum (index-linked as above)
450-749 dwellings	£2,500 per annum (index-linked as above)
750-1000 dwellings	£3,500 per annum (index-linked as above)
1000+ dwellings	Fee will be negotiated case by case.

For applications of more than 1000 dwellings, the fee will be negotiated case by case.

The fee is for services supplied to the developer by ECC, for the provision of support and advice to the onsite Travel Plan Co-ordinator on the management and implementation of the Residential Travel Plan, thus enabling them to effectively deliver the Travel Plan. Co-ordination of the travel surveys and/or traffic data counts must be paid for separately by the developer.

An authority may require a developer to prepare a Workplace/Residential Travel Plan for a development which has fewer employees/dwellings than those identified in the thresholds specified above, for example because the development is in an area that is particularly congested or has an air quality issue. In such cases ECC will require the minimum fee of £5,000 (one-off payment for workplace) or an annual fee of £1,500 (for residential) index linked, to monitor and review the Travel Plan.

In all cases (both Workplace and Residential) the developer is responsible for producing the draft plan and any travel packs that are required. The developer may however seek ECC's assistance and under certain circumstances buy-in ECC's expertise.

5.7. Passenger Transport

Service overview

Public passenger transport has a vital role in keeping communities connected, supporting economic growth, reducing congestion, helping to protect the environment and maintaining journey time reliability for all road users.

- 5.7.1. Public transport allows residents to reach essential key amenities and services (such as employment, health, education and shopping) and has a major influence on our overall quality of life. Such services are particularly important in rural communities and for sections of society that do not have access to a car, such as young people, but also make a major contribution to ensuring long term sustainable development.

ECC, as the Local Highway and Transportation Authority, has responsibilities for public transport under the Transport Act 1985, the Transport Act 2000, the Traffic Management Act 2004, the Local Transport Act 2008 and the Bus Services Act 2017. The legislation requires the production and review of a Local Transport Plan which identifies transport policies and how these will be delivered. It has also adopted and published its Passenger Transport Strategy “Getting around in Essex” and the ‘Local Bus Service Priority Policy 2015 to 2020’⁷.

The documents set out the County Council’s strategy and policies for the provision of public transport. Guidance notes have been produced for developers dealing with the demand for public transport, and passenger transport infrastructure arising from new developments is described in these documents which have been incorporated into the Essex Design Guide.

- 5.7.2. **How the need for passenger transport is assessed**

In general developers will be expected to make an appropriate financial contribution to mitigate the impact of their development on the local transport network and to help ensure that the development is sustainable.

However, requirements for contributions will be gauged on a site by site basis. ECC’s view of the appropriate levels of infrastructure and service support required for a development to meet these criteria is set out in ‘[Appendix M: Additional Guidance for Developers on Passenger transport requirements](#)’.

In broad terms:

- For small scale developments of up to 100 dwellings located near to frequent current bus routes, developer funding will be focused on improvements to existing bus infrastructure, including the provision of footway access, raised access kerbs, and dropped kerbs, central pedestrian refuges at safe crossing points, bus stop signs, timetable cases, passenger shelters and/or real time passenger information.

⁷ <https://www.essexhighways.org/transport-and-roads/getting-around/bus/bus-strategy.aspx>

- For moderately sized developments of between 100 and 500 dwellings, the developer will (in addition to the above and where the existing service level is considered inadequate), be required to fund diversions to existing bus routes or make a proportionate contribution to new services aimed at ensuring that all residents are able to access to bus stops with an adequate level of service to key amenity centres.
- For larger scale developments of between 500 and 1000 dwellings the council will (in addition to the above) require a suitable level of [sustainable](#) transport service to be agreed with the aim of meeting access and sustainability requirements (including any modal share targets agreed for the development) and which mitigates the impact of the development on the local transport network
- For very large developments of in excess of 1000 dwellings, such as the proposed Garden [Communities/Villages/Towns](#), a fully bespoke integrated transport package will be required, with strong focus on establishing modal share and long term financial and environmental sustainability and to mitigate the effect of the development on the wider transport network.
- For moderate sized developments upwards, developers will be asked to meet any identified interim costs incurred by the county council from transporting students to and from education sites between first occupation and the opening of any education provision agreed for the site (see '5.3.1- How the need to provide school transport is assessed').
- ECC will either collect contributions itself, to allow it to ensure that the services procured have real network benefits and maximise the potential for commercial viability in the longer term or in some cases developers may be required to negotiate directly with bus companies to deliver an appropriate package of services.
- To encourage long term financial sustainability and meet modal share targets, bus services should be provided at the time dwellings are first occupied. It is likely that in such cases the developer may be expected to subsidise a service until it becomes commercially viable. The agreement may, however, set time, occupation or financial limits to this type of contribution.
- In some locations the provision of demand responsive transport may be appropriate.
- Recognising that many households will require parking for private cars, adequate provision for unimpeded through routing of buses must be made. To this end the design of roads intended as bus routes must allow for unimpeded bus travel even if parking occurs on both sides of the road.
- Parking restrictions may also be required to protect key turning or stop areas and to prevent parking allowing vehicles to block speed cushions or tables. Developers should expect to contribute towards any necessary Traffic Regulation Orders and the delivery of associated signs.

- The intention to establish bus routes, and the associated measures, must be made clear to potential new residents to ensure that objections to Traffic Regulation Orders are avoided.

5.8. Public Rights of Way

Service overview

The Highways Act 1980 places a responsibility on all Councils to protect Public Rights of Way. Public Rights of Way are also a material consideration in the determination of any planning application. The granting of planning permission does not in itself provide authority to obstruct or alter the legal route of a Public Right of Way.

Assessing the impact of development

The Highway Authority may seek works or a financial contribution from developers to ensure that Public Rights of Way either on, or in areas adjoining new developments, are appropriate to accommodate the additional use new residents will generate. Where the Public Right of Way or relevant part thereof, is over land within the control of the developer, the developer will be required to complete the works under a Section 278 agreement. Where the works require the agreement of any third party owners, ECC may agree to take a financial contribution, and complete the appropriate works, but will only do so where it is evident that the upgrade is achievable. Any transport strategy that relies upon the delivery of an upgraded Public Right of Way must be proved feasible by the developer to be accepted.

Such improvements, where appropriate, may be secured by a Section 106 Agreement (which can have attached to it a public path creation agreement) or by a suitably worded planning condition. Where such improvements are for the provision of a cycle track, which coincides with an existing public path, the developer would be expected to fund the necessary Cycle Track Conversion Order. The agreement would also require the cycle track to be constructed in accordance with specifications [set out within the Manual for Streets and Cycle Infrastructure Design LTN 1/20 and](#) agreed by the Highway Authority.

Specimen clauses for insertion to secure Public Rights of Way as part of a development scheme are available in 'Appendix A: Section 106 Agreement Template'. However the following points are also important:

- Paths should be retained on their existing routes wherever possible. Section 257 of the Town and Country Planning Act 1990 states that diversions should only be made if it is considered that it is 'necessary to do so to enable development to be carried out'. There is every expectation therefore that the existing Public Right of Way should stay where it is, particularly in large development sites, and the layout of the new build should be designed to accommodate the existing path alignment.
- ~~With the ever increasing need for sustainable transport often with Active travel must be provided through~~ the provision of [walking, cycling and wheeling](#) facilities. ~~These, it is expected that these~~ will be delivered by way of purpose built [Cycle Infrastructure Design \(LTN 1/20\)](#) cycle tracks or where appropriate, upgrades to an existing footpath with a cycle track conversion order. Creation of new bridleways in urban areas as a means of facilitating

cyclists is not considered an appropriate means of provision for cyclists. [‘White lining’ is also not considered appropriate.](#)

- [For detailed guidance, please refer to: “Development and Public Rights of Way” advice notes for developers as published on the Essex Highways website.](#)
 - a. ["Development and Public Rights of Way" advice notes for developers as published on the Essex Highways website](#)
 - b. [Department for Transport's Cycle Infrastructure Design LTN 1/20.](#)
 - c. [Manual for Streets](#)
 - d. [The Essex Highways Cycle Design Portal also supports our aims to ensure LTN 1/20 compliant schemes are possible by providing designers, engineers and planners with the latest guidance, and \(where available\) technical notes, lessons learnt, links to good practice and examples of current best cycling practice for Essex. The pages are regularly updated and developed as new best practice is discovered, developed and updated, meaning that the latest guidance can always be ready and available when developing new cycle schemes.](#)

5.9. Waste Management

Service overview

ECC is both the Waste Planning Authority (WPA) for Essex and the Waste Disposal Authority (WDA). The WPA is responsible for waste development planning for all waste arisings and is required to determine planning applications for waste facilities. The WDA is responsible for the disposal of Local Authority Collected Waste (LACW) and providing publicly accessible Recycling Centres for Household Waste (RCHW).

5.9.1.

The cost of waste disposal is affected by waste composition, disposal technology and geography. The typical cost of disposing of residual waste is currently in excess of £150 per tonne. Waste disposal costs are expected to rise in the future as more stringent environmental waste standards come into force. A typical Essex household produces over a tonne of waste per annum of which approximately half is recycled, and the remainder is sent for disposal.

The Joint Municipal Waste Management Strategy (JMWMS) for Essex details the vision for the management of LACW in Essex. Essex favours an approach led by waste minimisation, coupled with high levels of recycling and composting. It has a target to recycle at least 50% of household waste with an aspiration to achieve 60% recycling and avoid waste to landfill. The JMWMS will be subject to review during the lifetime of this guide to reflect national policy and emerging legislative changes resulting from the adoption of the Government's Resource and Waste Strategy

5.9.2.

Infrastructure need

Waste treatment and logistics infrastructure has been developed for the treatment of LACW and to support the delivery of the JMWMS. This consists of a mix of local authority owned infrastructure and contracted arrangements with private sector infrastructure providers. Development will increase the amount of LACW which will place operational pressure on infrastructure. The major centralised waste treatment facilities have been developed with appropriate capacity to accommodate growth, however larger developments are likely to necessitate additional investment in the local public facilities and logistics infrastructure. The local infrastructure that may require investment to increase capacity are the public facilities such as RCHW and recycling bring bank sites, and the local logistics infrastructure such as vehicle depots and waste transfer stations.

5.9.3.

Assessing contributions

Contributions will be required in respect of the new Garden Communities to support development of local waste management infrastructure to deliver the operational integrity of the waste management system. The level of contributions requested will be assessed on a case by case basis following evaluation of infrastructure capacity within the locality prior to development, and an operational needs assessment and will be used to mitigate the impact of these large residential sites.

5.10. Libraries

Service overview

Essex County Council has a statutory duty under the 1964 Public Libraries and Museums Act to provide a comprehensive and efficient library service for all person's resident working or studying in the area.

- 5.10.1. The Department for Digital, Culture, Media and Sport (DCMS) oversee the provision of this statutory duty and also promote the improvement of the provision of public services in England by the relevant local government body.

Furthermore, the Secretary of State has a statutory duty to promote the improvement of public library services and monitors their developments with the support of the Arts Council England (ACE), the national development agency for libraries.

To support the delivery and maintenance of the required library service for Essex County, Essex Library Services has developed The Everyone's Essex Library Service Plan 2022-26

The Everyone's Essex Library Service Plan 2022-26 commits to putting Libraries at the heart of our communities. Essex currently has 74 libraries, a home library service and 3 mobile libraries.

The Library Service supports communities across the county, the services are a lifeline for many people and we are looking at how to deliver the library service in different ways, to improve the current delivery, as well as how to make the most of underused space in our buildings and facilities across the county.

- 5.10.2. Libraries act as a hub for communities to come together and interact, and are a vital resource for helping residents improve their literacy, and provide a place to learn new skills. The library service is a shared gateway to other services and also for accessing digital information and communications.

Service delivery

The Everyone's Essex Library Service Plan 2022-26 is structured on 3 pillars:

- 5.10.3.
 1. Library Service and literacy
 2. Communications and infrastructure
 3. Supporting our communities and levelling up

Ensuring our libraries are fit for purpose, working with the right partners and, most importantly, in the right places.

How the need for additional provision is assessed

Contributions will be sought to provide additional facilities, stock and IT provision where there is expected to be significant growth in population created by development, or where a new community remote from an existing provision is established.

For provision of new libraries, including within community shared facilities, the process below is followed,:

- Planning applications for developments with 20 or more dwellings will be considered
- Other known growth in the area will be taken into account
- Long term capacity and future requirements across the area will be assessed

The Essex guideline for a new stand-alone library is that it should serve a discrete community of at least 7,000 people - very few developments will therefore demand a library for itself so there is likely to be a need to 'pool' contributions and to consider library provision as part of a community hub along with other complementary facilities.

Where the increase in projected population more than doubles an existing library catchment area, it is likely that a new facility or building will be required. Provision of this space could be as part of a shared community or educational facility for example – and would allow consideration to be made for varying scales of development.

How the money will be used

5.10.4.

- Monies may be used to enhance existing service points; work with other County and District/Borough/City Councils, voluntary and other services, eg NHS, to establish joint community facilities or create a new mobile library stop or build a new library in the case of the largest developments. Costs of decanting an existing building, including the purchase and storage of new and existing stock during and for the move to the new building would also be required.

5.10.5.

- Additional requirements, which may include upgrading existing facilities, expansion of existing buildings, additional furniture, technology and stock, and these will be directly proportional to the increase in the projected population of the specific area.

How the contributions will be calculated

Detailed calculation will be based on a several factors:

- A new library building, fixtures and stock. The provision of a new library is only likely to be sought on major new housing sites/allocations of 7000 people or more. However, each case will depend on an assessment of the particular requirements in that area and the likely impact of the new development on current provision. The cost of a new library will need to be negotiated on a site by site basis
- A library extension - a service requirement of 30m² net of public library space per 1000 population, based upon the current model of delivery and found in the Museums, Libraries and Archives (MLA) advice. The average cost per sq.m. for library provision is £2,020 (RICS East of England Library tender value first quarter 2013). Based on an average household size of 2.4 occupants this gives a figure of £144 per dwelling. In addition, there would

be a requirement for the extension to be fitted out at £100 per dwelling. This brings the total requirement to £244 per dwelling

- Major Capital Project to an existing library facility – this might include provision of new toilets etc. The cost associated with this work is £244 per dwelling
- Fitting out costs including furniture, decoration, new flooring, reconfigure layout, refurbish toilets, improved access, external works such as parking and bike racks and technology based upon current fitting out costs of new provision in Essex – e.g. Springfield. The costs associated with this work is £100 per dwelling
- Provision of stock, “talking books” DVDs and other leisure materials, self-service” facilities and other potential IT equipment to increase the opening times and capacity of the library, Provision of furniture, Provision of computers and computing equipment - including tables, Provision of learning equipment / play equipment for younger children. The costs associated with the above items is £75 per dwelling

5.11. Flood and Water Management and Sustainable Drainage Systems (SuDS)

Service overview

5.11.1.

As a Lead Local Flood Authority, ECC must develop, maintain, apply and monitor a strategy for local flood risk management in its area consistent with national strategies and in accordance with the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010 Paragraphs 9 (1), (2), (3) and (4). Surface Water Management Plans (SWMP) provide the platform for the identification of Critical Drainage Areas (CDAs), a suite of feasible measures to reduce the flood risk in the CDA and preliminary costs of delivering these measures. Therefore in accordance with NPPF (paragraph 156), Local Plans should be supported by Strategic Flood Risk Assessments taking into account advice from risk management authorities such as Lead Local Flood Authorities.

ECC has taken the approach of undertaking the preparation of SWMPs for all the District, Boroughs and City Councils in Essex and views these as the most up-to-date body of evidence about surface and ordinary water course flood risk. The SWMP documents should constitute a significant component of the evidence needed by LPAs when negotiating Section 106 contributions from developers in order to mitigate the impacts of developments on the level of flood risk in a CDA. They should also inform any Infrastructure Baseline Studies and Infrastructure Delivery Plans and facilitate setting up a CIL charging schedule to provide flood defence infrastructure in order to accommodate new developments.

Sustainable drainage systems (SuDS) are a requirement of the NPPF (paragraph 103). Most Local Planning Authorities also require their inclusion in new developments under their local policies in order to meet water quantity, water quality and amenity/biodiversity requirements. From 6 April 2015 Government has made the upper tier authorities as the Lead Local Flood Authority. ECC in this role is therefore a statutory consultee to be consulted by local planning authorities in relation to surface water and SuDS proposals put forward in relation to major planning applications as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In addition to the requirement for major planning applications to provide on-site SuDS, there is an overriding need to ensure that there is a viable option for their maintenance and to ensure that SuDS can be implemented and do not fall into disrepair which may result in flooding. SuDS are holistic systems that often cater for private and highway water within the same features however, ECC's position is to adopt SuDS only in exceptional circumstances. There is further information on the County Council's SuDS adoption policy on the ECC website. Adoption of SuDS will be subject to features being designed and built to the required standard with the long term maintenance cost being addressed through an up-front commuted sum payment. SuDS design should accord with the ECC SuDS Design Guide. Agreement to adopt will be on a voluntary basis for the developer and ECC. Some of the LPAs have reflected the SuDS Design Guide in their own Supplementary Planning Document adoption statements.

Whilst whole life maintenance costs of SuDS features are accepted by the industry to be comparable to those of conventional drainage, the routine maintenance is often more frequent/expensive and the replacement costs less frequent/expensive. If SuDS were to be approved for adoption under ECC's exception policy, the commuted sum should reflect this short term increase in cost. As vegetative SuDS features are expected to last longer before requiring replacement there is also an argument that the commuted sum fee period should be extended to include one replacement. Therefore ECC will require a minimum 30 year commuted sum maintenance payment, to include the replacement cost of SuDS infrastructure.

Where this exception SuDS adoption policy does not apply, local planning authorities will work with the developers to identify an alternative SuDS adoption body which could include a Water Authority or private management company. The Local Planning Authority will work with the developer to secure the long term maintenance of SuDS through a combination of planning obligation, planning condition and commuted sum payment guaranteeing their long term maintenance. Whichever SuDS maintenance option is chosen by the developer, early engagement with the relevant adoption organisation and the local planning authority is essential to achieving a successful outcome.

5.12. Monitoring Costs

ECC will seek a charge towards the monitoring and administration of the relevant County Council obligations in S106 agreements to cover the following:

- The maintenance, ~~and~~ development and update of the planning obligations monitoring database system to assist in the co-ordinations of obligation preparation, completion, monitoring and review
- The monitoring of trigger points and development progress;
- Recovery of obligation contributions not made, including any necessary formal or legal action;
- Liaison between ECC and district/city/borough councils in respect of financial contributions requested and those held for infrastructure being provided by ECC;
- Reporting on the operation and outcome of ECC developer contributions (as required in the revised CIL Regulations – the Infrastructure Funding Statement).

The charge will generally be levied at a rate of £550 per obligation including schemes involving the phasing of payments. On more complex sites the charge will be levied at a rate of 1 % of the ECC's total obligations up to a maximum of £10,000 per agreement.

However, on major strategic housing sites (typically over 1,000 dwellings), the monitoring fee will be negotiated on a site by site basis reflecting any potential complexities associated with the S106 and the additional work involved in monitoring the agreement over a lengthier time period.

In all cases the monitoring charge will be payable on commencement of the development.



6

Further Advice

6. Further Advice on key issues

6.1. Contact with Local Planning Authorities

Developers are strongly advised to check the scope and level of potential obligations prior to purchasing development land or submitting a planning application. In the first instance developers should contact the Local Planning Authority responsible for the area in which their proposed development lies. Their contact details are as follows:

Table 12: Contact details of Local Planning Authorities.

Local Planning Authority	Email	Telephone
Basildon Borough	planning@basildon.gov.uk	01268 533333
Braintree District	planning@braintree.gov.uk	01376 552525
Brentwood Borough	planning@brentwood.gov.uk	01277 312500
Castle Point Borough	info@castlepoint.gov.uk	01268 882200
Chelmsford City	Online form on www.chelmsford.gov.uk	01245 606826
Colchester Borough	planning.services@colchester.gov.uk	01206 282424
Epping Forest District	contactplanning@eppingforestdc.gov.uk	01992 564000
Harlow District	planning.services@harlow.gov.uk	01279 446655
Maldon District	contact@maldon.gov.uk	01621 854477
Rochford District	planning.applications@rochford.gov.uk	01702 318191
Tendring District	planning.services@tendringdc.gov.uk	01255 686868
Uttlesford District	planning@uttlesford.gov.uk	01799 510510

The Local Planning Authority may request that developers contact ECC direct regarding some of the aspects listed in the guide. A Contribution Enquiry Form is provided, as [‘Appendix B: Request for Planning Advice](#)

[Appendix B: Request for Planning Advice](#)

’ to this document. This can be sent in by post to the address on the back cover of this guide or a copy can be downloaded from www.essex.gov.uk and emailed to development.enquiry@essex.gov.uk.

It must be stressed that circumstances can change between advice being issued and the formal assessment of a planning application. The estimated level of financial contributions will also rise in line with cost inflation during any intervening period.

Additional useful information

There are a number of other requirements which should be borne in mind when considering a site and preparing a planning application for submission. These include matters relating to adult social care, public health, biodiversity and heritage assets. ECC will provide advice on these matters as required. There are also sections related to the NHS, public art and the emergency services.

6.2. Adult Social Care

Background

City, Borough and District Councils in Essex are responsible for securing contributions from developers towards Affordable Housing but ECC has responsibilities for housing some vulnerable groups and will work with districts on how these responsibilities can best be met.

6.2.1.

These services are provided to deliver wider benefits to individuals and communities as well as to meet statutory duties. The strategic and legislative framework for social care is set nationally with local strategies and initiatives developed to interpret national strategy and reflect local priorities.

The Care Act 2014 has integrated the provision of social care and health services for the benefit of the client. Health and social care providers in Essex are increasingly seeking to join up their efforts into integrated pathways which provide a consistent service for citizens and make best use of resources. ECC has appointed Integrated Commissioning Directors to work with each of the five local Clinical Commissioning Groups (CCGs) to join up services.

Specialist housing need

6.2.2.

In order to deliver its aims and duties, ECC seeks to develop a range of supported living options and to commission services to support people to remain living independently for as long as possible.

Since 2012 ECC has offered capital grant support to developments for working age adults with disabilities and in 2014 began to make a similar offer for housing for older people. The number of schemes accessing these grants is lower than anticipated and insufficient to meet the current and future demands.

In 2014 ECC began developing a strategic approach to the delivery of housing for older people at scale; districts, providers and developers are involved in shaping the outcomes. This work will be progressively concluded in 2015 with information published throughout the year. It is likely to include details of a continued capital grant scheme, models for land and building donations to support scheme viability and proposals for ECC to work in closer partnership with a number of developer/providers. A similar process is being considered to meet the needs of working age adults with disabilities.

A Market Position Statement, which is updated at regular intervals, provides a picture of the County in terms of demand, supply and opportunity for a range of specialist housing. Specific needs identified include:

- Older people: Data analysis tells us that there are approximately 5,000 Essex residents who meet the criteria to access specialist housing with care that is being provided as an affordable housing option. This figure increases only slightly over the next 5 years. A proportion of these 5,000 residents will be best served by a form of specialist housing with care.
- Working age adults with disabilities, including learning disabilities, physical impairments and sensory impairments: There is an identified shortfall of

around 270 units of supported accommodation of various types across the County. Specific gaps in provision include supported accommodation for Deafblind people and people with physical impairments who are wheelchair users and/ or have specialist support needs such as due to an Acquired Brain Injury.

Details on the characteristics of suitable sites/ buildings for specialist housing with care for older people and working age adults with disabilities can be found in 'Appendix K: Site characteristics profile for housing for older people and adults with learning disabilities'.

- Mental health: There is a need for blocks of 12 or so flats, with an on-site office, in a number of areas. In addition, there is a need for move-on accommodation of self-contained flats in general needs accommodation.
- Vulnerable people: Support is currently provided to a range of vulnerable groups such as women fleeing domestic violence; homeless single people and families, older people and people with substance misuse problems.

6.3. Protecting Biodiversity

Planning Policy Background.

6.3.1.

The NPPF recognises that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing measurable net biodiversity gains. Biodiversity Net Gain is an approach to development, and/or land management, which aims to leave the natural environment in a measurable better state than beforehand. [BNG is additional to existing habitat and species protections. BNG aims to create new habitats as well as enhance existing habitats, ensuring the ecological connectivity they provide for wildlife is retained and improved.](#) Additional guidance is set out within the Natural Environment section of the Planning Practice Guidance.

The NPPF suggests that development should be directed at land of lower environmental value and that planning policies should consider biodiversity at a landscape level, identifying local ecological networks and promoting the conservation, restoration and enhancement of Priority Habitats.

Within the NPPF, there is a clear hierarchy enshrined within the principles by which biodiversity can be conserved and enhanced within the planning system. [Paragraph 174 requires that planning policies and decisions contribute to and enhance the natural local environment by minimising impacts on and providing net gains for biodiversity.](#) Paragraph 175 (a) states that, *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.* It stresses the need to encourage the incorporation of biodiversity in and around developments and the importance of habitats that are considered irreplaceable, such as ancient woodland and veteran trees.

6.3.2.

Mechanisms for achieving Biodiversity Net Gain

Biodiversity Net Gain delivers for the environment alongside development. [Mandatory BNG is expected end of 2023 and is likely to be secured as a pre-commencement condition. 10% BNG is the mandatory minimum required, as outlined in the Environment Act 2021. LPAs may set higher targets for the percentage of net gain expected from new development. This might also include requirements for minimum levels of biodiversity delivery on sites that currently have little or no existing biodiversity. England are currently in an interim period, less than a year away from mandatory Biodiversity net gain. The approach to BNG may evolve as new guidance and/or secondary legislation is released.](#) ~~It is anticipated that Biodiversity Net Gain will become mandatory for Town & County Planning Act (TCPA) developments and that further information on the relationship between mandatory net gain and the planning system will be provided once a mandatory system is introduced.~~

Essex County Council encourages the incorporation of the ten Best Practice Principles developed by CIRIA/CIEEM/IEMA for those delivering Biodiversity Net Gain.

~~Net gain outcomes can be achieved on site, off-site or through a combination of both. The initial focus should be on securing on-site delivery.~~

Biodiversity Net Gain is already being widely adopted across the industry and is measured through use of the Defra Biodiversity Metric. ~~The Metric is a biodiversity accounting tool that is to be used for calculating mandatory biodiversity net gain. This is currently v3.1. it can be used or specified by any development project, consenting body or landowner that needs to calculate biodiversity losses and gains for terrestrial and/or intertidal habitats. The Biodiversity Metric 3.1 has been extensively tested.~~ This calculates the habitat value of the site before and after development in terms of ‘biodiversity units’, ~~with any deficit identified as requiring compensation.~~ On-site delivery is preferred, but where this cannot be secured, the metric favours offsetting as close to the impact site as possible. ~~The Government has recently introduced a new Biodiversity Metric 2.0, encompassing a wide range of habitats, and this is still to be finalised.~~

~~Biodiversity Metric 2.0 is seen as beneficial by developers as a way to engage local communities and deliver their environmental objectives for development. The use of the Biodiversity Metric as a tool should be in conjunction with ecological advice, to quantify Biodiversity Net Gain in the terrestrial environment.~~

~~Biodiversity Net Gain schemes typically cover a minimum 25-year period. Landowners offering their land as suitable for providing biodiversity units will need to enter a minimum 30-year agreement, this means the land has to be managed in the way set out in the Habitat Management and Monitoring Plan for at least 30 years. If this 30+ year guarantee cannot be provided the land cannot be used for biodiversity net gain.~~ The developer is expected to pay for all costs associated with achieving the delivery of the anticipated biodiversity net gain outcome, capital and revenue, over this period.

Embedding net gain into local planning authority plans and strategies is a key prerequisite for securing net gain outcomes from most developers. ~~Once the mandatory requirement for BNG is in place it will be a legislative requirement. Local requirements for BNG should be outlined in the Local Plan and/or supplementary planning documents.~~ Biodiversity Net Gain helps deliver wider aspirations for on-site and strategic green infrastructure.

~~Local Nature Recovery Strategies (LNRS), outlined in the Environment Act 2021, will be a mandatory requirement and are a new system of spatial strategies for nature. The county-wide LNRS will help inform how and where biodiversity net gain should be delivered and will help to identify large scale ‘recovery sites’ for offsetting large amounts of biodiversity units. LNRSs can be used to target offsite BNG so that it contributes to the wider nature recovery network. However, LNRSs will not be available until at least 2024. In the interim, ~~W~~when delivering net gain off-site, opportunities should be sought to link delivery to relevant local plans or strategies e.g. Green Infrastructure plans, biodiversity opportunity areas and Nature Improvement Areas (NIA) in order to deliver the best outcome.~~

~~For additional information see ‘Appendix J: Protecting Biodiversity’.~~

6.4. Heritage Assets

ECC and Borough, City and District Councils are involved in the protection of heritage assets within the county, and Place Services provides historic environment advice to some Essex local authorities and to ECC itself. Where developments will directly affect heritage assets, which are of national or regional significance, there will be potential for positive management and enhancements to be put in place and defined within a Section 106 Agreement.

6.5. Employment Sites

When applications are made in respect of employment sites it is recommended that the following could be applied :

- Where employment floorspace is delivered alongside residential development, occupation of housing for each phase should be tied to **successful delivery of employment floorspace** (rather than simply marketing employment land). Where possible, pre-lets should be secured. Where this is not possible, the relevant district/borough council and ECC should be offered first refusal for multi-let space for start-up or grow-on businesses in order to secure its future.
- Where non-residential floorspace is provided, **details of flexibility and adaptability** should be provided. Such measures may include floors that can cater to heavy point loads, ceiling heights that allow a variety of economic activity and provide potential for mezzanine floorspace, unit sizes and construction that facilitate subdivision, construction that facilitates cost-effective extensions
- Where appropriate, and particularly where new service centres are being established, **meanwhile uses** should be considered to mitigate the negative impacts of vacant land / floorspace.

6.6. Public Health

Public Health is responsible for improving health, protecting health and preventing poor health across all ages within the population. It is recognised that 'place' is a major influencer on health and wellbeing, and this is demonstrated through the NPPF and Planning Policy Guidance. Public Health wants to ensure that places in Essex are as supportive to healthier living as they can be, addressing the lifestyle, social and economic factors that are influenced by our environments. New developments should be inclusive, accessible and supportive of reducing health inequalities. In order to achieve these aims, Public Health works closely across the health and care system with partners from Communities, Social Care, the NHS, the Emergency Services Collaboration and Sport England.

Healthy Place-making should include:

- Opportunities for increasing physical activity and active travel. This includes formal i.e. leisure centres, playing fields and formalised space for activity such as outdoor gyms, changing facilities and lighting and informal spaces i.e. walking/cycling/scooting routes and green space within development where spontaneous activity can occur such as play. These principles are supported via Active Design principles which are embedded throughout the Essex Design Guide
- The design of homes and housing so that it is adaptable and accessible to all throughout their lives
- Increasing access to healthier and local food growth opportunities through allotments, community growing space and local markets. It includes access to local amenities shops
- Access to quality green and blue environments through parks, open green space, coastal and inland water spaces
- Community and neighbourhood development through good design as promoted by the Essex Design Guide including opportunities to support the integration of existing communities to new communities.
- Environmental sustainability during both the construction and operational phases of development
- Access to education, skills, training and employment
- Access to NHS healthcare services- Public Health work closely with NHS estates and infrastructure teams across the County

It is expected that the above principles are addressed through positive place-making and then assessed via a health impact assessment as per local planning authority policy. Health Impact Assessments (HIAs) are designed to highlight how the development will positively impact on health and wellbeing and allow for the early identification of potential unintended consequences. They also allow for the identification of groups that may be more at risk from the impacts of the development. HIA should align to the local health evidence base and relevant strategies in place. Mitigation may be sought from a developer should a HIA identify unintended impacts and will, therefore, be site specific.

It is advised that early contact is made with Planning and Public Health teams within local authorities to discuss the application proposed and local HIA requirements. Further information on HIA and healthier places can be found via the EDG website.

6.7. NHS healthcare

Following the enactment of the Health and Care Act 2022, the NHS, local councils (including ECC) and other key partners came together across areas covering all of England to develop proposals to improve health and care, with a new approach to set up Integrated Care Systems. They formed new Integrated Care Partnerships with Integrated Care Boards to govern the new ICS approach and run services in a more coordinated way, to agree system-wide priorities and to plan collectively how to improve residents' day-to-day health.

~~In 2016 the NHS and local councils came together in 44 areas covering all of England to develop proposals to improve health and care. They formed new partnerships known as sustainability and transformation partnerships (STPs) to run services in a more coordinated way, to agree system-wide priorities, and to plan collectively how to improve residents' day-to-day health.~~

There are three ~~STPs~~ICSSs ~~within~~ across Essex:

- Mid and South Essex ~~STP-ICS~~ covers the local authority areas of Basildon, Braintree, Brentwood, Castle Point, Chelmsford, Maldon, Rochford, Southend and Thurrock.
- Hertfordshire and West Essex ~~STP-ICS~~ covers the Essex local authority areas of Epping Forest, Harlow and Uttlesford.
- Suffolk and North East Essex ~~STP-ICS~~ covers the Essex local authority areas of Tendring and Colchester.

Development growth will have a significant impact on the delivery of health care services across Essex. Although new models of care will see greater utilisation of existing public sector assets there remains a requirement to increase capacity by means of physical infrastructure, digital technology and clinical staffing levels.

In order to meet the needs of our future populations whilst making best use of existing assets one of the priorities of the NHS is to increase utilisation of existing infrastructure, which in some instances will see extension of operating hours and greater collaboration between providers. Whilst this may provide additional physical capacity, there will remain a gap in the availability of staff to provide services and digital technology to deliver new models of care.

To this end mitigation will be sought from new development for a range of uses and for a range of services to facilitate the delivery of appropriate levels of care across ~~STPs~~ICSSs.

Traditionally developer mitigation from S106 /CIL was utilised to increase capacity within primary care, and in most instances resulted in a request for funding to increase physical infrastructure. The changing models of care and limited funding to deliver services for a growing and aging population will see a change in the use of mitigation, and funding may be utilised collectively within an acute setting to increase space or improve premises which are not within close vicinity of the development site but will be sited where residents of new development will be treated if/when necessary. Funds may also be used to fund one off costs to recruit and retain clinical personnel within the area, and for the benefit of the residents of

the development funds may also be sought to introduce or expand digital technologies which will in turn increase capacity within local services.

All discussion and negotiations for mitigation from development sites will be approached on an individual basis and via discussion with the Local Planning Authority to ensure that mitigation requests are in alignment with the NPPF.

NHS Commissioners work closely with Public Health to ensure ECC objectives align, and that in collaboration information and guidance can be provided to developers to consider health and wellbeing in design regardless of the size of the proposed development.

6.8. Emergency Services

Through the delivery of effective police, fire and ambulance services, the emergency services have an important role in helping to build safe communities in Essex. They have a responsibility to respond to emergency situations, but also hold a firm interest in preventing such incidents occurring.

We anticipate that requests for contributions are likely to be made to local planning authorities on a case by case basis, particularly when there are new developments of a significant scale. There are, however, early opportunities to build safe communities, through design and infrastructure provision. The information below is intended to remind developers of the benefits of engaging at early design stages to ensure that these opportunities are maximised, keeping the costs of community safety to a minimum.

Essex Police

The extensive planned expansion of housing, including the establishment of new Garden Communities, will have a significant impact on the demand for policing services. It is expected that increased revenue through an expanded council tax base will meet the costs of day to day resources, but this will not be sufficient to meet strategic needs, such as the expansion of the policing estate with appropriate 21st century facilities, such as custody suites and technology.

There are opportunities to consider land allocation and service supplies, as well as a strategic approach to crime prevention through the layout of housing and commercial development, which if considered at an early stage could reduce crime and enable the response to be efficient and effective.

Essex County Fire and Rescue

Adequate access from the public highway for fire fighting vehicles and equipment is essential in all developments. As well as ensuring suitable width, turning circles and distance for hoses to reach buildings, there is scope for new developments to have regard to influencing potential temporary blockers, such as inappropriately parked vehicles, which may hinder emergency access.

Access to infrastructure, such as water supply and power, is necessary for domestic and commercial buildings. In particular, consideration must be given to ensuring access to fire hydrants with adequate volume and pressure of water.

East of England Ambulance

Any significant expansion of housing and supporting community infrastructure services will have a significant impact on the Ambulance Service within that area and beyond eg specialist treatment. It is expected that the Ambulance Service will be able to access new funding to ensure that the appropriate response can be assured to new communities and not place an additional strain on current service levels. To deliver

the required response to the public adequate access from the public highway for blue light calls is essential in all developments. Due to the current reconfiguration of the EAST Ambulance Service Estate we would wish to have early discussions with developers with regards to the potential within developments to support new ambulance facilities where appropriate.

6.9. Public Art

Background.

Today it is now widely recognised that public art is an important factor in improving the aesthetics of our built environment, enhancing a sense of community and place, whilst also fostering community pride and ownership. All initiatives in the built environment can benefit from the skills and approach of an artist. These include

6.9.1.

Public Art has the ability to:

- Enhance the natural, built and historic built environment
- Increase social development - enabling people to investigate and celebrate local identity and/or issues, extending opportunities to participate and engage in culture through public art
- Assist in local economic development initiatives

Private developments have a major role to play in enhancing the environment for communities through the use of appropriate art work

6.9.2.

The contribution of development to public art.

Within the NPPF there is a requirement to include cultural wellbeing within the planning system; the contribution of Public Art in delivering cultural wellbeing has been identified with guidance documents.

To be most effective, artists should be engaged at an early stage in shaping any proposition for development and, certainly, in advance of the submission of a planning application.

To secure opportunities and funding for Public Art it is necessary for a Local Planning Authority to produce a long-term policy and strategy which identifies where, when, how and why public art will be delivered as part of specific development sites and as part of the development of a place as a whole. Details of the policy and strategy must be included within the local planning authority's Local Plan.

Large developments may be asked to contribute through Section 106 Agreements or funding from CIL sought where levies are in place. Contributions through Section 106 agreements may thus be considered on a case by case basis within each Local Planning Authority.

ECC will encourage all private sector developments to include the integration of art within their schemes. This can manifest itself in many forms such as:

- Large scale, three-dimensional artworks such as sculpture or environmental land art providing a focal point aiding navigation or enhancing an area's identity
- Integrated artwork, incorporated into the architecture or public realm

- Smaller scale, high impact projects including street furniture, which can make a contribution by the sensitive use of fencing, paving, railings, security screening, tree grills, lighting and bollards.
- New media, performances or audio works as part of temporary installations or events.

Place Services lead the delivery of ECC's Public Art Strategy to ensure the work and skills of artists feature in the structures and functioning of new development, either as part of an ECC funded programme, through liaison with Districts, City and Borough Councils, or by acting as expert consultants for privately funded development. As these arrangements range from district to district, early consultation is strongly recommended. Contact Place Services at www.placeservices.co.uk or email enquiries to enquiries@placeservices.co.uk.

Appendix A: Section 106 Agreement Template

Appendix B: Request for Planning Advice



For Community Infrastructure Enquiries only.

It is important that you complete all applicable sections to avoid any delay in processing of your request. The form asks for the minimum information required. In some cases, it may be beneficial to provide additional information.

Upon completion submit this form along with any accompanying information/plans and the correct fee to the Infrastructure Planning Team by e-mail to development.enquiry@essex.gov.uk

Applicant Details		Agent Details (if applicable) <i>Please note if this section is completed all correspondence will be sent to the Agent</i>	
Name:	Click here to enter text.	Name:	Click here to enter text.
Company:	Click here to enter text.	Company:	Click here to enter text.
Address:	Click here to enter text.	Address:	Click here to enter text.
Postcode:	Click here to enter text.	Postcode:	Click here to enter text.
Tel no:	Click here to enter text.	Tel no:	Click here to enter text.
Email:	Click here to enter text.	Email:	Click here to enter text.

Interest in property / land	Are you (your client) the only party with an interest in this property / land
Click here to enter text.	Yes <input type="checkbox"/> No <input type="checkbox"/>

Location of proposed development	Authority Area:
Click here to enter text.	Choose an item.
<i>If there is no postal address, please give a clear and accurate description of the site location, including the grid reference details and/or post code</i>	

Basic information regarding the proposal <i>Please provide an accurate, detailed description of the proposed development</i>					
Residential Development	<input type="checkbox"/>	Commercial Development	<input type="checkbox"/>	Other Development	<input type="checkbox"/>
Estimated number of qualifying houses:		Estimated number of qualifying flats:		Estimated number of discounted units:	
Site area :					
Description of the proposal <u>including site area and details of unit mix for residential:</u>					
Click here to enter text.					

Information Required <i>Please tick to confirm you have included the following information:</i>		Comment
Site Location Plan (at an appropriate scale)	<input type="checkbox"/>	Click here to enter text.
Block plan	<input type="checkbox"/>	Click here to enter text.
Other – Please state	<input type="checkbox"/>	Click here to enter text.
History of site, including previous applications	<input type="checkbox"/>	Click here to enter text.
Planning Statement	<input type="checkbox"/>	Click here to enter text.
Details of advice received already e.g. Planning advice	<input type="checkbox"/>	Click here to enter text.
Please indicate any additional information and supporting documentation that has been submitted for further clarification of proposals Click here to enter text.		

Pre-application charges for Community Infrastructure Advice (education et al)		
Payment can be made by phone (credit or debit card) or via BACS (details will be provided on request). Payments must include VAT.		
Advice type	Charge	Amount paid
Written pre-application advice	£160 + VAT	
*Attendance at a meeting	£87.55 per hour + VAT	
*Attendance by additional ECC officer(s) at a meeting to provide specialist advice	£87.55 per hour + VAT per officer	
Written advice following meeting	£160 + VAT	
Total payable to Essex County Council £ _____		

*[Virtual meetings are encouraged](#). Meetings held away from ECC premises at County Hall, Chelmsford will include travel time

Freedom of Information Act
<i>If you consider your proposals are required to be kept confidential, please set out the reasons why, for what period and the specific information that needs to remain confidential. The authority will advise whether it considers the information could be kept confidential. All information submitted will be handled in accordance with the Data Protection Act</i>
Click here to enter text.

Declaration

I confirm that to the best of my knowledge all of the information submitted herein is accurate and that planning advice is requested and have made the appropriate fee as payment for the service.

I also agree to pay any additional costs arising from the provision of the service as required, as outlined in the guidance note.

Signed:

Dated:

Please submit this form along with any accompanying information/plans by e-mail to development.enquiry@essex.gov.uk. Payment should be made separately as detailed above.

Appendix C: Education Site Suitability Checklist

Site Name & Address:	Postcode	
	Site Area (hectares)	

Please tick one column for each criterion. Supporting evidence must be provided for each answer as part of a Land Compliance Study. Please use the final column to signpost your evidence and any accompanying studies.

CRITERIA	Does Meet	Will Meet	Won't Meet	Evidence
<i>Is the land suitable for the construction of high quality education buildings and outside spaces?</i>				
Flat ground				
Broadly level (A gradient of 1 in 70, across the width, is ideal to assist water run-off from most pitches)				
At level with surrounding areas and in particular with suitable points of access (vehicular and pedestrian)				
Roughly rectangular in shape				
Sufficient width and length for size of an education facility				
At least 30cm of clean topsoil				
Free draining				
Standard trench fill / strip foundations can be used				
<i>Is the site appropriately located for a school / early years & childcare facility to be established? Accessible from suitable Highways (not a cul de sac) and safe direct walking & cycling routes</i>				
Centrally located to the overall development or area the school will serve				
Well located in relation to other neighbourhood facilities and public realm				
Not crossed by any public rights of way or access wayleaves				
Not liable to flooding				
Not crossed by or bounded by any power-lines				
Not crossed by and sufficiently distant from any gas mains				
Outside the cordon sanitaire of any sewage plant				
Free of items or structures of archaeological interest				
Free from protected species or habitats of special interest				
Site not part of a conservation area or subject to any special planning authority restrictions				

Is the site and surrounding area free of pollution, contamination and other risk factors?				
Free of soil and water table contamination				
Outside any current or proposed 55db LAeq (30min) noise source or contour				
Free from radiation or potential sources thereof				
Air quality standards are met				
Free from invasive plants such as Japanese Knotweed				
Not affected by ground gasses and vapours				
Not affected by potential sources of light pollution e.g. major roads, car parks or industry				

Is the site sufficiently distant from any land use that could cause public anxiety?				
Chemical or petro-chemical production or storage				
Establishments storing or handling live viruses				
Facilities housing or treating people with a history of violence or a threat to children				
Incinerators				
Sites currently or previously used for land fill or rubbish disposal				
Aviation or high speed transportation e.g. train lines or helipads				
Major roads or traffic honeypots e.g. large retail outlets				
Prisons or facilities for persons with a history of offending				
Phone or radio masts and transmitters				
High voltage power lines				
Firing ranges, premises storing live ordnance / ammunition or UXB sites				
Land or buildings with a use emitting a strong odour				
Quarries or other major sources of dust				
Premises housing dangerous animals, birds, reptiles or insects				

Is the site free from encumbrances that may need to be removed?				
Free of buildings and other surface structures				
There are no trees on or abutting the site				
Free of pipes, cables and the like				
Free of ponds, ditches or water courses				
Free from foundations, fuel tanks and other buried structures				
Free from spoil and fly tipping				
Free from filled spaces including mineral workings and land fill				
Free of void spaces including wells, sumps and pits				

If you have answered 'Will Meet' in relation to any criteria, please give details below or on a separate sheet.

Please give details of any current or proposed adjoining land use that may disrupt the normal functioning of a school or early years & childcare facility, detract from learning or place anyone associated with the establishment at risk.

Please give any other details you know about, that may make this land unsuitable for a school or early years & childcare facility or may add to the cost of building or establishing one on the site.

DECLARATION

I confirm that the information I have given represents full disclosure of the facts and I have taken all necessary steps to ensure it is accurate beyond reasonable doubt. Should any information become evident in the future, that may have altered the response I have given, I will bring these facts to Essex County Council's attention immediately.

SIGNED:

Print
Name

ON BEHALF OF:

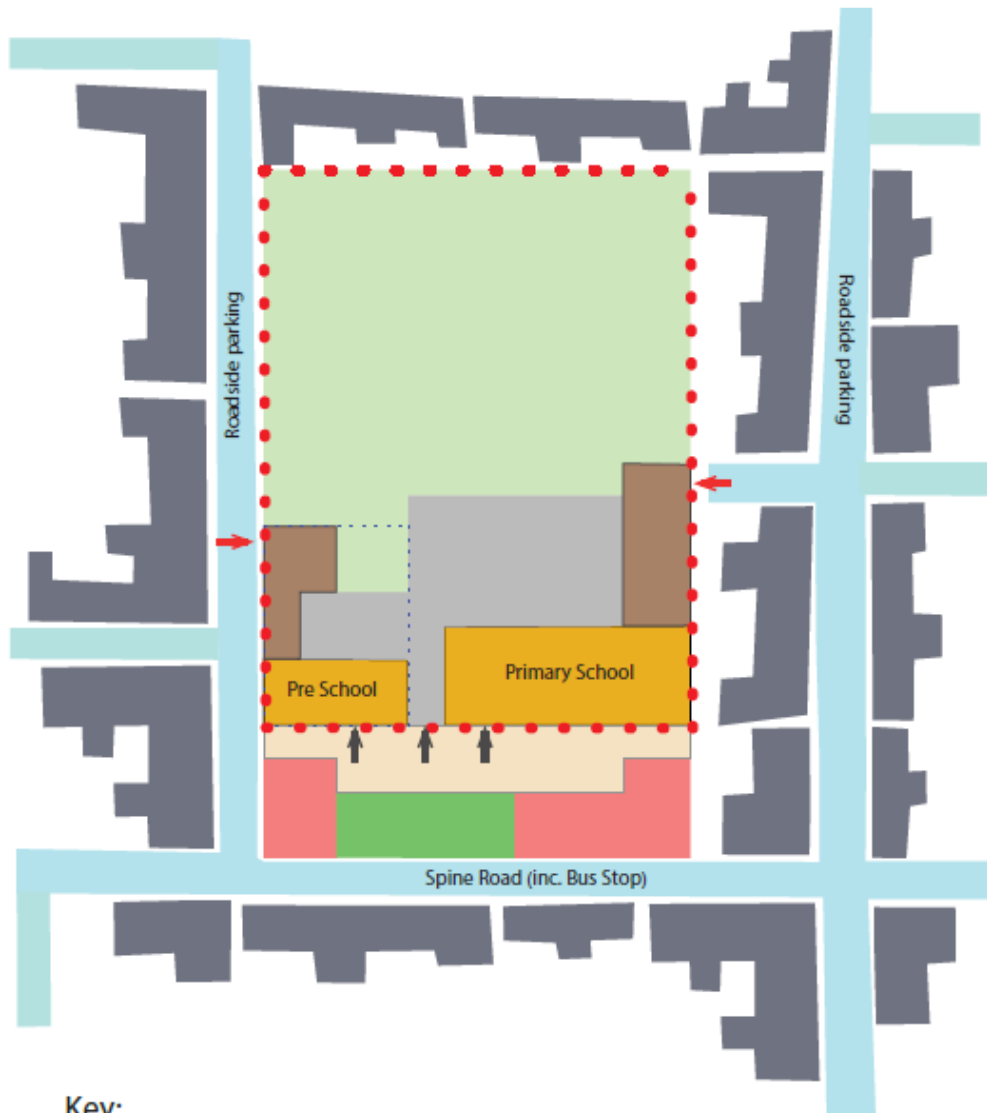
DATE:

Supporting Information














The developer is required to attach to the completed checklist a set of survey information listed below that have a transferable warranty that ESSEX COUNTY COUNCIL or our contractors can rely upon. It would be expected that the developer would already have much, if not all, of this information

- 1.** Ordnance Survey map or drawing and historical documents on previous use;
- 2.** Topographical Survey of area;
- 3.** Ground Conditions Study including local geology maps;
- 4.** Soil & Ground Water Contamination Study;
- 5.** Flood Risk Assessment, including Environment Agency flood zone designation;
- 6.** Habitat, Arboriculture and Ecology Study including site walkover report;
- 7.** Planning Policy documents including relevant planning history;
- 8.** Noise Assessment against criteria in DfE Building Bulletin 93 or equivalent;
- 9.** Air Quality Assessment including reference to Air Quality Management Areas;
- 10.** Partner organisation plans for area.

Appendix D: Exemplar Layouts for Education and Community Facilities















Key:

- | | |
|---|---|
|  Education Buildings |  Pedestrian Entrances to Schools |
|  School Pitches |  Vehicular Entrances to Schools |
|  Car Parking |  School Site Boundary |
|  Hardstanding Outdoor Play Areas |  Pre-School Site Boundary |
|  Housing |  Play Park |
|  Community/Mixed Use Buildings |  Road Network |
|  Pedestrian Square | |

*Not to scale



Key:

- | | | | |
|---|---------------------------------|---|---|
|  | Education Buildings |  | Pedestrian Entrances to Schools |
|  | School Pitches |  | Vehicular Entrances to Schools |
|  | Car Parking |  | School Site Boundary |
|  | Hardstanding Outdoor Play Areas |  | Pre-School + Primary School Site Boundary |
|  | Housing |  | Road Network |
|  | Community/Mixed Use Buildings | | |
|  | Pedestrian Square | | |

*Not to scale

Appendix E: Land Pre-Transfer Works Requirements

Pre Transfer Requirements

The site must provide suitable vehicular and pedestrian access for both construction and final use i.e.
Access to all parts of the site for investigation purposes
Usable vehicular/plant access suitable for construction and commissioning purposes
Adopted public highway with suitable vehicular access to service buildings
Separate suitable vehicular access to service the playing field
Access to both ends of the site for emergency purposes
Direct pedestrian access to facilitate 'safe routes to school'
<u>Substantial traffic free public realm around entrances used by pupils, which does not abut roads or parking</u>
<u>A safe pedestrian realm to which children can egress at the end of the school/pre-school day</u>
Traffic calming or 20mph speed limits on surrounding roads
Three metre wide footways surrounding and on major routes to the facility
Safe and direct cycle routes usable by the population to be served by the new facility
Nearby links into the public transport network

The development must provide suitable utility connections to the boundary including ...
Water*
Electricity*
Gas*
Telecommunications and broadband*
Foul sewers
Surface water drainage

The developer must include suitable boundary treatment including ...
Fence*
Gates
Screening from overlooking
Planting

Appendix F: Early Years & Childcare Facility Specification

Note: Rooms should be designed to enable potential providers to offer flexible childcare including out of school and holiday care

56 place Day Nursery Facility Requirements	Places	M²
<u>Play Space for 0-2 year olds</u>	12	
Play Space (3.5m ² of area per child)		42
Milk preparation area		6
1 child's assisted toilet + baby change area		9
Defined sleep area – 12m ² included within play space allowance. This needs to be a flexible space that is conducive to sleep but does not have to be a separate room.		
<u>Play Space for 2-3 year olds</u>	20	
Play Space (2.5m ² of area per child)		50
2 children's assisted toilets + baby change area		9
<u>Play Space for 3-4 year olds</u>	24	
Play Space (2.3m ² of area per child)		55
2 children's assisted toilets		6
<u>Other facilities</u>		
Laundry room - incl. washing machine and tumble dryer. White goods to be provided by the provider but space and power points need to be included within the design		6
Kitchen area required. Provider to provide the white goods but power and drainage to be included in the design to enable meals to be prepared for 0-5's and after school children.		15
Staff room / 1 to 1 meeting room		12
Accessible WC		4
Staff toilet (unisex). Additional toilets are not always required but are dependent upon the number of staff employed.		3
Reception area / drop in		15

56 place Day Nursery Facility Requirements	Places	M²
Reception/Manager's office with additional hot desk space		10
General Store		10
Cleaner's Store		3
SUB TOTAL		255
Plant room @ 3% of Sub Total		8
Internal walls @ 4% of Sub Total		10
Circulation @ 15% of Sub Total		51
GROSS INTERNAL FLOOR AREA		324
Outside covered buggy park area		10
Outdoor play (5m ² per child) – as natural as possible and with covered outside area preferably not north facing		280
Service area and parking - 10-15 spaces would be best practice plus safe drop-off points for parents		300
OUTDOOR AREA		590
TOTAL SITE AREA REQUIRED	56	914

Appendix G: ADEPT guidance on maintenance costs

The ADEPT guidance document which dates from 2007, suggests a long term interest rate of 4.5% and a value for the RPI-X of 2.25% (that is RPI excluding mortgage payments) giving an effective annual interest rate of 2.2%.

The ADEPT guidance suggests “there should not be any requirement to calculate any ‘degree of benefit’ to the local authority in respect of commuted sums for Section 278 works, even where such works are considered to provide some benefit to the general public (e.g. an improved junction layout with enhanced pedestrian facilities being provided).”

Calculation of Commuted Sum

The following formula should be used to calculate the sum payable. An Excel spreadsheet to aid in the calculation has been developed and is available for modification to specific situations.

Commuted sum = $\sum Mp / (1 + D/100)^T$, where:

Mp = Estimated periodic maintenance cost (£)

Each asset type will have a number of different periodic maintenance activities, as well as periodic replacement where necessary. The current cost of each activity (or replacement) should be based on current contract rates, or historic information where more appropriate.

The cost should include elements for inspection, design of repair, supervision, and even relocation of the asset in some instances. The frequency of periodic maintenance (or replacement) should be in accordance with current Highway Authority policy.

D = Discount rate (effective annual interest rate) (%)

This is calculated to ensure that both the interest earned on the commuted sum, and the effects of inflation are taken into account. The calculation is:

All calculations here are based upon 15 years, 30 years or 60 years of maintenance depending on the asset going forward and are calculated for areas dedicated as Highway, maintainable at public expense, which ECC would use to pay various contractors, including the district councils, to maintain the appropriate assets. The intention would not be for Essex Highways to transfer land from ECC to the District Council.

Attached below is a standard worked example for one asset chosen at random. The method to calculate sums for other assets is identical: -

Infiltration Trenches

Weed killing, cleansing & re-stoning / replacement = 80p every year + £6.64 every 10 years

(80p = 60p regular + 20p monitoring from Science Report 2007)

Discount rate (effective annual interest rate) $D = (1.0337/1.023) - 1 = 1.0459\%$

where 1.0337 is the interest rate (3.37% based on November 2014 Public Work Loan Board (PWLB) current fixed long-term neutral base rate)

and 1.023 is the inflation rate (2.3% based on November 2014 RPI).

Future Values below = $\text{£}0.80 / (1+D/100)^{NT}$

Infiltration Trenches (annual maintenance), (per sq.m) Labour				
Price	n	NT	Future Value	
0.80	1	1	0.79	2016
0.80	2	2	0.78	2017
0.80	3	3	0.78	2018
0.80	4	4	0.77	2019
0.80	5	5	0.76	2020
0.80	6	6	0.75	2021
0.80	7	7	0.74	2022
0.80	8	8	0.74	2023
0.80	9	9	0.73	2024
0.80	10	10	0.72	2025
0.80	11	11	0.71	2026
0.80	12	12	0.71	2027
0.80	13	13	0.70	2028
0.80	14	14	0.69	2029
0.80	15	15	0.68	2030
0.80	16	16	0.68	2031
0.80	17	17	0.67	2032
0.80	18	18	0.66	2033
0.80	19	19	0.66	2034
0.80	20	20	0.65	2035
0.80	21	21	0.64	2036
0.80	22	22	0.64	2037
0.80	23	23	0.63	2038
0.80	24	24	0.62	2039
0.80	25	25	0.62	2040
0.80	26	26	0.61	2041
0.80	27	27	0.60	2042
0.80	28	28	0.60	30 years
0.80	29	29	0.59	Total
0.80	30	30	0.59	20.51

Future Values below = $\text{£}6.64 / (1+D/100)^{NT}$

Infiltration Trenches, maintenance every 10 years				
Price	n	NT	Future Value	
6.64	1	10	5.98	30 years
6.64	2	20	5.39	Total
6.64	3	30	4.86	16.24

Total for 30 years of Maintenance = 20.51 + 16.24 = 36.74 per square metre

Appendix H: Standard Commuted Sums for Maintenance (April 2017)

Material or feature	Unit	Operation	Cost per cycle (£)
Extra-over Areas			
Extra-over areas not required for highway purposes (Project Engineer to determine)	Sq. m	1 weedkilling & sweep per year, 1/3rd replacement	25.51
Roads			
Granite setts to road hump, roundabout & speed control bend overrun areas	Sq. m	Replacement of individual blocks or kerbs at years 7 & 14	341.28
Tegular blocks to road hump / table	per linear metre (based on 1.8m length hump/table)	Replacement of individual blocks or kerbs at years 7 & 14	76.69
Drainage			
Permeable Paving Blocks (10% replacement at Year 30)	Sq. m	Weedkilling, cleansing, 10% replacement	40.35
Swales	Sq. m	Cutting, weedkilling & cleansing	15.26
Filter Drains / Infiltration Trenches	Sq. m	Weedkilling, cleansing & re-stoning / replacement	30.75
Other Sustainable Urban Drainage Systems (SUDS) or non-standard elements	Site-specific calculation		
Hydrobrake (evidence of replacement timescale required from developer)	Item	Maintenance - £62.72 cleanse every 2 years - replaced at year 30	2,626.06

Material or feature	Unit	Operation	Cost per cycle (£)
Soakaway	Item	Inspection, £94.09 cleanse every 2 years, re-stoning / replacement at year 30	4,950.02
Crate Soakaway (upto 2m deep)	Sq. m	Inspection, jet every 2 years & rejuvenate at year 30	211.34
Petrol & Oil Interceptors	Item	Inspection, specialised cleansing, disposal of contaminated waste, maintenance	2,777.67
Combined kerb & drainage systems - 'beany blocks'	Linear metre	Maintenance (enhanced cleansing regime required - every 8 months)	54.43
Oversize pipes	Linear metre	Cleaning over 15 years	388.32
Pavements (footways, cycleways & cycletracks)			
Non standard Surface Dressing (note - in excess of footway rate)	Sq. m	Re-applying at year 12	49.13
Coloured asphalt	Sq. m	Re-applying at year 15	23.01
Street Lighting (All columns must conform to ECC requirements under BSEN40, however embellishment kits are allowed to be attached to columns)			

Material or feature	Unit	Operation	Cost per cycle (£)
Non-standard Lanterns and/or painted columns	Site specific calculation	General maintenance, lantern changes, overhaul of switch gear & column repaint where appropriate	Contact Street Lighting Team on 01245 342711
Traffic Signals & Controlled Crossings			
Zebra crossing	per pair of Beacons	Cost of energy & maintenance (ensure surface course has high PSV to eliminate need for high friction surfacing)	4,733.60
Other signalised junctions & crossings	Site specific calculation	Inspection costs, general maintenance, energy consumption & communications costs	Contact ITS on 01245 342790
Public Transport (ONLY UPON DEVELOPMENT)			
Bus Shelters - Wooden Framed - standard 2 bay enclosed shelter	Item	Cleansing, maintenance & cost of energy	2,885.82
Bus Shelters - metal framed 2 bay	Item	Cleansing, maintenance & 1 replacement at Year 15	8,700.23
Bus Shelters - metal framed 3 bay	Item	Cleansing, maintenance & 1 replacement at Year 15	9,213.13
Bus shelter maintenance monies to be passed onto those who are maintaining feature which may be the Parish Council			

Material or feature	Unit	Operation	Cost per cycle (£)
Real time passenger information, bus gates, VMS, CCTV	Site specific calculation	General maintenance & cost of energy	Contact Passenger Transport Team
RTI Display	Item	Maintenance and cost of energy + 1 replacement at 15 years	10,845.09
Structures			
Extra-over or enhancements upon standard structure. Includes bridge, culvert, tunnel, retaining wall, headwall, high mast or barrier, gantry, canopy, basement or water attenuation structure	Site specific calculation	Inspection costs, general maintenance, energy consumption & communications costs for 60 years	Contact relevant Project Engineer
Signs or Bollards			
Extra-over or enhancements upon standard sign or bollard	Item	Cleansing, maintenance & 1 replacement	518.85
Fencing			
Knee rail, or timber post & 3 rail fencing	Linear metre	Replacement	65.69
Noise attenuation barrier	Sq.m	Replacement at 15 years	93.29
Trees, Planting			
Tree in soft landscaping	Item	General maintenance	356.02
Tree with grills, pit or watering system, generally in hard landscaping	Item	General maintenance & 1 replacement of grills	538.47
Shrub/ground cover planting (Landscaping) or plantation screening	Sq. m	General maintenance, £1.19 per year	16.43

Material or feature	Unit	Operation	Cost cycle (£) per
Hedges	Linear metre	General maintenance, £1.98 per year	27.33
Grass Cutting	Sq.m		2.76
Street Furniture			
Enhanced cycle racks, street art if not licenced, etc.	Site specific calculation	Cleansing, maintenance & replacement	
Grit Bins	Item	£48.66 of grit per year & replacement at year 15	827.31
MISC			
Brickwork.	Sq.m	Replacement at 15 years	33.87
Continuous line in yellow single	Linear m	Replacement at year 5,10 and 15	2.41
Continuous line in yellow double	Linear m	Replacement at year 5,10 and 15	4.89

Appendix I: Smarter Travel for Essex Network

Travel Plan Accreditation Scheme

Join other organisations within the Smarter Travel for Essex Network (STEN) to promote active and sustainable travel to your employees. ECC offer bespoke support, free of charge ~~competitive prices~~ to organisations with, including:

- car park management issues
- making alternative travel modes an attractive option for employees
- entry into a National Accreditation Scheme

For more information contact the travelplanteam@essex.gov.uk ~~or call 0345 743 0430.~~

Appendix J: Protecting Biodiversity

Good developments incorporate biodiversity considerations early in their design but can still result in some biodiversity loss when there are unavoidable impacts, which can't be resolved by design or location, or mitigated by other measures. Current planning policy for biodiversity is set out in Chapter 15 of the National Planning Policy Framework (NPPF) 2019.

This appendix sets out some additional clarification points in relation to Biodiversity Net Gain, as set out in '6.3.2 Mechanisms for achieving Biodiversity Net Gain'.

- Biodiversity Net gain does not replace existing environmental legislation or policy requirements.
- Where ecologically appropriate to do so, enhancing an irreplaceable habitat in poor condition could count towards the delivery of a Biodiversity Net Gain outcome
- Suitable Alternative Natural Greenspaces (SANGs) and other habitat provided as part of strategic solutions for Natura 2000 (Habitats) sites can be used as biodiversity offset locations as long as the uplift in biodiversity value generated does not undermine their original design principles and their principal purpose. For example, a SANG provided to deflect people and pets from visiting a Special Protection Area.
- The biodiversity unit value of such sites can only be included for the project for which it is providing mitigation. If the site is being delivered to meet the Habitat Regulations mitigation requirements of another project the biodiversity unit value of the site cannot be included.
- Ideally for developers and LPAs, Natura 2000 strategic solutions would work alongside strategic licensing and biodiversity net gain in a combined approach to deliver for the natural environment in a place.
- Net gain can contribute both towards the creation of new sites and the enhancement of existing sites to develop a Nature Recovery Network, which is a key action in any 25 Year Environment Plan.

Appendix K: Site characteristics profile for housing for older people and adults with learning disabilities

Site characteristics profile for housing for older people and adults with learning disabilities.

Characteristic	Specialist housing with care for older people
Size (acres)	Dependent on no of units and storeys.
Building storey heights	Buildings over one storey will require lifts.
Location/ setting	Close to town centre. Ideally schemes would be in a large town or large village in close proximity to public transport links to access a larger urban centre.
Transport	Good access to transport
Local amenity	Good access to amenities
Green space	Communal private green space
Parking	Visitor parking
Security	By design
No of units	60 - 300
What	Self-contained flats or town houses. A blend of 1 and 2 bedroom units. All units to have en-suite bathroom, living room with sufficient space for a dining table, kitchen.
Other accommodation	Staff accommodation (sleeping quarters and lounge), space for overnight visitors, communal social facilities.

Appendix L: Employment and Skills

Appendix L1

Table providing Construction (Development) Phase Benchmarks

Development value in £Millions	Apprenticeships	School/College Engagement (number of days)	Work Experience 16-18 (Number of people)
3.5 - 6	2	2	5
6 - 10	3	4	8
10 - 20	4	6	8
20 - 30	7	7	13
30 - 40	9	9	14
40 - 50	11	10	16
50 - 60	13	11	17
60 - 70	14	12	18
70 - 80	14	12	19
80 - 90	15	13	19
90 - 100	16	14	21

Appendix L2

Table outlining the rate and means of calculating, where accepted by ECC [and the LPA](#), a contribution in lieu provided for agreed obligation(s) that are not met.

Obligation – Construction Phase	Rate/means of calculation
Apprenticeships: Provision of new construction apprenticeships for Essex residents	Shortfall against target number of apprenticeship starts \times £26,000 ⁸ average net cost to employers in delivering an apprenticeship at Level 2 and 3

⁸ Hogarth, T., Gambin, L., Winterbotham, M., Koerbitz, C., Hasluck, C., Baldauf, B. (2012) Employer Investment in Apprenticeships and Workplace Learning: The Fifth Net Benefits to Employers Study,

Obligation – Construction Phase	Rate/means of calculation
<p>School and College Engagement. ECC will expect developers to engage with local schools and colleges and support them to promote the achievement of the skills and qualifications needed for employment in the construction and built environment sectors of the development phase.</p>	<p>Shortfall against target number of days activities</p> <p style="text-align: center;">X</p> <p>Average. cost of arranging 1 meaningful encounter. £1,472⁹</p>
<p>Work Experience</p> <p>ECC expects developers, or their supply chains, to support local (Essex based) residents with real-life experiences of work by providing work experience of at least 1 week.</p>	<p>Shortfall against target number of placements</p> <p style="text-align: center;">X</p> <p>£8,272 average cost of a work experience placement</p>
Obligation – End-use	Rate/means of calculation
<p>Supported Employment</p> <p>Provision of employment opportunities which have appropriate support to make them suitable for long-term unemployed Essex residents</p>	<p>Shortfall against target number of supported employment opportunities (target: 1 paid job placement for every 2,500sqm of development)</p> <p style="text-align: center;">X</p> <p>£8,217 average cost per paid job outcome for employment support services for people with learning disabilities and/or mental health problems¹⁰</p>

London: Department for Business Innovation and Skills, Research Report 67 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/32306/12-814-employer-investment-in-apprenticeships-fifth-net-benefits-study.pdf

⁹ PWC, Assessing Benchmarks of Good Practice in School Career Guidance (Appendix 3, using School B estimated costs as this best reflects the average profile of an Essex secondary school) <https://www.gatsby.org.uk/uploads/education/reports/pdf/pwc-assessing-benchmarks-of-good-practice-in-school-career-guidance.pdf>

¹⁰ National Development Team for Inclusion.

https://www.ndti.org.uk/uploads/files/The_cost_effectiveness_of_Employment_Support_for_People_with_Disabilities%2C_NDTi%2C_March_2014_final_v2.pdf

Obligation – Construction Phase	Rate/means of calculation
<p>Pre-employment</p> <p>Provision for notification of job vacancies, arising from both the construction and end-use occupation, to the Council or any other agency nominated by the Council.</p> <p>Provision for delivery of bespoke pre-employment and skills training for Essex residents that will provide them with the skills to access the jobs that are being created.</p>	<p>The same method of calculation will be used for both obligations :</p> <p>Number of apprenticeships (Appendix L1) and jobs estimated to be created (outlined in Appendix L3) during construction and end-use phases during the first two years</p> <p style="text-align: center;">X</p> <p>79%¹¹ of Essex residents expected to be employed as part of the workforce</p> <p style="text-align: center;">X</p> <p>27.7% of Essex residents with qualifications equivalent to or less than NVQ1 requiring training and/or support</p> <p style="text-align: center;">X</p> <p>£2,000 average cost for Essex unemployed resident in terms of support and training to obtain access to a skilled job.</p>

¹¹ 2010 Census, Percentage of people who work in Essex also live in Essex.

Appendix L3

**Development Phase
Employment and Skills Plan for:**
Insert development name
Insert Borough / District Council

1	<u>Introduction</u>					
	<p><u>Insert developer name</u> commits to discharge its S106 obligations in relation to Employment and Skills in respect of the development <u>Insert development name</u>.</p> <p>This Employment and Skills Plan provides details of how <u>Insert developer name</u> will meet the priorities of the Council and deliver against S106 obligations in relation to Employment and Skills at <u>Insert development name</u>.</p>					
2	<u>Development Details</u>					
	<u>Insert development description (from planning agreement)</u>					
	<u>Planning Ref</u>					
	<u>Planned implementation date (construction phase):</u>					
	<u>Planned completion date (construction phase):</u>					
	<u>Number of residential units</u>					
	<u>Unit Mix (Nos)</u>	<u>1 bed Flat</u>	<u>2 bed Flat</u>	<u>2 bed House</u>	<u>3 bed House</u>	<u>4/5 bed House</u>
	<u>Gross internal area (residential)</u>					
	<u>Gross internal area (commercial)</u>					
	<u>Use Class(es) (commercial)</u>					
	<u>Total build value</u>	£				
3	<u>Obligation Summary</u>					
	<ul style="list-style-type: none"> • <u>New construction apprenticeships</u> • <u>School/college engagement activities or events (Days)</u> • <u>Work placements 16+</u> • <u>Supported employment opportunities</u> • <u>Pre-employment opportunities</u> • <u>Notification of job vacancies</u> 					

4	<p><u>Nominated Coordinator & Project Lead</u></p> <p><u>Insert developer name will identify a Relationship Manager, responsible for co-ordinating the delivery of employment and skills outcomes during the development phase.</u></p> <p><u>The Relationship Manager will:</u></p> <p><u>Work directly with the Council (or the Council’s nominated employment vehicle) to ensure delivery of all obligations relating to the development as required through S106 planning agreement</u></p> <ul style="list-style-type: none"> • <u>Act as the operational point of contact on the development with operational oversight of the obligations, including submission of monthly and/or quarterly performance reports as required through S106 planning agreement</u> • <u>Engage with contractors from the tender period onwards to ensure they have an understanding of, and adhere fully to the Employment and Skills Plan requirements</u> • <u>Meet regularly with the Council to discuss progress towards targets, future activities and labour needs.</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><u>Relationship Manager Name</u></td> <td></td> </tr> <tr> <td><u>Relationship Manager Job Title</u></td> <td></td> </tr> <tr> <td><u>Relationship Manager Contact Details (Tel/Email)</u></td> <td></td> </tr> </table> <p><u>Insert developer name will also identify a Project Director (PD), with overall responsibility for delivery of employment and skills outcomes during the construction phase.</u></p> <p><u>The Project Lead/Director will:</u></p> <ul style="list-style-type: none"> • <u>Ensure all adequate provisions are in place to fully support the delivery of employment and skills outcomes as required through S106 planning agreement</u> • <u>Ensure that targets are contractually passed on to sub-contractors</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><u>Project Director Name</u></td> <td></td> </tr> <tr> <td><u>PD Job Title</u></td> <td></td> </tr> <tr> <td><u>PD Contact Details (Tel/Email)</u></td> <td></td> </tr> </table>	<u>Relationship Manager Name</u>		<u>Relationship Manager Job Title</u>		<u>Relationship Manager Contact Details (Tel/Email)</u>		<u>Project Director Name</u>		<u>PD Job Title</u>		<u>PD Contact Details (Tel/Email)</u>	
<u>Relationship Manager Name</u>													
<u>Relationship Manager Job Title</u>													
<u>Relationship Manager Contact Details (Tel/Email)</u>													
<u>Project Director Name</u>													
<u>PD Job Title</u>													
<u>PD Contact Details (Tel/Email)</u>													

5	Construction Phase Outcomes							
	<u>Outcome</u>	<u>Year 1 Q1/2</u>	<u>Year 1 Q3/4</u>	<u>Year 2 Q1/2</u>	<u>Year 2 Q3/4</u>	<u>Total</u>	<u>Estimated financial cost</u>	
1	New construction apprenticeships							
2	School/college engagement							
3	Work placements 16+							
4	Supported employment opportunities							
5	Pre-employment opportunities							
6	Notification of job vacancies							
6	Work Experience Information							
Please identify below potential work area and proposed timelines for delivery of agreed work experience opportunities								
<u>Work Experience Opportunity</u>				<u>Number</u>	<u>Anticipated Start Date</u>			
7	Apprenticeship Information							
Please complete the table below, detailing the anticipated trades and timelines for profiled apprenticeship starts over the lifetime of the build								
<u>Apprenticeship Standard</u>		<u>Level</u>	<u>Number(s)</u>	<u>Anticipated Start Date</u>	<u>Anticipated Completion</u>			
8	School/College Activities							
Please complete the table below, detailing the anticipated activity and school beneficiary over the lifetime of the build								
<u>Essex School/College</u>		<u>Activity Description</u>			<u>Anticipated Number of beneficiaries</u>	<u>Anticipated Start Date</u>		

9	<p><u>Pre and Supported Employment</u></p> <p>Please complete the table below, detailing the anticipated pre and supported opportunities over the lifetime of the build</p> <table border="1"> <thead> <tr> <th><u>Opportunity</u></th> <th><u>Training</u></th> <th><u>Anticipated Start Date</u></th> </tr> </thead> <tbody> <tr> <td><i>e.g. Labourers, traffic marshall</i></td> <td><i>e.g. CSCS, CPCS, Traffic Marshall</i></td> <td></td> </tr> <tr> <td><i>e.g. Site security, facilities</i></td> <td><i>e.g. CSCS, SIA</i></td> <td></td> </tr> </tbody> </table>			<u>Opportunity</u>	<u>Training</u>	<u>Anticipated Start Date</u>	<i>e.g. Labourers, traffic marshall</i>	<i>e.g. CSCS, CPCS, Traffic Marshall</i>		<i>e.g. Site security, facilities</i>	<i>e.g. CSCS, SIA</i>	
<u>Opportunity</u>	<u>Training</u>	<u>Anticipated Start Date</u>										
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<i>e.g. Site security, facilities</i>	<i>e.g. CSCS, SIA</i>											
10	<p><u>Financial Contributions</u></p> <p>An example of a figure that could be used to calculate the financial contribution for employment and skills is £2000 per 1000 sqm floorspace. £2,000 is the average cost for an out-of-work Essex resident in terms of support and training to obtain access to a skilled job.</p>											
11	<p><u>Delivery Methodology</u></p> <p>Please briefly outline the activity you will undertake to deliver the targets detailed above, including but not limited to:</p> <ul style="list-style-type: none"> • <u>Contractor/sub-contractor engagement and monitoring</u> • <u>Advertisement of opportunities and pre/supported employment opportunities (e.g. JobcentrePlus, Prince's Trust)</u> • <u>Engagement with organisations for sourcing and training of local people e.g. JobcentrePlus, housing associations, employment and training providers, ATAs, FE and HE establishment</u> • <u>Outreach engagement (e.g. MATs, Schools, Federations)</u> 											
12	<p><u>Monitoring and Reporting</u></p> <p>Quarterly review meetings will be held between <i>Insert developer name</i> and the Council to review progress against targets within this ESP and any other matters arising. If underperformance is identified, more frequent meetings may be required to address this. A schedule of monitoring, outcome definitions and evidence requirements will be agreed.</p> <p>The primary requirement in relation to the undertaking of reasonable endeavours is consistent, responsive and regular communication with the Council in relation to achievement of the obligations within this Employment and Skills Plan.</p> <p>Reasonable endeavours would also include:</p> <ul style="list-style-type: none"> • <u>Attendance at meetings to discuss progress towards targets and ongoing commitment to deliver maximum benefit for local people in line with S106 planning agreement</u> • <u>Timely advertisement of appropriate numbers of opportunities required to meet targets e.g. new apprenticeship opportunities for local people;</u> 											

	<ul style="list-style-type: none">• Early engagement with partner organisations in order to enable pre/supported employment opportunities.• Timely and accurate submission of all required documents including, monitoring information and provision of evidence on request;
--	---

End-use Phase
Employment and Skills Plan for:
Insert development name
Insert Borough / District Council

1	<u>Introduction</u>												
	<p><u>Insert landowner name</u> commits to discharge its S106 obligations in relation to Employment and Skills in respect of the development <u>Insert development name</u>.</p> <p>This Employment and Skills Plan provides details of how <u>insert landowner name</u> will meet the priorities of the <u>insert Borough/Council</u> and deliver against S106 obligations in relation to Employment and Skills at <u>Insert development name</u>.</p>												
2	<u>Development Details</u>												
	<p><u>Insert development description (from planning agreement)</u></p> <table border="1"> <tr> <td><u>Planning Ref</u></td> <td></td> </tr> <tr> <td><u>Planned occupation date</u></td> <td></td> </tr> <tr> <td><u>Gross internal area (residential)</u></td> <td></td> </tr> <tr> <td><u>Gross internal area (commercial)</u></td> <td></td> </tr> <tr> <td><u>Use Class(es) (commercial)</u></td> <td><u>Eg, B1A Call Centre, A2 Financial and professional Services</u></td> </tr> <tr> <td><u>Total build value</u></td> <td><u>£</u></td> </tr> </table>	<u>Planning Ref</u>		<u>Planned occupation date</u>		<u>Gross internal area (residential)</u>		<u>Gross internal area (commercial)</u>		<u>Use Class(es) (commercial)</u>	<u>Eg, B1A Call Centre, A2 Financial and professional Services</u>	<u>Total build value</u>	<u>£</u>
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<u>Total build value</u>	<u>£</u>												
3	<u>Obligation Summary</u>												
	<ul style="list-style-type: none"> • <u>Pre-employment</u> • <u>Supported employment</u> • <u>Notification of job vacancies</u> 												
4	<u>Nominated Coordinator & Project Lead</u>												
	<p><u>Insert landowner name</u> will identify a Workplace Co-ordinator (WPC), operationally responsible for co-ordinating the delivery of employment and skills outcomes during the occupation phase.</p> <table border="1"> <tr> <td><u>Workplace Co-Ordinator Name</u></td> <td></td> </tr> <tr> <td><u>WPC Job Title</u></td> <td></td> </tr> <tr> <td><u>WPC Contact Details (Tel/Email)</u></td> <td></td> </tr> </table> <p><u>The Workplace Coordinator will:</u></p> <ul style="list-style-type: none"> • <u>Work directly with X Borough or District Council (or the Council's nominated employment vehicle) to ensure delivery of all obligations relating to the development as required through S106 planning agreement</u> 	<u>Workplace Co-Ordinator Name</u>		<u>WPC Job Title</u>		<u>WPC Contact Details (Tel/Email)</u>							
<u>Workplace Co-Ordinator Name</u>													
<u>WPC Job Title</u>													
<u>WPC Contact Details (Tel/Email)</u>													

	<ul style="list-style-type: none"> Act as the operational point of contact on the development with operational oversight of the obligations, including submission of monthly and/or quarterly performance reports as required through S106 planning agreement Engage with managing agents/tenants/commercial occupiers from the tender period onwards to ensure they have an understanding of, and adhere fully to the Employment and Skills Plan requirements Meet regularly with the Council to discuss progress towards targets, future activities and labour needs. 																												
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7	Delivery Methodology																												
	<p>Please outline briefly the activity you will undertake to deliver the targets detailed above, including but not limited to:</p> <ul style="list-style-type: none"> Advertisement of opportunities and pre/supported employment opportunities (e.g. Jobcentre Plus, Prince's Trust) Engagement with organisations for sourcing and training of local people e.g. Jobcentre Plus, housing associations, employment and training providers, ATAs, FE and HE establishment 																												
8	Monitoring and Reporting																												
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The primary requirement in relation to the undertaking of reasonable endeavours is consistent, responsive and regular communication with the Council in relation to achievement of the obligations within this Employment and Skills Plan.

Reasonable endeavours would also include:

- Attendance at meetings to discuss progress towards targets and ongoing commitment to deliver maximum benefit for local people in line with S106 planning agreement
- Early engagement with partner organisations in order to enable pre/supported employment opportunities.
- Timely and accurate submission of all required documents including, monitoring information and provision of evidence on request

Table of employment densities

	Use Class	Use Type	Area per FTE (m ²)	Floor Area Basis	Comment on potential variation
Industrial					
1	B2	General	36	GIA	Range of 18 - 60 m ²
2	B1(c)	Light Industry (Business Park)	47	NIA	
Warehouse & Distribution					
3	B8	General	70	GEA	Range of 25 - 115 m ² The higher the capital intensity of the business, the lower the employment density
4	B8	Large Scale and High Bay Warehousing	80	GEA	Wide variations exist arising from scale and storage duration
Office					
5	B1(a)	General Office	12	NIA	Includes HQ, Admin and 'Client Facing' office types
6	B1(a)	Call Centres	8	NIA	
7	B1(a)	IT/ Data Centres	47	NIA	
8	B1(a)	Business Park	10	NIA	A blended rate of the above B1(a) uses where they are found in out of town business park locations
9	B1(a)	Serviced Office	10	NIA	Densities within separately let units are c.7 m ² per workstation but 30% of a facility's total NIA for shared services reduces the overall density
Retail					
10	A1	High Street	19	NIA	Town/ City Centre
11	A1	Food Superstores	17	NIA	
12	A1	Other Superstores/ Retail Warehouses	90	NIA	
13	A2	Financial & Professional Services	16	NIA	Includes the back office function area as well as the customer facing areas
14	A3	Restaurants & Cafes	18	NIA	Range of 10 - 30 m ²
Leisure & Visitor Attractions					
15	C1	Budget Hotels	1 employee per 3 bedrooms plus casual staff		
16	C1	General Hotels (3 star)	1 employee per 2 bedrooms		
17	C1	4/ 5 Star Hotels	1 employee per 1.25 bedrooms		
18	D1	Cultural Attractions	36	GIA	Very wide range exists, so use with caution. Excludes external areas
19	D2	Cinemas	90	GIA	Range of 90 - 120 m ²
20	D2*	Amusement & Entertainment Centres	70	GIA	Range of 40 - 100 m ² - excludes external areas
21	D2	Sports centres and Private Clubs	65	GIA	Range of 30 - 100 m ²

*some 'Sui Generis' Use Classes are applicable for this Use Type. See Appendix 5 for a list of Sui Generis uses.

Appendix L4

Example of monetary calculation for B1 office space commercial development

- B1 (net) Gross Internal Area (GIA) / 12sqm per full-time equivalent job

~~(based on standard general office density)~~

~~×~~

~~• 79% of Essex residents expected to be employed as part of the workforce~~

~~×~~

~~• 27.7% of Essex residents with qualifications equivalent to or less than NVQ1 requiring training and/or support~~

~~×~~

~~• £2,000 average cost for an out-of-work Essex resident in terms of support and training to obtain access to a skilled job.~~

Appendix M: Additional Guidance for Developers on Passenger transport requirements

Introduction

1. This Guide Appendix is intended to demonstrate the requirements for road passenger transport provision in new developments in the County. It is intended for use by officers of Essex County and other councils, commercial passenger transport service operators and developers.
2. All development plans will be expected to include provision for the sustainable transport needs of the sites users or residents, in accordance with the Essex and Southend on Sea Replacement Structure Plan (RSP) and the Essex Local Transport Plan (LTP). In the case of any but the smallest proposals, account should be taken of the impact of the development on the area around the site.
3. The County Council will normally look to secure the provision of the required services and facilities through a financial contribution, under the provisions of Section 106 of the Town and Country Planning Act 1990.
4. It is important that those using this document are aware that the conditions applied to any particular development may vary from the general guidance it contains. Essex County Council will exercise judgement based on predicted demands, plus the relative performance of local public transport networks and the outline below represents only the typical requirements for schemes requiring dedicated provision.
5. NB. All planning decisions, consents and conditions are subject to the adopted plans of the relevant authorities, legislation and planning guidance current at the time.

General Provisions

Service Support

1. Where considered necessary a clause will be incorporated into the conditions of planning consent requiring the developer to secure the provision and effective operation of public passenger transport services to meet the transportation needs of the development. This will stipulate the minimum operating periods, frequency and destinations of service(s) to be provided, and the period during which the developer will be responsible for this provision.
2. Where the provision of the 1985, 2000 and 2008 Transport Acts and the Buses Act 2017 allow and with the proviso that the service(s) provided meet(s) the required standards (as outlined below), the developer may be asked to :
 - Undertake to provide such service(s) directly by agreement with a local transport operator or;
 - Make an agreed financial contribution to the County Council to allow it to provide the service(s) concerned

3. Developers should be aware that the 1985 Transport Act (as amended) requires the County Council in contracting for Local Bus Services to “have regard to the interests of the public and of persons providing public passenger transport services in their area.” (1985 Transport Act, page 99, clause 92). This is interpreted as including taking into account the commercial interest of bus operators and not undermining the economic viability of their services.
4. Similarly, competition legislation prevents commercial operators from acting in any way likely to limit competition between them. It may not therefore be possible to enter into arrangements on service timetables, routes, land-use restrictions, fares or ticketing that include or exclude specific operators. ECC will provide advice on this issue.
5. Where providing local bus services for the new development through the County Council appears likely to contravene the 1985 act, (for example, in a case where more than one operator undertakes services in the development area and the award of a contract to one party could affect the competitiveness of the others services) the developer will be required to negotiate with all relevant operators in the area and to fund services directly.
6. If contracted County Council services are the only ones operating to a development the Developer shall negotiate with the County Council’s local bus service contracting arm as it would with any operator.
7. Where the County is one of a number of potential service providers for a scheme the developer shall negotiate with the County Council’s local bus service contracting arm, as with any other service provider, but the final arrangement shall not contravene the regulations of the 1985 Act.
8. Where it considers it appropriate the County Council may require the Developer to provide services or contributions for services, as part of a Quality Bus Partnership and enter into negotiations with operators of services on this basis. Infrastructure
9. Plans for all new developments or road schemes must include passenger transport infrastructure as an integral part of the design. Schemes which do not do so will not meet the requirements of the RSP and LTP and if necessary, ECC will recommend the refusal of planning consent in these cases.
10. The position of bus stops and other transport related infrastructure should be agreed at an early stage in the planning of developments. Advice on siting can be provided on request by the County Council.
11. Highway works must be carried out to the adoption standards laid down by ECC and completed to the satisfaction of the County Council. The standards should comply with the guidelines set out in the Essex Design Guide.
12. Where there are revenue funding requirements or capital funding and works requirements for passenger transport provision that extends over more than three months, Developers will be required to make a commuted payment, or to provide a bond or other suitable form of indemnity. This must provide that the works will be completed and / or the service provided in full accordance with the agreement, without liability to ECC or any other authority, in the event of failure of the developer and / or any of his contractors to fulfil any of its terms for any reason.

- 13.** In respect of the need to secure the longer term maintenance requirement of the infrastructure on any scheme, the developer will be required to provide a 'commuted maintenance sum' to ECC in respect of any new installations to offset the ongoing maintenance costs for a period of 10 years from the date of acceptance and take over of passenger transport infrastructure by ECC. The value of this sum will be calculated having regard to the costs to ECC of maintaining the infrastructure and energy costs.

Passenger Transport Services

Duties of the Developer towards Service Provision

- 1.** Developers must conduct substantive discussions with the County Council and/or existing providers of passenger transport services in the locality of the site to:
 - Agree the nature of proposals, the anticipated travel demands and the timing of development.
 - Consult on optimal layout and design to assist the operation of services.
 - Encourage participation of the operators in marketing their services to occupiers of the development, including funding incentive schemes for new residents to choose public transport such as free or reduced cost travel for an agreed fixed period.
 - Facilitating the provision of additional passenger transport services to widen travel options and encourage modal shift from cars
 - Service Providers other than local bus services are to be included in such consideration.
- 2.** This requirement extends to the operators of all types of passenger transport service including taxi and taxi-bus operators. These may be especially important to small or exclusive residential developments.
- 3.** Other development related service providers include:
 - Social Care transport for sheltered housing
 - Coach and tour operators for visitor attractions
 - School transport for residential and school developments

Breadth of Discussions

- 1.** There is no restriction on the type of operator discussions can be held with and no requirement that existing service providers should be the sole providers of any new or enhanced services. ECC will facilitate initial discussions if requested.
- 2.** Under the provision of the Transport Acts bus operators may register services to operate (with small exceptions) along any route. Outside of services covered by formal quality bus partnerships or franchises as set out in the Bus Services Act 2017, no agreement with any one bus operator can prevent another from running additional or alternative services along the same route. Where developers allow an operator access to private property, it is expected that the same access will be granted to other operators to, on, or around the development.

3. Where a development is thought to require a particular standard of bus service discussions should be held with ECC regarding the possibility of the County Council making or joining a Quality Bus Partnership scheme or franchise arrangement.
4. Note: A developer will not be required to hold discussions with service operators where the proposal is for:
 - Residential development of fewer than 10 dwellings
 - Retail development of less than 300 M2
 - Business, industrial or warehousing development employing fewer than 20 people (including those working remotely, but based at the site)
 - In other cases, where total person movements (i.e. one person arriving at or departing from the site) are expected to be fewer than 100 on the busiest day of the week when the development is fully completed.
5. However: where the proposal comprises multiple elements, or where another proposal is current within 500m of any part of the site, the developer will be required to carry out such negotiations even if the individual development falls into one of the categories outlined above. ECC will facilitate joint discussions involving more than one developer and / or proposal if required.

Developments to be Assessed Individually to Determine Transport Needs

1. Each development will be individually assessed to determine the level of additional transportation needed according to the following considerations:
 - The nature and scale of the development
 - The anticipated numbers and movement patterns of users / employees / residents, during and after completion
 - Its relative location and access to existing public transport services
 - Its likely impact on local and regional roads, traffic, safety and environment (through, where relevant its formal transport impact assessment)
 - Any requirement to affect a modal shift towards passenger transport, either for the development alone or in the locality generally

Guidance on Expected Service Levels

1. As noted above each case will be considered on its merits, however as a guide a moderately sized residential or commercial development would require a minimum of a Monday to Saturday service, at a 15 minute frequency between 07:00 and 23:00. This should link it to the nearest appropriate transport nexus, e.g. a bus station and / or a major railway station and allow as far as possible direct access to key amenity services.
2. Similarly, provision will be required for Sunday services as appropriate to the type and scale of development. Residential developments will generally be expected to have a minimum of an hourly service between 09:00 to 23:00 on Sundays

3. Service periods and frequencies for other types of development will be dependent on hours of operation and will need to take account of staff movements as well as customers.
4. Provision shall be included within the agreement for the developer to undertake or fund marketing and promotion of passenger transport services including promotional fares covering up to the first year of operation.

Service Commencement and Duration

1. Services are required to start operation on occupation of the first unit on the site. In the case of retail developments, this will mean occupation by staff, not opening to customers.
2. Where phased development is carried out, it will be acceptable for the service to be progressively extended into the development as it proceeds, provided that no occupied property is further than 400m from an adequately served bus stop at any time.
3. In the case of larger developments, passenger transport provision may additionally be required for construction workers prior to occupation, which need not be available to the general public. However, in these cases, ECC will negotiate service frequency with the developer, in light of the level of occupancy or probable journey generation.
4. The minimum period for which any new or enhanced service should be run is five years from the date of completion of the development. For very large developments not expected to be completed within 5 years of first occupation, ECC may require a longer-term commitment
5. An exit strategy must be agreed with the Council to continue the service(s) after this period without any ECC financial support. Failure to agree may be regarded as a breach of the conditions of planning consent. Progress towards this should be jointly reviewed not less than one year before expiry of the original period for securing the service(s).

Obtaining Advice on how to Proceed

1. Developers can secure the provision and operation of services in several ways, including contracting through competitive tendering and by direct negotiation with operators. The most appropriate method will depend on circumstances and as noted above, care should be taken not to damage other commercially provided or subsidised services operating in the area.
2. Advice should be sought from ECC, before entering into detailed negotiations or tendering for service provision. The Council procures most of its passenger transport needs, including subsidised public transport and home to school transport, and can therefore also offer this expertise to developers if required, charged on a cost-recovery basis.

Service Access to Developments

Service Routes

1. Access for Passenger Transport Services in a new development should be considered as an integral part of the planning of the highway provision and not be determined after the road layout has already been decided, as this will lead to costly re-working of plans.
2. Passenger Transport routes through development sites should:
 - Be designed for through route operation avoiding ‘cul-de-sac’ operations, where services return along the same road
 - Link appropriately to the bus network outside the site, without requiring buses to by-pass other important traffic objectives.
 - Offer access for all areas, with a maximum distance between any unit and a bus stop of 400m (less if significant gradients involved)
 - Allow stops to be sited close to the entrances of all key buildings
 - Provide routes that will not be adversely affected by other traffic in the site; e.g. queues for car parks, manoeuvring delivery vehicles, or illegal waiting by cars picking up goods or people (especially at work finishing times)
 - Provide priority measures for Passenger Transport over other traffic, both within the site and at access / egress points, to give quicker journeys than other traffic
 - Provide turning and waiting facilities with sufficient capacity to accommodate relevant services

Width of Roads on Bus Routes

1. Roads expected to be used by buses should be built with a standard lane width of 4m. On straight sections of road in residential areas this may be reduced by agreement with ECC to a minimum of 3.65m, where necessary to reduce the road’s dominance of the streetscape. Access for Smaller Developments
2. For some smaller developments where all parts of a site are already within 400m of an existing bus route, buses will not required to enter the site. However, all areas of the site should have a clearly marked foot route to suitable waiting and boarding facilities. Provision for other types of passenger transport may still be required.

This information is issued by

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Published October 2020.

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Essex Climate Action Commission Interim Report



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Forewords

Foreword from Cllr. David Finch, Leader of Essex County Council



Climate change is a threat to us all. It is a systemic risk that requires action at every level: internationally, nationally and locally.

We are already seeing climate impacts in Essex from water shortages to flooding. These will continue to worsen and alongside overheating and soil degradation, will impact significantly on all Essex residents. The good news is that taking action on climate, both responding to impacts and reducing further emissions, is win-win: it can cut costs, create new jobs and industries, and improve both the urban and rural areas of Essex with

cleaner air, improved biodiversity, smarter buildings and less waste.

Climate action simply cannot wait – it is the responsibility of every organisation and resident in Essex to do our part to help ensure the County has a bright and green future. Essex County Council is committed to taking action on climate change - to lead the way and inspire other authorities to follow. A few examples of this include building our first carbon net zero school in the County, conversion of all street lights to LED to reduce energy usage and our Flooding Team using innovative low carbon techniques, such as Leaky Dams and Natural Flood Management. We have also spearheaded behaviour change campaigns to encourage residents to recycle, avoid single use plastics and minimise car use, by walking and cycling more. However, we need to do much more to make a real difference.

At a meeting of Full Council in October 2019, I announced a million pound tree planting project and that we would create an Essex Climate Action Commission, which would bring together climate experts, from academics to scientists to business leaders, who would help advise the Council on the steps that must be taken to effectively mitigate the effects of Climate Change. Our administration then committed an initial £5m, specifically to start funding the recommendations made.

In 2020 the Commission was officially created, chaired by Lord Randall, a peer and former environmental adviser to Theresa May during her time as Prime Minister. As her adviser, Lord Randall was closely involved in the policy of setting a net zero target by 2050 in law. Commissioners include published academics, a United Nation Climate Change Scientist and a Wildlife Documentary Director from the BBC. This interim report is the Commission's first publication and I look forward to welcoming the insights contained within.

I am extremely grateful for all the hard work of the Essex Climate Action Commission and its commissioners in helping Essex understand how best it can tackle climate change and meet the significant challenges ahead. I have high hopes and complete faith that they will produce a series of meaningful, transformational and deliverable recommendations. Whilst this interim report is just the first step on this journey, I fully expect the Commission's work to permanently change the way we provide Essex residents with services.



“ Climate action simply cannot wait – it is the responsibility of every organisation and resident in Essex to do our part to help ensure the County has a bright and green future. ”



Foreword from our Chair – Lord Randall of Uxbridge

In early 2020 I was delighted to be approached to chair the Essex Climate Action Commission. At the time no one would have foreseen what 2020 had in store for us all. The world we live in is a very different place, and whilst managing the effects of the pandemic has been at the forefront of many people's minds, the very real threats of climate change and the loss of our precious biodiversity have not gone away.



However, one key learning that the events of this year have demonstrated, is that we all possess a great amount of resilience and adaptability to overcome adversity and the trials and tribulations that life sends our way. We need to show the same determination and resolve to confront the greatest challenge humankind is facing.

As we have heard in the first meetings of the Essex Climate Action Commission, and as you will read later in this report, we once again need to show that ability to adapt to changing circumstances, as the effects of climate change make themselves felt in our everyday lives. We all must take brave and decisive action if we are to retain the green open spaces and diverse wildlife we have come to appreciate and rely on so much during

the Covid-19 pandemic. To that end, I have urged my fellow Commissioners and Essex County Council to develop bold and ambitious recommendations, which will allow residents and businesses in Essex to not only reduce the amount of greenhouse gases released into the atmosphere, but will also help them to better prepare for the changes we will experience in future years caused by climate change. The recent recommendations of the people's UK **Climate Assembly** show widespread public support across the UK for action like this.

I urge you all to take the positive action that you can, to improve your life and livelihood and that of future generations. It is through all of us acting now that real change will be achieved.

Foreword from our Co-Chairs

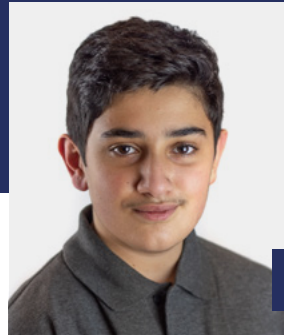


Prajwal

My name is Prajwal. Although the current circumstances regarding the coronavirus pandemic have prevented face-to-face meetings, it has been a pleasure and privilege of mine to be able to collaborate online with the all of the members of the Commission thus far.

The enthusiasm and passion with which I applied to take on this role and tackle climate related issues has resonated in every single meeting across all members. I can undoubtedly say that, with the positive attitude displayed in each of the meetings, progress in the area of climate change mitigation and prevention is inevitable.

Having already completed the first meeting on the first of the six core areas of focus in the first year, 'Adapting to an Already Changing Climate', it is already evident that the goals of the Commission are coming to fruition. In this first meeting, it was gratifying to listen to the presentation and policy recommendations made by Head of Adaptation at the Committee on Climate Change Secretariat, Kathryn Brown. The subsequent discussion in this meeting was zealous and promising of change. I look forward for this determination to be continued forward and I look forward to further change and progress to be made in saving our planet.



Daniel

I am Daniel and I represent west Essex in the Young Essex Assembly (YEA). I've been a member of many young people groups and always wanted to contribute towards a change for the better.

I've wanted to join this committee from the first moment I heard about it. I knew that joining such a great initiative was definitely going to contribute to a great cause.

“ Climate change is a very important issue which is very close to my heart as it is a recurring theme in almost every conversation I have today with other young people. ”

We all have to live on this planet and so will generations yet to come. To help build towards sustainability is a great feeling.

1. Introduction

When Greta Thunberg addressed world leaders at the United Nations in 2019, she said “I want you to panic.” We do not want the people of Essex to be alarmed, but we do want us all to take climate change seriously.

The consequences of inadequate global and local action to address climate change are becoming clear. At the same time, actions taken now could put us all on a path to a sustainable future. The action needed is compatible with a vibrant future economy and improved quality of life.

We are already doing much that is right, but we need to do more and faster. The international community has taken action (through the 2015 Paris Agreement), the UK has shown its leadership (by becoming the first country in the world to enshrine its climate targets into law), and Essex has a great opportunity to be a leader too. Everyone has a role to play, and in this report the Commission makes many recommendations for positive action in Essex.

What is climate change?

The world’s climate has always been in flux, warming and cooling over geological eras. Since the advent of industrialisation, however, human activities have caused the world’s climate to change at unprecedented speed. The development of fossil-fuel technologies has boosted economic activity, with the consequence of producing more greenhouse gases

(GHGs) each year than the land and seas can absorb. These GHGs, mainly carbon dioxide, methane, nitrous oxide and some minor gases, have increased the average world temperature by +1°C since 1850. The science supporting this understanding is now incontestable. Above land, the air temperature increase has been +1.5°C.

While impacts are framed as climate and weather changes, the significance for humanity will be both economic and environmental. Coastal cities suffering an increased risk of flooding due to sea level rise and increased storminess will find building insurance hard to obtain, and capital will be stranded in these assets. Agricultural and food systems will struggle to cope with drought and rainfall changes. Low-lying coastal locations, such as in Essex, will have to spend more on sea defenses and manage realignment of the coast where appropriate.

The term “climate change” is widely accepted as the description for changes observed and predicted. Many people now prefer the term “crisis” as this gives weight to both the urgency required and the convergence of understanding that, unchecked, alterations in climate will have substantial and adverse economic consequences.







The world’s economies currently emit some 53 Gt (Gigatonnes or billion tonnes) of carbon dioxide equivalent (a measure of the effect of all GHGs). There is scientific agreement that a reduction to 10 Gt of emissions would return the climate to a safe place for humanity. Three successive

halvings of emissions, each taking ten years, would reduce emissions first to 27 Gt (by 2030), then to 13 Gt, and then approximately to 7 Gt by 2050, a contraction and convergence to roughly one tonne of carbon emitted per person per year worldwide.

The year 1990 was the year in which atmospheric concentrations of carbon dioxide passed 350 parts per million

(ppm). Pre-industrial levels (in 1850) were 280 ppm; today in 2020 the levels are at 412-415ppm. Over these past thirty years, global concentrations have been increasing at about +2ppm per year. By 2050, at this rate and without substantial changes to economic activities, the global concentration will have increased to 465-475ppm. It is widely acknowledged that this is not a safe place for humanity and will cause substantial economic disruption.

The climate has already changed – temperature, sea levels are rising¹

Variable	What has happened so far?
 Global average surface temperature	Over 1°C above pre-industrial levels.
 UK annual average temperature	About +1.2°C above pre-industrial levels. We have experienced a +0.8°C increase since 1961-1990.
 Global mean sea level rise	~21 cm increase from 1900.
 UK mean sea level rise	~16cm since 1900.
 UK heavy rainfall	Some indications of increasing heavy rain but difficult to quantify.
 UK heatwaves – 'like 2018 summer'	Now a 10 – 25% chance each year, compared to <10% chance each year a few decades ago.

¹ <https://www.theccc.org.uk/2020/04/21/how-much-more-climate-change-is-inevitable-for-the-uk>

What is being done already?

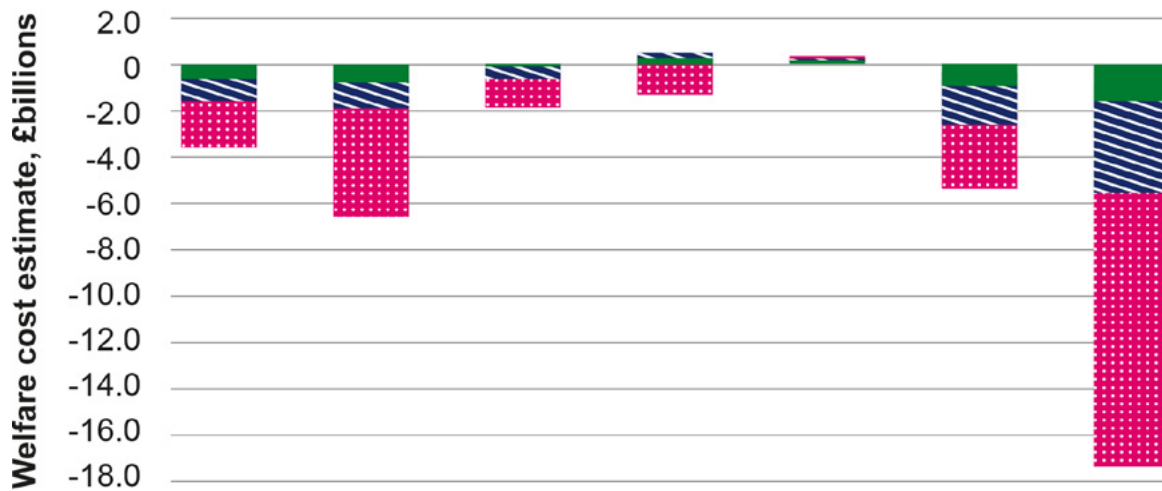
Climate change was first recognised as an economic and environmental challenge in the 1980s. The United Nations formed the International Panel on Climate Change (IPCC) in 1988, resulting in the collaboration of several thousand scientists of all disciplines to assess the extent of change and

advise national governments of more than two hundred countries. In 2008, Britain was the first country to sign a nationally-binding Climate Change Act. The physical changes since 1990 have accelerated rapidly to the 2020s, and the IPCC and national and regional governments worldwide are now focusing on the decarbonisation of economies in

Costs of inaction are high (but hard to estimate in full)

Welfare losses per year from climate impacts in £billions, UK and Ireland¹

- These estimates only include a selection of impacts (e.g. does not include surface water flooding, windstorms, impacts on the natural environment), so are not a national total loss estimate of climate change
- Analysis assumes that the economy is the same size and shape as today



	River flooding	Coastal flooding	Drought	Crop productivity	Electricity production cost	Heat and cold mortality	Total
3°C	-2.1	-4.7	-1.4	-1.2	0.1	-2.6	-11.9
2°C	-0.9	-1.3	-0.4	0.4	0.2	-1.6	-3.6
1.5°C	-0.5	-0.6	-0.1	0.4	0.2	-1.0	-1.7

¹ Szewczyk, W., Feyen, L., Ciscar, J.C., Matei, A., Mulholland, E., Soria, A. (2020) Economic analysis of selected climate impacts. JRC PESETA IV project – Task 14



order to achieve zero-carbon positions by 2050 at the latest. Over 70 countries have committed to this including the UK, France, New Zealand, China and South Korea.

The 2015 Paris Agreement of the UN proposed targets and policies to limit global temperature increases to a total of +1.5 °C to +2.0 °C by 2050 (an increase of just +0.5 to +1.0 °C on current temperatures). This will be hugely challenging and will require global cooperation and leadership. The UK government hosts the next international meeting of the UN, the COP26 (Conference of the Parties), in Glasgow in November 2021.

These physical changes will affect all economies and societies. There will be a need to **adapt** to these changes, to **mitigate** their effects, and to **implement** policies and actions to prevent a worsening of the effects on people and the planet.

The Essex Climate Action Commission acknowledges the scale of the action required within Greater Essex and is

determined to support and enable rapid change towards low to zero carbon economies.

Climate change will require modifications in actions and behaviours i) by local and national governments and public agencies, ii) by businesses, iii) by individual people and households.

“ Essex is getting ready to be part of the solution. Read on to find out more. ”



2. Remit of the Essex Climate Action Commission

We are pleased to be invited to work on this agenda in Essex, following Essex County Council's recognition that to tackle the climate crisis and become a net zero emissions county, a step change and new approach is needed.

In his Executive Statement at Full Council on 8 October 2019, the Leader of Essex County Council announced the formation of a formal independent cross-party commission, entitled the Essex Climate Action Commission.

As a Commission, our purpose is to provide expert advice and up-to-date recommendations for action on climate change mitigation and adaptation, tailored for the county of Essex and its people.

The formal remit of our Commission is to:

- **Year one:** Identify ways in which ECC can mitigate the effects of climate change, improve air quality, reduce waste across Essex and increase the amount of green infrastructure and biodiversity in the county by drawing on in-house expertise, commissioning research and forming new external partnerships.

- **Year two:** Explore how we attract investment in natural capital and low carbon growth. The Commission will be provided with regular updates on the status of the year one recommendations so that it can monitor progress.

When we were established as a group, we agreed that recommendations should include actions for mitigating climate change, such as reducing our net emissions and increasing our natural capital, and adapting to an already changing climate, to ensure Essex is resilient to climate change impacts such as extreme weather and flooding. Our recommendations also consider the roles of multiple partners across Essex, all of whom will have responsibilities and contributions to make in moving Essex to a net zero county.

Our final recommendations, to be published in spring 2021, will be transformative but practical, with the impacts across the themes considered together to deliver a cross-cutting set of recommendations for Essex. They will then be considered by the Essex County Council Cabinet for implementation and the result will be a programme of targeted climate action, which the Leader of ECC has committed will be supported by a budget of at least £5 million.



3. About Our Commissioners

Our 36 Commissioners are drawn from a wide cross-section of society: academia, the public-sector, the private-sector and the third sector.

Our two co-chairs come from the Young Essex Assembly and represent the views of the young people of Essex. We have elected officials, drawn from all political parties, representing the residents of Essex.

Our Commissioners are:

- Lord Randall of Uxbridge (Chair)
- Prajwal (co-chair)*
- Daniel (co-chair)*
- Prof. Jules Pretty – University of Essex
- Prof. Graham Underwood – University of Essex
- Prof. Aled Jones – Anglia Ruskin University
- Prof. Peter Hobson – Writtle University College
- Dr Simon Lyster – Northumbrian/Essex & Suffolk Water
- Prof. Jacqueline McGlade – Institute for Global Prosperity, University College London
- Dr Adam Read – Chartered Institution of Wastes Management and SUEZ Recycling & Recovery UK Ltd
- Toddington Harper – Gridserve
- Ian Davidson – Chief Executive, Tendring District Council
- Jonathan Stephenson – Chief Executive, Brentwood Borough Council
- John Lippe – Ford Motor Company
- Right Rev. Roger Morris – Church of England

- Rob Pilley – BBC
- Natalie Chapman – Freight Transport Association
- John Henry – Mid and South Essex NHS Foundation Trust
- Rob Wise – National Farmers Union
- Catherine Cameron – Agulhas Applied Knowledge
- Dr Laura Mansell-Thomas – Ingleton Wood
- Jo Roberts – Wilderness Foundation
- Heather Hilburn – Thames Estuary Partnership
- Dr Poone Yazdanpanah – Writtle University College
- Jenni Wiggle – Living Streets
- Peta Denham – Environment Agency
- Chloe Rose – RSPB
- Victoria Hills – The Royal Town Planning Institute
- Cllr. Peter Davey – Essex Association of Local Councils
- Cllr. Simon Walsh – ECC (Conservative)
- Cllr. Robert Mitchell – ECC (Conservative)
- Cllr. Sue Lissimore – ECC (Conservative)
- Cllr. Anne Turrell – ECC (Liberal Democrat)
- Cllr. James Abbott – ECC (Green Party and representing the non-aligned group)
- Cllr. Ivan Henderson – ECC (Labour)
- Mark Carroll – ECC Executive Director

*Our co-chairs cannot be identified in full for safeguarding reasons

4. How we will report on the core themes

Core themes

We are meeting as the Essex Climate Action Commission regularly throughout 2020/21 to present, debate, and agree the recommendations that we want to present to Essex County Council in our Final Report in spring 2021.

The meetings are organised around the six core themes:

1. Adapting to an already changing climate
2. Transport
3. The built environment
4. Energy and waste
5. Land use and green infrastructure
6. Community engagement

Commissioners have formed working groups on the themes 2 to 5, each joining a group (or groups) that fits our interests and areas of expertise. With support from ECC and other local authority officers, each working group is developing evidence-based recommendations to present to the full Commission for approval. The meeting on 'Adapting to an already changing climate' involved a presentation from the Committee on Climate Change, focusing on potential impacts of climate change in Essex and proposing recommendations for adaptation and resilience measures to be considered across the working groups. Community engagement is a theme that cuts across the other five working groups and will be the subject of the penultimate meeting in February 2021.



Once all the working groups have delivered their recommendations, all the recommendations and their impacts will be considered by the Commission. A final set of cross-cutting recommendations will be agreed, bringing together the individual themes into one coherent picture for Essex.

Reporting

This Interim Report brings together our recommendations from the meetings held to date: Adapting to an already changing climate; Transport; and the Built Environment.

For those themes that have not yet reported to the full Commission, we provide in this Interim report an update on progress. The full set of recommendations will be published in our Final Report.

The final report will also include a '*Vision for a Net Zero Essex*' that we will develop to help the many partners involved in climate action in Essex unite in a common purpose.

Bringing together the cross-cutting recommendations

Working together as a Commission, we recognise that many of our recommendations cut across the themes, meaning action on one theme can benefit another and have a cumulative positive impact. So that the various parties

involved in climate action – ECC, districts and boroughs, developers, industry, businesses, communities, citizens - can effectively direct their action across the themes and maximise the impact, in this report we have grouped and presented the recommendations according to the sectors they concern:

- New homes and communities
- Existing buildings and urban regeneration
- Resilience to coastal and surface flooding and extreme weather
- Transport and highways authorities
- Energy and waste
- Rural communities and land

The recommendations presented and agreed at each of the Commission meetings to date are attached at Appendix 1.

Essex County Council and the public sector – districts, boroughs, parishes, and anchor institutions such as the NHS - cannot solve the climate crisis alone. The public sector must show leadership and galvanise wider action through working with its partners, communities and citizens. We also recognise that many areas need national action, so we have created a list of asks from government that we would like to see support for across the sectors, from ECC's partners and the citizens of Essex.

5. Cross-cutting recommendations for key sectors in Essex

The Essex Climate Action Commission recognises that no one organisation can deliver all our recommendations alone.

For each of the key sectors, we have pulled together the key recommendations from working groups and identified where there are economic opportunities for Essex. We also note that in none of these sectors are we starting from scratch, so we have highlighted existing work that can be accelerated or rolled out further.



New homes and communities

By 2036, Essex has a target to build 180,000 new homes along with supporting infrastructure, including 40-50 new schools.

Many of these homes will be in large-scale Garden Communities, offering an excellent opportunity to establish sustainable communities where residents can work locally, enjoy green spaces and live healthy, active lifestyles.

To achieve our ambitions for Essex, there are vital roles to be played by different actors, in particular local planning authorities and housing developers, as well as universities and private sector partners to drive innovation. We also need new and existing residents to get behind these ambitions to make it clear that there is market for better quality, sustainable communities.

By 2036, Essex has a target to build

180,000 new homes

along with supporting infrastructure, including

40-50 new schools



For Garden Communities and any other new build homes and developments, the Commission recommends the following:

Longer term goals:

- From 2025, all new homes **granted planning permission** to be net zero
- All new schools commissioned to be **net zero** from 2022 and carbon positive **from 2030**
- From 2025, all new commercial buildings **granted planning permission** to be net zero
- From 2030, all new homes and non-domestic buildings **granted planning permission** to be carbon positive

Quick wins/short term actions:

- Active travel prioritised: designing walkable and low traffic neighbourhoods, exploring built-in last mile delivery solutions (among other options), and delivering Walkable Neighbourhoods; workshops to commence from October 2020
- Publish a Climate Change Compendium through the Essex Design Guide in 2021
- The creation and maintenance of 'Healthy Places' in terms of design, placemaking and place management to ensure these locations both positively contribute to physical and mental health and mitigate climate change

- Review highways and transportation policies where they impact on place shaping, the provision of sustainable transport and sustainable construction practices
- Sustainable Drainage Systems (SuDS) as the default in all new developments, as set out in the National Planning Policy Framework (NPPF)
- A nature-based approach to design and green infrastructure requirements included in local planning guidance
- Developers to implement green procurement standards for construction
- Engagement and partnership with developers, including the establishment of an Essex Developers' Group to collaborate and set up demonstrators of green construction
- Explore the establishment of an 'Energy Sector Alliance and Innovation Hub' to build and develop climate action and resilience-related construction skills
- A net zero major demonstrator project by Essex Housing to commence building by 2023
- Delivering a Flood Resilience Levy by 2022

Good practice happening now:

Essex has a strong start here with the nationally renowned Essex Design Guide which was commissioned collaboratively by the Essex Planning Officers Association (EPOA). Essex County



Council has also built its first school with an Energy Performance Certificate A+ rating last year, with more projects in the pipeline to build on the lessons learnt with a view to building net zero schools in the near future.

Through the EPOA and the Essex Planning Portfolio Holders group, there is an existing network of planning officers and Councillors who can work together to ensure the highest environmental standards across the whole of Essex.

Economic benefits:

There is a huge potential to upskill Essex's construction workers to specialise in building these new energy efficient and resilient homes, implementing future-

proof solutions such as community energy systems and Sustainable Drainage Systems (SuDS). The sustainable construction sector is estimated to be worth £400bn rising to £1Tn. Investment in green construction is expected to create 1.8m new jobs, 0.5m of which will be in the south-east¹.

The world of work has changed significantly through the Covid-19 pandemic. Essex has an opportunity to attract a new market of workers who no longer want or need to commute to London and other city centres each day, but instead will value the green space, healthy lifestyles and local/remote working opportunities a well-designed new development can bring.

1 Source – The Greater South East Energy Hub (2020)



Existing Buildings and urban regeneration

There is a key role for homeowners and businesses to drive change across Essex, supported by all public sector organisations throughout the county.

ECC has commissioned the consultancy Element Energy to develop an emissions baseline model for Essex on behalf of the Commission, which will be reported on at the Energy and Waste meeting later this year. The emerging findings show that in 2020-21, the built environment sector in Essex will emit just under 3MtCO₂. The majority (1.8MtCO₂) will come from domestic buildings, with 0.6MtCO₂ from industrial processes and 0.5MtCO₂ from non-domestic buildings.

Essex has 800,000 existing homes, 85% of which were built before the introduction of standards for insulation and energy performance. 67% of homes in Essex have an Energy Performance Certificate (EPC) rating of D or below (see Appendix 2 for more information on Energy Performance Certificates). This means most residents in Essex are paying more for their energy than is necessary and emitting more greenhouse gas emissions into the atmosphere. Essex will need to prioritise retrofitting these homes and regenerating town centres if net zero is to be achieved.

Over 50% of non-domestic buildings in Essex have an EPC rating of D or below. Offices top this list with 73% rated EPC D or below. There is an opportunity for business to cut costs and reduce carbon emissions by investing in energy efficiency. This can be implemented alongside installation of renewable energy solutions, for example there are significant opportunities for installing Solar PV on commercial and public sector roofs, particularly across Essex's industrial estates.

The Commission recommends the following:

Longer term goals:

- Incorporate national green infrastructure requirements from the government's 25 Year Environment Plan into local planning
- Two-thirds of homes should be retrofitted to net zero standards by 2030
- From existing residential buildings, a 50% carbon reduction by 2030 and zero carbon by 2040.
- One-third of commercial buildings should be retrofitted as far as is possible with renewable energy systems by 2030

Quick wins/short term actions:

- Set goals for reversing the national decline in urban greenspace and include greenspace 'retrofit' programmes in Local Plans
- Introduce low traffic neighbourhoods (10 by the end of 2021) and school streets (around 25 schools by 2022)
- Including water efficiency in energy efficiency retrofit plans
- Prioritise walking and cycling while disincentivising car use in town centres e.g. workplace parking levies
- Partnerships with businesses and green construction training for a zero-carbon future

The retrofitted homes
**cut carbon
emissions by**

↓90%

and delivered savings
of approximately

**3.2 tonnes
of carbon
emissions**

per home per year.



Good practice happening now:

An innovative Dutch energy efficiency initiative in Maldon, led by Moat Homes, saw tenants' properties retrofitted resulting in homes emitting 90% less carbon and reducing tenants' energy bills.

Moat Homes retrofitted the properties using the 'Energiesprong', (Dutch for 'energy leap') gold standard of energy efficiency, the first pilot of its kind in the South East.

Moat's retrofit included the installation of new insulated walls and roof panels fixed to the existing house. Solar panels have been fitted and a battery sited in the back garden to store energy. Gas boilers were

replaced with modern air source heat pumps and houses were made airtight by sealing windows and doors.

The houses are now as close as possible to being net zero users of energy, cutting carbon emissions by 90% and delivering savings of approximately 3.2 tonnes of carbon emissions per home per year. If this were rolled out to a similar standard of homes in a city the size of Chelmsford, the carbon emissions saving would amount to 220,000 tonnes¹.

¹ <https://www.energymanagemagazine.co.uk/ground-breaking-dutch-eco-scheme-slashes-energy-bills-by-more-than-half-in-maldon-essex/>

Economic benefits:

The NHS has estimated that sub-standard housing in England costs the NHS in the region of £1.4bn per year due to the effect on residents' health, hence improving existing stock would deliver substantial savings to health and social care budgets².

As with new build, this area offers huge potential for green jobs and a sustainable economy through upskilling Essex-based construction workers and training more people in the growing sectors of energy efficiency and renewable energy solutions. Through the government's planned investment in a green economic recovery from Covid-19, including £3bn to upgrade buildings and reach net zero, new work will be created for accredited tradespeople in green construction, supporting 100,000 jobs across the UK.

For residents and businesses, investing in energy efficiency will save money now and in the future. New technology such as solar panels and heat pumps offer different solutions to powering and heating our homes and businesses, but too many of our homes and offices still lack proper insulation. Ambitious uptake of energy efficiency measures such as insulation is needed in the 2020s to first reduce demand for heating, to enable the mass transition to electrification of heating (e.g. heat pumps) and decarbonised gas in the 2030s and beyond.

Extrapolating Ministry of Housing, Communities and Local Government (MHCLG) data for properties with an EPC rating³, it is estimated Essex has c.540,400 dwellings with an EPC report of C or lower. Improving these households' energy efficiency through

typical measures such as cavity wall insulation, suspended floor insulation, loft insulation and low energy lighting, is estimated to cost £3,615 per household. To complete this retrofit for households in Essex would cost an estimated £1.95bn. With unprecedented levels of Government funding available there has never been a better time to make these improvements. Residents can apply for £5,000 through the Green Homes Grant, which increases to £10,000 for households on low incomes or receiving qualifying benefits. More information can be found on the scheme website:

www.gov.uk/apply-green-homes-grant

All local authorities have a key role to publicise and promote these schemes; supporting businesses and residents to improve their properties, driving economic growth and reducing the impact on the environment.

Good practice happening now:

The Low Carbon Across the South East (LoCASE) programme provides free business support to businesses in the South East. Its aim is to help businesses become more competitive, profitable and resilient while protecting the environment and encouraging low carbon solutions. To do this, LoCASE provides grants for businesses of up to £20,000 for energy efficiency measures to reduce their carbon emissions as well as funding to SMEs in the low carbon sector to grow their business training workshops and fully funded events. Since the programme started in 2016, £2.6m has been awarded to 397 businesses with an estimated 2,902 tonnes CO₂ equivalent emissions reduction and £992,534 cost savings per annum within Greater Essex (including Southend and Thurrock).

² <https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>

³ Source: MHCLG (2020) Energy Performance Building Certificates (EPC) in England and Wales 2008 to March 2020



Resilience to coastal and surface flooding and extreme weather

The UK's climate is already changing, and further change is inevitable given the level of greenhouse gases already in the atmosphere.

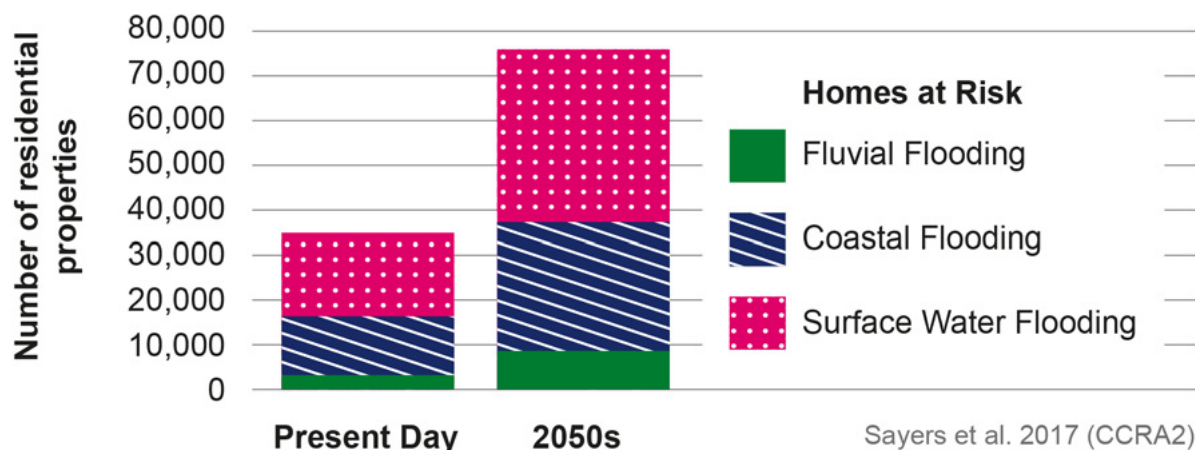
The extent and speed of further changes depends on actions to cut future greenhouse gas emissions. Therefore, in addition to reducing greenhouse gas emissions, action is needed to adapt to our changing climate. In the East of England alone, over 75,000 homes – more than double the current number – could be put at risk of flooding over the next thirty years. We need to build our resilience to chronic issues such as flooding, water shortages and higher summer temperatures which together could drive severe soil degradation. We also need to be able to manage climate shock events such as extreme storms. This is not to say that adapting means accepting climate change; we all need to accelerate our action on reducing our contribution to global greenhouse gas emissions as this will be crucial in limiting future impacts.

Essex is already suffering from these impacts and the Commission notes that nationally, local authorities have not grasped the need for action on adaptation as fully as mitigation. There is scope and urgency for Essex County Council to lead the way and help coordinate cross-agency action in this space.

Essex has substantial issues with coastal and surface water flooding. Over the next 30 years, the risk is projected to double without additional adaptation action. As the Lead Local Flood Authority, ECC has a key role in investing in flood mitigation to protect property and livelihoods, working with partners such as the Environment Agency, water companies and private landowners.

As the Highways Authority ECC also has a responsibility to ensure adequate drainage on the highway and to maintain those drainage systems to a good standard. This includes requiring developers to install Sustainable Drainage Systems (SuDS) which will hold and also cleanse water runoff from polluted highway surfaces.

Residential properties at significant flood risk in Essex, Norfolk and Suffolk





Sustainable drainage system at Basildon Hospital

Good practice already happening:

SPONGE 2020

Essex County Council worked with Basildon and Thurrock University Hospitals to retrofit the Essex Cardiothoracic Centre courtyard with a Sustainable Urban Drainage System (SuDS).

Through Interreg 2 Seas¹, an EU-funded programme, the project increased resilience against surface water flooding in the area. At the same time, it improved the communal space in Basildon Hospital for patients and staff alike.

Abbots Hall Farm

Essex Wildlife Trust purchased **Abbots Hall Farm** in 1999 and was keen to work with the Environment Agency to try and re-grow new coastal marshes on the Essex

Coast. The sea wall at Abbots Hall was in need of repair and Essex Wildlife Trust and the Environment Agency wanted to consider different ways of coastal defence which took into account the problems of the sea level rising. The project has also shown how important these new marshes are as fish nurseries – Abbots Hall now has large numbers of young bass, herring and 14 other types of fish feeding in the creeks within the marshes.

The Commission noted the following Committee on Climate Change recommendations, which will be considered by the relevant working groups:

- Coastal flood resilience schemes in critical areas to be implemented by 2023
- The scale and impact of climate change is acknowledged by those

¹ <https://www.interreg2seas.eu/en>

The Environment Agency estimates that

**every
£1 spent**



improving protection from flooding and coastal erosion saves around

£5 of property damages.



with responsibility for the coast and communicated to the people who live there

- A new policy for coastal flood risk and erosion management is drawn up with clear, evidence-based outcomes
- SuDS is implemented in all new developments and enforced, with clarity over who adopts and maintains it
- A support service on adaptation for businesses is re-established – this could be at local or national government level

Economic benefits:

The UK experiences an average of £1,400 million in damages from flooding per year, even with the present flood and coastal defences on which it currently spends around £800 million per year.

The Environment Agency estimates that every £1 spent improving protection from flooding and coastal erosion saves around £5 of property damages. As well as damages to property, there can also be significant disruptions through damage of vital amenities such as hospitals, schools, emergency services and transport infrastructure, as well as longer term impacts on Essex's coastline as a tourist destination.

In 2012, the UK Committee on Climate Change estimated that the annual expected costs of flooding could increase from £1 billion now to between £1.8 billion and £5.6 billion (present day prices) by the 2080s¹. Essex faces significant risk through climate change and sea level rise; the areas at greatest threat from flooding and erosion in future will be along major estuaries and the east coast².

1 https://www.theccc.org.uk/wp-content/uploads/2012/07/CCC_ASC_2012_bookmarked_2.pdf

2 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300332/04-947-flooding-summary.pdf



Transport and highways

Surface transport in the UK emits more greenhouse gases than any other industry or sector.

In Essex, transport is responsible for almost a third of greenhouse gas emissions, the majority of which are from

cars. A lack of active and sustainable travel options also has a profoundly negative impact on public health - 75% of children are inactive and 32% of parents indicate that the school run is almost as stressful as their jobs.



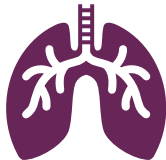
The UK ranked in the **top ten most congested countries** in the world, the third most congested in Europe behind Russia and Turkey¹



The average amount of **CO₂ emitted by new cars in the UK has risen** for the third year in a row – by 2.7% to 127.9g/km²



Direct and indirect **costs of congestion is £37.7 billion**, an average of £1,168 per driver³



People in the UK are **64 times as likely to die** of air pollution as those in Sweden and twice as likely as those in the US⁴



Poor air quality causes **40,000 to 50,000 early deaths** in the UK and the cost of these health impacts is estimated at **£20 billion** every year⁵

1 [Inrix](#)

2 [SMMT](#)

3 [Inrix](#)

4 [World Health Organisation](#)

5 [Royal College of Physicians](#)

Transport is an integral part of the built environment and wider society functions, so many of the recommendations are captured in the other areas. However, there are many recommendations that we urge the transport and highways authorities and operators to adopt to encourage and incentivise active and low carbon travel and discourage unnecessary car use.

The Commission recommends the following:

Longer term goals

- Introduce three new subsidy-free Park and Choose sites by 2030
- Introduce 20 Low Traffic Neighbourhoods per annum from 2022 to 2030
- Introduce an additional 20 school streets per year to 2050

Quick wins/short term actions

- Introduce dedicated, well-planned cycling and walking routes across all urban and rural locations, and to all rail stations
- Upgrade and expand the National Cycle Network and integrate with existing local routes
- Work with business to improve on-site facilities and develop routes
- ECC to publicly state its commitment and funding to rebuild passenger transport services hit by market failure since the pandemic
- To invest in innovative passenger transport solutions such as demand responsive transport using electric vehicles, aiming for commercial viability
- Promote safe and accessible public rights of way



- Expand the three existing Park and Ride and school zones projects
- Improve cycling infrastructure to/from schools
- Introduce school streets for 25 schools by 2022
- Introduce six e-scooter pilot schemes across the county by the end of 2020
- Introduce emissions charging and/or parking charges in town centres and ringfence income to invest in public transport and active travel schemes
- Introduce five workplace levy schemes
- Explore car sharing options
- Launch county-wide National Car-Free Day
- Support innovative solutions for last mile deliveries, introduce 10 local delivery hubs by 2022 and explore options such as retiming deliveries to reduce peak time congestion
- Grow the electric vehicle charging network and capitalise on the facilities provided by the new Gridserve electric forecourt to charge and promote electric vehicles to encourage uptake
- Electrify the authority's fleet
- Park and Ride: Embed micro-mobility solutions and EV charging points at all

sites; use Park and Ride as a stepping stone to public transport and ringfence income for sustainable transport investment.

Good practice already happening:

The Commission is pleased to see many net zero initiatives already underway in areas such as active travel, public transport, decarbonisation (e.g. LED streets lighting), warm tarmac and place-based solutions (such as creating new hubs to promote local active travel).

ECC and a significant majority of district, borough and city councils are already implementing measures to enable walking and cycling and opening up high streets safely responding to Covid-19 and are waiting to hear from government about further funding to scale this up in five locations.

In 2020, the Council launched its *Stop, Swap, Go!* Campaign to encourage residents to walk, cycle and use the bus. Through the campaign the Authority aims to help reduce carbon emissions, protect the environment and help residents make the most of the county's open spaces and parks.



Gridserve Electric Vehicle Charging Forecourt

From this autumn, Gridserve will operate the UK's first electric vehicle charging forecourt in Braintree offering convenient, solar-powered electric vehicle charging and a platform to promote electric vehicles to consumers. The forecourt is due to be launched by the end of the year.



Energy and Waste

Energy and waste issues have been raised in all Commission meetings to date, but examples of existing good practice, the available economic benefits and our formal recommendations will be discussed in detail and decided at the upcoming meeting on Energy and Waste in December 2020. Information on emerging proposals are provided in the next section.

Most of the Energy and Waste recommendations agreed by the Commission have been covered in the sectors above, but the key recommendations for this sector are:

- Partnership with businesses to support them to move to carbon zero and use green procurement practices, for example promoting the financial benefits of installing renewables and smart meters

- A feasibility study into Energy Sector Alliance and Innovation Hub by 2021

Light pollution is another aspect of energy wastage to be addressed; needlessly lighting the night sky adds to greenhouse gas emissions, as well as having a negative effect on human health and wildlife.

Good practice already happening:

Energy from Solar Photovoltaic (PV)

ECC has already installed solar PV systems on four of its core estate buildings at County Hall, Ely House, Canvey Island and Freebournes Road in Witham. However, this is just a start and only meets just over 1% of its corporate need for energy, so plans are being developed to set out a pathway to net zero for the ECC core estate. This will include measures such as more solar PV rooftop systems but also energy efficiency measures and low carbon heat



technologies. By the end of the financial year, ECC will have installed solar PV on the Essex Records Office. In addition, they will have implemented a programme to install smart meters at every maintained school in the county and started a roll out of solar PV systems on school rooftops, building on the first installation this October school half term.

Energy from landfill gas

Of the 12 closed landfill sites the Council looks after, six are open to the public as open spaces or mini 'Country Parks' which are mainly used for recreational activity and homes for wildlife. Two of the six open to the public were entered into the government's Countryside Stewardship programme which supports landowners wanting to increase biodiversity on their land. Four of these six are also used to produce energy from landfill gas. The main constituent of landfill gas is methane which is about 28 times more powerful

than carbon dioxide as a greenhouse gas. These sites are carefully managed to ensure these gases are, where possible, used for electricity generation.

A concession contract for energy generation is being worked up for the Bellhouse site near Colchester. This is the largest and most recently closed site and has the potential to generate up to approximately 1MWh of electricity.

LED streetlights

ECC will continue the multi-million pound LED streetlight conversion programme as it installs new LED lanterns across the county. Over the next few years, the rest of ECC's older style streetlights, of which there are over 80,000, mainly in local streets, will be replaced by LED. The older style lights cause light pollution through light scatter. LED light can be better directed, so as well as being more energy efficient they contribute less light pollution.



Energy from landfill gas



Rural communities and land

The Essex Rural Partnership Strategy 2016-2020 states that Essex is a predominantly rural county with 72% of Essex's population living in rural areas.

Many of the emerging innovative solutions for decarbonisation focus on urban and densely populated areas, but for Essex it is important that as a Commission we think beyond the urban context. Our land and countryside are huge assets, but assets that are under threat from the impacts of the climate crisis, most significantly soil degradation as a result of water scarcity, soil erosion and pressure for new built development growth.

Recommendations for this sector are being developed by the Land Use and Green Infrastructure working group who will present to the Commission in January 2021. From the Commission meetings held so far, including the presentation given by Kathryn Brown, Head of Adaptation at The Committee on Climate

Change, emerging recommendations for consideration under this theme include:

- Diversify land use to build in resilience
- Provide resources to help land managers understand climate impacts, risks and solutions
- Financial support for landowner investing in transitioning land use (with long payback periods)
- Support sustainable transport modes for rural communities, including safer walking and cycling routes and EV charging

Land use, green infrastructure and community issues have been raised in all Commission meetings to date, but examples of existing good practice, the available economic benefits and our formal recommendations will be discussed in detail and decided at the upcoming meetings on Land Use and Green Infrastructure and Community Engagement early in 2021.



In October 2019, the Council made a commitment to plant **£1 million worth** of trees over the following five years, involving planting **375,000 trees**

Good practice already happening:

Essex Forest Initiative

In October 2019, the Council made a commitment to plant £1 million worth of trees over the following five years. This will involve the planting of 375,000 trees, over 150 hectares, an area which is the equivalent of 210 football pitches. This is in addition to over 500,000 trees pledged by Essex's districts and boroughs.

The main driver behind the initiative is to lock up carbon and offset the

carbon produced which is contributing to ongoing climate change. There are many other benefits of planting forests and trees, including improving air quality, encouraging biodiversity, and reducing flooding.

The Council is working with a range of partners who are making land available for tree planting to deliver the initiative. This includes working with charities, farmers, private households and the parish, town, city, district and borough councils within the county.



6. Engaging our Communities

Working with stakeholders, businesses, community groups and citizens

There is no doubt that the net-zero ambition for Essex cannot be achieved without action from businesses, residents and communities across the county.

The Commission commends the three-pronged strategy proposed by ECC, as described below:

- **Communications** – To inform, educate, promote and engage Essex businesses, residents and communities, by making ‘doing the right thing’ more visible and showcasing those who have already taken action.
- **Stakeholder Engagement** – To deliver targeted engagement with residents, politicians, businesses and organisations who have shown a particular interest or expertise in climate action in Essex.
- **Community Engagement** – To facilitate climate action at the community scale. Fostering a sense of belonging and providing clear information, advice and guidance at the right level for that community. In particular, converting insight and engagement through the *Essex is Green* digital platform into social action, encouraging community connections and achieving sustained behavioural change. More detail on this approach is found in Appendix 3.

The Commission’s meeting on Community Engagement will be held in February 2021. It will consider how to encourage different audiences - individual households, businesses, community groups, charities and public sector partners - to take action across all the themes that have been considered by the working groups.

Essex Businesses

ECC and partners can support and encourage businesses to commit to achieving net zero emissions. Targeted recommendations for engaging with businesses will be developed by the Community Engagement working group in February 2021, but some emerging recommendations from the meetings so far include:

- Encourage large businesses to disclose physical risks of climate change, using frameworks such as the Taskforce on Climate-related Financial Disclosure, or the Adaptation Reporting Power
- Actively promote energy efficiency advice and guidance to communities and businesses, particularly SMEs
- For local authorities and businesses to work together to improve on-site facilities for cyclists
- For the Essex Developers Group to set up a working group to develop a Climate Change Charter and run demonstrator projects.

Essex communities and residents

The climate crisis isn't just a problem to be tackled by local, national or international governments - action is needed by every individual. The Community Engagement working group will develop messaging to help citizens and local communities to take effective action. The Final Report will bring together clear advice for individual and community action across all the themes covered by the Commission.

The Commission meetings held to date have proposed the following high level recommendations aimed at communities and residents, which will be added to and further developed in subsequent meetings:

- Communications with residents about actions they can take on their own homes.
- Encouraging community action

Good practice already happening:

Essex is Green

The *Essex is Green* team has already developed a networking and discussion group on Facebook of all the already existing social media organisations and activists in operation across Essex. This brings together a range of 'eco' groups which have been set up at a local level focusing on their immediate environment - villages, towns and districts around the county. Over 300 individuals, groups and organisations use the group to discuss 'green' issues and share hints, tips and new ideas to encourage Essex residents to live a more environmentally-friendly and carbon-conscious lifestyle.

Circular Economy

ECC and partners have recently been awarded EU funding for the 'BLUEPRINT to a circular economy' project. It will use best practice on how we at ECC can embed the circular economy in everything the Council does and well as engaging with residents of Essex to reduce, reuse and recycle more.

Community Energy

Community Energy South have been working with ECC to take the first steps in helping to support the development of the Community Energy Sector in Essex. During Spring 2020 community groups were engaged through a countywide survey to find out about groups and individual interested and/or involved in community led renewable energy and the best way to support them going forward. To start this support, a bespoke community energy signposting guide and a funding guide for Essex has been produced. A seed-corn fund has been established to support groups identified in this work with an offer of training, business development and funding support.

This project is funded by LECSEA. The LECSEA (Local Energy Communities for the 2 Seas region) programme is a cross border project funded through the Interreg 2 Seas programme.

Love Essex

The 'Love Essex' brand was developed to work in partnership to deliver better results for residents through cost effective campaigns and services. An umbrella brand provides consistent messages to encourage public involvement and inspire behaviour change to reduce waste, reduce environmental impact and increase recycling.

Public Sector Leadership

While it cannot tackle this challenge alone, the public sector plays a vital role in leading the agenda of supporting and addressing environmental sustainability and growing the green economy.

Collectively, the large public sector organisations across Essex, often referred to as anchor institutions, have a strategic interest and influence on the places they are located. Anchor institutions include the county council, district, borough and city councils, police and fire services, NHS organisations, university partners, further education providers and housing associations. It is also recognised that many private sector organisations are anchors.

Anchor institutions can have a huge impact on emissions and adaptation in a variety of ways: through the management of their buildings and land, through their procurement spend and the commissioning services (such as home to school transport and the procurement of building and maintenance services) and investment choices. Essex anchor institutions employ huge numbers of people, have influenceable procurement spend of billions through direct and indirect supply chains and have environmental ambitions and priorities. ECC has a £1bn supply chain alone.

For example, Manchester City Council, working with CLES looking at their practices, went from the proportion of their top 300 suppliers having an environmental management plan in place from 7.5% from 2017/18 to 77.5% in 2018/2019¹.

The Commission urges the anchor institutions to lead in this area and support other organisations and businesses to make similar choices to maximise the benefits.

We recommend:

Longer term goals

- All ECC and anchor institutions to be retrofitted to net zero carbon by 2030
- 50 per cent of schools retrofitted to net zero by 2025
- 100 per cent of schools to be retrofitted to net zero by 2030

Quick wins/short term actions:

- All anchor institutions buildings to be retrofitted to net zero carbon by 2030
- 50 per cent of schools retrofitted to net zero by 2025 and 100 per cent by 2030
- Installing renewables on public sector buildings
- Development of action plans to reduce overheating risk in all schools, care homes, hospitals etc.
- Advanced smart meters into all ECC schools by 2021
- Optimise energy use in the public estate (25 per cent saving by 2025, 50 per cent by 2030).
- Leveraging government funding for decarbonisation, including the £1 billion Public Sector Decarbonisation Scheme

¹ <https://cles.org.uk/wp-content/uploads/2020/02/FINAL-WEB-Infographic-and-findings-2020.pdf>

Solar panels at the Council's Freebournes Road building



Good practice already happening:

Energy efficient school buildings

Having identified a need for additional primary school places in Basildon, the Essex School Organisation Service worked with Berlesduna Academy Trust to build a new block of six classrooms at Merrylands Primary School in Laindon which are Energy Performance Certificate (EPC) A+ rated. Berlesduna appointed technical consultants Real8 (formed by former Council employees) and ran a procurement process. The developer 'Net Zero Buildings' was awarded the contract to design and deliver the school's expansion.

Including design and planning, the project took a year to complete. With the addition of the new classrooms, the school's capacity increased from 420 to 630 places. The school is expected to grow by 30 pupils per year for seven years from September 2020.

The same developer, Net Zero Buildings, was used by ECC at two other small schemes in Essex in 2020, both of which have now reached completion.

The School Organisation Service is now commissioning more pilot schemes for net zero carbon construction.

Solar power and community energy

Danbury Outdoor Centre and Danbury Park Community School in Chelmsford have gone solar with 70kW of solar energy generation capacity having been installed in autumn 2020. The solar panels were delivered by Essex County Council's Environment and Climate Action team as part of an EU-funded initiative called "**Empower**" (Enabling **M**ore **P**eople's **O**Wnership in **E**nergy **t**Ransition). The installation will deliver 15 tonnes of carbon reductions in year one and over 375 tonnes of carbon reduction over the lifetime of the systems installed.

The solar installations are only the first step. Engagement with key members of the local community has started and community-based activities will make local residents aware of the benefits of renewable energy whilst allowing the community to take power and ownership in the shift to a decentralised and low carbon energy market.

Lobbying government

The climate crisis poses a systemic risk and requires a systemic response: internationally, nationally and locally. Essex County Council can play its part, recognising that it cannot tackle this challenge alone. The public sector can play a vital role, as an implementer, an enabler and an exemplar.

In addition to the recommendations we have provided above, we urge all Essex anchor institutions, business leaders, communities and residents to come together and lobby government and government agencies for action, funding and/or policy change on the following issues:

General

- All departments across Government to hold climate challenge as central to core ambitions and funding
- Government to champion and fund nature-based approaches

Homes and buildings

- Planning policy and building regulations: make net zero and climate resilient standards mandatory for all new homes and buildings
- MHCLG to amend building regulations to support net zero, climate resilient buildings
- Funding for retrofit to improve homes and resilience infrastructure, including offsetting for historic properties

- Re-establish a support service on adaptation for business. A national adaptation support service would be ideal; however this can also be established locally.

Transport

- Invest in active travel including long-term funding for upgrading and expanding cycle networks
- Stop fuel duty freeze and introduce 'polluter pays'

Energy and waste

- Funding for local authorities to deliver increased energy efficiency of the public estate and schools

Resilience to flooding and extreme weather

- Enable local government and the Environment Agency to deliver long term and resourced approach to engaging affected communities and stakeholders
- Apply more weighting to non-residential properties in the Flood Defence Grant partnership funding process for flood resilience to make it fairer



7. Summary of Commission meetings to date

The recommendations from the Commission meetings to date have been brought together in the sectors above and are included in full in Appendix 1.

This section details which Commissioners contributed to each meeting and how the meetings were structured. Audio recordings of all the Commission meetings to date are available on the [Commission website](#).

Adapting to an Already Changing Climate

In the Commission meeting on 8 July 2020, Kathryn Brown, the Head of Adaptation at the Committee on Climate Change (CCC) Secretariat, delivered recommendations to the Essex Climate Action Commission, focusing on four areas:

- Coastal change
- Housing and urban areas
- Land use
- Business and finance



The full list of recommendations, as agreed by the Commission, is provided in the appendix to this report. In addition to being recommendations in their own right, the CCC recommendations are key inputs for areas to be considered by all Essex Climate Action Commission working groups during their work.

Transport

Our meeting on Transport took place on 8 September 2020.

The recommendations were developed by the Commissioners shown below, with the presentation to the Commission coordinated by Tracey Vickers, Essex County Council Head of Sustainable Transport:

- Catherine Cameron (Agulhas Applied Knowledge)
- Natalie Chapman (Freight Transport Association)
- Toddington Harper (Gridserve)
- Cllr Ivan Henderson (Essex County Council)
- John Lippe (Ford Motor Company)
- Cllr Robert Mitchell (Essex County Council)
- Jenny Wiggle (Living Streets)

The full list of recommendations for this working group is provided in Appendix 1.

Built Environment

Following an introduction from Graham Thomas, Head of Planning at ECC, the context and recommendations were discussed under three pillars, each led by a specialist Commissioner:

- New build and planning – Victoria Hills (The Royal Town Planning Institute)
- Retrofitting – Dr Laura Mansel-Thomas (Ingleton Wood)
- Influencing - Catherine Cameron (Agulhas Applied Knowledge)

Other Commissioners involved in preparing the proposals were:

- John Henry (Mid and South Essex NHS Foundation Trust)
- Jonathan Stephenson (Brentwood Borough Council)
- Dr Poone Yazdanpanah (Writtle University College)

The full list of recommendations for this working group is provided in Appendix 1.

8. Work to date and emerging priorities from other themes

Three working groups have been meeting to develop their proposals which will be presented to the full Commission over the next six months. Here is a summary of emerging themes.



Energy and Waste

The working group is looking at three key energy themes:

- Accelerating renewables
- Community energy
- Future energy scenarios, looking at future demand for and supply of energy and decarbonising the grid

Council officers, under the guidance of Commissioners, are working with Element Energy to develop a carbon baseline and a pathway to net zero for Essex¹, to be reported to the Climate Action Commission meeting on 1st December.

At our first meeting we looked at accelerating renewables. The discussion focused on solar energy which UK Power Networks identify as the renewable energy power source that will be most prevalent in Essex in 2050. Commissioners strongly support development of a “Local Area Energy Plan”, which sets out a pathway to accelerating renewables in Essex and decarbonising the power grid in the county.

Commissioners also support:

- The promoting of domestic solar schemes, encouraging the uptake of solar panels on roofs, and exploring the opportunities for domestic battery storage
- Renewables on public buildings and addressing energy efficiency in heritage buildings
- Undertaking innovation projects that attract new technologies such as solar roof tiles
- Utility scale solar, but with reservations about loss of arable farming land
- Community engagement. A creation of a “Citizen’s Assembly” has been discussed to engage residents in methods to promote and accelerate renewables

¹ Element Energy, Built Environment Emissions Baseline and Pathways Review, Draft final report for ECC (unpublished)

Turning to waste, the working group is exploring options across four main themes:

- Waste Prevention and Reuse
- Recycling
- Bio-waste
- Residual Waste Recovery and Disposal

Our first meeting on prevention and reuse took place on 6th October, investigating options to shift towards a more circular economy approach by tackling waste production within the local authority, commercial and industrial spheres.

The Energy and Waste working group comprises of the following Commissioners, supported by officers from Essex County Council, led by Tom Day, Head of Commercial Development.

- John Henry (Mid and South Essex NHS Foundation Trust)
- Prof. Jacqueline McGlade (UCL)
- Cllr. Robert Mitchell (Essex County Council)
- The Right Reverend Roger Morris (Church of England)
- Dr. Adam Read (Chartered Institution of Wastes Management and SUEZ Recycling & Recovery UK Ltd)
- Rob Wise (National Farmers Union)





Land Use and Green Infrastructure

Following three successful meetings, the working group is developing proposals for the establishment of a Climate Action Focus Area (CAFA). The CAFA will incorporate urban, rural and coastal areas and cover up to 30 per cent of Essex's land area and is proposed to achieve net zero by 2030.

The CAFA may consider the following critical themes:

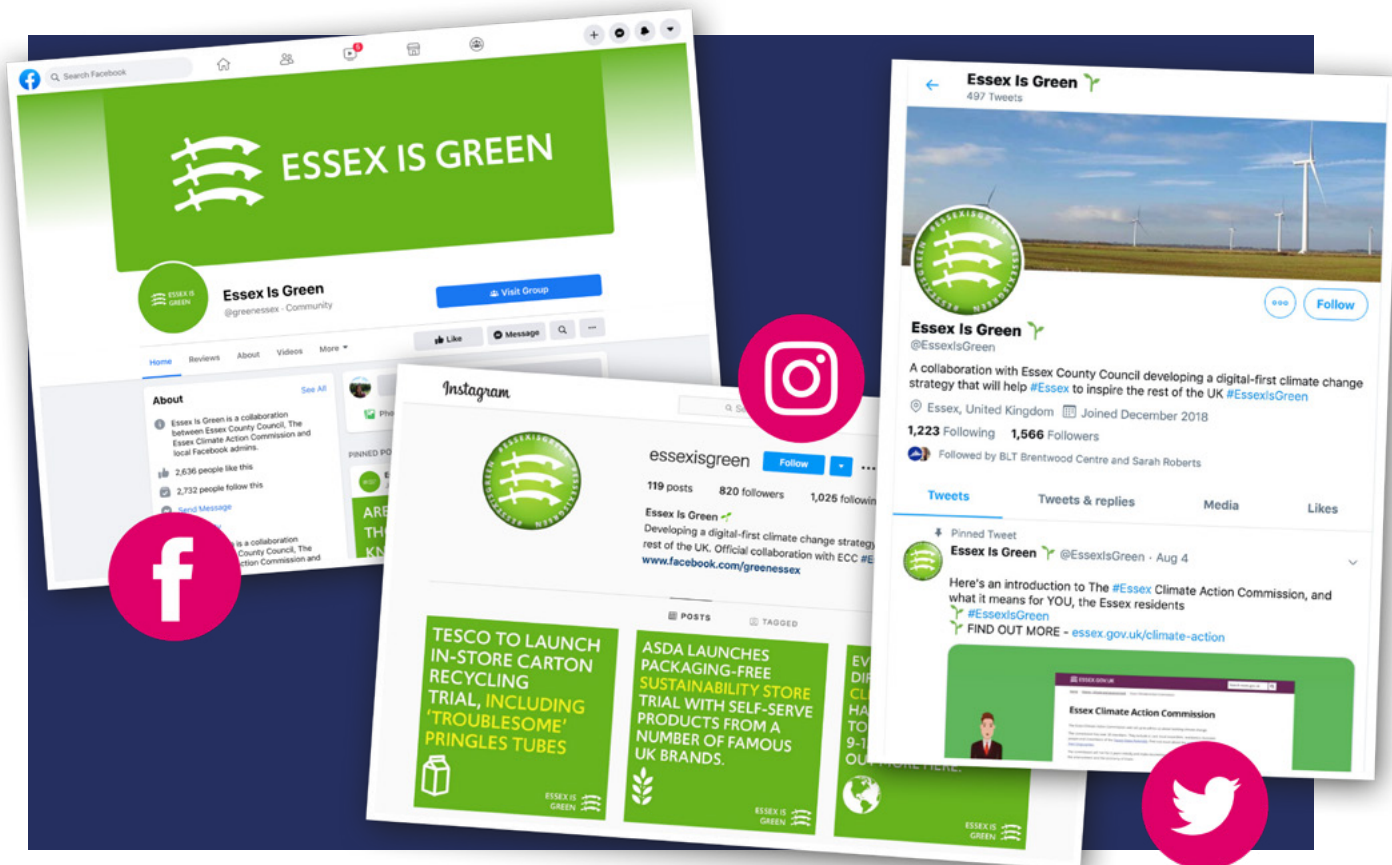
- Sustainable agricultural land stewardship practices including: regenerative agriculture, agro-forestry, organic farming, and climate friendly farming
- Circular bioeconomy
- Climate-friendly diets
- Forestry and trees
- Re-wilding
- Greenspace and habitat creation
- Bigger, better and more connected habitats
- Natural flood management
- Sustainable drainage systems
- Resilience to sea level rise

- Coastal access via the coast path
- Socio-economic benefits
- Benefits of the other working groups such as transport, built environment, energy, waste and community benefits.

The Land Use and Green Infrastructure working group comprises of the following Commissioners, supported by officers from Essex County Council, led by John Meehan, Head of Sustainability and Resilience.

- Heather Hilburn (Thames Estuary Partnership)
- Prof. Peter Hobson (Writtle University College)
- Dr Simon Lyster (Northumbrian Water Group)
- Prof. Jacqueline McGlade (UCL)
- Professor Jules Pretty (University of Essex)
- Jo Roberts (Wilderness Foundation)
- Prof. Graham Underwood (University of Essex)
- Rob Wise (National Farmers Union)





Community Engagement

Our penultimate meeting of the Commission's first year will review the progress that has been made through our communications and community engagement work via the 'Essex is Green' social media channels. Commissioners will recommend what more can and should be done to engage everybody in Essex to understand what they can do to mitigate greenhouse gas emissions, and adapt to climate change, taking action across all the core themes.

The Commission is encouraged and delighted to hear that in such a short period of time, from launch in July 2020 up to 5th October, the 'Essex is Green' Facebook page has reached 2,352 followers. In the week ending 5th October the page achieved 8,600 post engagements, up 196% on the previous week.

The Community Engagement working group has the support of the following Commissioners:

- Catherine Cameron (Agulhas Applied Knowledge)
- Cllr Peter Davey
- Right Reverend Roger Morris (Church of England)
- Rob Pilley (BBC)
- Prajwal* (Young Essex Assembly)

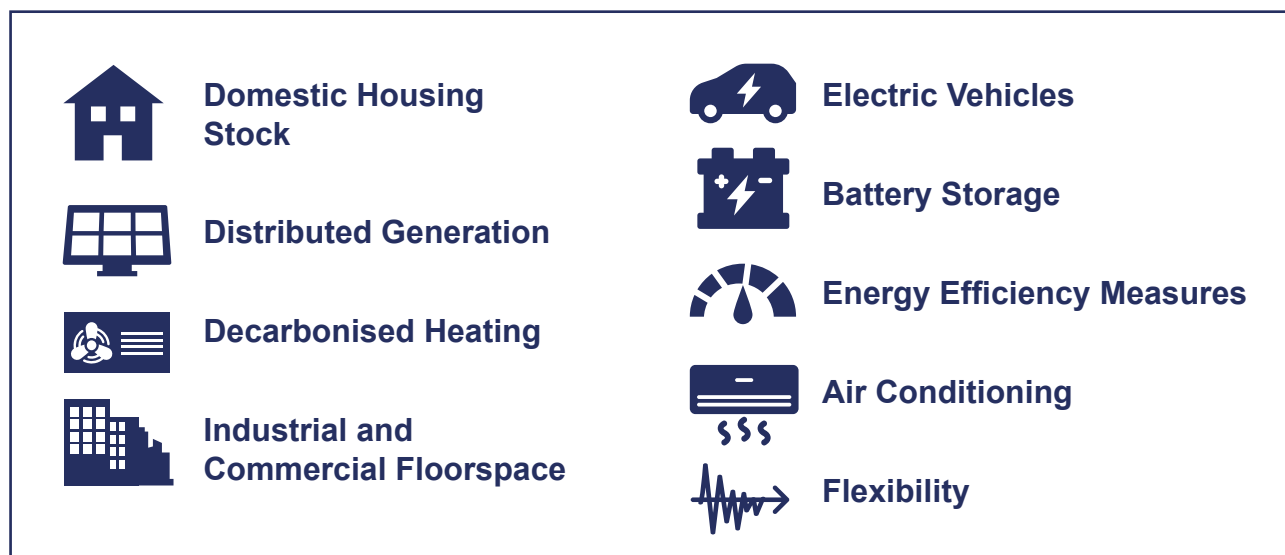
*Full names not disclosed for safeguarding reasons

9. Evaluating the impact of our recommendations

Establishing a baseline

ECC has commissioned Element Energy to develop a greenhouse gas (GHG) emissions baseline for Essex to provide a starting point from where Essex can monitor its progress to net zero.

The model includes current and future energy demand and generation for the county to 2050 and reflects the socio-economic characteristics of Essex, planned new developments and the existing uptake of low carbon technologies in Essex. It includes forecasts for the following variables:



This data has then been used to calculate a GHG baseline and emission reduction pathway for the three key sectors examined in the Commission meetings so far:

- Domestic housing stock (both electricity and heating)
- Industrial and commercial floor space (both electricity and heating)
- Road Transport

The modelled energy consumption results have been converted to carbon emissions, and the results validated against sub-national fuel consumption and emissions datasets¹.

Energy consumption from domestic, commercial and industrial buildings, and road transport in Essex is estimated at **26,500 GWh (2019)**. This comes mostly from the consumption of petrol and diesel

¹ BEIS, Sub-national total final energy consumption data (2020)

in the transport sector and natural gas in the heating sector, with the remainder from the use of electricity and heating oil in buildings.

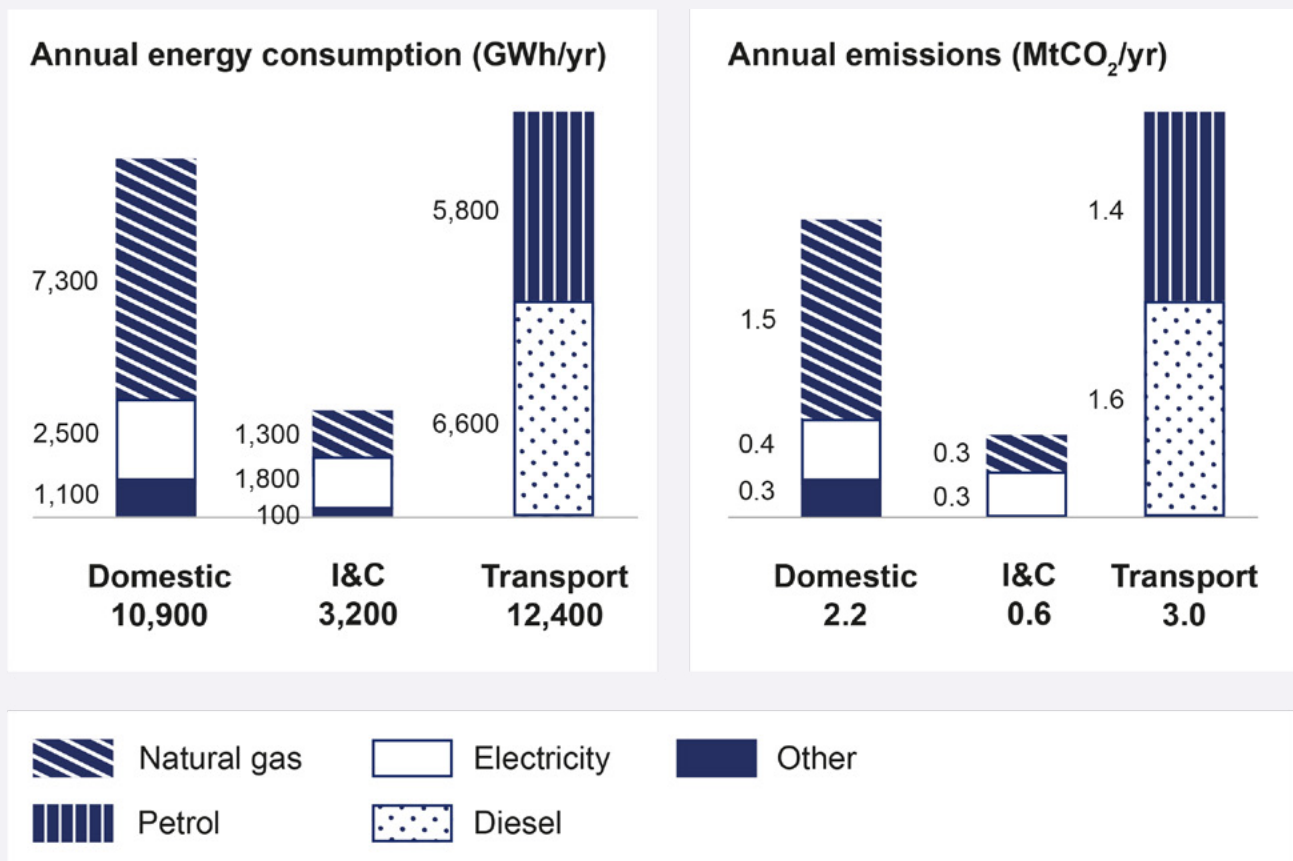
This energy consumption converts to estimated GHG emissions of **5.8 MtCO₂/yr**. To put this into perspective, 5.8 MtCO₂

would be roughly equivalent to a long-haul passenger plane flying 796,000 times around the world.

The modelled energy consumption and carbon emissions are shown by sector in Figure 1:

Figure 1:

Energy consumption (left) and emissions (right) in Essex in 2019, broken down by sector: Domestic, Industrial & Commercial (I&C) and Road Transport.



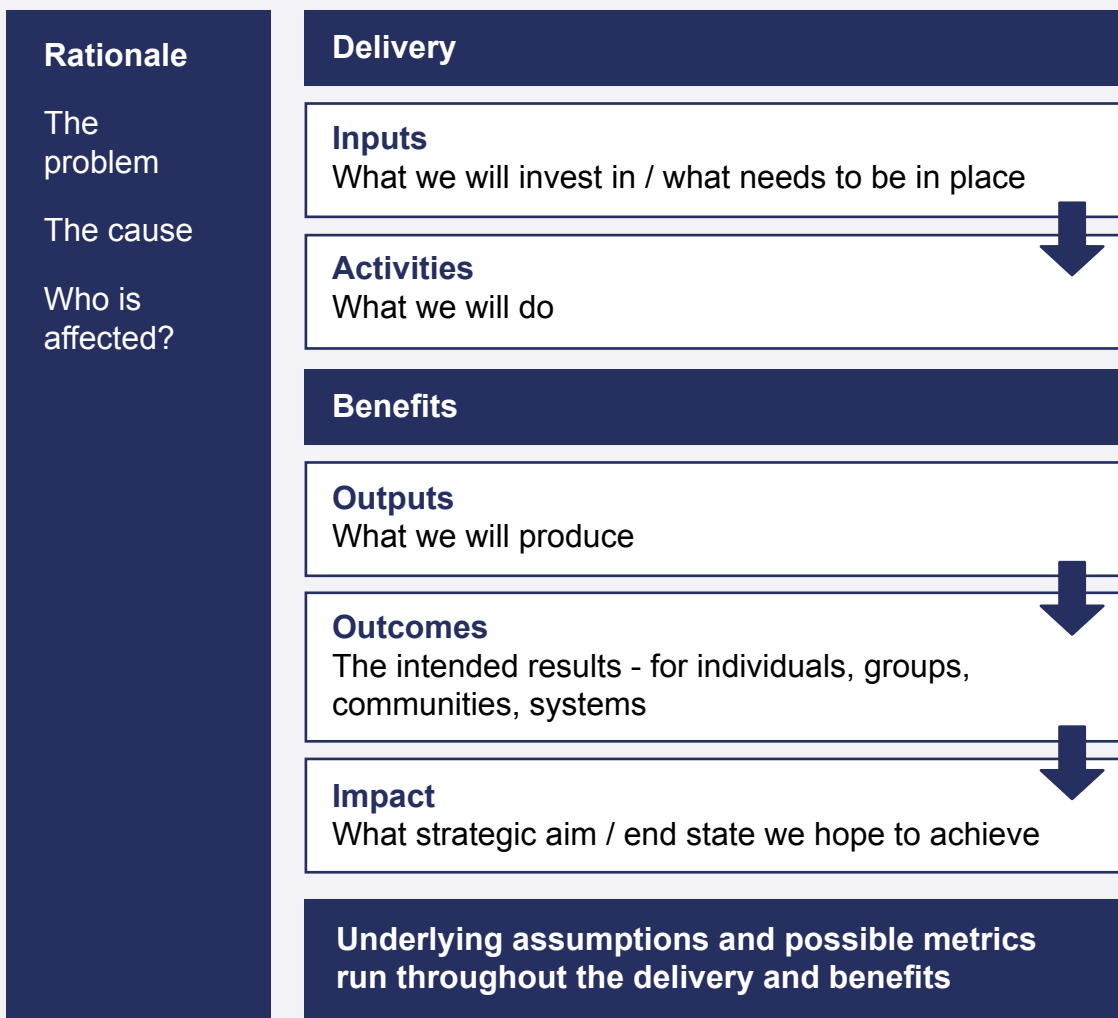
Evaluating the impact of the Commission’s recommendations

Using this baseline, ECC is developing an evaluation framework to monitor and track the impact of the interventions coming from the Commission recommendations. Further work will be needed to assess the impact of the Commission’s proposed recommendations on the baseline, assess which of those recommendations will have the most impact and understand the

cumulative impact of the full set of final recommendations.

To understand the relationship between the recommendations of the Commission, the interventions designed to deliver those recommendations and the impact on GHG emissions, ECC will use a logic model. We support this approach, which will help set measurable targets, prioritise interventions and provide accountability for delivery of emissions reductions.

ECC’s proposed logic model:



Using the data and evidence gathered by the Commission working groups to underpin each of their recommendations, the evaluation framework will define key performance indicators to measure

the impacts of ECC’s actions on GHG emissions. Progress for each recommendation will then be monitored using the emissions baseline.



Appendix 1:

Recommendations Summary

Commission Meeting 2: Core discussion on adapting to an already changing climate - recommendations

- Stronger policy on sustainable urban drainage to ensure it is included as the default for new developments
 - Make green SuDS the default in all new developments (buildings and infrastructure) – this is set out in the NPPF but needs implementation
 - Automatic right to connect new developments to the sewer system should be made conditional on national SuDS standard being met
 - Clarify arrangements for who is adopting and maintaining SuDS
- Set goals for reversing the national decline in urban greenspace
 - Greenspace ‘retrofit’ programmes should be included in local plans.
 - Incorporate national green infrastructure from the 25 Year Environment Plan into local planning
- Include water efficiency measures in energy efficiency retrofit programmes
- Overheating risk needs integrating into local plans. Plans are also needed for care homes, hospitals, schools, prisons
- Ensure that adaptation (and mitigation) are integrated into the Environmental Land Management system
- Diversifying land use is likely to build in resilience. Diversifying agricultural land, afforestation, peatland restoration and catchment management have positive impacts on the condition of natural habitats and habitat creation.
- Resources are needed that explain local climate impacts and risks to land managers – e.g. regional risk assessments
- Support should be provided to help land managers transition to alternative land uses. This includes help with skills, training and information to implement new uses of land, and support with high up-front costs and long-term pay-backs of investing in alternative uses
- Encourage large businesses to disclose physical risks, using frameworks such as the Taskforce on Climate-related Financial Disclosure, or the Adaptation Reporting Power
- Local government and the Environment Agency need to be enabled by national



- government to deliver a long-term and appropriately resourced approach to engaging affected communities and stakeholders
- Scale and implications of future coastal change should be acknowledged by those with responsibility for the coast and communicated to people who live on the coast
- Policy on the management of coastal flooding and erosion risk should specify long-term, evidence-based, quantified outcomes that have the buy-in of the affected communities and stakeholders
- Plans to manage and adapt specific shorelines over the coming century should be realistic and sustainable in economic, social and environmental terms
- ECC should re-establish a support service on adaptation for businesses

Commission Meeting 3:

Core discussion on transport - recommendations

Increase active travel

- Introduce dedicated, well-planned cycling and walking routes across all urban and rural locations and to all railway stations.
- Upgrade and expand the National Cycle Network and integrate with existing local routes.
- Work with businesses to improve on-site facilities and develop routes.

Low Traffic Neighbourhoods (LTN)

- Introduce 10 LTNs across Essex by the end of 2021.
- Introduce 20 LTNs per annum from 2022 to 2030.

Walkable schools/school streets

- Introduce school streets for 25 schools by 2022, and an additional 20 per year to 2050.

- Promote safe and accessible public rights of way.
- Expand three Park and Ride and school zones projects.
- Improve cycling infrastructure.

Park and Ride/Stride/Pedal/Scoot

- Introduce three new subsidy-free Park and Choose sites by 2030.
- Embed micro-mobility solutions and EV charging points at all sites.
- Use Park and Ride as a stepping stone to public transport.
- Ringfence income for sustainable transport investment.

Rebuild passenger transport

- Publicly state commitment to, and funding for, bus recovery.



- Ringfence funding from car disincentives to invest in a good quality bus offer.
- Kickstart innovative solutions such as electric demand responsive transport with a clear pathway to commerciality.

Pilot e-scooters

- Introduce six e-scooter pilot schemes across the county by the end of 2020.
- Expand e-scooter and e-bikes schemes to new developments / Park and Ride.
- Explore rural options.

Discourage unnecessary car use

- Introduce emissions charging / parking charges in town centres.
- Introduce five workplace levy schemes.
- Reduce town centre / city centre parking.
- Explore car sharing options.
- Launch county-wide Car-Free Day.
- Explore car-free town centres.
- Ringfence income for sustainable transport.

Expanding charging network

- Develop detailed EV strategy.
- Expand charging network beyond UK national average, focusing particularly on rural locations.
- Explore options for electric vans.
- Electrify ECC fleet.

First / last mile delivery vehicles

- Introduce e-cargo bike pilots in five locations by 2022, leading to wider introduction through 2030.
- Explore other vehicle types e.g. robot, golf cart.
- Explore complementary solutions e.g. retiming delivery.

Introduce local delivery hubs

- Introduce 10 local delivery hubs by 2022.
- Wide adoption of local delivery hubs.

Behaviour change/education

- Underpins all other recommendations.
- Build behaviour change strategy and education campaign focusing on active travel, public transport and discouraging unnecessary car use.
- Recruit behaviour change expert.

Commission Meeting 4:

Core discussion on built environment - recommendations

New build headline recommendations:

- All new schools commissioned to be carbon zero by 2022.
- All new homes consented to be carbon zero by 2025.
- All new commercial buildings to be carbon zero by 2025.
- All new schools commissioned to be carbon positive by 2030.
- All new homes and non-domestic buildings consented to be carbon positive by 2030.

New build key quick wins:

- Delivering 'walkable neighbourhoods' supplement to the Essex Design Guide (workshops to commence in 2020).
- The 'Climate Change Compendium', part of the Essex Design Guide (to be published in 2021).
- Creating 'Healthy Places' (target date 2021).
- Highways and Transportation Policy refresh (to be updated in 2021).
- Demonstrator project – "Energy Sector Alliance and Innovation Hub" (feasibility study to commence by 2021).
- Implement a 'Flood Resilience Levy' (commencing in 2022).
- Prioritising green procurement practices in the construction sector – (commencing in 2022).
- Essex Housing demonstrator project – delivering a net zero housing development (commence building by 2023).

Retrofit headline recommendations:

- Coastal flood resilience schemes in critical areas (to be implemented by 2023).
- 50 per cent of Essex schools to be retrofitted to net zero standards by 2025. 100 per cent by 2030.
- All Anchor Institutions and ECC estate assets to be retrofitted to net zero carbon standards by 2030.
- One third of commercial buildings to be retrofitted as far as possible with renewable energy systems by 2030.
- Two thirds all dwellings to be retrofitted as far as possible to net zero carbon standards by 2030.
- Existing residential buildings - carbon emissions reduction of 50 per cent by 2030. Carbon Zero by 2040.

Retrofit key quick wins:

- Greening construction training for a zero-carbon future (commencing in 2021).
- Advanced smart meters installations in existing ECC schools (commencing in 2021).
- Optimise Energy Use in the Public Estate (25% saving by 2025, 50% by 2030).
- Maximise Government Funding.
- Actively promote energy efficiency advice for SMEs.
- Partnerships with businesses to improve green construction skills, building assessment/inspection, energy conservation/generation etc.

Influencing – key messages for government:

- All departments across government to hold climate challenge as central to core ambitions and funding.
- Net zero and climate resilient standards to be mandatory for all new developments in planning policy and building regulations.
- Funding for retrofit to improve homes and resilience infrastructure including carbon offsetting for historic properties.
- Nature based approaches to be championed and funded.
- Energy efficiency of the public estate and schools should be eligible for comprehensive retrofit funding.
- Weighting should be applied to non-residential buildings for flood resilience funding.

Influencing – key messages for businesses in Essex:

- Partnership with University and Built Environment specialists should be established.

- Development of “Climate Action Enterprise Zone” and green business opportunities to foster growth in energy sector manufacturing as a regional specialism.
- Establish the “Essex Construction Innovation Hub” and develop a centre of excellence.
- Support for Essex SMEs to invest in energy efficiency and renewables.
- Essex Developers Group- working group developing a Climate Change Charter and, Demonstrator projects.

Influencing – key messages for Essex residents:

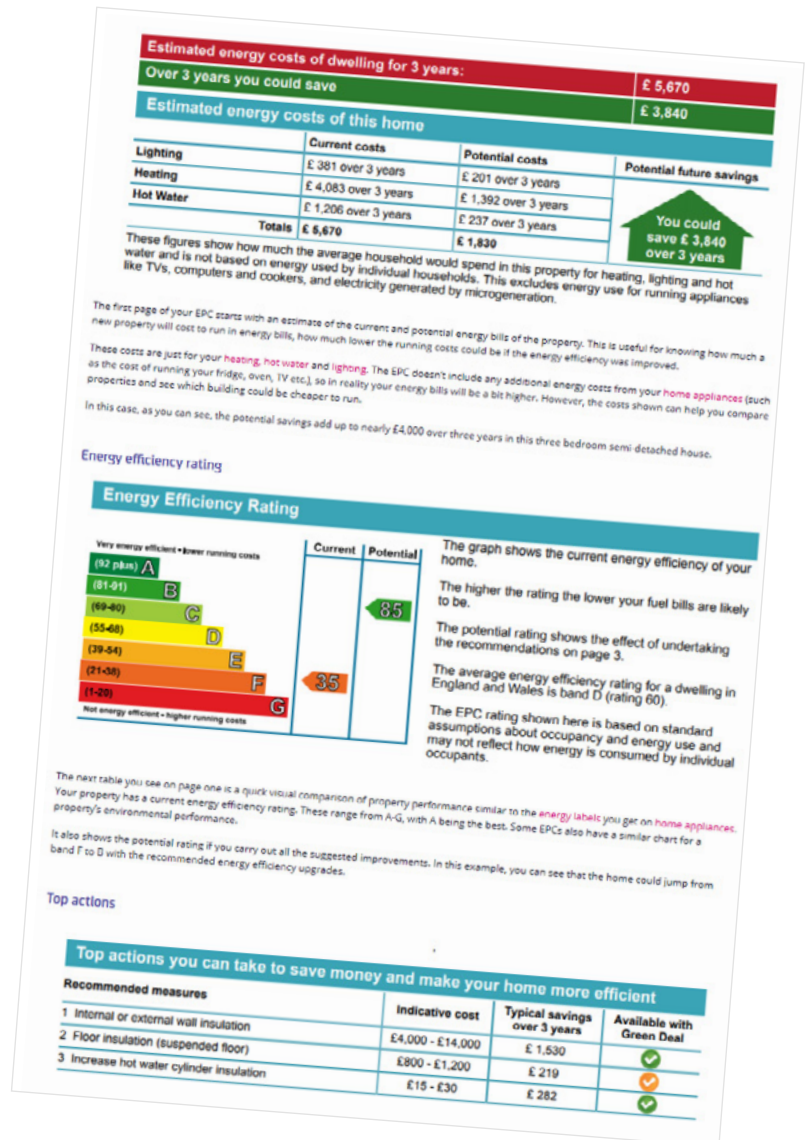
- Communications for residents detailing actions they can take on their own homes should be developed.
- Community action should be encouraged.



Appendix 2: Energy Performance Certificates

An Energy Performance Certificate (EPC) indicates the energy efficiency of a building.

The assessments are banded from A to G, where A (or A+ for non-domestic properties) is the most efficient in terms of likely fuel costs and carbon dioxide emissions (an example is shown on this page¹.) An EPC is required when a building is newly constructed, sold or let. The purpose of an EPC is to show prospective tenants or buyers the energy efficiency of the property. The requirement for EPCs was introduced in phases and fully implemented for domestic properties by autumn 2008. EPCs are valid for 10 years².



1 Source – The Energy Saving Trust

2 Source - Ministry of Housing, Communities and Local Government: Energy Performance of Buildings Certificates Statistical Release: Q2 2020

Appendix 3:

The eight key steps of the Community Engagement Model



1. Needs identification – identifying the societal needs and challenges faced by communities and then assessing whether those communities feel they have those same needs and challenges.

2. Sentiment analysis – Finding out what issue, idea or change is most important to the community. This can be around communities of interest or communities of place or communities of identity. Tracking trends around conversations and questions raised by the community and talking to people about what is most important to them.

3. Community mapping - Initiation of widespread mapping of existing community initiatives. Documenting initiatives which align with the needs and establishment of a centralised, shareable resource.

4. Change maker alliance – Identification of local “Change Makers” and their projects. Assign a contact key contact point to all interested individuals and

establishing a community to curate and galvanise further networks of volunteers and future Change Makers.

5. Blending and growth - Review current initiatives for purpose and fit and align relevant projects with current Commission/Council climate action initiatives.

6. Community lab - Invite interested community Change Makers to be part of solutions focused, facilitated community lab discussions. Identify most viable projects, how they will be supported and funded, where required.

7. Digital first - Every project will be reviewed against a digital first framework. Support and training will be provided to raise awareness online about offline projects.

8. Shared social mission - A review protocol for funded projects, with data gathering to ensure the impact of the project is being achieved.

Report published: November 2020

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This document has been prepared by officers of Essex County Council to provide technical assistance to the Essex Climate Action Commission. Accordingly, this document constitutes factual analysis of the issues under review by the Essex Climate Action Commission and should not be taken as constituting recommendations or opinions of the authors.

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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