



# Agenda

## Planning Committee

Tuesday, 17 October 2023 at 7.00 pm

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

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### Membership (Quorum – 4 )

Cllrs Mynott (Chair), M Cuthbert (Vice-Chair), Dr Barrett, Bridge, Mrs N Cuthbert, Mrs Francois, Gelderbloem, Gorton, Heard, McCheyne, Munden and Mrs Murphy

### Substitute Members

Cllrs Barber, Barrett, Hirst, Laplain, Marsh and Sankey

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### Agenda

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### Live Broadcast

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

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Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
09.10.2023

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### Information for Members

#### Substitutes

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

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

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#### Rights to Attend and Speak

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

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

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

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

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##### Point of Order

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

##### Personal Explanation

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

##### Point of Information or clarification

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

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### Information for Members of the Public

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#### Access to Information and Meetings

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

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

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

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

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

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

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

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

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

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 **Private Session**

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

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  **Access**

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

 **Evacuation Procedures**

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



## Minutes

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### Planning Committee Tuesday, 19th September, 2023

#### Attendance

Cllr Mynott (Chair)	Cllr Mrs Francois
Cllr M Cuthbert (Vice-Chair)	Cllr Gelderbloem
Cllr Dr Barrett	Cllr Heard
Cllr Bridge	Cllr McCheyne
Cllr Mrs N Cuthbert	Cllr Munden

#### Apologies

Cllr Gorton	Cllr Mrs Murphy
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#### Substitute Present

Cllr Barber  
Cllr Laplain

#### Also Present

Cllr Parker  
Rigby  
Cllr Slade

#### Officers Present

Phil Drane	- Director - Place
Claire Mayhew	- Acting Joint Director of People & Governance & Monitoring Officer
Steven Bell	- Solicitor, Birketts (for and on behalf of the Council's Solicitor)
Zoe Borman	- Governance and Member Support Officer
Paulette McAllister	- Programme Lead - Strategic Housing Development Programme
Julia Sargeant	- Senior Planning Officer
Jonathan Quilter	- Corporate Manager (Strategic Planning)
Brooke Pride	- Planning Officer
Jane Lowe	- Planning Assistant

## LIVE BROADCAST

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

### 173. Apologies for Absence

Apologies were received from Cllrs Gorton and Murphy. Cllrs Laplain and Barber were substitutes respectively.

### 174. Minutes of the Previous Meeting

The Minutes of the previous meeting held on 25<sup>th</sup> July 2023 were agreed as a true record.

### 175. SHENCOT ALEXANDER LANE HUTTON BRENTWOOD ESSEX CM13 1AG

Mrs Mayhew, Monitoring Officer (MO), explained why this matter had been brought back to Committee. The MO considered the incorrect voting process had been applied at the last meeting in July.

Under chapter 4, 9.7 of the Council Constitution

**Members may not rescind a previous vote once the subsequent member's votes have been cast.**

- With the voting on this item at a stalemate, after the motions for refusal and approval were both lost and no decision was made item, a motion for deferral should have been made.
- However, the Chair, asked if any member would like to rescind their vote. Cllr Gorton, changed his vote from ABSTAIN to FOR

Making the voting 6 FOR, 6 AGAINST and 0 ABSTINATION –

So, the Chair had the casting vote and voted FOR, so the application was APPROVED.

Therefore, in consultation with the Chair, Vice Chair, Leader and the Planning Officer and the applicant/agent, the application had been brought back to committee so that the correct voting process could be undertaken.

**This item was initially referred to July 2023 Committee by Cllr Jan Pound for the following reason:**

*Policy BE:13 Parking Standards states that proposals which make under provision of parking in respect of the Essex Parking Standards should be justified by evidence detailing the local circumstances that justify deviation from the standard. Whilst the site is located near to Shenfield there is clear evidence submitted by local residents in opposition to the application that Alexander Lane is already suffering from dangerous on street parking that is resulting in Highways Safety issues. Coupled with the need for deliveries and workman to service the building this application will result in further highways safety issues for Road users and should be rejected for this planning reason. There is no evidence that the normal parking requirements can be reduced without causing these safety issues.*

Legal Advice was given to members in terms of the matter coming back to committee. All members needed to consider whether they are predetermined or whether they can come to the committee with an open mind. They will each need to consider themselves whether there is by their conduct any appearance of bias or predetermination that could lead a member of the public to cast doubt on their impartiality in taking part and voting on the matter.

Each member needs to be clear that they attend the committee to consider the matter with an open mind and is not predetermined irrespective of their previous involvement in the last planning committee.

Members would need to consider Probity in Planning (link - <https://www.local.gov.uk/publications/pr> from previous training.

Ms Brooke Pride presented the report.

Mr Shah was present at the meeting and spoke objecting to the application.

Ward Cllr Pound, was not present at the meeting, but requested the Chair reiterate her reasons for referral.

Following a full discussion Cllr Laplain **MOVED** a motion to **APPROVE** the application. This was **SECONDED** by Cllr M Cuthbert.

Members voted as follows:

FOR: Cllrs Dr Barrett, M Cuthbert, N Cuthbert, Laplain, Munden, Mynott (6)

AGAINST: Cllrs Barber, Bridge, Mrs Francois, Gelderbloem, Heard, McCheyne (6)

ABSTAIN: (0)

The Chair used his casting vote **FOR** the application. The application was **APPROVED** subject to conditions outlined in the report.

**176. 264 RAYLEIGH ROAD HUTTON BRENTWOOD ESSEX CM13 1PX**

This application has been referred to committee following a request of Ward Councillor Rigby with the following reasons:

**Highway safety and traffic levels**

The parking scheme will effectively require any vehicles to reverse on and off a narrow frontage at both 264 and 264A onto the main road, the fast flowing Rayleigh Road / A129. I believe a physical inspection of the property will demonstrate that. The absence of any objection by the highways authority does not conclusively dispose of this objection as per the previous application and would result in potential harm to highway safety. I do not believe the widening of existing access from Rayleigh Road to be used by both dwelling houses will achieve the results sought and inspection will demonstrate this.

**Design, appearance and layout/ effect on the area**

The proposed development changes the status of the dwellings from semi-detached to terrace which is out of context with the surrounding character of the site and represents a significant change from the chalet style developments prevalent in this section of Rayleigh Road from Goodwood Avenue to Havering's Grove. No evidence is offered by the planning officer in support of the application of approved, named, previous planning applications other than bare assertion. Furthermore, the comparison with terraced developments to the east of the site is inappropriate, as no examples of terracing in that style can be seen in the immediate area, which are of a detached or villa style. The development is out of character with the immediate surrounding area, as opposed to the more built-up elements of Hutton East from Rayleigh Road as it meets St Peter's Church. The comparison is therefore misleading.

The boundary of the site runs behind the dwellings of Goodwood Avenue, and separated by a strip of land as shown upon drawing No. 22-1349 -08-D02. The proposed development is within close proximity of the dwellings and has effectively incorporated, the drainage ditch, a historic and known wildlife corridor to Hutton Country Park, in excess of curtilage.

The latest application basically seeks to divide into two, leaving a very narrow but very long rear garden for one, and a truncated garden for the other, on which a number of houses in Goodwood Avenue back on to either one, or the other, from No 2 to No. 12 Goodwood Avenue. The space provided as a result of the split is cramped and narrow at 50sqm and 5.4m wide which is barely indicative of good garden quality. It is totally out of context with surrounding gardens, and does not provide a good level of amenity, as the plot of 264A is only 2.5 m wide at the north end.

**Need to safeguard the countryside or protected species of plant or animal**

The application will impact on the unregistered land which acts as a drainage ditch, owing to heavy clay soil, shown in the plans which extends from the rear of 264 Rayleigh Rd until 18 Goodwood Avenue, when it appears in a culvert, re-surfacing before it joins a stream in Hutton Country Park and thence the River Wid, acting as a potential soakaway It has been a wildlife corridor for hedgehogs, badgers and foxes and was the site of a historic hawthorn hedge bordering the ditch, which needs to be protected for drainage, water absorption and benefit of



wild life. While the hedge was razed to ground level in May 2020, it now shows signs of recovery.

**The planning history of the site**

There has been a catalogue of applications for this property, stretching back twenty years, of which this is the latest attempt to capitalise on the value of the property without regard for the overall neighbourhood, with a long history of applications, failed and withdrawn, of which only the most recent have been listed. This property has benefited from extensive additions in excess of 50% since build in 1962, and should be preserved as a single dwelling house. An approval of this application would be to condone the destruction of the drainage ditch and also the improper adoption of land.

Ms Brooke Pride presented the report.

Mr Goodwin was present at the meeting and addressed the Committee objecting to the application.

A statement on behalf of the Applicant was also read by the Chair.

Ward Cllr Rigby was present at the meeting and spoke objecting to the application.

Following a full discussion Cllr Mynott **MOVED** a motion to APPROVE the application. This was **SECONDED** by Dr Barrett.

A vote was taken and Members voted as follows:

FOR: Cllrs Dr Barrett, Bridge, M Cuthbert, N Cuthbert, Laplain, McCheyne, Munden, Mynott (8)

AGAINST: Cllrs Barber, Mrs Francois, Gelderbloem, Heard (4)

ABSTAIN: (0)

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

**177. THE NIGHTINGALE CENTRE (THE SNAP CHARITY) PASTORAL WAY  
WARLEY BRENTWOOD ESSEX CM14 5GB**

The application was determined by the committee as it related to a Council owned building.

Ms Jane Lowe presented the report.

Following a short discussion a motion to APPROVE the application was **MOVED** by Cllr Laplain and **SECONDED** by Cllr M Cuthbert.

Members voted as followed:

FOR: Cllrs Barber, Dr Barrett, Bridge, M Cuthbert, N Cuthbert, Francois, Gelderbloem, Heard, Laplain, McCheyne, Munden, Mynott (12)

AGAINST: (0)

ABSTAIN: (0)

The application was **APPROVED UNANIMOUSLY**.

[Cllr M Cuthbert declared a non-pecuniary interest as he sits as an outside body and his son receives support from the charity.]

**178. COURAGE COURT HUTTON DRIVE AND BROOKFIELD CLOSE HUTTON ESSEX**

This report was presented by Ms Brooke Pride.

Ms Paulette McAllister addressed the Committee on behalf of the applicant.

Ward Cllr Slade was also present and spoke in support of the application.

A motion to **APPROVE** the application was **MOVED** by Cllr Laplain and **SECONDED** by Cllr M Cuthbert.

Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, Bridge, M Cuthbert, N Cuthbert, Francois, Gelderbloem, Heard, Laplain, McCheyne, Munden, Mynott (12)

AGAINST: (0)

ABSTAIN: (0)

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

**179. HERON COURT 198 BRENTWOOD ROAD HERONGATE BRENTWOOD ESSEX CM13 3PN**

An appeal against non-determination of this application has been lodged. Jurisdiction for determining this application passed to the Planning Inspectorate upon receipt of the non-determination appeal and therefore any decision taken by the Planning Committee will now be a material consideration rather than a determinative outcome.

This application has been referred to Planning Committee by Councillor Murphy in relation to design, appearance and layout, conservation of

buildings, trees and open land, impact on the appearance of the area, and the planning history of the site noting that there is a long history on the site of previous planning applications refused at Borough and Appeal level.

Ms Julia Sargeant presented the report.

The committee heard from Ms Steadman objecting to the application.

The Chair read a statement from a further objector who could not be present on the night.

A statement was also read by Ward Cllr Marsh who was unable to attend the meeting objecting to the application.

Following a full discussion a **MOTION** to **REFUSE** the application was **MOVED** by Cllr Laplain and **SECONDED** by Cllr Bridge.

Members voted as followed:

FOR: Cllrs Barber, Bridge, Mrs Francois, Laplain (4)

AGAINST: Cllrs Dr Barrett, M Cuthbert, N Cuthbert, Gelderbloem, Heard, McCheyne, Munden, Mynott.

ABSTAIN: (0)

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

A Motion to **APPROVE** the application was **MOVED** by Cllr Mynott and **SECONDED** by Cllr McCheyne

Members voted as follows:

FOR: Cllrs Dr Barrett, M Cuthbert, N Cuthbert, Gelderbloem, Heard, McCheyne, Munden, Mynott.

AGAINST: Cllrs Barber, Bridge, Mrs Francois, Laplain (4)

ABSTAIN: (0)

The committee **RESOLVED** they would have **APPROVED** the application subject to a S106 agreement and conditions contained in the report.

#### **180. Proposed Changes to Permitted Development Rights (July 2023)**

The Government (Department for Levelling Up, Housing and Communities) is proposing a number of changes with the Town and Country Planning (General

Permitted Development)(England) Order 2015, as amended to provide greater flexibility to encourage further residential development. Changes to the right are proposed for the following areas:

- a) Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- b) Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- c) Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- d) Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.
- e) Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- f) The application of local design codes to certain permitted development rights.

The council's proposed response to the consultation is focused on the sections of the right that will likely have an impact on Brentwood borough (Appendix A). General support for some of the changes is proposed. However, concerns are raised on the potential environmental impacts, in particular for arable land and Green Belt.

Mr Quilter presented the report to Members.

Members thanked officers for their support and responses.

Members discussed changes to the responses they required.

Cllr Mynott **MOVED** the recommendation in the report. This was **SECONDED** by Cllr M Cuthbert.

A vote was taken by a show of hands and it was **RESOLVED** members:

**Approve the proposed consultation response, including amendments to Appendix A debated by the committee, to be agreed in consultation with the Chair and Vice Chair of Planning Committee by the Director of Place, for submission to Government.**

## **181. Urgent Business**

There were no items of urgent business.

The meeting concluded at 21:40



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**SITE PLAN ATTACHED**

**POOKS HILL RISEWAY BRENTWOOD ESSEX CM15 8BG**

**DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO DETACHED DWELLINGS WITH ASSOCIATED PARKING, DROPPED KERBS AND LANDSCAPING.**

**APPLICATION NO: 23/00902/FUL**

<b>WARD</b>	Brentwood South	<b>8/13 WEEK DATE</b>	24 October 2023
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**CASE OFFICER** Mrs Carole Vint

**Drawing no(s) relevant to this decision:** 20/B; 21/B; 22/B; 23/B; MP/POOK/01/A; MP/POOK/02/B; ARBORICULTURAL REPORT AND IMPACT ASSESSMENT/A; SOFT LANDSCAPING AND PLANTING SPECIFICATION/A;

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

I believe that the proposed dwellings by way of design, fail to be informed by the surrounding context and therefore relates poorly to the existing development. Alongside this, even through smaller than previous proposals, their scale, in terms of depth, height and width, would appear cramped, at odds and incompatible in terms of their size and appearance within the surrounding context, forming a jarring visual relationship with their surroundings, resulting in harm to the character and appearance of the street scene.

Of additional importance the size, design and position of the new dwellings would result in material overlooking and a loss of privacy to the private amenity areas and habitable rooms of the adjacent dwelling "Brook Lodge" and "Candleford" and would result in an overbearing impact to the residential amenity of the occupiers of "San Vito".

Therefore the proposal would be in conflict with policy BE14, NE07 of the Brentwood Local Plan, Chapter 12 of the NPPF and the National Design Guide (C1) which states new development should understand and relate well to the site and its local and wider context including form, layout, scale, appearance, details and materials.

## **1. Proposals**

This application relates to the demolition of the existing dwelling and construction of two detached dwellings with associated parking, dropped kerbs and landscaping.

## **2. Policy Context**

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 Brentwood Local Plan 2016-2033

- Policy BE02 – Water Efficiency and Management
- Policy BE04 – Managing Heat Risk
- Policy BE05 – Sustainable Drainage
- Policy BE07 – Connecting New Developments to Digital Infrastructure
- Policy BE11 – Electric and Low Emission Vehicle
- Policy BE12 – Mitigating the Transport Impacts of Development
- Policy BE13 – Parking Standards
- Policy BE14 – Creating Successful Places
- Policy HP06 – Standards for New Housing
- Policy NE01 – Protecting and Enhancing the Natural Environment
- Policy NE03 – Trees, Woodlands and Hedgerows
- Policy NE07 – Protecting Land for Gardens
- Policy NE09 – Flood Risk

National Planning Policy and Guidance

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

## **3. Relevant History**

- 22/01480/FUL: Demolition of existing dwelling and construction of one detached house and a pair of semi-detached houses. -Application Refused, Appeal Dismissed.

## **4. Neighbour Responses**

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

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

A total of two letters have been received from neighbouring properties, the concerns arising from the letters included:



- Increased height, elevated position and change in land levels would result in overlooking of private rear amenity area and habitable rooms, resulting in a loss of privacy;
- Lack of privacy to rear living area through roof lanterns;
- Removal of trees will alter the visual appearance of the plot and street view;
- Removal of trees, will result in a loss of habitat for local wildlife and loss of privacy screening for neighbouring properties;
- The use of 6 solar panels to the rear roof of plot 1, southern elevation would be preferable.
- Potential surface water drainage issues resulting from the removal of the trees and the development;
- Concerns regarding potential damage to 1.8 metre handmade London yellow stock brick wall along boundary;

## 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/>

- **Environmental Health & Enforcement Manager** - No comments received.
- **Highway Authority-**

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

The proposal includes the demolition of the existing dwelling, subdivision of the site and construction of two new dwellings. Although the dimensions of the proposed garages do not meet the recommended dimensions as contained in the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009, each dwelling includes adequate room for two off-street parking spaces. The existing vehicle access shall be altered, and a new vehicle access shall be provided subject to conditions, therefore:

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. Prior to first occupation of the development, the vehicle accesses shall be provided for the new dwellings as follows:

- i. the new access for plot 1 shall align with the driveway and shall be provided at a width of no more than 4.5 metres,
- ii. the existing vehicular access shall be realigned to serve plot 2, the access shall be provided at a width of no more than 4.5 metres.

Each access shall be constructed at right angles to the highway boundary and existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway. The redundant part of the existing dropped kerb shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge, footway and kerbing immediately the revised access is brought into first beneficial use. Final layout 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 preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety in accordance with policy DM1.

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

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

4. Prior to first occupation of the development, each dwelling shall be provided with a minimum of two off-street parking spaces. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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

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

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

Informative:

- o 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.
- o The applicant should be made aware of the potential relocation utility apparatus and highway signs in the highway and any other associated utilities that may be underground. Any relocation shall be fully at the applicant's expense.
- o 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.
- o The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

- **Arboriculturalist-**

The site contains a single house which is currently unoccupied. It is set within a garden containing a mix of large trees and shrubs which has been left unmanaged for some time. The proposal is a revision of the previously refused 22/01480/FUL for three dwellings on the site.

An arboricultural impact assessment has been submitted with the application. None of the trees on the site are covered by a TPO.

The largest tree is a Dawn Redwood (*Metasequoia glyptostroboides*) growing in the southern corner of the site. This is a fast-growing species with a high-water demand. This species is still relatively uncommon in the UK, having first been grown in the country in 1950. Currently the tallest specimens in the UK are over 30m in height.

This specimen is currently 16m tall therefore has significant potential to grow much larger. The crown is approximately 3m from the existing house and extends out over the neighbouring property. It is considered that this specimen is likely to require removal in the near-future even without the current proposal given the speed of growth of this species and lack of space for it to grow into.

Views of this tree from public viewpoints are restricted by adjacent trees and houses.

There is a silver birch on the western boundary which can be retained although it has been assessed as a Category C specimen.

Most of the other trees on the site have suffered from lack of management. The largest are two Leyland Cypress and a Lawson Cypress which have not been managed and their crowns are starting to extend over neighbouring gardens. The remaining trees are relatively small and are in poor condition.

The removal of the trees is not considered a constraint to the development.

A landscape plan has been submitted showing some replacement planting including two silver birch on the rear boundary and two Amelanchier close to the front boundary. The reduction in the number of units has allowed more soft landscaping to the front of the property. A Laurel hedge is now proposed along the rear boundary which will help provide additional screening to the house to the rear of the site.

I have no objection to the proposal on landscape grounds. Full details of the proposed landscape scheme have been submitted with the application therefore a landscape condition is not required.

## **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 2023 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 4 above.

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

- The impact of the proposal on the character and appearance of the area;
- Impact on the amenity of the occupiers of neighbouring properties;
- Impact on the quality of life for the occupiers of the proposed dwellings;
- Impact upon trees and existing landscaping;
- Parking and Highway considerations;
- Sustainability considerations

The site has recent history, application reference 22/01480/FUL for the demolition of existing dwelling and construction of one detached house and a pair of semi-detached houses, which was refused for the following reason:

1. *The proposed dwellings by way of design, fails to be informed by the surrounding context and therefore relates poorly to the existing development. The proposed dwellings due to their scale, in terms of depth, height and width, would appear cramped, at odds and incompatible in terms of their size and appearance within the surrounding context, forming a jarring visual relationship with their surroundings, resulting in harm to the character and appearance of the street scene. Furthermore, the size, design and position of the new dwellings would result in material overlooking and a loss of privacy to the private amenity areas and habitable rooms of the adjacent dwelling "Brook Lodge" and "Candleford" and would result in an overbearing impact to the residential amenity of the*

*occupiers of "San Vito". The proposal would be in conflict with policy BE14, NE07 of the Brentwood Local Plan, Chapter 12 of the NPPF and the National Design Guide (C1) which states new development should understand and relate well to the site and its local and wider context including form, layout, scale, appearance, details and materials.*

The above application was the subject of an appeal, which was dismissed. In dismissing the appeal, the Inspector concurred with the Council's assessment that the proposal would result in harm to the character and appearance of the local area. However, the Inspector did not agree with the Council's assessment relating to a material overlooking and loss of privacy to "Candleford" due to a sufficient distance and oblique angle which would safeguard the privacy of the occupants. The matters in relation to a loss of privacy to "Brook Lodge" and overbearing impact to "San Vito" were upheld.

This current application is for a revised scheme, resulting in a reduction in the number of units proposed, from three to two dwellings, a reduction in the overall scale, a revision to the design and materials.

#### Principle of the development

The proposal is for the demolition of the existing dwelling and construction of two detached dwellings at Pooks Hill. The site is within Settlement Category 1, as defined in the Brentwood Local Plan, which is described as forming the main urban area of Brentwood Borough, typically highly accessible and well connected. As such, the principle of developing this site for residential purposes is acceptable subject to other considerations, such as design and residential amenity considerations.

#### Design, Character and Appearance

The site is on the south western side of Riseway, directly opposite Brentwood Hogarth County Junior School. The site has an existing detached two storey dwelling positioned on the north of the plot. The remainder of the plot is fairly overgrown with trees and shrubs and has a verdant boundary to all four sides, with the exception of the vehicular access and an area to the northern boundary. Originally the site boundary was a rectangle, having the same depth as the adjacent plots. In 1985 planning permission, reference 85/00440/BRW, subdivided the plot and an additional dwelling, "Brook Lodge" was constructed at the rear, with its access positioned along the southern boundary. The street has a downward gradient heading south east, with Shenfield Crescent heading downwards travelling west, with the site being positioned on the cusp of the junction with both streets. The dwelling to the rear, whilst at two storey, is set much lower within the plot due to the topography of the land and surrounding area.

The existing dwelling is a detached two storey mono pitched roof dwelling, with a two storey mono pitched roof element and a single storey element to the northern elevation.

At the rear, the dwelling has a cantilevered first floor balcony area with an external staircase. The dwelling is a distinctive modern design, with a low height roof and verdant boundary. The existing dwelling, sits well within the street scene, which is varied in character, comprising of detached two storey and chalet dwellings, benefitting from various roof designs, though predominantly hipped roofs and gable ends, with the school frontage directly opposite dominating the street scene.

The orientation of the proposed dwellings would follow the existing dwelling and ensure that heat risk was managed and would comply with Policy BE04.

The existing dwelling is positioned to the north of the plot, is set with the main bulk of the dwelling approximately 5.3 metres from the boundary with "San Vito" to the north west, reducing to 2.3 metres at its closest point and is positioned 14.6 metres from the south eastern boundary with the vehicular access to "Brook Lodge" and "Candleford" beyond.

When compared to the previous refusal, revisions have been made to the number of units, the height, depth, design and materials, addressing the previous concerns.

The proposed dwellings are similar in design though one is handed in comparison to the other, with Plot 1 closest to "Candleford" having a first floor side element above the garage. The dwellings are equally spaced within the plot, providing a minimum of 1 metre to the boundary on both sides, retaining a sense of space in the street scene. In terms of height, the gradient of the street heads downwards travelling south east, the ridge height of the proposed dwellings measure at 8.0 metres, an increase of 2.4 metres over the existing dwelling. The proposed street scene identifies that the ridge heights of the dwellings would be greater than that of "San Vito" and step down in comparison to each other, with Plot 1 being similar to that of "Candleford" to the south, comparable to the surrounding development.

The dwellings would have hip roofs, with a two storey gable elements at the front. Plot 2 has a single storey element wrapping around the eastern corner, with both plots having flat roof single storey elements across the full width at the rear. The design of the dwellings would be similar to that of those within the vicinity.

The materials proposed are red brick and render elevations, with both dwellings being part rendered with a ground floor brick element, plain roof tiles, with white upvc windows and stone cills. The materiality of the dwellings within the surrounding vicinity are a mixture of fully and part rendered elevations, part red brick and a mixture of roofing material. The choice of materials would be in keeping with the surrounding character and would be considered acceptable.

In relation to boundary treatments, the proposal identifies the use of timber fencing between the dwellings, sub-dividing the plot. At the front of the dwellings, the subdivision boundary treatment comprises of a low retaining wall. A landscaping scheme has been submitted, that identifies some replacement planting and softening to

the front of the dwellings. Hedging is proposed along the rear boundary, with the retention of a Yew and Silver Birch to the rear eastern corner of the site.

The proposal would not appear out of character with the surrounding area and would be compliant with Chapter 12 of the NPPF 2023 and Policy BE14, BE04 of the Brentwood Local Plan.

#### Impact on the Trees and existing landscaping

The site contains a single house which is currently unoccupied. It is set within a garden containing a mix of large trees, none of which are covered by a tree preservation order and shrubs which has been left unmanaged for some time.

The Council's Arboricultural officer has considered the Arboricultural Impact Assessment submitted with the application. The site has a significant Dawn Redwood (*Metasequoia glyptostroboides*) tree, which is identified as being a fast growing species with a high water demand. The tree has significant potential to grow much larger. The crown is approximately 3m from the existing house and extends out over the neighbouring property. It is considered that this specimen is likely to require removal in the near future even without the current proposal, given the speed of growth of this species and lack of space for it to grow into. Views of this tree from public viewpoints are restricted by adjacent trees and houses.

Most of the other trees on the site have suffered from lack of management. The largest are two Leyland Cypress and a Lawson Cypress which have not been managed and their crowns are starting to extend over neighbouring gardens. The remaining trees are relatively small and are in poor condition.

The Council's Arboricultural officer considers that the removal of most of the trees should not be a constraint to development. A landscape plan has been submitted showing some replacement planting including two silver birch on the rear boundary and two Amelanchier close to the front boundary. The reduction in the number of units has allowed more soft landscaping to the front of the property. A Laurel hedge is now proposed along the rear boundary which will help provide additional screening to the house to the rear of the site.

No objection is raised to the proposal on landscape grounds. Full details of the proposed landscape scheme have been submitted with the application therefore a landscape condition is not required and the proposal would comply with Policy NE03.

#### Living quality of life for the occupiers of the proposed dwellings

The dwellings proposed are four bedroom dwellings. The floor plan indicates that all rooms will be served by adequate windows providing light, ventilation and outlook. The dwellings would comply in terms of amenity space provision, as well as meeting the nationally described space standards Policy HP06.

## Impact on Neighbour Amenity

In terms of overlooking, the proposed first floor windows to the side elevations (both sides) for both Plot 1 and Plot 2, have been conditioned to be obscure glazed and non-opening below a height of 1.7 metres from the floor of the room in which it would occupy, in order to minimise any potential overlooking to the neighbouring properties. The proposed windows to the front would overlook the highway. At the rear, boundaries have a staggered depth, the shallowest depth would be for Plot 1. However, the closest point of a habitable room to the rear boundary would measure 15.3 metres, with the obscured window for the bathroom set 6.6 metres from the rear boundary. The depth from the rear habitable rooms for Plot 2 would be 20 metres. The landscape plan identifies the planting of Silver Birch trees to the rear, along with a laurel hedge, providing softening and screening the rear boundary, in order to maintain the existing privacy of the dwelling located to the rear.

Whilst it is noted that the existing single storey element to the rear of "Candleford" is not shown on the submitted proposed block plan. It is considered that given the distance of the first floor habitable rooms to the boundary with "Candleford" measuring approximately 10 metres, with the rooflights that serve "Candleford" beyond. Given the distance from the boundary and the oblique angle, it is unlikely that any potential glimpsed views through the rooflights would occur.

Given the distance to the rear and side boundaries and the planting scheme, no material overlooking would occur from the openings at the rear, therefore it is considered that the proposal would not result in any significant or demonstrable overlooking or loss of privacy.

With respect to overbearing impact, the proposed dwelling for plot 2 would be positioned approx. 1 metre from the northern boundary with the proposed dwelling for plot 1 being set 1 metre, having an equal distance between each dwelling of 1 metre (2 metres overall). The proposed dwellings would be set back from the rear building line of the existing dwelling by 2.4 metres. The proposed dwellings do not breach the 45 degree for either of the adjacent dwellings, it is considered that the proposal would not result in an overbearing impact.

## Other matters

The comments received from the neighbouring properties have been addressed within the report. Concerns regarding potential disturbance to the boundary wall, would be a civil matter between both parties. The comments in relation to the installation of solar panels to the rear of the roof for Plot 1, due to the roof design on the southern slope, they are proposed at the rear. It is not considered that sight of PV panels would affect the amenity of the neighbour. The comments in relation to surface water drainage are addressed below.



## Parking and Highway Considerations

The existing vehicle access would be altered, and a new vehicle access would be provided. Each dwelling is to be provided with adequate off-street parking, which is compliant with Essex standards. ECC Highways have provided a consultation response listed in full above and raise no objection to the scheme, subject to conditions and would comply with Policy BE12 and BE13.

Policy BE11 also requires the provision of, as a minimum, the space and infrastructure for electric vehicle charging / plug-in points for occupants and visitors to the application site in order to reduce pollution and climate change impacts. The proposal includes such infrastructure, one point per dwelling and would meet the requirement of Policy BE11.

## Sustainability

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

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

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

Economically the proposal would generate employment during the construction period. Socially the proposal would provide a net gain of one family home. Such benefits are limited but positive. In terms of connecting new development to digital infrastructure, suitably worded condition can be recommended to ensure compliance with policies BE07.

In terms of environmental sustainability, the design and access statement makes reference to the buildings being built to a high standard with high levels of good quality insulation and double glazed windows. Solar panels would be provided and heating via an air source heat pump, complying with Policy BE01. Confirmation would be required that the new dwellings would be able to achieve the limits of 110 litres per person per day as per Policy BE02.

The site is located within a Critical Drainage Area (CDA) as identified on the policies map. Policy BE05 relates to sustainable drainage, Policy BE14 requires new developments to be sustainable and adapt to changing conditions and Policy NE09 relates to flood risk. Proposals are required to incorporate sustainable drainage systems for the disposal of surface water in order to avoid any increase in surface water flood risk or adverse impacts upon water quality. Developments within areas identified as CDAs, which covers this site and the wider urban area, should optimize the use of

such systems by providing an individually designed mitigation scheme to address the site-specific issues and risks, as informed by a site-specific Flood Risk Assessment/Drainage Strategy addressing any issues within the Surface Water Management Plan. No assessment or professional engineers report accompanies this submission for consideration providing mitigation measures to be adopted or executive summary for the benefit of Officers, however, most of the requirements of these policies can be dealt with via a pre-commencement condition.

## Conclusion

The proposal is compliant with Policies BE02, BE04, BE05, BE07, BE11, BE12, BE13, BE14, HP06, NE01, NE03, NE07 and NE09 of the Brentwood Local Plan, the NPPF and the NPPG. The application is recommended for approval subject to conditions.

## 7. Recommendation

The Application be APPROVED subject to the following conditions:-

### 1 TIM01 Standard Time - Full

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

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

### 2 DRA01A Development in accordance with drawings

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

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

### 3 U0053070

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.

4 U0053071

Prior to first occupation of the development, the vehicle accesses shall be provided for the new dwellings as follows:

- i. the new access for plot 1 shall align with the driveway and shall be provided at a width of no more than 4.5 metres,
- ii. the existing vehicular access shall be realigned to serve plot 2, the access shall be provided at a width of no more than 4.5 metres.

Each access shall be constructed at right angles to the highway boundary and existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway. The redundant part of the existing dropped kerb shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge, footway and kerbing immediately the revised access is brought into first beneficial use. Final layout 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 preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety.

5 U0053072

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

6 U0053073

Prior to first occupation of the development, each dwelling shall be provided with a minimum of two off-street parking spaces. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

7 U0053074

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

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

8 U0053075

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to

include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

9 U0053076

The first floor windows to the side elevations (both sides) for both Plot 1 and Plot 2 shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

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

10 U0053077

The proposed dwellings shall not be occupied until the infrastructure for the fastest available broadband connection has been provided for the future occupants of the building, in accordance with details previously agreed in writing by the local planning authority.

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

11 U0053078

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

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

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

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

12U0053079

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 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.

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.

13U0053081

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.

#### Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed in representations, but the matters raised are not sufficient to justify the refusal of permission.

2 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need

formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

3 U0010107

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE02, BE04, BE05, BE07, BE11, BE12, BE13, BE14, HP06, NE01, NE03, NE07, NE09, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

4 INF21

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

5 U0010108

- o 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.
- o The applicant should be made aware of the potential relocation utility apparatus and highway signs in the highway and any other associated utilities that may be underground. Any relocation shall be fully at the applicant's expense.
- o 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.
- o The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

## *BACKGROUND DOCUMENTS*

### **DECIDED:**

Appendix A



Title : Pook's Hill, Riseway, Brentwood, Essex, CM15 8BG

23/00902/FUL

Scale at A4 : 1:1250

Date : 17th October 2023

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



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**SITE PLAN ATTACHED**

**ONGAR GARDEN CENTRE, ONGAR ROAD, KELVEDON HATCH, ESSEX, CM15 0LB**

**OUTLINE APPLICATION FOR THE DEMOLITION OF THE EXISTING COMMERCIAL UNITS AND CONSTRUCTION OF NEW REPLACEMENT COMMERCIAL BUILDINGS (CLASS E AND CLASS B2) - APPEARANCE, LANDSCAPING, LAYOUT AND SCALE ARE RESERVED MATTERS.**

**APPLICATION NO: 23/00296/OUT**

<b>WARD</b>	Brizes & Doddinghurst	<b>8/13 WEEK DATE</b>	7 June 2023
<b>PARISH</b>	Kelvedon Hatch		
<b>CASE OFFICER</b>	Mr Daryl Cook		
<b>Drawing no(s) relevant to this decision:</b>	Site Location Plan (date of issue 15 March 2021 and supplied by Getmapping);		

**This application has been referred to Planning committee, in agreement with the Director of Place, given the high level of public objection.**

## **1. Proposals**

Outline planning permission is sought for the demolition of the existing commercial units and construction of new replacement commercial buildings (Class E and Class B2) - Appearance, Landscaping, Layout and Scale are Reserved Matters.

This application is a resubmission of the previously refused application 22/00903/OUT.

## **2. Policy Context**

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

- Policy BE01 Carbon Reduction, and Renewable Energy
- Policy BE02 Water Efficiency and Management
- Policy BE03 Establishing Low Carbon and Renewable Energy Infrastructure Network
- Policy BE04 Managing Heat Risk
- Policy BE05 Sustainable Drainage

- Policy BE07 Connecting New Developments to Digital Infrastructure
- Policy BE08 Strategic Transport Infrastructure
- Policy BE09 Sustainable Means of Travel and Walkable Streets
- Policy BE11 Electric and Low Emission Vehicle
- Policy BE12 Mitigating the Transport Impacts of Development
- Policy BE13 Parking Standards
- Policy BE14 Creating Successful Places
- Policy BE16 Conservation and Enhancement of Historic Environment
- Policy PC01 Safeguarding Employment Land
- Policy PC02 Supporting the Rural Economy
- Policy NE01 Protecting and Enhancing the Natural Environment
- Policy NE02 Green and Blue Infrastructure
- Policy NE03 Trees, Woodlands, Hedgerows
- Policy NE05 Open Space and Recreation Provision
- Policy NE08 Air Quality
- Policy NE09 Flood Risk
- Policy NE10 Contaminated Land and Hazardous Substances
- Policy NE11 Floodlighting and Illumination
- Policy MG01 Spatial Strategy
- Policy MG02 Green Belt
- Policy MG03 Settlement Hierarchy
- Policy MG04 Health Impact Assessments (HIAs)

The Brentwood Local Plan 2016-2033 was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

#### National policy and guidance

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide (NDG)

### 3. **Relevant History**

- BRW/96/93: Erection of Extension to Glasshouse

- BRW/377/93: Block paving of rear yard
- BRW/8/98: Display of 4 non-illuminated advertisements
- BRW/79/98: Retention of Polytunnel
- BRW/307/98: Retention of Polytunnel without complying with condition 1 of BRW/79/98
- ENF/BRW/315/98: Breach of planning control, the hardsurfacing of the access road and car park requiring (1) break up and permanently remove the hardsurfacing including the concrete stones and (2) permanently remove all resultant materials from the land within 28 days – Enforcement notice withdrawn and no further action taken on the appeal (T/APP/H1515/C/99/1026755) and the deemed application for planning permission
- BRW/107/99: Variation of conditions 2 and 3 of appeal decision dated 02.02.93 to permit the retail sales of goods, materials and portable buildings within an area marked on Plan ON2 – Refused and Appeal (T/APP/G1515/A/99/1026005) dismissed insofar as it relates to variation of condition 3 imposed on permission T/APP/C/92/H1515/617529),
- BRW/108/99: Single storey side extension and the re-positioning of customer and goods-in gates and an access track – Refused and Appeal (T/APP/H1515/A/99/1026004) dismissed insofar as it relates to the single storey side extension
- BRW/884/99: Resurfacing and retention of Garden Centre Car Park together with installation of replacement kerbing to driveway
- 12/00831/FUL: Single storey extension to an existing garden centre building for use as a customer restaurant - Application Permitted
- 22/00903/OUT: Outline application for the demolition of the existing commercial units and construction of new replacement commercial buildings (Class E and Class B2) - Appearance, Landscaping, Layout and Scale are Reserved Matters. – Application Refused

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

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

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

This application has been advertised by way of neighbour notification letters and public site notice and press advert.

At the time of writing this report, a total of 591 representations have been received for this application of which 578 object to the proposals. It should be noted some parties have commented on more than one occasion. Furthermore, some representations have not been accepted as these failed to provide the necessary information to be formally registered. The Planning team tried to contact those people to request the additional information with mixed success.

For comparison purposes, the previous application was subject to a total of 4 neighbour representations (neutral comments and objections).

Due to the number of representations received, the representations are summarised under the following headings:

- Current Garden Centre does not intend to close, a lease is being sought under separate legislation and the business remains viable contrary to the applicant's submission
- The existing lease benefits from "security of tenure" under the Landlord and Tenant Act 1954 meaning the lease, among other things, did not come to an end on expiry in 2021 and entitles current occupiers to a new lease which is currently being determined by the court
- Inappropriate development within the Green Belt
- Overdevelopment and intensification of use of the site
- There are other more appropriate brownfield sites designated for redevelopment, with the site not selected for redevelopment
- Impacts of the proposed development upon the character, appearance and visual amenity of the area (and in comparison to the existing)
- Flood risks associated with the development
- Pollution risks given proposed use and proximity to river
- Impacts of the development on landscape, ecology and biodiversity
- Impacts of the development during the construction phase
- Highway impacts of the development e.g., congestion, capacity, safety and efficiency
- Unsustainable transport provision with reliance on private vehicles rather than public transport
- Noise impacts of the development
- The existing site and building use is active and a community facility/asset providing a meeting place for residents/others
- Application documents contain errors / is misleading i.e., the Design and Access Statement incorrectly suggest the site is not operational and that the lease has expired.

- Inaccuracies and insufficient information within the supporting drawings and documents e.g., overestimates trip generation based on floor areas of the development
- There are existing Garden Centres and Gyms nearby
- The loss of other Garden Centres nearby mean there is no alternative choices to residents and keen gardeners
- Concerns regarding loss of existing local jobs for the existing use (and economic consequences) with other representations outlining there will be more jobs created (and economic benefits). Note: the application form states 15 existing full time employees (FTE) with 150 FTE proposed, whereas representations range in how many jobs will be lost ~37.
- Ongar has lost too many retail outlets and the loss of the centre will restrict access to items
- No infrastructure for new developments
- The existing centre provides disabled access and is a place which benefits mental wellbeing

**For Members benefit**, the below are examples of matters which are NOT material planning considerations:

- Preference for another business operator
- The applicant's motives, conduct or history
- Moral judgements
- Matters controlled under non-planning legislation (such as Building Regulations or Licensing)
- Loss of value to an individual property
- Loss of a private view
- Private rights to light
- The existence of private agreements, covenants or rights of way
- Boundary disputes

## 5. Consultation Responses

- **Planning Policy:** No response received at the time of writing this report

- **Natural England:** No response received at the time of writing this report
- **Affinity Water:** No response received at the time of writing this report
- **Essex Wildlife Trust:** No response received at the time of writing this report
- **Gas Pipeline:** No response received at the time of writing this report
- **Epping Forest District Council:** No response received at the time of writing this report
- **Police Architectural Liaison Officer:**

Further to our previous response, dated 24th March 2023, the 'Essex Police - Designing out Crime Office' (DOCO) welcomes the opportunity to comment once again on the proposed redevelopment of Ongar Garden Centre.

As we stated in our last response, Security forms a key part of a sustainable and vibrant development. Essex Police considers that it is important that, if approved, this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design principles (CPTED) for which Secured by Design (SBD) is the preferred enabler.

Essex Police therefore requests that the developer seeks to achieve the relevant Secured by Design accreditation in accordance with the current version of Secured by Design Commercial Developments. Secured by Design (SBD) is the official police security initiative that works to improve the security of buildings and their immediate surroundings to provide safe places to live and work. SBD ensures that designing out crime measures have been applied across all elements of the site, ensuring that subliminal crime prevention is apparent throughout the proposal and will ensure a safe and sustainable development. The SBD website (<https://www.securedbydesign.com/guidance/designguides>) provides full details.

- **Environment Agency:**

Thank you for your consultation we have reviewed the plans as proposed and we have no objections to the application on flood risk grounds.

#### Flood Risk

The proposal involves the demolition of existing commercial buildings to be replaced with new commercial buildings. The submitted FRA has assessed the flood risk and demonstrated that all new buildings are within the existing developed boundary and outside of 1%AEP+CC extents.

Informatives are recommended.

- **ECC SUDS(Lead Local Flood Authority):**

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. Informative recommended.

- **Essex Badger Protection Group:**

Thank you for contacting us regarding this application and providing a copy of the Preliminary Ecological Appraisal dated August 2022.

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.

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

Condition recommended.

- **Environmental Health & Enforcement Manager:**

Noise:

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

Bonfires: No bonfires should be permitted during construction.

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

A Phase 1 report is recommended to be submitted before development begins. The Phase 1 report will identify possible areas of contamination. If contamination is identified onsite, an intrusive investigation (Phase 2 Report) should be completed.

If contamination is identified within the Phase II report, a Remediation Strategy must be submitted and approved to the LPA. The scheme must include all works to be undertaken; proposed remediation objectives; an appraisal of remedial options; 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.

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

- **Highway Authority: initial consultee response objecting (superseded by second response reported below):**

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

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reason:

1. The developer has not demonstrated that the proposal would be acceptable in terms of highway efficiency.

The proposal is therefore contrary to policy DM1 and DM2 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Notes:

A similar outline application for this site was submitted in July 2022. Following a later submission of a Transport Statement (TS), the Highway Authority recommended refusal of the application as there was insufficient evidence that the proposed development won't have a detrimental impact on the efficiency of the local highway network. Whilst addressing the issue of HGV accessibility, the latest submission is still deficient in its assessment of the peak hour impact on the local highway network.

The current lawful use of the site is as a garden centre. Its operating hours are between 0900 and 1700 hours from Monday to Saturday and 1000 to 1630 hours on Sundays. According to the planning application form, the site employs just 15 full-time staff.

The proposals entail converting the site into an employment site with 150 full-time staff. The Design and Access Statement suggests that "a large number of employees will be



operational off-site and employees will be visiting on alternate days most of the time." However, this is not substantiated and the Transport Statement has no mention of this.

150 staff amount to ten times the existing staff numbers and, as with any employment site, most could be expected to arrive and depart the site during the traditional morning and evening peak periods of 0800 to 0900 and 1700 to 1800 hours. Depending on the exact use, a development of this type can also be expected to generate a significant number of trips throughout the day which, from the documents provided, would include an undefined number of HGV movements.

The TS asserts that the proposed use would generate less trips to/from the site compared to the existing permitted use. Whilst a comparison exercise of the two land uses is appropriate, it needs to be recognised that the proposal is for an employment site which would operate principally during the week when morning and evening peak hour traffic flows are higher and the highway network is under greater strain. Consequently, the comparison exercise should consider the operation of the garden centre during the week. The TS, however, only considers weekend garden centre data in its TRICS database assessment, so a true comparison is not achieved. In the interests of firmly establishing the level of usage of the current site and in the absence of any suitable data in the TRICS database, the applicant is advised to carry out a survey of the existing access on a weekday.

There are also questions about the predicted trip generation for the proposed use. The TS contains calculations of trip numbers for 2,323sqm of office development (land use E(g)(i)), together with 3,555sqm of commercial warehousing and 400sqm of self-storage warehousing (both B8 use). However, the planning application form details proposals for 5,440sqm of B2 usage plus 170sqm of Class E use. This needs to be clarified as each land use generates different levels of trips.

With regard to selection of sites within the TRICS database, this should follow TRICS Best Practice guidance. In the instance of the self-storage warehousing trip rate for example, only one site has been used, so its reliability is questionable. The applicant is also advised that, for a rural site such as this which has very few public transport services, it is not appropriate to include sites within the Greater London area in the TRICS interrogation.

The TS's trip distribution assessment is also considered questionable. It refers to automatic traffic counts installed at the site entrance in May 2022 and asserts that, over a week, traffic flows had a 50/50 split in both directions. The raw data has not been supplied with the TS to support this assertion however. In particular, there is no consideration that daily traffic flows are often tidal with one direction being more prevalent than the other in the morning peak and vice-versa in the evening peak. A more reliable method of establishing peak period employment trip distribution would be to use Census Journey to Work data though.

Once suitable trip generation and distribution numbers have been established, it is possible to properly assess the impact of the development on the local highway network (such as at the previously-mentioned Brentwood Road / Stanford Rivers Road / St James Avenue / Coopers Hill junction). This would normally be undertaken using the industry standard Junctions 10 software from TRL. The TS does indicate that the applicant is willing to make a s106 contribution to that junction's improvement. However, until the junction is properly assessed with the proposed development's traffic movements, it is not clear if an improvement is required to mitigate the development in the first place and, if it is necessary, what that improvement should be, whether it is deliverable and what it might cost. As with the previous application therefore, the Highway Authority may be able to reconsider its position should the applicant address the above issues and concerns satisfactorily.

The applicant is also reminded that an employee Travel Plan would be a condition of any eventual recommendation of approval from the Highway Authority.

- **Highway Authority (second consultee response, no objection):**

PLEASE BE ADVISED THAT THIS RECOMMENDATION REPLACES AN EARLIER RECOMMENDATION FROM THE HIGHWAY AUTHORITY DATED 28TH APRIL 2023.

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

The proposals involve the redevelopment of the current garden centre into an employment site that will continue to use the existing site access, which is in constant use and has no recorded road traffic incidents in the last 5 years.

The Transport Assessment that accompanied the planning application was initially considered deficient. However, following additional study and a highways capacity assessment, the Highway Authority is now satisfied that the development can be provided without a material impact on highway safety and efficiency.

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

Informative recommended.

- **Arboriculturalist/Ecologist:**

A previous application (22/00903/OUT) for this site was refused due to lack of information on highways and flood risk. This application has sought to address these reasons for refusal. There have been some changes in the suggested designs of the proposed buildings however appearance, landscaping, layout and scale are all reserved matters.

The site is set back from Ongar Road and contains a mix of single storey buildings, polytunnels and hardstanding used for car parking and storage.

There are small trees lining the access creating an attractive avenue and trees on the roadside boundary. These help filter views into the site.

There is a large poplar beside the existing car park area and a small group of larger trees in the southwest corner of the site to the rear of the existing buildings. There are no other trees to the rear of the site that are visible

There is existing hardstanding close all of the existing trees therefore it is not envisaged that the scheme would have any significant effects on these; however if the scheme is permitted I would require a full arboricultural impact assessment to be submitted with the reserved matters application to determine any effects.

An ecological survey carried out for the previous application found that the existing site had low ecological value. This is considered appropriate given that the red line boundary comprises hardstanding and buildings.

The site is close to the River Roding and there are several woods locally. It will be important to ensure that external lighting is designed to minimise light spill over the surrounding areas as it is likely that commuting and foraging bats will be in the area. An external lighting condition would be required if this scheme were permitted. The indicative block plan appears to show some existing areas of hardstanding could be removed. This could provide opportunities to achieve biodiversity enhancements in accordance with the NPPF and Local Plan. Although BNG is not currently mandatory the applicant should demonstrate what level of gains could be achieved by submitting a completed BNG metric calculation with a reserved matters application.

The indicative building heights have been reduced compared to those proposed in the previous scheme. This would be beneficial as it would lessen their overall mass and visual effects. All the building roofs are coloured green on the plans; however it is assumed that those on Buildings 1 & 2 could not be green roofs due to them having pitched roofs. It is possible for Building 3 to have a green/living roof. If the scheme is permitted will be vital that these buildings are properly detailed to enable an accurate assessment of their visual effects to be made. Green roofs could also make a useful contribution to biodiversity enhancements.

No illustrative landscape plan has been provided with this outline application. If the scheme were permitted I would require a full landscape scheme to be submitted. There is no objection to the proposal on landscape and ecology grounds in principle; however if the scheme were permitted there will need to be detail provided regarding measures to protect existing trees, a detailed landscape plan and a suite of biodiversity enhancement measures required to achieve a biodiversity net gain in accordance with policy.

- **County Archaeologist:**

Thank you for consulting the Historic Environment Advisor to Brentwood Borough Council on the above planning application.

The Essex Historic Environment Record (EHER) shows that the proposed development site, as accurately attested by the submitted Heritage Statement, lies outside the plotted extents of Kelvedon Hatch's Historic Settlement area (EHER 19247). Additionally, historic OS mapping shows that a substantial amount of the site was quarried as part of a gravel pit in the early 20th century, which is likely to have removed any archaeological remains that were present.

The above evidence, coupled with the lack of any known archaeological remains in the immediate vicinity, suggests that the proposed development is unlikely to impact upon any significant archaeological deposits.

Therefore, based on our current knowledge, there appear to be no archaeological implications for the proposed development, and we have no recommendations to make.

- **Parish Council:**

After due consideration by Kelvedon Hatch Parish Council, we object to this proposal on the following issues:

1. The transport assessment is misleading or incomplete in several respects:
  - a. It overstates the access to the site by public transport. It is only served by only one bus route which only has an unreliable hourly service. The driving times to Brentwood and Epping stations are unrealistic at peak times.
  - b. It has failed to estimate the increase in HGV journeys to the site, concentrating instead on the number of journeys for all vehicles.
  - c. The five year accident history quoted only refers to a very short and straight section of Ongar Road south of the entrance (approx. 150m).
  - d. Swept-Path diagrams are only included for HGVs entering or leaving the site from the south. No analysis of HGVs accessing the site from the north across Langford Bridge with its dog leg and narrow lanes has been included.
  - e. There is no mention of busy entrance to the Great Myles estate which is opposite the entrance to the site.
2. The flood prevention measures are over-reliant on routine maintenance to keep drainage channels clear of litter, debris and vegetation.
3. The legal dispute over the right of the current operator of the garden centre to continue in business on the site needs to be resolved before this application is progressed any further.

4. The proposed development breaks Green Belt guidance (NPPF Section 13, Protecting Green Belt land, Paras 147 + 148) in that the development would be inappropriate by reason of its size (spatial impact) and its visual impact. The plans show a main office and warehouse 85m long and 16m facing Ongar Road. The existing buildings are single storey and have a much smaller frontage. The proposed development would therefore have a significant spatial and visual impact on the openness of the Green Belt.

- **Historic Buildings and Conservation Officer**

N.B. No revised response was received prior to the publication of the Agenda. The follow is reproduced from the previous application, 22/00903/OUT.

In respect of the Historic Environment, a minimal Heritage Statement (HS) has been submitted, it does however offer recognition for both archaeology and built heritage as requested a preapplication.

This application seeks 'Outline permission' and matters of scale and appearance are reserved, the conclusion offered in the HS is as follows:

'Due to the nature of the site's surroundings, it is clear that the proposed development on a previously developed site continuing to operate commercially will have no detrimental on the surrounding heritage assets. The impact of the proposal is limited to the agricultural fields surrounding the site. The closest listed buildings are a great distance from the site and will have no direct sight-lines to the proposed development'.

However, from my assessment, such a conclusion cannot be relied upon as the baseline for further reserved matters applications given there is no 'assessment' of setting as set out in the Historic England Planning Note 3 and no evince of the sightlines studies; from my own assessment it is clear the intent for built form is too large, Plot 2 in particular being overly bulky and deep which can be avoided through a more considered contextual response.

As I advised at preapplication, once the parameters of development are mutually agreed with the LPA given its PDL (Previously Developed Land) and Green Belt designation, then the approach to future design at this rural location should be informed in the first instance by an appraisal of context, this includes studying any potential for impact upon the setting of Designated Heritage Assets.

Furthermore, in terms of sustainable architecture and reducing carbon (Corporate Objective), the arrangement of built form can be rationalised to result in greater energy efficiency. A courtyard grouping of buildings for example would reduce bulk and afford improved capture of solar gain on the roofscape for renewable energy. This is but one example of how greater investment in the design process is required.

In respect of this outline application, I have no 'in principle objections' subject to the comments above being adhered to in terms of reserved matters.

- **Health Impact Assessment Steering Group (earlier refusal):**

The council welcomes the inclusion of the HIA report undertaken for this outline application. It is acknowledged that not all the details related to this site have been completed yet; therefore, high level comments have been provided. It is recommended that consideration be given to the comments provided so that a complete and robust HIA can be submitted with the full planning application.

## **6. Summary of Issues**

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application include the NPPF and NPPG. Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 4 above.

Outline planning permission is sought for the demolition of the existing commercial units and construction of new replacement commercial buildings (Class E and Class B2) - Appearance, Landscaping, Layout and Scale are Reserved Matters. Access is not a reserved matter.

Revised information has been submitted during the lifetime of the application relating to transport impacts of the development as requested by the Highway Authority.

### **Site context**

The application form states the site comprises an area of approximately 3.92 hectares (although this differs from the site location plan which depicts the extent of the red outline – see Other Matters) on land situated to the western side of Ongar Road, a classified road A.128. The site falls gently down from the south to north to the River Roding and is set in a tract of open countryside well outside the built-up confines of Ongar to the north and Kelvedon Hatch to the south. The character of the locality is drawn from the openness and the gentle topography of the landscape and its predominantly agricultural use. The site falls wholly within the Metropolitan Green Belt which washed over the locality.

The application site currently contains a mix of single storey buildings, polytunnels and hardstanding used for car parking and storage.

In respect of the current site occupiers, British Garden Centres, it is understood that there is an ongoing legal dispute regarding the extension of a previous lease which, per land registry documents, expired in 2021. Certificate B has not been served on them, but at the time of the application, they were not considered to be an 'owner' for the above purposes. In any event, representations from them and their legal team have been (and were previously) made and they were clearly aware of the application. The

terms of or renewal of the lease is not considered to be material to the determination of this planning application.

## **Foreword**

The main issues which require consideration as part of the determination of this application relate to the principle of the development and the proposed access.

Indicative drawings accompany the scheme illustrating the site layout (block plan), elevations and floor plan though in respect of appearance, landscaping, layout and scale, these matters are all reserved. However, it should be noted that a basic level of information on all other matters to inform the assessment is required.

The Development Management Procedure Order defines access, in relation to reserved matters, to mean the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

Whilst this application only indicatively outlines accessibility to and within the site with the submission of revised drawings, it is considered that this could be suitably controlled by way of condition i.e., restricting the occupation of building(s) until details of access for all users in and around the site has been demonstrated to be acceptable, matters which will be dealt with at the reserved matters stage.

## **Recent Planning History**

This application is a resubmission of the previously refused application 22/00903/OUT, refused on the following grounds:

**R1** *Insufficient information has been submitted to demonstrate that the proposed development would not give rise to an unacceptable impact upon highway safety, efficiency and the transport network contrary to the requirements of policy BE08, BE09 and BE12 of the Brentwood Local Plan and the aims and objectives of the National Planning Policy Framework.*

**R2** *Insufficient information has been submitted to demonstrate that the proposed development would not lead to an adverse flood risk with the absence of a flood risk assessment and sustainable drainage features required for major development proposals contrary to policies BE05, BE14, NE09 of the Brentwood Local Plan and Chapter 14 of the National Planning Policy Framework.*

This report will look to identify whether the reasons for refusal above have been overcome through revisions made.

## **Consistency in decision-making**

Members are reminded that National Planning Practice Guidance (NPPG) advises that similar cases should be determined in a consistent manner and failing to do so may amount to unreasonable behaviour. Planning authorities must behave equitably between applicants and must be seen to do so.

Caselaw on this point includes:

- *R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050*
- *Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057*

These two court decisions emphasise the need for consistency in planning decision-making, especially when assessing similar developments. This is not so onerous so as to mean all previous decisions (at the site or nearby) must be considered. However, it is clear that there are instances where decisions are so similar that to fail to take them into account would be unreasonable.

In this respect differentiating between officer or committee decisions is not relevant. As indicated above, the proposal has previously been before the authority and that decision is relevant to this application. The applicant has had an opportunity to provide further information to overcome previous concerns, and members will be aware that a 'follow up' application is not an opportunity for the authority to return to first principles to reassess matters of principle.

### **Green Belt considerations**

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

The NPPF stipulates that new buildings are inappropriate development in the Green Belt, unless one of a short list of quoted exceptions in paragraph(s) 149 or 150. Here, the applicant identifies that paragraph 149(g) is relevant. No other exception is considered to be applicable, and an assessment is made on that basis:

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



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

The proposal has nothing to do with affordable housing and therefore the last bullet point can be disregarded in this instance.

There is no official measure to assess openness and the NPPF does not suggest a method to compare existing and proposed development or judge openness. However, this issue was addressed to some degree in National Planning Practice Guidance (001 Reference ID: 64-001-20190722). This guidance is based on caselaw and indicates that assessing the impact on openness:

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

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

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

No existing elevations or floor plans accompany the submission although reviewing planning history of the application site - the existing garden centre building, including salesfloor area, kitchen and back of house areas extends to approx. 820sqm.

Of the existing buildings and structures to be removed, these are broadly single storey in height and contained to one part of the application site. The indicative drawings illustrate built form which is split into three separate buildings (plots 1 through 3) and

notably taller than the existing buildings. No floor plan for Plot 1 is provided and the roof form of the building conflicts with that illustrated within the Block Plan (815/22/001). Indeed, the indicative buildings illustrated appear to spread across a larger area than that existing with an increase in quantifiable built form.

Within the application form, the proposal describes that the existing gross internal floorspace is 6906sqm for Use Class E with the proposed floorspace 170sqm. On paper, this is a reduction of 6736sqm but is unclear how this has been calculated given the existing structures on site. The proposal also seeks to introduce Use Class B2 (General Industrial) with 5440sqm of gross internal floorspace. This would total a combined 5610sqm of floorspace.

These factors combined when assessing the indicative drawings would culminate in buildings which would undoubtedly have a significantly greater impact upon openness than the existing development.

However, the acceptability of the layout, appearance and scale of the development, or landscaping is not for consideration at this stage - they would be considered at reserved matters stage at which point the LPA would assess the impact upon openness and the applicant would be encouraged to provide information on the positioning and massing of existing buildings, in line with the advice above, in order for that judgement to be made.

Therefore, a condition would be recommended to exclude those drawings which exceed matters covered by this application i.e., only approving the site location plan. A further condition is also recommended that the floorspace as proposed is not accepted. For the avoidance of doubt, the assessment accepts the principle of redevelopment only and in respect of Green Belt considerations is made on the site location plan only which depicts the extent of the red outline and where development is to be located within having regard to the location of existing built form. All other drawings are excluded either for reasons of unacceptability or inaccuracy; a matter explored further below.

To conclude, in accordance with the exception outlined above, the site depicted within the Site Location Plan would constitute previously developed land and would trigger the exception listed above (para 149g) in principle. All other matters shall be controlled at reserved matters stage.

### **Viability considerations**

The applicant and representations received have provided conflicting views of whether viability is a material planning consideration here. Indeed, the applicant's representative had previously confirmed that it is not material. Representatives from the current occupiers of the site insist the current use is viable.

Notwithstanding, whether the site would shut or remains viable/in active use in this case is not considered to be material to the determination of the application. Nor is preference for another business operator. Whilst the viability of the scheme would go to the principle of development, redevelopment of the site into alternative uses is not objected to in principle.

## **Heritage, Design and Neighbour Amenity considerations**

S66 (1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that local planning authorities (LPA) should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interests which it possesses.

Chapter 16 of the National Planning Policy Framework aims to conserve and enhance the historic environment with paragraph 199 stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the heritage asset's conservation. Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting. Policy BE16 of the BLP is also relevant.

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

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

The context and character of the local area is partially derived from it being located within the Green Belt and a rural location characterised by openness and spaciousness. There are Heritage Assets including a Grade II\* listed building 'LITTLEBURY' (List UID: 1306771) within the wider setting of the application site.

County Archaeologist (Place Services, Essex County Council) have advised that the proposed site would lie outside of the plotted extents of Kelvedon Hatch's Historic Settlement area (EHER 19247). In addition, historic OS mapping shows that a substantial amount of the site was quarried in the early C20 and archaeological remains would have been removed and therefore there is likely to be any impact upon deposits arising from this development and no conditions are recommended.

The Historic Buildings and Conservation Officer has previously had an opportunity to review redevelopment of this scheme. At the time of writing this report, no additional comments have been received. They previously raised concerns regarding the lack of assessment upon setting. They considered that the intent for built form is too large with plot 2 overly bulky and deep. A more considered contextual response is required here including the need to provide sustainable architecture and reducing carbon to result in a

greater energy efficient scheme which could all be rationalised with greater investment at the design stage. Notwithstanding, they advise there are no in principle objections but subject to the above comments being adhered to if the scheme were to progress to reserved matters.

The indicative drawings depict buildings which are considered to be dominant features and incongruous within this locality. However, they are indicative and recommended to be excluded from the determination of the application. Layout, appearance and scale are reserved matters the application for which would provide an opportunity for these matters to be addressed alongside all other aspects of policy BE14.

In terms of neighbour amenity, no noise impact assessment accompanies the application, but can be controlled through condition. Further conditions would also be recommended were consent given. This could restrict operations such as, but not limited to, outdoor storage and outdoor working as well as operating hours. Further measures such as noise at site boundaries being reduced, in accordance with the latest British Standard, below background noise could also be covered by way of condition.

### **Use and Employment considerations**

Per the proposal description, the proposed development would seek to provide a mixed-use development falling within Use Classes B2 and E. The proposal would seek to provide 150 FTE jobs, an uplift of 135 jobs from the existing situation per the application form. Notwithstanding Green Belt considerations in respect of the floor areas listed within the application form, the proposed uses and additional employment is considered to be acceptable.

The application form sets out that the opening hours are as follows:

Use Class B2:       09:00-17:00 Monday to Friday  
                          09:00-15:00 Saturdays  
                          No working on Sundays

Use Class E:        09:00-17:00 Monday to Friday  
                          09:00-16:00 Saturdays  
                          No working on Sundays

These are considered to be acceptable subject to a bank holiday restriction for B2 use in the interests of neighbour amenity and a condition to this effect is recommended.

The site falls outside of a designated employment area as identified on the policies map but is recognised as an employment area under policy PC01. No change to a non-employment use is proposed. Whilst policy PC02 has a presumption in favour of diversifying uses within rural sites (and farms) to promote the rural economy, this is subject to compliance with Green Belt considerations, the effect of particular activities could be reasonably assessed through a noise impact assessment to include mitigation measures.

### **Sustainability considerations**

No sustainability appraisal or strategy accompanies the application. Policies BE01, BE02, BE04 and BE07 are relevant. Information on how the proposed buildings could achieve higher levels of energy and power efficiency, generate low carbon electricity and mitigate heat gain could be controlled by way of condition were permission granted. There is also a requirement to achieve BREEAM 'excellent' rating unless robustly justified. A condition is recommended for a sustainability strategy.

### **Natural Environment considerations**

The Councils Arboriculturalist and Ecologist has reviewed the submission which consists of indicative drawings. The site is generally considered to be of low ecological value as confirmed by the preliminary ecological assessment. There is scope for biodiversity enhancement and measures can be sought through condition and a completed biodiversity net gain (BNG) metric calculation (albeit BNG is not currently mandatory).

They also raise concerns regarding those buildings indicatively marked as 1 and 2 being "green roofs" given they are pitched, and future documents will need to properly detail what can be achieved for biodiversity enhancement. Conditions regarding landscaping (in the absence of an illustrative landscape plan) and measures to protect existing trees are also requested.

They also advise that given the presence of the river and nearby woods, details of external lighting and floodlighting will need to be controlled by way of condition in accordance with policy NE11 of the BLP to avoid light spill and impacts upon nocturnal species.

The Essex Badger Protection Group has previously provided comments raising no objection in principle. As the ecological appraisal is provisional and due to the time passed, a further walkover study is recommended and shall incorporate mitigation measures during the construction phase. A condition to this effect is recommended.

No Air Quality Impact Assessment accompanies this application. However, this is a matter which is considered could be suitably addressed by condition.

### **Land contamination considerations**

The Historic Environment record identifies that part of the application site has formally been used as a quarry before uses were altered to horticultural and garden centre uses. There has evidently been a level of infilling in the preceding years. Whilst no contamination reports accompany the application, the Environmental Health team have not identified land contamination as a concern at this stage. It is considered that a Phase I assessment could be sought by way of condition to address potential risks and to ensure compliance with policy NE10 of the BLP; Chapter 15 of the NPPF; and the aims of the NPPG. Conditions are recommended.

### **Flood risk considerations**

The application site is located to the south of the River Roding. The Environment Agency (EA) mapping indicates that whilst a vast proportion of the site lies within Flood Zone 1, the lowest level of flood risk, a proportion of the site toward the north lies within fluvial Flood Zones 2 and 3.

The application is accompanied by a Flood Risk Assessment (FRA). Whilst it is noted there is a singular reference to a replacement dwelling within the FRA and incorrect site area (a larger area than the site location plan depicts), the contents refer to the redevelopment for commercial use and appendices include copies of the indicative drawings.

The Lead Local Flood Authority (LLFA) have reviewed its contents and advise that, subject to conditions, it considers the proposal to be acceptable. The Environment Agency also has no objection to the application on flood risk grounds. Advice (including comments on an Environmental permit and flood resistance measures) can be brought to the developers attention by way of informative.

Therefore, the previous reason for refusal (R2) has been overcome and would be compliant with policies BE05, BE14 and NE09 of the BLP and the aims and objectives of Chapter 14 of the NPPF.

### **Highway and Parking considerations**

The Highway Authority has reviewed the submission and carried out a site visit. The proposed site would utilise an existing access which is in constant use and has no recorded road traffic incidents in the last 5 years. From the revised documents which have been submitted during the lifetime of the application, which include additional studies and highways capacity assessment, the Highway Authority advise they are satisfied that the development can be provided without a material impact on highway safety and efficiency as a result. This is subject to conditions. The proposal is therefore considered to be compliant with policy BE12.

A financial contribution has been recommended to monitor a workplace travel plan. Such a contribution would need to be sought through an appropriate legal mechanism and it is not possible to achieve this by planning condition. This would comply with the requirements of policy BE08 to improve the highway network as deemed necessary.

Policy BE09 encourages sustainable modes of transport which should be prioritised within new developments and creating safe, secure and well connected proposals to minimise conflicts between users. A condition is recommended to ensure sustainable modes of transport are incorporated into the scheme providing full details of internal site access. This would include parking areas to ensure suitable parking spaces are provided in compliance with policy BE13.

Whilst it is accepted that the site location would likely mean a reliance on private motor vehicles, that is not dissimilar to the existing situation with numerous visitors to the site. Whilst it is anticipated there could be an increase in trips, the Highway Authority recommend upgrades to the nearby bus stops, and this would help to encourage alternative modes of transport.

In terms of other policy requirements in respect of parking standards and EV charging, conditions are recommended.

The proposal is considered to accord with policies BE08, BE09, BE11, BE12 and BE13 of the BLP.

### **Health Impact Assessment considerations**

The proposal is accompanied by a preliminary HIA which has previously been reviewed by the Councils HIA steering group as part of the earlier refusal. High level comments have been provided and it is accepted that at this early stage, it would remain incomplete. The response outlines that robust amendments to the HIA will need to be included as part of future applications addressing the matters identified and the applicant's attention is drawn to this requirement. A condition requiring an amended HIA is recommended.

### **Developer Obligations and Community Infrastructure Levy considerations**

As outlined above, a financial contribution has been recommended to monitor a workplace travel plan. Such a contribution would need to be sought through an appropriate legal mechanism. It is not possible to achieve this by planning condition.

At the time of writing this report and based upon a likely (on the basis it is outline with floor area not accepted) final development brought forward, this proposal would have been liable development for Community Infrastructure Levy (CIL), although this is yet to be adopted. However, if a scheme is granted outline planning permission prior to the adoption and implementation of CIL, the subsequent approval of reserved matters would not trigger a liability for CIL.

### **Other Matters**

The proposal includes a complete site location plan (Getmapping) with a site area of approx. 14,907sqm (1.49 hectares) and a indicative block plan (reference 815/22/001/B) with a differing red outline and is notably incomplete with lines disappearing off the page. The extent of the development site differs from the application form and therefore there are discrepancies in respect of the red outline between all of the submitted documents. In reaching an assessment on this application, the site location plan has been used as it is not indicative; the block plan has been excluded.

The Parish Council has raised objection to the proposed development citing transportation and matters of principle (Green Belt) as concerns. However, for the reasons outlined above, the proposal is considered to be acceptable on these grounds.

All representations received have been fully considered as part of the determination of this application and addressed within the subsections of the report above where these are material. The benefits of the existing use raised by interested parties are not disputed although this does not prohibit redevelopment.

However, in terms of community benefits, it was previously considered that the existing site operations are not considered to be a 'community facility' for the purposes of policy PC10. To elaborate, policy text 7.68 of the BLP sets out examples of community facilities: "*village halls, community centres, libraries, and buildings for sports, leisure, healthcare, and arts venues, amongst others.*" The existing site comprises a Garden Centre attracting customers as part of a business and does form an example within this list. Furthermore, the site is not registered as an Asset of Community Value (ACV). There is no in principle objection to redevelopment of the site.

## **Conclusion**

The resubmission has overcome the previous two reasons for refusal. Therefore, the proposals, subject to conditions and an appropriate legal mechanism for the financial contribution are considered to be compliant with the policies of the BLP and the aims and objectives of the NPPF and NDG. Therefore, the proposed development is recommended for approval.

## **7. Recommendation**

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

1 Approval of the details of the layout, scale, appearance and landscaping (hereafter referred to as 'Reserved Matters') shall be obtained in writing from the Local Planning Authority before the development is commenced and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from date of approval of the last reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Site Location Plan (date of issue 15 March 2021 and supplied by Getmapping)



Reasons: To ensure that the development is as permitted by the local planning authority defining the extent of the area subject to the planning permission and for the avoidance of doubt.

5 This permission does not relate to the floorspace referred to within the application form and any supporting documents.

Reasons: Inadequate information has been provided to judge the impact of the proposal on the Green Belt and therefore this condition is required for the avoidance of doubt. In the absence of this condition, it would have been necessary to refuse planning permission.

6 No development shall commence until full details of the internal access roads (including the footway and cycleway links between the land and the local highway network, passing place and parking areas) within the site location plan as approved have been submitted to and approved in writing by the Local Planning Authority. These areas shall be retained in the approved form without impediment to their designated use.

Reasons: to ensure that suitable access as required by the Development Management Procedure Order is provided for future users of the site in the absence of detailed information and for the avoidance of doubt and to accord with local policies BE09, BE12 and BE13.

7 No development shall take place until a site wide Construction and Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include:

- a. Dust Management Plan;
- b. Protection of water resources;
- c. Protection of species and habitats (including arrangements for an updated site walkover survey undertaken by a suitably qualified Ecologist, to include mitigation measures);
- d. Arboricultural Method Statement;
- e. Emergency Planning and Incidents Response;
- f. Construction Traffic Management Plan (CTMP) to include:
  - 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 construction;
  - v. wheel and underbody washing facilities;
- g. Waste Management;
- h. Details of site compounds, offices temporary fencing and lighting;

- i. Delivery and construction working hours (note: these should be limited to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays);
- j. Details of site management practices for contractors and visitors;
- k. Wastewater strategy.

The approved CEMP shall be adhered to throughout the construction period for the development. The CEMP should have regard and be in accordance with the latest British Standard where applicable.

Reasons: in order to safeguard the character of the area; in the interests of aural, visual and neighbour amenity; to protect the natural environment; in the interests of highway safety; and for the avoidance of doubt.

8 No development shall take place until a Noise Impact Assessment (NIA) has been submitted to and approved in writing by the Local Planning Authority. The NIA shall be carried out in accordance with the latest British Standard. The NIA shall include the following details:

- i) sound insulation mitigation tailored for the use of the building(s);
- ii) noise reduction mitigation to be applied near all site boundaries;
- iii) full details of any fixed external and building service plant.

All external plant, sound insulation and noise reduction mitigation shall be fully implemented prior to first occupation of the development. They shall be permanently maintained thereafter and replaced in whole or in part as often is required to ensure continued compliance with the approved noise levels. No further fixed external or building service plant shall be installed.

Reasons: in order to safeguard the character of the area; in the interests of aural amenity and to safeguard living conditions of nearby residential and business properties.

9 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks (where applicable) to:
  - o human health,

- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o 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 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 No development shall take place 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 prepared, submitted to and been 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. The development shall be carried out as approved.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide the existing brownfield runoff rate.
- 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. There should be no surcharging for the 1:1 year storm event. It should be demonstrated that the attenuation basin has adequate freeboard.
- 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. This includes all pipework.
- 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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

12 Concurrent with the submission of the first reserved matters application, a survey of building heights, massing/volume, footprint, floorspace and site levels and finished floor levels as existing and as proposed shall be submitted to and approved in writing by the local planning authority.

Reason: Inadequate information has been provided to judge the impact of the proposal on the openness of the Green Belt and therefore this condition is required for the avoidance of doubt.

13 Prior to or concurrently with the submission of a Reserved Matters application, a Biodiversity Enhancement Strategy for Protected and Priority Species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- i. Purpose and conservation objectives for the proposed enhancement measures;
- ii. detailed designs to achieve stated objectives;
- iii. locations of proposed enhancement measures by appropriate maps and plans;
- iv. timetable for implementation;
- v. persons responsible for implementing the enhancement measures; and

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In order to ensure that the development will provide for a net gain to biodiversity in accordance with policy NE01 of the local plan and the aims and objectives of the NPPF. It is advised that the strategy considers the biodiversity net gain metric calculation as a starting point.

#### 14 U0053419 RM- Sustainability Strategy

Prior to or concurrently with the submission of a Reserved Matters application, a Sustainability Strategy shall be submitted detailing how the development will achieve in accordance with local policy BE01:

- At least a 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations;
- A certified 'Excellent' rating under the BREEAM New Construction (Non-Domestic Buildings) 2018 scheme, or other equivalent standards (such as LEEDs or Passivhaus where broadly in line with BREEAM standards);
- A minimum of 10% of the predicted energy needs of the development from renewable energy; and
- A statement outlining the approach to: adaptation to climate change; carbon reduction; water management; site waste management; and use of materials

In addition, the strategy shall also detail how the development will achieve the requirements of local planning policies BE02, BE03 and BE04 relating to water efficiency and management, establishing low carbon and renewable energy infrastructure, managing heat risk and adaptation to climate change.

Reasons: In order to ensure that the development would comply with local policies BE01, BE02, BE03, BE04 and the requirements of the NPPF. Limited information has been submitted in this regard. Guidance is available within Figure 5.1 of the local plan which considers areas to be covered and the recommended approach.

15 Prior to the first occupation of any building, an external lighting strategy (including details on management, external luminaries, measures to control and mitigate light spread and spillage, hours of operation and maintenance) for the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The external lighting approved shall be implemented and made operational prior to the occupation of

any building. No further lighting shall be thereafter installed on the exterior of buildings or external areas of the site.

Reasons: to safeguard the rural character of the area from increased light pollution; to maintain the existing value of biodiversity on and adjacent to the site and for the avoidance of doubt.

16 Prior to or concurrently with the submission of a Reserved Matters application, a Secure by Design Statement shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The Statement shall set out how the development achieves a Certificate of Compliance in respect of the Secured by Design Commercial Developments, to the satisfaction of Essex Police. All security measures applied to the approved development shall be permanently retained thereafter.

Reason: In order to provide a high standard of safe, inclusive, attractive and accessible places to future occupants and visitors to the site reducing the risk of crime for commercial premises, in accordance with Local Plan policy BE14 and the aims and objectives of the NPPF chapter 8.

17 Prior to or concurrently with the submission of a Reserved Matters application, a scheme of hard and soft landscaping shall be submitted and shall indicate the existing trees, shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the Local Planning Authority. Any newly planted tree shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reasons: In order to safeguard and enhance the character and appearance of the area and for the avoidance of doubt.

18 Prior to or concurrently with the submission of a Reserved Matters application, details of 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 to be approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details 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.

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

19 Prior to or concurrently with the submission of a Reserved Matters application, an Air Quality Impact Assessment (AQIA) shall be submitted to and approved in writing by the local planning authority. The AQIA is required to meet national air quality standards and identify opportunities to improve air quality or mitigate local exceedances and impacts to an acceptable legal and safe level in accordance with the requirements of local policy NE08. The development shall be carried out in compliance with the requirements/recommendations of that report.

Reason: Insufficient information has been submitted to establish that the proposed development would not have an unacceptable impact upon air quality. This condition is necessary to ensure compliance with local policy NE08.

20 Prior to or concurrently with the submission of a Reserved Matters application, an updated and robust Health Impact Assessment (HIA) shall be submitted to and approved in writing by the local planning authority. The HIA shall follow the England Public Health's guidance on Health Impact Assessments (2021) (or as amended) and details how the proposal responds to Health Determinants. The development shall be carried out in compliance with the requirements/recommendations of that assessment.

Reason: Insufficient information has been provided due to the proposal being at outline stage. Further details are required to ensure that the proposal would comply with local policy MG04.

21 U0053427 - Services underground - GPDO

All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the above ground services shall only be provided on site in accordance with the approved details.

Reasons: In order to protect the character and appearance of the area; to safeguard the amenities of neighbouring properties; and in the interests of maintaining the openness of the Green Belt.

22 No building(s) shall be occupied until it has been provided with service connections capable of supporting the provision of the highest-speed broadband from the building to the nearest broadband service connection outside the site.

Reason: in order to comply with the requirements of policy BE07 of the local plan.

23 Prior to the occupation of the development, a waste strategy, setting targets for residual waste levels, recycling levels and landfill diversion and which identifies measures to facilitate waste reduction and recycling for commercial occupiers shall be submitted to and approved in writing by the Local Planning Authority. The waste reduction measures shall be implemented in accordance with the approved strategy.

Reasons: in order to safeguard the character and appearance of the area, to protect the natural environment and for the avoidance of doubt.

24 Prior to first 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.

Reasons: 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.

25 Prior to first occupation of the proposed development, the existing bus stops on either side of Ongar Road, outside of the application site, shall be provided with new poles, flags and timetable information displays.

Reason: To encourage trips by public transport and in the interest of accessibility. As the prospect of implementation is reasonable and relates to development within the Highway, it is considered that this Grampian style condition can be applied.

26 Prior to first occupation of the proposed development, an updated workplace travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall be actively implemented for a minimum period of 5 years. The travel plan shall be implemented as approved.

Note: a monitoring fee is to be provided by way of financial obligation separately to satisfy the requirements of the highway authority.

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

27 Prior to first occupation of the proposed development, full details of electric vehicle charging points to serve the car parking areas as well as a strategy to incorporate additional charging points for all types of vehicles in the future shall be



submitted to and approved in writing by the local planning authority. The details submitted shall consist of, as a minimum, the type of charger to be installed, charge rates, scaled drawings of the charging points and manufacturers information. No unit shall be occupied until the charger(s) which relate to that unit as approved have been fully installed.

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

28 No outside working or outside storage (aside from areas which are to be defined for the storing of vehicles in association with the uses hereby permitted) is permitted at any time.

Reasons: in order to safeguard the character of the area; in the interests of aural amenity and to safeguard living conditions of nearby residential and business properties.

29 If, during development, contamination not previously identified is found to be present at the site, it shall be made safe and reported immediately to the local planning authority. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted findings (by way of a report) of an intrusive investigation together with a risk assessment and remediation strategy detailing how this unsuspected contamination shall be dealt with and how this will be monitored and maintained in the future. The report shall be submitted to and approved in writing by the local planning authority before development recommences. The remediation strategy and monitoring and maintenance plan shall be implemented as approved.

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 that risks from land contamination is understood in the interests of the future users of the land and for impacts upon neighbouring land to be minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

31 The site opening/operational hours shall not exceed the hours listed below based on the Use Class of the building and as described within the application form:

Use Class B2: 09:00-17:00 Monday to Friday  
09:00-15:00 Saturdays  
No working on Sundays or bank holidays

Use Class E: 09:00-17:00 Monday to Friday  
09:00-16:00 Saturdays  
No working on Sundays

Reasons: in the interests of neighbour amenity and for the avoidance of doubt.

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed in representations, but the matters raised are not sufficient to justify the refusal of permission.

2 INF04

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

3 The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE01, BE02, BE03, BE04, BE05, BE07, BE08, BE09, BE11, BE12, BE13, BE14, BE16, PC01, PC02, NE01, NE02, NE03, NE05, NE08, NE09, NE10, NE11, MG01, MG02, MG03, MG04; National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

4 INF22

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

5 INF32

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

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

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

## 6 INF33

Considerate Contractor Advice Note - The developer is advised to ensure full compliance with the 'Guidelines for good practice' when undertaking construction and demolition works during the relevant phases. A copy of the guidelines is available online: [https://document.brentwood.gov.uk/pdf/pdf\\_1185.pdf](https://document.brentwood.gov.uk/pdf/pdf_1185.pdf).

## 7 Highways Informative

Prior to any works taking place in the highway, the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate construction.

Given that the application is outline with access only to be determined, the Highway Authority has treated all drawings relating to the internal layout of the proposal site as illustrative only. However, it is important that a suitable and appropriate passing place is designed into the site access road when a reserved matters application is submitted.

The proposals should also be in accordance with Brentwood Borough Council's adopted vehicle and cycle parking standards.

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

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

8 The Environment Agency have provided the following informatives/advice notes in respect of this application:

Environmental permits:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Flood resistance and resilience:

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Government guidance on flood resilient construction:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

[https://www.ciria.org/Research/Projects\\_underway2/Code\\_of\\_Practice\\_and\\_guidance\\_for\\_property\\_flood\\_resilience.aspx](https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx)

British Standard 85500 - Flood resistant and resilient construction  
<https://shop.bsigroup.com/ProductDetail/?pid=00000000030299686>

9 The LLFA have provided the following informatives/advice notes in respect of this application:

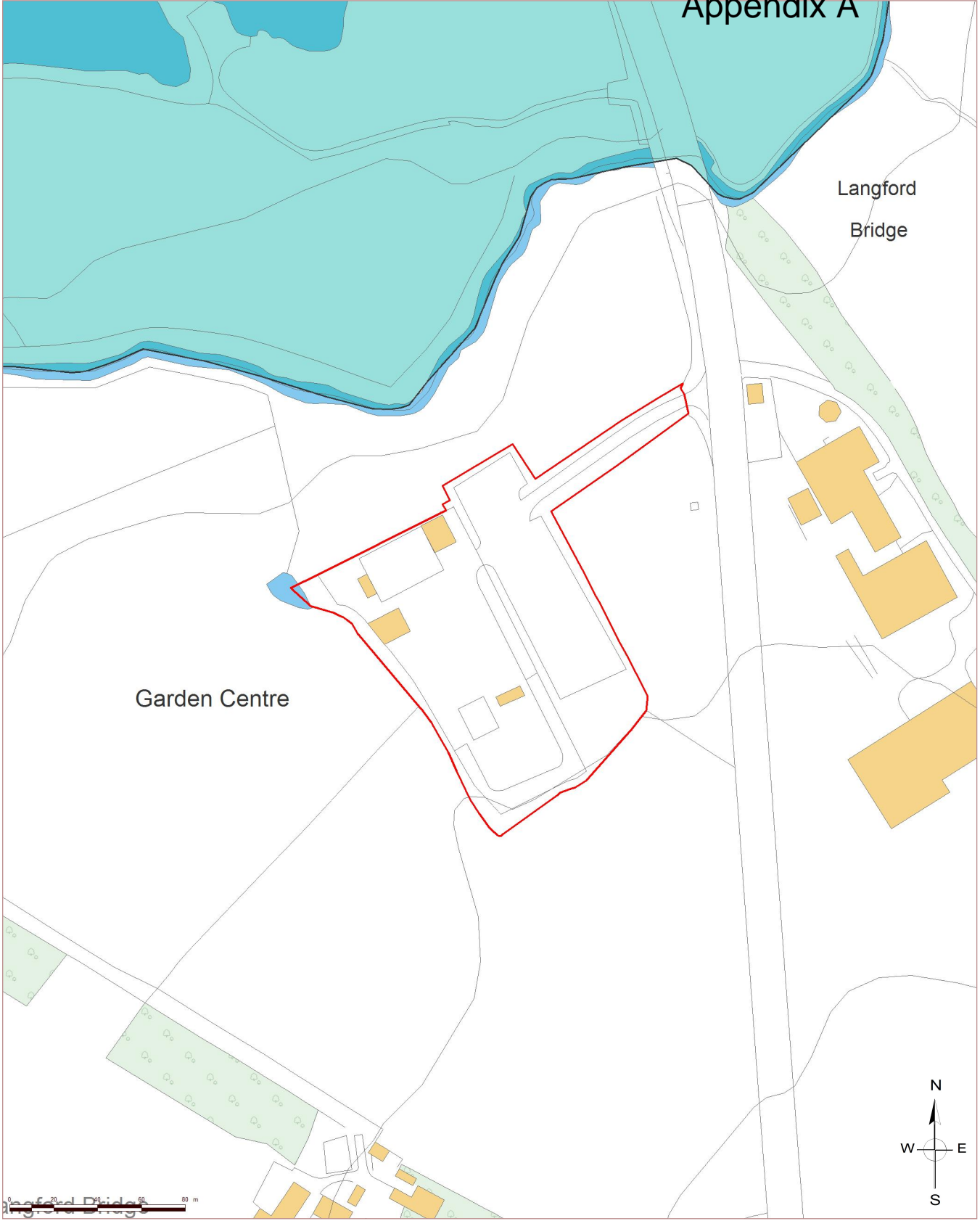
- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below:  
<https://www.essex.gov.uk/protecting-environment>.
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK ([www.gov.uk](http://www.gov.uk)).
- Offline attenuation features will not be acceptable.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**

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Appendix A



Garden Centre

Langford  
Bridge



Title : Ongar Garden Centre, Ongar Road, Kelvedon Hatch, Brentwood, Essex, CM15 0lb

23/00296/OUT

Scale at A4 : 1:2500

Date : 17th October 2023

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



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**SITE PLAN ATTACHED**

## **LAND SOUTH OF STOCKS LANE STOCKS LANE KELVEDON HATCH ESSEX**

**RESIDENTIAL DEVELOPMENT OF 49 DWELLINGS WITH ASSOCIATED VEHICULAR ACCESS, PARKING, PUBLIC OPEN SPACE, ATTENUATION AND LANDSCAPE ENHANCEMENTS.**

**APPLICATION NO: 23/00574/FUL**

<b>WARD</b>	Brizes & Doddinghurst	<b>13 WEEK DATE</b>	21 August 2023
<b>PARISH</b>	Kelvedon Hatch	<b>EXT OF TIME</b>	31 October 2023
<b>CASE OFFICER</b>	Mr Mike Ovenden		

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

### Landscaping Plans

6080-100-E Hard Landscape Proposals – Stocks Lane; 6080-101-D Soft Landscape Proposals – Sheet 1 of 2; 6080-102-D Soft Landscape Proposals – Sheet 2 of 2; 6080-103-D Landscape Masterplan

### Architectural Plans

1796b\_STOCKS\_SCN\_AB\_ZZ\_DR\_A\_10.326\_A3\_PL08 (Apartment Floor Plan);  
1796b\_STOCKS\_SCN\_AB\_ZZ\_DR\_A\_20.325\_A3\_PL11 (Apartment Elevations);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.310\_A3\_PL04 (House Type A2.1);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.312\_A3\_PL04 (House Type P3.1);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.313\_A3\_PL04 (House Type P3.3.1);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.314\_A3\_PL03 (House Type P3.5);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.315\_A3\_PL06 (House Type P3.8);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.316\_A3\_PL02 (House Type P4.1.2);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.317\_A3\_PL04 (House Type P4.2);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.318\_A3\_PL04 (House Type P4.8);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.320\_A3\_PL03 (House Type P4.13);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.321\_A3\_PL03 (House Type P4.10);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.321\_A3\_PL03 (House Type P5.1);  
1796b-STOCKS-SCN-XX-ZZ-DR-A-ZZ.327-A3-PL01 (Single Garage);  
1796b-STOCKS-SCN-XX-ZZ-DR-A-ZZ.328-A3-PL01 (Double Garage);  
1796b-STOCKS-SCN-XX-ZZ-DR-A-ZZ.329-A3-PL01 (Twin Garage);

1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.331\_A3\_PL03 (House Type A3.6);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.333\_A3\_PL02 (House Type A3.5.2);  
1796b\_STOCKS\_SCN\_XX\_ZZ\_DR\_A\_ZZ.340\_A3\_PL04 (House Type P2.1);  
1796b-STOCKS-SCN-ZZ-04-DR-A-01.300-A3-PL14 (Illustrative Site Plan);  
1796b-STOCKS-SCN-ZZ-04-DR-A-01.301-A3-PL03 (Housing Tenure Plan);  
1796b-STOCKS-SCN-ZZ-04-DR-A-01.302-A3-PL04 (Parking Plan);  
1796b-STOCKS-SCN-ZZ-04-DR-A-01.303-A3-PL04 (Material Plan);  
1796b-STOCKS-SCN-ZZ-04-DR-A-01.304-A3-PL03 (Storey Heights Plan);  
1796b-STOCKS-SCN-ZZ-04-DR-A-01.305-A3-PL04 (Refuse Strategy Plan);  
1796b-STOCKS-SCN-ZZ-04-DR-A-01.306-A3-PL03 (Amenity Plan);  
1796b-STOCKS-SCN-ZZ-04-DR-A-01.307-A3-PL14 (Proposed Block Plan) ;  
1796b-STOCKS-SCN-ZZ-04-DR-A-01.310-A3-PL06 (Proposed POS Plan);  
1796b-STOCKS-SCN-XX-XX-SH-A-00.380-A3-PL23 (Accommodation Schedule)

#### Highways Plans

181212-002A – Proposed Site Access Arrangements; 181212-006 – Site Layout Swept Paths and Visibility;  
181212-007 – Proposed Adoption Extents

#### Management Plan

1796b-STOCKS-SCN-ZZ-04-DR-A-01.308-A3-PL05 – Proposed Management Plan

#### Arboriculture

SHA 694 TPP Rev B 5.9 – Tree Protection Plan

#### Drainage

181212-001E – Stocks Lane Proposed Drainage Strategy;  
181212-004B – Stocks Lane Proposed Levels Strategy;  
181212-005C – Stocks Lane Sections Through Proposed Detention Basin

#### BNG Off Site

Gurtons Habitat Bank – Habitat Management and Monitoring Plan Rev B (June 2023)  
DEFRA Calculator

**This application is reported to the committee at the discretion of the Director of Place because it relates to one of the former green belt allocations in the Development Plan and due to the levels of representations received.**

### **1. Proposals**

This is a detailed application for 49 dwellings, roads, parking, open space, landscaping, drainage and associated infrastructure on a site of approximately 2.5 hectares on the

southeast edge of the village, south of Stocks Lane. Of the 49 dwellings, 32 would be private market homes, 15 for affordable dwellings for rent and 2 shared ownership.

The proposed vehicular access would be from Stocks land, towards its west end. A main spine road would be provided with branches left and right to access the plots. An existing public right of way (footpath 19) crosses the site appropriately east-west, midway down the site. This is retained in the proposal. The main areas of public open space are around the public right of way and in the area of the pond.

This application raises similar issues to the application at Blackmore Road (23/00575/FUL) and therefore much of the report is similar.

## **2. Policy context**

The Brentwood Local Plan 2016-2033

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

- Strategic Policy MG01: Managing Growth
- Strategic Policy MG02: Green Belt
- Policy MG03: Settlement Hierarchy
- Policy MG05: Developer Contributions
- Strategic Policy BE01: Carbon Reduction, and Renewable Energy
- Policy BE02: Water Efficiency and Management
- Policy BE03: Establishing Low Carbon and Renewable Energy Infrastructure Network
- Policy BE04: Managing Heat Risk
- Policy BE05: Sustainable Drainage
- Policy BE07: Connecting New Developments to Digital Infrastructure
- Strategic Policy BE08: Strategic Transport Infrastructure
- Strategic Policy BE09: Sustainable Means of Travel and Walkable Streets
- Policy BE10: Sustainable Passenger Transport
- Policy BE11: Electric and Low Emission Vehicle
- Policy BE12: Mitigating the Transport Impacts of Development
- Policy BE13: Parking Standards
- Strategic Policy BE14: Creating Successful Places
- Policy HP05: Affordable Housing
- Policy HP06: Standards for New Housing
- Strategic Policy NE01: Protecting and Enhancing the Natural Environment
- Policy NE05: Open Space and Recreation Provision
- Policy R24: Land off Stocks Lane, Kelvedon Hatch

National Planning Policy and Guidance

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

### 3. Relevant History

- 23/00932/FUL: Temporary Construction Access from the Public Highway – under consideration

### 4. Neighbour Responses

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

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

- I am told this is green belt land/should remain so
- Protect the green belt; as such should not be built on
- Please please don't let this development go ahead.
- Well after last night's meeting with the KHVP, we found out this is no longer green belt; how was this allowed to happen? Why was this hushed up?
- We need to stop building more houses here and leave the greenbelt alone.
- I object to the lack of timely proactive information made available by the county, borough and parish councils - including communicating the effect of having the green belt protection obliterated by people or bodies to whom we have no recourse.
- This comes at a time when the new leader of Brentwood Borough Council has pledged to protect the green belt
- I expect OUR elected new leader of Brentwood Borough Council to honour his pledge to protect the green belt in our area. Don't just say it, do it.
- Council's commitment to protecting green areas is questionable by allowing these developments
- Stocks lane is a quiet country lane, wonderful views will be lost/ruined; drastic change
- Views of fields replaced by views of houses
- Negatively affect character of Kelvedon Hatch; not retain village atmosphere
- The area will be ruined becoming just another suburb of Brentwood
- Route for dogs walking will be lost
- Focus should be placed on development of existing brown field sites.
- Recognise that more housing is need; this is not the right place
- Takes away much needed green space; build on brownfield land first
- Sets a dangerous precedent for further ribbon development
- Development would turn this once picturesque public right of way (PROW) into an estate pathway

- This application is totally inappropriate for our village
- Proposed designs are not in keeping with the area
- Overbearing to surrounding properties/overpowering scale/overshadowing
- Town houses and 3 storey flats are not sympathetic to surroundings
- The planning should be restricted to maximum 40 properties at most
- Application was originally for 30, now 49 homes. Why has it risen?
- 3 storey apartments and 2.5 storey houses are inappropriate bordering the countryside and do not fit in with the village style. The only flats in village are on A128 ex police station in built up area. Why no bungalows which do fit in?
- More traffic, reduced ability to walk/run/ride horses/cycle locally
- Lane is narrow in places, potential for accidents, current/future speeding
- Stocks Lane is a small lane, with no pathways along some of it
- Brizes Corner is already a very busy junction and this would create additional congestion
- Traffic will make condition of local roads worse
- will severely affect and delay access to emergency services such as fire engines and ambulances to the local area including Doddinghurst both during construction and afterwards.
- The construction of so many properties will take a considerable amount of time during which Stocks Lane and Church Road will be overwhelmed with problems of noise, mud and disruptions and delays to traffic
- Our roads this side of Brentwood are insufficient to deal with the current
- traffic.
- the proposed entrance will undoubtedly cause serious accidents
- there has been one fatality and at least two serious road traffic accidents here in the last few years and many speeding drivers racing through the village.
- The road simply is not wide enough especially when we already have a lot of farm machinery up and down the road.
- Damage caused by construction traffic to the road surface
- it is a disgrace what damage traffic and cars have already done to the verges and pavements in this Village; people park anywhere
- There is currently little space to park except in the drive of our own homes.
- The local roads cannot cope with the additional traffic; concern about child safety the area in question is part of a public foot and bridle way on green belt land so Brentwood Council should try to support the greenery we have here
- Air pollution/dust/dirt/noise/light
- Loss of animal habitats
- The wildlife hedges surrounding the site are used by Sparrows all year round along with some other species on the UK Birds of Conservation Concern (BoCC) Red List
- Will violate my and my children's privacy
- noise and air/dust pollution during construction will for the elderly and others that suffer health issues will be horrific.
- I assume that street lights will not be erected on the proposed sites or on the neighbouring roads!

- Why have parts of the Ecological Impact Report been redacted??? Concerned that hedges and trees will be removed irrespective of claim to retain them – inc to provide access etc
- No infrastructure; lack of capacity at surgery; poor bus service; need for additional school places
- Along with Brizes Corner this development would add 200-300 people
- flooding will be made worse with more concrete replacing fields etc
- Have Highways and Education reviewed this at all
- we only have one small village shop (the Nisa) that supplies food
- This development will create urban sprawl, making the boundary of Doddinghurst and Kelvedon Hatch virtually disappear
- Query the ability of an over stretched electrical and gas distribution system that is prone to outages being further stressed, especially as new development will be required to provide ev charging
- Developments locally (Brizes Corner, Dagwood Lane plus this one all within 100m of each other) Brentwood council should stagger the approvals so that they aren't all carried out at the same time. They should also not permit any weekend work to minimise the impact to existing residents.
- water supply network may not provide adequate supplies for the increased demand of these developments will bring in addition to the loading on the waste system.
- The road also floods regularly just before this junction
- Once again the developers thinking that undeveloped land is wasted land shines through, never mind the consequences
- I had my application for two houses refused in Stondon Massey; one rule for one, another for others
- Since the closure of Brentwood and Village police stations there are no longer any police/PCSO (Police Community Support Officers) patrols in this area. Car thefts have recently increased especially in the Kelvedon green estate.
- I object to the dismissive attitude handed down as if the whole issue is a 'fait accompli' and will go ahead regardless of any local thoughts or feelings.
- serves only to line the pockets of the developers who care nothing about the problems they leave behind.
- Local people do not want this development.
- It could also have a detrimental effect on house prices.
- The local councils waste collection services is at best poor with questionable service levels and ability to deal with extra dwellings

## **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/>

- **Essex Police (Designing out Crime Office)**

Essex Police strongly recommends that the developer seeks to achieve the relevant Secured by Design accreditation detailed within the current Secured by Design Homes guide for the development, (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

- **ECC SUDS (Lead Local Flood Authority) -**

First reply: holding objection

Final reply:

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

Condition 1

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

- o Verification of the suitability of infiltration of surface water for the development, especially for Soakaway A. 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 4.3l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated, including third party agreement for the outfall headwall.
- 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 45% climate change event.
- o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- o Provision of 10% urban creep allowance.
- o Sewer network design should demonstrate that there is no surcharging for the 1 in 1yr RP.
- 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 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

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

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

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

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

Condition 2

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

Reason

The National Planning Policy Framework paragraph 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. This should include maintenance arrangements specific to the single tank located within the rear garden of property 21.

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.

- **Parish Council -**

After due consideration and overwhelming response from our residents, Kelvedon Hatch Parish Council, we request an extension of this proposal until the following is achieved:

1. POS not big enough.
2. 3 Storey dwellings are out of character with the Village.
3. All answers to the ECC SUDS issuing a holding objection to the granting of planning permission.
4. All answers to the Environmental Health & Enforcement Manager.
5. All answer to Local Policing Support Unit, specifically regarding the site's lighting as the spill of light will have an impact on ecology and neighbouring properties
6. Confirmation from the developers that they will adopt the Good design and early co-ordination, incorporating 'Crime Prevention Through Environmental Design' principles (CPTED).
7. Clarification of who would be responsible for any street furniture, hedges and landscaping within the site once it has been sold.
8. Hedgehogs corridors to be implemented.

We also would like the following requests to be noted:

1. The parking spaces will replicate the problem that Kelvedon Hatch already has, a lot of 3-4 bedroom houses have 2-4 cars each and they tend to park blocking the pavement, access to emergency services. The overspill from these 4 new dwellings will have to be prevented by adding double yellow lanes to the Stocks Lane.

- **Environmental Health & Enforcement Manager -**

Environmental Health would need to review in order to provide an informed response:

A Construction Environmental Management Plan should provide detail on, as a minimum:

- o Provisions made for the control of construction and vehicle noise emanating from the site. These provisions could include physical and/or administrative measures.
- o Control of dust from construction activities.
- o Control of vibrations from construction activities.
- o To reduce disturbance to nearby properties, 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.

It is recommended that liaison with this authority be maintained throughout the construction process. In addition, the main contractor should nominate a representative (i.e. the site manager) to act as a contact point with the Council, the construction team and the local community to ensure that any air quality related issues that arise are dealt with effectively and promptly.

All other site sub-contractors should also nominate or appoint a suitable team member responsible for liaison with the lead contractor's representative and to ensure that sub-contractor construction activities are managed effectively.

A Phase 2 Contaminated Land Assessment: Further to the submission of the Phase 1 Geoenvironmental Assessment (dated 8th June 2023, file ref. 2238) by Green Earth Management Company Limited, Environmental Health recommend submitting a Phase 2 contaminated land report with the application to follow the recommendations made in the Phase 1 report. As is stated in Section 5.3 of the document, "An Intrusive Site Investigation may be required... and it would be prudent for such an investigation to included chemical (contamination) testing of soils". If the Phase 2 report finds contamination on site, a remediation strategy should also be submitted to be approved by the Local Planning Authority.

Section 5.4 of the document also outlines a discovery strategy for encountering further undiscovered contamination during development. Based on the recommendations given in this section of the document, a condition should also be imposed that requires the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment.

Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered that contamination shall be made safe and reported immediately to the local planning authority. The site shall be assessed and a remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Other considerations:

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

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

There should be no bonfires on site.

- **Anglian Water Services Ltd-**

ASSETS: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

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

SURFACE WATER DISPOSAL: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

- **Arboriculturalist-**

The main site is allocated in the Brentwood Local Plan (R24) for development, although the proposed attenuation basin would be located in the adjacent field outside the allocation site. The emerging scheme was subject to a pre-application enquiry. Since the application was submitted there have been some revisions to the layout which have been reflected in the revised landscape scheme.

The site comprises a single field immediately adjacent to the edge of the existing settlement that historically has been in arable production but more recent is maintained as semi-improved grassland.

The ecological assessment confirms that the grassland is poor quality with limited ecological value. The site is enclosed by hedges which were all assessed as native species-poor hedges. A short section of the hedge bounding Stocks Lane would require removal to create the access but the remaining hedges can be retained and enhanced. There were some trees present in the hedges that have low to moderate potential for supporting roosting bats. All of these would be retained.

It is agreed that the site currently has low ecological value, with the grassland being of only site value and hedges being of local value due to their use by commuting and foraging bats. The proposed landscape scheme provides opportunities to achieve an overall biodiversity net gain which would accord with the emerging Environment Act 2021 requirements.

The arboricultural assessment confirms that the scheme will have limited effects on existing trees. The main specimens are on the southern boundary and the plan confirms that the rear access road will be outside the RPA of the main specimens. One Category C Ash is likely to require removal to create the hammerhead. The proposed landscape scheme will mitigate the loss of trees and the section of hedge.

There have been some amendments to the line of the PROW in the revised layout which better represents the definitive line. The layout of the apartment block and its grounds have been revised, which will create a slightly larger area of private open space for its residents. However this does result in the rear boundary fence being adjacent to the public footpath. Some planting is proposed in the strip between them to help mitigate its visual effects; however the fence and apartment block will still be significant features immediately adjacent to the route. It is noted that the footpath to the west passes between existing residential properties. The POS area to the south will provide some mitigation for this sense of enclosure.

The proposed attenuation basin and associated landscaping would be situated within the green belt outside the site allocation boundary. This area is currently arable farmland. So long as appropriate boundary treatments can be secured there would be no objection in principle on landscape or ecology grounds for this area to be used for this purpose.

Overall there are no objections to this scheme on landscape or ecology grounds. There would need to be a condition requiring details of external lighting to be provided to ensure that the light spill over boundary hedges is minimized.

- **Schools & Education-**

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 some dwellings, such as student and elderly accommodation, are excluded from the education calculation.

A development of this size can be expected to generate the need for up to 3.87 Early Years and Childcare (EY&C) places; 12.90 Primary School places, and 8.60 Secondary School places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare

Overall, a total of 40 unfilled places were recorded for this area. As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application at this time.

#### Primary Education

As there are sufficient places available in the area, a developers' contribution towards new Primary education places will not be required for this application.

#### Secondary Education

As there are sufficient places available in the area, a developers' contribution towards new Secondary education places will not be required for this application.

#### Post 16 Education

A contribution toward Post16 education is not required at this time. However, in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), an Employment and Skills Plan (ESP) should be developed to set out how the developer will engage with and maximise local labour and skills opportunities.

#### School Transport

Having reviewed the proximity of the site to the nearest Primary school, Essex County Council will not be seeking a School Transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to local Primary and Secondary Schools are available. Having reviewed the proximity of the site to the nearest Secondary School, the distance is in excess of the statutory walking distance, therefore, Essex County Council will be seeking a School Transport contribution toward Secondary School Transport. The cost of providing this is £42,810.80 Index Linked to 2Q 2021, applying a cost per pupil of £5.24.

#### Libraries

ECC may seek contributions to support the expansion of the Library Service to meet customer needs generated by residential developments of 20+ homes. The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act, and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

The suggested population increase brought about by the proposed development is expected to create additional usage of Chipping Ongar Library. A developer contribution of £3,189.90 is therefore considered necessary to improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit, index linked to April 2020.

## Monitoring Fees

In order to secure the delivery of the various infrastructure improvements and to meet the needs arising from development growth, ECC needs to monitor Section 106 planning obligations to ensure they are fully complied with on all matters. ECC has a resultant obligation to ensure the money is received and spent on those projects addressing the needs for which it was sought and secured. To carry out this work, ECC employs a staff resource and charges an administration/monitoring fee towards funding this requirement. The Monitoring Fee will be charged at a rate of £550 per obligation (financial and otherwise). On large developments the Monitoring Fee will be calculated using a bespoke approach.

## Employment and Skills

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.

ECC has a role to play in supporting Local Planning Authorities and helping to ensure that the development industry has the necessary skills to build the homes and communities the county needs. ECC supports Brentwood Council in securing obligations which will deliver against this crucial role in supporting employment and skills in the district.

In the current economic climate and national skills shortage, ECC supports Brentwood Council in requiring 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 also supports Brentwood Council in requiring 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'. Additionally, ECC encourages Brentwood Council to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this development.

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 Secondary School Transport and Libraries. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to refuse the application, ECC request that we are automatically consulted on any appeal or further application relating to the site.

- **Basildon Fire Station-**

Various advisory comments on the following:

- Access for Fire Service:
- Building Regulations
- Water Supplies
- Sprinkler Systems

- **Environmental Health & Enforcement Manager-**

When considering the application, please see a list of documents and details Environmental Health would need to review in order to provide an informed response:

A Construction Environmental Management Plan should provide detail on, as a minimum:

- o Provisions made for the control of construction and vehicle noise emanating from the site. These provisions could include physical and/or administrative measures.
- o Control of dust from construction activities.
- o Control of vibrations from construction activities.
- o To reduce disturbance to nearby properties, 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.

It is recommended that liaison with this authority be maintained throughout the construction process. In addition, the main contractor should nominate a representative (i.e. the site manager) to act as a contact point with the Council, the construction team and the local community to ensure that any air quality related issues that arise are dealt with effectively and promptly.

All other site sub-contractors should also nominate or appoint a suitable team member responsible for liaison with the lead contractor's representative and to ensure that sub-contractor construction activities are managed effectively.

An Air Quality Impact Assessment should be provided for any planning application for major developments, in accordance with the Brentwood Local Plan.

A Phase 1 Contaminated Land Assessment: to understand the site's potential contamination linkages. If the Phase 1 desk study suggests any contamination risks present within the existing land are likely to require management to facilitate the

proposed uses of the land, then a Phase 2 report and remediation strategy should also be submitted to be approved by the Local Planning Authority.

A condition should also be imposed that requires the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment.

Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered that contamination shall be made safe and reported immediately to the local planning authority. The site shall be assessed and a remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

- **Highway Authority-**

The proposals involve the development of a piece of land to the south of Stocks Lane, Kelvedon Hatch. The proposed site access fully complies with highway standards and parking provision also complies with Brentwood Borough Council'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.

Recommend conditions on the following:

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 development and as shown in Drawing no 181212-002 Revision A in the Transport Statement, the proposed site access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 66



metres to the west and 2.4 metres by 98 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the site access is first used by vehicular traffic and retained free of any obstruction at all times.

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

3. The site access junction shall be provided with minimum 6m kerbed radii and a 2m footway shall be provided westwards to connect with the existing pedestrian footway on the south side of Stocks Lane.

Reason: To ensure that all vehicles can enter and leave the highway in a controlled manner and provide pedestrians and the mobility impaired with safe access in the interest of highway safety and in accordance with policy DM1 and DM9 of Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. The public's rights and ease of passage over public footpath no 19 (Kelvedon Hatch parish) shall be maintained free and unobstructed at all times. This shall incorporate an improved 2m wide timber-edge hoggin facility for users within the site and, notwithstanding the landscape drawings, shall not have any tree planting within 3m of it or the crossing of the main spine road.

Reason: To ensure the continued safe passage of the public and protect the integrity of the definitive right of way, and in the interests of accessibility, in accordance with Policies DM1 and DM11 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 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.

- **Essex Badger Protection Group-**

We note that no setts, or badger field signs were located on the application site in April 2023 and on that basis we have no objections to the application proposed. However, we strongly recommend that any planning permission granted is made conditional upon the following construction related measures - which go beyond those currently proposed in the Ecological Impact Assessment:

- o A walkover badger survey to be conducted by a suitably qualified ecologist as close as practicable, and no earlier than three months, before the commencement of the proposed works. Should the position, in so far as it relates to badgers, have changed then work should not proceed until such time as a revised mitigation plan has been submitted and approved by planners.
- o All site personnel should be fully briefed concerning the presence of badgers and the mitigation measures to be followed.
- o Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.

- o Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.
- o The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o Open pipework with a diameter of more than 120mm should be properly covered at the end of the working day to prevent badgers entering and becoming trapped.
- o Litter and potentially dangerous materials on site should be cleared at the end of the working day. Care should be taken to ensure that there are no sharp metal objects or pointed protrusions on the ground which could seriously injure a badger due to their poor eyesight.
- o Security lighting should be kept to a minimum.
- o Adherence to these measures to be confirmed to planners at regular intervals by the project ecologist.

- **NHS Property Services Ltd -**

The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.

The ICS therefore requests that the sum of £24,100 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

The terms set out above are considered appropriate having regard to the formulated needs arising from the development and the ICS is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

- **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, the proposed siting of the affordable housing should be reviewed as currently it is being provided in 'clusters' which would not be acceptable. 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.

- **Design Officer -**

Original comments:

An extract of my preapplication advice stated 'As an undeveloped parcel it contains and is part surrounded by features which are contributory to edge of settlement character, as a future transitional development, the relationship with countryside setting is important and enhancement should be sought through studies before decisions on access, layout and architectural narrative are progressed. A baseline of contextual analysis is beneficial to extend to field patterns, hedgerows and watercourses or features, to draw from where possible and to seek enhancement.

This is most pertinent in respect of this parcel is the existing PROW running through the site, it could when blended with POS and other movement methods, bring a positive baseline to inform Placemaking. The apartment blocks (as with the parallel preapplication) appear incongruous, but overall, a more efficient layout arrangement is required as opposed to no linkage'.

Further to this initial preapplication, a greater level of townscape analysis was submitted within a follow up preapplication document, including vignettes and typology sketches although the scheme was presented without clear Development Principles demonstrating a 'Place led' scheme which was commented on at the time.

There also was a less than ideal fixed building line on the north south access at the entry point, and a 'step and repeat' was advised to be avoided; the reflection of a finer and softer estate encouraged given the countryside transition of this parcel.

Having assessed the submission, I note development extends outside of the allocation parcel, this is not consistent with the LDP and needs to be addressed. It is a fundamental matter.

In terms of appearance and character, a more contemporary style is not objected to however there are matters of detail which require development to strengthen this intent to delivery.

In terms of massing and scale the 2.5 storey units appear elongated and the layout repeats within no linkage of forms, resulting in what appears scattered and repetitive placement, whereas there is great opportunity to introduce more character in linking units, considering variation in their interrelationships and activating flank elevations. Tightening the grain could also afford more green space within the core of the site and provide opportunity for the pathways around it.

I find the green link through the site connecting to the PROW positive however the apartment block is an incongruous scale; I note this is reported in the DAS in that Urban Design raised no objection to this scale; for the avoidance of doubt Urban Design encouraged an efficient use of land and incorporating variety in typologies, such can be achieved in design terms without contextually inappropriate scale and bulk, this is not

an apartment block of 2.5 storeys, it is a three-storey block in the main. Setting massing aside I find the elevational treatment fairly bland with small apertures applied to the front elevation, in my opinion this form is requiring a redesign.

Units across the southeast of the site exploit the outer views towards the countryside, which was encouraged at preapplication, I am not clear whether walkability extends to the east of the site at the boundary of Unit 30, this would be a positive introduction.

In terms of material and detail intent, this must be tenure blind, and apertures increased; I note there are some typologies with windows not set under eaves and these have traditional brick headers which dilutes the contemporary intent; it is positive to see brick detailing being suggested and more detail by way of Condition can be acceptable.

Overall I advise a review of the fenestration sizes, some apertures are quite limited, this should be reviewed also any PVs or renewables need to be illustrated

I note a clustering of AH units yet given the small scale of the development this is not a housing management matter in my experience.

In summary, design revisions are required and more granular detail for the units and how they are experienced in the streetscape; more fundamentally the allocation parcel requires revisiting by the applicant team. As matters stand, I do not support the scheme.

Since issuing those comments, there has been a discussion about design improvements and revised drawings have been received. The Design officer has been consulted for further comment though at the time of drafting this report those comments have yet to be received.

- **Planning Policy –**

Policy R24 provides the basis for how development is expected to come forward. As the English planning system is plan led, on the adoption of the local plan in March 2022 the allocated site ceased being green belt and its development as set out in the policy was accepted in principle.

The leakage of part of the development outside the allocation site is not accepted. The application should be revised so that it is completely within the site allocation boundary. This is likely to require a reduction in the number of dwellings proposed down to or towards the number identified in the policy allocation.

Policy MG05: Developer contributions & Policy BE08: Strategic transport infrastructure  
The relevant infrastructure requiring contributions from allocation R24 are listed in the IDP Part B. The Council's approach to apportioning the cost of infrastructure mitigation measures is discussed in Chapter 15 of the IDP.

IDP Ref	Infrastructure	Estimated contributions from site R24 (based on 49 dwellings) as of July 2023	Note

T28	M25 Junction 28(TA ref: Junction 25)	£5,029	Subject to adjustment depending on National Highways' detailed comments.
T29	M25 Junction 29 (TA ref: Junction 20 and Junction 26)	£128,250	
ED2	Primary School - Brizes and Doddinghurst Planning Group	A sum has been identified using the formula given in the Infrastructure Delivery Plan (IDP) but contribution for primary school has not been requested by Essex County Council. The latter takes precedence.	

Under Policy MG05 and BE08 the developer would need to make financial contributions to highways and social infrastructure (schools, libraries etc) indoor and outdoor sports provision, and public open space.

Outdoor sports provision - Using Sport England's Playing Pitch Calculator its apparent that the development would not generate sufficient demand to justify on-site playing pitch provision as there would be insufficient demand for any of the pitch types to justify an entire pitch. A financial contribution being secured towards off-site provision in the Brentwood area would therefore be considered appropriate on this occasion rather than on-site provision as part of the development.

Outdoor sports provision – Using Sport England’s Playing Pitch Calculator £103,543 is required towards the provision of a new playing pitch and changing rooms and a financial contribution of £29,941 towards Sports Hall provision/improvement and £33,007 towards Swimming Pool provision/improvement.

- **County Archaeologist -**

RECOMMENDATION: Archaeological Evaluation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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, to assess the survival and presence of any archaeological remains. This may then 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 will be issued from this office on request and should be acquired prior to the production of a Written Scheme of Investigation.

- **Affinity Water** – none received.
- **Assets Manager** – none received
- **Open Space Strategy Coordinator** – none received
- **Operational Services Manager** - none received
- **Public Rights of Way**- none 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 4 above.

### The local plan process

The Development Plan for the Borough is the Brentwood Local Plan 2016-2033 and it was adopted by the local planning authority on 23 March 2022. At the same time the previous development plan, the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008), was revoked. Among the differences between the two

plans - in order to meet the borough's identified housing and employment requirements - some sites formerly in the green belt were removed from the green belt and allocated for development. Policies MG01 and MG03 set out the basis for such allocations. The main part of this application site was identified for development and therefore removed from the green belt as part of that local plan process.

Representations indicate surprise that this happened, inferring some slight of hand, that the process was quick or not public. However, the work involved in developing a replacement local plan is a long process involving many stages where interested parties can get involved to influence evolving policy. In the case of the now adopted plan, work on it as a replacement for the previous 2005 development plan stretched over 8 years, involving various phases of public consultation including letter drops, advertisements in the local press, consultations with Parish Councils, comments by third parties, land owners, specialist consultees – as set out in the Council's adopted Statement of Community Involvement - and culminated in submission to the Secretary of State.

The Council also prepared Consultation Statements following each consultation which set out the methods used, who was notified and the issues raised. These were included in the submissions made to the Secretary of State when the Local Plan underwent Examination in Public with the appointed Inspectors satisfied the Council carried out its duties in line with required legislation and the Statement of Community Involvement.

As part of the local plan examination, two Inspectors were appointed by the Secretary of State to consider comments made in support or objecting to the emerging document including by public hearings. The Council considered the Inspectors' comments on the plan at the examination and by decision of full Council on 23 March 2022 adopted the plan as the development plan for the borough. It should therefore be clear that the process during which this site was removed from the green belt and allocated for development was a long process, carried out with many stages of public involvement and assessed by independent inspectors appointed by the Secretary of State.

Many of the representations made concerning this application relate to the principle of its residential development, the effect of a development of this sort of scale on the character of the village or on the landscape. It is understood that the site has been enjoyed as an amenity by walkers and dog walkers. A development of the site in accordance with this policy would fundamentally change the appearance and character of this undeveloped field and the outlook from local properties and highways. In adopting the Development Plan, the local planning authority has accepted the principle of the residential development of this size for around 40 dwellings. It would not be reasonable to refuse an application on grounds of principle for a development supported in a local plan allocation.

Site allocation



This development relates to the site allocation for a residential development in the development plan specifically Policy R24: Land Off Stocks Lane.

<b>Policy R24: Land Off Stocks Lane</b>	
Land off Stocks Lane, Kelvedon Hatch is allocated for around 40 new homes.	The proposal is for 49 dwellings
1. Development Principles Proposals should: a. provide vehicular access via Stocks Lane; and b. provide open space as required by policy NE05.	a. vehicular access would be via Stocks Lane; b. the proposal does provide open space as required by policy NE05.
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).	In its consultation response, Highways has indicated that the developer shall make the appropriate contributions towards the cost of highway infrastructure improvements as identified in the Brentwood Local Plan Infrastructure Delivery Plan. Infrastructure contributions are being negotiated as part of a S106 in the event that planning permission is granted.

The majority of the site is allocated for development and is contained within the area identified in the local plan by Policy R24. A small part of the site (3200 sqm) is outside the allocation. Officers indicated their concerns about development exceeding the boundaries of the allocation and advised that the proposal should be revised to bring all the proposed development within the allocation boundary. The applicant sought legal advice from a KC (Kings Counsel) which - it then submitted to the local planning authority - indicated that there should be no in principle objection to the provision of public openspace or a drainage pond outside the allocation. The Council took its own advice from a KC which supported that position. On that basis, officers are not objecting to this proposal on the basis that the drainage and some of the open space proposed would lap outside the land allocated in the development plan.

It is noted that some of the consultee replies raise the same issue about being outside the allocation, but given the advice of Kings Council, this part of their replies is not considered to carry weight.

### Green belt

As indicated above, the majority of the site is on land that is not part of the green belt. The add on element on the south east corner of the site is green belt which washes over it and over land to the east and south as indicated on the Policies Map which forms part of the Development Plan. As such the land is subject to Policy MG02 which indicates that it will be protected from inappropriate development in accordance with national policies of the NPPF/'The Framework'. The retention pond would have an ovoid shape and measure approximately 60m by 24m. It would be slightly set into the ground compared to prevailing land level and would normally be wet, with just over a metre of water, and is designed to contain water from a 1 in 100 year storm. The creation of a pond is an engineering operation. The NPPF does not consider such operations to be inappropriate development as long as they protect openness and do not conflict with the purposes of including land within the green belt. Likewise, the use of land next to it as public open space is not considered to be inappropriate development on the same basis. Consequently, while each application is considered on its own merits and turns on its own facts, the provision of the pond and openspace as proposed in this application is not considered to be inappropriate development in the green belt and therefore is acceptable.

### Housing mix

The site is allocated in the development plan for 'around 40' homes whereas this proposal is for 49 dwellings. However, as the committee will be aware, the number of dwellings referred to in the policy is an estimate of site capacity, rather than an upper limit on the number of dwellings that may be acceptable. Therefore, provided the development is acceptable based on a normal assessment there is no objection raised based on the number of dwellings being greater than indicated in the policy.

<b>Number of bedrooms</b>	<b>Affordable</b>	<b>Shared ownership</b>	<b>Open market</b>
One bed	6	0	0
Two bed	2	2	2
Three bed	3	0	13
Four bed	0	0	13
Five bed	4	0	4
Total	15	2	32
Tenure percentage		34.7%	65.3%

### Affordable housing

Policy HP01 requires proposals to have an appropriate mix of tenures to meet up to date needs assessments. More specifically, Policy HP05 requires that 35% of the housing in Major developments should be for affordable tenures, with a tenure split of 86/14% affordable rented homes/low-cost home ownership. This application proposes

17 affordable dwellings, i.e. 34.7%, which to a tenure split of approximately 88/12%. This is the closest whole number of dwellings to the preferred split and consequently, the number and tenure split of affordable provision is policy compliant and acceptable.

Housing officers advise that providing the affordable housing in 'clusters' is not acceptable and should be 'pepper potted' throughout the development. This helps to meet the Council's aspiration for mixed and balanced communities rather than separated tenure clusters.

The affordable dwellings are shown to be sited towards the centre of the west side of the site. They are plots 23-29 (seven dwellings in a mix of semi detached and detached typologies; plots 34-41 (eight flats in a two storey block), and plots 42 and 43 (a pair of semi detached dwellings). Of the 32 market dwellings, 20 are two storey, 12 are two and a half storey; 28 are detached, 4 are semi detached. Of the affordable dwellings, 3 are detached, 6 semi detached (inc the 2 shared ownership dwellings) and 8 are part of a two storey flat block.

Given the limited size of the development, the mix of typologies involved, their proximity is considered acceptable.

### Design

During the course of the application, the design and bulk of the apartment has been reduced by removing the second floor. Objections had been made on the three storey flats block. It is now proposed to be a two storey building (see drawing 325).

The buildings are conventional in form and contemporary in design and materials. Drawing 1796B-STOCKS-SCN-ZZ-ZZ-DR-A-30\_330-A3 PL08 indicates that exterior materials would be a mix of red multi bricks, buff multi bricks, grey boarding, red and grey tiles and 'slates'. The Design and Access Statement indicates use of UPVC windows, brick bands, metal canopies, brick detailing and contemporary door designs.

### Landscape

The existing frontage hedge would be retained except where it is proposed to form the main access. The perimeter vegetation with the countryside is to be retained. The development is arranged in clusters including some street trees, the east west PROW would be retained with swales along its side leading to the retention pond and the area of open space. A planning condition is proposed to require the development to be carried out in accordance with the submitted planting scheme.

### Ecology

The ecological assessment confirms that the grassland is poor quality with limited ecological value. The site is enclosed by hedges which were all assessed as native species but poor. A short section of the hedge bounding Stocks Lane would require

removal to create the access, but the remaining hedges can be retained and enhanced. There were some trees present in the hedges that have low to moderate potential for supporting roosting bats. All of these would be retained.

The Council's ecologist agrees that the site currently has low ecological value, with the grassland being of only site value and hedges being of local value due to their use by commuting and foraging bats. The proposed landscape scheme provides opportunities to achieve an overall biodiversity net gain which would accord with the emerging Environment Act 2021 requirements. The implementation of the 2021 Act has slipped to January 2024 (Majors; smaller schemes from April 2024) but the applicant has proposed it as part of this application. In this case it would be off site on a separate site in the locality (Gurtons, Blackmore Road, Fryerning). This is a site of 0.6 hectares of arable land that would be enhanced to offset losses of habitats on the development site and achieve a net gain of just over 10%. The entirety of the site would be planted with a wildflower grassland mix and fenced to achieve the condition 'Good' within ten years as stipulated in the DEFRA metric calculation. This mitigation can be secured through a combination of planning conditions and S106 agreement.

Overall, there are no objections to this scheme on landscape or ecology grounds. Following the ecologist's advice, a condition is recommended requiring details of external lighting to be provided to ensure that the light spill over boundary hedges is minimized.

A comment has been made in representations that ecological information has not been made public. The reason for this is that the authority has long been advised by specialist nature groups that such information, particularly relating to protected species such as badgers, should not be put in the public domain on order to protect those species from interests that might harm them. This is the standard approach taken by the local planning authority on sites across the borough. Specialist ecologists are provided with this information to allow them to provide officers with advice.

#### Standard of accommodation

The Department for Communities and Local Government March 2015 Technical Housing Space Standards (THSS) have been incorporated into Policy HP06. These standards therefore now carry full weight in planning decisions. These units meet the standards. The proposal shows all dwellings to meet M4(2) Accessible and Adaptable Dwellings standards and required by Policy HP01

#### Residential amenity

Policy BE14 is generally supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

The proposal would, when occupied, have a form and associated activity that would be appreciably different from the undeveloped character the site currently has but that is inescapable for a development of the scale supported in the policy. However, the proposal through design and placement of buildings and spaces would not give rise to overshadowing, material overlooking or affect the reasonable amenity of neighbours.

### Air quality

The impact of pollutant concentrations within the site on future residents of the proposed development has been qualitatively assessed. The assessment took into consideration the proximity of the development to nearby emission sources, development layout and baseline air quality conditions within the site and in the local area. It anticipates that pollutant concentrations at sensitive locations within the proposed development would be well below the relevant objectives. As such, it is judged that new residents of the proposed development would experience good air quality and the site is, therefore, suitable for its proposed end-use. Overall, it concludes, that there are no air quality constraints to the proposed development. Environmental health officers confirm there are no air quality issues to consider with this development.

### Sustainability

The applicant has submitted an energy statement. The statement identifies that the proposal would exceed the requirements of policy BE01 in terms of percentage reduction in CO<sup>2</sup> emissions in comparison to the building regulations – policy requirement 10%, this scheme 64%. The dwellings would follow a fabric first approach and be equipped with air source heat pumps to provide space heating and hot water and will be provided with mechanical ventilation. Water usage would be restricted to 110 litres per person per day and each dwelling would have a car charging point.

The energy statement identifies other technologies that could be incorporated into the development, for example solar PVs, solar thermal, ground source heat pumps and heat recovery systems but discounts them as unnecessary to meet the standards required in the policy. No objections are raised on grounds of sustainability in accordance with Policy BE01.

### Secured by Design

The consultation reply for this application raises no objections and consistent with other developments certification can be required by planning condition were the application to be approved.

### Drainage

Surface water is to be drained from the site using principles of sustainable drainage. Other than the main estate spine road, the internal roads and external parking spaces are to be paved in permeable paving. Adjacent to the east-west public right of way

would be swales that would guide water to the water retention pond where its release to the surrounding network would be managed. The provision of open SUDS features have positive effects on placemaking, landscape, ecology and managing water flow both on and off site. The SUDS team has required further information and subject to this process being satisfactorily concluded, the proposal is acceptable.

#### Highways and parking cycle parking car charging

The highways authority has considered the proposal both during construction and once occupied. Contrary to comments made in representations referring to potential highway dangers to the full range of highway users, the highways authority does not consider the proposal to give rise to highways dangers and is acceptable subject to conditions. The planning authority has access to no evidence that would justify setting that advice to one side.

With regard to the construction process, the highways authority requests a Construction Management Plan to address vehicle routing, parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development and wheel and underbody washing facilities.

The adopted standards require one car parking space per 1 bedroom dwelling and two spaces for dwellings with 2 bedrooms or more, with visitor parking being provided at 25% (or 1 in 4), in this case 13 spaces (rounded up). Each dwelling should have at least one cycle parking space.

Each dwelling has at least the number of parking spaces set out in the adopted parking standards apart from two of the 2 bedroom flats (units 34 and 38) which are provided with a single space, rather than two spaces. Only 8 visitor spaces are proposed. The highways authority raises no objection to this level of provision. Each of the 49 dwellings would be provided with a car parking space with charging facilities, the other spaces would not have charging facilities. Subject to provision of parking prior to occupation and provision of cycle parking to the required standard (one per dwelling) no objections are raised.

#### Planning obligations

Planning obligations - secured through Section 106 of the Town and Country Planning Act - assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. They should only be used where it is not possible to address unacceptable effects through a planning condition(s). Conditions have a slightly more limited ability to deal with issues, for example they cannot be used to require the payment of monies. Planning obligations, can cover financial contributions, but must only be sought where they meet the tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (and repeated in national planning policy NPPF paragraph 56), that is:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Essex County Council has been consulted on the need for funding to provide capacity to schools and libraries based on the extra population generated by this development. Contrary to what is widely claimed in representations, the County Council has responded to say that there is no shortfall in capacity or early years care, primary education, secondary education or post 16 education. It has identified a requirement to fund transport to secondary schools. Likewise, it has identified a need to address additional library use (Chipping Ongar library has been identified). The sums requested are identified below.

The Mid and South Essex NHS Clinical Commissioning Group has calculated that the development would be likely to have an impact on the NHS funding programme for the delivery of health and care provision within this area and specifically within the health catchment of the development. This corresponds to what is widely claimed in representations. The NHS group has requested monies to address the extra capacity brought about by the proposal and it may be achieved through any combination of extension, reconfiguration or relocation of premises.

The applicant has indicated agreement to enter into a S106 agreement to cover the items below (see heads of terms under 'Recommendation') and drafting of the agreement has commenced, though the applicant acknowledges that unless and until the committee makes a resolution to approve the application this work undertaken at the applicants cost and without guarantee of a positive resolution.

Officers consider that the proposed S106 meets the requirements of the Community Infrastructure Levy Regulations 2010 listed above (i.e. are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development).

### Conclusion

For the reasons given above, the proposal is considered to accord with development plan policy, subject to conditions and a S106 agreement. The quantum of development at 49 dwellings is in excess of the number referred to in the allocation policy (40) but the additional nine dwellings has not given rise to matters which indicate that the additional dwellings are unacceptable in planning terms.

## **7. Recommendation**

The Application be APPROVED subject to the completion of a S106 agreement and to the following conditions:-

S106 agreement Heads of terms:

- To provide and secure on site affordable housing (as agreed with the planning authority)
- Financial contributions for
  - Contribution to the cost of transport for secondary school pupils (£42,810.80 Index inked to 2Q 2021).
  - Library facilities (£3,189.90 index linked to April 2020)
  - Fee for monitoring of 'education payments' (approx. £550)
  - Greater capacity for NHS surgery capacity (£24,100 indexed)
  - Open space (unconfirmed)
  - Indoor and outdoor sports provision (unconfirmed)
  - Highway infrastructure as set out in the Infrastructure Delivery Plan (IDP) (unconfirmed)
- off site ecological mitigation/Biodiversity net gain (provision and retention)

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 U0053369 Archaeological Evaluation 1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

Reason: To protect the historic environment.

4 U0053370 Archaeological Evaluation 2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in condition 3 above.

Reason: To protect the historic environment.



5 U0053371 Archaeological Evaluation 3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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, to assess the survival and presence of any archaeological remains. This may then 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 will be issued from this office on request and should be acquired prior to the production of a Written Scheme of Investigation.

Reason: To protect the historic environment.

6 U0053372 Lighting scheme

Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority. The lighting scheme shall be designed to ensure the amenity of local residents, ensure highway safety and protect ecology by preventing excessive light spill onto sensitive habitats. The development shall be implemented in accordance with the agreed details.

Reason: To ensure minimal nuisance or disturbance is caused to the detriment of the amenities of local residents, of ecology and of the area generally.

7 U0053373 Details of meter boxes

Notwithstanding the details shown on the drawings hereby approved; no meter boxes shall be installed until details and locations of the meter boxes have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the quality of the built environment, in accordance with Policy BE14 of the adopted local plan.

8 U0053374 Construction Management Plan

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

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

- i. vehicle routing
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel and underbody washing facilities
- vi. provisions made for the control of construction and vehicle noise emanating from the site. These provisions could include physical and/or administrative measures.
- vii. Control of dust from construction activities.
- viii. Control of vibrations from construction activities.
- ix. construction activities to be restricted to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

It is recommended that liaison with this authority be maintained throughout the construction process. In addition, the main contractor should nominate a representative (i.e. the site manager) to act as a contact point with the Council, the construction team and the local community to ensure that any air quality related issues that arise are dealt with effectively and promptly.

All other site sub-contractors should also nominate or appoint a suitable team member responsible for liaison with the lead contractor's representative and to ensure that sub-contractor construction activities are managed effectively.

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, and that activity is controlled in the interests of the amenity of local residents.

#### 9 U0053375 Access geometry

Prior to occupation of the development and as shown in Drawing no 181212-002 Revision A in the Transport Statement, the proposed site access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 66 metres to the west and 2.4 metres by 98 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the site access is first used by vehicular traffic and retained free of any obstruction at all times.

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

#### 10 U0053376 Kerb radii

The site access junction shall be provided with minimum 6m kerbed radii and a 2m footway shall be provided westwards to connect with the existing pedestrian footway on the south side of Stocks Lane.

Reason: To ensure that all vehicles can enter and leave the highway in a controlled manner and provide pedestrians and the mobility impaired with safe access in the interest of highway safety.

11 U0053377 Unobstructed PROW

The public's rights and ease of passage over public footpath no 19 (Kelvedon Hatch parish) shall be maintained free and unobstructed at all times. This shall incorporate an improved 2m wide timber-edge hoggin facility for users within the site and, notwithstanding the landscape drawings, shall not have any tree planting within 3m of it or the crossing of the main spine road.

Reason: To ensure the continued safe passage of the public and protect the integrity of the definitive right of way, and in the interests of accessibility.

12 U0053378 Car parking

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.

13 U0053379 Cycle parking

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.

14 U0053380 Residential Travel Information Pack

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.

15 U0053381 Materials

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

Reason: In Order to safeguard the character and appearance of the area, in line with local plan policy BE14.

16 U0053382 Brickwork Sample Panels

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

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

17 U0053383 SUDS Condition 1

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

- o Verification of the suitability of infiltration of surface water for the development, especially for Soakaway A. 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 4.3l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated, including third party agreement for the outfall headwall.

- 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 45% climate change event.
- o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- o Provision of 10% urban creep allowance.
- o Sewer network design should demonstrate that there is no surcharging for the 1 in 1yr RP.
- 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 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

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

18 U0053384 SuDS 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.

19 U0053385 SUDS 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. This should include maintenance arrangements specific to the single tank located within the rear garden of property 21. 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.

20 U0053386 SUDS 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.

21 U0053387 Accessibility

All dwellings shall achieve the M(4)2 standard for accessible and adaptable dwellings of the Building Regulations 2015.

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

22 U0053388 FTTP Fibre Broadband

No dwelling approved by this permission shall be occupied until an FTTP 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 dwelling 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: In order to ensure that new developments are connected to digital infrastructure in accordance with Policy BE07 of the Brentwood Local Plan.

23 U0053389 Contamination

No development shall commence until a Phase 2 report and remediation strategy has been submitted to be approved by the Local Planning Authority before the development commences.

Notwithstanding this report the developer shall notify the planning authority of the presence of unsuspected contamination encountered during redevelopment. Where contamination is found that was not previously identified during any stage of the application hereby approved or not considered that contamination shall be made safe and reported immediately to the local planning authority. The site shall be assessed and a remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

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

24 U0053390 Secure by Design

Prior to occupation, a Secure by Design Statement shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The Statement shall set out how the development achieves a Certificate of Compliance in respect of the Secured by Design Homes 2019 Version 2, March 2019, to the satisfaction of Essex Police. All security measures applied to the approved development shall be permanently retained thereafter.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime, in accordance with Local Plan Policy BE15 and the aims and objectives of the NPPF chapter 8.

25 U0053391 Construction Environmental Management Plan (CEMP)

The development hereby permitted shall not commence until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the planning authority. The CEMP shall cover the matters set out in section 7.0 'Implementation, Construction, Management and monitoring plans' of the Biodiversity Net Gain Design Stage Report.

Reason: To achieve the improved biodiversity and ecological qualities of the development as set out in the application.

26 U0053392 Protected species

The development shall be carried out in accordance with the following measures:

- o A walkover badger survey to be conducted by a suitably qualified ecologist as close as practicable, and no earlier than three months, before the commencement of the proposed works. Should the position, in so far as it relates to badgers, have changed then work should not proceed until such time as a revised mitigation plan has been submitted to and approved in writing by the local planning authority.
- o All site personnel should be fully briefed concerning the presence of badgers and the mitigation measures to be followed.
- o Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- o Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.
- o The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o Open pipework with a diameter of more than 120mm should be properly covered at the end of the working day to prevent badgers entering and becoming trapped.
- o Litter and potentially dangerous materials on site should be cleared at the end of the working day. Care should be taken to ensure that there are no sharp metal objects or pointed protrusions on the ground which could seriously injure a badger due to their poor eyesight.
- o Security lighting should be kept to a minimum.
- o Adherence to these measures to be confirmed to planners at regular intervals by the project ecologist.

Reason: To safeguard protected species that may visit the site during construction.

27 U0053393 Landscaping and maintenance



The site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. In addition, it shall be supplemented by details of a maintenance programme of the landscaping scheme and details showing the provision of a childrens play area. Such details shall be submitted to and approved in writing by the local planning authority on commencement of the development and implemented as part of the overall landscaping scheme. 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.

#### Informative(s)

##### 1 U0010145 Reason for approval

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed in representations, but the matters raised are not sufficient to justify the refusal of permission.

##### 2 INF04 Amendments to approved scheme

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

##### 3 U0010158 Policies

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG01, MG02, MG03, MG05, BE01, BE02, BE03, BE04, BE05, BE07, BE08, BE09, BE10, BE11, BE12, BE13, BE14, HP05, HP06, NE01, NE05, R23, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

##### 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 U0010146 Drainage Informative

#### INFORMATIVES:

- o Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- o Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- o Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- o It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- o We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

#### Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- o Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

o Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

o Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

6 U0010159 Environmental health informatives

Environmental health informatives:

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

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

There should be no bonfires on site.

7 U0010160 Highways Informatives

Highways Informatives

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.

Any necessary relocation of signage within the highway due to the siting of the proposed access will be entirely at the expense of the applicant.

Due to the configuration of the site layout, it is unlikely that the internal roads would be adopted by the Highway Authority. This is a matter between the applicant and the highways authority.

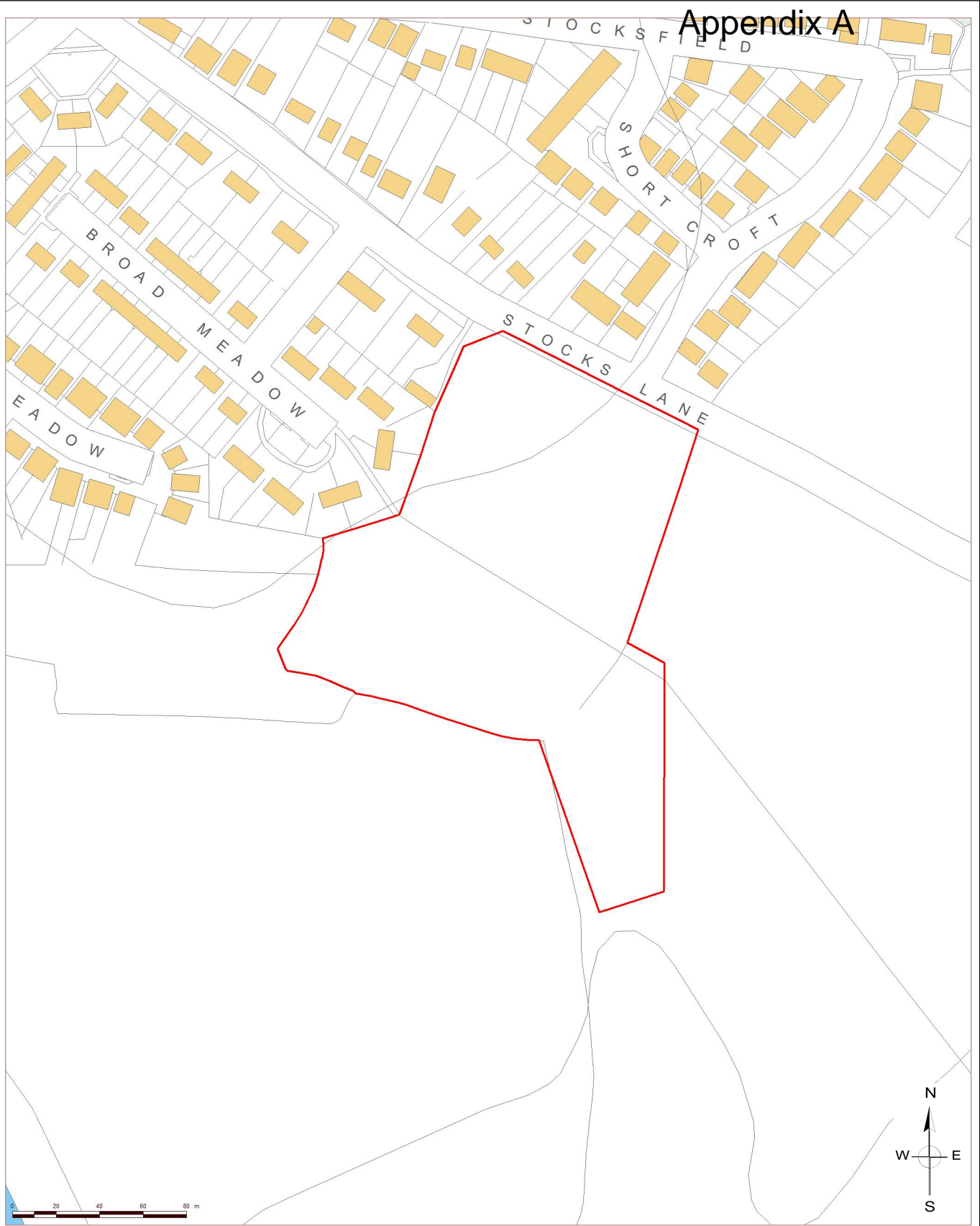
Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**



Title : Land South of Stocks Lane, Stocks Lane, Kelvedon Hatch, Essex

**23/00574/FUL**

Scale at A4 : 1:2500

Date : 17th October 2023

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



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**SITE PLAN ATTACHED**

**LAND AT BRIZES CORNER FIELD BLACKMORE ROAD KELVEDON HATCH  
ESSEX**

**RESIDENTIAL DEVELOPMENT OF LAND FOR UP TO 24 DWELLINGS WITH  
ASSOCIATED VEHICULAR ACCESS, PARKING, PUBLIC OPEN SPACE,  
ATTENUATION AND LANDSCAPE ENHANCEMENTS.**

**APPLICATION NO: 23/00575/FUL**

<b>WARD</b>	Brizes & Doddinghurst	<b>13 WEEK DATE</b>	17 August 2023
<b>PARISH</b>	Kelvedon Hatch	<b>EXT OF TIME</b>	31 October 2023
<b>CASE OFFICER</b>	Mr Mike Ovenden		

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

Landscaping Plans:

6080-200-B-HARD LANDSCAPE PROPOSALS – BRIZES CORNER FIELD;  
6080-201-B-SOFT LANDSCAPE PROPOSALS – BRIZES CORNER FIELD - SHEET 1  
OF 2; 6080-202-B-SOFT LANDSCAPE PROPOSALS – BRIZES CORNER FIELD -  
SHEET 2 OF 2; 6080-203-B-LANDSCAPE MASTERPLAN – BRIZES CORNER FIELD

Architectural Plans:

1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.310\_A3\_PL05 (HOUSE TYPE A1.1);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.311\_A3\_PL03 (HOUSE TYPE A2.1);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.312\_A3\_PL03 (HOUSE TYPE P3.1);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.313\_A3\_PL04 (HOUSE TYPE P3.2);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.314\_A3\_PL03 (HOUSE TYPE A3.3);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.315\_A3\_PL05 (HOUSE TYPE P3.3.1);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.316\_A3\_PL03 (HOUSE TYPE P3.4.1);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.317\_A3\_PL05 (HOUSE TYPE P3.8);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.318\_A3\_PL03 (HOUSE TYPE P3.12);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.320\_A3\_PL05 (HOUSE TYPE A4.1.2);  
1796A\_BLACKM\_SCN\_XX\_ZZ\_DR\_A\_ZZ.340\_A3\_PL01 (HOUSE TYPE P2.1);  
1796A-BLACKM-SCN-ZZ-04-DR-A-01.300-A3-PL12 (PROPOSED SITE PLAN);  
1796A-BLACKM-SCN-ZZ-04-DR-A-01.301-A3-PL03 (HOUSING TENURE PLAN);  
1796A-BLACKM-SCN-ZZ-04-DR-A-01.302-A3-PL04 (PARKING PLAN);  
1796A-BLACKM-SCN-ZZ-04-DR-A-01.303-A3-PL05 (MATERIAL PLAN);

1796A-BLACKM-SCN-ZZ-04-DR-A-01.304-A3-PL03 (STOREY HEIGHTS PLAN);  
1796A-BLACKM-SCN-ZZ-04-DR-A-01.305-A3-PL03 (REFUSE STRATEGY PLAN);  
1796A-BLACKM-SCN-ZZ-04-DR-A-01.306-A3-PL03 (AMENITY PLAN);  
1796A-BLACKM-SCN-ZZ-04-DR-A-01.307-A3-PL07 (BLOCK PLAN);  
1796A-BLACKM-SCN-ZZ-04-DR-A-01.310-A3-PL04 (PROPOSED POS PLAN);  
1796A-BLACKM-SCN-XX-XX-SH-A-00.380-A3-PL14 (ACCOMMODATION  
SCHEDULE); HIGHWAYS PLANS; 181211-005A – SITE LAYOUT SWEEP PATHS  
AND VISIBILITY; 181211-002B – PROPOSED SITE ACCESS

Management Plan:

1796A-BLACKM-SCN-ZZ-04-DR-A-01.308-A3-PL05 – PROPOSED MANAGEMENT  
PLAN

Drainage:

181211-001E – PROPOSED DRAINAGE STRATEGY; 181211-006 A – SECTION  
THROUGH PROPOSED ATTENUATION BASIN

BNG off site:

GURTONS HABITAT BANK – HABITAT MANAGEMENT AND MONITORING PLAN  
REV B (JUNE 2023); DEFRA CALCULATOR

**This application is reported to the committee at the discretion of the Director of Place because it relates to one of the former green belt allocations in the Development Plan and due to the levels of representations received.**

## **1. Proposals**

This is a detailed application for 24 dwellings, roads, parking, open space, landscaping, drainage and associated infrastructure on a site of approximately 1.1 hectares on the southeast edge of the village. The site has a road frontage of 54 m and a median depth of 115 metres. The site has an irregular shape containing the main development and includes an area of open space to its south. The dwellings are arranged around two main streets with the larger of the two towards the rear. The frontage hedge would be retained except where it has to be removed to form the access and the vehicular access would be to the Blackmore Road. There are no public rights of way across the site but there are signs of informal use by walkers.

Of the 24 dwellings, seven would be for affordable rent, 1 would be shared ownership. The remainder (16) would be for sale on the open market. To the southeast there is an area of land of approximately 3200 sqm which would contain a retention pond and area of open space.

This application raises similar issues to the application at Stocks Lane (23/00574/FUL) and therefore much of the report is similar.



## **2. Policy Context**

The Brentwood Local Plan 2016-2033

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

- Strategic Policy MG01: Managing Growth
- Strategic Policy MG02: Green Belt
- Policy MG03: Settlement Hierarchy
- Policy MG05: Developer Contributions
- Strategic Policy BE01: Carbon Reduction, and Renewable Energy
- Policy BE02: Water Efficiency and Management
- Policy BE03: Establishing Low Carbon and Renewable Energy Infrastructure Network
- Policy BE04: Managing Heat Risk
- Policy BE05: Sustainable Drainage
- Policy BE07: Connecting New Developments to Digital Infrastructure
- Strategic Policy BE08: Strategic Transport Infrastructure
- Strategic Policy BE09: Sustainable Means of Travel and Walkable Streets
- Policy BE10: Sustainable Passenger Transport
- Policy BE11: Electric and Low Emission Vehicle
- Policy BE12: Mitigating the Transport Impacts of Development
- Policy BE13: Parking Standards
- Strategic Policy BE14: Creating Successful Places
- Policy HP05: Affordable Housing
- Policy HP06: Standards for New Housing
- Strategic Policy NE01: Protecting and Enhancing the Natural Environment
- Policy NE05: Open Space and Recreation Provision
- Policy R23: Brizes Corner Field

National Planning Policy and Guidance

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

## **3. Relevant History**

- 23/00933/FUL: Temporary Construction Access from the Public Highway. -

## **4. Neighbour Responses**

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

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

- I am told this is green belt land – should remain so
- I understand that this might have been earmarked on the local plan and accept that more housing is needed – this is unwelcome
- Waste of tax payers money. Permission has already been granted two years ago by two plan inspectors. Why did residents not know? Not even the Parish Council was informed - what a disgrace
- This comes at a time when the new leader of Brentwood Borough Council has pledged to protect the green belt
- Not enough amenities for current population let alone more people
- We do not have the infrastructure to support these houses
- The medical centre and school are not big enough to support them
- Only one shop in the village
- Add pressure on local transport
- Our villages are not set up for more housing
- Our rural lanes are used by pedestrians, horse riders, cyclist who will be at risk from increased traffic
- Brizes Corner is already a very busy junction and this would create additional congestion.
- Right turn on A128 is dangerous in peak times
- Unsuitable access – will cause build up of traffic therefore pollution
- Road safety issues/air quality concerns
- Noise of the works, effect of construction vehicles
- The village doesn't have street lighting which is a good thing; extra houses will cause light pollution
- Will drastically change the landscape
- The village would suffer with this scheme and the Stock Lane development
- We live in the countryside to enjoy space and fresh air not to be surrounded by housing marring the landscape
- Surely one development would suffice/ two is too many
- Loss of views, loss of green space; light pollution
- Kelvedon Hatch has a real village feel and the new development is the opposite of that; too big for the village
- Our countryside is being eaten into regardless of consequences
- Request that the space remains open for the local community
- Blackmore Road is prone to flooding
- Blackmore Rd always has problems with heavy rain as the surface and foul water drains do not currently have capacity to carry away excess water
- Ecological assessment has been redacted. This is unacceptable
- Loss of wildlife and animal habitat

- Even where plans say trees and hedges are protected they can be removed if they need to. Concerned about T20 Oak tree
- Object to Oak tree being cut down
- Overbearing to surrounding properties/loss of privacy
- these plans are short sighted, ultimately are financially motivated, and disregard the impact and opinions of the residents
- Detrimental effect on house prices
- over stretched electrical distribution system that is prone to outages being further stressed, especially as new developments will be required to provide EV charging abilities
- strain on water supplies (hose pipe bans), waste collection
- Since the closure of Brentwood and Village Police Stations there a no longer any Police/PCSO patrols in this area.

## 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/>

- **Essex Police (Designing out Crime Office)**

Essex Police strongly recommends that the developer seeks to achieve the relevant Secured by Design accreditation detailed within the current Secured by Design Homes guide for the development, (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

- **Environmental Health & Enforcement Manager-**

When considering the application, please see a list of documents and details Environmental Health would need to review in order to provide an informed response:

A Construction Environmental Management Plan should provide detail on, as a minimum:

- Provisions made for the control of construction and vehicle noise emanating from the site. These provisions could include physical and/or administrative measures.
- Control of dust from construction activities.
- Control of vibrations from construction activities.
- To reduce disturbance to nearby properties, 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.

It is recommended that liaison with this authority be maintained throughout the construction process. In addition, the main contractor should nominate a representative (i.e. the site manager) to act as a contact point with the Council, the construction team and the local community to ensure that any air quality related issues that arise are dealt with effectively and promptly.

All other site sub-contractors should also nominate or appoint a suitable team member responsible for liaison with the lead contractor's representative and to ensure that sub-contractor construction activities are managed effectively.

A Phase 1 Contaminated Land Assessment: to understand the site's potential contamination linkages. If the Phase 1 desk study suggests any contamination risks present within the existing land are likely to require management to facilitate the proposed uses of the land, then a Phase 2 report and remediation strategy should also be submitted to be approved by the Local Planning Authority.

A condition should also be imposed that requires the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment.

A Phase 2 Contaminated Land Assessment: Further to the submission of the Phase 1 Geoenvironmental Assessment (dated 6th June 2023, file ref. 2237) by Green Earth Management Company Limited, Environmental Health recommend submitting a Phase 2 contaminated land report with the application to follow the recommendations made in the Phase 1 report. As is stated in Section 5.3 of the document, "Additional Site Investigation is recommended to assess the contamination risks identified within the CSM". If the Phase 2 report finds contamination on site, a remediation strategy should also be submitted to be approved by the Local Planning Authority.

Section 5.4 of the document also outlines a discovery strategy for encountering further undiscovered contamination during development. Based on the recommendations given in this section of the document, a condition should also be imposed that requires the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment.

Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered that contamination shall be made safe and reported immediately to the local planning authority. The site shall be assessed and a remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Other considerations:

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

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

There should be no bonfires on site.

- **Arboriculturalist-**

A pre-application enquiry has previously been submitted for the scheme. Subsequently there have been some minor changes made to the layout, including a reduction to the extent of the red line boundary that is outside the R23 allocation and in the Green Belt.

The ecological impact assessment concluded that the site currently has low ecological value with limited potential to support protected species. The land is currently in arable production and the hedges are kept relatively short so this assessment is considered appropriate.

The BNG calculation has been submitted. This shows the scheme would achieve a 19.72% gain for habitat units and a 57.61% gain for hedgerow units. This includes an element of offsite provision although no details have been provided at this stage. If this figure can be achieved it is beyond the 10% minimum set out in the Environment Act 2021.

The red line boundary extends beyond the R23 allocation site as identified in the Local Plan and therefore falls within the Green Belt. It is proposed that this area will provide the attenuation basin and have some public access. This extension is smaller than originally presented at pre-app. It would be enclosed by a hedge and include areas sown with wildflower mixes.

The remaining field would appear to be an awkward shape for arable farming. The landscape plans show other small areas of wildflowers and shrub planting around the perimeter of the site. While there is no objection to this it is unclear how some will be maintained; for example there appears to be limited access to the rears of Plots 12-18.

The larger rear gardens to Plots 12-18 should help reduce the likelihood of excessive shading from the trees to the south of those plots.

The density of the houses within the site means that there is limited potential for tree and shrub planting within the developed area. What planting is proposed is mainly small growing species; however they would be appropriate for such a scheme. The current layout does not allow for any public realm within the centre of the site to act as a focal point. While the attenuation basin area would be an attractive feature for quiet recreation there is no provision for children's play within the site.

If the proposed density of housing and the use of the Green Belt land for the attenuation basin are considered acceptable in planning then I do not have any in principle objection to the scheme. However the current layout does not provide any public realm focal point and lacks any play provision. I would like confirmation how the public realm areas are to be maintained.

- **Highway Authority-**

The documents submitted with the planning application have been duly considered and a number of visits to the locality have been made since the site was originally included in Brentwood Borough Council's Draft Local Plan. It is noted that the site remains included in Brentwood's adopted Local Plan of March 2022 (Site R23).

The proposals involve the development of a piece of land to the south of Blackmore Road, Kelvedon Hatch. The site access onto Blackmore Road complies with highway standards and parking provision also fully complies with Brentwood Borough Council'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.

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 development and as shown in Drawing no 181211-002 Revision B, the proposed site access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 52 metres to the west and 2.4 metres by 61m to the east, as measured from and along the nearside edge of the

carriageway. Such vehicular visibility splays shall be provided before the site access is first used by vehicular traffic and retained free of any obstruction at all times.

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

3. The site access junction shall be provided with minimum 6m kerbed radii and pedestrian tactile paving and dropped kerbs. A 2m footway shall also be provided across the site frontage on Blackmore Road Reason: To ensure that all vehicles can enter and leave the highway in a controlled manner and provide pedestrians and the mobility impaired with safe access in the interest of highway safety and in accordance with policy DM1 and DM9 of Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

5. Cycle parking shall be provided 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.

6. 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.

7. The developer shall make the appropriate contributions towards the cost of 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

- **Schools & Education-**

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 some dwellings, such as student and elderly accommodation, are excluded from the education calculation.

With reference to the details above, a development of this size can be expected to generate the need for up to 1.76 Early Years and Childcare (EY&C) places; 5.85 Primary School places, and 3.90 Secondary School places.

Any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

#### Early Years and Childcare

Overall, a total of 40 unfilled places were recorded for this area. As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application at this time.

#### Primary Education

As there are sufficient places available in the area, a developers' contribution towards new Primary Education places will not be required for this application at this time.

#### Secondary Education

As there are sufficient places available in the area, a developers' contribution towards new Secondary Education places will not be required for this application at this time.

#### Post 16 Education

A contribution toward Post16 education is not required at this time. However, in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), an Employment and Skills Plan (ESP) should be developed to set out how the developer will engage with and maximise local labour and skills opportunities.



### School Transport

Having reviewed the proximity of the site to the nearest Primary school, Essex County Council will not be seeking a School Transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to local Primary and Secondary Schools are available.

Having reviewed the proximity of the site to the nearest Secondary School, the distance is in excess of the statutory walking distance, therefore, Essex County Council will be seeking a School Transport contribution toward Secondary School Transport. The cost of providing this is £19,414.20 Index Linked to 2Q 2021, applying a cost per pupil of £5.24 secondary.

### Libraries

ECC may seek contributions to support the expansion of the Library Service to meet customer needs generated by residential developments of 20+ homes. The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act, and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

The suggested population increase brought about by the proposed development is expected to create additional usage of Chipping Ongar Library. A developer contribution of £1,867.20 is therefore considered necessary to improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit, index linked to April 2020.

### Monitoring Fees

The Monitoring Fee will be charged at a rate of £550 per obligation (financial and otherwise). On large developments the Monitoring Fee will be calculated using a bespoke approach.

### Employment and Skills

In the current economic climate and national skills shortage, ECC supports Brentwood Council in requiring 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 also supports Brentwood Council in requiring 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'. Additionally,

ECC encourages Brentwood Council to consider the inclusion of other requirements,

including financial contributions, to support appropriate employment and skills outcomes as a result of this development.

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 Secondary School Transport and Libraries.

- **NHS Property Services Ltd -**

The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.

The ICS therefore requests that the sum of £11,800 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

The terms set out above are considered appropriate having regard to the formulated needs arising from the development and the ICS is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

- **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, the proposed siting of the affordable housing should be reviewed as currently it is being provided in 'clusters' which would not be acceptable. 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.

- **Basildon Fire Station-**

Various advisory comments on the following:

- Access for Fire Service:

- Building Regulations
- Water Supplies
- Sprinkler Systems
  
- **Essex Badger Protection Group-**

We note that no setts, or badger field signs were located on the application site in October 2022 and on that basis we have no objections to the application proposed. However, we strongly recommend that any planning permission granted is made conditional upon the following construction related measures - which go beyond those currently proposed in the Ecological Impact Assessment:

- o A walkover badger survey to be conducted by a suitably qualified ecologist as close as practicable, and no earlier than three months, before the commencement of the proposed works. Should the position, in so far as it relates to badgers, have changed then work should not proceed until such time as a revised mitigation plan has been submitted and approved by planners.
- o All site personnel should be fully briefed concerning the presence of badgers and the mitigation measures to be followed.
- o Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- o Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.
- o The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o Open pipework with a diameter of more than 120mm should be properly covered at the end of the working day to prevent badgers entering and becoming trapped.
- o Litter and potentially dangerous materials on site should be cleared at the end of the working day. Care should be taken to ensure that there are no sharp metal objects or pointed protrusions on the ground which could seriously injure a badger due to their poor eyesight.
- o Security lighting should be kept to a minimum.
- o Adherence to these measures to be confirmed to planners at regular intervals by the project ecologist.

- **Historic Environment Advisor (Archaeology)**

Land At Brizes Corner Field, Blackmore Road, Kelvedon Hatch

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

As attested in the submitted desk-based assessment and the Essex Historic Environment Record (EHER), the proposed development site is in close proximity to the Scheduled Monument of "Moated Site 210m south east of Brizes", a medieval moated enclosure located some 150m to the west (EHER 589). Also present in the immediate proximity to the development site is another moated enclosure to the west (EHER 596). Two medieval coins (of Edward I or II) have also been previously found adjacent to the proposed development site.

Moated enclosures are a significant form of medieval settlement, with the majority constructed between 1250-1350 and usually containing high-status dwellings or ecclesiastical buildings. They are an important monument type and are key to our understanding of the development of the rural medieval economy and landscape. The proximity of the proposed development to these significant monuments and finds is notable, but (as noted in the DBA), the lack of nearby archaeological investigations makes determining the development's potential impact on archaeological remains a difficult prospect.

Given the above, this office recommends that a programme of archaeological evaluation by trial-trenching is carried out on the proposed development site prior to the commencement of the development. Based on the results of this evaluation, further archaeological mitigation work can be carried out as appropriate and in proportion with the archaeological remains uncovered.

In view of this, this office recommends that the following conditions are attached to any consent, in line with the National Planning Policy Framework, paragraph 205 and the Chelmsford Local Plan, policy DM15:

**RECOMMENDATION: Archaeological Evaluation**

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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, to assess the survival and presence of any archaeological remains. This may then 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 will be issued from this office on request and should be acquired prior to the production of a Written Scheme of Investigation.

- **Design Officer-**

The site is identified within the adopted LDP as parcel as R23; this letter is offered further to preapplication advice sessions, and assessment of the current submitted proposals.

Through the gestation of design development including preapplication, the scheme was refined to address matters of access, selected typologies and architectural language; however, it remains the case the 'red line' for development extends beyond the LDP allocation, I maintain the professional opinion that the POS needs to be apportioned within the allocation parcel. This would also be of benefit to creating a Place led scheme. This is quite a fundamental matter when considering site arrangement and Urban Design maintain consistency in their advice in this respect unless otherwise advised formally by the LPA.

I have offered advice below on other matters, but clearly until the parcel for development has common ground, these matters would not remove an objection in principle for inappropriate development within the Green Belt.

In terms of other matters, I advised at the initial preapplication meeting that the angular spine road approach didn't reflect the more organic grain within the wider environs, constraining opportunity for enhancing character, this has been adjusted and the tree at the access/egress retained.

At preapplication I highlighted that the orientation of properties at the south would result in views looking back towards the rear of the development, when in fact there was an opportunity to reverse this to exploit views from the site and incorporate walkability around the perimeter, whilst this advice has not been adopted, it is evident units are a little less dispersed across the parcel and the grain tighter. A review of this advice is advisable in light of the need to incorporate POS within the allocation.

Regarding scale and massing, there is more articulation being proposed with some linked elements (see DAS p53) and this is positive, but this 'linkage' relates only to Units 13 and 14 and could apply more widely to avoid 'step and repeat' appearance; the 2.5 storey (e.g. unit 18) appears elongated with eaves sailing higher than the neighbouring plot, I don't advise this is adopted, too much emphasis on the vertical when GIA can be obtained using other architectural solutions.

Regarding design style and material intent, I have no objections to the narrative adopted, there is detailing being applied to brickwork and a contemporary style selected, no PVs are shown and if a Zero Carbon approach one would expect the PVs being required to maximise solar gain. In terms of details to address fenestration apertures are small on some house types which is inconsistent and of concern for living standards, windows tucked under eaves is positive, but not applied throughout, and given the scale of development consistency is advisable.

In summary, the scheme has progressed since the initial preapplication and follow up application, it has however not reached its full gestation in my professional opinion; the main matter regarding meaningful open space for residents formed within the allocation site itself being key. Matters regarding design can be responded to with further design development.

Based on the information before me, I am unable to support the scheme in Urban Design terms.

Revised comments following submission of revised plans: None received

- **Parish Council-**

After due consideration and overwhelming response from our residents, Kelvedon Hatch Parish Council, we request an extension of this proposal until the following is achieved:

1. The Superseded Design and Access statement page 16 refers to the staggered distance from Fox Hatch but does not consider the potential new access of planning application 23/0546/FUL. Also the entrance/exit design is not adequate, it needs to match the design of Fox Hatch to comply with the Village design.
2. Archaeological Evaluation as recommended by the Historic Environment Advisor.
3. All answers to the ECC SUDS issuing a holding objection to the granting of planning permission.
4. All answers to the Environmental Health & Enforcement Manager.
5. Confirmation from the developers that they will adopt the Good design and early co-ordination, incorporating 'Crime Prevention Through Environmental Design' principles (CPTED).
6. Hedgehogs corridors to be implemented.

We also would like the following requests to be noted:

1. Blackmore Road is a vital link between villages and cannot be closed down at any time.
2. Kelvedon Hatch Parish Council is researching the option of having a couple of Speed signs to help with the speed control in Blackmore Road. The entrance/exit is very close to the crossing with Ongar Road making it a high risk one.
3. The parking spaces will replicate the problem that Kelvedon Hatch already has, a lot of 3-4 bedroom houses have 2-4 cars each and they tend to park blocking the pavement, access to emergency services. The overspill from these 4 new dwellings will have to be prevented by adding double yellow lanes to the Blackmore Road.

- **ECC SUDS-**

Initial responses: holding objection.

Final response: No objections subject to conditions (included in list of recommended conditions).

- **Planning Policy –**

Principles of development

The application site is residential allocation R23 in the Local Plan, as such the principles of residential development on this site are supported in line with the Local Plan's spatial strategy and strategic objectives. Local Plan Policy R23 provides the basis for how development is expected to come forward and key considerations.

The leakage of part of the development outside the allocation site is not accepted. The application should be revised so that it is completely within the site allocation boundary. This is likely to require a reduction in the number of dwellings proposed down to or towards the number identified in the policy allocation.

Policy MG05: Developer contributions & Policy BE08: Strategic transport infrastructure

The relevant infrastructure requiring contributions from allocation R23 are listed in the IDP Part B. The Council's approach to apportioning the cost of infrastructure mitigation measures is discussed in Chapter 15 of the IDP.

IDP Ref	Infrastructure	Estimated contributions from site R23 (based on 24 dwellings) as of July 2023	Note
T28	M25 Junction 28(TA ref: Junction 25)	£2,468	Subject to adjustment depending on National Highways' detailed comments.
T29	M25 Junction 29 (TA ref: Junction 20 and Junction 26)	£62,933	
ED2	Primary School - Brizes and Doddinghurst Planning Group	A sum has been identified using the formula given in the Infrastructure Delivery Plan (IDP) but contribution for primary school has not been requested by Essex County Council. The latter	

		takes precedence.
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Essex County Council and National Highways as the highways authorities should be consulted to provide more detailed comments on the potential impacts on the highways network which will determine the final level of contribution.

As part of the detailed consideration, there may be additional specific requirements towards off-site highway infrastructure improvements to mitigate the impacts from development to an acceptable level; however, Essex County Council would be more appropriate to advise should this be the case.

Policy NE05: Open space and recreation facilities

Outdoor sports provision - Using Sport England's Playing Pitch Calculator it's apparent that the development would not generate sufficient demand to justify on-site playing pitch provision as there would be insufficient demand for any of the pitch types to justify an entire pitch. A financial contribution being secured towards off-site provision in the Brentwood area would therefore be considered appropriate on this occasion rather than on-site provision as part of the development.

Outdoor sports provision – Using Sport England’s Playing Pitch Calculator £40,226 is required towards the provision of a new playing pitch and changing rooms and a financial contribution of £11,622 towards Sports Hall provision/improvement and £12,812 towards Swimming Pool provision/improvement.

- **Operational Services Manager** – none received
- **Affinity Water** – none received
- **Open Space Strategy Coordinator**- none 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 4 above.



## The local plan process

The Development Plan for the Borough is the Brentwood Local Plan 2016-2033 and it was adopted by the local planning authority on 23 March 2022. At the same time the previous development plan, the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008), was revoked. Among the differences between the two plans - in order to meet the borough's identified housing and employment requirements - some sites formerly in the green belt were removed from the green belt and allocated for development. Policies MG01 and MG03 set out the basis for such allocations. The main part of this application site was identified for development and therefore removed from the green belt as part of that local plan process.

Representations indicate surprise that this happened, inferring some slight of hand, that the process was quick or not public. However, the work involved in developing a replacement local plan is a long process involving many stages where interested parties can get involved to influence evolving policy. In the case of the now adopted plan, work on it as a replacement for the previous 2005 development plan stretched over 8 years, involving various phases of public consultation including letter drops, advertisements in the local press, consultations with Parish Councils, comments by third parties, land owners, specialist consultees – as set out in the Council's adopted Statement of Community Involvement - and culminated in submission to the Secretary of State.

The Council also prepared Consultation Statements following each consultation which set out the methods used, who was notified, and the issues raised. These were included in the submissions made to the Secretary of State when the Local Plan underwent Examination in Public with the appointed Inspectors satisfied the Council carried out its duties in line with required legislation and the Statement of Community Involvement.

As part of the local plan examination, two Inspectors were appointed by the Secretary of State to consider comments made in support or objecting to the emerging document including by public hearings. The Council considered the Inspectors' comments on the plan at the examination and by decision of full Council on 23 March 2022 adopted the plan as the development plan for the borough. It should therefore be clear that the process during which this site was removed from the green belt and allocated for development was a long process, carried out with many stages of public involvement and by independent inspectors appointed by the secretary of state.

Many of the representations made concerning this application relate to the principle of its residential development, the effect of a development of this sort of scale on the character of the village or on the landscape and relate it to the current proposal at Stocks Lane. It is understood that the site has been enjoyed as an amenity by walkers and dog walkers. A development of the site in accordance with this policy would fundamentally change the appearance and character of this undeveloped field and the outlook from local properties and highways. In adopting the Development Plan, the local planning authority has accepted the principle of the residential development of this

size for around 23 dwellings. It would not be reasonable to refuse an application on grounds of principle for a development supported in a local plan allocation.

Site allocation

This development relates to the site allocation for a residential development in the development plan specifically Policy R23: Brizes Corner Field.

<b>Policy R23: Brizes Corner Field</b>	
Brizes Corner Field, Kelvedon Hatch is allocated for around 23 new homes.	The proposal is for 24 dwellings
1. Development Principles Proposals should: a. provide vehicular access via Blackmore Road; and b. provide open space as required by policy NE05.	a. vehicular access would be via Blackmore Road b. the proposal does provide open space as required by policy NE05.
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).	In its consultation response, Highways has indicated that the developer shall make the appropriate contributions towards the cost of highway infrastructure improvements as identified in the Brentwood Local Plan Infrastructure Delivery Plan. Infrastructure contributions are being negotiated as part of a S106 in the event that planning permission is granted.

The majority of the site is allocated for development and is contained within the area identified in the local plan by Policy R23. A small part of the site (3200 sqm) is outside the allocation. Officers indicated their concerns about development exceeding the boundaries of the allocation and advised that the proposal should be revised to bring all the proposed development within the allocation boundary. The applicant sought legal advice from a KC (Kings Counsel) which - it then submitted to the local planning authority - indicated that there should be no in principle objection to the provision of public openspace or a drainage pond outside the allocation. The Council took its own advice from a KC which supported that position. On that basis, officers are not objecting to this proposal on the basis that the drainage and some of the open space proposed would lap outside the land allocated in the development plan.

It is noted that some of the consultee replies raise the same issue about being outside the allocation, but given the advice of Kings Council, this part of their replies is not considered to carry weight.

Green belt

As indicated above, the majority of the site is on land that is not part of the green belt. The add on element on the south east corner of the site is green belt which washes over it and over land to the east and south as indicated on the Policies Map which forms part of the Development Plan. As such the land is subject to Policy MG02 which indicates that it will be protected from inappropriate development in accordance with national policies of the NPPF/’The Framework’. The retention pond would have a rounded shape and measure approximately 48m by 38m. It would be slightly set into the ground compared to prevailing land level and a proportion of it would normally be wet, with approximately 600mm of water, and is designed to contain water from a 1 in 100 year storm. The creation of a pond is an engineering operation. The NPPF does not consider such operations to be inappropriate development as long as they protect openness and do not conflict with the purposes of including land within the green belt. Likewise, the use of land next to it as public open space is not considered to be inappropriate development on the same basis. Consequently, while each application is considered on its own merits and turns on its own facts, the provision of the pond and openspace as proposed in this application is not considered to be inappropriate development in the green belt and therefore is acceptable.

Housing mix

The site is allocated in the development plan for ‘around 23’ homes whereas this proposal is for 24 dwellings. However, as the committee will be aware, the number of dwellings referred to in the policy is an estimate of site capacity, rather than an upper limit on the number of dwellings that may be acceptable. Therefore, provided the development is acceptable based on a normal assessment there is no objection raised based on the number of dwellings being greater than indicated in the policy.

<b>Number of bedrooms</b>	<b>Affordable</b>	<b>Shared ownership</b>	<b>Open market</b>
One bed	4	0	0
Two bed	2	0	4
Three bed	0	1	12
Four bed	1	0	0
Five bed	0	0	0
Total	7	1	16
Tenure percentage	33.3%		66.6%

Affordable housing

Policy HP01 requires proposals to have an appropriate mix of tenures to meet up to date needs assessments. More specifically, Policy HP05 requires that 35% of the housing in Major developments should be for affordable tenures, with a tenure split of 86/14% affordable rented homes/low-cost home ownership. This application proposes 8 affordable dwellings, i.e. 33.3%, with a tenure split of approximately 87.5/12.5%. This is the closest whole number of dwellings to the preferred split and consequently, the number and tenure split of affordable provision is policy compliant and acceptable.

Housing officers advise that providing the affordable housing in 'clusters' is not acceptable and should be 'pepper potted' throughout the development. This helps to meet the Council's aspiration for mixed and balanced communities rather than separated tenure clusters.

The affordable dwellings are shown to be sited at the end of the main street at the end of the cul-de-sac. They are plots 17 to 24 (four flats in two 2 storey 'house typologies', two semi detached dwellings and two detached dwellings. Given the limited size of the development, the mix of typologies involved, their proximity is considered acceptable.

### Design

The buildings are conventional in form and contemporary in design and materials. Drawing 1796A-BLACK-SCN-ZZ-ZZ-DR-A-30\_330-A3 PL05 indicates that exterior materials would be a mix of red multi bricks, black boarding, red and grey tiles. The Design and Access Statement indicates use of UPVC windows, brick bands, metal canopies, brick detailing and contemporary door designs.

### Landscape

The existing frontage hedge would be retained except where it is proposed to form the main access. The perimeter vegetation with the countryside is to be retained. The development is arranged in one main cluster including some street trees. Within the open space, a swale would carry water to the retention pond and the area of open space. The density of the houses within the site means that there is limited potential for tree and shrub planting within the developed area. The large Oak tree outside the site to the north west is to be retained. The planting as proposed is mainly small growing species; however they would be appropriate for such a scheme. A planning condition is proposed to require the development to be carried out in accordance with the submitted planting scheme.

The landscape officer has no objections in principle to the scheme but point out that the scheme lacks any play provision. Details of the creation of a small play area can be required by condition as can details of the maintenance of the public open space.

### Ecology

The ecological assessment confirms that the site is grassland of low ecological value with limited potential to support protected species. The site is enclosed by hedges which were all assessed as native species but poor. A short section of the hedge bounding Blackmore Road would require removal to create the access, but the remaining hedges can be retained.

The Council's ecologist agrees that the site currently has low ecological value, with the grassland being of only site value and hedges being of local value due to their use by commuting and foraging bats. The proposed landscape scheme provides opportunities to achieve an overall biodiversity net gain which would accord with the emerging Environment Act 2021 requirements. The implementation of the 2021 Act has slipped to January 2024 (Majors; smaller schemes from April 2024) but the applicant has proposed it as part of this application. In this case it would be off site on a separate site in the locality (Gurtons, Blackmore Road, Fryerning). This is a site of 0.6 hectares of arable land that would be enhanced to offset losses of habitats on the development site and achieve a net gain of just over 10%. The entirety of the site would be planted with a wildflower grassland mix and fenced to achieve the condition 'Good' within ten years as stipulated in the DEFRA metric calculation. This mitigation can be secured through a combination of planning conditions and S106 agreement.

Overall, there are no objections to this scheme on landscape or ecology grounds. Following the ecologist's advice, a condition is recommended requiring details of external lighting to be provided to ensure that the light spill over boundary hedges is minimized.

A comment has been made in representations that ecological information has not been made public. The reason for this is that the authority has long been advised by specialist nature groups that such information, particularly relating to protected species such as badgers, should not be put in the public domain on order to protect those species from interests that might harm them. This is the standard approach taken by the local planning authority on sites across the borough. Specialist ecologists are provided with this information to allow them to provide officers with advice.

#### Standard of accommodation

The Department for Communities and Local Government March 2015 Technical Housing Space Standards (THSS) have been incorporated into Policy HP06. These standards therefore now carry full weight in planning decisions. These units meet the standards. The proposal shows all dwellings to meet M4(2) Accessible and Adaptable Dwellings standards and required by Policy HP01

#### Residential amenity

Policy BE14 is generally supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours,

are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

The proposal would when occupied would have a form and associated activity that would be appreciably different from the undeveloped character the site currently has but that is inescapable for a development of the scale supported in the policy. However, the proposal through design and placement of buildings and spaces would not give rise to overshadowing, material overlooking or affect the reasonable amenity of neighbours.

### Air quality

The impact of pollutant concentrations within the site on future residents of the proposed development has been qualitatively assessed. The assessment took into consideration the proximity of the development to nearby emission sources, development layout and baseline air quality conditions within the site and in the local area. It anticipates that pollutant concentrations at sensitive locations within the proposed development would be well below the relevant objectives. As such, it is judged that new residents of the proposed development would experience good air quality and the site is, therefore, suitable for its proposed end-use. Overall, It concludes, that there are no air quality constraints to the proposed development. Environmental health officers confirm there are no air quality issues to consider with this development.

### Sustainability

The applicant has submitted an energy statement. The statement identifies that the proposal would exceed the requirements of policy BE01 in terms of percentage reduction in CO2 emissions in comparison to the building regulations – policy requirement 10%, this scheme 64%. The dwellings would follow a fabric first approach and be equipped with air source heat pumps to provide space heating and hot water and will be provided with mechanical ventilation. Water usage would be restricted to 110 litres per person per day and each dwelling would have a car charging point.

The energy statement identifies other technologies that could be incorporated into the development, for example solar PVs, solar thermal, ground source heat pumps and heat recovery systems but discounts them as unnecessary to meet the standards required in the policy. No objections are raised on grounds of sustainability in accordance with Policy BE01.

### Secured by Design

The consultation reply for this application raises no objections and consistent with other developments certification can be required by planning condition were the application to be approved.

### Drainage

Surface water is to be drained from the site using principles of sustainable drainage. Other than the main elements of travelling into the site and at the rear, the internal roads and external parking spaces are to be paved in permeable paving. Adjacent to the public open space in the southwest corner of the site would be a swale that would guide water to the water retention pond where its release to the surrounding network would be managed. The provision of open SUDS features have positive effects on placemaking, landscape, ecology and managing water flow both on and off site. The SUDS team has required further information and this process has been satisfactorily concluded; the proposal is acceptable.

#### Highways and parking cycle parking car charging

The highways authority has considered the proposal both during construction and once occupied. Contrary to comments made in representations referring to potential highway dangers to the full range of highway users, the highways authority does not consider the proposal to give rise to highways dangers and is acceptable subject to conditions. The planning authority has access to no evidence that would justify setting that advice to one side.

With regard to the construction process, the highways authority requests a Construction Management Plan to address vehicle routing, parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development and wheel and underbody washing facilities.

The adopted standards require one car parking space per 1 bedroom dwelling and two spaces for dwellings with 2 bedrooms or more, with visitor parking being provided at 25% (or 1 in 4), in this case 6 spaces. Each dwelling should have at least one cycle parking space.

Each dwelling has the number of parking spaces set out in the adopted parking standards. Six visitor spaces are proposed. The highways authority raises no objection to this level of provision. Each of the 24 dwellings would be provided with a car parking space with charging facilities, the other spaces would not have charging facilities. Subject to provision of parking prior to occupation and provision of cycle parking to the required standard (one per dwelling) no objections are raised.

#### Planning obligations

Planning obligations - secured through Section 106 of the Town and Country Planning Act - assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. They should only be used where it is not possible to address unacceptable effects through a planning condition(s). Conditions have a slightly more limited ability to deal with issues, for example they cannot be used to require the payment of monies. Planning obligations, can cover financial contributions, but must only be sought where they meet the tests set out in Regulation 122 of The

Community Infrastructure Levy Regulations 2010 (and repeated in national planning policy NPPF paragraph 56), that is:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Essex County Council has been consulted on the need for funding to provide capacity to schools and libraries based on the extra population generated by this development. Contrary to what is widely claimed in representations, the County Council has responded to say that there is no shortfall in capacity or early years care, primary education, secondary education or post 16 education. It has identified a requirement to fund transport to secondary schools. Likewise, it has identified a need to address additional library use (Chipping Ongar library has been identified). The sums requested are identified below.

The Mid and South Essex NHS Clinical Commissioning Group has calculated that the development would be likely to have an impact on the NHS funding programme for the delivery of health and care provision within this area and specifically within the health catchment of the development. This corresponds to what is widely claimed in representations. The NHS group has requested monies to address the extra capacity brought about by the proposal and it may be achieved through any combination of extension, reconfiguration or relocation of premises.

The applicant has indicated agreement to enter into a S106 agreement to cover the items below (see heads of terms under 'Recommendation') and drafting of the agreement has commenced, though the applicant acknowledges that unless and until the committee makes a resolution to approve the application this work undertaken at the applicants cost and without guarantee of a positive resolution.

Officers consider that the proposed S106 meets the requirements of the Community Infrastructure Levy Regulations 2010 listed above (i.e. are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development).

### Conclusion

For the reasons given above, the proposal is considered to accord with development plan policy, subject to conditions and a S106 agreement. The quantum of development at 24 dwellings is in excess of the number referred to in the allocation policy (23) but the additional one dwelling has not given rise to matters which indicate that the additional dwelling is unacceptable in planning terms.

## **7. Recommendation**



The Application be APPROVED subject to the completion of a S106 agreement and to the following conditions:-

S106 agreement Heads of terms:

- To provide and secure on site affordable housing (as agreed with the planning authority)
- Financial contributions for
  - Contribution to the cost of transport for secondary school pupils (£19,414.20 Index linked to 2Q 2021).
  - Library facilities (£1,867.20 index linked to April 2020)
  - Fee for monitoring of 'education payments' (approx. £550)
  - Greater capacity for NHS surgery capacity (£11,800 indexed)
  - Open space (unconfirmed)
  - Indoor and outdoor sports provision (unconfirmed)
  - Highway infrastructure as set out in the Infrastructure Delivery Plan (IDP) (unconfirmed)
- off site ecological mitigation/Biodiversity net gain (provision and retention)

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 U0053346 Archaeological Evaluation 1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

Reason: To protect the historic environment.

4 U0053347 Archaeological Evaluation 2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in condition 3 above.

5 U0053348 Archaeological Evaluation 3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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, to assess the survival and presence of any archaeological remains. This may then 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 will be issued from this office on request and should be acquired prior to the production of a Written Scheme of Investigation.

Reason: To protect the historic environment.

6 U0053349 Lighting scheme

Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority. The lighting scheme shall be designed to ensure the amenity of local residents, ensure highway safety and protect ecology by preventing excessive light spill onto sensitive habitats. The development shall be implemented in accordance with the agreed details.

Reason: To ensure minimal nuisance or disturbance is caused to the detriment of the amenities of local residents, of ecology and of the area generally.

7 U0053350 Details of meter boxes

Notwithstanding the details shown on the drawings hereby approved; no meter boxes shall be installed until details and locations of the meter boxes have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the quality of the built environment, in accordance with Policy BE14 of the adopted local plan.

8 U0053351 Construction Management Plan

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

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

- i. vehicle routing
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel and underbody washing facilities
- vi. provisions made for the control of construction and vehicle noise emanating from the site. These provisions could include physical and/or administrative measures.
- vii. Control of dust from construction activities.
- viii. Control of vibrations from construction activities.
- ix. construction activities to be restricted to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

It is recommended that liaison with this authority be maintained throughout the construction process. In addition, the main contractor should nominate a representative (i.e. the site manager) to act as a contact point with the Council, the construction team and the local community to ensure that any air quality related issues that arise are dealt with effectively and promptly.

All other site sub-contractors should also nominate or appoint a suitable team member responsible for liaison with the lead contractor's representative and to ensure that sub-contractor construction activities are managed effectively.

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, and that activity is controlled in the interests of the amenity of local residents.

#### 9 U0053352 Access geometry

Prior to occupation of the development and as shown in Drawing no 181211-002 Revision B, the proposed site access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 52 metres to the west and 2.4 metres by 61m to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the site access is first used by vehicular traffic and retained free of any obstruction at all times.

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

#### 10 U0053353 Kerb radii

The site access junction shall be provided with minimum 6m kerbed radii and pedestrian tactile paving and dropped kerbs. A 2m footway shall also be provided across the site frontage on Blackmore Road.

Reason: To ensure that all vehicles can enter and leave the highway in a controlled manner and provide pedestrians and the mobility impaired with safe access in the interest of highway safety.

11 U0053354 Car parking

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.

12 U0053355 Cycle parking

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.

13 U0053356 Residential Travel Information Pack

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.

14 U0053357 Materials

Notwithstanding the details shown on the drawings hereby approved; no development above ground level shall take place until details of the materials to be used in the

construction of the external surfaces of the buildings and of ground surfaces, and details for fenestration and doors (e.g., typical reveals, tenure blind, concealed vent strips), eaves (to support ecology) and rainwater goods hereby permitted, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area, in line with local plan policy BE14.

15 U0053358 Brickwork Sample Panels

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

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

16 U0053359 SUDS Condition 1

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

- Limiting discharge rates to 2.38l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant
- permissions to discharge from the site into any outfall should be demonstrated, including third party agreement for the outfall pipe in third party land.
- 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 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Provision of 10% urban creep allowance.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. This should take account of the runoff from the roofs and include all treatment features.
- 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. The permeable paving should be clearly located on the drainage plan.

- 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.

17 U0053360 SuDS 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.

18 U0053361 SuDS 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. This should include maintenance arrangements specific to the single tank located within the rear garden of property 21. 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.

19 U0053362 SUDS 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.

20 U0053363 Accessibility

Other than the two first floor maisonettes, all dwellings shall achieve the M(4)2 standard for accessible and adaptable dwellings of the Building Regulations 2015.

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

21 U0053364 FTTP Fibre Broadband

No dwelling approved by this permission shall be occupied until an FTTP 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 dwelling 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: In order to ensure that new developments are connected to digital infrastructure in accordance with Policy BE07 of the Brentwood Local Plan.

22 U0053365 Contaminated Land Assessment

No development shall commence until a Phase 2 report and remediation strategy has been submitted to be approved by the Local Planning Authority before the development commences.

Notwithstanding this report the developer shall notify the planning authority of the presence of unsuspected contamination encountered during redevelopment. Where contamination is found that was not previously identified during any stage of the application hereby approved or not considered that contamination shall be made safe and reported immediately to the local planning authority. The site shall be assessed and a remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

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

23 U0053366 Secure by Design

Secure by Design Prior to occupation, a Secure by Design Statement shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The Statement shall set out how the development achieves a Certificate of Compliance in respect of the Secured by Design Homes 2019 Version 2, March 2019, to the satisfaction of Essex Police. All security measures applied to the approved development shall be permanently retained thereafter.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime, in accordance with Local Plan Policy BE15 and the aims and objectives of the NPPF chapter 8.

24 U0053367 Construction Environmental Management Plan

The development hereby permitted shall not commence until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the planning authority. The CEMP shall cover the matters set out in section 7.0 'Implementation, Construction, Management and monitoring plans' of the Biodiversity Net Gain Design Stage Report.

Reason: To achieve the improved biodiversity and ecological qualities of the development as set out in the application.

25 U0053368 Protected species

The development shall be carried out in accordance with the following measures:

- o A walkover badger survey to be conducted by a suitably qualified ecologist as close as practicable, and no earlier than three months, before the commencement of



the proposed works. Should the position, in so far as it relates to badgers, have changed then work should not proceed until such time as a revised mitigation plan has been submitted to and approved in writing by the local planning authority.

- o All site personnel should be fully briefed concerning the presence of badgers and the mitigation measures to be followed.
- o Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- o Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.
- o The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o Open pipework with a diameter of more than 120mm should be properly covered at the end of the working day to prevent badgers entering and becoming trapped.
- o Litter and potentially dangerous materials on site should be cleared at the end of the working day. Care should be taken to ensure that there are no sharp metal objects or pointed protrusions on the ground which could seriously injure a badger due to their poor eyesight.
- o Security lighting should be kept to a minimum.
- o Adherence to these measures to be confirmed to planners at regular intervals by the project ecologist.

## 26 U0053344 Landscaping and maintenance

The site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. In addition, it shall be supplemented by details of a maintenance programme of the landscaping scheme and details showing the provision of a childrens play area. Such details shall be submitted to and approved in writing by the local planning authority and implemented as part of the overall landscaping scheme. 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.

### Informative(s)

#### 1 U0010152 Reason for approval

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed in representations, but the matters raised are not sufficient to justify the refusal of permission.

#### 2 INF04 Amendments to approved scheme

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

#### 3 U0010153 Policies

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG01, MG02, MG03, MG05, BE01, BE02, BE03, BE04, BE05, BE07, BE08, BE09, BE10, BE11, BE12, BE13, BE14, HP05, HP06, NE01, NE05, R23, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

#### 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 U0010154 Drainage Informatives

##### DRAINAGE INFORMATIVES:

- o Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- o Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- o Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- o It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance

requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

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

#### Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

o Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

o Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

o Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of

flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

6 U0010155 Environmental Health Informatives  
Environmental health informatives:

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

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

There should be no bonfires on site.

7 U0010156 Highways Informatives

Highways Informatives

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.

Any necessary relocation of signage within the highway due to the siting of the proposed access will be entirely at the expense of the applicant.

Due to the configuration of the site layout, it is unlikely that the internal roads would be adopted by the Highway Authority. This is a matter between the applicant and the highways authority.

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

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

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

*BACKGROUND DOCUMENTS*

**DECIDED:**

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Appendix A



Title : Land at Brizes Corner Field, Blackmore Road, Kelvedon Hatch, Essex

23/00575/FUL

Scale at A4 : 1:2500

Date : 17th October 2023

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



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**SITE PLAN ATTACHED**

**10 CROW GREEN ROAD PILGRIMS HATCH BRENTWOOD ESSEX CM15 9RA**

**SINGLE STOREY REAR EXTENSION INCLUDING ROOF LANTERN.**

**APPLICATION NO: 23/00931/HHA**

<b>WARD</b>	Pilgrims Hatch	<b>8/13 WEEK DATE</b>	27 October 2023
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**CASE OFFICER** Jane Lowe

**Drawing no(s) relevant to this decision:** REVO/4649/B; Site location

**The application relates to a Council owned building.**

## **1. Proposals**

Planning permission is sought for the construction of a single storey rear extension at 10 Crow Green Road, Pilgrims Hatch, Brentwood.

## **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.

- BE14 Creating Successful Places

National Planning Policy and Guidance

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

## **3. Relevant History**

- None

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

Letters were sent to eleven neighbouring properties and no comments have been received.

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

- **Housing Services Manager:**

As the landlord of the property, we have overall responsibility for the structure of the building and any amendments made to this.

I have checked our records and cannot see that the Tenant has requested permission from Brentwood Council Housing Department to build a single storey extension with roof lantern on their property. They are able to request retrospective permission, however, this would be rejected as we do not approve such structures being built on a council owned property due to the ongoing maintenance.

The Housing Department therefore strongly object to the request for planning permission for this structure.

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

The application proposes a single storey rear extension to the dwelling. The dwelling forms a semi-detached two storey dwelling set on the northwest side of Crow Green Road opposite the junction with Hatch Road.

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

The proposal would project 3.7 metres off the rear wall of the dwelling and span across the whole rear elevation of the dwelling. The proposal has a flat roofed design with an eaves height of 2.90m, a glazed roof lantern with a maximum height of 3.0m. The proposal incorporates rear facing bi-fold doors and a separate door and window looking out on the garden and a small side window serving the W.C. It incorporates alterations to fenestration within the main flank wall, enlarging an existing bathroom window and materials would be a mix of brickwork and pebbledash which would be in keeping with the existing dwelling.

The proposal would not have an unacceptable detrimental impact on visual amenity or the character and appearance to the surrounding area therefore the proposal is compliant with policy BE14 of the Brentwood Local Plan, the NPPF and the NPPG.

#### **Impact on Neighbour Amenity**

In terms of impact of residential amenity, the proposal is set away from the boundary adjacent No 12 Crown Green Road and complies with the 45 degree guidance relating

to light entering a neighbour's windows. With the proposal set away from No 8 the proposals it would not be of a size or design that would result in a harmful impact upon the living conditions of the neighbouring occupiers by way of overbearing impact, loss of privacy or loss of light.

### **Other matters**

The dwelling is owned by Brentwood Borough Council and therefore the Housing Department has been consulted. It has responded and objects to the proposal as reported above. However, the objection appears to be based on grounds outside of planning; no planning objections have been raised. Planning applications must be determined on planning matters.

In the absence of planning objections, the application is recommended for approval. A planning permission does not override ownership rights and therefore even if granted planning permission, the applicant would need to reach agreement with the Housing department or will not be able to implement the planning permission.

### **Conclusion**

The proposal is compliant with policy BE14 of The Brentwood Local Plan, the NPPF and the NPPG and the application is recommended for approval.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

#### 1 TIM01 Standard Time - Full

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

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

#### 2 DRA01A Development in accordance with drawings

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

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

Informative(s)

## 1 INF01 Reason for approval

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

## 2 INF04 Future amendments

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

## 3 INF05 Planning policies

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

## 4 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.

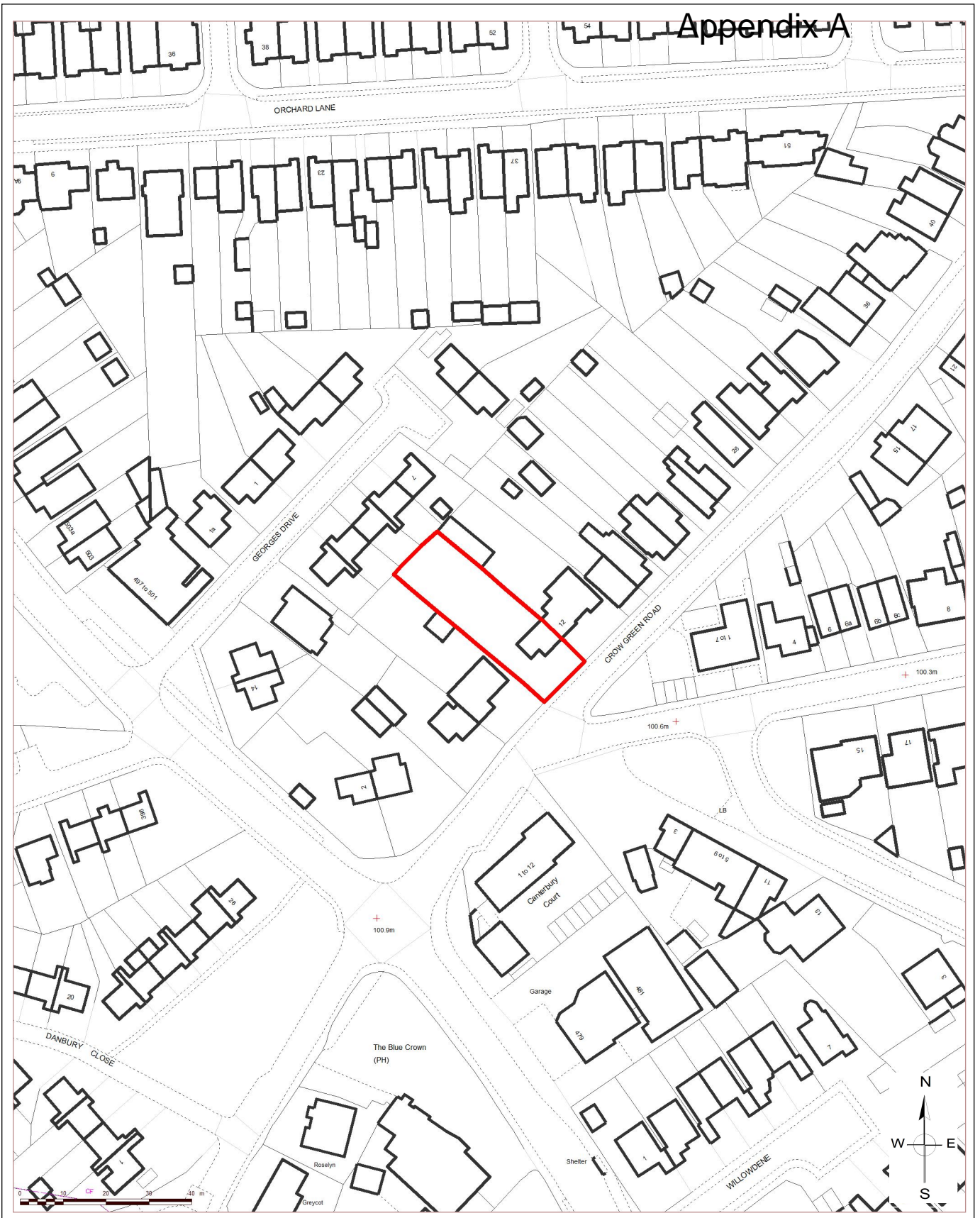
## 5 U0010172 Objection by Housing department

The applicant will be aware that the Housing department has objected to the application. In doing so it has raised matters other than planning matters which have not been relevant to the determination of this application.

However, a planning permission does not overcome private property rights and therefore it does not provide the ability to develop the site without the agreement of the Housing Department as landowner. Currently the Housing department has indicated that such agreement is not likely to be forthcoming. The applicant is therefore advised to resolve the objections of that department before proceeding to implement the planning permission, in addition to any other consent or agreements necessary to carry out the development.

## *BACKGROUND DOCUMENTS*

## **DECIDED:**



Title : 10 Crow Green Road, Pilgrims Hatch, Brentwood, Essex CM15 9RA

23/00931/HHA

Scale at A4 : 1:1250

Date : 17th October 2023

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



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**COMMITTEE TITLE: Planning Committee**

**DATE: 17 October 2023**

<b>REPORT TITLE:</b>	Response to Plan-making reforms: consultation on implementation
<b>REPORT OF:</b>	Phil Drane, Director of Place

## **REPORT SUMMARY**

The Department for Levelling Up is proposing a number of changes to the plan-making process in order to allow plans to be made simpler, faster to prepare and more accessible. The proposal is focused around enabling local planning authorities to prepare a plan within a target of 30-months, which was first announced in 2020 Planning for the Future white paper. The core changes being proposed include:

- a) There would be six stages for local plan preparation that must be completed within the 30-month timescale. The six stages include:
  - Scoping and early participation;
  - Plan visioning and strategy development;
  - Evidence gathering and drafting the plan;
  - Engagement, proposing changes, submission;
  - Examination; and
  - Finalisation and adoption of the plan
- b) Draft plans will have to pass three mandatory gateway checks involving inspectors. The first gateway check will take place following the first scoping stage to ensure plans sets off in the right direction. The second gateway check will involve ensuring compliance with legal and procedural requirements and supporting early resolution of potential soundness issues and take place between two mandatory consultation windows. The third gateway will take place before submission and is designed to monitor and track progress. The first gateway may not involve planning inspectors, while inspectors will be required for the latter two.
- c) Plan examinations should take no longer than six months with examining inspectors appointed earlier to avoid delays.
- d) The two mandatory consultation periods, Regulation 18 and Regulation 19 will be longer and more clearly defined.

- e) New approaches to engagement will replace existing narrow and ineffective practices. The government's proposed changes to the way authorities are required to engage with communities when preparing their local plans is replacing the statement of community involvement.
- f) The new plan-making system will be introduced in autumn 2024 but will be done so via a phased roll out focusing initially on ten front runner authorities. These front runners could start plan-making in 2024 and should have completed all three gateway assessments by June the following year. All remaining authorities would be ranked chronologically by the date they adopted their local plan, before groups of 25 authorities at a time are allocated a six-month plan-making commencement window.
- g) The government will publish a new series of core principles setting out what plans should contain.
- h) New regulations will require that a plan's vision serve as a golden thread through the strategy.
- i) Authorities will be required to produce annual monitoring reports outlining how their plans have met a series of new nationally prescribed metrics and a fuller analysis four years after adoption.
- j) New digital templates should be replaced with digital versions that are shorter and more visual.
- k) Local development schemes would be replaced by new timetable documents
- l) Digital support for plans will be provided via a new pick and mix toolkit.

Brentwood Borough Council is in general support with the proposals, however, have raised that a 30-month period is a very ambitious time frame, and likely unachievable, especially when considering factors outside the councils control, such as when consultants are appointed to carry out evidence. Furthermore, some concerns are raised in ensuring the digital templates allow for sufficient flexibility and do not limit the council's ability to peruse its own local ambitions.

## **RECOMMENDATION**

**R1. Approve the response to the consultation on Plan-making reforms, as set out in Appendix A**



## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATION**

1.1 The Department for Levelling Up is proposing a number of changes to the plan-making process in order to allow plans to be made simpler, faster to prepare and more accessible. The proposal is focused around enabling local planning authorities to prepare a plan within a target of 30-months, which was first announced in 2020 Planning for the Future white paper.

1.2 The consultation response has been limited to those changes that are likely to have an impact within the borough, including the following areas:

- Proposed new principles for Local Plans
- Plan to include long term vision
- New framework for local development management policies
- Templates to help standardise Local Plans to make them more consistent and user friendly
- Requirement for Local Plans to be prepared over a 30-month period
- Introduction of Project Initiation Document, which is to include the council's engagement strategy
- Digitisation to help improve standardisation of plan and engagement with the plan-making process
- Replacing the Local Development Scheme (LDS) with mandatory timetable of milestones
- Updates to the National Policy and Guidance
- Standardisation of evidence and freezing dates
- Introduction of gateway assessments to address any significant issues prior to reaching submission stage
- New monitoring requirements
- Consultation and examination of supplementary plans

### **New principles for Local Plans**

1.3 It is proposed that Plans under the new proposed planning system should include:

- Contain ambitious locally distinctive policies which meet key economic, social, and environmental objectives, linked to the vision;
- Foster beautiful places and recognise the importance of design, linking to design, linking to design codes where appropriate; and
- Set out a detailed approach to monitoring and ongoing review of the plan, for example how key policies and designations are implemented and applied, and the extent to which the plan is meeting the overall vision for the area.

- 1.4 The council has no objections to the above principles, however, have raised that Local Plans must be far broader, and that clearer articulation of the expectations of Local Plans in the context of climate change, the natural environment, the historic environment, place-making and health and wellbeing should be weighed equally with the three listed proposals.
- 1.5 The council has also requested that a clear definition is provided on what is meant by 'beautiful place'.

### **Long term vision included in Local Plans**

- 1.6 The Council supports the inclusion of a long-term plan which is supported by a number of objectives or policy statements which are clear to the public and other interested parties in how the vision has been applied and carried through into the specific topics that the Local Plan must cover. The Council also supports the linking of the vision to measurable outcomes within the plan period which require active monitoring.
- 1.7 The Council does not have any objections to the proposal to provide a 'user-tested digital template' to indicate what a vision should contain, however the Council has raised that this should not limit the ability for ambitious locally-defined vision, provided these are broadly consistent with national policy and relevant legislation.

### **New Framework for Local Development Management Policies**

- 1.8 The Levelling Up and Regeneration Bill provides for the creations of a suite of National Development Management Policies (NDMPs), which will be consulted on separately. These NDMPs are expected to enable plans to be more streamlined and allow plan-makers to focus on matters that are genuinely local. Two core principles are proposed for development management policies – policies should be underpinned by appropriate justification and policies should enable delivery of the plan's vision.
- 1.9 The Council does not object to the principle of local development policies being more focused, provided that this focusing exercise does not come at the detriment of ambition or local responsiveness. The Council's response supports the proposal that development management policies should be linked to the vision however highlights that some of these policies deal with specific local issues and therefore there may be some policies that are not featured in the vision or objectives of the plan.
- 1.10 Concerns were raised by the council as to what policy hook will be in place for Strategic Mitigation Strategies, such as the Essex Coastal RAMS Strategy. The current proposal suggests that there will be no need for local criteria-

based policy. This may reduce the ability for local planning authorities to seek particular types of mitigation.

### **Local Plan Templates**

- 1.11 The introduction of data standards, as provided for in the Levelling Up and Regeneration Bill, is expected to help to ensure that plan data is created and published consistently across all planning authorities. Nationally-defined digital templates are proposed to support planning authorities in drafting their plans and being able to meet the 30-month timeframe. The digital templates to be produced will set out a standardised approach to specific parts of the plan.
- 1.12 The Council generally supports the principle of greater standardisation and templating in the formatting of Local Plans; however, these templates need to provide sufficient flexibility to allow for alternative approaches where a scenario arises that the template may not have foreseen – for example the inclusion of diagrams.

### **Local Plans to be Prepared over a 30-month period**

- 1.13 Nationally the length of time to produce a Local Plan is on average 7 years. Statistics show that approximately only 35% of local planning authorities have adopted a local plan in the last 5 years. Slow progress means local plans are at greater risk of being outdated upon adoption. As a result, it has been proposed that local plans and mineral and waste plans are to be prepared and adopted within 30 months.
- 1.14 It is acknowledged that the current plan-making system has led to long timescales for the preparation of Local Plans. In this context the Council supports, in principle, the proposals which seek to reduce the time it takes to prepare a Local Plan. Concerns are raised, however, on whether the requirement of a 30-month plan-making process is too ambitious. There are situations where the plan-making process may take longer which are outside the control of the local planning authority, such as the preparation of evidence undertaken by consultants, and ongoing changes to national planning policy and guidance.
- 1.15 It is also unclear from the proposal whether any consequences are proposed for not completing Local Plans within the 30-month window. Therefore, the Council has suggested that if the 30-month timescale is implemented, that this be listed as a benchmark that do not prevent reasonable and pragmatic judgements to be made on whether sufficient progress is being made outside of these timescales.

## **Project Initiation Document**

- 1.16 The scoping and early participation stage is to take place prior to the 30-month timescale. At this stage local planning authorities are expected to complete a Project Initiation Documents which have been proposed as a means of standardising Local Plans and make them more accessible and user friendly. Project Initiation Documents are digital templates that will be provided by government, which will form the basis of discussions at the first gateways assessment and will help set out the context, trends, and possibilities of the planning authority's area. These documents should include:
- Define the scope of the local plan and identify evidence required to create a sound plan;
  - Identify any local issues likely to be relevant to the plan or environmental assessment;
  - Set out the project management, governance, risks to delivery and resourcing arrangements; and
  - Outline the overall approach to community and stakeholder engagement.
- 1.17 There is general support in principle of agreeing a Project Initiative Document at the commencement of a Local Plan process. However, it is recognised that it may not be possible to perfectly define the key issues and opportunities facing the Local Plan at the commencement stage and it is further recognised that a natural outcome of later public consultation may be the identification of other issues and opportunities that perhaps ought to have been included in the Project Initiative Document. Therefore, it is suggested that the Project Initiative Documents may be a useful tool as a live monitoring document as plan-making progresses.

## **Digitisation**

- 1.18 The Levelling Up and Regeneration Bill seeks to ensure that data is consistently processed, and data is represented in a consistent format. By standardising data this will enable greater efficiency and transparency in the plan-making process. One means of achieving this goal is through digitisation, which will also allow for plans to be prepared faster, simpler, and provide greater accessibility.
- 1.19 The Council supports greater standardisation and use of data in plan-making where this would create efficiencies and not detract from local discretion. Standardisation in the presentation of policy, including particularly mapping Local Plan allocations and constraints, is an area where may deliver such efficiencies. In addition, there is a wide range of public sector data relevant to plan-making, including demographic and economic projections, which could

be better collated into one are, as opposed to currently where this data needs to be searched for individually.

- 1.20 Although the Council recognises the benefits of digitisation, this could pose a challenge in introducing a digital platform that is compatible with the different council's IT systems used across the country.

### **Replacing Local Development Schemes (LDS) with Timetable Milestones**

- 1.21 In order for local planning authorities to meet the 30-month deadline, the plan-making implementation proposal is to replace the current process of local planning authorities preparing a Local Development Scheme (LDS) with a timetable outlining the key milestones. This timetable will be required to be updated every 6 months and published on the Council's website. The purpose behind this change is to make it simpler to update the progress of a Local Plan timetable and provide greater clarity over what the timetable should include. The replacement of the LDS for a simpler and more concise timetable is supported by the Council.

### **Updates to National Policy and Guidance**

- 1.22 The Department for Levelling Up is proposing to make national planning policy and guidance more prescriptive and clearer. Changes are expected with the next National Planning Policy Framework (NPPF) update (no date known at this time). It is expected that the core changes to the NPPF will include:

- Setting out clearer expectations on what evidence is required to support the local plan;
- Amending national policy to make a distinction between evidence produced and submitted to demonstrate that the plan is sound and legally compliant;
- Clarifying in national policy that evidence should only normally be discussed and argued against at examination where there is a significant and demonstrable reason for doing so, in relation to the tests of soundness and legal requirements;
- Providing clearer guidance to support the existing national policy that a plan should represent an appropriate strategy for the area, but that planning authorities do not need to demonstrate it is the most appropriate strategy; and
- Providing additional overarching guidance on 'what good evidence looks like'.

- 1.23 The council supports the proposed changes to national policy and guidance.

## **Standardisation of Evidence and Freezing Dates**

- 1.24 The Department for Levelling Up is currently undertaking work to standardise elements of evidence that are particularly complex. Standardising evidence will ensure there is a consistent methodology and representation of data making it more user friendly and assist local planning authorities to make better use of the data and digital processes and tools.
- 1.25 The standardisation of evidence is broadly supported, provided that it does not prevent local planning authorities from preparing additional evidence to justify locally-specific policies.
- 1.26 In addition, the plan-making reforms are proposing to enable a data and evidence 'freezing' at certain points of the plan-making process with the aim to reduce further iterations and delays, as well as resources required to update.
- 1.27 The proposal to 'freeze' evidence, in the context of a 30-month plan-making processes, is supported, as this approach is considered to be reasonable and pragmatic.

## **Gateway Assessments**

- 1.28 To assist with meeting the proposed 30-month timescales to produce a plan, the proposal also includes four key plan-making stages and 3 Gateways (refer to figure 1 below):
- A scoping and early participation stage;
  - Plan visioning and strategy development (Gateway 1);
  - Evidence gathering and drafting the plan (Gateway 2); and
  - Engagement, proposing changes and submission of the plan (Gateway 3).

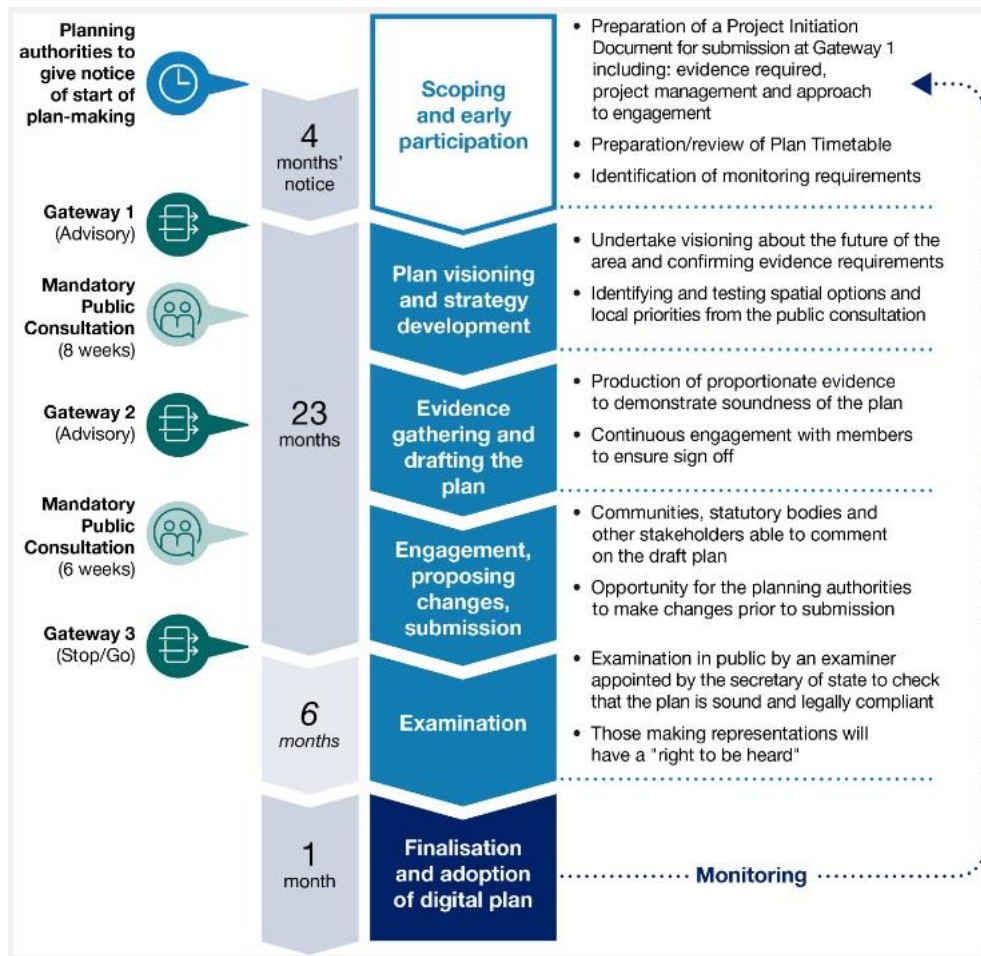


Figure 1: 30-month Plan Timescale, taken from consultation document.

1.29 The gateways are expected to assist local planning authorities in addressing any possible deficiencies and issues prior to reaching the examination stage. It is anticipated that this will prevent any unexpected delays at the examination stage and provide a greater chance that local plans are found sound.

1.30 The Council broadly supports the proposal to include 'gateways', where a Planning Inspector provides advice to address any potential issues of soundness and legal compliance. The Council, has, however, raised some concerns on what the financial implications might be, especially when considering the current financial pressures faced by local authorities. Therefore, it is encouraged that careful consideration be given to how to make the 'gateway' process both time and cost effective so that there is not an additional burden placed on local planning authorities.

### Consultation and Examination for Supplementary Plans

1.31 The Levelling Up and Regeneration Bill is proposing to replace Supplementary Planning Documents (SPDs) and Action Plans with

Supplementary Plan. Under the Bill, local planning authorities are expected to produce a borough-wide design code supplementary plan which will be used to provide, or reinforce an authority's overarching design vision, and setting out high level strategic design parameters to apply to development. In some circumstances, supplementary plans could also build on existing policies in the development plan similar to the existing supplementary planning document (SPD) process. However, the new supplementary plans will be given the same weight as local plans.

- 1.32 Supplementary Plans are proposed to be consulted on once prior to undergoing an examination process. There is general support of undertaking a consultation process, however, questions the value of undertaking an examination process, especially where the local plan has already been found sound. There are concerns that by undertaking an examination for supplementary plans, this may result the retesting of matters which should have been settled at the local plan stage.
- 1.33 Further concerns were raised on the limited scope and lack of roll-over period for existing Supplementary Planning Documents (SPDs). This is of particular concern to the Essex Coastal RAMS partnership and how to effectively bring forward and enforce joint mitigation strategies. The Council has suggested that the plan-making reform support the continued existing use of SPDs to expand upon adopted policy.

## **2.0 BACKGROUND INFORMATION**

- 2.1 The Department for Levelling Up is proposing a number of changes to the plan-making process, as outlined above, in order to allow plans to be made simpler, faster to prepare and more accessible. Based on current data on average it takes approximately 7 years for a Local Plan to progress through the plan-making process through to adoption. Only 35% of all local planning authorities have adopted a Local Plan in the last 5 years. Therefore, there is a significant risk of Plans being outdated. The Regeneration Bill is focused on enabling local planning authorities to prepare a plan within a target of 30-months, which was first announced in 2020 Planning for the Future white paper.

## **3.0 OTHER OPTIONS CONSIDERED**

- 3.1 None



#### **4.0 RELEVANT RISKS**

4.1 None

#### **5.0 ENGAGEMENT/CONSULTATION**

5.1 The consultation on the Levelling Up and Regeneration Bill: consultation on implementation of plan-making reforms is being consulted on from 25 July 2023 until 18 October 2023.

#### **6.0 FINANCIAL IMPLICATIONS**

**Name & Title: Tim Willis, Director – Resources & Section 151 Officer**  
**Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk**

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

#### **7.0 LEGAL/GOVERNANCE IMPLICATIONS**

**Name & Title: Claire Mayhew, Acting Joint Director – People & Governance & Monitoring Officer**  
**Tel & Email 01277 312500 / Claire.mayhew@brentwood.rochford.gov.uk**

7.1 There are no direct legal implications arising from this report.

#### **8.0 EQUALITY & HEALTH IMPLICATIONS**

**Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health**  
**Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk**

8.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful;
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **9.0 ECONOMIC IMPLICATIONS**

**Name & Title: Phil Drane, Director - Place**

**Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk**

- 9.1 Changes to the plan-making process will have a direct impact on the methodology the Council uses when updating its Local Plan. The Local Plan Review will identify future development in the borough and how this is managed, which will contribute towards economic growth. The Council is at the beginning stages of the Local Plan Review process. The implementation date of the Regeneration Bill will have a direct impact on whether the Council will follow the existing plan-making process or the new system.

### **REPORT AUTHOR:**

**Name: Andrea Pearson**

**Title: Senior Planning Policy Officer**

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**Email: andrea.pearson@brentwood.gov.uk**

## **APPENDICES**

Appendix A: Response to Plan-making reforms: consultation on implementation

## **BACKGROUND PAPERS**

The Department for Levelling Up and Regeneration Bill: consultation on implementation of plan-making reforms - [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](#)

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Finance, Assets, Investment &amp; Recovery Committee – Local Plan Review Update (Item 153)</b>	<b>13 September 2023</b>

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## **Brentwood Borough Council Response to Plan-making reforms: consultation on implementation**

Brentwood Borough Council notes that the Department for Levelling Up is currently consultation on changes to the plan-making process in an effort to improve on the effectiveness of Local Plans to make them more user friendly and reduce the length of time it takes to adopt a Plan. In general Brentwood Borough Council are in support of the proposals to improve the plan-making process.

The consultation asks a series of questions. This response is limited to responding to those questions where additional comments were felt necessary.

### **Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?**

The Council has no specific concerns over the core principles listed for the content of Local Plans prepared under the proposed new system. The proposals appear to maintain a sufficiently broad and inclusive role for Local Plans that includes setting out policies that relate to how land can be used, and what infrastructure or other obligations apply when development is allowed to take place.

Whilst the Council has no objection to the three proposals listed at Paragraph 22, which relate to locally distinctive and vision-led policies, the importance of design, and a detailed approach to monitoring, the Council would emphasise that the role of Local Plans must necessarily be far broader, and that clearer articulation of the expectations of Local Plans in the context of climate change, the natural environment, the historic environment, place-making and health and wellbeing should be weighed equally with the three listed proposals.

Paragraph 22 states that plans should 'foster beautiful places' however does not provide a clear definition of what defines a 'beautiful place'. Therefore, the council would welcome a clear definition to assist planners with being able to ensure this requirement is met.

**Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?**

The Council strongly supports the inclusion of a long-term vision within a Local Plan. This vision should provide a strong justification for why certain strategy and policy decisions have been made. This vision should be supported by a number of objectives or policy statements which are clear to the public and other interested parties in how the vision has been applied and carried through into the specific topics that a Local Plan must cover.

The Council also supports the linking of the vision to measurable outcomes within the plan period, which require active monitoring. The monitoring of these outcomes should be publicly available but also precise enough to ensure they remain meaningful and proportionate.

Whilst the Council has no specific objection to the proposal to provide a ‘user-tested digital template’ to indicate what a vision should contain, the Council considers that this should not limit the ability for ambitious locally-defined visions, provided these are broadly consistent with national policy and relevant legislation.

**Question 3: Do you agree with the proposed framework for local development management policies?**

The Council does not object to the principle of local development management policies being more focused, provided that this focusing exercise does not come at the detriment of ambition or local responsiveness. Ultimately, local authorities should not be prevented from including justified and necessary policies within their Local Plans solely for the sake of limiting the length or scope of policies.

It remains unknown if the policy hook for Strategic Mitigation Strategies, such as the joint Essex RAMS Strategy, will appear in the National Development Management Policies (NDMPs) alongside other environmental mitigation policies such as biodiversity net gain (BNG). However, the Government intends that where a policy is addressed under NDMP in future, there will be no need for local criteria-based policy. This may reduce the ability to seek particular types of mitigation.

Similarly, whilst linking local development management policies with the plan vision is supported, it must be recognised that an effective vision will likely be concise and clear, whereas there are likely to be development management policies dealing with specific issues that are unlikely to feature in a plan’s vision. Any relationship introduced as a consequence of this proposal should not have the effect of either negating the potential for specific, niche or locally-responsive policies simply because they do not feature in the vision or objectives of the plan, or necessitating the inclusion of exceptionally long visions or objectives to try to cover off every policy area.

**Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?**

The Council broadly supports the principle of greater standardisation and templating in the formatting of Local Plans. The Council recognises the advantages this may bring in terms of consistency of presentation and greater clarity over expectations when it comes to the length and presentation of Local Plans. However, templates ought to be sufficiently flexible to allow for alternative approaches where a scenario arises that the template may not have foreseen – for example, inclusion of diagrams.

**Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?**

The Council recognises that the current system of plan-making has led to long timescales for the preparation of Local Plans. In this context, the Council supports, in principle, proposals which seek to reduce the time it takes to prepare a Local Plan.

Notwithstanding the above, the proposed 30-month timetable is considered to be very ambitious and likely unachievable in most circumstances. It must be recognised that some elements of the process can be beyond a council's ultimate control, for example the time taken to commission external evidence using consultants (which can exceed 3 months in some cases), the time it may take to complete concurrent processes as master-planning, or unannounced changes to national policy or legislation which require changes to the emerging plan.

It is not clear from the proposals whether any consequences are proposed for not completing Local Plan preparation in the 30-month window. The Council considers that, if introduced, these timescales should be considered a benchmark that do not prevent reasonable and pragmatic judgements to be made on whether sufficient progress is being made outside of these timescales. Local authorities should be invited to keep stakeholders informed on any delays and the reasons for these.

The Council does, however, broadly support the proposal to include 'gateways' at three stages where a Planning Inspector will provide advice at key stages in the process. It is recognised that this will help to identify issues early and correct course, where necessary.

Although the Council broadly supports the proposal to include 'gateways' at three stages, there are concerns on what the financial implications will be, especially given the current financial pressure faced by local authorities. Careful consideration should be given on how to make the 'gateway' process both time and cost effective so that there is not any additional burden placed on local planning authorities.

**Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?**

The Council supports the principle of agreeing a Project Initiation Document at the commencement of a Local Plan process. However, it is recognised that it may not be possible to perfectly define the key issues and opportunities facing the Local Plan at the commencement stage and it is further recognised that a natural outcome of later public consultation may be the identification of other issues and opportunities that perhaps ought to have been included in the Project Initiation Document. In this sense, and with reference to the suggestion it will be 'useful throughout the process', it is suggested the Project Initiation Document may become less useful as plan-making progresses as a better understanding of the plan's strategy emerges. There may therefore be merit in the Project Initiation Document evolving into a live monitoring document as plan-making progresses.

**Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?**

The Council supports greater standardisation and use of data in plan-making where this would create efficiencies and not detract from local discretion. Standardisation in the presentation of policy, including particularly mapping of Local Plan allocations and constraints, is an area where may deliver such efficiencies. In addition, there is a wide range of public sector data relevant to plan-making, including demographic and economic projections, which could be better collated into one area, as opposed to currently where this data needs to be searched for individually.

**Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?**

The Council agrees that the challenges and barriers listed are common experiences of those engaging with the plan-making process. The Council agrees that greater digitalisation could be a solution to some of these challenges, by creating clearer expectations around the form and presentation of certain documents, improving public understanding and access to the plan-making process and making it easier and quicker to update out of date information. However, it is also recognised that some of the barriers and challenges listed exist because of far deeper structural reasons, that are unlikely to be addressable through digitalisation.

Although the council does recognise some of the benefits of digitisation, this could pose a challenge in introducing a digital platform that is compatible with the different council's IT systems used across the country.



**Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?**

**Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?**

The Council broadly supports the proposal to make it simpler to update its Local Plan timetable and the greater clarity over what that timetable should cover and/or include. The current system is fairly burdensome and not flexible to routine changes to timetables. This leads to a tendency to only formally update the timetable through a new Local Development Scheme at the point of a new consultation, irrespective of whether it was up-to-date in the months leading up to this point.

A requirement to update this timetable at least every six months is considered reasonable in the context of the proposed 30-month timetable for delivering the Local Plan as a whole.

**Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?**

The Council supports any proposal to make it clearer in national policy and guidance what evidence is required to support a Local Plan. The Council would further support the proposal to clarify in national policy that evidence should not normally be debated at the Examination stage unless there is a significant justification for doing so, such as a plain misapplication of the evidence. The Council considers it important that where two reasonable interpretations of the evidence exist, the local authority's interpretation should prevail in most circumstances. This would prevent a tendency to overproduce evidence on the local authority's part where they feel they need to justify their interpretation beyond any reasonable doubt.

The Council would support further guidance on the intended meaning of words such 'proportionate' and 'adequate' to align with the comments above.

**Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?**

The Council supports the standardisation of evidence requirements for certain topics, where this does not prevent local authorities from preparing additional evidence to justify locally-responsive policies.

The Council considers that those topics which have the greatest scope for standardisation are those which follow or ought to follow fairly similar methodologies across different Local Plan processes, such as Housing and Economic Land

Availability Assessments (HELAAAs), Gypsy and Traveller Accommodation Assessment (GTAA), Green Belt Assessments and Strategic Flood Risk Assessments.

However, the Council would suggest that evidence documents which may have good reason to define a bespoke methodology should not be shoehorned into a standardised methodology.

**Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?**

The Council would support the proposed freezing of data at the publication stage, unless there were exceptional reasons to not do so. Under the proposed system, Local Plans would need to be updated more frequently than is currently the case, and it is considered reasonable and pragmatic to allow Local Plans to be assessed for their soundness at the point of submission, as opposed to continuously up until the point of adoption, on the basis that any change in circumstances, provided it is not severe, can be addressed more quickly through a subsequent review.

**Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?**

**Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?**

**Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?**

**Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?**

The Council supports the proposed introduction of gateway assessments as an effective means of checking that a Local Plan is on the right track and, where necessary, to identify appropriate actions to address any concerns before the examination stage. The Council considers the proposed three assessment points (in effect commencement, mid-point and pre-submission) to be broadly appropriate.

In particular, the Council considers the proposed third gateway assessment, the 'Stop / Go' stage, to be an important addition to the process which will allow local authorities to identify any further work required on their Local Plan before it should be submitted for examination.

Whilst the Council agrees that the gateway assessments should not prejudice the outcome of the final examination of the plan, particularly given they will not include other stakeholders with a perspective on that plan, the Council considers that appropriate guidance will be required to ensure that the gateway assessments provide meaningful advice and that advisors do not withhold all meaningful conclusions for the Examination stage.

The Council has no specific objection to the proposal to charge planning authorities for gateway assessments, provided any charges are fair and reasonable, and correspond with minimum guarantees over the quality of advice received at each stage. This is particularly the case for those gateway stages which are proposed to include specialist advisors other than Planning Inspectors.

**Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?**

The Council has no objection to the proposals to speed up plan examinations, provided that doing so does not compromise the ability for all parties to participate in effective hearing sessions focussed on the soundness of the plan.

**Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?**

The Council supports the principle of providing a clear approach to engagement at the beginning of the plan-making process. It is recognised that the draft Bill removes the requirement to prepare a Statement of Community Involvement. As a result, having an alternative document produced at the commencement of the plan-making process which clearly articulates how the public and other stakeholders will be involved in the preparation of the Local Plan is fundamental to good communication. The Council would suggest, however, that these commitments should be capable of being refined, as new techniques or approaches are identified through the plan-making processes.

**Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?**

**Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?**

The Council supports the principle of undertaking pre-engagement with interested parties prior to formal commencement of the plan-making process. The Council suggests this could be a good opportunity to receive information on local preferences around engagement that help inform how the local authority subsequently designs its formal engagement processes.

Similarly, any early engagement could also be used to identify the key issues and opportunities that the Local Plan will need to address. It could be focussed on helping to define an agreed vision, that then informs later decision-making, and setting a general scope for later technical work. The Council suggests that this pre-

engagement should take the form of a generally open dialogue with interested parties that is less focussed on speculating over the possible outcomes of the process, but rather agreeing the principles for how that process should work throughout.

Notwithstanding the above, the Council notes the inclusion of a diagram in the consultation material which implies that early engagement will take place prior to the preparation of any evidence. The Council considers this to be a risky proposal, in the sense that subsequent evidence preparation (and related scoping) may identify a range of parameters, issues or opportunities which sit uncomfortably with the outcomes of the early engagement with stakeholders. The Council would suggest that evidence should begin being produced prior to the Project Initiation Document and any early engagement so that some initial evidential context is available to inform scoping and early engagement.

**Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?**

**Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?**

The Council agrees there could be value in defining more clearly what the role and purpose of the two mandatory consultation windows should be. However, this greater definition should be aimed at providing clarity and certainty for those involved in the process, and not aimed at restricting local preferences over the form and format of these consultations. For example, matters such as the level of detail, length and frequency of consultations may need to be flexible to individual circumstances. Local authorities may have a legitimate need to run additional, longer or more focussed consultations where the course of the Local Plan changes or additional information is identified which brings into question suggestions made in a previous consultation. As a result, the Council would suggest that any guidance provided on these consultations should be advisory and regulations should allow for flexibility, where justified.

The Council has no objection in principle to having a model form for submitting representations to consultations, provided that this does not limit people's access to the consultation – for example, by being designed for online use and not easily transferring to a paper or print copy.

**Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.**

The Council agrees with the broad principle of obligating relevant public bodies to participate in the plan-making processes and giving local authorities authority and discretion to secure this participation, where it is not forthcoming through normal

engagement. The Council considers it to be major barrier to effective planning where public bodies do not engage effectively with the plan-making processes, or where they only introduce detail comments at a late stage.

**Question 31: Do you agree with the proposed requirements for monitoring?**

**Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?**

The Council has no objection in principle with the proposed minimum requirements for monitoring, specifically a lighter-touch annual return and a longer-term detailed return focussed on potential updates to a plan. However, the Council considers that local authorities should have the ability to publish more regular and/or detailed information as part of a commitment to good and transparent communication.

The Council supports the principle of Government prescribing a list of metrics that each local authority must report on, provided they have the ability to report on other metrics that they consider relevant. The Council would suggest that the Government consider other ways in which these metrics are being recorded and reported across the public sector, for example Council tax returns may provide an effective proxy for housing completions, and whether there are opportunities to be clear and specific about how certain metrics should be calculated.

**Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?**

Notwithstanding its general concerns over the introduction of supplementary plans, the Council considers that a single stage of consultation is likely to be sufficient for a supplementary plan, but that local authorities should retain the ability to undertake additional stages of consultation should there be a material change to the proposed contents of a supplementary plan. This would allow for supplementary plans, which should generally be more flexible and responsive than a full Local Plan, to be prepared and updated to a shorter timeframe than a full Local Plan, allowing local authorities to respond quickly to emerging issues.

The council does, however, have a number of concerns regarding the limited scope and lack of roll-over period for existing Supplementary Planning Documents (SPDs). This is of particular concern when considering joint SPDs, such as the Essex RAMS SPD. Justification for these concerns are:

**Limited Scope:** In the proposals, SPs have a more limited scope compared to their predecessors. The consultation states it is not intended to be used routinely; planning authorities should prioritise including all of the desired policies in their local plan. In some circumstances SP can expand policy, for example, to design codes, allocations, or masterplans. However, the key issue is that SPs prepared by planning authorities will be limited geographically to matters relating to a specific site or two or more nearby sites. In addition, many of the sites which pay RAMS contributions will be unknown until a planning application is submitted, which seems

to rule out the possibility of producing a RAMS Supplementary Plan. Beyond this, the circumstances where SPs can be introduced are less clear. There is no specific reference to mitigation strategies and, although they will expand upon the content of a planning policy, at this moment it is unclear if they will be permitted.

**No Roll-over:** Unlike in previous practice, it will no longer be possible to roll over Supplementary Plans. Instead, it is expected that the content of SPs will be included with the Local Plan at its next review. In theory, while it could be possible to include 12 copies of RAMS policies within each of the partner authorities' Local Plans, this brings the risk that RAMS policies could diverge over time in response to objections or examining Inspectors, or any future changes to national policy. Condensing the content of an SPD into a local authority's Local Plan would also contradict the Government's stated objective of making Local Plans shorter and more user-friendly.

The council strongly recommends that the plan-making reform support the continued existing use of SPDs to expand upon adopted policy.

**Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?**

The Council considers it questionable whether independent examination of supplementary plans is required as a general principle, insofar as the Local Plan to which they provide further guidance will already have been found sound. It is unclear whether examination of supplementary plans may invite the retesting of matters which should already have been settled at the Local Plan stage.

There are concerns raised regarding the additional time and financial costs that this process is likely to have on local planning authorities, especially given the current financial pressure faced by local authorities. The current consultation does not clarify what process joint Supplement Plans (such as the joint Essex RAMS Strategy referenced above) would need to follow; however, it is assumed that each authority would need to have the Supplementary Plan examined individually. Finally, the current proposals do not appear to have been designed with two-tier authorities in mind, especially where there is a need for the ratification of a plan or strategy by multiple committees across different boroughs / districts.

**Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?**

Whilst the Council recognises the Government's ambition to speed up the process by which Local Plans are prepared, it suggests that the current deadline for submission of an 'old style' Local Plan, being mid 2025, requires continuous review in light of ongoing delays over potential changes to national planning policy. These delays are making it challenging for local authorities to progress with their emerging

Local Plans with certainty, and a static deadline will only serve to condense the time available for local authorities to undertake meaningful work at a later time.

Furthermore, whilst the Council has no specific objection to the proposal to publish regulations and guidance on 'new style' Local Plans from late 2024, when considered with the situation referenced above, this may leave local authorities to consider whether transitioning their Local Plans to the new system is more realistic, which may then mean Local Plans progressing under the current system are artificially held back by the lack of available regulations. It is also not clear whether technical or consultation work undertaken under the current regulations will be compatible with new regulations or whether advanced Local Plans which fail to meet the mid-2025 deadline for submission will then need to return to the very start of the process in order to comply with new regulations.

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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Terms of Reference Planning**

(a) Town and Country Planning Act 1990 and any related legislation including: -

- (i) determination of planning applications;
- (ii) enforcement of planning control;
- (iii) waste land notices, purchase notices, etc.

(b) Listed Buildings and Conservation Areas Act 1990

- (i) determination of applications for Listed Buildings and Conservation Area consent;
- (ii) enforcement of Listed Building and Conservation Area legislation.

(c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.

- (i) To guide the Council in setting its policy objectives and priorities.
- (ii) To carry out the duties and powers of the Council under current legislation;
- (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
- (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (v) To consider and approve relevant service plans;
- (vi) To comply with the standing orders and financial regulations of the Council;
- (vii) To operate within the budget allocated to the committee by the Council.
- (viii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

(d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning.

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