



Agenda

Planning Committee

Tuesday, 21 November 2023 at 7.00 pm

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

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

Agenda

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

Live Broadcast

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Contents

- | | | | |
|----|---|-------------|-----------|
| 1. | Apologies for Absence | | |
| 2. | Minutes of the Previous Meeting | | 5 - 12 |
| 3. | APPLICATION NO: 23/01067/HHA WOODSEATS HUNTERS CHASE HUTTON BRENTWOOD ESSEX CM13 1SN | Hutton East | 13 - 24 |
| 4. | APPLICATION NO: 22/01347/FUL LAND EAST OF NAGS HEAD LANE NAGS HEAD LANE BRENTWOOD ESSEX | South Weald | 25 - 106 |
| 5. | APPLICATION NO: 23/01238/PNTEL MAST EA SITE 35064 ONGAR ROAD PILGRIMS HATCH ESSEX | South Weald | 107 - 118 |

- | | | | |
|-----|---|-------------------|-----------|
| 6. | APPLICATION NO: 23/01084/PNTEL TELECOMS
INSTALLATION NEAR THE JUNCTION WITH SOUTHEND
ARTERIAL ROAD CHILDERDITCH LANE LITTLE WARLEY
ESSEX | Warley | 119 - 128 |
| 7. | APPLICATION NO: 23/00949/PNOT BRENTWOOD CENTRE
DODDINGHURST ROAD PILGRIMS HATCH BRENTWOOD
ESSEX CM15 9NN | Pilgrims
Hatch | 129 - 138 |
| 8. | APPLICATION NO: 23/01006/HHA 1 DANBURY CLOSE
PILGRIMS HATCH BRENTWOOD ESSEX CM15 9JL | Pilgrims
Hatch | 139 - 146 |
| 9. | Planning Appeals Update (July - October 2023) | All Wards | 147 - 156 |
| 10. | Response to the Essex Parking Standards Consultation | All Wards | 157 - 166 |
| 11. | Urgent Business | | |



Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
13.11.2023

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

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

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

Point of Order/ Personal explanation/ Point of Information

Point of Order

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

Personal Explanation

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

Point of Information or clarification

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

Information for Members of the Public

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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.

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

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 **Evacuation Procedures**

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



Minutes

Planning Committee Tuesday, 17th October, 2023

Attendance

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

Apologies

Cllr Mrs Francois

Substitute Present

Cllr Barber

Also Present

Cllr Barrett
Cllr Parker
Cllr Mrs Pound

Officers Present

Phil Drane	- Director - Place
Caroline Corrigan	- Corporate Manager (Planning Development Management)
Zoe Borman	- Governance and Member Support Officer
Mike Ovenden	- Associate Consultant Planner
Carole Vint	- Planning Officer
Jonathan Quilter	- Corporate Manager (Strategic Planning)
Claire Mayhew	- Acting Joint Director of People & Governance & Monitoring Officer
Tom Newcombe	- Solicitor, Birketts (for and on behalf of the Council's Solicitor)
Jane Lowe	- Planning Assistant

LIVE BROADCAST

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

209. Apologies for Absence

Apologies had been received from Cllr Francois and Cllr Barber was substituting.

210. Minutes of the Previous Meeting

The Minutes of the last meeting held on 19th September 2023 were signed as a true record.

211. POOKS HILL RISEWAY BRENTWOOD ESSEX CM15 8BG

This application had 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 though 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.

Mrs Carole Vint presented the report.

Mr Mitchell Gibb, spokesperson for the neighbouring properties, presented to Members their reasons for opposing this application.

Members also heard from the Agent, Mr Tom Wiffen, in support of the application.

Cllr G Barrett was also present and reiterated to the Committee his reasons for referral.

A motion to **REFUSE** the application was **MOVED** by Dr T Barrett and **SECONDED** by Cllr Mynott.

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

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

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

ABSTAIN: (0)

The Chair used his casting vote **FOR** the motion of **REFUSAL**. The application was **REFUSED**.

Reason for Refusal

The proposed dwellings by way of design, fails to be informed by the surrounding context and therefore relates poorly to the existing development, and would therefore be out of character and harmful to the visual amenity of the area. It would also fail to integrate and enhance the natural environment by way of planting to enhance biodiversity. Furthermore, the loss of the existing trees would result in material overlooking and a loss of privacy to the private amenity areas and habitable rooms of the adjacent dwelling "Brook Lodge". The proposal would be in conflict with policy BE14 e), f) and i), NE07 b) and c) and NE03 2) 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.

212. ONGAR GARDEN CENTRE, ONGAR ROAD, KELVEDON HATCH, ESSEX, CM15 0LB

This matter had been deferred following publication of the Agenda, subject to legal advice being sought by the Council.

A note was posted on the website confirming this, however, the Agenda remained as published.

213. LAND SOUTH OF STOCKS LANE STOCKS LANE KELVEDON HATCH ESSEX

This application had been 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.

Mr Mike Ovenden presented the report and advised Members that there was a change in the recommendation written in the report. The new recommendation, if approved, would state:

7. Recommendation

The Application be APPROVED subject to:

(1) the completion of a S106 agreement with the following Heads of Terms:

- To provide and secure on site affordable housing (as agreed with the planning authority)*
- off site ecological mitigation/Biodiversity net gain (provision and retention)*
- Financial contributions for*
 - o Contribution to the cost of transport for secondary school pupils (£42,810.80 Index inked to 2Q 2021).*
 - o Library facilities (£3,189.90 index linked to April 2020)*
 - o Fee for monitoring of 'education payments' (approx. £550 per obligation)*
 - o Greater capacity for NHS surgery (£24,100 indexed)*

(2) Members further resolve to delegate the negotiation of additional heads of terms to the s.106 Agreement to the Head of Planning as follows:

- o Policy Compliant level of contribution towards off-site indoor and outdoor sports provision*
- o Policy Compliant level of Highway Infrastructure contributions as set out in the Infrastructure Delivery Plan (IDP) subject to consultation response from National Highways*

(3) subject to the following conditions:- (as set out in the report)

Mr Kieran Wheeler of Savills was present at the meeting and spoke in support of the application.

Cllr Parker addressed the Committee as Ward Councillor expressing that the consultation processes had been followed and he could see no reasons for refusal.

Cllr Gelderbloem, Ward Councillor, sympathised with residents' views, but agreed with her fellow Councillor regarding consultation. However, was unsure whether this was the right application for the site.

Members expressed concerns over the increase in the number of homes, 49 from around 40, as stated in the original proposal. Officers advised that the original figure was a guide only, and the increased amount of homes would go

toward forming part of the housing and affordable home allocation as stated in the Local Development Plan.

Cllr Dr Barrett requested that officers request confirmation from ECC Schools and Education that its comments of sufficient school capacity are as reported, given the contrary comments made in representations by third parties. After the meeting officers sought and received such confirmation from ECC Schools and Education that its position remains as reported in the planning report.

Members expressed they thought this to be a mediocre application.

Following a full discussion Cllr Mynott **MOVED** and Cllr M Cuthbert **SECONDED** a motion to **APPROVE** the application.

A vote was taken and Members voted as follows:

FOR; Cllr Dr Barrett, Bridge, M Cuthbert, Mrs N Cuthbert, Heard, McCheyne, Mynott (7)

AGAINST: Cllrs Barber, Mrs Gelderbloem, Mrs Murphy (3)

ABSTAIN: Cllr Gorton, Munden (2)

The application was **APPROVED** subject to the revised Recommendation and conditions as stated in the report.

[Cllr Gorton declared a registerable interest as a Parish Councillor of Kelvedon Hatch Parish Council and confirmed he has not taken part in discussions concerning this matter at the Parish Council.]

214. LAND AT BRIZES CORNER FIELD BLACKMORE ROAD KELVEDON HATCH ESSEX

This application was 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.

Mr Mike Ovenden presented the report and advised Members that there was a change in the recommendation written in the report. The new recommendation, if approved, would state:

7. Recommendation

The Application be APPROVED subject to

(1) the completion of a S106 agreement with the following Heads of Terms:

- To provide and secure on site affordable housing (as agreed with the planning authority)*

- off site ecological mitigation/Biodiversity net gain (provision and retention)
- Financial contributions for
 - o Contribution to the cost of transport for secondary school pupils (£19,414.20 Index inked to 2Q 2021).
 - o Library facilities (£1,867.20 index linked to April 2020)
 - o Fee for monitoring of 'education payments' (approx. £550 per obligation)
 - o Greater capacity for NHS surgery (£11,800 indexed)

(2) Members further resolve to delegate the negotiation of additional heads of terms to the s.106 Agreement to the Head of Planning as follows:

- o Policy Compliant level of contribution towards off-site indoor and outdoor sports provision
- o Policy Compliant level of Highway Infrastructure contributions as set out in the Infrastructure Delivery Plan (IDP) subject to consultation response from National Highways

(3) subject to the following conditions:- (as set out in the report)

Mr Mr Kieran Wheeler of Savills was present at the meeting and spoke in support of the application.

Cllr Parker addressed the Committee as Ward Councillor and thanked officers for the consultation process and early submission of plots.

Cllr Gelderbloem, Ward Councillor, praised the affordable housing and biodiversity.

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

Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, Bridge, M Cuthbert, Mrs N Cuthbert, Mrs Gelderbloem, Heard, McCheyne, Mrs Murphy, Mynott (10)

AGAINST: (0)

ABSTAIN: Cllrs Gorton, Munden (2)

The application was **APPROVED** subject to the revised Recommendation and conditions as stated in the report.

[Cllr Gorton declared a registerable interest as a Parish Councillor of Kelvedon Hatch Parish Council and confirmed he has not taken part in discussions concerning this matter at the Parish Council.]

215. 10 CROW GREEN ROAD PILGRIMS HATCH BRENTWOOD ESSEX CM15 9RA

This application relates to Council owned property.

Ms Jane Lowe presented the report.

Following a full discussion a motion to **APPROVE** the application was **MOVED** by Cllr Barber and **SECONDED** by Cllr McCheyne.

Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, Bridge, M Cuthbert, Mrs N Cuthbert, Mrs Gelderbloem, Heard, Gorton, McCheyne, Munden, Mrs Murphy, Mynott (12)

AGAINST: (0)

ABSTAIN: (2)

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

216. Response to Plan-making reforms: consultation on implementation

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.

Mr Quilter summarised the report.

Cllr Mynott thanked officers for the report and confirmed his support to the responses given.

Cllr Mynott **MOVED** the recommendations in the report which were **SECONDED** by Cllr Cuthbert.

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

To approve the response to the consultation on Plan-making reforms, as set out in Appendix A.

Reason for Recommendation

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 Council has no objections to the principles outlined in the consultation, 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, place-making and health

and wellbeing should be weighed equally with the three listed proposals. The Council has also requested that a clear definition is provided on what is meant by a beautiful place.

217. Urgent Business

There were no items of urgent business.

The meeting concluded at 21.20

SITE PLAN ATTACHED

WOODSEATS HUNTERS CHASE HUTTON BRENTWOOD ESSEX CM13 1SN

**SINGLE STOREY GROUND FLOOR FRONT AND REAR EXTENSIONS,
FENESTRATION ALTERATIONS.**

APPLICATION NO: 23/01067/HHA

WARD	Hutton East	8/13 WEEK DATE	24 October 2023
PARISH		POLICIES	MG02 BE14
CASE OFFICER	Miss Georgia Taylor	01277 312620	
Drawing no(s) relevant to this decision:	DESIGN AND ACCESS STATEMENT; 1759 PL03/REV C; 1759 EX01; 1759 EX02; 1759 PL01/REV C; 1759 PL02/REV C; 1759 EX03;		

This application has been referred to Committee at the request of Cllr Olivia Francois and Cllr Ben Rigby for the following reasons:

‘Following a recent refusal, the applicant has now looked to decrease the ridge height thus not creating a first floor to include dormer and instead look to create a single story ground floor front and rear extension. The height and bulk which was argued would result in the building becoming overbearing in comparison to neighbouring buildings has been amended. No windows will be facing neighbouring properties so no risk of loss of privacy. The height of the existing roof will not be altered. This property would still be in keeping with neighbouring properties. I do not think that the proposed extension would be harmful to the openness of the green belt. There are multiple properties on this road which have all benefited from added development.’

‘The applicant has put forward plans, on a single story basis, which I believe are in keeping with both the character and style of Havering’s Grove. In this instance, I feel given the previous planning history, and the clear willingness to comply with planning regulations, the Committee must take a view and in doing so enable Members to rule on the application. I do not believe the officer’s report has taken into consideration the considerable efforts at compliance with the objections raised at previously refused applications, while I believe the single storey elements that have been suggested in replacement of increasing the ridge height, alongside the Local Plan Policy MG02 and the NPPF, are appropriate both for the

property and for the specific area. No neighbour objections have been received, despite the impacts on the property, which have been minimised and any overbearing features are tolerable as a result. The refusal, therefore, strikes me as something on which members must take a view as to whether the extent of the development genuinely amounts to significant harm to the Green Belt and non-compliance with the standards above, or not, and whether those standards need to evolve for single-story buildings in Havering's Grove accordingly.'

1. Proposals

Single storey ground floor front and rear extensions, fenestration alterations.

2. Policy Context

The Brentwood Local Plan 2016-2033 (BLP)

- Policy BE14: Creating Successful Places
- Policy MG02: Green Belt

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

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

3. Relevant History

- 02/00256/FUL: Conservatory At The Rear. - Application Refused
- 11/00839/TPO: Crown reduce all trees by maximum of 30%, Oak, Ash, Hornbeam. Remove dead trees to allow remaining trees to flourish. - Application Permitted
- 12/00049/FUL: Ground floor rear extension and conservatory - Application Refused
- 12/00738/S192: Single storey front extension and proposed roof lights to the rear - Application Refused and appeal dismissed
- 17/00661/PN42: Single storey rear extension. The proposed extension would extend 8m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 3.18m and the proposed eaves height would be 3.04m - Prior Approval is Not Required
- 17/00872/FUL: New external wall and gate to the front of the property. - Application Permitted
- 17/01025/FUL: Construct new canopy over proposed front entrance, revisions to fenestration pattern, doors and roof lights - Application Permitted

- 17/00872/NON/1: Non material amendment to application (17/00872/FUL (New external wall and gate to the front of the property.) to allow the wall to sit 600mm back from the road - Application Refused
- 17/01543/TPO: G1 - Hornbeam Cut both trees back to boundary all the way up, T2 and T3 Oak - High crown lift over gardens - Application Permitted
- 17/01713/FUL: Construct new external wall and gate to the front of the property. - Application Permitted
- 22/00821/S192: Application for a Lawful Development Certificate for a proposed use or development for raising the existing roof to create a first floor. - Application Withdrawn
- 22/01198/PHNF: Prior notification for the construction of additional storeys to provide an enlargement to the existing dwelling. - Application Refused
- 23/00167/HHA: Raising of existing roof to form a loft conversion to include dormers to front and rear with juliette balcony. Fenestration and roof alterations. - Application Refused
- 23/00606/HHA: Increase in height of ridge to create first floor to include dormer windows to front and rear and velux rooflights to sides. Infill front extension. - Application Refused

4. **Neighbour Responses**

- This application has been advertised by way of Public site notice and neighbour notification letters. At the time of writing this report, no representations have been received.

5. **Consultation Responses**

- None

6. **Summary of Issues**

The application site has recent planning history, and the previous application 23/00606/HHA was refused by decision notice dated 7th July 2023 for the following reasons:

R1

The proposed development by reason of its scale, height and additional bulk represents inappropriate development within the Green Belt by reason of the proposed development resulting in a disproportionate addition over and above the original building. Contrary to National Planning Policy Framework 2021 paragraphs 149, and planning policies MG02 of the Local Plan. There are no matters in support of the application which would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development.

R2

The proposed development by reason of its height and bulk, would result in a building of a mass and design that would dominate and be overbearing on the neighbouring dwellings 'L'Atelier' and 'The Ridings', and would be harmful to the amenity of the occupiers of that dwelling in conflict with Policy BE14 of the Brentwood Local Plan.

The refusal has not been the subject of an appeal and no preapplication has been undertaken.

Site Description

The application site is located on the eastern side of Hunters Chase and is occupied by a detached chalet bungalow which has previously benefitted from extensions and alterations mainly through permitted development. The application dwelling is set back from the highway and is set behind a front entrance gate. The application site is set on a gradient slope, with the driveway sloping down towards the dwelling, and the dwelling being set higher than the rear garden which steps down with the gradient. The application site is located within the Metropolitan Green Belt which washes over the locality.

To the northern side of the application site is the neighbouring dwelling 'L'Atelier' which is occupied by a detached 'L-shape' bungalow which is set on the common boundary with the application dwelling. To the southern side of the application site is the neighbouring dwelling 'The Riding' which is occupied by a detached bungalow which has rooms within the roof.

The surrounding area of Hunters Chase is located off Rayleigh Road and characterised by modest bungalows with some benefitting from extensions although habitable accommodation in the roof, and the predominant character of development is considered to be modest in scale and all positively relate to the surrounding area.

Green Belt

Principle

National Planning Policy relating to new development in the Green Belt is set out in the National Planning Policy Framework chapter 13. The local development plan Brentwood Local Plan 2016-2033 is relevant, in particular policy MG02 which is compliant with the aims and objectives of the NPPF in terms of Green Belt constraints.

The NPPF at paragraph 147 makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, It goes on to state that when considering any planning

application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations (para 148).

The NPPF sets out exceptions to inappropriate development and most relevant to this application would be paragraph 149(c):

the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

The NPPF does not give a definition of what constitutes 'disproportionate' even in its latest iteration. Although mathematical calculations comparing existing footprint and floorspace are often quoted, there is no policy basis for their use and should be used with caution. Overlays of existing and proposed development to compare massing (meaning volume) and placement of form are more accurate.

The original dwelling was a modest chalet bungalow with a pitched roof design parallel to the highway. It is evident that the application dwelling has benefitted from a previous single storey side extension which extends from the ridge height of the original dwelling and in 2017 a single storey rear extension was permitted and built under prior notification application 17/00661/PN42. In 2017, a front canopy was permitted under planning application 17/01025/FUL.

In line with the NPPF and policy requirement, the test as to whether the extensions are disproportionate is to compare original building to new additions. The original dwelling house had a habitable floor area of 52.17 sqm; the existing floor area through permitted development extensions and other alterations is now 138.67sqm (increase of 165.2%).

This proposal would add a further 53.73 sqm of floorspace resulting in an overall percentage increase from the original building of approximately 204, which is a good indicator of volume by proxy increase.

The existing extensions already represent disproportionate additions over and above the original dwellinghouse and therefore the accumulative extensions result in inappropriate development in the Green Belt.

Inappropriate development is by definition, harmful to the Green Belt and would reduce the openness of the Green Belt. In this instance, very special circumstances would need to exist to clearly outweigh the harm by inappropriateness and any other harm identified and therefore be acceptable.

Design, Character, and Appearance

Policy BE14 seeks to create successful places ensuring new development meets high design standards (including materials) and delivers safe, inclusive, attractive, and accessible places. Developments should respond positively and sympathetically to their context and where appropriate retain or enhance existing positive features from the character of the area.

To the front elevation, the existing dwelling benefits from three gable features with hipped roofs which stagger in depth and width. The proposed development seeks to construct one front extension which infills the existing gable and front porch canopy set on the northwestern side of the front elevation with a depth of 1.1 metres, and the second front extension would project forward of the existing gable on the southwestern side of the front elevation with a depth of 4 metres.

To the rear, the proposed development seeks to construct a single storey rear extension which will adjoin the existing side and rear projection and would have a depth of 9.7 metres and a width of 4 metres. The proposed single storey rear extension has been set down from the ridge height of the main dwelling with a hipped roof gable feature design. The proposed development will retain similar layout and design as the existing dwelling, featuring hipped gable features to the front and rear which are set down from the ridge height of the main dwelling.

Whilst the front additions would appear in keeping with the application dwelling, it is considered that the proposed single storey rear extension would create a bulky addition to the rear elevation as the size of the extension would appear excessive in scale due to extending from the ridge height of the main dwelling and extending 9.7 metres along the common boundary with neighbouring site 'The Ridings'.

The proposed single storey rear extension in terms of its size and scale would lead to an excessive addition to the rear elevation and would not be compliant with Policy BE14 of the Local Plan, the NPPF and NPPG.

Impact on Neighbour Amenity

'L'Atelier'

The neighbouring dwelling 'L'Atelier' is set to the northern side of the application dwelling and is occupied by a detached bungalow which is single storey in scale and is set 1 metre from the shared common boundary. The proposed development would be set away from the shared common boundary with the neighbouring dwelling and therefore, the proposed development would not result in a detrimental impact upon the living conditions of the neighbouring occupiers by way of overbearing impact, loss of light or loss of privacy.

'The Ridings'

The neighbouring dwelling 'The Ridings' is set to the southern side of the application dwelling and is occupied by a detached bungalow which has rooms within the roof and has been extended extensively to the rear. The neighbouring

dwelling is set 3.2 metre from the shared common boundary, and the proposed development would be flush with the common boundary with a height of 4 metres and an eaves height of 2.7 metres. The proposed development does not propose any additional windows to the flank elevations of the proposed development.

Drawing '1759/PL02/C' indicates the fence line which is 1.7 metres in height at patio level, and shows the proposed rear extension would be visible for 2.3 metres above the fence line and would not result in overlooking or loss of privacy. With regards to overbearing impact, given the distance between the common boundary with neighbouring dwelling and the application dwelling is 3.2 metres, it is considered the proposed development would not result in an overbearing presence to the occupied of 'The Ridings'.

Conclusion

The proposed development would conflict with local plan Policy MG02 and the National Planning Policy framework in relation to Green Belt constraint. Further, the proposed single storey rear extension is considered to be excessive in size and scale and contribute to harm to the character of the area.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U0053548

The proposed single storey front and rear extensions represent inappropriate development within the Green Belt by reason of the proposed development resulting in a disproportionate addition over and above the original building. Contrary to National Planning Policy Framework 2023 paragraphs 149, and planning policies MG02 of the Local Plan. There are no matters in support of the application which would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development.

R2 U0053821

The proposed single storey rear extension is in terms of its scale and size would lead to an excessive addition creating a bulky and overbearing addition which would not be compatible with the existing dwelling. As such, the design of the rear extension is not of a standard of design that complies with Local Plan Policy BE14, the NPPF or the National Design Guidance.

Informative(s)

1 INF05

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

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

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

BACKGROUND DOCUMENTS

DECIDED:

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Title : Woodseats, Hunters Chase, Hutton, Brentwood, Essex, CM13 1SN

23/01067/HHA

Scale at A4 : 1:2500

Date : 21st November 2023

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



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ADDENDUM REPORT 22/01347/FUL

LAND EAST OF NAGS HEAD LANE, BRENTWOOD

Hybrid application seeking full planning permission for the development of the Site for 119 residential dwellings, public open space, pedestrian and cycle link, vehicular access from Nags Head Lane, landscaping, drainage infrastructure and all associated ancillary development and outline planning permission (with all matters reserved) for 6 no. serviced self-build plots or custom build plots. (Amended Description)

This report includes a summary of reasons the application was deferred at July Planning Committee and how these matters have been addressed.

The list of drawings and supporting documents and the conditions and s.106 Heads of Terms provided below are a comprehensive list and supersede those in previous reports.

Revised Drawing Numbers:

The Drawing numbers and supporting documents listed below are a complete list and supersede others listed in the reports to July Planning Committee.

21355J/01 Rev P1 – Site Location Plan
21355J/02 Rev P1 – Existing Block Plan
21355J/03 Rev P1 – Existing Site Section AA-EE
21355J/04 Rev P1 – Existing Site Section FF-JJ
21355J/10 Rev P3 – Proposed Site Layout Plan
21355J/11 Rev P3 – Proposed Colour Site Layout Plan
21355J/12 Rev P2 – Proposed Fire Access Plan
21355J/13 Rev P2 – Proposed Refuse Strategy Plan
21355J/14 Rev P2 – Proposed Parking Strategy Plan
21355J/15 Rev P2 – Proposed Boundary Treatment Plan
21355J/16 Rev P2 – Proposed Movement Strategy Plan
21355J/17 Rev P3 – Proposed House Type Mix Plan
21355J/18 Rev P2 – Proposed House Type Material Plan
21355J/19 Rev P2 – Proposed Tenure Plan
21355J/53 Rev P1 – Proposed Site Sections AA - BB
21355J/54 Rev P1 – Proposed site Sections CC - DD
21355J/55 Rev P1 – Proposed site Sections EE - FF
21355J/56 Rev P1 – Proposed site Sections GG - HH
21355J/57 Rev P1 – Proposed site Sections KK - LL
21355J/58 Rev P2 – Proposed site Sections MM – OO
21355J/59 Rev P1 - Proposed site Sections PP - QQ
21355J/100 Rev P1 – Proposed Elevations and Floor Plans
21355J/101 Rev P1 – Proposed Elevations and Floor Plans
21355J/102 Rev P1 – Proposed Elevations and Floor Plans
21355J/103 Rev P1 – Proposed Elevations and Floor Plans
21355J/104 Rev P1 – Proposed Elevations and Floor Plans

21355J/105 Rev P1 – Proposed Elevations and Floor Plans
21355J/106 Rev P1 – Proposed Elevations and Floor Plans
21355J/107 Rev P1 – Proposed Elevations and Floor Plans
21355J/108 Rev P1 – Proposed Elevations and Floor Plans
21355J/109 Rev P1 – Proposed Elevations and Floor Plans
21355J/110 Rev P1 – Proposed Elevations and Floor Plans
21355J/111 Rev P1 – Proposed Elevations and Floor Plans
21355J/112 Rev P1 – Proposed Elevations and Floor Plans
21355J/113 Rev P1 – Proposed Elevations and Floor Plans
21355J/114 Rev P1 – Proposed Elevations and Floor Plans
21355J/115 Rev P1 – Proposed Elevations and Floor Plans
21355J/116 Rev P1 – Proposed Elevations and Floor Plans
21355J/117 Rev P1 – Proposed Elevations and Floor Plans
21355J/118 Rev P1 – Proposed Elevations and Floor Plans
21355J/119 Rev P1 – Proposed Elevations and Floor Plans
21355J/120 Rev P1 – Proposed Elevations and Floor Plans
21355J/121 Rev P1 – Proposed Elevations and Floor Plans
21355J/122 Rev P1 – Proposed Elevations and Floor Plans
21355J/123 Rev P1 – Proposed Elevations and Floor Plans
21355J/124 Rev P1 – Proposed Elevations and Floor Plans
21355J/125 Rev P1 – Proposed Elevations and Floor Plans
21355J/126 Rev P1 – Proposed Elevations and Floor Plans
21355J/127 Rev P1 – Proposed Elevations and Floor Plans
21355J/128 Rev P1 – Proposed Elevations and Floor Plans
21355J/129 Rev P1 – Proposed Elevations and Floor Plans
21355J/130 Rev P1 – Proposed Elevations and Floor Plans
21355J/131 Rev P1 – Proposed Elevations and Floor Plans
21355J/150 Rev P1 – Proposed Elevations and Floor Plans
21355J/151 Rev P1 – Proposed Elevations and Floor Plans
21355J/152 Rev P1 – Proposed Elevations and Floor Plans
21355J/153 Rev P1 – Proposed Elevations and Floor Plans
21355J/154 Rev P1 – Proposed Elevations and Floor Plans
21355J/155 Rev P1 – Proposed Elevations and Floor Plans
21355J/156 Rev P1 – Proposed Elevations and Floor Plans
21355J/157 Rev P1 – Proposed Elevations and Floor Plans
21355J/158 Rev P1 – Proposed Elevations and Floor Plans
21355J/159 Rev P1 – Proposed Elevations and Floor Plans
21355J/160 Rev P1 – Proposed Elevations and Floor Plans
21355J/161 Rev P1 – Proposed Elevations and Floor Plans
21355J/300 Rev P1 – Proposed Elevations and Floor Plans
21355J/301 Rev P1 – Proposed Elevations and Floor Plans
Q482-006 Rev D – Levels Strategy
Q482/005 Rev F – Drainage Strategy
Q482/002 Rev C – Site Access Arrangements
1621/002 Rev L Landscape Masterplan
1621/005 Rev E – Eastern Boundary Landscape Sections
1621/003 Rev C – Northern Green Landscape
Acoustic Assessment September 2023; Air Quality Assessment September 2023;
Arboricultural Impact Assessment September 2023; Bidwells Amended Plans
Statement September 2023; Ecological Appraisal September 2023; Confidential

Appendix to Ecological Appraisal September 2023; Flood Risk Assessment and Drainage Strategy Sept 2023; Planning Statement Addendum May 2023; Transport Assessment Addendums May 2023 and February 2023 including Appendices; Travel Plan and Appendices February 2023; Road Safety Audit February 2023; Energy and Sustainability Statement February 2023; Design and Access Statement September 2022; Archaeological Desk Based Assessment September 2022; Ground Investigation Report December 2019; Built Heritage Statement September 2022.

Background

The planning application was deferred at July Planning Committee for the following matters to be addressed:

- 1 Further engagement with neighbours
- 2 Cumulative highway impacts and relationship with Gateway site and parking
- 3 Layout, design and landscaping along eastern boundary
- 4 Clustering of affordable housing units
- 5 Additional ecological surveys to be undertaken
- 6 Further clarification from Thames Water

These matters are addressed below:

1 Further engagement

The applicant met with the Mascalls Gardens Residents' Association representatives several times between the July Committee and submission of amended plans on 8th September 2023. Further public consultation was undertaken with letters sent on 14th September where the amendments affected the adjoining neighbours. The drawings of the dwellings consulted on were black and white and have been superseded with colour drawings. The amendments to the proposal include:

- A reduction in two dwellings with the description of development amended
- Bungalows proposed along the eastern boundary with the 2 self-build plots and 8 affordable housing dwellings moved to within the site
- Landscaping details on the eastern boundary, alteration to the red line boundary to reflect this and repositioning of fencing
- 6 additional visitor spaces to comply with parking standards
- Amended Drainage Strategy Plan to show connection to Thames Water from the northern detention basin
- New Ecological Surveys undertaken and amended landscape plan with additional wildflower planting, street trees and hedge planting to supplement street tree planting
- Updated reports have also been provided.

Neighbour response to further consultation

Five letters of objection were received in response to the consultation undertaken in September. The new objections are summarised below and the objections to the original plans are provided in the July Committee report.

The responses can be viewed on the Council's website via Public Access at the following link: <https://publicaccess.brentwood.gov.uk/online-applications/>

- Site will not be able to support increased traffic onto Nags Head Lane together with the Brentwood Gateway site
- Gateway site has already commenced so it is no 'yet to be determined' as stated by Crest. Cumulative traffic impacts should be considered
- Only one access point and access on a blind bend is a safety concern on a country lane as well as the increase in traffic volume
- Brook Street is regularly congested impacting on Nags Head Lane and Wigley Bush Lane intersection impacting on emergency vehicles
- No safe pedestrian access to Brook Street with no pedestrian crossing
- New plans do not show the new red line boundary following the barbed wire fence as agreed by Crest Nicholson
- Residents of new bungalows could have outbuildings in their gardens under permitted development which could have an impact on adjoining Mascalls Gardens resident privacy due to land levels. Permitted development rights should be withdrawn
- Waiting for images to be supplied by Crest after meetings of 3rd and 21st August and 5th September regarding views from each individual house on Mascalls Gardens
- Landscaping along the eastern boundary is minimal and the 'buffer' is not significant enough to mitigate loss of privacy
- Eastern boundary fencing location still not clear
- All previous points regarding local infrastructure still stand
- Negative impact due to scale and being out of character with surrounding area
- Noise and disturbance to everyone who lives in the vicinity of site
- Loss of sunlight, green space and open countryside views and trees will have a negative impact on green belt conservation
- Wildlife habitat will be destroyed
- Increase in light pollution
- There is surely a more suitable site somewhere else

Additional Consultation Response summaries:

- **Thames Water**

The report to July Committee included Thames Water's initial comments and updated comments and further clarification was requested. Thames Water was consulted on the latest plans for the proposal and did not raise any objection to connecting to the sewerage network or the proposed surface water network. The comments received on 10th October 2023 requested an informative.

- **Essex Badger Protection Group**

An Updated Ecological Survey was undertaken in August 2023 and the wildflower grassland and new native shrub planting has been replaced with worm-rich short-sward grassland. Previous objection is removed, and it is strongly recommended that a number of conditions are included that go beyond the mitigation measures set out in the September 2023 confidential appendix.

- **Highway Authority**

The updated proposals for this site have been duly considered. They do not impact the local highway network or the position of the Highway Authority, so please refer to ECC's original response to this application.

- **Fire and Rescue Service**

Having reviewed the amended drawings / submission this Authority's previous observations made 26th June 2023 remain valid and are re-submitted in response to this re-consultation.

- **Essex Police**

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design for which Secured By Design (SBD) is the preferred enabler, in this case Secured by Design - Homes.

SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities' and Brentwood Local Plan Policy BE14.

There appears not to be any specific references to security in the documentation provided.

However as stated above, security forms a key part of a sustainable and vibrant development. To date Essex Police has not been consulted in any pre-application discussions. Pre-planning consultation is always preferable in order that security considerations for the benefit of the intended residents are agreed prior to a planning application.

We would welcome the opportunity to consult with the applicant to discuss several areas related to security that Essex Police would be keen to clarify further, for example: - Lighting - This plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within that space. When applied and designed correctly, lighting can reduce the potential for crime. Essex Police recommend that detailed lighting plans are incorporated within the design, to comply with BS5489-1 2020.

Public realm and open space - We appreciate that it is important to create a sense of place with the provision of accessible services and facilities that encourage walking and cycling etc. It is also important to ensure that any community spaces and broader public realm, are designed where safety and security is subliminal to the user of that space and do not become a central point for Anti-Social Behaviour or any unwanted activity, thus having an adverse effect on those communities. If not effectively designed these spaces could be conducive to future incidents of crime.

- **County Archaeologist**

This office has reviewed the revised and newly submitted documents and continues to support the recommendations made in our previous correspondence, namely that the following conditions are attached to any consent, in line with the National Planning Policy Framework, paragraph 205 and the Brentwood Local Plan Policy BE16:

All other consultee's comments are provided in the original report.

2 Cumulative highway impacts, parking and safety

The Highway Authority's comments on the updated plans are provided above and no objections have been raised. The Highway Authority is aware of the resolution to grant planning permission for Brentwood Gateway, which includes a residential element with sole vehicular access onto Nags Head Lane. Paragraph 111 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*" The access to the residential component of Brentwood Gateway site does not create any safety concerns due to there being no conflict with the location of access points for the two sites and no objection has been raised on the cumulative impacts on the road network. Both developments have catered for pedestrian and cycle access.

The road safety improvements on Brook Street, provides pedestrian and cycle improvements including a signalised crossing. The road safety improvements on Nags Head Lane include a 3m-wide pedestrian/cycle link to Brook Street and visibility splays for the vehicular access on Nags Head Lane (refer Drawing No. Q482/002 Rev C and proposed conditions 21 and 22). The visibility splays will improve views for drivers travelling northwards, addressing safety issues for vehicles turning right into the site. The improvements to Nags Head Lane are considered to address concerns raised. The one vehicular access road into the development has not raised any objections by the Highway Authority.

Regarding parking on site, the reduction in the number of dwellings by two and the increase in visitor parking spaces meets the car parking guidance, as set out on Drawing No. 21355J/14 Rev P2 Proposed Parking Strategy Plan.

3 Layout, design and landscaping

The amendments to the proposal are listed above under the heading 1 Further Engagement. The main change to the proposal is the proposed bungalows located adjacent to the eastern boundary and the relocation of two self-build plots. The siting of the bungalows is in the same location as the previously proposed two storey dwellings with the garden depths remaining unchanged at 15.5m to 17m, providing a 30m separation between the Mascalls Gardens dwellings. An exception to this is the full length garden extension of No. 30 Mascalls Gardens, which is discussed below.

The change from two storey dwellings to bungalows is more in keeping with most of the dwellings in Mascalls Gardens and the lowering of the height will reduce the impact of the development on the adjoining neighbours' sense of enclosure and perceived loss of privacy. It is not considered reasonable or necessary to remove permitted development rights for any alterations to the roofs under Class B and C due to the distance between dwellings and the ridge height not changing.

The changes to the design have been supplemented with the proposed landscaping details on the eastern boundary. Drawing No. 1621/005 Rev E illustrates this with the gardens of the proposed bungalows providing the landscape buffer of tree planting, wildflower turf and native hedging with a two-bar post and rail fence protecting this

area as a landscaped buffer. The original comments from Council's arboriculturalist required a detailed landscape plan with the specifications of the soft landscaping. The condition originally proposed has been amended to ensure any new or retained tree, shrub or hedgerow that dies/ is uprooted or severely damaged or diseased within 5 years of the completion of the development is replaced within the next planting season of the same or similar species and size.

In addition to the landscaping condition, it is proposed to remove permitted development rights for extensions to the bungalows (Class A) and outbuildings (Class E). Removing permitted development rights does not mean development is not permitted for these types of developments but requires planning permission, which will require consultation with adjoining neighbours and an assessment by the local planning authority.

The conditions identified above will assist in minimising the impact of the residents of Mascalls Gardens abutting the site. Regarding the impacts on occupants of No. 30, where there are two windows located on or close to the western boundary, a fence in this location adjacent to the window will have an impact on the existing room. The impact is mitigated by the existing windows on the south elevation of No. 30 extension. It is also noted that a 2 metre high boundary fence could be constructed without any planning permission and this has been taken into consideration. The Building Regulation history shows that the extension was for a lounge and workshop completed in the 1980s. There is no planning history for this extension.

4 Clustering of affordable housing

The clustering of 15 affordable housing units in the north-eastern corner of the site has been amended, with 8 affordable homes being relocated to the south-east. There remains a cluster of 17 dwellings (Plots 9 – 31) on the western side of the site, adjacent to Nags Head Lane. The applicant has provided a response to the Housing Manager's objection acknowledging that the draft Planning Obligations SPD seeks to limit clustering to 15% of the total number of dwellings or a maximum of 12 units. However, it is stated that their affordable housing partner is satisfied with this cluster as it is more efficient to manage. The mix of dwellings have different orientations, so it is not perceived as a cluster in regard to the street scene, which includes varying setbacks to the access road and three different access points for pedestrians and cyclists.

The mix provides 11 affordable rent and 6 shared ownership dwellings ranging in size and type and 1 and 2 bedroom flats and 2, 3 and 4 bedroom dwellings. The drawings show the materials of the dwellings are consistent with the market housing.

The proposal is consistent with Policy HP05 of the Brentwood Local Plan regarding the provision of 35% affordable homes, tenure split, type, mix, size, and appearance and materials being consistent with the market housing. The 44 affordable homes are distributed throughout the development with the aim of avoiding an over concentration. The cluster of 17 dwellings has created an over concentration and this holds some negative weight to the proposal. However, the weight is not considered significant when the layout of the dwellings, style and mix are taken into consideration along with other compliance with Policy HP05.

5 Ecological surveys

Further ecological surveys were undertaken in August and no further objections raised subject to proposed pre-commencement condition requiring a further survey prior to development commencing on site and mitigation measures to be undertaken. These mitigation measures are included in proposed conditions 5, 12, 13 and 14.

6 Thames Water clarification of comments

Thames Water does not object to the application and provided comments on the latest plans confirming capacity in the network. An informative has been included regarding the requirement for a Groundwater Risk Management Permit.

Response to objections

The assessment above and the assessment set out in the previous reports have covered the matters raised by objectors. The plans that were consulted on included sections and the change to the redline boundary. The proposed landscape buffer has been detailed in the plan and the final details of species and numbers are subject to the landscaping condition as well as details of the boundary fencing.

Summary

The proposed amendments provide an improvement for residential amenity and the proposal is considered to be compliant with the relevant planning policies. The 17 affordable homes located on the western side of the site has remained unaltered and is a negative element to the scheme. However, this is not considered significant given the other improvements and on balance the proposal is recommended for approval subject to a s.106 agreement set out in the Heads of Terms below and conditions.

S.106 Heads of Terms to include:

Early Years and childcare - £159,819.48 index linked to Q1 2020

Primary school - £554,302.80 indexed linked to Q1 2020

Libraries - £9,880.60

Annual monitoring fee of £1,596 per annum (index linked) for Travel Plan

NHS £63,000 index linked

Open space - £250,000, which includes £227,155 towards outdoor sports and £22,845 towards provision and maintenance of off-site open space

Indoor sports provision £137,906, which includes £65,594 towards sports halls and £72,312 towards swimming pools

Management and maintenance plan including management company arrangements

Provision of 35% affordable housing with 86% affordable rent and 14% affordable home ownership

Provision and sale of self-build plots

IDP Ref T17 Brentwood Town Centre Public Realm Enhancement - £755,952

IDP Ref T8 Brentwood and Shenfield Railway Station Public Realm Improvement - £550,217

IDP Ref T10 Quietway Cycle Routes in Brentwood Urban Area - £250,098

IDP Ref T12 Railway Station Cycle Infrastructure - £13,088

IDP Ref T28 – M25 Junction 28 - £12,843

IDP Ref T29 – M25 Junction 29 - £327,495

IDP Ref T30 – Signalised Junction Improvement, A1023 Junction 17 Brook Street / Mascalls Lane – £170,000

Recommendation

The application be APPROVED subject to the completion of a Section 106 Agreed and to the following conditions:

1 TIM01 Standard Time - Full

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

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

2 Reserved Matters

Approval of the details of layout, scale, landscaping and appearance (hereby called “the reserved matters”) shall be obtained from the local planning authority in writing for the serviced self-build /custom build plots before development for dwellings commences on each of the 6 self-build plots. As part of the submission for reserved matters, details of the timing of the provision of the self-build/custom build plots shall be submitted to and approved in siting by the local planning authority.

The development shall be carried out in accordance with the approved details and conditions of the decision notice.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.

3 Commencement of Reserved Matters

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

4 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.

5 Pre-commencement Survey and mitigation measures

Prior to commencement, a further survey shall be carried out in accordance with the mitigation measures set out in Aspects Ecology Confidential Appendix dated 8th September 2023 and the advice provided by the Badger Protection Group by email dated 3rd October 2023. The development shall be carried out in accordance with these mitigation measures.

Reason: To ensure that satisfactory ecological measures are undertaken in accordance with Local Plan Policy NE01 and of Brentwood Local Plan.

6 Construction Environment and Traffic Management Plan

No development shall commence, including site clearance, until a Construction Environment and Traffic 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 and shall provide for:

1. The construction programme
2. Hours of Construction, with no construction activities outside 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and no construction work on Sundays and Public Holidays.
3. Management of waste on site with no bonfires permitted.
4. Control of dust.
5. Noise and vibration mitigation measures, having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.
6. Vehicle routing
7. The parking of vehicles of site operatives and visitors
8. Loading and unloading of plant and materials
9. Storage of plant and materials used in constructing the development
10. Wheel and underbody washing facilities

Reason: To ensure the amenity of neighbours is taken into consideration during construction, and on-road parking of vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought onto the highway and construction vehicles do not use unsuitable roads, in accordance with Local Plan Policy BE14 and paragraphs 185 and 186 of the NPPF and in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

7 Ground Works

No development or site clearance shall take place until such time as the recommendations set out in Section 10 of the submitted Ground Investigation Report dated 3 December 2019 ref: 12430-HYD-XX-ZZ-RP-GE-1000 by Hydrock have been undertaken and a report detailing the findings has been submitted to and approved in writing by the local planning authority.

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.

8 ECC SuDS

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

- Limiting discharge rates to north east 5l/s, south 2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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

9 ECC SuDS

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

Reason: To mitigate increased flood risk to the surrounding area during construction.

10 Archaeology

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

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

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

11 Archaeology

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as

detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

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

12 Tree protection

Prior to commencement of the development hereby approved, an Arboricultural Method Statement supported by a 1:500 scale technical drawing shall be submitted to and approved in writing providing details of the protection barriers of retained trees and hedges, including trees outside the site whose canopies overhang the site. The Method Statement shall also include details of retaining trees with bat roosting features including, but not limited to, the two English Oaks (T3 and T4) which will require structural work to be retained. 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.

The approved details shall be adhered to throughout the construction period.

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

13 Ecological measures

Prior to commencement of the development, details of how the mitigation measures and ecological enhancements, recommended in the Aspect Ecology Ecological Appraisal September 2023, shall be submitted and approved in writing by the local planning authority.

The development shall be carried out in accordance with these mitigation measures.

Reason: To ensure that satisfactory ecological measures are undertaken in accordance with Local Plan Policy NE01 and of Brentwood Local Plan.

14 Planting Scheme

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

Unless otherwise agreed in the planting programme, the landscaping scheme shall be completed during the first planting season after the date on which the development is commenced. Where tree planting is in gardens of dwellings, these dwellings shall not be first occupied until the planting has been carried out. The development shall thereafter be carried out solely in accordance with the details thus approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced

within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation. Reason: To ensure a satisfactory and appropriate landscape scheme relative to the development to comply with Local Plan Policies NE02, NE03, BE14 and BE15.

15 Boundary Treatments

Prior to commencement of above ground works, a detailed scheme for the siting and design of all boundary treatments (including drawings of any gates, fences, walls or other means of enclosure and including hedgehog links of 15cm diameter gaps at the base of fences) shall be submitted to and approved in writing by the local planning authority. The approved scheme, including the eastern boundary treatment shown on approved Drawing No. 1621/005 Rev E – Eastern Boundary Landscape Sections, shall be fully implemented prior to first occupation of the dwellings the boundary treatments serve and retained for the lifetime of the development, unless otherwise approved, in writing, by the local planning authority.

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

16 Archaeology

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

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

17 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) rainwater goods and location of bird and bat boxes, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area in accordance with Local Plan Policy BE14.

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

Reason: To safeguard the character and appearance of the area in accordance with Local Plan Policy BE14.

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

Reason: To safeguard the character and appearance of the area in accordance with Local Plan Policy BE14.

20 ECC SuDS

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

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and 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.

21 Highways

Prior to first occupation of the proposed development and in accordance with Drawing Q482-002 Rev C, the main site access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 103 metres to the north and 2.4 metres by 92 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the 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.

22 Highways

Prior to first occupation of the proposed development and as shown in Drawing Q482-002 Rev C, a new 3 metre-wide pedestrian / cycle link shall be provided on the east side of Nags Head Lane (narrowing to 2 metres at the junction with Brook Street) to link the northern section of the site to the proposed National Highways footway / cycleway scheme on Brook Street.

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

23 Highways

The existing field access to the site on Nags Head Lane shall be suitably and permanently closed incorporating the reinstatement to full height of the kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

24 Highways

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

25 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 in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

26 Residential Travel Plan

Prior to first occupation of the proposed development, the Developer shall submit an updated residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

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.

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

28 Lighting Scheme

Prior to first occupation, a lighting scheme shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be designed to ensure the amenity of local residents, highway safety and protect ecology by preventing excessive light spill onto sensitive habitats. The details shall include the mitigation measures set under MM4 – Sensitive Lighting of the Aspect Ecology Ecological Appraisal, September 2023. The development shall be implemented in accordance with the details approved.

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

29 Noise

Prior to first occupation, the following details shall be submitted to and approved in writing by the local planning authority:

1. Details of glazing and ventilation for habitable rooms within the development close to noise sources to ensure suitable internal noise levels; and
2. results of acoustic testing to be carried out following installation, to confirm that the measures operate as designed to provide appropriate internal noise levels.

The proposed measures set out in the Noise Report shall be implemented.

Reason: To protect the amenity of future occupiers.

30 Noise

Prior to first occupation of dwellings in sensitive locations, an assessment from a competent person verifying that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014 shall be submitted and approved in writing.

Reason: To protect the amenity of future occupiers.

31 ECC SuDS

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.

32 Secure by Design

Prior to first 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 would achieve 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: To provide a good standard of security to future occupants and visitors to reduce the risk of crime, in accordance with local plan policy BE15 and the aims and objectives of the NPPF Chapter 8.

33 Sustainability

The development hereby approved shall be designed and built to achieve at least a 10% reduction in carbon dioxide emissions above the requirements set out in Part L of the Building Regulations.

Reason: In the interests of improving resource efficiency to meet the government's carbon targets in accordance with local plan policy BE01.

34 Sustainability

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

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

35 Electric vehicle charging points

Each dwelling shall be provided with an electric vehicle charging point prior to the first occupation of that dwelling.

Reason: To comply with Policy BE01 and BE11 of Brentwood Local Plan and the reports submitted supporting the application.

36 Accessibility

All dwellings shall meet the M4(2) Category 2: Accessible and adaptable dwellings standard as set out in Building Regulations Approved document M Access to and Use of Buildings.

Reason: To create buildings and spaces where everyone can use confidently, independently with dignity and without engendering a sense of separation and segregation as set out in Policy BE15.

37 Removal of Class A Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development falling within Schedule 2, Part 1, Class A of that Order shall be carried out on Plots 113 – 125, without the prior grant of specific planning permission by the local planning authority.

Reason: To give consideration to the living conditions of the occupiers of neighbouring dwellings.

38 Removal of Class E Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') shall be carried out on Plots 113 – 125 without the prior grant of specific planning permission by the local planning authority.

Reason: To retain garden space by managing hardstanding areas and to give consideration to the living conditions of the occupiers of neighbouring dwellings.

39 Broadband

No dwelling pursuant to 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 premiss within the approved development OR supplying evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP. The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out at the same time as other services during the construction process and be available for use on the first occupation of any dwelling, or such other date agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that have been made in the absence of FTTP)

Reason: To ensure that new developments are connected to digital infrastructure in accordance with Local Plan Policy BE07.

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out in the relevant section above. 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 INF27

This consent is only in relation to the town and country planning act. Other legislation may be applicable for which consent is required, such as the protection of wildlife. It is the duty of all parties to ensure compliance with all laws.

3 U0009548

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

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

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

4 U0009547

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will

be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

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

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

5 U0009549

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG01, MG03, MG04, MG05, BE01, BE02, BE04, BE05, BE07, BE08, BE09, BE11, BE12, BE13, BE14, BE15, BE16, HP01, HP03, HP05, HP06, NE01, NE02, NE03, NE05, NE08, NE09, NE10, R06, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

6 U0009550

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk

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SITE PLAN ATTACHED

**LAND EAST OF NAGS HEAD LANE NAGS HEAD LANE BRENTWOOD
ESSEX**

**HYBRID APPLICATION SEEKING FULL PLANNING PERMISSION FOR THE
DEVELOPMENT OF THE SITE FOR 121 RESIDENTIAL DWELLINGS, PUBLIC
OPEN SPACE, PEDESTRIAN AND CYCLE LINK, VEHICULAR ACCESS
FROM NAGS HEAD LANE, LANDSCAPING, DRAINAGE INFRASTRUCTURE
AND ALL ASSOCIATED ANCILLARY DEVELOPMENT AND OUTLINE
PLANNING PERMISSION (WITH ALL MATTERS RESERVED) FOR 6 NO.
SERVICED SELF-BUILD PLOTS OR CUSTOM BUILD PLOTS.**

APPLICATION NO: 22/01347/FUL

WARD	South Weald	8/13 WEEK DATE	28 February 2023
PARISH		EOT: TBC	
CASE OFFICER	Ms Gemma Newall	01277 312500	

Drawing no(s) relevant to this decision:	21355G/10 P6 - Proposed Site Plan 21355G/11 P6 - Proposed Coloured Site Plan 21355G/12 P6 – Proposed Fire Strategy 21355G/13 P6 – Proposed Refuse Strategy 21355G/14 P6 – Proposed Parking Strategy 21355G/15 P6 – Proposed Boundary Treatment 21355G/16 P6 – Proposed Movement Strategy 21355G/17 P7 – Proposed Mix Type Plan 21355G/18 Rev P6 - House type Material Plan 21355G/53 Rev P3 – Proposed Site Sections AA-BB 21355G/54 Rev P2 – Proposed Site Sections CC-DD 21355G/55 Rev P3 – Proposed Site Sections EE-FF 21355G/56 Rev P2 – Proposed Site Sections GG-HH 21355G/57 Rev P1 – Proposed Site Sections KK-LL 21355G/58 Rev P4 – Proposed Site Sections MM-OO 21355G/59 Rev P1 – Proposed Site Sections PP-QQ 21355G/60 Rev P1 – Proposed Coloured Street Scene 21355G/61 Rev P1 – Aerial Perspective 21355G/62 Rev P1 – Central Green 21355G/63 Rev P1 – Nags Head Gateway 21355G/100-123 Rev P1 – Proposed Elevations and Floor
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Plans

21355G/200-211 Rev P1 – Proposed Elevations and Floor Plans ;21355G/225 Rev P1 – Section with Carport 21355G/300 Rev P1 – Proposed Garage Elevations
21355G/301 Rev P1 – Cycle Shed Elevations
1621-002G - Landscape Masterplan
1621-003C - Landscape Strategy
1621/005B – Eastern Boundary Landscape Sections
Q482-002 Rev C - Site Access Arrangements
Q482-005 Rev D - Drainage Strategy
Q482-006 Rev D - Proposed Site Levels Strategy
Application Forms, Certificates and Covering Letter
Design and Access Statement Part 1 and Part 2
Air Quality Assessment; Arboricultural Impact Assessment
Archaeological Desk Based Assessment
Ecological appraisal and survey, February 2022 including confidential badger appendix, August 2022. Updated Ecology Report (not survey), dated May 2023
Energy and Sustainability Statement, February 2023
Flood Risk Assessment and Drainage Strategy, May 2023
Ground Investigation Report ;Heritage Statement; Noise Impact Assessment; Planning Statement, September 2022, Planning Statement Addendum, May 2023;Schedule of Accommodation
Statement of Community Involvement (SCI), February 2023
Transport Assessment Part 1-4, addendum and appendices
Travel Plan Part 1 and 2 and updated Travel Plan, including trip distribution assumptions
Stage 1 Road Safety Audit
Designer Response Stage 1 Road Safety Audit

1. **Proposals**

The site adjoins the western boundary of Brentwood urban area, which is identified under Settlement Category 1, with a wide range of services and facilities and highly accessible to public transport. Brentwood Railway station is 1.5 miles from the site boundary, which is approximately a 30 minute walk or 15 minute cycle via Nags Head Lane, Brook Street, Westwood Avenue, which is an existing cycle route. There are also bus stops on Brook Street for the 498 bus.

The northern boundary of the site includes two residential dwellings and retail uses with frontage to Brook Street. On the eastern boundary adjoining the site are 12 residential properties, 3 of these properties have two storey dwellings and the other 9 are bungalows. Some of these properties have had extensions including loft

conversions. The southern boundary of the site is railway land that is at a lower level to the majority of the southern boundary.

Nags Head Lane forms the western boundary of the development site. On the opposite side of Nags Head Lane is the Grade II listed Nags Head Inn and the land that Planning Committee resolved to approve outline planning permission for up to 12,000 sqm GIA for a car showroom and ancillary office use, 20,250sqm GIA of flexible employment use and 50 dwellings. The illustrative masterplan for this site shows the 50 dwellings having vehicular access off Nags Head Lane, approximately 150m from the Brook Street junction.

The site is used for horse grazing with a farm access on Nags Head Lane where there is a hedgerow along the frontage. Within the site there are two other hedgerows, one running along the southern boundary and the other generally running in a north-south line dividing the 5.9 hectare site into large fields. The eastern field has the highest point (63.72m AOD) located in the southeast corner along the southern boundary, with the land falling to the north. The western field falls towards Nags Head Lane, with the lowest point (47.95m AOD) being in the southwest corner. The adjoining residential land on Mascalls Gardens and Brook Street are generally at a similar land level at the boundary although the land slopes up towards the centre of the site. The retail land, where Wickes is located, to the north sits at a lower level as does the railway line where there is a cutting adjacent to the higher levels of the site. In the southwestern area of the site is a high pressure gas main with an easement running across from Nags Head Lane to the railway line. This area cannot be built upon.

The proposal is to build 121 dwellings and provide self-build plots for 6 dwellings within a landscape setting of retained and new trees, with open space areas, paths and vehicular access towards the southern end of the site.

In accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, a screening of the development was undertaken by the local planning authority, and it concluded that an Environmental Impact Assessment (EIA) was not required.

2. Policy Context

National Planning Policy and Guidance

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

Development Plan, Policies and Supplementary Planning Documents

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

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

- Policy MG01: Spatial Strategy
- Policy MG03: Settlement Hierarchy
- Policy MG04: Health Impact Assessments
- Policy MG05: Developer Contributions
- Policy BE01: Carbon Reduction and Renewable Energy
- Policy BE02: Water Efficiency and Management
- Policy BE04: Managing Heat Risk
- Policy BE05: Sustainable Drainage
- Policy BE07: Connecting New Developments to Digital Infrastructure
- Policy BE08: Strategic Transport Infrastructure
- Policy BE09: Sustainable Means of Travel and Walkable Streets
- Policy BE11: Electric and Low Emission Vehicles
- Policy BE12: Mitigating the Transport Impacts of Development
- Policy BE13: Parking Standards
- Policy BE14: Creating Successful Places
- Policy BE15: Planning for Inclusive Communities
- Policy BE16: Conservation and Enhancement of Historic Environment
- Policy HP01: Housing Mix
- Policy HP03: Residential Density
- Policy HP05: Affordable Housing
- Policy HP06: Standards for New Housing
- Policy NE01: Protecting and Enhancing the Natural Environment
- Policy NE02: Green and Blue Infrastructure
- Policy NE03: Trees, Woodlands, Hedgerows
- Policy NE04: Thames Chase Community Forest
- Policy NE05: Open Space Recreational Facilities
- Policy NE08: Air Quality
- Policy NE09: Flood Risk
- Policy NE10: Contaminated Land and Hazardous Substances
- Policy R06: Land off Nags Head Lane

Other local and regional documents/guidance

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

3. Relevant History

- There are no previous applications for this site.
- The site was identified as a housing site during the preparation of the local plan and was put forward as such in the local plan examination process in 2020/21.
- Following the adoption of the Local Plan, pre-application discussions were undertaken with residents, councillors, officers and the Essex Quality Review Panel.

4. Neighbour Responses

At the time of writing the report, eighty-four neighbour responses have been received with 75 of these objecting to the scheme. These 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/>

Impact on Residential amenity

- Visual impact
- Loss of outlook to adjoining residents in Mascalls Gardens who bought their properties for the views
- Boundary of Mascalls Gardens is proposed to be a 6 foot fence
- Most of Mascalls Gardens are bungalows and the proposed two storey dwellings will be significantly taller and create overlooking
- Overshadowing and loss of daylight/sunlight due to two storey dwellings and 6 foot fence
- Loss of privacy to residents in Mascalls Gardens
- Light pollution impacts from development on Mascalls Gardens residents
- Increase in noise and disturbance of existing residents
- The site is not at the same level as Mascalls Gardens properties and sits much higher
- Overbearing impact during construction phase and impact on mental health
- Character of Brentwood being impacted by too much development
- Increase in air pollution

Density and Design

- Inadequate open space on site
- Too many houses proposed and out of scale with the locality
- Green space should be provided at rear of Mascalls Gardens
- Dwellings too close to Mascalls Gardens dwellings

- Unrestricted sprawl of urban development
- Insufficient car parking on site

Traffic, access and safety

- Transport assessment is completely flawed as surveys were taken during Covid or school holidays and doesn't represent traffic issues
- An additional access is proposed near the traffic lights at Nags Head Lane
- M25 and surrounding roads are congested and will become worse with additional residential traffic and during construction
- Construction traffic, parking, soil on roads and noise and will disrupt local roads
- The development will generate significant school run traffic due to no schools nearby and lack of public transport
- Nags Head Lane has a narrow footway and it is dangerous for pedestrians to cross Brook Street
- Residents are unable to walk or cycle due to location of site and lack of pathways
- The likely car ownership for the site of 191 residents will impact on road network with 98 extra vehicles during peak hours not including school run traffic
- Nags Head Lane is narrow with an uneven road surface with many turns and is not suitable for additional development
- Additional vehicles will increase number of pot-holes on key routes which the council struggle to repair quickly
- The cumulative impact of traffic with the proposed gateway site will be unbearable
- Nags Head Lane traffic in peak hours can be backed up to the railway bridge
- Residents of the site will need cars due to limited public transport and limited local facilities

Flood Risk and Drainage

- The development will cause flooding of Brook Street
- Site is within a known flood area and is within the critical drainage area
- The loss of a permeable site for drainage will impact on adjoining sites, including the Elizabeth Line
- Clay soils will be impacted by proposed drainage

Impact on public services

- Local school places, GP appointments, dentist appointments, police service and local amenities will be adversely impacted
- There is one bus route that is often delayed or cancelled
- Local schools are oversubscribed

Impact on wildlife and vegetation

- Existing site provides a green buffer to Brentwood
- Loss of habitat for protected species using the site
- Loss of trees and hedgerows will have a major environmental impact
- Impact on biodiversity

Other

- Public consultation figures which show support are not from local residents
- Land is in the Green Belt and not a brownfield site
- No notice of land being taken out of Green Belt
- Land prone to subsidence, such as Wigley Bush Lane bridge, Spital Lane Bridge and the embankment
- Out of character with the locality
- Proposal does not meet Policy R06
- Site is not suitable for a housing estate
- Housing is needed but not on this site
- Site should be used for low-cost housing
- The Butterfly Conservation Cambridge and Essex Branch commented on the Ecology Appraisal and addendum and were concerned about the surveys being undertaken mid-winter.
- Survey report has been submitted by the Essex Field Club

As a joint response, the Mascalls Gardens residents Association (MGRA) have also made comment on the proposals and in brief, object and offer the following points:

- Developers not working collaboratively with those affected by the proposals to reconcile local and commercial interests in an inclusive and effective manner
- The plans propose to exacerbate the overbearing nature of the proposed buildings by increasing the level of the plan the properties adjacent to Mascalls Gardens will be built on.
- The density of these properties, combined with their high gable roofs, would create a virtual wall, significantly obstructing our view and sunlight.
- Loss of a large natural habitat
- Ecological appraisal inadequate
- Concerned about the proposed roofing of the adjacent proposed properties – that they are designed to be able to extend into, further undermining privacy
- Wish to maintain a green open space between Mascalls Gardens and the new development providing privacy, a wildlife-friendly environment, and reducing the negative impact on the residential amenity of Mascalls Gardens residents.
- Non-compliance with the Fields in Trust Place Space Standards (NE05, Local

5. Consultation Responses

Schools & Education

Thank you for providing details of the above hybrid planning application seeking outline planning permission (All matters reserved) for the development of the Site for 121 residential dwellings, public open space, pedestrian and cycle link, vehicular

access from Nags Head Lane, and 6 no. serviced self-build plots or custom build plots.

Dwellings consisting of 101 X 2+bed Houses 20 x 1 bed Homes (Discounted) & 6 x serviced self-build plots or custom build plots.

When estimating the number of children that a new housing development will generate, and that will require a school place (yield), ECC takes account of the number of houses and flats that are suitable to accommodate children. One-bedroom units and dwellings, such as student and elderly accommodation, are excluded from the calculation. A development of this size and housing mix can be expected to generate the need for up to 9.63 Early Years and Childcare (EY&C) places; 32.10 primary school, and 21.40 secondary school Places.

Early Years and Childcare

The proposed development is located within the South Weald ward and will create the need for an additional 9.63 places.

According to Essex County Council's childcare sufficiency data published in 2020, there were only 3 childminders of early years and childcare in this ward and 1 preschool. However, this pre-school has since closed and there is also still no full day care facility within this ward. The current collection of data from summer 2022 shows the 3 childminders as having 4 unfilled places between them.

Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high quality early years and childcare provision to meet local demand. As there are not sufficient places available in this area, a developers' contribution towards new childcare places will be required for this application at this time.

The demand generated by this development would create the need for 9.63 EY&C places. A developer contribution of £159,819.48 index linked to Q1- 2020, would be sought to mitigate its impact on local early years & childcare provision. This equates to £16,596 per place.

Primary Education

This development would sit within the Priority Admission Area of St Peter's CE Primary School, which has 'Net Capacity' for 359 pupils. As at the last school census in May, the school had taken in excess of this number with more than sixty pupils on roll in two cohorts. Provisional data for September 2022 Reception suggests that the school is again full. A waiting list is in operation. Looking at the wider area, Holly Trees Primary school is a similar distance from the site as St Peter's. This school is also full in most year groups and close to capacity in the others.

The demand generated by this development would create the need for 32.10 Primary School places. A developer contribution of £554,302.80 index linked to Q1-2020, would be sought to mitigate its impact on the primary school provision. This equates to £17,268 per place.

Secondary Education

It is detailed that this development would sit within the priority admission area of Brentwood secondary Group 1. With regards to secondary education, ECC's School Place Planning Manager has advised that there will be capacity to meet the demand from this proposal.

Post16 education

It is detailed that a contribution toward Post 16 education is not required at this time. However, in accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (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 and secondary schools, Essex County Council detailed that they will not be seeking a school transport contribution at this time. However, the developer must ensure that safe direct walking and cycling routes to local primary and secondary schools are available.

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. A developer contribution of £9,880.60 is therefore considered necessary to improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit.

Employment and Skills

It is detailed that 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 Borough 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 Borough 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 Borough 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 Borough 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, it is requested 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 EY&C, Primary Education and libraries, the 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.

Network Rail Property

Network Rail strongly recommends the developer contacts the Asset Protection Team AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>. Network Rail have provided a list of issues and mitigation for reference.

Highway Authority

The documents submitted with the planning application have been duly considered and a site visit has been carried out. It is noted that the site is included in Brentwood Borough Council's adopted Local Plan of March 2022 (Site R06).

The proposals entail the provision of a new site access on Nags Head Lane which fully complies with modern highway standards. The proposals also provide suitable sustainable travel links and comply with Brentwood's adopted parking standards.

A detailed Transport Assessment has been provided that considers the impact of the development and the Highway Authority is satisfied that the development can be accommodated without a severe impact on the safety and efficiency of the local highway network, which is the criteria for refusing an application on highway grounds.

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

Landscape and Ecology Officer

The scheme was subject to pre-application advice and the layout has been refined to take points raised into account. Key changes have been the provision of a landscape buffer along the southern boundary and a more coherent central green corridor following the line of the hedgerow. The open space areas have more defined functions and appear more useable.

The LEAP has been repositioned to the northern end of the site. The DAS refers to this creating a 'village green gateway' with a strong sense of arrival. In principle this is considered positive as it moves the play equipment away from the main access and allows better connectivity for the existing residents in the area. It is unclear, however, why the LEAP is to the north of the attenuation basin. While it would reduce the potential of noise over the of neighbours it means that it is set away from houses so there is less natural surveillance. A section of boundary hedge along Nags Head Lane will require removal to open up this area.

The attenuation basin is on slightly higher ground closer to houses compared to the LEAP. As the attenuation basin is more prominent there will be pressure for it to be managed more formally with less scope for links to adjacent habitat.

The Arboricultural Impact Assessment confirms that only one Category B (Moderate Value) tree and 6 individual Category C (Low Value) will require removal to facilitate development. It is agreed therefore that the scheme would have a low impact on existing trees.

New tree planting has been concentrated within open space areas with few street trees being proposed; despite the landscape opportunities plan within the DAS suggesting street tree planting along the contours to filter views and contribute to the amenity value of the site.

In principle the emerging landscape scheme creates some useable public space and better connection to Brook Street however I am not convinced about the layout of the northern open space and attenuation basin and am disappointed by the lack of tree planting on the residential roads.

The detailed landscape scheme is to be agreed by condition.

A preliminary ecological appraisal has been undertaken and it is agreed that the site has generally low ecological value. The provision of the landscape buffer on the southern boundary will help to mitigate the loss of foraging habitat on the site and a condition requiring compliance with the badger method statement set out in the Ecology report is required.

The PEA identified several trees with moderate to high potential for roosting bats; however only two require removal as part of the scheme. The report states that emergence surveys were carried out however the results have not been presented yet. A condition requiring the results of the survey to be submitted prior to commencement is recommended.

The PEA recognises the potential value of the wooded area and hedges for commuting and foraging bats. Most of these features will be retained. No detail has been submitted regarding external lighting for the scheme. Excess lighting has potential to adversely affect the value of these features. It will be vital therefore that appropriate lighting is used to minimise the light spill over these sensitive features. If the scheme is permitted, it would require a condition to agree the details of the external lighting.

Conservation of Place and Development Advice

The supplementary advice should be read in conjunction with initial advice given in a letter, dated December 2022 and a second letter dated 12th March 2023. It is noted that no addendum Heritage Assessment is submitted. I note there is a brief planning statement but no detail within the Public Access documentation upon which to read across on the points previously raised to date. Based on the drawings submitted and the email note issued from the case officer, the following advice is given:

The relocation of the self-build plots is welcomed. It is noted that the agent has suggested a Condition in respect of parameters around scale and siting etc. for these plots which I agree would be a sensible approach. This should also extend to the green buffer at the east of the site.

Since the initial letter and follow up advice, it is found that the introductory green is more considered, Drawing 21355G/60 P1 illustrates to a greater extent the design and character (please also refer to the Aerial Perspective DWG 21355G/61/P1); in terms of detailed design, windows should be set under eaves (they are not currently on all typologies supplied) plinths applied to units, open eaves applied on some of the typologies as drawn will convey more readily the traditional language adopted; this should carry through all detailed design to negate an 'urban town estate' language.

Roof coverings for clay and slate are accepted, but these should be of good quality and not cementitious substitutes, nor should weatherboard be composite or plasticised; please Condition along with typical details for fenestration, doors, cills, thresholds, RWGs etc.

The advice above is important as advised in my previous letter; the House Types pack (17 pages) which was previously submitted I did not consider to be sufficiently detailed, for example on some typologies the fenestration at GF level had too small apertures, there were no cills shown, no plinths or banding relief, no activation upon flank elevations. Unit 4 had illustrated patterning (but no annotation to explain what this was), nevertheless the elevation showed has improved 'graphically'. It is

advised that Meter boxes should not be in prime locations on principle elevations. This has been referred to previously in initial correspondence. As a consequence of not having the detail this must be Conditioned.

The FOG (Flat Over Garage) was stated as being reduced; it is noted that this has been reduced by 300mm which is accepted, the apartment block (DRW No 21355G / 211) remains limited in its apertures (quantum and size) but the quality of light is improved and the building has more character with design refinement than that initially submitted.

As advised on two occasions previously there have been revisions and a further adoption of advice, but a more granular level of detail by way of Condition is needed to ensure a 'lift' in design quality in Urban Design terms - such detail is key at determination stage. There are no further comments on this application - on balance the scheme has improved with the exception of the green buffer (east) as highlighted to the LPA previously. In terms of impact upon the Historic Environment the key matter now is that of quality materials and details as set out above. It is unable to find this scheme as a Para 206 but the 'objection in principle' is set aside subject to Conditions, this is in the interests of the setting of designated Heritage Assets.

Cadent Gas

No objection. Informative note required on decision notice.

Open Space Strategy Coordinator

In terms of the overall style of the development this is stated to be outside of their field of remit and so no comments have been made on this. Looking at the site itself a reasonable attempt has been made to provide some formal public open space in the way of the 'village green' at the entrance to the site and also around the perimeter but it is clear the placement of these sites [except for the central green] are such as to use up land that would otherwise be undesirable for built development i.e. at the boundary of a busy highway junction and along the edge of a railway line. This clearly shows that open space provision is an after thought as opposed to being at the heart of the development.

That said, there does appear to be a reasonable provision of open space in terms of land mass particular along the boundary of the railway line. Existing water features/wet areas have been retained which is encouraging not only for the biodiversity value but also for the benefit of natural land drainage although little detail is available as to the management and security of these feature i.e. will they be fenced off.

It is noted that the landscape master plan shows two play areas located within the development, but detail is only provided on the facility nearest the junction of Nags Head Lane and Brook Street. Although it is encouraging to see actual purpose made play equipment being installed the offering is marginal considering the number of properties on the site and offers nothing for children over the age of

approximately 10 years old. There seems to be little, if any detail on the central play area site nor of the type of 'trim trail' equipment that will be installed nearer the railway lines. Therefore, it has to be assumed that the provision will be minimal and basic at best.

Planting and general amenity offers a reasonable amount of effective open space for social recreation, with several areas throughout the development being set aside for short mown grass which can be used all year round for social recreation and must be seen as a positive for the development. There would also appear to be large areas of grassland turned over to wildflower planting which, although very beneficial for wildlife and biodiversity, does mean that these will effectively be unusable for large parts of the year due to the length of grasses and flowers within the meadow areas and the manner in which these need to be managed.

It is also noted that the development consists of 127 dwellings and as such will trigger a contribution of funds via a Section 106 agreement to existing open space provision under current local planning obligations.

'Within larger housing area (sites of 50 units and above) at least 15% of the site area should be set aside for public open space, part of which should be suitably hard surfaced. In areas deficient in open space or having densities and/or smaller gardens more open space will be sought.'

In addition to this it also states:

'Developers of residential sites of between 0.4 and 1.0 ha. (or 20 to 50 units) will normally be required to provide a LAP with a minimum area of 100sq.m (either on-site or off-site) and make a financial contribution towards the provision of a LEAP and a NEAP.'

With regards to the financial contribution, this would be expected to be a figure of £127,000 or £1,000 per dwelling which is commensurate with contributions that have been sought from other recent developments in the Borough.

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

Planning Policy

Thank you for consulting the Strategic Planning team on the above planning application. The following comments have been provided considering the policy context within Brentwood as of December 2022.

Policy context

The Brentwood Local Plan 2016-2033 was adopted as the Development Plan for the Borough on 23 March 2022.

Principles of development

The application site is residential-led allocation R06 in the Local Plan, as such the principles of residential development on this site are supported and are considered to align with the Local Plan's spatial strategy and strategic objectives. Local Plan Policy R06 provides the basis for how development is expected to come forward and key considerations.

Policy Comments

Policy MG05: Developer Contributions - development is expected to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the Infrastructure Delivery Plan (IDP) and other policies in this Plan.

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

- IDP Ref: Infrastructure Estimated contributions from site R06 (based on 127 dwellings) as of Dec 2022;
- T17 Brentwood Town Centre Public Realm Enhancement £755,952;
- T8 Brentwood and Shenfield Railway Station Public Realm Improvement £550,217;
- T10 Quietway Cycle Routes in Brentwood Urban Area £250,098;
- T12 Railway Station Cycle Infrastructure £13,088;
- T28 M25 Junction 28 £4,041 Subject to adjustment depending on National Highways' detailed comments;
- T29 M25 Junction 29 £103,044;
- ED2 Primary School, Brizes and Doddinghurst Planning Group. To be confirmed by Essex County Council. The developer should refer to Essex County Council's Developer Guide to Infrastructure Contribution for calculation formula.

In terms of contributions to off-site highway infrastructure improvements (item T28 and T29): Policy MG05 should be read in conjunction with clause 2 of Policy R06, Policy BE08 Strategic Transport Infrastructure, and Policy BE12 Mitigating the Transport Impacts of Development. In order to support and address the cumulative impacts of planned and incremental growth, the Local Plan Transport Assessment proposed a number of highways infrastructure improvements and sustainable transport measures; these were included and costed in the IDP Part B. The above listed strategic infrastructure would mitigate the cumulative impacts caused by

travels generated from this site on the Strategic Road Network; as such, proportionate contributions from the development are required.

National Highways should also be consulted to provide more detailed comments on the potential impacts of this development on the highways network. Feedback from National Highways would be taken into consideration and may necessitate an adjustment to the level and timing of the contribution figures discussed above.

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 as the Local Highways Authority would be more appropriate to advise should that be the case.

In terms of contributions towards education facilities (item ED2), Essex County Council as the Lead Local Education Authority should be consulted to advise the level of contributions to be sought from this development. The Essex Developers Guide to Infrastructure Contribution provides details on how Essex County Council calculates contributions from developers based on pupil yields in order to mitigate their impacts on education facilities and make development acceptable in planning terms.

In addition, with regards to open space provision: this is not listed in the IDP as the Council's default position is that open space is to be provided on site in line with Policy NE05. However, should the proposal not be able to incorporate adequate provision to serve the new community, then a commuted sum may be requested.

NE05: Open Space and Recreation Provision - requires all new development to maximise opportunities to incorporate new publicly accessible, high quality and multifunctional open space, enhancing provision where appropriate. It sets out the amount and type of provision required will be determined according to the Council's identified needs.

The Council has recently approved for consultation a Draft Planning Obligations SPD which, amongst other things, provides more detail and guidance on the implementation of Policy NE05. Although not yet adopted by the Council this sets out the direction of thought and clarifies the Council's position in that all residential development proposals comprising more than 10 dwellings are required to provide around 41 sqm per person for the following types of space:

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

The Draft SPD encourages developers to use the Council's Open Space Calculator as guidance. This provides an approximate calculation of the space required on-site, and/ or commuted sums required by the Council, based on occupancy rates. An Excel copy of this Calculator is attached to this response, please note this Calculator is subject to potential future refinement following consultation on the Draft SPD.

HP01: Housing Mix - the proposal includes outline planning permission (with all matters reserved) for 6 no. serviced self-build plots or custom build plots, representing 5% of the total housing provision in accordance with Policy HP01. Provision for this form of housing is welcomed. Based on the data collected by the Council, since 2016 there have been a circa. 200 applications for custom and self-builds. The Councils intended approach towards securing applications for custom and self-builds is set out in the Draft Planning Obligations SPD, within this reference is made to Design Codes (Para H29, p24) which should be agreed by the Council prior to the marketing of any self-build and custom build plots.

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'.

- Plots 9-31 17 units
- Plots 42-47 6 units
- Plots 78-83 6 units
- Plots 106-120 15 units

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.

I further note that the proposal is to provide one unit of M4(3) standard accommodation in the current proposal, but further consideration for additional M4(3) units to be included within the current proposal would be welcomed.

Thames Water Development Planning

Waste

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt

to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission.

Surface Water

Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission.

Groundwater

Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Water

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is -Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex CM3 8BD Tel - (03457) 820999

Supplementary Comments

Thames Water have concerns regarding the proposed discharge of Surface Water flows into the foul public sewer. The applicant has been asked to contact our Thames Water Developer Services on 0845 850 2777 or email developer.services@thameswater.co.uk to discuss the proposed Surface water drainage strategy for this proposal.

Further comments on proposal

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Basildon Fire Station

Access

Access for Fire Service purposes will be considered in accordance with the Essex Act 1987 - Section 13(1)(a)(b) and The Building Regulations 2010. The proposal does not affect Fire Service access to existing premises in the vicinity and therefore in compliance with Section 13(1)(b) of The Act.

Fire Service access to all relevant areas of the development will be expected to be in full compliance with the requirements of the Building Regulations, Approved Document "B" Fire Safety Volume 1 (and so address Section 13(1)(a) of The Act). Although a fire strategy document has been included as part of the overall application a more detailed analysis of the proposal would be undertaken as part of any Building Regulation submission should the application be approved.

Subject to the above conditions being confirmed / maintained the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no further observations on the proposal at this time.

Flood Plain Risk

Although it is acknowledged that the proposed development has been identified as being at the lowest level from the risk of flooding (Flood Zone 1) the following statement with regard developments within any level of risk from fluvial / pluvial flooding is submitted as part of this consultation.

At present, Essex County Fire and Rescue Service (ECFRS) under the Fire and Rescue Services Act 2004 and the Fire and Rescue Services (Emergencies) Order 2007, does not have a statutory duty to respond to flooding issues. However, ECFRS is committed to protecting the people of Essex and will always endeavour to respond to a flooding emergency based on a risk assessed approach.

Due to the limited availability of specialist water rescue resources during flooding incidents, ECFRS has, on recent previous occasions, had to limit their operational response to 'life threatening situations' only. We would not therefore support proposals that are likely to increase this situation or add to the volume of calls received.

Where however approval is given to any application that has an element of flooding risk, it is recommended that specialist advice is obtained and acted on accordingly

by the applicant to mitigate any risk of flooding to the development in the future (Both ECC SuDS comments and Ardent Consulting Engineers Flood Risk Assessment & Drainage Strategy Document (May 2023) submitted as part of this application refers in this case).

Water Supplies

Should the application be successful additional water supplies / fire hydrants for firefighting purposes will be required for this development. The architect or applicant is therefore urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344 at the earliest opportunity to discuss the necessary requirements the Officer will then liaise with the local Water Authority for the area to make the appropriate arrangements.

Sprinkler Systems

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

ECC SUDS

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, ECC SUDs do not object to the granting of planning permission based on the agreement of Conditions. ECC SUDS have also provided some informatives.

Environmental Health & Enforcement Manager

Air Quality

The Air Quality Assessment Report Ref - Q842-05 indicates that with implementation of a Construction Environmental Management Plan (CEMP) to minimise dust and PM10 impacts during the construction period, overall residual effects will be not significant. Furthermore, future residents were judged to have good ambient air quality with no need for mitigation. It is detailed that there should be no bonfires on site during construction.

Noise

With the proposed build being within close proximity to a railway, the M25 and A12, it is likely future residents will experience noise. In accordance, Environmental Health would recommend submitting a noise assessment with reference to BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings assessing both internal and external areas.

If noise is found to exceed recommended guidance values, a detailed scheme detailing noise reduction and attenuation measures should be submitted and approved in writing by the Local Planning Authority. The scheme must include the measures that will be taken, and their specifications, and evidence how those measures will achieve the recommended BS 8233:2014 guidance values.

In addition, it is recommended that a Construction Environmental Management Plan (CEMP) would be submitted to the LPA for approval prior to works commencing. The CEMP should as a minimum deal with the control of dust during construction and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. The CEMP should also confirm construction hours. Environmental Health would recommend restricting construction activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

The noise impact assessment (Q482-04) covers noise from nearby roads, Wickes and the railway line. The recommendations in this document should be implemented to ensure minimised likelihood of disturbances from these sources on future residents.

In order to comply with the noise impact assessment's best practice recommendations during the construction period, the following conditions should be implemented:

- Best practicable means to be demonstrated through submission of a CEMP to protect residential amenity during construction operations (the CEMP should also confirm construction hours. Environmental Health would recommend restricting construction activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays).
- Temporary screening in the form of solid timber hoarding to be used where operations are adjacent to sensitive receptors. Consideration will be given to neighbouring residential properties when locating the temporary site compounds and material stockpiles.
- Stationary equipment and plant such as generators should be placed as far as practicable from noise sensitive properties, and preferably in areas benefiting from existing or purpose-built attenuation such as bunding or behind non-sensitive buildings.

- Delivery of materials and removal of waste from the site should be planned to minimise disturbance to neighbouring properties. Idling of plant, machinery and delivery vehicles should be prohibited when not in use.
- If required, noise levels should be monitored regularly in accordance with BS 5228 to ensure the above set limits are not exceeded. In addition to the above all other guidance within BS 5228-1 will be followed at all times.

To mitigate noise from Wickes, the following condition should be implemented; a 2m high barrier (relative to site ground level) is recommended at the boundary of the site and the service yard of the Wickes Store. The fence should have a minimum surface mass of 15kg/m² and minimum thickness of 25mm, to achieve a reduction in noise levels of approximately 10-15dB. Panels should be abutted or overlapped to provide a continuous screen without gaps at the bottom or sides of the panels.

A condition should be added to achieve suitable internal sound levels inside properties, ensuring appropriate glazing and ventilation is implemented in accordance with the recommendations made in Section 7 of the noise impact assessment. This is of particular importance for properties in close proximity to the railway line and Nags Head Lane which are considered medium risk when compared with ProPG Guidance (Section 8.2).

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to verify that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014.

Contaminated Land

The Ground Investigation Report states there are no Source-Pathway-Receptor contaminant linkages which require mitigation. However, the conclusions are provisional subject to gas monitoring being completed, which should be done prior to any works being started at the site. Further recommendations are made in Section 10, and it is strongly recommend that these are adhered to:

- Detailed UXO/UXB risk assessment in accordance with CIRIA Report C681 with regard to construction risk;
- Completion and reporting of the outstanding scheduled gas monitoring, hence the conclusions in this report are provisional, subject to the completion of monitoring;
- Assessment of tree influence on foundations and design of foundations; which then may require o supplementary site investigation to provide more detailed foundation zonation and parameters for pile design; and o discussions with piling Contractors regarding conclusions of this report and design of the piles;
- A slope stability assessment of the site and nearby off-site features taking proposed earthworks into account;

- Liaison with Network Rail regarding works adjacent to railway land;
- Liaison with the operators of the high pressure gas pipeline in the south-western corner;
- Taking the above two points into account in the design and planning of construction;
- Discussion and agreement with service providers regarding the materials suitable for pipework;
- Discussions with regulatory bodies and the NHBC regarding the conclusions of this report;
- Writing of a Materials Management Plan relating to reuse of soils at the site and import of soils to the site; and
- Verification of the earthworks, remediation and mitigation works.

Furthermore, a watching brief should be kept during groundworks for any unforeseen contamination. If any is encountered an intrusive investigation would be required and a risk assessment and remediation strategy submitted to the LPA for approval should the investigation find it necessary.

Essex Butterfly Conservation

Details that they are concerned about a number of items within Aspect Ecology's Ecological Appraisal, Addendum dated September 2022, namely: 2 Methodology 2.2 Habitat Survey We strongly disagree with items 2.2.1 and 2.2.2, that state that "The site was surveyed in January 2022" and "was surveyed based on standard Phase 1 Habitat Survey methodology", referencing the Joint Nature Conservation Committee (2010, as amended) 'Handbook for phase 1 habitat survey: A technique for environmental audit.' This publication gives clear guidance for surveying times, such as - "woodlands in spring, grasslands in mid-summer" and that "The field season should be considered as starting in late March/early April in the south " and "The season generally ends about mid-October" as later, "many plant species will no longer be apparent." Clearly, January is a completely inappropriate time to survey for plants and invertebrates. The classification of botanical community types (Item 2.2.3) cannot therefore be ascertained based on a January survey. A lot of grassland habitats appear species-poor during mid-winter. No attempts were made to survey for plants or invertebrates at more appropriate times of the year, despite Aspect being on site to carry out an eDNA survey of pond P1 on 15/06/2022 and bat work during Aug/Sept 2022.

5 Faunal Use of the Site 5.1 Invertebrates Items 5.10.2 and 5.10.3 discusses the lack of specific records of invertebrates, including protected, rare or notable species. We believe that there are two key reasons for this: 1. Aspect have assessed the site based upon a completely inappropriate mid-winter visit and, 2. This is a private site without any public footpaths crossing it. There are unlikely to be any historic records from this site. Precisely why the site should be surveyed. The objective of a data search is to alert the Ecologist to what might be present on the appraised site. We are aware of a considerable amount of data from nearby sites to the south of this site. But this are barely discussed and not appended to the

report, as required by the terms of agreement in the case of the Essex Field Club data. There are a number of Section 41 species present at Tylers Common, for instance, as well as a strong Adder *Vipera berus* population. Railway embankments/cuttings can be good habitat for these. It is reasonable to expect that Section 41 (UKBAP) species may be present within the grassland. E.g. Small Heath *Coenonympha pamphilus*. The Local Authority has a duty towards these species. We believe that, without proper surveys, the lack of mitigation measures for the loss of grassland habitat (Section 6.1) cannot be justified. There are no site photographs within the Ecological Appraisal, however, a view of the site on Google Streetview from the access gate position clearly shows an interesting lightly-grazed mixed height grassland against a backdrop of a large mature oak and other mature trees (the Aspect-Arbiculture Arboricultural Impact Assessment show these as English Oak, Apple and Ash, including standing deadwood.) Also, Hydrock's Site Investigation photographs of 27/09/2019 show interesting areas of mixed height grassland. Hydrock's S.I. also records a variety of topsoils – clay, sands and gravel, which could support different invertebrate assemblages. These are worthy of investigation. We believe that the degree of standing deadwood and mature trees are also worthy of investigation for invertebrates. Item 4.6.2 acknowledges the mature trees but does not mention the standing deadwood and neither are deemed worthy of surveying. 5.9. Birds The same January 2021 visit also appears to have been used as the bird survey (item 5.9.4) with 6 species noted. No details of the survey, such as methodology, weather conditions or time spent have been given and no further visits appear to have been made at more appropriate times of year. E.g. BTO Breeding Bird Survey transect guidance during breeding season (April to mid-May) and the second at least four weeks later (mid-May to the end of June). There is a considerable amount of scrub, trees and hedgerow that provide nesting opportunities for birds; some of which will be lost by development. This site is agricultural land that has been 'reluctantly' taken off the Green Belt register in order to fulfil housing targets. We believe the site is due a higher level of investigation rather than vagaries of this mid-Winter visit.

Essex Badger Protection Group

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

Within the most recent response (June 2023), it is detailed that despite several requests, the only version of the "confidential badger appendix" that the Essex Badger Protection Group have been provided with is the one dated February 2022 and they are therefore assuming that no additional badger surveys were undertaken as part of the updated ecological appraisal. If this is not the case then please provide us with a copy of the latest document by return as our comments may need to be revised.

The confidential badger appendix which accompanies the latest ecological appraisal is dated February 2022, 16 months ago, and is therefore considered out of date in so far as the current standing guidance.

Furthermore, updated Natural England guidance for local planning authorities, states that *"you should not usually attach planning conditions that ask for surveys. This is because you need to consider the full impact of the proposal on protected species before you can grant planning permission."* With this in mind, we would prefer to see the formal badger appendix fully updated and approved before consideration is given to the determination of this application.

The likely outcome of any approved development on this site is that the new homes will be visited by badgers on a regular basis, since badgers tend to return to historic foraging areas where possible. This may therefore lead to some conflict between badgers and homeowners. As a consequence, the Essex Badger Protection Group do not welcome this scheme and consider that an up-to-date badger survey is required. As such, they wish to lodge a holding objection which they would be happy to reconsider upon receipt of a revised report which should also confirm the following:

- Replacement of the proposed wildflower meadow with worm rich short grassland, or the provision of an alternative protected foraging space for badgers.
- No work will take place within 20m of the offsite badger setts identified in the existing ecological reports.
- Construction to be preceded by a final walkover badger survey to be conducted by a suitably qualified ecologist as close as practicable to the commencement of the proposed works to ensure that the position in so far as it relates to badgers remains unchanged. Should badgers be found to have occupied the site then no work should commence within 20m of any badger sett and a further mitigation plan should be submitted to the LPA for approval prior to any additional mitigation measures being adopted.
- All workers on site should be fully briefed concerning the presence of badgers in the area and the full mitigation measures to be followed.
- 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.
- Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.
- 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.

- 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.
- 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.
- Fires should only be lit in secure compounds away from areas of Badger activity and should be fully extinguished at the end of the working day.
- Use of noisy plant or machinery should cease at least two hours before sunset in order to avoid causing a disturbance to badgers.
- 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.
- Security lighting should be kept to a minimum and away from setts, so as not to disturb the badgers on site.
- Compliance with these mitigation measures will be confirmed to planners on a regular basis.

Essex Wildlife Trust

We note the masterplan has identified and retained the majority of existing high-value habitats within the scheme and these features form and contribute to a potential connected green infrastructure network within the development.

Likely impacts from development include:

- Increase noise, disturbance and littering
- Increased light pollution
- Increased predation of wildlife by domestic pets
- Reduced breeding success and population viability (particularly affecting birds)
- Trampling of ground flora
- Nutrient enrichment caused by dog fouling

Under the Environment Act 2021 there is now a requirement for legally binding species recovery targets and for local authorities to produce Local Nature Recovery Strategies. New development must deliver a minimum 10% Biodiversity Net Gain (mandatory in November 2023).

Nature needs to be at the heart of this scheme, to aid nature's recovery and realise the wellbeing and economic benefits to new residents and the local area from pursuing nature-based solutions. The green infrastructure must prioritise the protection and enhancement of the existing habitats, the creation of new habitats, and the implementation of long-term mechanisms to support and sustain the benefits that it brings.

The scheme's green infrastructure should exhibit the following attributes:

- Networked – creates and restores effective links to and between local habitats and ecological corridors
- Nature-rich – contributes positively to reversing the long-term decline in biodiversity and aids nature's recovery with space for wildlife to flourish
- Protects – values existing habitat and features through their protection and enhancement
- Integral – treats wildlife and habitat as a fundamentally integral part of a successful built environment.
- Transformative – translates a commitment to wildlife, in the form of specification, design intent and management plans, into sustainable, long-term reality.

Wildlife measures must be secured at all stages of implementation and across all phases of the development.

National Highways (Previously Highways England)

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

NH are interested in the potential impacts that the development might have on the SRN, in this case, M25 J28 and the A1023 approach to J28. NH are interested as to whether there would be any adverse safety implications for the SRN from these proposals.

Since the initial review, NH have been in contact with the transport consultants acting on behalf of the applicants and have now agreed a position regarding the trip generation, distribution, and assignment of the proposals. In line with the agreed methodology, we now note that in both the AM and PM peaks, 28 two-way trips are predicted to travel via M25 J28 and the A1023 Brook Street in a worst case scenario. In the AM peak 21 of these are outbound trips, whilst in the PM peak 19 of these are inbound.

With the proposals forming an allocation within an adopted Local Plan, the DfT Circular 02/2013 states in paragraph 21 that 'where development proposals are consistent with an adopted Local Plan, the Highways Agency (now National Highways) does not anticipate the need for engagement in a full assessment process at the planning application stage. In such circumstances, considerations will normally be limited to the agreement of the details of the transport solution, including any necessary mitigation measures, and to ensuring that the transport

impacts are included in the overall environmental assessment provided to the local planning authority, rather than the principle of the development itself.

NH has been engaged in separate discussions with Brentwood Borough Council regarding its Local Plan and we are aware of the Council's preference for a "monitor and manage" approach to Local Plan highway mitigation delivery. This proposed development has been assessed assuming that the adopted Local Plan to 2033 is built out. Having considered the proposed increase in trips at the M25 J28 as a result of all Local Plan development, it has been concluded that it is insufficient to require physical mitigation. It is therefore accepted that should M25 Junction 28 mitigation not be required for the Local Plan it would similarly not be required for this development.

It is however noted that the M25 J28 is slowly getting busier from the impact of cumulative developments in the area over many years, and junction capacity assessments will be required in the future if additional development sites come forward and place weekday peak hour trips through this junction. If these demonstrate the junction reaching capacity, there will also be the potential for future mitigation measures. This is however not a concern for this application.

Given the numbers of trips generated by the proposals which will use M25 J28, as well as the site's allocation within the adopted Local Plan, we accept that these development proposals are unlikely to have an effect on the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

National Highways raises no objections.

Essex Police

The Essex Police Designing out Crime Office (DOCO) welcomes the opportunity to make comment on the development of the land east of Nags Head Lane in Brentwood. We recognise that developments where safety and security has been addressed and 'designed out' at the earliest planning stages, will enhance the health and wellbeing of future residents.

Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community. An integrated approach to crime prevention at an early stage is necessary to all significant components of design, planning, and layout of the built environment. Good design and early co-ordination, incorporating 'Crime Prevention Through Environmental Design' principles (CPTED), can avoid the conflicts that may be expensive or impossible to resolve once the construction phase of a development is complete.

Essex Police considers that it is important that, if approved, this housing development is designed incorporating the maximum achievable benefit of CPTED for which Secured by Design (SBD) is the preferred enabler.

As such, 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, (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

We would therefore welcome the opportunity to engage with the developer to discuss the following areas regarding security:

Electrical Vehicle Charging Provision

There is detail within the plans for Electrical Vehicle Charging Points (EVCP's); Essex Police recommend that consideration is given to the security provision for EVCP's. Early consideration will mitigate the opportunities associated with crime relating to this comparatively new vehicle fuel provision. We would therefore welcome consultation regarding the infrastructure, proposals, and management of EV charging points.

Lighting

Lighting plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within the space that is illuminated. The DOCO wishes to seek clarity regarding the proposed lighting plan, as it is imperative that the lighting provision must provide uniform illumination with due consideration given to the spill of light and its' impact on neighbouring properties and ecology. A sensitive approach is required to ensure that the lighting is incorporated in such a way that it does not impact on security.

Of particular interest is the illumination of the parking area to the rear of the flats (plots 78- 83) as there is a degree of isolation which could prove a crime generator if the area is left unlit. Furthermore, we recommend that consideration is given to the illumination of the visitors parking bays on the southern access road of the development site.

Landscaping

The DOCO would welcome the opportunity to liaise regarding the green architecture and appropriate landscaping plan, especially with regards to the use and future management of the proposed communal spaces within the development and the general topography of the site; the success of the development may be compromised if there is no arrangement regarding the management of these green areas.

We are also interested in the provision of street furniture and the proposed play equipment within the open public realm spaces.

Ownership/Delineation of space

We are interested in the plots marked as No's 49 and 54 on the landscape master plan as they appear to be separate gardens with no clear ownership or association to a dwelling. If these plots are not to be included in the gardens of plot No's 48 and 53 then we are keen to understand their relationship within the built environment.

Land without ownership can become a crime generator if not appropriately managed.

We would also welcome detail regarding the kerbing of the southern access road where the visitors' bays are located; there is potential that informal parking areas may become adopted if a suitable kerb and boundary treatment is not included; this may be mitigated by suitable planting.

To conclude, we are keen to meet with the applicant to discuss the security design aspects of the development to ensure provision of a safe and secure environment. Essex Police provide a cost free, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design. Contact with Essex Police Designing Out Crime team is via email: designingoutcrime@essex.pnn.police.uk

Crime Prevention Design Advisor:

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design for which Secured By Design (SBD) is the preferred enabler, in this case Secured by Design - Homes.

SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities' and Brentwood Local Plan Policy BE14.

There appears not to be any specific references to security in the documentation provided. However as stated above, security forms a key part of a sustainable and vibrant development. To date Essex Police has not been consulted in any pre-application discussions. Pre-planning consultation is always preferable in order that security considerations for the benefit of the intended residents are agreed prior to a planning application.

We would welcome the opportunity to consult with the applicant to discuss a number of areas related to security that Essex Police would be keen to clarify further, for example:

Lighting - This plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within that space. When applied and designed correctly, lighting can reduce the potential for crime. Essex Police recommend that detailed lighting plans are incorporated within the design, to comply with BS5489-1 2020.

Public realm and open space - We appreciate that it is important to create a sense of place with the provision of accessible services and facilities that encourage

walking and cycling etc. It is also important to ensure that any community spaces and broader public realm, are designed where safety and security is subliminal to the user of that space and do not become a central point for Anti-Social Behaviour or any unwanted activity, thus having an adverse effect on those communities. If not effectively designed these spaces could be conducive to future incidents of crime.

County Archaeologist

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

As established by the submitted desk-based assessment and the Essex Historic Environment Record (EHER), the proposed development site lies in an area with the potential for archaeological remains. The development lies immediately to the south-west of the medieval settlement of Brentwood (EHER 525), which was first recorded in 1176. Brentwood evolved in the medieval period as a ribbon settlement along the line of the main road between London and Colchester (the modern A1023), and there is a high possibility of extramural archaeological remains associated with the nearby medieval town surviving on the proposed development site.

In addition, the main road through Brentwood is broadly on the line of the original Roman road between Camulodunum (Colchester) and Londinium (London). The EHER shows that the line of the Roman road runs immediately to the north of the proposed development site (EHER 565). There is potential for Roman (and later) extramural remains to survive in proximity to this historic routeway.

Any archaeological deposits or remains present on site will be negatively impacted by the groundworks associated with the proposed development and should therefore be recorded prior to development.

In view of this, this office recommends that conditions and informatives are attached to any consent, in line with the National Planning Policy Framework, paragraph 205.

NHS England (East):

Acceptable subject to the sum of £63000 to 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 premiss.

Affinity Water: No comments received.

Public Rights of Way: No comments received.

National Grid: No comments received.

Environment Agency: No comments received.

BT Openreach: No comments received.

Building Control: No comments received.

Essex & Suffolk Water: No comments received.

UK Power Networks: No comments received.

Operational Services Manager: No comments received.

6. Summary of Issues

The starting point for determining a planning application is the Development Plan, which is Brentwood Local Plan 2016 – 2033, dated 2022 ('the Local Plan'). Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

Principle of Development

The site is identified in the Brentwood Local Plan for housing under Policy R06: Land off Nags Head Lane for around 125 new homes. The table below sets out the policy requirement and how the proposal has addressed these.

R06 Policy Requirement	Proposal
Around 125 new homes	127 proposed
1. Development Principles Proposals should	
a. Provide vehicular access via Nags Head Lane	Vehicular and pedestrian access is provided off Nags Head Lane
b. Provide pedestrian and cycle connections to routes identified in the Brentwood Cycle Action Plan or other relevant evidence	Two potential future routes through the site are shown on drawing No. 21355G/11 Rev P3. It is unlikely the route to the south is feasible as this is railway land. However, if the Wickes site was to be developed in the future there is potential to provide an access via a ramp

	to Brook Street for pedestrians and cyclists. The Travel Plan (Appendix C) shows the highway improvements for pedestrians and cycles along Brook Street.
c. Provide public open space in accordance with policies NE02 and NE05	There are five main open space areas on the site that are generally linked via a green corridor of retained or new trees and street trees. The siting of these open spaces is in response to the site constraints and will offer suitable amenity for residents and visitors. Further details of the play equipment is required by condition.
d. Sensitive landscaping along the north and eastern boundaries adjoining existing commercial development and residential dwellings	Landscaping is proposed along the northern and eastern boundaries and further details of this is required by a landscaping condition.
e. Development should sustain and where possible enhance the significance of The Grade II listed Nags Head public house and its setting	Initially, two self-build plots were located close to the Grade II listed building and were relocated on site and replaced with two detached dwellings to respect the setting of the building. The LEAP and SuDS attenuation basin are in the north-west corner close to the public house where there is a pedestrian access located, which will encourage residents to walk to Brook Street and access the public house.
2. Drainage	
Developments should minimise and mitigate surface water runoff in line with Policy BE05 Sustainable Drainage	The site has been designed to meet the sustainable urban drainage requirements of Policy BE05.
3. Infrastructure Contributions	
a. Off-site highway infrastructure improvements in accordance with MG05 and BE08	It is proposed to reduce the speed limit on Nags Head Lane to 30mph to improve safety for pedestrians and cycles. Contributions are required for several highway infrastructure improvements set out in Section 6 of this report.
b. Quietway cycle routes connecting transfer hubs to schools in Brentwood Town Centre	The Travel Plan prepared by Ardent refers to National Highway improvements to the M25 and Junction 28 and

	improvements to existing footways on Brook Street with new pedestrian safer routes towards the town centre and widening of existing footways to allow for cyclists to share this space.
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The other main relevant policies of the Local Plan are discussed below:

Layout

The entrance to the site is off Nags Head Lane, a primary road will run from west to east through the development site. with secondary roads providing access to dwellings. A pedestrian/cycle gateway will be located to the north-western corner of the site providing a faster way of accessing Brook Street which intends to promote sustainable means of travel by foot/cycle.

Public open space has been located fairly central to the site and green corridors will be provided that link the main public open space. The public open space to the north west will include a dedicated play area alongside SuDS features. The Local Equipment Area for Play (LEAP) has been repositioned to the northern end of the site. The DAS refers to this creating a ‘village green gateway’ with a strong sense of arrival and is supported by the Design Officer. In principle this is considered positive as it moves the play equipment away from the main access and allows better connectivity for the existing residents in the area. The LEAP has been positioned adjacent to a key movement route on the north-western corner of the site, which can be utilised by residents and visitors when travelling in and out of the site and offers natural surveillance from the shared footway and cycle path. This approach to the location was supported at the Essex Quality Review Panel. A section of boundary hedge along Nags Head Lane will require removal to open up this area.

The attenuation basin is on slightly higher ground closer to houses compared to the LEAP. The Council’s ecology officer comments that as the attenuation basin is more prominent there will be pressure for it to be managed more formally with less scope for links to adjacent habitat. This is proposed to be included within a management plan, detailing a sensitive approach to securing such features while allowing integration with the wider site and habitat.

The proposed dwellings are arranged along the spine road and smaller access roads providing access to all parts of the development. The dwelling types include apartments, town houses, semi-detached and detached houses.

There will be green buffer zones along the edges of the development to screen the development and provide protection from road traffic and industrial noise.

Overall, the proposed layout has been subject to extensive pre-application discussion and has significantly improved compared to the first iterations, having incorporated the advice provided by officers and design panel.

To conclude, subject to conditions, the proposal is compliant with Local Plan Policies R06, MG01 (Spatial Strategy), BE14(Creating Successful Places) and BE15 (Planning for Inclusive Communities).

Scale and Density

Based on a site area of 5.9ha, the proposed development of 127 dwellings will have a density of 41 dwellings per hectare. This is considered to be low – medium density (an average of 21.5 dwellings per hectare) and appropriate in the local context and in line with Local Plan Policy R06. Specifically, supporting paragraph 9.114 of Local Plan.

The proposed height range (2-3 storeys) is seen elsewhere in Brentwood and is considered appropriate for this proposal. It is considered that the development will use a combination of different dwelling sizes and designs, creating a distinctive character area.

The development is therefore compliant with Local Plan Policies R06 (Land off Nags Head Lane), BE14 (Creating Successful Places) and BE15 (Planning for Inclusive Communities) of the Local Plan.

Residential Amenity

It is evident from viewing the plans, undertaking site visits and reading objections, that the proposal will create the biggest impact on the residents of the 11 dwellings on Mascalls Gardens adjoining the site. The residents of these dwellings currently have a field at the end of their gardens so any development is going to have an effect on the outlook from the rear of the properties. It is also noted that some residents were not aware that the development site had been identified as a potential housing site several years before this planning application was submitted. Whilst it is understood the impact the proposal may have on the residents in Mascalls Gardens, the application is required to be considered in accordance with planning policy with any material planning matters taken into consideration.

The land adjoining Mascalls Gardens slopes from the south to the north-eastern corner, with a land level change of 5.94 metres. This change in land levels creates a challenge and some of the dwellings proposed in the northern part were detailed to have slightly raised finished floor level however, this has since been amended and the floor levels associated with plots 113-125 have been reduced to further improve the rear privacy of existing residents on Mascalls Gardens.

The Essex Design Guide refers to distances between the rear of buildings, and buildings to boundaries of 25 metres and 15 metres respectively. The proposed dwellings on the eastern boundary with a shared boundary with the properties on

Mascalls Gardens originally had a minimum of 15 metres in compliance with the design guide. The plans have now been amended to increase this to a minimum of 17 metres (back-to-back distance) by moving the dwellings 2 metres to the west.

The final boundary treatment and landscaping will be subject to a condition and further information will be required on the management and maintenance of the proposed landscaping. It is acknowledged that the increase in setback and a landscaping scheme is not likely to overcome the objections raised, however, in planning terms of residential amenity this is considered acceptable. In addition, all permitted development rights for extensions to dwellings, including outbuildings is proposed to be removed. This means that any future resident of these dwellings looking to extend will require planning permission, which will then include consultation of neighbours in Mascalls Gardens adjoining the site.

It is not anticipated that the proposal will create any overshadowing or loss of daylight/sunlight as set out in guidelines as the minimum distances are met. There will be additional household lights and residential noise but this is a common occurrence in a suburban setting and is not anticipated to create any significant impacts.

It is considered that with the distance from the rear of Mascalls Gardens, the slight reduction in levels and further landscape enhancements that there is an acceptable level of screening. Thus, it is considered that subject to the above conditions, the proposal complies with Local Plan Policy BE14 (Creating Successful Places).

Noise

Local noise sources have been considered in a preliminary desk top assessment undertaken by Ardent. The primary local noise sources are road traffic from the M25, A12, A1023 and Nags Head Lane, and railway noise from the adjacent Great Eastern Mainline. The preliminary assessment shows that no single noise source is dominant and that with appropriate layout and noise treatment to the most exposed properties, both internal and external ambient noise levels will be within the desirable range and will meet with applicable standards. For example, appropriate noise treatments for the most sensitive locations could comprise:

- Thermal double glazing with acoustic laminate where necessary.
- Trickle ventilation or mechanical ventilation if required.
- Solid close boarded fences or masonry walls for private gardens.

The Environmental Health Manager raised no objection to the findings of the assessment. The officer recommended that planning conditions are attached to any approval and subject to conditions, the proposal therefore complies with Local Plan Policy BE14 (Creating Successful Places).

Air Quality

The Air Quality Assessment Report Ref - Q842-05 indicates that with implementation of a Construction Environmental Management Plan (CEMP) to minimise dust and PM10 impacts during the construction period, overall residual effects will be not significant.

Furthermore, future residents were judged to have good ambient air quality with no need for mitigation.

The Environmental Health Manager considers that there would be no significant concerns relating to air quality, providing that the dust mitigation measures recommended are implemented during the construction phase of the development. A Construction Method Plan has been conditioned which will set out dust mitigation measures. The proposal therefore complies with Local Plan Policy NE08 (Air Quality).

Housing Mix and Affordable Housing

Policy HP01 requires new residential development to be inclusive and accessible with major application sites required to meet the identified housing needs and provide M4(2) accessible and adaptable dwellings. The proposal provides 35% affordable homes with the tenure mix of 85% affordable rent and 14% affordable ownership is consistent with Policy HP05 being M4(2) compliant with one dwelling M4(3) proposed. The mix of the type of dwelling for both affordable and market is generally consistent with the indicative size guide set out in Strategic Housing Market Assessment 2016 for both the affordable and market housing.

Dwelling Type	Affordable	Market	Total
1 bed	14 (32%)	4 (5%)	18
2 bed	14 (32%)	26 (34%)	40
3 bed	8 (18%)	27 (35%)	35
4+ bed	8 (18%)	20 (26%)	28
Total	44	77	121

The Housing Services Manager is concerned about the clustering of the dwellings in four locations rather than the affordable homes being pepper potted throughout the development. It is recognised that these affordable homes are clustered in the western part of the site where there are 17 affordable homes with an access solely for these homes. The other affordable homes are located in the middle, on parts of the northern boundary and part of the eastern boundary, amongst the market housing. The clustering of the 17 affordable homes is contrary to paragraph 2. b. of Policy HP05 as it is an over concentration in one area. However, the overall appearance, materials and build quality will be the same as the market housing, which is consistent with the other parts of paragraph 2.b. of Policy HP05.

The concentration of the 17 affordable homes in the western part of the site having a sole access holds some negative weight. Apart from this non-compliance of part of Policy HP05, the overall provision of housing is consistent with Policies HP01, HP05 and R06 of the Local Plan.

Landscape

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

The landscape strategy incorporates multiple areas of landscaping and amenity space, including a principal open space in the central area and landscape buffers around the edges of the site.

The strategy includes a mix of new tree and shrub planting, which will help enhance the biodiversity value of the site. Features such as nest and bat boxes are proposed. Landscape buffers to edges of the site will provide an opportunity to borrow a moderately mature landscape from beyond the planning boundary in certain areas and reinforce the vista with the proposed planting, which includes native planting.

The Landscape and Ecology Officer confirms that there are no objections on landscape grounds to this application.

An Arboricultural Report has been submitted, which the Council's Landscape and Ecology Officer raises no objection. It is confirmed that only one Category B (Moderate Value) tree and 6 individual Category C (Low Value) will require removal to facilitate the development and it is agreed therefore that the scheme would have a low impact on existing trees.

New tree planting has however been concentrated within open space areas with few street trees being proposed; despite the landscape opportunities plan within the DAS suggesting street tree planting along the contours to filter views and contribute to the amenity value of the site.

It is stated by the landscape and ecology officer that in principle the emerging landscape scheme creates some useable public space and better connection to Brook Street however the Landscape and Ecology Officer is not convinced about the layout of the northern open space and attenuation basin and is disappointed by the lack of tree planting on the residential roads. However, on balance it is felt that the proposal complies with Local Plan Policies NE01 (Protecting and Enhancing the Natural Environment), NE02 (Green and Blue Infrastructure), NE03 (Trees, Woodlands, Hedgerows) and NE05 (Open Space and Recreation Provision).

Ecology and Biodiversity

The application is accompanied by an Ecological Assessment. The Phase 1 Habitat Survey identified that most of the site comprises agricultural grassland which is currently grazed by horses.

In order to enhance the biodiversity onsite, the ecology assessment details that various items should be designed into the scheme to accord with planning policy, including:

- The retention and enhancement of scrub and scattered trees to create corridors and shelter for foraging wildlife including birds, bats and small mammals;
- Landscaping should incorporate native or wildlife attracting trees and wildflower areas to be of benefit to wildlife;
- Areas of deadwood should be kept in situ retaining suitable habitat for stag beetles and other invertebrates;
- Hedgehog links (i.e. 15cm diameter gaps at the base of fences) are recommended to enable small mammals to move through the development;
- The addition of bird boxes on retained trees and/or new buildings to attract a greater diversity of birds to nest.

The assessment confirms that the loss of grassland to accommodate the development would not have a significant negative ecological impact. A section of the eastern hedgerow will also need to be removed to allow for access and visual splays. The main site does contain habitat features suitable for supporting protected species and there is moderate potential for commuting and foraging bats. Nesting birds and small mammals are also likely to be associated with the hedges.

The assessment recommends mitigation and compensation measures to offset the potential impact on these species, including a lighting plan to avoid disturbing bats; the enhancement of the retained buffers along the edges of the site and native species planting throughout the scheme. A lighting plan and updated Landscape Strategy are required as Conditions.

The habitats related recommendations set out within the Ecological Assessment have also been incorporated into the landscape strategy: the green spaces around the site maximise opportunities to create new habitats through the incorporation of native planting, bird and bat boxes, and SuDS features.

In relation to badgers, the applicant has provided a response to the Essex Badger Protection Group. The applicant details that their Ecologist has advised as follows:

“Natural England standing advice noted by the badger group refers to CIEEM guidance on shelf-life of survey work and the Biodiversity code of practice for planning and development (BS 42020:2013). The CIEEM guidance indicates a shelf-life of 12 – 18 months for most ecology surveys and the BS refers to 2 – 3 years. The last detailed badger survey was carried out in January 2022 and no new evidence of badgers on-site was recorded during any of the subsequent site visits between August and November 2022. Therefore, the badger survey results remain within the standard shelf-life accepted by the guidance and BS. Nonetheless, badgers are a dynamic species and hence para. 5.2 of the redacted badger report recommends the following:

‘Given the dynamic nature of Badger activity, it is recommended that an update survey of the site is completed prior to site works commencing to re-assess the use of the site

by Badgers. Should any new setts be recorded that would be impacted by the proposed works these may need to be subject to Natural England licensing.'

The above pre-commencement update survey can be conditioned. The BS makes it clear that conditioning update surveys is an acceptable approach. It should also be highlighted that the mitigation measures listed in the badger group response are already set out in the confidential badger report (section 5). Therefore, there is no justification for requiring any further survey work ahead of determining the planning application in our professional judgement."

As such, it is recommended that a section within the Construction and Management Plan (CEMP) be included to avoid any risk to badgers and other mammals during construction.

The proposed development has been designed in a way that will retain the features identified to be of elevated value (such as the hedgerows, tree line and linear scrub). Where this has not been possible new habitat creation has been proposed to offset losses and recommendations within the report include enhancements that provide the opportunity to deliver a number of biodiversity net gains on site. The onsite habitats have the potential to support several protected species therefore a number of mitigation measures are proposed to minimise risk or harm.

A consultation response was received on 1st February from the Butterfly Group, raising concerns in their comments to the timing of the initial Phase 1 survey visit. The originally submitted Ecological Appraisal has been updated, to provide further detail on the rationale behind the timings of the survey visit.

Paragraph 2.2.1 of the updated Appraisal highlights that the site was surveyed in January 2022, to ascertain the general ecological value and identify the main habitats, and the habitats were further assessed during additional visits to the site in July and August 2022, in conjunction with the bat surveys. Paragraph 2.4.1 confirms that the surveys were undertaken within the optimal survey season, and during the additional visits, the Phase 2 habitat classifications were re-appraised, confirming that the Phase 1 survey findings are accurate and allow for a robust ecological assessment of the site to be made.

The Council's Landscape and Ecology Officer confirms that there are no objections on ecology and biodiversity grounds to this application. Thus, subject to conditions, the proposal is in line with Local Plan Policy NE01(Protecting and Enhancing the Natural Environment).

Highway Safety and Parking

Policy BE11 requires developments to maximise the opportunities of charging electric and low emission vehicles. The supporting documents submitted with the application states that each dwelling will be provided with electric vehicle charging and this is proposed to be conditioned.

Policy BE12 requires developments not to have unacceptable impacts on highway safety, capacity and congestion. Many of the objections received related to these matters.

A Transport Assessment and Travel Plan have been submitted with the application and the Highway Authority Officer has worked with the transport consultant to address all of the highway safety concerns. The Travel Plan details show that there is significant work being undertaken around the M25 and Brook Street to improve cycle and pedestrian access along Brook Street as referred to in the compliance table of Policy R06 above.

A total of 280 car parking spaces are proposed for the development. 26 dwellings have 3 or more on-plot parking spaces (including standard sized garages) and are therefore above the 2-space permissible minimum. Each of these dwelling's visitor provision is therefore provided on-plot. • The remaining 101 dwellings require 26 spaces on the basis of 25% visitor provision ($0.25 \times 101 = 25.25$), and these have been provided. There are 26 unallocated visitor spaces and 26 dwellings with an allocated visitor space for each of these dwellings, at an average of 2.2 spaces per dwelling. This meets the car parking requirements.

Furthermore, Cycle parking will be provided within garages, garden sheds and cycle stores, which meets Essex County Council parking standards and at least one parking space per dwelling will be provided with an EV charging point.

The Highway Authority has requested conditions and these conditions along with the infrastructure contributions help mitigate the impacts of the proposal on the road network.

Subject to contributions and conditions, the proposal therefore complies with Local Plan Policies BE08 (Strategic Transport Infrastructure), BE09 (Sustainable means of travel and walkable streets), BE11 (Electric and Low Emission Vehicles), BE12 (Mitigating the Transport Impacts of Development) and BE13 (Parking Standards).

Archaeology

The proposed development site lies in an area with the potential for archaeological remains. The development lies immediately to the south-west of the medieval settlement of Brentwood (EHER 525), which was first recorded in 1176. Brentwood evolved in the medieval period as a ribbon settlement along the line of the main road between London and Colchester (the modern A1023), and there is a high possibility of extramural archaeological remains associated with the nearby medieval town surviving on the proposed development site.

In addition, the main road through Brentwood is broadly on the line of the original Roman road between Camulodunum (Colchester) and Londinium (London). The EHER shows that the line of the Roman road runs immediately to the north of the proposed

development site (EHER 565). There is potential for Roman (and later) extramural remains to survive in proximity to this historic routeway.

Any archaeological deposits or remains present on site will be negatively impacted by the groundworks associated with the proposed development and should therefore be recorded prior to development.

In view of this, this office recommends that conditions and informatives are attached to any consent, in line with the National Planning Policy Framework, paragraph 205.

Subject to conditions, the proposal will therefore comply with Local Plan Policies BE16 (Conservation and Enhancement of Historic Environment) and R06

Heritage Impacts

The NPPF requires a balance to be applied in the context of heritage assets, including the recognition of potential benefits accruing from a development. In the case of proposals which would result in *“less than substantial harm”*, paragraph 202 provides the following: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use”*.

A built heritage assessment has been carried out by the RPS Group and the impact upon any heritage assets have been considered, making the following conclusions, in brief:

- The Site does not include any statutorily or locally listed buildings. Also, it does not lie within a conservation area. However, the Grade II listed Nag’s Head Inn stands in close proximity to the Site.
- In accordance with Paragraph 195 of the NPPF, the assessment has assessed the significance of this listed building, including setting contribution. It has also assessed the impact of the development proposals on this significance.
- The development proposals are considered to cause a minor level of less than substantial harm to the significance of the Grade II listed Nag’s Head Inn, owing to an area of proposed public open space adjacent to the Inn and the retention of the network of vegetation and rolling contours that currently characterise the site. In accordance with Paragraph 202 of the NPPF, this level of harm should be weighed against the public benefits of the scheme, including the provision of affordable housing to meet the needs of the borough.

From the Site itself, no meaningful views to any heritage assets, including the Nag’s Head Inn, that allow a full appreciation of their significance have been identified.

The proposed development will not alter the intrinsic architectural or historic interest of the listed building, from which its significance is primarily derived. It would not diminish

the legibility of the building as sitting to the west of the built edge of Brentwood. The residential development of the Site will not represent a notable change to the overall character which entails the expansion of the built area of Brentwood to the western boundary of the Site on Nags Head Lane. In accordance with Paragraph 206 of the NPPF, the proposed design will better reveal the significance of the Inn, introducing a landscaped space at the northern end of the Site to allow for the significance being appreciated away from the highway.

The proposed development is considered to overall represent a low degree of less than substantial harm to the significance of the Nags Head Inn. The degree of harm is not greater than low and the low degree of harm identified arises only from the general erosion of a largely unappreciable element of the buildings surviving edge of settlement. In terms of impact upon the Historic Environment specifically, the Conservation of Place and Development Advice received details that the key matter is now that of quality materials and details. The officer is unable to find this scheme as Paragraph 206 i.e.

‘where in relation to the setting of heritage assets, the proposals enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.’

The ‘objection in principle’ is however set aside subject to Conditions which is in the interests of the setting of designated Heritage Assets.

Considering the planning balance and the public benefits of the scheme including the provision of housing in a sustainable location; being an allocated site where the Council have identified the Site as being appropriate for residential development; incorporating a total of 127 units ranging from 1-5 bedrooms; the inclusion of affordable units in accordance with Policy HP05; publicly accessible open space and landscaping, the development proposals subject to conditions and a S106 are considered to be in accordance with the policies of the NPPF, Policy BE16 of the Brentwood Replacement Local Plan.

Flood Risk and Drainage

The development is located wholly within Flood Zone 1 and is considered to have a low risk of flooding from rivers and sea.

It is detailed that the surface water drainage strategy will reduce flood risk by restricting surface water flows in accordance with the Borough of Brentwood’s requirements. A sustainable urban drainage system has been designed to incorporate attenuation basins and geocellular attenuation tanks. Storm water attenuation is provided for all storms up to and including the 1 in 100-year critical event (including a 40% allowance for climate change).

The peak foul flow rate for the proposed development is calculated to be 6.05 l/s. It is proposed that foul flows from the development will discharge into the Thames Water

fowl sewer to the south of the site. Thames Water have confirmed capacity within their network for the additional flows.

Water quality treatment or runoff will be in accordance with Ciria753 The SuDS Manual. A private management company would be set up to maintain all SuDS features within the development. ECC SuDS confirmed that the proposal is acceptable subject to conditions.

Anglian Water responded to the consultation noting that it has assets close to or crossing this site, or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable, then the sewers will need to be diverted at the developer's cost or, in the case of apparatus under an adoption agreement, liaising with the owners of the apparatus. It should be noted that the diversion works should normally be completed before the development can commence.

The above demonstrates that the scheme meets the requirement of Local Plan Policies NE09 (Flood Risk), BE05 (Sustainable Drainage) and R06.

Sustainability

All homes will be delivered to meet the minimum requirements of Part L 2021 and therefore will exceed a 31% reduction over Part L 2013. The approach presented delivers a reduction of 44,368 KgCO₂/year, equating to an improvement on Part L 2013 of approximately 33.11%, or a 2.11% improvement on Part L 2021. The statement demonstrates that a minimum of 10% of the energy demand will be met through renewable and low carbon sources, in line with Policy BE01 of the Brentwood Local Plan. PV panels will be provided on the majority of roofs, electric vehicle charging points will be provided for all dwellings, high speed internet will be provided along with home working spaces to the majority of dwellings, drought resistant and native planting will be introduced, as well as water efficient appliances and improved levels of insulation throughout.

Subject to conditions, the proposal is considered to meet the requirements of Local Plan Policies BE01 (Carbon Reduction and Renewable Energy) and BE02 (Water Efficiency and Management).

Secure by Design

It is recommended that a condition be added to any approval requiring the applicant to formally apply for the Secured by Design accreditation. This is considered appropriate, and a condition has been added accordingly.

Subject to the above condition, the proposal therefore complies with Local Plan Policy BE14 (Creating Successful Places).

Refuse and Recycling

The refuse provision is noted to be primarily in the form of bins kept within the dwelling curtilage, whilst the apartments will have integral communal bin stores. The applicant has confirmed the turning areas for refuse vehicles are sufficient. A refuse strategy is submitted and is considered appropriate with no objections. The proposal is therefore considered to be compliant with Local Plan Policy BE14 (Creating Successful Places).

Other Matters

Response to Mascalls Gardens Residents' Association letter dated 27th June 2023

As a result of the engagement with Mascalls Gardens Residents' Association, along with further discussions with Brentwood's planning team, the applicant has made several changes to the scheme to directly respond to the concerns raised.

The position of new dwellings at plots 113-125 have been moved by 2 metres to the west, meaning the overall distances between the boundary wall and new properties sits at 17 metres, with the overall property to property distance sitting at 32 metres. This is in excess of the minimum 15m detailed in planning guidance.

The comments regarding the level change and potential impact on privacy and overlooking have been noted and as a result of this, the applicant has reduced the ground levels by 60 centimetres in some locations. The applicant is also proposing extensive landscape boundary treatments in the form of a 2m fence with climbers and a tall garden trees. These details will need to be approved as part of a condition as use of such trees to gain privacy can lead to other issues such as overshadowing, and unless protected can be removed by the owner at a later stage.

The applicant further details that in respect of the comments regarding the installation of a green open space between Mascalls Gardens and the new development, this has been considered as a design approach, but it was concluded that positioning open space to the rear of the existing neighbouring properties would leave the rear of the existing dwelling exposed to potential anti-social behaviour from the new green space as it would not benefit from supervision from both sides. Placing a green buffer alongside rear boundaries would also introduce a number of secure by design issues which would be contrary to the National Design Guide and would result in the development failing to create a safe and secure environment.

The National Design Guide states on page 31, Paragraph 105 that 'careful planning and design create the right conditions for people to feel safe and secure, without the need for additional security measures. These include:

- buildings around the edges of a space
- active frontages along its edges, provided by entrances onto the space and windows
- overlooking it, so that people come and go at different times

- natural surveillance from inside buildings provided by windows and balconies, so that users of the space feel they might be overlooked by people from inside
- reasons for people to enter into the space, for an activity or destination or because it is on a natural line of direction of travel
- risk assessment and mitigation at an early stage of the design process, so security measures can be integrated into positive design features'

The proposed green space would likely fail to meet the above standards to create a safe and secure environment, namely because the space would only be fronted on one side.

Infrastructure Delivery and Planning Obligations

Consultees have requested contributions towards a range of infrastructure which will help mitigate the impacts of the development and address some of the concerns raised by objectors regarding the impact the development will have on existing public services and the highway network. The site is identified as a housing site in the Brentwood Local Plan able to deliver around 125 homes and 127 homes are proposed including 35% (44) affordable housing and 6 self-build plots.

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

The contributions required to make the proposed residential development acceptable in planning terms are currently being confirmed between the applicant, Council and officers. As the legal agreement is outstanding, it is recommended to the Committee that this is delegated to Officers to resolve, should Members be minded to approve the application.

The contributions and obligations must be in accordance with Regulation 122(2) of The Community Infrastructure Levy Regulations 2010 as set out in paragraph 57 of the NPPF. The contributions and obligations that are considered to meet these requirements and set out in the S106 Heads of Terms below:

S106 Heads of Terms include:

- Early Years and childcare - £159,819.48 index linked to Q1 2020
- Primary school - £554,302.80 indexed linked to Q1 2020
- Libraries - £9,880.60
- Open Space and community buildings contribution - £127,000
- Management and maintenance plan including management company arrangements
- Provision of 35% affordable housing with 86% affordable rent and 14% affordable home ownership

- Provision and sale of self-build plots
- NHS £63,000 index linked
- Annual monitoring fee of £1596 per annum (index linked) to be paid to Essex County Council for travel plan.
- Infrastructure Delivery Plan Ref based on 127 dwellings as of December 2022:
- T17 Brentwood Town Centre Public Realm Enhancement £755,952
- T8 Brentwood and Shenfield Railway Station Public Realm Improvement £550,217
- T10 Quietway Cycle Routes in Brentwood Urban Area £250,098
- T12 Railway Station Cycle Infrastructure £13,088
- T28 M25 Junction 28 £4,041 Subject to adjustment depending on National Highways' detailed comments.
- T29 M25 Junction 29 £103,044 Subject to adjustment depending on National Highways' detailed comments.

7. Recommendation

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

1- 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 Development in accordance with drawings

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

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

3 Construction Environment Management Plan

No development shall commence, including works of demolition until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP should define best practice measures for ecological protection (including but not limited to protected species, in particular badgers and nesting birds) as well as protection methods of retained trees. The CEMP should include a method statement to avoid injury to any animals entering the site

during construction and include but not be restricted to:• A walkover survey to be conducted by a suitably qualified ecologist as close as practicable, and no earlier than three months, before the commencement of the proposed works.

- All workers on site should be fully briefed concerning the presence of badgers in the area and the mitigation measures to be followed

- Ensure security lighting is kept to a minimum and away from setts if these are present.
- Cover trenches at night or leave a plank of wood leant against the side to ensure badgers can escape if they were to accidentally fall in.
- Cover open pipework with a diameter of greater than 120mm at the end of the workday to prevent animals from entering and becoming trapped.
- Ensure that chemicals are stored appropriately overnight.
- Remove litter and waste material regularly.
- Check open pipework and open excavations each morning, before the commencement of work, to ensure no badgers or other animals have become trapped overnight.

The CEMP shall identify that construction activities so far as is practical do not adversely impact amenity, traffic or the environment of the surrounding area by minimising the creation of noise, air quality pollution, vibration and dust during the site preparation and construction phases of the development. The demolition and construction works shall be completed in accordance with the information agreed within the CEMP by the Local Planning Authority.

Reason: to ensure that appropriate measures are undertaken to ensure any disturbance to protected species is mitigated and to ensure trees are not harmed in the interests of visual amenity.

3 Contamination

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

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

4 Ground Work

No development or site clearance shall take place until such time as the recommendations as set out in Section 10 of the submitted Ground Investigation Report dated 3 December 2019 ref 12430-HYD-XX-ZZ-RP-GE-1000 by Hydrock have been undertaken and a report detailing the findings has been submitted to and approved by the local planning authority.

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

5 Drainage

No development shall be occupied until confirmation has been provided that either:-

1. Surface water capacity exists off site to serve the development; or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or
3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

6 ECC SuDS

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 north east 5l/s, south 2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

7 ECC SuDS

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

Reason: To mitigate increased flood risk to the surrounding area during construction

8 ECC SuDS

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

9 ECC SuDS

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.

10 Highways

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

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

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 BE14 of the Local Plan.

11 Highways

Prior to occupation of the proposed development and in accordance with Drawing Q482-002 Rev B, the main site access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 103 metres to the north and 2.4 metres by 92 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the 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.

12 - Highways

Prior to occupation of the proposed development and as shown in Drawing Q482-002 Rev B, a new 3 metre-wide pedestrian / cycle link shall be provided on the east side of Nags Head Lane (narrowing to 2 metres at the junction with Brook Street) to link the northern section of the site to the proposed National Highways footway / cycleway scheme on Brook Street.

Reason: To provide pedestrians, cyclists and the mobility impaired with safe accessibility to nearby facilities and services in accordance with Policies BE09 of the local plan.

13 – Highways

The existing field access to the site on Nags Head Lane shall be suitably and permanently closed incorporating the reinstatement to full height of the kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety and in accordance with policy BE09 of the adopted local plan.

14 - Highways

The proposed associated dwelling shall not be occupied until such time as the vehicle parking areas indicated on the approved plans that are to be used by that dwelling, 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 BE09 and BE14 of the adopted local plan.

15 - Highways

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy BE09 of the adopted local plan

16 - Highways

Prior to first occupation of the proposed development, the Developer shall submit an updated residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies BE09 and BE12 of the local plan.

17 - Highways

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies BE09 of the local plan.

18 - 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.

19 - 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.

20 – 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.

21 -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.

22 - Noise

Prior to occupation of the residential units, the following details need to be submitted to and approved in writing by the local planning authority. Details of glazing and ventilation for habitable rooms within the development to ensure suitable internal noise levels; and Results of further acoustic testing to be carried out following installation, to confirm that the measures operate as designed to provide appropriate internal noise levels. The proposed measures set out in the Noise Report to mitigate against noise internally and external amenity areas are required to be implemented.

Reason: In order to protect the amenity of future occupiers.

23 - Noise

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to verify that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014.

Reason: In order to protect the amenity of future occupiers.

24 - 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 - Hours of construction

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

Reason: In order to safeguard the amenity of surrounding residents.

26 – Ecology

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

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

27 - Sustainability

The development hereby approved shall be designed and built to achieve at least a 10% reduction in carbon dioxide emissions above the requirements as set out in Part L Building Regulations.

Reason: In the interests of improving resource efficiency to meet the government's carbon targets in accordance with Policy BE01 of the Brentwood Local Plan 2016-2033.

28 - Sustainability

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

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

29 Accessibility

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

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

30 Planting Scheme

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

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

31 Boundary treatments

Prior to commencement of above ground works, a detailed scheme for the siting and design of all boundary treatments (including drawings of any gates, fences, walls or other means of enclosure) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the use hereby permitted commences and retained for the lifetime of the development, unless otherwise approved, in writing, by the local planning authority. Reason: In order to ensure high quality landscaping for the boundaries of the site in the interests of visual amenity.

32 Archaeology

No demolition, development or conversion works shall take place until the satisfactory completion of the historic building recording fieldwork in accordance with the submitted and approved Written Scheme of Investigation. The applicant will submit to the local planning authority an approved report detailing the results of the recording programme in accordance with the approved Written Scheme of Investigation.

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

33 Archaeology

No development or preliminary groundworks can commence until:

- A programme of archaeological trial trenching evaluation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the planning authority.
- The completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation, defined in Part 1 and confirmed by the Local Authorities archaeological advisors.
- A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified is submitted to the local planning authority following the completion of the archaeological evaluation.

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

34 Archaeology

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

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

35 Archaeology

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

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

36 Broadband

No dwelling pursuant to 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 premiss

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.

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out in the relevant section above. 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 INF27

This consent is only in relation to the town and country planning act. Other legislation may be applicable for which consent is required, such as the protection of wildlife. It is the duty of all parties to ensure compliance with all laws.

3 U0009548

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

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

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

4 U0009547

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

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

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

5 U0009549

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG01, MG03, MG04, MG05, BE01, BE02, BE04, BE05, BE07, BE08, BE09, BE11, BE12, BE13, BE14, BE15, BE16, HP01, HP03, HP05, HP06, NE01, NE02, NE03, NE05, NE08, NE09, NE10, R06, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

6 U0009550

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk

BACKGROUND DOCUMENTS

DECIDED:

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Appendix B



Title : Land East of Nags Head Lane, Nags Head Lane, Brentwood, Essex

22/01347/FUL

Scale at A4 : 1:2500

Date : 21st November 2023

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



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SITE PLAN ATTACHED

MAST EA SITE 35064 ONGAR ROAD PILGRIMS HATCH ESSEX

INSTALLATION OF NEW SHARABLE 25M LATTICE MAST. TO INCLUDE A BASE STATION, 2.4M HIGH PALISADE FENCING, 6NO. OPERATOR CABINETS, 1 NO. METER CABINET, NO.2 DISHES, 6NO. ANTENNAS, AND ANCILLARY DEVELOPMENT.

APPLICATION NO: 23/01238/PNTEL

WARD	South Weald	Confirmed 56 day date	28 November 2023
CASE OFFICER	Mike Ovenden		
Drawing no(s) relevant to this decision:	100A, 101A, 201A, 301A		

The application is reported to the Planning Committee in accordance with the requirements of the Council's constitution.

1. Proposal

The application is a permitted development prior notification for a new 'shareable' 25 metre tall lattice mast, six equipment cabinets and one meter cabinet (within a compound secured by 2.4 m tall palisade fencing), two dishes, six antennas. An elevation is provided (see drawing 301 Proposed Site Elevation). The mast would have a footprint of just over two metres by two metres and the fenced compound would be ten metres by ten metres.

The applicant states on the application form that there have been no pre application discussions, and no neighbour or community consultation.

2. Policy Context

The Brentwood Local Plan 2016-2033

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

- Strategic Policy MG02 Green belt

- Policy BE06 Communications Infrastructure
- Policy BE14 Creating Successful Places
- Policy BE16 Conservation and Enhancement of Historic Environment

National Planning Policy and Guidance

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

3. Relevant History

- Telecommunications masts 2002 (02/00030/TEL) and 2003 (03/00008/TEL).

4. Neighbour Responses

- None received

5. Consultation Responses

- **Basildon Fire Station:** The proposal would not affect access to existing premises or to water supplies/fire hydrants. No objections.
- **Environmental Health & Enforcement Manager:** Environmental health has no comments to make regarding this application.

6. Summary of Issues

Background

This is not a planning application. It relates to a form of development that is permitted development (i.e. has a national planning permission) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16 Class A – electronic communications code operators. Prior to exercising permitted development rights, operators must apply to the local planning authority for a determination as to whether the prior approval of the Council will be required for two issues - the siting and appearance of the development. This is what the application seeks to establish. If prior approval is required, the local planning authority then determines whether the provided details are acceptable.

The Government strongly supports telecommunications networks and the significant social and economic benefits they provide to individuals, businesses and other organisations. The proposal could potentially provide public benefits in the form of maintaining and improving network coverage and enabling future technologies. Chapter 10 of the NPPF provides the Governments positive view on the planning aspects of telecommunication developments.

As indicated previously when considering similar proposals, the issues to consider with this type of application are very limited and only relate to the following:

- whether the prior approval of the local planning authority is required for the siting and appearance of the development.
- If prior approval is required whether the submitted details are acceptable.

The committee is aware that the determination period for this type of application is limited to a maximum of 56 days, unless extended by agreement, and if no decision is made within that period the developer may proceed without delay. In this instance the applicant has agreed to a determination date of 28 November 2023 though it would be wise to determine the application before that.

Planning Policy

When determining a planning application, the local planning authority will consider all relevant policies in their entirety as the starting point. In contrast, the General Permitted Development Order does not require that regard be had to the Development Plan when determining this type of permitted development prior notification application. However, it is accepted practice that the policies of the Brentwood Local Plan 2016-2033 are relevant but only insofar as they relate to the siting and appearance of the proposed development. This means that elements of relevant policies relating to broader matters, for example the principle of the development, are not material to considering this type of application.

The site is in the green belt, which in accordance with Policy MG02 and the NPPG, should be protected from inappropriate development unless justified by very special circumstances. However, the principle of development is established by the General Permitted Development Order. On that basis the authority does not seek to roll back the principle but to keep to the issues of siting and appearance. The applicant has taken a different approach and seeks to claim very special circumstances. These relate to the potential advantages of mast sharing and of the technologies that could be supported by such development. The potential benefits of the proposal are considered later.

Policy BE14 supports 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.

Policy BE16 requires development within the setting of heritage assets, including Conservation Areas, to be of a siting, design and scale that would preserve or enhance its character or appearance and important views into and out of the area, and where possible to enhance the significance of the asset and its settings. The policy requires development to provide sufficient information on the significance of the heritage asset, the potential impacts of the proposal on the character and significance of the asset, its

setting and how the proposal has been designed to take these factors into account. No assessment has been provided as part of this application, though it is noted that this is not a requirement of a prior notification application. The application site is approximately 200 metres to the east of Weald Park Conservation Area.

Policy BE06 requires evidence of the need for the development, advocates using existing sites, avoiding development which has an unacceptable effect on the appearance of the area and avoiding harm to sensitive areas, including those of special landscape value or historic interest.

Paragraph 117 of the NPPF states: Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.

Siting

The applicant has included details of siting within the application. The proposed mast and associated equipment would be set on a field margin adjacent to allotments from where it would be highly visible. Furthermore, the site would be of the order of 50 metres from the boundary of the allocated residential development site at the Sow and Grow Nursery (Policy R07 - for around 38 dwellings). While there is a fringe of vegetation adjacent to the site, the scale of the mast is such that it would be much greater than the height of vegetation. The mast would be a dominating feature for occupiers of this committed residential development.

The site is about 200 metres to the east of the Weald Park Conservation Area where it would be visible over the fields. It's a matter of judgement but at that distance it is not considered that it would be a harmful feature when viewed from within the Conservation Area, however the applicant has provided no assessment, though none is required with this sort of application. On that basis the proposal is not considered contrary to Local Plan Policy BE16.

The proposed site access plan shows the proposal would not give rise to problems relating to access via Calcott Farm, parking and can be accommodated by local highway infrastructure.

For the reasons given above, it is recommended that approval of siting is required and refused, subject to assessing the planning balance.

Appearance

The applicant has provided an elevation of the proposed mast and associated cabinets. A lattice mast is a significant feature, it allows light and sight through its structure but has a greater silhouette than a simple monopole. At 25 metres in height, it would have a significant visual presence, particularly close by, that would not be materially mitigated

by existing vegetation. The appearance of the proposal would have a significant detrimental effect on the appearance and character of the surrounding area when viewed from the allotments and committed residential development site. The applicant has indicated that the mast would have a galvanised finish, cabinets RAL 7035 'Light Grey' and fencing 'Fir Green' (RAL 6009) but indicated that it would consider other colours for the proposal. It is not considered that a different colour choice would overcome the issues identified above.

For the reasons given above, it is recommended that approval of appearance is required and refused, subject to assessing the planning balance.

Other Matters

A Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines has been submitted with the application. It states that the equipment proposed in the application is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure criteria as defined by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), as set out in "ICNIRP Guidelines, for limiting exposure to electromagnetic fields (100KHz to 300GHz)", in all areas permissibly accessible to members of the public. This declaration certifies the cumulative exposure as a result of the development would not exceed international guidelines and the development would therefore not be detrimental to public safety. It is the long standing position of the Government that if the developer provides a declaration that the equipment complies with ICNIRP standards local planning authorities should not consider the matter further. Officers support that view.

Outside the planning system, all operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of transmitters in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation, or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who is responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.

The planning balance

The application is made by a telecommunications code system operator (in this case 'Icon Tower' – status granted by OFCOM in January 2022 – at the time the company was known as Radius BTS Ltd). Icon Tower does not operate a retail mobile network of its own and instead gathers lease premiums to develop its portfolio of infrastructure for the purpose of providing access to all wireless network operators on a shared basis. The mast would be made available to MNOs (Mobile Network Operators – for example EE, Vodafone, O2 and 3). The applicant has suggested that rural wireless broadband and other essential networks could also use the mast.

The accompanying documentation states:

“In the UK, Icon Tower is an Electronic Communications Code Operator (Code Operators) and reflecting its operations, it is an “Infrastructure System” provider. An infrastructure system is essentially a network of sites where passive infrastructure is made available for sharing by other operators. In the UK, Icon Tower has an established portfolio of sites hosting MNOs. In addition to this, Icon has access to a further 1,600 locations held by the wider Radius group and which also host a variety of operators.”

The applicant states that currently MNOs build for their own specific purposes and this often results in uncoordinated masts that aren't shared. The applicant refers to the proposed mast as a "multiuser structure with secure compound and upgraded power supply will enable a consolidation of equipment and in time lead to the removal of unused infrastructure from the wider site and cell area." It may be useful where so called 'densification', cell splitting, is necessary to increase bandwidth. The applicant infers that installations such as this may be helpful in the roll out of "5G, 6G and beyond" and other forms of equipment, for example for medical equipment linked to mobile networks.

The mast is of a design which allows it to be shared by other users' equipment. There is an existing monopole mast approximately 30 metres to the south east of the site. That monopole mast appears to be around 20 metres in height and is for O2.

The identified harm relating to siting and appearance, must be weighed against the public benefits of the development. The test therefore is whether the benefits outweigh the harm identified above. The Government strongly supports telecommunications networks and the significant social and economic benefits they provide to individuals, businesses and other organisations. National and local policy encourages mast sharing to limit the number of masts. The proposal could potentially provide public benefits in the form of supporting the maintenance and improvement of network coverage and capacity, enabling future technologies while limiting or removing clutter from the environment.

However, the applicant has provided no evidence of other sites being investigated and discounted, or associated explanation. It has provided no evidence relating to the need for this development. In discussion with the applicant, it appears there is no commitment by any operator to use the mast. It is simply relying on a generic argument about the merits of mast sharing. While it is claimed that "This is required to facilitate enhanced network coverage for the Mobile Network Operators" and "will enable a consolidation of equipment and in time lead to the removal of unused infrastructure from the wider site and cell area". There is no evidence provided that the development would be of any interest to MNOs or in the right place for their networks.

When discussing other proposals, MNOs frequently indicate that the relevant search area for sites is very small and it cannot be assumed that this proposal would be wanted by any operator. There are three masts in the vicinity (including one approximately 30 metres to the south) and no information has been provided that its operator(s) would want to relocate. Indeed the applicant says "for legal reasons, it is not possible to take the existing mast down, however to prevent the proliferation of masts Icon Tower has decided to collocate the mast nearby an existing one". However, in proposing a new mast it is bringing about proliferation, unless MNOs do transfer and remove their own masts.

This report focuses consideration of the proposal to matters relating to siting and appearance of the development. Harm has been identified with regard to siting and appearance. Ultimately, the decision on this type of application often rests on the relative weight given to the harm and benefits associated with a proposal. However, on this occasion it is considered that the harm is not outweighed by benefits. For the reasons given above this proposal fails the requirements of policies BE14 and BE06 and this application is recommended for refusal.

7. Recommendation

Prior approval is required prior approval is refused:

R1 U0053873 Unacceptable siting and appearance

Prior approval is required for siting and appearance of the development and prior approval of the details supplied with the application is refused. The proposal is unacceptable because it would result in the provision of a telecommunications mast and equipment of unacceptable siting and visually dominating appearance in a prominent location close to a site allocated in the Development Plan for residential development. The proposal would not by itself sustain, provide or enhance any mobile network and there is no confidence that the proposal would be used by Mobile Network Operators or other providers and therefore there are no benefits to out weigh the visual harm of the development which currently represents an additional mast in the countryside. The proposal would be contrary to policies BE06, BE14 of the Brentwood Local Plan and the National Planning Policy Framework.

Informative(s)

1 INF05 Policies

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE06, BE14, BE16, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 INF24 Refused no Way Forward

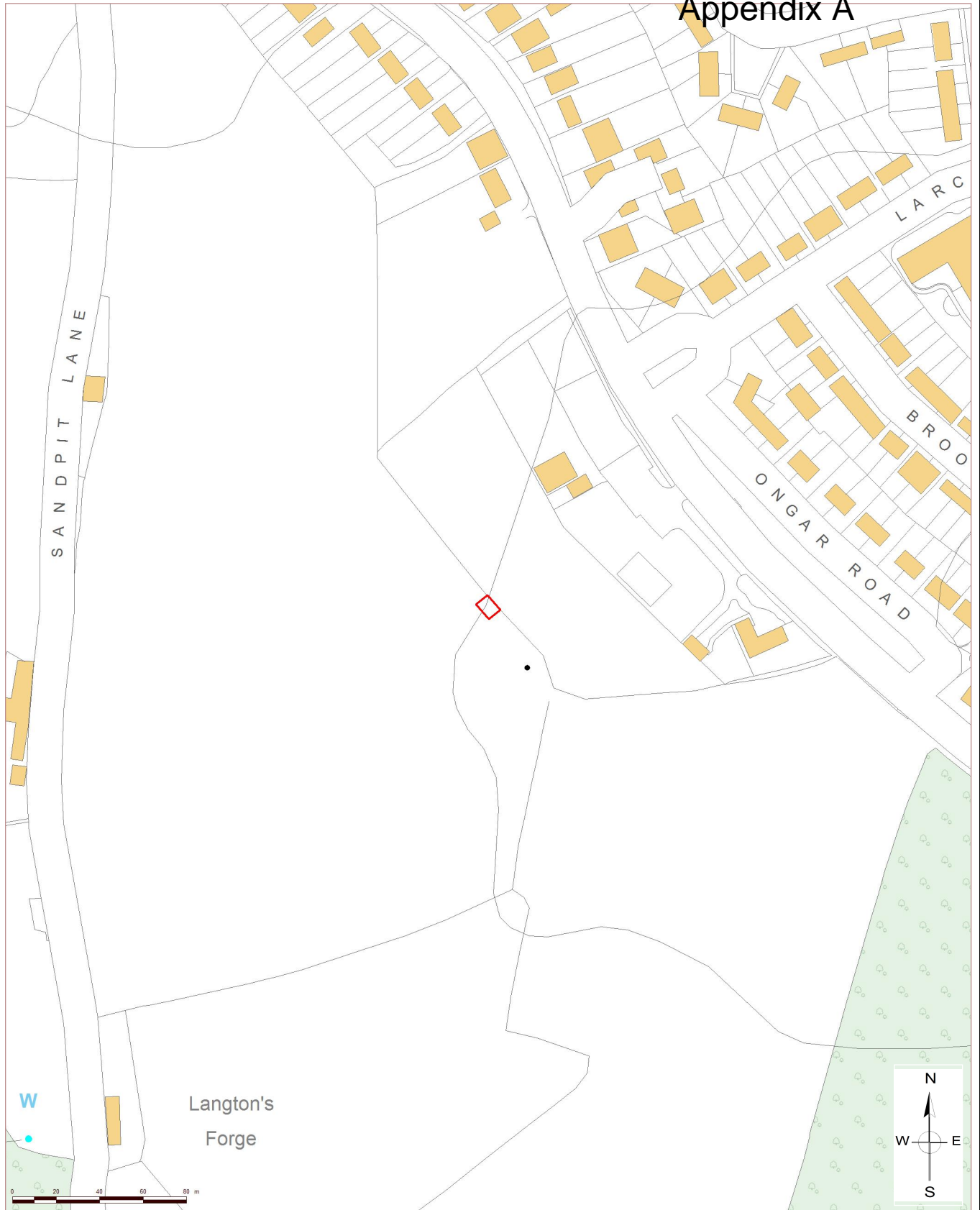
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause.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

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title : Calcott Hall Farm, Ongar Road, Pilgrims Hatch, Brentwood, Essex, CM15 9HS

23/01238/PNTEL

Scale at A4 : 1:2500

Date : 21st November 2023

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



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SITE PLAN ATTACHED

TELECOMS INSTALLATION NEAR THE JUNCTION WITH SOUTHEND ARTERIAL ROAD CHILDERDITCH LANE LITTLE WARLEY ESSEX

PRIOR APPROVAL NOTIFICATION: INSTALLATION OF A 20M MONOPOLE SUPPORTING 6X ANTENNAS AND 2X 0.3M DISHES, 2X EQUIPMENT CABINETS, 1X METER CABINET AND ANCILLARY EQUIPMENT.

APPLICATION NO: 23/01084/PNTEL

WARD	Warley	8/13 WEEK DATE	26 October 2023
PARISH		Ext of time	24.11.2023
CASE OFFICER	Ms Brooke Pride		
Drawing no(s) relevant to this decision:	100/A; 200/A; 201/A; 300/A; 301/A;		

The application is reported to the Planning Committee in accordance with the requirements of the Council's constitution.

1. Proposals

This application relates to a permitted development prior notification proposal for a 20 metre high street monopole and three additional ancillary equipment cabinets (of 1.8m, 1.8m and 1.3m high) and associated ancillary works. The applicant telecommunications code system operator in this case is Cornerstone.

The proposal would be sited on a grass verge located on the west side of Childerditch Lane, near to the approach to the Southend Arterial Road. The development would be set approximately 2.2 metres back from the carriageway and set forward of the existing tree and hedge line. The land is void of development, with a verdant boundary along both the east and west sides of the road, lined with low level trees and dense hedging with vast open fields either side. To the south of the site lies the Southend Arterial Road.

2. Policy Context

The starting point for determining an application is the Development Plan, in this case the Brentwood Local Plan 2016-2033, insofar as it is relevant to matters of siting and

appearance. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed below.

The Brentwood Local Plan 2016-2033

- Policy BE14 Creating Successful Places
- Policy BE06 Communications infrastructure

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

National Planning Policy and Guidance

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

3. Relevant History

- None relevant.

4. Neighbour Responses

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

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

No neighbour representations were received.

5. Consultation Responses

- **Essex County Fire Service (Headquarters):**
No objection to the proposal proceeding.
- **Environmental Health & Enforcement Manager:**
I refer to your memo in connection with the above mentioned application and Environmental Health have no comments to make.
- **Highway Authority:**
The information that was submitted in association with the application has been fully considered by the Highway Authority, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to the following Development Management policies:

- A) Safety: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- B) Accessibility: Policy DM 9 of the Highway Authority's Development Management Policies February 2011
- C) Efficiency/Capacity: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- D) Road Hierarchy: Policy DM 2-4 of the Highway Authority's Development Management Policies February 2011
- E) Parking Standards: Policy DM 8 of the Highway Authority's Development Management Policies February 2011

Informative:

- 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

6. Summary of Issues

Background

This is not a planning application. It relates to a form of development that is permitted development (i.e. has a national planning permission) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16 Class A – electronic communications code operators. Prior to exercising permitted development rights, operators must apply to the local planning authority for a determination as to whether the prior approval of the Council will be required for two issues – the 1) siting and 2) appearance of the development. This is what the application seeks to establish. If prior approval is required, the local planning authority then determines whether those details are acceptable.

The Government is strongly supportive of telecommunications networks and the significant social and economic benefits they provide to individuals, businesses and other organisations. The proposal would provide significant public benefits in the form of maintaining and improving network coverage and enabling future technologies. Policy BE06 is similarly broadly supportive of telecommunications infrastructure, though not without caveats. This development relates to improving the network coverage and capacity. There is considered to be a requirement for a new radio base station at this location to maintain consistent and effective 3G and 4G coverage in the area. This is due to the notice issues on the existing installation located within Childerditch Industrial

Park, which is to be redeveloped. It is now necessary for a replacement installation to be progressed in close proximity to the existing site in order to replace the coverage that will be lost when the existing site is removed and introduce upgraded technologies to the area.

As indicated previously when considering similar proposals, the issues to consider with this type of application are very limited and only relate to the following:

- whether the prior approval of the local planning authority is required for the siting and appearance of the development.
- If prior approval is required whether the submitted details are acceptable.

The committee is aware that the determination period for this type of application is limited to a maximum of 56 days and if no decision is made within that period the developer may proceed without delay. In January 2020 a legal judgement established that it is possible to extend the 56 day period by agreement with the applicant. In this case an extension of time has been agreed so that the application can be heard at planning committee in November 2023.

The supplementary information provided with the application indicates that the sequential approach as outlined in the NPPF was taken when investigating this site. The information sheet provides details of other sites considered for the proposed works, Childerditch Industrial Site could not be considered due to the development works, other sites discounted due to their close proximity to residential development and others not within a location capable for the technical requirements leading to a mast that would be larger in size. The applicant recognises that the very nature of installing a new mast and street furniture infrastructure requires a well-considered balance between the need to provide coverage with that of visual intrusion, as well as the sensitive nature of these types of development with the public,

Policy BE14 is supportive of development proposals provided they respond sympathetically to their context and build upon existing strengths and characteristics, and where appropriate, retain or enhance existing features which make a positive contribution to the character, appearance or significance of the local area and deliver a high quality design. Proposals should also safeguard the living conditions of future occupants of the development and adjacent residents and deliver safe and accessible places. The proposal would not give rise to problems relating to access, parking and can be accommodated by local highway infrastructure. To that extent the proposal complies with Policy BE14.

Policy BE06 requires evidence to demonstrate, that the possibility of mast or site sharing has been fully explored and no suitable alternative sites are available in the locality including the erection of antennae on existing buildings or other suitable structures, avoiding harm to highway safety, avoiding development which has an unacceptable impact on the character and appearance of the area, including landscape, heritage and the natural environment, along with being designed for minimal disruption for maintenance or future upgrades. The applicant has provided sufficient information

relating to the need for the development and the site is not in an area of historic interest. To that extent the proposal partly complies with Policy BE06; other aspects of the policy are considered below.

Siting

The development would be sited on a grassed verge adjacent to the highway. The application site is set close to the Southend Arterial Road, and not within close proximity to residential settlements, but surrounded by open fields and other verdant landscaping. Due to its siting near to the Southend Arterial Road, which is full of street furniture, unattractive signage, and its busy nature, the development would not be prominent in the landscape and not within a conservation area or near listed buildings. The permitted development requirements do not envisage prior approval being required as a standard response, but only where necessary. The applicant has included these details with the application, though for the above reasons details of siting are not required.

Appearance

The applicant has also included details of appearance with the application. The height of the proposed structure would be taller than the existing street furniture and trees. This is necessary to ensure that antennas are able to over-sail surrounding trees and buildings, enabling the required coverage to reach the required extent of the target area.

In terms of design, the pole is slim, with visible antennas at the top which are contained as closely to the pole as possible. Within the statement the pole and furniture will be painted green RAL 6009 to match with the verdant back drop of the site and the surrounding trees. This structure has been selected over other available design such as a lattice tower with an open headframe and level antennas and is free of ancillary equipment such as tall fencing, or larger cabinets. The cabinets are of a type commonly seen on the street and are low level structures that, when viewed in the context of the street scene, will not be obtrusive features; they will also be painted green to blend into the surroundings.

Given the nature of the development proposed its appearance would not be harmful to the character of the area or the amenities of nearby residents. For these reasons details of appearance are not required.

On the basis of the above, it is considered that the proposal complies with the NPPF (Chapter 105 and 7) and Policies BE14 and BE06 of the Brentwood Local Plan.

The application is accompanied by a Declaration of Conformity with ICNIRP Public Exposure Guidelines. In light of this, it is national policy that decision makers should not need to further consider health and safety matters.

The permission granted by the General Permitted Development Order contains conditions relating to time limit for implementation and requiring development to be carried out as shown on the submission, so no further conditions are necessary.

7. Recommendation

Prior approval is not required for siting and appearance.

Informative(s)

1

This decision relates solely to whether prior approval is required of siting and appearance of the development. It does not confirm whether the proposed development complies with other conditions or limitations in the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 16, Class A - electronic communications code operators), or whether the proposal would be lawful. As such you may wish to submit an application for a certificate under s.192 to confirm the lawfulness of the proposal.

2

Under Class A(11), the development must be completed within a period of 5 years starting with the submission date of the prior notification application.

3

Under Class A(9) The development must be carried out in accordance with the details provided in the application.

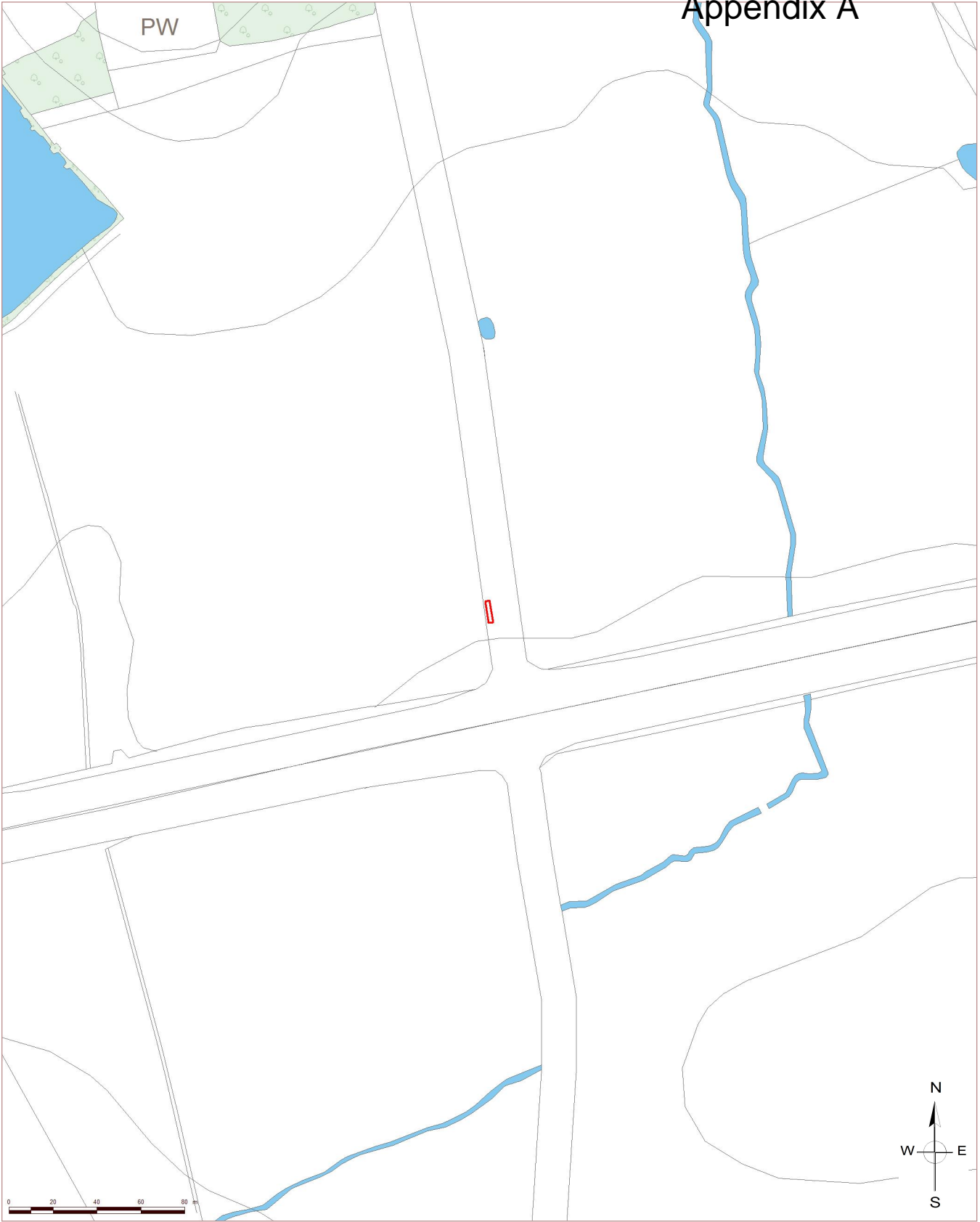
BACKGROUND DOCUMENTS

DECIDED:

1.

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Appendix A



Title : Telecoms Installation Near The Junction With Southend Arterial Road, Childerditch Lane, Little Warley, Essex

23/01084/PNTEL

Scale at A4 : 1:2500

Date : 21st November 2023

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



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SITE PLAN ATTACHED

**BRENTWOOD CENTRE DODDINGHURST ROAD PILGRIMS HATCH BRENTWOOD
ESSEX CM15 9NN**

**PRIOR NOTIFICATION CLASS J TO INSTALL SOLAR PV TO THE BRENTWOOD
CENTRE MAIN HALL FLAT ROOF.**

APPLICATION NO: 23/00949/PNOT

WARD Pilgrims Hatch **56 DAY DATE** 26 October 2023

Extension of time 30 November 2023

CASE OFFICER Mr Daryl Cook

Drawing no(s) 2823-E-5000/ERT1; BC/PV01/A; BC/PV03/A; BC/PV05;
relevant to this Technical Sheet;
decision:

The application is reported to the Planning Committee in accordance with the requirements of the Councils constitution. The site and building in question are Council owned and the applicant is Brentwood Borough Council (c/o Adrian Tidbury).

1. Proposals

The application relates to a permitted development proposal for the installation of solar photovoltaic panels to the roof of the Brentwood Centre Main Hall.

The application site is located to the east of Doddinghurst Road on the outskirts of Pilgrims Hatch and comprises the main hall (specifically its roof) of the Brentwood Centre. The Centre comprises indoor and outdoor Sport and Leisure facilities and consists mainly of flatted roof buildings which vary in height.

2. Policy Context

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Brentwood Local Plan 2016-2033 (BLP)

National Planning Policy and Guidance

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

3. Relevant History

- N/A

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 publicised in accordance with the requirements of GPDO Class J.4 (6) - i.e., that a site notice is displayed for not less than 21 days in at least one place on or near the land to which the application relates; it describes the proposed development; its address; and specifies the date by which representations are to be received.

No representations have been received at the time of writing this report.

5. Consultation Responses

- **Environmental Health & Enforcement Manager:**

I refer to your memo in connection with the above mentioned application and confirm Environmental Health has no comments to make.

6. Summary of Issues

Background

This is not a planning application. It relates to a form of development that is permitted development (i.e., has a national planning permission) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 14 Class J – installation or alteration etc of solar equipment on non-domestic premises.

Prior to exercising permitted development rights, developers must apply to the local planning authority for a determination as to whether the prior approval of the Council will be required regarding the design or external appearance of the development. This is what the application seeks to establish. If prior approval is required, the local planning authority then determines whether those details are acceptable.

The application has been submitted on behalf of Brentwood Borough Council and revised drawings have been submitted during the life of the application. The proposed

solar equipment is to be installed on the principal roof of The Brentwood Centre, which is Council owned. Therefore, the application has been referred to Planning Committee for a decision.

The committee is advised that the determination period for this type of application is limited to a maximum of 56 days, unless extended by agreement, and if no decision is made within that period the developer may proceed without delay. In this instance, the applicant has agreed an extension of time to **30 November 2023**, to issue the decision following the committee meeting.

The application form sets out that the purpose of the installation is to “*reduce its running costs and also reduce the centres carbon footprint*”.

Policy Context

When determining a planning application, the local planning authority will consider all relevant policies in their entirety as the starting point. In contrast, the General Permitted Development Order does not require that regard be had to the Development Plan when determining this type of permitted development prior notification application. However, it is accepted practice that the policies of the Development Plan are relevant but only insofar as they relate to the design or external appearance of the proposed development. This means that elements of relevant policies relating to broader matters, for example the principle of the development, are not material to considering this type of application.

Part 14 Class J provides permitted development rights for:

The installation, alteration or replacement of—

- (a) microgeneration solar thermal equipment on a building;**
- (b) microgeneration solar PV equipment on a building; or**
- (c) other solar PV equipment on the roof of a building, other than a dwellinghouse or a block of flats.**

As illustrated within drawing reference ‘2823-E-5000 rev ERT1’, a total of 250 photovoltaic panels based on ‘Sunpower Maxeon 3’ 400watt with dimensions of 1046x1690mm (40mm thick) are proposed to be installed. The majority are split into sections of 6x5 panels which are spread across the roof plane.

With regards to (a) and (b), paragraph P (definitions of words and phrases used in Part 14) states “microgeneration” has the same meaning as in [section 82\(6\) of the Energy Act 2004](#) (EA). This means:

“...the use for the generation of electricity or the production of heat of any plant—

(a) which in generating electricity or (as the case may be) producing heat, relies wholly or mainly on a source of energy or a technology mentioned in subsection (7); and

(b) the capacity of which to generate electricity or (as the case may be) to produce heat does not exceed the capacity mentioned in subsection (8)."

Subsection (7) of the EA includes (d) photovoltaics and (g) solar power.

Subsection (8) of the EA describes capacity limits as (a) 50 kilowatts for the generation of electricity and (b) 45 kilowatts for the production of heat.

For reference, 1000 watts (W) is the equivalent of 1 kilowatt (Kw) and 1000 Kw is the equivalent of 1 megawatt (Mw).

Through correspondence, the applicant has confirmed that the maximum Kw which can be produced is 96Kw – exceeding the limits of “microgeneration”. Therefore, the application is considered on the basis of section (c) i.e., ‘other solar PV equipment...’. The building is neither a dwellinghouse or block of flats. Part 14, Class J (c) is therefore applicable.

Class J.1 sets out when development is not permitted by Class J if:

(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;

Not applicable. The solar PV equipment would not be installed on a pitched roof.

(b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);

Appears to comply. The solar PV equipment is to be installed on a (mostly) flat roof and would not exceed 300mm in height (see dwg ref BC/PV05).

(c) the solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;

Appears to comply. The solar PV equipment is installed on a (mostly) flat roof and would be set in a minimum of 1m from the external edges of the roof.

(d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;

Appears to comply. The building is not located on article 2(3) land.

For reference, Article 2(3) land includes: an area designated as a conservation area; an area of outstanding natural beauty (AONB); an area specified by the Secretary of State

for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside); the Broads; a National Park; or a World Heritage Site.

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

Appears to comply. The solar PV equipment would not be installed on a site designated as a scheduled monument.

(f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

Appears to comply. The solar PV equipment would not be installed on a listed building or on a building within the curtilage of a listed building.

Class J.2 sets out that development is not permitted by Class J(a) or (b) if—

(a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;

Appears to comply. The solar PV equipment would not be installed on a wall.

(b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or

Appears to comply. The solar PV equipment would not be installed on a wall.

(c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

Appears to comply. The building is not located on article 2(3) land.

J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

Appears to comply. During the lifetime of the application, the applicant has confirmed that the proposed photovoltaic array would not exceed 1 megawatt (Mw). The following explanation has been provided (with officer comments): Each panel is based on a 400 watt peak (wp) panel, with a singular panel generating a maximum of 400wp. The array is based on 240 PV panels rated at 400wp (N.B. 250 are illustrated). The maximum wp that can be generated from an array of 250 is therefore 96Kw (250 = 100Kw), which is

10% of the 1 Mw threshold. A technical sheet has been submitted for information purposes and confirmation of panel generation peak.

Furthermore, planning records available indicate that there are no other solar PV equipment installed under Class J(b) at this site which together with the proposed roof panels would exceed 1Mw.

Class J.4 (1) places conditions on development permitted by Class J that:

(a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and

(b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Furthermore, Class J.4(2) sets out Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

The proposals involve solar PV panels being spread across the principal roof of the building but set in from each side. Given that the roof onto which the panels would be affixed is flat/very shallow, the proposal would have minimal effect on the appearance of the building and, taken with the relatively isolated position away from neighbouring buildings (and dwellings) with the surrounding land within the applicants ownership, the potential for glare to the detriment of amenity is unlikely. It is not considered that the panels proposed would have a material impact on the external appearance of the building and the amenity of the area.

Therefore, it is not considered that the prior approval of the authority is required.

Other Matters

No neighbour representations have been received for consideration. The local planning authority has had regard to the NPPF in so far as relevant to the subject matter of the prior approval, as if the application were a planning application (per Class J.4(8)).

Conclusion

Having regard to the relevant considerations, Officers recommend that the scheme is acceptable, and that prior approval is NOT required. Where prior approval is not required, the Development Order contains a condition requiring development to be

carried out in accordance with the details provided in the application unless the local planning authority and the developer agree otherwise in writing. Informatives are recommended to be brought to the attention of the developer.

7. Recommendation

Prior approval is not required.

Informative(s)

1 The decision was reached in accordance with Class J and paragraph P of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2 Consideration of this application relates only to whether prior approval is required for those matters specified in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 14, Class J. It does not provide confirmation that planning permission is not required. If the applicant requires such a determination, they should submit an application for a Certificate of Lawful development for a proposed use under S192 of the Act.

3 The developer is reminded that under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 14 Schedule 2, Class J.4, contains conditions that apply to the development. Particular attention is drawn to J4(1) which requires the solar PV equipment or solar thermal equipment to be removed as soon as reasonably practicable when no longer needed; and J4(10) that where prior approval is not required, the development shall be carried out in accordance with the details provided in the application, unless the local planning authority and the developer agree otherwise in writing.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



The Brentwood Centre



Title : Brentwood Centre, Doddinghurst Road, Pilgrims Hatch, Brentwood, Essex CM15 9NN

23/00949/PNOT

Scale at A4 : 1:2500

Date : 21st November 2023

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



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SITE PLAN ATTACHED

1 DANBURY CLOSE PILGRIMS HATCH BRENTWOOD ESSEX CM15 9JL

DEMOLITION OF EXISTING GARAGE. CONSTRUCTION OF A SINGLE STOREY SIDE EXTENSION, SLOPED PAVED RAMP TO THE FRONT AMENITY SPACE, AND SLOPED PAVED RAMP WITH GLASS BALUSTRADING TO THE REAR OF THE PROPOSED EXTENSION FOR DISABLED ACCESS. NEW BOUNDARY FENCE.

APPLICATION NO: 23/01006/HHA

WARD	Pilgrims Hatch	8/13 WEEK DATE	24 November 2023
PARISH		POLICIES	
CASE OFFICER	Miss Georgia Taylor	01277 312620	
Drawing no(s) relevant to this decision:	HBS-00-00-DR-B-61; HBS-00-00-DR-B-60;	HBS-00-00-DR-B-62;	

The application relates to a Council owned building and is therefore to be determined by the Planning Committee.

1. Proposals

The application proposes to demolish an existing garage and construct a single storey side extension with a sloped, paved ramp to the front amenity space, and a sloped paved ramp with glass balustrading to the rear of the proposed extension. Erection of a new 1.8m high boundary timber fence.

2. Policy Context

The Brentwood Local Plan 2016-2033

- Policy BE14: Creating Successful Places

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

- National Planning Policy and Guidance

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

3. **Relevant History**

- No History

4. **Neighbour Responses**

This application has been advertised by way of neighbour notification letters. At the time report publication, no representations have been received.

5. **Consultation Responses**

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes the loss of the garage to habitable accommodation, off-street parking is retained on the existing driveway, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Informative:

- The driveway crosses land owned by the Council. The Council should advise if an access licence is required once all necessary consents and planning permission have been obtained.
- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- **Arboriculturalist:**

The proposal will require the removal of two small trees to facilitate development. They have a relatively low amenity value and if left the tree closest to the garage is likely to result in structural damage.

I have no objection to the proposal on landscape grounds.

6. Summary of Issues

Planning permission is sought to demolish the existing garage and construct a single storey side extension at No. 1 Danbury Close, Pilgrims Hatch.

The application site is located on the corner plot of Danbury Close and Sandpit Lane, which is a residential area and is near but outside of the metropolitan Green Belt. The application dwelling is an end terrace chalet bungalow, with an existing single storey gable projection to the front elevation and another to the rear elevation.

Given the corner plot location of the site, it is considered that the application dwelling has one principal elevation which faces onto Danbury Close.

Design, Character, and Appearance

The proposed development seeks to demolish the existing detached garage located to the side of the building and remove existing trees outlined in orange on drawing 'HBS-00-00-DR-B-62' and located to the area adjacent Sandpit Lane. The removed trees will be replaced with 1.8-metre-high timber fencing with concrete posts and gravel boards to match the existing fencing along this boundary. Based on the comments of the Arboriculturist the loss of these trees is acceptable, as they offer low amenity value and the tree closest to the current garage has the potential to result in structural damage at a later date.

The application dwelling has an existing single storey hipped roof projection to the front, and the main roof of the dwelling has a hipped roof design. The development seeks to construct a single storey side extension flush with the main front building line and the roof would be set down from the ridge with a hip end design. The maximum height is 4.97 metres with the eaves to match the existing, a width of 4.27 metres, and a depth of 4.45 metres. At the rear, a second projection is proposed measuring 2.7m wide by 3.94m long, a height of 2.7m with the eaves to match the existing.

The front garden is currently grassed but with a hard surfaced area forward of the garage that can accommodate tandem off-street parking. The proposed development seeks to replace the existing grassed area with a sloped access to the house as an alternative to a ramp/landing and handrails. This area would measure 6.3 metres in wide x 6.4 long. The sloped access would rise 250mm high from ground level sloping upwards from the north and east to the front entrance door.

To the rear the proposal seeks to install an access ramp which will have a height of 170mm and has been designed not to exceed the maximum rise of 1:12 permitted tolerance for wheelchair users. The proposed access will have stainless steel handrails and glass panels.

The occupier underwent a disabled facilities grant assessment, and this proposal is considered necessary for the current occupier to gain access and egress from their family home. Brentwood Borough Council supports the provision of accommodation for the wider community and the adaptations proposed here are considered acceptable in terms of this ethos and are compliant with planning policy BE14 of the Brentwood Local Plan.

Neighbour Amenity

No. 2 Danbury Close

The neighbouring dwelling No.2 is a mid-terrace bungalow which is located on the northwestern side of the application site. The proposed extensions are located on the opposite side of the dwelling and will therefore have no material impact on the living conditions of these occupiers in terms of overshadowing/loss of light/ loss of privacy, and is considered to be acceptable.

Highways and Parking

The proposed development seeks to demolish the existing garage but there is already parking provision in the form of hardstanding and the access will not change, as such this is considered acceptable.

Conclusion

The proposal is compliant with Policies BE13 and BE14 of the Brentwood Local Plan, the NPPF and the NPPG. This 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.

- 3 MAT03 Materials to match
The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

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

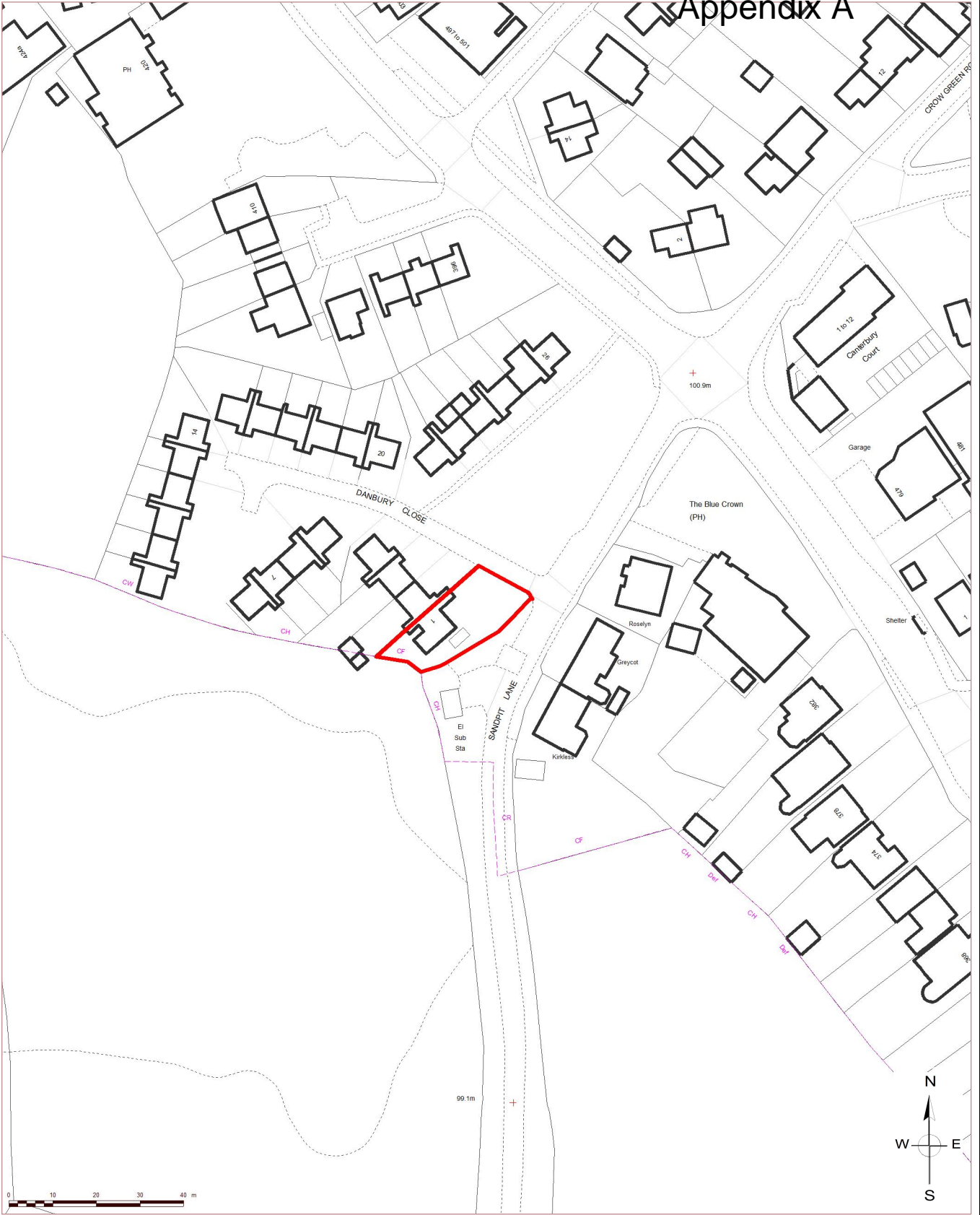
Informative(s)

- 1 INF01
Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below.
- 2 INF04
The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.
- 3 INF05
The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: 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.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : 1 Danbury Close, Pilgrims Hatch, Brentwood, Essex CM15 9JL

23/01006/HHA

Scale at A4 : 1:1250

Date : 21st November 2023

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



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PLANNING COMMITTEE 21 NOVEMBER 2023

REPORT TITLE:	Planning Appeals Update (July – October 2023)
REPORT OF:	Phil Drane, Director – Place
REPORT IS FOR:	Information

REPORT SUMMARY

This report provides the committee with a summary of recent planning appeal decisions in the borough. It forms part of a regular series of updates for information.

SUPPORTING INFORMATION

1. BACKGROUND

- 1.1 This report provides a summary of recent appeal decisions that have been received relating to sites in the borough.
- 1.2 This report is regularly presented to the committee and was last reported on 25 July 2023 (summary of appeals between March and June 2023, Item 110).
- 1.3 The number of lost appeals is measured each quarter as part of the council's Key Performance Indicators (KPIs) reported to Audit and Scrutiny Committee. The cases reported in this report provide more context to the decisions beyond pure KPI figures, which is useful when considering future applications.

2. APPEAL DECISIONS

- 2.1 The following appeal decisions have been received between July and October 2023. There were six appeals decided. Out of those appeals, five were dismissed (83%) and one was allowed (17%).
- 2.2 So far this financial year (2023/24) (i.e. since 1 April 2023), there has been 13 appeals decided, 12 were dismissed (92%) and one was allowed (8%).

Standing Stone, Beehive Chase, Hook End, CM15 0PA

Application No:	22/00767/FUL
Proposal:	Conversion of existing garage/studio apartment to a residential dwelling (Use Class C3), development of 2x residential dwellings, landscaping, car parking and other associated infrastructure
Appeal Start Date:	14 July 2023
Appeal Decision:	Dismissed, 12 October 2023

- 2.3 The council identified inconsistencies and the generally poor quality of the documentation but that it was sufficiently clear to assess the proposal. The inspector agreed with both parts of this assessment.
- 2.4 The inspector considered that the council's assessment that the site is not previously developed land was superior to appellants opposite claim. He agreed with the council that the case identified by the appellant in support of its claim was a rural site and not at all comparable to the appeal site.
- 2.5 The proposal would be incongruous and uncharacteristic of its setting and appear as a cramped form of overdevelopment. The extensive use of obscure glass is indicative of the cramped form of development and would give the properties an incongruous appearance. The development would dominate its neighbours and adversely affect neighbours' outlook and privacy.
- 2.6 The inspector noted that the appellant's comments about land supply were out of date and the 'tilted balance' did not apply, but even if it had, the harm of the development would not justify it being permitted.

30 Danes Way, Pilgrims Hatch, CM15 9JS

Application No:	22/00544/FUL
Proposal:	Demolition of existing single garage and construction of a new detached 3-bedroom home with associated parking
Appeal Start Date:	20 April 2023
Appeal Decision:	Dismissed, 4 October 2023

- 2.7 The main issues for consideration were: 1) the effect of the proposal on the character and appearance of the local area; and 2) the effect of the development on surface water flooding.
- 2.8 The application site is characterised by the distinctive terraced row which includes No.30 with strong symmetry and architectural rhythm and generous spaces to each side of the building. Other building blocks are similarly spaced which provide views to the rear and create a sense of openness. Whilst the proposed development would have similarities in appearance to nearby dwellings, the inspector agreed that there would be an erosion of the sense of openness, disrupting views and creating a degree of enclosure which would be visually incongruent. The orientation of the building also would put it an awkward angle with no.28 and result in the building appearing cramped in its plot. The proposal was considered contrary to local policies BE14, HP03 and NE07.
- 2.9 In terms of surface water flooding, the site is in a Critical Drainage Area which triggering a requirement for a Flood Risk Assessment (FRA) to be submitted to identify sustainable drainage systems. The application was not supported by an FRA, and the inspector was unable to make an informed judgement on flood risk/mitigation. Nor did he think it would be appropriate to secure an FRA through condition. Therefore, the proposal was also contrary to policies BE05, BE14 and NE09.
- 2.10 The appeal proposal would have made a very modest contribution to housing land supply which did not outweigh the harm identified. Consequently, the appeal was dismissed.

North Lodge, Warley Gap, Little Warley, CM13 3DP

Application No:	22/00951/HHA
Proposal:	Single storey side extension
Appeal Start Date:	30 January 2023
Appeal Decision:	Dismissed, 23 October 2023

- 2.11 On the first issue for consideration, the inspector judged that the footprint and overall scale and massing of development over the original building would be considerable and therefore disproportionate.
- 2.12 On the second issue, the inspector reached the view that given that the size of the resultant dwelling would be larger than the existing (and original), it would inevitably have an adverse impact on the openness of the Green Belt

as a result of its greater size and bulk. Therefore, in his view, the proposal would lead to a loss of Green Belt openness and would undermine the Green Belt purpose of safeguarding the countryside from encroachment, contrary to the NPPF and Policy MG02.

- 2.13 While the appellant did not put forward very special circumstances, the Inspector noted that the extension would have some benefits for the occupiers of the property, though that only provides very limited benefit in the overall balance. Therefore, in considering the substantial weight given to the Green Belt, he concluded that the very special circumstances necessary to justify the development did not exist and the proposal would conflict with the Framework, and Policy MG02 of the Local Plan.

39 Oliver Road, Shenfield, CM15 8QA

Application No:	22/01634/HHA
Proposal:	Proposed loft conversion and creation of rear dormer, alterations to roof and raising ridge height to include x3 roof lights
Appeal Start Date:	5 June 2023
Appeal Decision:	Dismissed, 9 August 2023

- 2.14 The inspector stated that main issues were the effect the development would have on the appearance of the host property and the character and appearance of the area. On the first point, the Inspector judged that the height, scale, bulk and design of the proposal would unacceptably overwhelm the appeal property. On the second point, he reached the view that the development would not be in keeping with the existing proportions and design of the dwelling, and the fenestration would appear at odds with the design, proportions and positioning of the existing fenestration.
- 2.15 The inspector also noted that proposed dormer in addition to double hip to gable additions would not be constructed through the utilisation of 'Permitted Development Rights'. However, a small dormer could be accepted if limited in size and volume as surrounding properties have done. Taking the fallback position into account, the inspector is of the view that this would not warrant approval of the proposal.
- 2.16 Therefore, in considering the proposed development, the inspector concluded the proposal would have an adverse effect on the appearance of the existing dwelling and the character and appearance of the surrounding area, would be contrary to Policy BE14 of the Local Plan, and the NPPF.

Kingsley Cottage, Ongar Road, Brentwood, CM15 0JX

Application No:	22/01129/HHA
Proposal:	Demolition of existing conservatory and construction of single storey rear extension
Appeal Start Date:	28 September 2022
Appeal Decision:	Allowed, 28 September 2023

- 2.17 The main issues for consideration were: 1) whether the proposal would be inappropriate development in the Green Belt; and 2) the effect of the proposal on the openness of the Green Belt and whether any harm would be clearly outweighed by very special circumstances to justify the proposal.
- 2.18 Regarding the first issue, the inspector agreed with the council's assessment, that the proposal would result in a disproportionate addition over and above the size of the original building, due to the previous extensions to the property.
- 2.19 In relation to openness, the inspector concluded that the proposed extension would be set to the rear of the dwelling, largely occupying the same footprint as the existing conservatory and the visual impact would be negligible, with the combined spatial and visual considerations, the impact on the openness of the Green Belt was considered to be marginal. However, it would still result in inappropriate development.
- 2.20 The appellant's claim of an improved energy efficiency was considered by the inspector to not overcome the harm to the Green Belt and the inspector agreed with the council's assessment of no impact to neighbouring amenity or impact on the character and appearance of the area. However, the appellant also presented a fallback position, in relation to an 8 metre depth extension that could be erected under permitted development. The inspector considered that there was a great possibility that the fallback option would be implemented, which would be more harmful to the Green Belt and therefore attracted considerable weight. Therefore, the harm resulting from the proposal was outweighed by other considerations and very special circumstances were considered to exist and consequently the appeal was allowed.

Pooks Hill, Riseway, Brentwood, CM15 8BG

Application No:	22/01480/FUL
Proposal:	Demolition of an existing dwelling and construction of one detached house and a pair of semi-detached houses
Appeal Start Date:	12 July 2023
Appeal Decision:	Dismissed, 29 September 2023

- 2.21 The main issues for consideration were: 1) effect of the proposed development on the character and appearance of the local area; and 2) the effect of the proposal on the living conditions of the occupants of Brook Lodge, Candleford and San Vito, having particular regard to privacy and outlook.
- 2.22 In relation to the first issue, the inspector considered that the form, appearance and height of the proposed dwellings would be different from the surrounding properties, although in keeping with the individual characteristics of the street. However, the height of the proposed dwellings, along with the gradient of the street and the proximity between the dwellings, would create an awkward relationship and appear incongruent in the street scene, with the semi-detached pair of dwellings would dominate views from the public realm, detracting from the local distinctiveness and would be contrary to local policy BE14 and paragraphs 126 and 130 of the NPPF.
- 2.23 The inspector disagreed with the council's assessment of direct overlooking through the roof lanterns of Candleford, due to the oblique angle and sufficient distance from the first floor windows, thus safeguarding the privacy of the occupants. The direct window to window views to Brook Lodge were upheld, though the overlooking of private amenity space to the rear, would be reflective of the locality where some mutual overlooking of gardens is a common feature. In relation to San Vito, given the height, depth and proximity of the development, the outlook from the living space and garden area would be dominated by views of the flank elevation of the semi-detached dwellings, forming and overbearing impact and unpleasant outlook.
- 2.24 Some of the trees on site are in poor condition and require removal regardless of the outcome of the appeal. The inspector was not convinced that the general maintenance would remove the trees to the extent that is required to facilitate the development. It was considered that additional planting may reduce some of the overlooking. However, the inspector was not persuaded that it would be sufficient to overcome the harm identified.

2.25 The suggestion by the appellant that the proposal would replace a dwelling in poor condition with a good standard of accommodation, also did not outweigh the harms identified in relation to design and layout. No other material considerations would outweigh the harm and accordingly the appeal was dismissed.

3.0 ENGAGEMENT/CONSULTATION

3.1 Formal consultation takes place as part of individual planning applications.

4.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources (Section 151 Officer)

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

4.1 There are no financial implications arising from this report. The cost of defending appeals is covered by the Development Management budget. Lost appeals can result in additional financial implications if costs are awarded, for instance. This is projected and considered when setting the budget.

5.0 LEGAL AND GOVERNANCE IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance (Monitoring Officer)

Tel & Email 01277 312500 / claire.mayhew@brentwood.rochford.gov.uk

5.1 There are no legal implications arising from this report.

6.0 EQUALITY AND HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager – Communities, Leisure and Health

Tel & Email: 01277 312500 / kim.anderson@brentwood.gov.uk

6.1 There are no equality & health implications arising from this report. Health impact assessments may be required for individual planning applications.

7.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director – Place

Tel & Email: 01277 312500 / phil.drane@brentwood.rochford.gov.uk

7.1 There are no direct economic implications arising from the report. Individual development schemes subject to the appeals process may deliver local economic benefits.

REPORT AUTHOR: **Name:** Caroline Corrigan
 Title: Corporate Manager (Planning Development Management)
 Phone: 01277 312500
 Email: caroline.corrigan@brentwood.gov.uk

APPENDICES

None

BACKGROUND PAPERS

The application documents and the appeal decisions are available to view on the council’s website at www.brentwood.gov.uk/planning and via Public Access

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee: Item 110, Planning Appeals Update (March – June 2023)	25/07/2023
Planning Committee: Item 435, Planning Appeals Update (December 2022 – February 2023)	14/03/2023
Planning Committee: Item 319, Planning Appeals Update (September – December 2022)	17/01/2023
Planning Committee: Item 164, Planning Appeals Update (June – August 2022)	29/09/2022
Planning Committee: Item 60, Planning Appeals Update (February – May 2022)	28/06/2022
Planning and Licensing Committee: Item 294, Planning Appeals Update (December 2021 – January 2022)	22/02/2022
Planning and Licensing Committee: Item 253, Planning Appeals Update (July – November 2021)	15/12/2021

Planning and Licensing Committee: Item 90, Planning Appeals Update (February – July 2021)	27/07/2021
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**PLANNING COMMITTEE
21 NOVEMBER 2023**

REPORT TITLE:	Response to Essex Parking Standards Consultation
REPORT OF:	Phil Drane, Director - Place
REPORT IS FOR:	Decision

REPORT SUMMARY

The Essex Planning Officers Association (EPOA), consisting of 12 local planning authorities across Essex, including Brentwood, has prepared guidance on the updated Essex Parking Standards. Parking Standards are referred to in local plans and the Essex County Council Local Transport Plan. The guidance sets parking for different vehicle types, design and location, dimensions for parking and a suggested quantum for different types of development.

A consultation on the draft document commenced on 16 October and will conclude on 4 December 2023.

The current Essex Parking Standards guidance (EPOA) was approved by Brentwood Borough Council in 2009. Therefore, it requires an update as there have been changes in planning legislation and policy, the introduction of Garden Communities, and a greater awareness of the need to manage the impact of developments on local communities and the environment.

RECOMMENDATION

- R1. Approve the response to the Essex Parking Standards consultation, as set out in Appendix A**

SUPPORTING INFORMATION

1. BACKGROUND INFORMATION

- 1.1 The Essex Planning Officers Association (EPOA) (consisting of the 12 local planning authorities across Essex, including Brentwood, plus the two unitary authorities and county council), has prepared new draft guidance on parking standards for the county. Parking standards are referred to in local plans and Essex County Council's Local Transport Plan.
- 1.2 The current Parking Standards guidance was approved by Brentwood Borough Council in 2009. It is referred to in the recently adopted Brentwood Local Plan (2022). However, since 2009 there has been several changes to planning legislation and policy, the introduction of garden communities, and a greater awareness of the need to manage the impact of developments on local communities and the environment. Therefore, this updated draft guidance is welcomed, with council officers taking part in EPOA discussions and work to draft a new document. The document has been published for consultation.
- 1.3 Key updates made to the guidance include:
- a) Updated guidance and removal of arbitrary maximum parking values;
 - b) Compliance with National Planning Policy and Guidance;
 - c) Improved evidence base;
 - d) Parking provision based on how accessible a location is;
 - e) Update on electric vehicle charging;
 - f) Update to cycle parking to align with new national guidance; and
 - g) A new Part 2 guidance for Garden Communities and large-scale development, focused on supporting sustainable growth and responding to climate change, help manage congestion, and encourage modal choices which makes better use of the local transport network.

Maximum Parking Standards

- 1.4 The Parking Standards guidance includes a calculating tool to assist with identifying the maximum amount of parking that is considered suitable for a

development. The National Planning Policy Framework (NPPF) is clear that compelling justification is needed when setting maximum parking standards, to manage the local road network, or for optimising the density of development in town centres and other locations well served by public transport (Paragraph 108). The council's proposed response recommended that some flexibility to maximum parking guidance is needed when considering the diverse and varying neighbourhoods, villages, towns and cities across Essex with their different populations and local character.

Bicycle Storage

- 1.5 The inclusion of bicycle storage within the Parking Standards guidance is welcomed. The guidance proposes the inclusion of Sheffield cycle stands. The council's proposed response suggests including more secure bicycle storage to assist with reducing the frequency of bicycle theft, which in turn may encourage a modal shift and increased cycling within the borough.

Electric Vehicle Infrastructure

- 1.6 Essex has seen an increase in the ownership of electric vehicles (EV) in recent years, similar to national trends. Zero emission Battery Electric Vehicle ownership has increased from 4,500 vehicles in 2018 to 18,500 by the end of 2021. Plug-in Hybrid EV ownership has increased at a similar rate from 4,000 to 16,000 vehicles in the same time period.
- 1.7 The Parking Standards guidance outlines the provision for EV charging points to be able to meet the increasing demand for electric vehicles. The council supports this. However, concerns are raised about whether the required power identified for slow, fast, rapid, and high power (shown in Table 4.2 of the document, 'General types of EV Charging Points'), are reflective of current charging needs. As there is an increase in EV and thus increased demand for charging points there is a need to ensure this requirement is future proofed so that the current and future demands can be met.

Part 2, Maps 1-3

- 1.8 Part 2 of the Parking Standards guidance is focused on garden communities and large-scale developments. This is particularly relevant to Brentwood borough with larger-scale development coming forward through the local plan, including Dunton Hills Garden Village. The council is in general support and has not provided any comments on the content of this section. However, the council does raise a minor comment regarding the useability of Maps 1 through 3, as the colour code used to differentiate between the spatial data illustrated are difficult to see. Therefore, the council has suggested that

instead of using different shades of the same colour that the colour pallet be changed to make it easier to see. The council also suggests that GIS interactive mapping tool would be useful especially for zooming into a small local level to assist planning officers when they need to assess a particular area.

2. REASONS FOR RECOMMENDATION

2.1 The council as local planning authority should respond to planning guidance proposals by seeking to improve content or query issues. In this case, the proposed response seeks to do so before a finalised version of the Essex Parking Standards is published. At that point, it will be for the council to decide whether this planning guidance is adopted or not.

2.2 The proposed consultation response (Appendix A) provides general support for the new parking standards and focuses on specific amendments consisting of:

- a) Flexibility on the maximum parking standards may be needed, considering the diverse neighbourhood, village, town centre, and city size and population across the county;
- b) Consideration of alternative bicycle storage to improve security and reduce bicycle theft;
- c) Ensuring the most up to date EV charging types and power and increased future proofing of this infrastructure; and
- d) Changes to the colour codes used in Maps 1-3 in Part 2 to make it more user friendly (and recommendation of interactive maps if possible).

3. OTHER OPTIONS CONSIDERED

3.1 None

4. RELEVANT RISKS

4.1 None. The council will ultimately decide whether it wishes to adopt the Essex Parking Standards to form weight when determining planning applications. The current standards are used and referred to in the council's local plan. Alternative guidance could be produced if the new Essex Parking Standards were eventually not adopted by the council and there remained a recognition

that the currently adopted standards needed to be updated. This would need to be considered by the council, including resource implications.

5. ENGAGEMENT/CONSULTATION

- 5.1 The consultation on the Essex Parking Standards guidance commenced on 16 October and is closing on 4 December 2023. The document is available to view and comment on through the EPOA website (website hosted by Uttlesford District Council and document consultation portal hosted by Essex County Council).

6. 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. 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. The recommendation is to respond to the consultation. Any decision to adopt new parking standards would require a separate decision where those legal implications could be considered.

8. 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. ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

9.1 Parking Standards guidance assists with ensuring appropriate quantum, design, and access to vehicle and bicycle parking is provided within developments. The updated guidance includes changes to national policy and guidance ensuring the evidence related to parking standards used to support the council's local plan remain robust.

REPORT AUTHOR:

Name: Andrea Pearson

Title: Senior Planning Policy Officer

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APPENDICES

- Appendix A: Response to the Essex Parking Standards consultation

BACKGROUND PAPERS

- Essex Planning Officers Association (EPOA) Parking Standards Guidance: [Essex Parking Guidance Consultation 2023 - Essex County Council - Citizen Space](#)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

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Brentwood Borough Council response to the Essex Parking Standards Consultation (November 2023)

1. Brentwood Borough Council is a member of the Essex Planning Officers Association (EPOA) and has actively engaged in discussions regarding this new Parking Standards document. The council's response is high level and only addresses those areas where some amendments are recommended.
2. The Essex Parking Standards document identifies how maximum parking standards are calculated; however, consideration should be given to the National Planning Policy Framework paragraph 108, which states that maximum standards should only be set where there is clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development town centres and other locations well served by public transport. Essex consists of diverse areas with varying neighbourhoods, villages, town centres, and cities, with varying populations. Therefore, some flexibility is needed when considering minimum and/or maximum parking standards, so that the needs of the local area are appropriately provided for.
3. The inclusion of bicycle storage requirements is welcome as this will help encourage active travel. However, the council would encourage the inclusion of more secure bicycle stand than the Sheffield stands currently proposed to help reduce theft.
4. The council welcomes the requirement of increased electric vehicle (EV) charging points. Table 4.2 gives an overview of the general types of EV charging points and identifies the power required for slow, fast, rapid, and high power and the approximate charging time for each. The council has concerns that the kilowatts identified are out of date and consideration should be given to amending these so that it can be better future proofed. The application of each charging point power may also want to be amended slightly, for example to provide 1-hour charging rather than 2-hour charging for public and retail car parks, leisure centres, businesses where meetings are held, etc., to provide a top up while on site.

5. In Part 2 of the Parking Standards Guidance, three Maps are presented for illustrating the number of car or vans used within the county. Some of the detail within these maps are difficult to see, especially when zooming into a specific local area. It is recommended that using different colours, rather than different shades of the same colour may help with the clarity of the map data presented. The council would welcome use of an interactive mapping tool.

END

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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