



Agenda

Planning Committee

Tuesday, 12 March 2024 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

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Live Broadcast

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

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

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
04.03.2024

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

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

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

Point of Order/ Personal explanation/ Point of Information

Point of Order

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

Personal Explanation

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

Point of Information or clarification

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

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

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

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

 **Private Session**

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

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  **Access**

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

 **Evacuation Procedures**

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



Minutes

Planning Committee Tuesday, 20th February, 2024

Attendance

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

Apologies

Cllr Heard	Cllr Munden
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Substitute Present

Cllr Barber
Cllr Laplain

Also Present

Cllr Sankey
Cllr Kendall
Cllr Parker
Cllr Lockhart – Blackmore Parish Council

Officers Present

Leigh Nicholson	- Interim Director - Place
Caroline Corrigan	- Corporate Manager (Planning Development Management)
Jonathan Quilter	- Corporate Manager (Strategic Planning)
Daryl Cook	- Senior Planning Officer
Fiona Dunning	- Senior Planning Consultant
Paulette McAllister	- Programme Lead - Strategic Housing Development Programme
Zoe Borman	- Governance and Member Support Officer
Angela Abbott	- Corporate Manager - Housing Needs and Delivery
Brooke Pride	- Planning Officer
Brendan Johnston	- Strategic Development Engineer, Essex Highways
Michael Rhimes	- Legal Representative

LIVE BROADCAST

[Live stream will commence at 7.00pm and available for repeated viewing.](#)

374. Apologies for Absence

Apologies were received from Cllrs Heard and Munden. Cllrs Barber and Laplain were substituting respectively.

375. Minutes of the Previous Meeting

The Minutes of the previous meeting held on 16th January 2024 were agreed as a true record.

376. ADDENDUM REPORT 22/01347/FUL LAND EAST OF NAGS HEAD LANE, BRENTWOOD

This report is an addendum to the reports submitted to Planning Committee in July and November 2023.

At the November Planning Committee meeting it was resolved to refuse the above application based on highway safety grounds. The application was viewed as being contrary to Policy BE12: Mitigating the Transport Impacts of Development, point 1, which states 'Developments must not have an unacceptable impact on the transport network in terms of highway safety, capacity and congestion', due to the new access road being near a blind bend with no speed warnings or turning signs and the proposed visibility splays not enough to warn drivers.

Officers drafted a reason for refusal and, in accordance with Part 5.2, Part B paragraph 7.7 of the Constitution, shared the draft reason with the Chair of the Planning Committee. The Chair of Planning Committee requested officers share the draft reason with the Members who moved and seconded the motion to refuse the application. This was to ensure the draft reason for refusal fully covered their concerns. It became evident, in sharing the officers' draft reason for refusal, that the Committee in reaching its decision did not have all the facts on the speed limit of Nags Head Lane and this was material to the decision. For this reason, a decision could not be issued. The planning application is now referred back to Planning Committee for consideration of the application in its entirety.

Ms Fiona Dunning presented the report.

Mr Soni Sunger, objector, addressed the Committee.

The Committee then heard from Ms Kate Caruso representing Mascalls Gardens Residents' Association and their reasons for objecting to the application.

Mr Barnaby Orr, Crest Nicholson, addressed the Committee in support of the application.

Cllr Russell, not a member of the Committee, spoke in opposition to the application outlining specific concerns including landscaping, visual impact, ridge heights and traffic issues.

Cllr Kendall, also not a member of the Committee, spoke addressing his concerns including issues with Brentwood Gateway, overcrowding of homes and lack of appropriate infrastructure and services.

Ward Councillor Munden, also raised his concerns regarding the application in particular the over-cramming of homes, negative visual impact to residents and traffic impact on Nags Head Lane and Brook Street.

The Council's legal representative, Mr Michael Rhimes, clarified the reasons for the application's return to Committee, advising it was lawful under the Constitution and should be determined on the basis of planning grounds and with an open mind.

Mr Brendan Johnston, Essex Council Highways, advised Members that a safety audit had been undertaken with findings of no significant issues. Other safety aspects such as speeding had been investigated and evidence suggests speeding is not an issue in this location. No objections have been raised to the scheme by Essex Highways, National Highways and Brentwood's own Transport Consultants considered that it could be delivered without a major impact. A further safety audit would be carried out by Essex Highways, should the application be approved where signage and other aspects would be reviewed.

It was confirmed that the proposal did not include a 30mph speed limit on Nags Head Lane.

Following a full discussion a short adjournment took place for officers to respond to a query regarding Policy BE09 covering roads both on and offsite.

On recommencement of the meeting, Mr Rhimes clarified to Members the test on refusal on behalf of traffic grounds, that an unacceptable impact on highways safety or severe impact on road network would need to be demonstrated. Rigorous testing carried out by the statutory consultee, Essex County Council Highways, had found no indication of this. Mr Rhimes also explained S278, and advised it is usual in planning applications that the detail is considered later, and the S278 Agreement allows for the Local Authority to effect changes in the highway outside the red line of the planning application.

The application has been reviewed and deemed safe, and further details will be effected later, should the application be approved.

Mr Quilter confirmed that Policy BE09 covers road safety both on and off site.

Regarding concerns of Members as to the number of homes planned within the site, it was confirmed that around 125 homes were allocated in the Local Development Plan, and the application provides this number. Exceptionally strong reasons would need to be identified for refusal under those grounds.

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

A vote was taken and Members voted as follows:

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

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

ABSTAIN: Cllrs Bridge, Mrs Francois, McCheyne (3)

The Motion to **APPROVE** was **CARRIED**. The application was **APPROVED** subject to the conditions in the report.

Members requested that Ward Councillors be kept informed of the S278 Agreement, when appropriate.

[Cllr Mrs Francois left the meeting after this application.]

377. APPLICATION NO: 23/01180/FUL 24 PINE DRIVE INGATESTONE ESSEX CM4 9EF

This application had been referred to Planning committee at the request of Cllr Darryl Sankey for the following reasons:

- The original building is a bungalow, the 1st in a series of bungalows on that side of the street.
- The proposed property is a 2 storied property which will alter, compromise the street scene.
- The proposed development will be out of character with the existing street scene and set a precedent for potential development of similar bungalows and is over-development.
- There is a detrimental affect on no.22 as moves closer to that property's boundary than presently rather than central on the existing

plot and should not extend past the boundary of no.22 which will restrict light and view.

- The height and size of the proposed property will have an adverse impact on properties opposite both in terms of outlook and light.
- The size of the proposed property is larger than the existing bungalow and dwarfs the adjacent bungalow.

Mr Daryl Cook presented the report.

Mr Fisher addressed the Committee as an objector for reasons including out of character with existing properties and overshadowing.

Mr Marcus Bennett, the Agent spoke on behalf of the applicant, supporting the application.

Cllr Sankey, Ward Councillor, reiterated his concerns for opposing the application as did Cllr Gorton. Members voiced concerns regarding the positioning of the new dwelling.

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

A vote was taken and Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, Bridge, M Cuthbert, Mrs N Cuthbert, Mrs Gelderbloem, Laplain, McCheyne, Mynott (9)

AGAINST: Cllrs Murphy (1)

ABSTAIN: Cllr Gorton (1)

The Motion to **APPROVE** was **CARRIED**. The application was **APPROVED** subject to the conditions in the report.

378. APPLICATION NO: 23/01020/FUL ROWAN GREEN HALL ROWAN GREEN EAST BRENTWOOD ESSEX CM13 2ED

This application represents an asset belonging to Brentwood Borough Council and is therefore referred to the Planning Committee as per the Constitution.

Ms Brooke Pride introduced the report.

Cllr Dr Barrett, Ward Councillor, spoke in support of the application.

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

A vote was taken and Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, Bridge, M Cuthbert, Mrs N Cuthbert, Mrs Gelderbloem, Gorton, Laplain, McCheyne, Mrs Murphy, Mynott (11)

AGAINST: (0)

ABSTAIN: (0)

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

**379. APPLICATION NO: 23/01433/FUL INGLETON HOUSE STOCK LANE
INGATESTONE ESSEX CM4 9DY**

The planning application is part of Brentwood Borough Council's Strategic Housing Delivery Programme, which seeks to utilise existing housing sites and provide better quality affordable housing for its residents and meet greenhouse emissions target of net zero by 2050 in accordance with the Climate Change Act.

Ms Fiona Dunning presented the report and advised she had, today, spoken with Essex County Council regarding the contributions sought for library services. The matter is unresolved, and as a result her recommendations within the report are unchanged. Ms Dunning advised that the report on page 135 refers to 2 dwellings being lost when in fact there is only one being lost overall. There are 23 houses being demolished 22 being provided. Also, page 140 of the report refers to car parking. This should read 41 spaces are required; based on 20 spaces for one-bed dwellings including the 5 refurbished dwellings and 14 spaces for the 7 2-bed dwellings and 7 visitor spaces. On page 141, Policy 5 of the Neighbourhood Plan, as discussed in the report, refers to street parking or public parking spaces, therefore, the loss of the parking spaces on the site is not contrary to the Neighbourhood Plan.

Ms Paulette McAllister addressed the Committee as the Applicant Representative in support of the application.

Cllr Sankey spoke as Ward Councillor, and although supported the application, pointed out issues including Stock Lane road safety and speed restrictions, inadequate car parking and lack of funding for services.

Cllr Gorton, Ward Councillor, also spoke supporting the application and echoed issues raised by Cllr Sankey and those relating to access to the site.

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

A vote was taken and Members voted as follows:

FOR: Cllrs Barber, Bridge, M Cuthbert, Mrs N Cuthbert, Mrs Gelderbloem, Gorton, Laplain, McCheyne, Mrs Murphy, Mynott (10)

AGAINST: (0)

ABSTAIN: (0)

The motion to **APPROVE** the application was **CARRIED**. The application was **APPROVED** subject to conditions outlined in the report and delegation to officers to negotiate a suitable S106 contribution if required for library contributions after further discussions with ECC.

[Cllr Dr Barrett declared a non-pecuniary interest as Chair of Housing and did not vote.]

380. Response to the Thurrock Local Plan, Initial Proposals (Regulation 18) Consultation

This report seeks approval of a formal response from Brentwood Borough Council to the Thurrock Local Plan, Initial Proposals (Regulation 18) consultation. The consultation ran from 18 December 2023 and closed on 19 February 2024.

The response conveys broad support of Thurrock Council's aims in preparing a new Local Plan. The Council expresses concerns regarding the limited engagement that has taken place with neighbouring authorities, such as Brentwood Borough Council, and lack of information on how Thurrock plans to meet their development needs.

Thurrock Council has identified that their housing need is 23,320 new homes and has an ambition to provide 27,000 new jobs. The consultation document outlines various opportunity areas but does not include specific sites. Instead, the consultation document outlines six possible spatial options for delivering new homes, which include the amount of new homes that could be delivered without any green belt release (resulting in approximately 7,300 new homes) and other high density option with green belt release that could result in approximately 39,800 new homes. It is clear that Thurrock are dependent on a large strategic allocation to come forward at West Horndon in order to meet their housing needs. The Council has raised an objection, on the basis that there is too much uncertainty around the full extent of the proposal, lack of evidence to support the proposal, and potential impacts to Dunton Hills Garden Village. In addition, the consultation document identified a need for an additional 75 new gypsy and traveller pitches and 7 new travelling showperson plots, but no further information is provided on how these needs will be met.

The consultation document does not set out specific policies but does state the intentions to require new developments to achieve net zero homes, 35% affordable housing provision, and deliver 20% biodiversity net gains.

Mr Quilter presented the report.

Members welcomed the response and expressed a desire to add some wording to paragraph 4 around the overdevelopment and unreasonableness in this specific location.

Following a full discussion Cllr Murphy **MOVED** and Cllr Mynott **SECONDED** a motion to approve the recommendations.

A vote was taken by a show of hands and Members **RESOLVED** to:

Approve the response to the Thurrock Local Plan, Initial Proposals (Regulation 18) as set out in Appendix A.

Reasons for Recommendation

Thurrock Council is currently working towards a new Local Plan, with a possible Plan period of 20 years. The consultation document outlines high level initial proposals and opportunity areas and does not include specific draft policies or identification of sites. The consultation ran from 18 December 2023 until 19 February 2024.

Brentwood Borough Council is duty bound to undergo the duty to cooperate with neighbouring authorities on preparation of their local plans. In addition to being a neighbouring authority, both Thurrock and Brentwood are members of the South Essex Councils (SEC; previously referred to as the Association of South Essex Local Authorities ASELA), and therefore ongoing joint working and discussion on cross-boundary planning matters, such as unmet housing needs, is discussed as part of the preparation of the South Essex Joint Strategic Framework.

Despite the joint partnership in SEC, no formal duty to cooperate meetings had taken place prior to the launch of the Thurrock Local Plan, Initial Proposals consultation in December 2023. As both councils are duty bound to undergo the duty to cooperate, Brentwood has raised concerns that no prior engagement had taken place and has requested regular and more effective engagement moving forward.

381. Urgent Business

There were no items of urgent business.

The meeting concluded at 22:57

SITE PLAN ATTACHED

BROOKES HOUSE 79-81 WESTERN ROAD BRENTWOOD ESSEX CM14 4ST

DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT OF BROOKES HOUSE TO PROVIDE FOR A 55 APARTMENT ASSISTED LIVING SCHEME IN C2 USE WITH ASSOCIATED LANDSCAPING, CYCLE PARKING AND LOWER GROUND LEVEL CAR PARK

APPLICATION NO: 23/00888/FUL

WARD	Brentwood North	8/13 WEEK DATE	3 October 2023
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PARISH		EOT DATE	TBC
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CASE OFFICER	Julia Sargeant
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Drawing no(s) relevant to this decision:	419-ACG-XX-00-D-A-1100/P1; 419-ACG-XX-ZZ-D-A-1000/P2; 809-ALA-00-XX-DR-L-0005/P03; 809-ALA-00-XX-DR-L-0006/P03; 809-ALA-00-XX-DR-L-0007/P03; DESIGN & ACCESS STATEMENT INCLUDING APPENDICES; 419-ACG-XX-ZZ-D-A-2000/P7; 419-ACG-XX-ZZ-D-A-2001/P11; 419-ACG-XX-ZZ-D-A-2002/P8; 419-ACG-XX-ZZ-D-A-2003/P8; 419-ACG-XX-ZZ-D-A-2004/P9; 419-ACG-XX-RF-D-A-2005/P6; 419-ACG-XX-ZZ-D-A-1001/P5; 419-ACG-XX-ZZ-D-A-1002/P5; 419-ACG-XX-ZZ-D-A-4000/P7; 419-ACG-XX-ZZ-D-A-4001/P9; 419-ACG-XX-ZZ-D-A-4002/P6; 809-ALA-00-XX-DR-L-0002/P03; 809-ALA-00-XX-DR-L-0003/P03; 809-ALA-00-XX-DR-L-0004/P03; 809-ALA-00-XX-DR-L-0001/P04; 419-ACG-XX-ZZ-D-A-3000/P7;
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This application has been referred to Planning Committee by Councillor Alison Fulcher for the following reasons:

The documents for the South and West elevation and North and East elevation show a proposed increase in the size of the development that will impact on the privacy of properties nearby. The car parking planned for the development is a 14 space carpark which will not meet the demands for a care home of this size. Potentially creating parking issues on the roads surrounding Brookes House.

1. PROPOSALS

Planning permission is sought for the redevelopment of the existing Brookes House site on western Road to provide a new assisted living scheme. The proposal would involve the demolition of the existing Brookes House and erection of a new detached building which would accommodate 55 individual apartments as well as shared communal facilities. The proposal also includes the landscaping of the site and provision of lower ground level car parking.

The application site is located at the very northern edge of the geographic scope of the Brentwood Town Centre Design Plan and is subject to assessment in relation to the Brentwood Town Centre Design Guide.

The proposed new building would appear as 2 and a half storeys from the front east facing elevation and extend up to 4 storeys at the rear. It would be constructed out of a mixture of red and yellow buff facing brickwork with clay vertical hanging tiles to some elevations. The front elevation of the building would contain two tower features in reference to the existing building which contains two tower features to the front elevation and would measure a maximum of 9.5 metres to the ridge. The feature towers are to be built out of red and yellow buff brick reclaimed and reused from the existing building which will be rebuilt exactly as the existing complete with all stone features. The front elevation would also drop down in height at the southern elevation to 8.5 metres and the southern end of the building is lower in overall height than the northern end due to the sloping nature of the site.

As the proposed building extends west back into the site it rises in overall height. Along the southern elevation the building extends to 12 metres in height. Along the northern elevation the building extends to 13.4 metres in height and then up to a maximum of 15.8 metres in height due to the topography of the site in the northwest corner. Across the rear western elevation the building would extend up to 15.1 metres in height at the northern end and 12 metres in height at the southern end.

The building would take a rough 'H' shaped plan form with the built form in the centre of the site being pulled away from the site boundaries.

Internally the new building would contain 31 x1 bedroom apartments and 24 x2 bedrooms apartments with shared communal facilities including:

- Reception
- Care Suite
- Residents Lounge / Dining Area
- Wellness Centre / Gym
- Therapy / Treatment Room (Haircare / Chiropodist)
- Library and Activity Space
- Mobility Scooter Store

It should be noted that some rooms will be used for dual purposes. Uses may include but are not limited to activities and clubs such as cards, arts/crafts clubs and lessons, music and singing clubs, talks, performances and resident meetings.

Each individual apartment would have a kitchen and living area, a bathroom and one or two bedrooms. All apartments would be accessed through a main front door and a secure internal environment created.

2. SITE DESCRIPTION

The application site is a sloping site and slopes from east to west and from south to north along the northern boundary of the site, with the change in levels being most pronounced in the north western corner of the site. Along the frontage of the site it slopes from south to north with a decline of around 1 metre over the 55 metres. The rear western boundary declines around 4 metres from south to north and the northern boundary declines around 3.4 metres over the 66 metres culminating at the low point in the north west corner of the site. The site is located in an urban area that is predominantly residential in nature, with existing dwellings located to the north, south and west, as well as to the east on the opposite side of Western Road. There is a Fire Station located to the north east of the site on the opposite side of Western Road.

The application site currently contains the existing Brookes House which was last used as a care home.

3. POLICY CONTEXT

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

- MG01 – Spatial Strategy
- MG03 – Settlement Hierarchy
- MG05 – Developer Contributions
- BE01 – Carbon Reduction and Renewable Energy
- BE02 – Water Efficiency and Management
- BE04 – Managing Heat Risk
- BE05 – Sustainable Drainage
- BE07 – Connecting New Developments to Digital Infrastructure
- BE09 – Sustainable Means of Travel and Walkable Streets
- BE10 – Sustainable Passenger Transport
- BE11 – Electric and Low Emission Vehicles
- BE12 – Mitigating the Transport Impacts of Development
- BE13 – Parking Standards
- BE14 – Creating Successful Places
- BE15 – Planning for Inclusive Communities
- HP01 – Housing Mix

HP03 – Residential Density
HP04 – Specialist Accommodation
HP06 – Standards for New Housing
NE01 – Protecting and Enhancing the Natural Environment
NE02 – Green and Blue Infrastructure
NE03 – Trees, Woodlands, Hedgerows
NE05 – Open Space and Recreation Provision
NE08 – Air Quality
NE09 – Flood Risk
NE10 – Contaminated Land and Hazardous Substances
NE11 – Floodlighting and Illumination

Other Local Documents or Guidance

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

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

4. RELEVANT HISTORY

- 21/01734/FUL: Redevelopment of Brookes House site to provide for a 48 Apartment Assisted Living Scheme in C2 Use with associated landscaping and underground car parking - Permitted subject to S106 legal agreement and conditions on 16.06.2022
- 21/01734/COND/1: Discharge of conditions 3 (Construction Method Plan) of application 21/01734/FUL (Redevelopment of Brookes House site to provide for a 48 Apartment Assisted Living Scheme in C2 Use with associated landscaping and underground car parking) – Permitted on 09.12.2022

5. NEIGHBOUR RESPONSES

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:
<http://publicaccess.brentwood.gov.uk/online-applications/>

This application has been advertised by way of neighbour notification letters on two occasions, site notice on two occasions and a press advert.

At the time of writing this report the application had received 10 letters of representation, nine objecting to the proposal and one in support over two rounds of consultation.

First Round of Consultation:

Main reasons for objections (summarised):

- Object on same grounds as before.
- Concern that previous application did not get considered at planning committee.
- Current application relies heavily on the previous build being consented when that is not the case with approx. 50 objections logged by local residents.
- Size and scale of build in residential area.
- Building is huge with the proposed elevations overbearing and imposing over the park road and vale gardens.
- The proposal is over bearing and has negative visual implications for adjoining houses including blocking light.
- Overlooking and loss of privacy.
- Loss of light.
- Concerns regarding drainage and impact of vibrations caused by the erection of the underground garage and increased plant utilising the entrance.
- Neighbouring property has previously been underpinned due to subsidence and the potential impact of the proposal structurally upon neighbouring property has not been mentioned.
- Potential increase in noise levels resulting from the development.
- The new building is too big/close to the adjoining residential housing.
- Parking proposal changes are an issue.
- Building noise and pollution has not been adequately addressed.
- If permitted, please ensure that all construction workers during the build and residents/staff do not have resident parkin permits.
- Would like to obscure the build and for extra trees and bushes to be added.
- Western Road is a very busy road for children walking to school and this needs to be taken into account during all times of the build.
- Traffic implications for Western Road.
- Potential issues for the fire station in terms of traffic and access.
- Concerned the building has moved closer to our property.
- Concern regarding potential impact of foundations to trees in garden which provide a large amount of screening.
- Feels like this is incremental planning submissions to push the boundary of what can be achieved.
- Relatively ok with northern elevation of building but have severe concerns about western elevation where windows/doors are not view restricted as before.

- Concerned over the water surface drainage solution and position of attenuation tank and impact upon tree roots.
- Consultation response from ECC Suds flags concerns about drainage planning.
- Drainage issues and subsidence to nearby housing.
- Proposal breaks density limits in BLP.
- BLP states in multiple places that creating private car parking should be avoided, and proposal stresses its sustainable location and proposes a private car park instead of using existing.
- Removing the car park from the design would give the developers the opportunity to reallocate shared services/utilities within the basement of the building and reduce its bulk.
- The proposed underground car park construction will have catastrophic impact on surrounding trees and gardens.
- The tree on the corner of the boundary has a TPO and the proposed new building is extremely close to this.
- No evidence how the build will take place without harming tree roots.
- Harming conservation of protected fauna and wildlife.
- Impact on already burdened healthcare system.
- Sets a precedent.
- Impact on value of people's homes.
- Proposal is unsuitable for this neighbourhood.
- The current proposal and amendment concerns have not been sufficiently addressed with local residents. Developer consultation/discussion promises not met.
- Some redevelopment of the site is agreeable to residents, but the precise nature is not.

Main Reasons for support (summarised):

- The application is far more attractive and of great use to the ageing public than more apartments and the trappings e.g. cars that go with that.
- Brentwood already has a surfeit of apartments/flats without any support infrastructure.

Second Round of Consultation *(following revision to address design consultee comments and case officer comments in relation to neighbour impacts)*

Main Reasons for objections (summarised):

- Note that the nearest windows to property on western flank have now been amended to prevent over-looking which is an improvement and well received. However still have concerns on where the rainfall water tank will be. Note that there are no apartments in the lower ground floor/basement area and urge that a condition is placed that the storage tank should be within the footprint of the building to prevent damage to the root system of neighbours tree which acts as screening.

- Do not think that just digging a trail trench is sufficient.
- Latest revision has added considerable height to the building and will forever change the neighbourhood to the negative.
- Proposal is wildly out of sync with the aesthetic and values of the community.
- Proposal encroaches so close it is almost in people's gardens.

6. CONSULTATION RESPONSES

AFFINITY WATER:

Affinity Water has no comments to make regarding planning application 23/00888/FUL.

ESSEX COUNTY COUNCIL (SUSTAINABLE URBAN DRAINAGE):

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions requiring submission of a detailed surface water drainage scheme, and management and maintenance details.

ESSEX POLICE:

The 'Essex Police – Designing out Crime Office (DOCO) once again welcomes the opportunity to make comment on the proposed development of Brookes House in Western Road, Brentwood.

As we have stressed in our previous responses, good design and early co-ordination, incorporating 'Crime Prevention Through Environmental Design' (CPTED) principles, can avoid the conflicts that may be expensive or impossible to resolve once the construction phase is complete. CPTED forms part of Police Crime Prevention Initiatives (PCPI) which is the official UK Police Security Initiative.

Upon inspection of the revised plans, we continue to seek engagement with the applicant for this application in order that the security arrangements for the development can be discussed.

Once again Essex Police would like to suggest that, if approved, this construction project is designed incorporating the maximum achievable benefit of CPTED for which Secured by Design (SBD) is the preferred enabler.

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

It is important that design and security specifications are risk commensurate and provide an effective and realistic level of physical security that is commensurate with risk. Consequently, we are interested in the boundary treatment for this development, particularly in relation to the western perimeter which backs onto a garage block area to the rear of The Vale. The combination of a strong perimeter and effective access control through gates and doors will help mitigate against crime.

ARBORICULTURALIST:

A previous proposal to construct a 48-apartment assisted living scheme on the site (21/01734/FUL) was approved subject to s106. This revised scheme alters the footprint of the building which results in some changes to the landscape effects and proposed landscape scheme.

The revisions to the scheme will result in fewer existing trees being removed (4 rather than 12) which is welcomed. In addition, there is a slight increase in space to be retained around T7 the Lime covered by TPO08/1992.

The revised building footprint will reduce the space available for new tree planting; however the scheme would still result in a net increase in trees. Given the space between the building and site boundaries it is considered that the proposed numbers and species are realistic.

I have compared the landscape proposal for the previously permitted scheme with the most recent up to date scheme and am satisfied that it provides broadly similar amounts of amenity space and new planting. There would be some reduction in the amount of planting and lawn bounding Western Road; however this would not be significant.

An updated ecological assessment has been undertaken which confirms there have been no significant changes to the presence of protected species since the previous application. The Precautionary Method of Working (Ecology) is considered appropriate for the scheme. I would request a compliance condition for works to be undertaken in accordance with this document.

In conclusion, I am satisfied that the proposed changes will not significantly alter the landscape and visual effects of the scheme and will achieve useable amenity spaces. I have no objection to the proposals on landscape or ecology grounds.

BASILDON FIRE STATION (ESSEX FIRE AND RESCUE):

First Response

I refer to your correspondence and consultation regarding the demolition of the existing building and redevelopment of Brookes House to provide for a 55

apartment assisted living scheme in C2 use with associated landscaping, cycle parking and lower ground level car park; as a result the submission has been considered and the following observations are made.

Access

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

Fire Service pumping appliance access to the development will be required to meet the requirements of the Building Regulations 2010 Approved Document “B” Fire Safety Volume 2 Section B5 (and so address Section 13 (1)(a) of The Act). One elevation drawing submitted indicates that the topmost floor level is in excess of 11 metres, with the total floor area exceeding 2000m² vehicular access to 50 % of the building’s perimeter will be required; if however confirmed less than 11 metres in height, 15% access will be required. In both scenarios it appears that such access will need to be re-assessed to meet / confirm B5 requirements. (Including suitable turning provision dependant on how proven). Alternatively dry riser installation(s) would be considered as a suitable alternative provided vehicular access is provided to within 18 metres of the externally mounted inlet cabinet(s) (with again where / if required appropriate pumping appliances turning provision provided).

Subject to the appropriate requirement referred to above being proven the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority will have no objection to the application.

Where any development includes flats, mixed use buildings or non-residential buildings as is proposed with this application further observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage should approval be given.

Building Regulations

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

Where appropriate Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called “the Authority”) in accordance with “Building Regulations and Fire Safety – Procedural Guidance”.

Approved Inspectors will consult with the Authority in accordance with Section 13 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

Water Supplies

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

Flood Plain Risk

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. Nevertheless, 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 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 any 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 a development. With this proposal the requirements of ECC Sud's consultee response will require addressing along with adopting guidance given in the Drainage Strategy document submitted in support of this application.

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.

Second Response

With reference to Dwg No's; 419-ACG-XX-00-SK-A-9818 Rev P2 'Fire Access Distances' & B1-SK-A-9819 'Lower Ground Fire Access', the suggested dead end fire appliance set down point is not considered acceptable as there appears to be insufficient working space around the appliance to suit operational needs, the need to negotiate and open gates to access the dry riser inlet cabinet for stair core 1 will impede / delay the initial attack on any developing fire within the premises; these concerns are also repeated with the inlet cabinet located further down the dead end at the entrance to the carpark serving stair core 2 which in addition to the concerns mentioned above would become unusable in the event of, for example a vehicle fire occurring within.

Therefore, ideally both dry riser installations will have inlet cabinets to the front elevation of the building both of which will need to be within 18 metres of a suitably located fire appliance set down point and be fully visible to the appliances pump operator.

Whilst not necessarily a planning issue, it is noted here as it may have a further bearing on the supply pipe orientation / inlet cabinet siting, a dry riser outlet valve cabinet is shown as being located behind the door within the ground floor entrance enclosure (assumed to be repeated on upper floors served by stair core 1) this location would not be acceptable. Further observations on all precautionary arrangements and facilities for the Fire Service will be made at Building Regulation consultation stage should approval be given.

Other observations / comments made in this Authority's previous consultation dated 23rd August 2023 remain valid and are re-submitted in response to this re-consultation.

HIGHWAY AUTHORITY:

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

The proposals entail the redevelopment of a 38 bed care home and updates a scheme to provide 48 assisted living apartments which was granted permission in 2022. The latest proposals maintain a closure of the substandard southern access to the site and an improvement to the northern access to enable two-way entry/exit movements. They also continue to include the provision of a layby outside the site for vehicles to service the development. Both the improved access and layby were the subject of a road safety audit as part of the permitted scheme.

Given both the previous use of the site and the 2022 consented scheme, the latest proposals are not expected to have a material impact on the performance of the local highway network. In terms of car parking arrangements, the provision of 29 spaces is below Brentwood Borough Council's adopted standards, but is considered reasonable as it is only a short distance to Brentwood High Street with all its facilities, car parks and access to frequent and extensive public transport services. Local parking restrictions should also ensure that there is no overspill onto surrounding roads.

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

- agreement of a construction management plan,
- provision of visibility splays shown on submission,
- closure of existing redundant access at southern end of the site,
- provision of layby on Western Road as shown on submission,
- payment of financial contribution to ECC of £5,000 to implement a Traffic Regulation Order to facilitate the proposed layby,
- provision of the parking area shown on the submission
- any boundary planting to be set a minimum of 2m back from highway boundary
- provision of cycle parking
- provision of residential travel information pack

ENVIRONMENTAL HEALTH & ENFORCEMENT MANAGER:

No objection to application and recommends that a Construction Environmental Management Plan (CEMP) should be submitted to the LPA for approval prior to works commencing.

ESSEX BADGER PROTECTION GROUP:

The consultation includes comments on matters relating to protected species and in accordance with current advice these detailed comments are not in the public domain. However, the group raises no objections to the proposal subject to conditions.

ESSEX & SUFFOLK WATER:

No response at time of report.

HOUSING SERVICES MANAGER:

I note that the proposal is in relation to the provision of an assisted living scheme which is proposed to fall under the C2 category which does not attract the requirement to provide Affordable Housing.

Therefore, subject to Planning accepting that this proposal does fall within the C2 category, Housing Services have no further comments at this time.

NATIONAL GRID:

No response at time of report.

MID & SOUTH ESSEX HEALTH CARE:

Further to a review of the application details the following comments are made in regard to the primary healthcare provision on behalf of the health partners of the Mid and South Essex Integrated Care System (ICS).

Existing Healthcare Position Proximate to the Planning Application Site

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

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

Review of Planning Application

The health impact assessment submitted in support of the planning application states that residents will be drawn mainly from the local area and the support they will receive in the proposed accommodation will reduce their need to call on health services. However, the HIA also states that a financial contribution will be secured to mitigate the impact of the development on local GP services.

Assessment of Development Impact on Existing Healthcare Provision

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 132 new residents and subsequently increase demand upon existing constrained services.

The capacity of primary healthcare facilities in the area of the proposed development is already below the recognised standards of provision for the existing population. Additional population growth in the area resulting from new development would add to the deficit and so would be unsustainable if unmitigated.

Using the accepted standards the capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £27,100. The ICS therefore requests that the sum of £27,100 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

THAMES WATER DEVELOPMENT PLANNING:

Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests a condition that no piling takes place until a piling method statement is agreed.

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

We 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. An informative is recommended in relation to this.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

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

CARE QUALITY COMMISSION:

Care Quality Commission (CQC) would expect that all providers plan services with regard to our document Guidance for providers on meeting the regulations.

We are unable to comment or provide advice on premises until a provider applies for registration and therefore we are unable to comment on planning applications.

OPERATIONAL SERVICES MANAGER:

No response at time of report.

DESIGN OFFICER:

First Response

Thank you for consulting on this application which pertains 'Demolition of existing building and redevelopment of Brookes House to provide for a 55-apartment assisted living scheme in C2 use with associated landscaping, cycle parking and lower ground level car park'.

Background

This application is made further to 21/01734/FUL, which pertained 'Redevelopment of Brookes House site to provide for a 48 Apartment Assisted Living Scheme in C2 Use with associated landscaping and underground car parking'.

As previously advised in my letter regarding application 21/01734/FUL, Brookes House is located within the geographic scope of the Brentwood Town Centre and is a prominent building upon a modest scaled residential thoroughfare.

Whilst not a building with statutory protection, part of the building dating from inception, has a significance in Brentwood's local history, this is predominantly concerning the principal façade which has features of merit and there is social history of the site which was examined at earlier stages of preapplication in 2021.

The rear and side ranges have extensive later accretions of little merit; my internal inspections concluded the internal areas of the principal range do not contain interior features worthy of Conservation, this building therefore would not be considered for adoption onto the adopted Local Heritage List, but elements of its architecture were encouraged to be drawn into a new scheme.

In design terms, there was a very fine balance in respect of the demolition of the existing building, that has been accepted by the LPA but on the basis any replacement architecture, space at the frontage and its boundary should be an enhancement to the street scene and of good design, with quality materials and landscaping to create a sense of Place and quality of life for future occupiers.

Discussion

This application proposes material changes to the extant permission which from my assessment of the proposals, are viewed as a retrograde step.

From an urban design perspective in relation to built form in context, amenity and landscaping, it is important reaffirm my baseline position to the LPA, which is that the extant scheme pushed the limits of what can be considered appropriate to context in terms of scale and intensification; it is my professional opinion this current proposal exasperates the site to its detriment whilst also diluting the original architectural intent; areas for scheme enhancement for example the removal of the basement (given the level of embodied carbon through the construction) remains albeit reduced.

Concerns regarding layout include but are not exclusively, the lessening of principal elevation activation, whilst the simplification of the central gabled element is acceptable in architectural terms, the introduction of a main entrance at the side of the site overly activates what should be a more silent range and in simple terms is not considered neighbourly given this residential context.

In terms of roof level alterations (which would be visible in the long views from outside of the site) roof top ASHP. Lift overruns and plant are not supported, the positioning of any plant or what is essentially a flat roof will be detrimental. Lowering sections within roofscapes can alleviate this to some degree but I fail to see how this can be achieved at this site under this current design; roof guarding (including mansafe systems) should also be shown clearly with no rails, guards or nets applied at roof level, I requested this within the previous permission.

In terms of bulk, shape of form, fenestration and detailing taking a comparison in the south and west elevations (extant to proposed) provides evidence of a concerning dilution of design and detail intent previously approved, I note poorly proportioned dormers set into the roof and some architectural elements being omitted, some extruded in height beyond what is appropriately shaped architecture.

Whilst I note the precedents submitted within the DAS and agree the buildings at Brentwood School are bespoke pieces of high-quality architecture, I am not in a position where I would advise the LPA this is the same calibre of design or the same context, as stated in the opening section of this advice letter, it is Town Centre but residential area in scale and character.

Conclusion

In summary, I do not support this as a scheme of good design. Should the LPA require an independent Design Review I recommend EQRP embark upon assessment.

There are no minor matters which could be addressed which would alter this advice offered. This concludes my advice.

Second Response

The background to this advice is contained within my letter dated 23rd September 2023 and there is no need to repeat in detail here my assessment, I concluded there were no minor matters which could be addressed which would alter advice offered and the revised scheme was in effect a retrograde step from that already approved by the LPA.

Some of the revisions submitted more recently seek to address matters in my initial letter and certainly aspects (as detailed in the DAS) I have reviewed are amended in line with LPA advice.

Despite the recent responses in the design, there are aspects here which remain tipping the balance of what I can advise is no worse than that which is extant.

To be clear, the roof level revisions are welcomed but there remains a vagueness around roof detailed information which is relevant in Urban Design terms; sections showing the 'drop' in the crown roof areas I am not furnished with, from the axonometric view (page 4 DAS) am not convinced the plant and other roof top paraphernalia would not be visible in long views. I have previously requested information on this.

In terms of the buildings bulk and shape of form, I can see a reduced in height but the south and north aspects retain bulky elements over 9m in height and in my opinion the extrusion of these as architectural elements is too much, a negative position in terms of massing articulation; the site arrangement, these will be only visible in oblique views and as such will be taken into the planning balance, the chimney on the south elevation also seems to have been removed, it is the attention to detail that is required and the orthogonal block needs such detail to add interest. In terms of fenestration dormers require focused revision, the scales remain too great and the central 'quad dormer' is heavy on an elevation which is highly visible.

I am not supportive of many aspects of this scheme and find it disappointing that much is being requested due to an alteration to the method of delivering the provision of car parking despite this being a sustainable and walkable neighbourhood. All such matters I recognise start from the point of the extant scheme and form part of the planning balance.

Should this application be recommended for approval I strongly advise conditions for materials, including no plasticised products for fenestration; windows to have concealed vent strips and set into a reveal of no less than 75mm. The dormer designs also subject to detailed conditions, particularly the scale and spread of the central principle quad dormer. In addition, the LPA should impose a condition for a detailed section and set levels for the crown roof areas, it should be set lower by at least 300mm of ridge lines.

HEALTH IMPACT ASSESSMENT (HIA) STEERING GROUP RESPONSE:

Public Health Officer and HIA Steering Group Response:

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

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

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

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

Health Determinants	HIA Steering Groups Comments
Access to education	This is not relevant to this application.
Access to work and training	The use of local supply chain during the construction phase has been noted. We would request that the applicant also make contact with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex. To encourage local labour within the borough, job opportunities should be promoted via the Brentwood Jobcentre to reach jobseekers who are the furthest from the market. We would strongly encourage the applicant to work alongside the Brentwood Chamber of Commerce, Brentwood

	<p>Business Partnership, Brentwood Connected BID and local secondary schools to highlight jobs, work experience, training and apprenticeship opportunities. We would encourage use of active and public travel by staff to Brookes House.</p>
<p>Access to health and social care services and other social infrastructure</p>	<p>Mentions a financial contribution to local GP services, and support services on site, what does this mean in practice? From the Council's perspective an appropriate level of contributions will need to be made in line with the Council's IDP and comments received from statutory bodies such as the NHS.</p>
<p>Access to open space and nature</p>	<p>There are three gardens within the scheme which are accessible for residents, seating areas, under-cover areas and accessible paths need to be included.</p>
<p>Accessibility and active travel</p>	<p>The site at western Road is close to Town Centre amenities and local bus routes. Cycle provision for staff and residents (I would question how many residents would cycle) as well as mobility scooter parking.</p>
<p>Housing and Home Design</p>	<p>The HIA addresses the policy requirement of M4(2) and M4(3). Although the application meets the policy requirements the HIA steering group does not agree that having those dwellings that are M4(2) to be converted to M4(3) at a later date as being a positive outcome. Given the nature of the development (assisted living) there is a higher probability that those who reside here will need access to wheelchair accessible living quarters. By designing dwellings that can be changed to meet these standards at a later date only leaves residents with the burden of undertaken renovations at a later date. It is suggested that additional M4(3) accommodation be delivered as part of this development as much as possible to avoid the additional cost and resources to retrofit the dwellings at a later date.</p> <p>Brentwood Borough Council, along with a number of other UK LPA's have declared a climate emergency. The application makes reference to high quality installation to meet the energy efficiency needs of the building. The proposal does not go far enough to assist with the climate emergency and energy efficiency needs for this type of development. The applicant is recommended to include the energy efficient measures as outlined within the Essex</p>

	County Council Design Guide on renewable energies for developments and the net zero tool kit.
Access to healthy food	Food and beverage offer is within the scheme and kitchens in each apartment.
Social cohesion and inclusive design	More detail of their proposed community engagement needed. Doorways and corridors that can provide accessible access for those in wheelchairs.
Crime reduction and community safety	Secure by design principles mentioned, but more detail on site security as vulnerable people? Site security would need to be provided during construction. Natural surveillance for frontage mentioned but what other considerations have been given to natural surveillance and CCTV? How are the gardens secure? What security is there for parking and visitors?
Environmental Sustainability	The construction impacts of the development from dust, noise, vibration and odours will be addressed through the Construction Management Plan which would be required as a planning condition. The proposed use of the development is likely to minimise any increase in the amount of additional vehicular traffic generated in the future use of the development. Noise from proposed plant and equipment will be identified through the Noise Impact Assessment and can be controlled by planning condition.

Conclusion:

In conclusion, the construction of an assisted living facility near to Brentwood High Street would be a positive benefit for local people who do not need the level of care provided by care homes, however, can no longer live completely independently.

7. ASSESSMENT

The main issues for consideration for this application are:

- i) The principle of the development including the planning history of the site;
- ii) The design and impact of the development upon the character of the area;
- iii) Residential amenity considerations;
- iv) Access, parking and highway safety;
- v) Flood risk and drainage;
- vi) Contamination;

- vii) Trees, landscaping and ecology;
- viii) Fire service access;
- ix) Sustainability, and
- x) Infrastructure considerations.

i. PRINCIPLE OF DEVELOPMENT

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

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

As detailed above The Brentwood Local Plan 2016-2033 is the Development plan for the borough and the main relevant policies in relation to this application are listed above and although these should not be read in isolation, they are the most relevant to this application. Furthermore, the planning history and recent consented development is a material consideration with this submission.

Recent Planning History

Planning permission has recently been granted under application reference 21/01734/FUL for: "*Redevelopment of Brookes House site to provide for a 48 Apartment Assisted Living Scheme in C2 Use with associated landscaping and underground car parking.*" The principle of redevelopment of this site has therefore been established and it is well recognised in case law that previous planning decisions are capable of being material considerations.

This current application is similar in form and appearance to that previously approved. The main changes can be summarised as:

- Change in unit numbers from 48 to 55.
- Change in unit mix to incorporate more 1 bedroom units (now 31 x 1 bed units and 24 x 2 bed units and previous consent was for 6 x 1 bed units and 42 x 2 bed units).
- Reduction in basement level and excavation by around 500m² of floor area which represents around a 30% reduction in floor area on this level.
- Reduction in car parking spaces from 35 to 29.
- Design amendments to front elevation (reduction of three feature towers to two).
- Design amendments to elevations.
- Slight rotation of front elevation so it is largely parallel with the street.

- Removal of built form over the top of vehicular access point increasing distance of built form away from No. 1 Western Avenue at this point.
- Increase in overall depth of the development from 55.4m to 57.3m.
- Removal of summer house from scheme.
- Reduction in height of overall building by around 0.47m.
- Minor alterations to soft landscaping.
- Removal of one chimney stack to southern elevation
- Increase in residential accommodation in roof increasing height of certain projections and number of rooflights/openings.
- Introduction of substation.

The National Planning Practice Guidance (NPPG) advises that similar cases should be determined in a consistent manner and failing to do so may amount to unreasonable behaviour on behalf of the Local Planning Authority. There is a significant amount of case law in relation to this point with two recent cases being R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050 and Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057. Both of these cases emphasised the importance of consistency in planning decisions and the need for clear reasons to be given where inconsistencies arise. This is not so onerous so as to mean all previous decisions (at the site or nearby) must be considered. However, it is clear that there are instances where decisions are so similar that to fail to take them into account would be unreasonable.

It is also worth noting in this case that planning permission 21/01734/FUL remains an extant consent with a realistic prospect of being implemented. This therefore forms a fallback position on this site which is a material consideration.

Proposed Use

The principle of the proposed development as assisted living accommodation has already been established under 21/01734/FUL and the proposal would comply with policy HP04 of the adopted Brentwood Local Plan.

Use Class of Proposal and Affordable Housing

In assessing the previous consented scheme on this site (21/01734/FUL) it was considered that the proposal fell within a C2 use (Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres). This application seeks changes to the development that primarily relate to design, layout and massing changes and do not impact upon the overall use of the proposal. The application has also been supported by a Care and Wellbeing Support Operational Statement which details how the proposal falls within a C2 use rather than C3 residential use. Officers are content that the proposal remains as a C2 use and is not materially changed from the extant consent in this regard. This can also be secured through use of planning conditions restricting occupation to those aged

over 65 and who are, on admission, residents in need of assistance with normal activities of daily life. On the basis that the proposal constitutes C2 development no affordable housing provision is required.

ii. DESIGN AND IMPACT UPON CHARACTER AND APPEARANCE

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

Policy BE14 seeks to ensure that all proposals meet high design standards and deliver safe, inclusive, attractive and accessible places whilst also making efficient use of land and taking environmental and climate conditions into account. The application site is also located on the edge of the area covered by the Brentwood Town Centre Design Guide and is located within a residential character area. This states that new developments within residential areas should be designed to respect the character and scale of the surrounding buildings and streets and that new development in this zone may range in density between 35 and 130 units per hectare. In terms of height the guide states buildings should not exceed 4 storeys in height with most ranging from 2 to 4 storeys.

Brookes House is located within the geographic scope of the Brentwood Town Centre. It is a prominent building upon the modest scaled residential thoroughfare of Western Road. The immediate surroundings are residential with residential dwellings located to all sides of the application site. The majority of the dwellings located along Western Road are Victorian and Edwardian. The nearest non residential built form is the fire station located to the north east of the site on the opposite side of Western Road.

The principle of redevelopment of this site has already been accepted through the granting of 21/01734/FUL. In considering the demolition of the existing Brookes House on site it was noted that: *"whilst not a building with statutory protection, part of the building dating from inception, has a significance in Brentwood's local history, however this is predominantly concerning the principal façade which has features of merit. The rear and side ranges have extensive later accretions of little merit; and the Conservation and Urban Design Consultee has advised that the internal areas of the principal range do not contain interior features worthy of Conservation, and therefore this building would not be considered for adoption onto the emerging Local List of historic buildings within the Borough."* There was no in principle objection to the loss of the building and this remains the case with this application.

The existing building's front façade contains two tower features that are characteristic of the area, with other buildings of local significance also incorporating tower features. This proposal retains the two tower features to the front elevation with red brick coining detailing. The traditional style of the design of the building is supported in this location and makes reference to the architecture of the front façade of the existing building. Furthermore, currently the frontage of the site is utilised for parking and provides a hard frontage with little room for soft landscaping. This proposal incorporates car parking to the lower ground floor level which allows for the soft landscaping of the frontage of the site which would result in an enhancement to the street scene.

In terms of density the development would be 153 units per hectare (an increase from 137 units per hectare and slightly over the maximum for residential areas set within the Brentwood Town Centre Design Guide of 35 to 130 units per hectare) but this is mostly created through the change in unit type (more one bedroom units) and it is most important that a design led approach is used rather than an arbitrary assessment based on figures alone.

In terms of scale and massing the proposed building would be of a greater scale than the existing built form, particularly the rear section of the building. This increase in built form would be visible from the surrounding road network, however the scale and massing of the built form to the frontage is comparable with the existing and would appear in keeping within the streetscene. Whilst the scale and bulk of the building increases towards the rear of the site, this increase is partially created through the lower ground level parking area as well as an additional level to create the appearance of a 4 storey building at the rear (now with rooflights as there is accommodation within the roof). Overall, it is considered that whilst the proposal would represent an increase in scale and massing when compared to the existing built form on site, the design and form of the building responds to the existing character of the area (in terms of design features and materials) and can be assimilated successfully into the streetscene, making best use of this brownfield site.

In relation to the extant consent this proposal is deeper in form at 57.3 metres deep with the extant consent at 55.4m deep. However, it has removed the built form over the vehicular access and is lower in overall height than the extant consented scheme by around half a metre. It is considered that the scale and massing changes will reduce its overall visual bulk.

In terms of external materials the proposal would be finished in yellow buff brickwork to match those existing on the site, with red brickwork detailing (again to match) with a projecting brick course detail every fourth course. Clay vertical hanging tiles in a red diagonal pattern would also feature on the elevations. The roof would be finished in brown roof tiles to pitched roof with EDPM (ethylene

propylene diene terpolymer which is a durable synthetic rubber) grey to dormers. Materials can be controlled via a planning condition.

It is noted that initially the Design consultee raised an objection to the scheme advising that it was a retrograde step in comparison to the extant permission on the site (comments in full above). The applicant team has sought to address the concerns raised during the lifetime of the application and comprehensively revised the proposal and design approach including the following:

- Creation of a more prominent entrance porch;
- Rooftop plant ASHP moved to third floor open topped plant room (in line with extant consent)
- Reintroduction of many façade treatments of the extant scheme such as hanging tiles
- Overall general height reduction of around 0.47m.
- Additional tree to front landscape buffer
- Removal of several dormer windows
- Removal of some rooflights and introduction of flat rooflights.
- 1.2m landscape buffer reintroduced to northern boundary.

The design consultee advises that whilst the roof level revisions are welcome there remains concerns regarding detailing, particularly roof detailing and the section drop required within the crown roof to ensure plant and any other roof top paraphernalia would not be visible within long views. Within the extant consent conditions were attached requiring further details of the crown roof and roof guarding and it is considered that the use of such conditions again would address these concerns.

The design consultee raises concerns over bulky elements to the north and south elevations, whilst acknowledging that they will only be visible in oblique views. It is also noted that the consultee considers the central 'quad dormer' to the front elevation is too heavy for this elevation which is highly visible. Whilst there was a quad dormer in the extant consent this was to one side of the front elevation and was not such a dominant feature with three tower features present in the design.

In relation to the bulky elements referred to by the design consultee these are in relation to projections to the flank elevations where some have increased in height compared to the previous extant scheme. For example, on the southern elevation a projection that previously measured 7.5 metres in height is now proposed at 9.2 metre in height to allow for accommodation within the roof and therefore results in a bulkier projection at this point.

Whilst the Design consultee still has concerns in relation to the proposal it is considered that some of these can be addressed through the use of conditions (front dormer windows and crown roof detailing) and the remainder, such as the bulky elements to the flank elevations, are not so significant to warrant refusal of the

scheme, especially bearing in mind that the current proposal is lower in overall height than the extant approval.

It is noted that the design consultee advised within the first response that “*the extant scheme pushed the limits of what can be considered appropriate to context in terms of scale and intensification*” and officers are in agreement that the extant permission is essentially the limit of what can be achieved on the site without material harm arising. It is considered that whilst the current proposal differs from the extant, it is not materially larger, than the extant scheme. It is deeper in plan form which has already been detailed, and some elements are taller, but it has an overall lower height with the first floor built form over the vehicular access removed. Taking all changes into account it is considered that the proposal is not materially larger.

Overall, it is considered that the design and appearance of the development, along with its impact upon the character and appearance of the area is acceptable and complies with policy and whilst the current proposal may not be as architecturally pleasing in relation to certain elements as the extant scheme these are not so significant to warrant refusal of the development.

iii. RESIDENTIAL AMENITY

The Council has received a number of objections from residents concerning the scale of the proposed building, loss of outlook, overlooking and loss of privacy.

The Essex Design Guide (EDG) normally requires a minimum of 25 metres between the backs of properties with habitable windows facing each other. However, the guide states that where new developments backs onto the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Therefore, the new development should not encroach any closer than 15 metres to an existing rear boundary, however where the rears of the new houses face those of the existing homes at an angle of more than 30°, this spacing may be decreased proportionately, down to a minimum of 1m from the boundary. Furthermore, upper storey flats can cause problems of overlooking from living rooms and therefore any rear-facing upper storey living room should be no closer than 35 metres to the rear of any other dwelling. However, the EDG recognises that it is not possible to meet the distance standards on all developments, particularly in urban areas where higher density development is located. In such settings design is crucial to ensure that no material loss of privacy or overlooking occurs. Whilst the guidance within the EDG is merely guidance and not a set rule for new development to follow it is a good guide for starting the assessment of a proposed development.

The proposed new building would form a rough H shaped plan form with built form pulled away from the boundaries in the centre of the site. An assessment will be undertaken along each boundary in turn in terms of impact upon amenity in relation to the proposed changes when compared to the consented scheme:

East Facing Front Elevation

The front elevation of the proposed building would face east towards Western Road and would be positioned between 5.5 and 9.5 metres back from the highway boundary (previously 6.5 and 10.5 metres back). The building would be a similar form and scale to the existing building on site at present forming two and a half stories in height and would measure a maximum of 9.5 metres to the ridge (previously 10.4 metres to the ridge). There are windows serving habitable rooms within the front elevation.

Directly opposite the site on the other side of Western Road are No's 114, 116 and 120 Western Road which are set between 14.5 and 23 metres from the application site. Given the distances involved and the fact that the proposal is replacing existing built form of a similar scale along this boundary it is considered that the proposal would not result in any materially harmful impacts towards the occupiers of these dwellings in relation to scale, massing, loss of light or loss of privacy.

West Facing Rear Elevation

The rear elevation of the proposed building would face west towards garages associated with dwellings along The Vale, as well as the flank elevation and private amenity space associated with No's. 21 and 23 The Vale.

The rear elevation of the proposed building would contain 4 storeys and would extend up to 15.1 metres in height at the northern end (previously 15.5 metres in height) and 12.1 metres in height at the southern end (previously 12.9 metres in height) due to the sloping nature of the site. This elevation would be set between 5 and 6.3 metres from the rear boundary along its main section at ground floor level (previously 6.5 and 7.8 metres), although this distance increases at each end of the building where it steps down and back. It should be noted that under this application the lower ground level would move closer to this boundary at between 2.6 and 4.5 metres from the boundary, however this does not contain any habitable windows and the main bulk of the building is set back as above.

In terms of impacts towards the occupiers of the dwellings to the rear of the garages (fronting onto The Vale) there would be an overall back to back distance of between 42 and 47 metres (previously 44 and 49 metres) which is sufficient to ensure that no material loss of privacy would occur.

In relation to No's 21 and 23 The Vale the built form of the proposed building would be positioned between 6.3 and 14.3 metres from this boundary at ground floor level (previously 6.5 and 13.2 metres). All windows serving habitable rooms within this immediate corner of the building above lower ground level are angled south west away from No's 21 and 23 The Vale to ensure no material loss of privacy would occur. There is an outdoor terrace area associated with apartment No. 55 within

the north western corner of the building at third floor level, however only one viewing ledge is proposed looking north which would be 1 metre wide and set 1.1 metre high to control viewing to ensure no users could look down, only across. Privacy by design is therefore achieved.

Due to the distances of the proposed built form to neighbouring dwellings along this boundary and the orientation of the proposed development to the east of the existing dwellings and their gardens the proposal would not result in an overbearing impact or material loss of light towards these properties.

South Facing Flank Elevation

The south facing flank elevation faces towards No. 77 Western Road and the rear of No's 1 – 11 (odd) Park Road. This elevation would be positioned 4.2 metres from the shared boundary adjacent to the built form of No. 77 (same as previous consent), then setting back to 19.2 metres from the shared boundary (previously 20 metres), before moving back to between 6.4 and 9.9 metres from the shared boundary towards the rear of the site backing onto the dwellings along Park Road (previously 4.7 and 8.8 metres).

In relation to No. 77 Western Road the proposal would actually result in built form being moved further away from this dwelling and its associated amenity space. The proposal would result in a two storey element of the building (8.5 metres in height (previously 7.7 metres in height) extending for a depth of 14.4 metres (previously 11.6 metres) situated 4.2 metres from the boundary with only one window within this section of the south facing elevation which would be a in plane rooflight and positioned adjacent No. 77's flank wall to ensure no loss of privacy. At present the existing building extends a further 9 metres further west at two storey height and is 3.8 metres from the southern boundary with four windows at first floor level. The relationship between No. 77 and the built form on the site would therefore improve.

In relation to the dwellings located along Park Road which back onto the site there would be rear to flank distances of between 44 metres and 29.5 metres (previously 45 and 27.5 metres). At the point where the distance between built form is 44 metres, with 19.2 metres to the shared boundary from the proposal it is considered that this distance is sufficient to ensure that no material loss of privacy would occur or overbearing impact.

The section where the flank to rear distance is 29.5 metres relates to the western most corner of this elevation which reduces in height again to 9.2 metres (previously 7.5 metres) and also contains no windows within the flank elevation. It is therefore considered that the proposal would not result in any materially harmful impacts towards the occupiers of the dwellings in Park Road through loss of privacy or overbearing impact.

In terms of orientation the proposed built form would be positioned to the north of these dwellings and would therefore not result in any material loss of light.

North Facing Flank Elevation

The north facing flank elevation faces towards No. 1 Western Road and No. 23 The Vale. This elevation would be positioned a minimum of 5.8 metres from the shared boundary (previously 1 metre), but mostly ranging from 6.5 to 16 metres (previously 7 to 15 metres).

At present the south facing flank elevation of No. 1 Western Road is located on the shared boundary with the application site. As part of the proposal this section of the boundary would be bought further south by around a metre to allow for a rear access for the occupants of No. 1 Western Road. A new 1.6 metre high brick wall is proposed along the eastern most section of the new boundary for a distance of 10 metres which would then change to a 1.8 metre high close boarded fence.

The existing vehicular access point is to remain, which is set almost adjacent to this northern boundary, at present this leads to parking to the front of the site as well as to part of the side of the site. As part of this proposal the vehicular access would lead to access to the lower level car park which is the same as in the extant consent. However previously a two storey section of built form was proposed over the vehicular access 1 metre from the shared boundary and this element of the proposal has been removed under this application.

Further west along this northern elevation the built form is set further back from the shared boundary. The maximum set back is 16 metres (previously 15 metres) towards the centre of the site, however the application site is higher than No. 1 Western Road which increases the potential for loss of privacy and overbearing impact. Along this north facing flank elevation habitable room windows at ground floor and above (within the eastern most section of the building) have been designed to angle north west away from No. 1 Western Road, and although balconies are proposed they are set angled away from No. 1 with privacy screens along their eastern elevations and perforated balcony screening to the front instead of clear glazing. At the western end of this elevation the built form extends towards the shared boundary again, at a distance of between 5.6 and 7.2 metres (previously 5 and 7.5 metres). However, the height at this section drops down to between 10.2 and 11.7 metres (due to sloping nature of the site) and no windows are proposed within this section of the north facing flank elevation (previously windows at lower ground level were proposed). Whilst there are windows serving habitable rooms in the east facing return on the northern elevation these would be positioned approximately 33 metres from the rear elevation of No. 1 Western Road and would mainly offer views of the courtyard within the development itself, although some oblique views towards No. 1 are possible. Several of the windows and an internal terrace would feature privacy screens to the north which would reduce any potential for material loss of privacy.

As part of this proposal four additional rooflights are proposed within the roofscope, however each are set 1.1 metre high with 1m deep ledges for controlled viewing to ensure that no views are possible down towards neighbouring gardens. In terms of perceived loss of privacy the glazing of the rooflights would not be visible from the immediate neighbouring gardens due to their recessed position within the roof plane.

Overall based on the above analysis it is considered that the design of the building would ensure that no material loss of privacy would occur towards the occupiers of No. 1 Western Road and therefore privacy by design is achieved.

In relation to No. 23 The Vale an assessment has already been undertaken under the rear west facing elevation section of this report.

In terms of orientation, loss of light and overbearing impact the proposal has the potential to have the greatest impact upon the occupiers of No. 1 Western Road and dwellings to the north as it is located due south of these properties, and the site is higher than No. 1 Western Road. It is not considered that the changes proposed under this current application would materially impact upon the assessment already undertaken under that application in respect of this matter where the proposal was deemed acceptable.

In terms of overbearing impact it is also important to consider the visual impact of the built form. This proposal removes a summer house which was to be located close to the boundary line and retains the existing fence line with a new 1.8 metre high fencing to the northern courtyard garden set between 4.5 and 3.4 metres from the boundary to ensure no direct loss of privacy would occur from the ground floor terrace area (which will be raised from the existing ground levels to level the site as it currently slopes in this location). A retaining wall is also to be positioned alongside the access to the underground car park (1.4 metres from the shared boundary). New soft landscaping and planting is proposed along this northern boundary in the form of Ilex 'Nellie R Stevens' (evergreen shrub) and Acer palmatum 'Sango-Kaku' (deciduous tree) alongside other species which will assist in softening the appearance of the development. Full details of the soft landscaping can be controlled via a planning condition.

Again it is not considered that the changes proposed under this current application would materially impact upon the assessment already undertaken under the extant permission in respect of this matter where the proposal was deemed acceptable.

Other Considerations

Concerns have also been raised in relation to the intensification of the use of the site in relation to the previous C2 use. It is appreciated that the proposal would intensify the use of the site, however a C2 use is considered acceptable within a

predominantly residential setting and would not result in any unacceptable impacts through noise or disturbance. The Council also has to ensure the best use of brownfield land is made within sustainable locations.

Concerns have also been raised in relation to the impacts of construction of the proposal, and specifically the underground car park. Impacts from construction activity is acknowledged, however this is not a long term impact of the proposal and could be minimised through the use of a condition requiring a construction management plan to minimise impacts. Any structural concerns in relation to the construction of an underground carpark is not a material planning consideration and would be dealt with under separate building control legislation should planning permission be granted.

It is acknowledged that internally within the development there would be the potential for some overlooking between apartments, particularly within the return elevations of the courtyard setting where back to back distances of between 21 and 22 metres are achieved. Whilst this is below the recognised standard it is accepted that this has to be balanced against making best use of brownfield sites within sustainable locations, and the distance is considered acceptable in this case. Furthermore, all future residents would have access to the shared communal gardens as well as some benefiting from private terraces and balconies. Whilst the level of outdoor space per unit is below that which would be acceptable for a C3 use, it is considered appropriate for this C2 use which will not be occupied by families with children and will be occupied, by at least some residents, that are no longer able to care for or maintain their own private amenity space.

iv. ACCESS, PARKING AND HIGHWAY SAFETY

As part of any new development safe access to and from the Highway must be achievable to ECC Highway Standards as well as adequate parking provision to comply with the adopted vehicle Parking Standards.

The application site has a direct frontage to Western Road around 50m in length and has existing vehicle and pedestrian accesses at the southern and northern ends of the site. There are a total of 14 car parking spaces, including 2 disabled bays, along the eastern front boundary of the site.

The vehicular access arrangements remain as per the extant approved scheme. The only change from the extant permission to this current proposal is that the number of vehicular parking spaces proposed is reduced from 35 spaces to 29 spaces.

Access will still be taken from the northern most access via the mini roundabout which would be retained and improved to provide greater vehicle and pedestrian visibility. In addition to the vehicle access, there will be a pedestrian access to the

main entrance from Western Road and access to the servicing area (layby) from Western Road.

In terms of parking provision, the adopted vehicle parking standards state that for a C2 care home 1 parking space is required per full time equivalent of staff and 1 visitor space per 3 beds. 1 cycle space is required per 5 staff and disabled space provision is on individual merit. This would result in a requirement for 26 spaces for visitors and 7-8 spaces for staff, totalling 33-34 spaces. The proposal of 29 spaces would be a shortfall of between 4 – 5 spaces.

However, whilst the proposal is a C2 use it is not a care home and the adopted vehicle parking standards state that Parking Standards for retirement developments that are warden assisted yet provide independent living should fall under Class C3 in terms of parking space provision. The development is also not a warden assisted retirement development and the parking requirements are more likely to fall somewhere between the two. It must also be borne in mind that the adopted vehicle parking standards state: *“For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.”*

The proposal includes 29 car parking spaces which will be allocated as following:

- 5 spaces allocated for staff;
- 24 spaces allocated for residents (rented separately)

There will be approximately 7-8 staff members working at the site during peak times to provide the full range of services available to the residents. Therefore, staff parking is below the standard by 2-3 spaces.

There will be 24 spaces provided for 55 retirement flats at the rate of around 0.44 spaces per unit, which is below that required for retirement developments (1 space per dwelling) but around the requirements for a C2 care home with 79 beds (24 x 2 beds and 31 x 1 beds) which would be 26 spaces. However, ECC Highways have raised no objection to the parking provision advising that it is considered reasonable as it is only a short distance to Brentwood High Street with all its facilities, car parks and access to frequent and extensive public transport services. Local parking restrictions should also ensure that there is no overspill onto surrounding roads. The parking provision is not dissimilar to the previous scheme, although it is reduced. Secure cycle storage as well as mobility scooter storage is proposed and overall it is considered that the parking space provision is acceptable.

It is noted that one of the conditions requested by ECC Highways relates to payment of a financial contribution of £5,000 towards the costs of making and implementing a Traffic Regulation Order to facilitate the proposed service layby and necessary parking restriction. The most appropriate method of dealing with this is

via a legal agreement which the agent has agreed to. This is the same approach taken as under the extant permission.

V. FLOOD RISK AND DRAINAGE

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

It is proposed that a new network of surface water pipes will convey runoff from the building and other hardstanding areas to a new attenuation facility. Due to root protection areas and the site topography, it is not possible to locate the full attenuation facility in the external areas that will drain via gravity. It is therefore proposed that the site drainage will drop down to basement level, to store in an attenuation tank, which will pump up to ground level and connect to the public sewer via gravity. It may be possible that part of the attenuation can be located within the external areas, away from the root protection zones, with the rest at basement level, which will be confirmed at detailed design stage, once the building rainwater pipe positions have been finalised, and the basement foundation plan confirmed.

It is noted that a letter of representation has been received from a neighbour in relation to this matter and the positioning of the attenuation tank. Previously it was proposed that the attenuation tank for the development would be in the NW corner of the site in close proximity to a tree within a neighbours garden. This current proposal would move the attenuation tank to the basement level. The potential for any groundworks within this area can still be dealt with through conditions to ensure protection of the off site tree (as was the approach taken under the extant consent).

The Lead Local Flood Authority have been consulted on this application and have advised that have no objection to the proposal subject to conditions. Full details of the surface water drainage strategy and its long term management and maintenance can be controlled via planning condition

In terms of foul drainage the development would connect to the mains sewer which is the preferred method. Thames Water have also confirmed that with regard to the waste water network and sewage treatment works they have no objection. It is noted that they have requested a piling method statement due to the presence of a strategic sewer within 15 metres of the development. This was not a matter raised within their previous comment on the extant scheme, however this is a new material consideration that the local planning authority were not aware of when determining the previous application. It is therefore considered reasonable to attach a condition as suggested by Thames Water to ensure that the development does not result in any damage to or failure of the local underground sewerage utility infrastructure.

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

VI. CONTAMINATION

The application has been supported by a Preliminary Investigation Report which identifies that the application site itself was previously agricultural land before being developed for two dwellings, which were later extended and converted into a care home. The report advises that no potential sources of contamination have been identified and further intrusive investigation is therefore not considered necessary. However, subsequent investigation may reveal additional sources of contamination that were not identified in the preliminary Investigation. Should any additional sources of contamination or unexpected ground conditions be found then further investigation would be required. This can be adequately dealt with via a planning condition.

Environmental Health has not raised any concerns in relation to contamination. Nonetheless, a condition is recommended in line with the extant scheme relating to unexpected contamination.

VII. TREES, LANDSCAPING AND ECOLOGY

The application has been supported by an arboricultural report as well as a tree protection plan and arboricultural method statement.

The application site at present benefits from a number of trees within the existing gardens, including a lime tree (T7) which is protected by a Tree preservation Order (TPO) reference TPO 8/1992. The arboricultural report indicates that 3 low quality trees would need to be removed to facilitate the development (previously 12 were to be removed).

The arboricultural consultee advises that this revised scheme alters the footprint of the building which results in some changes to the landscape effects and proposed landscape scheme.

The revisions to the scheme will result in fewer existing trees being removed (4 rather than 12) which is welcomed. In addition there is a slight increase in space to be retained around T7 the Lime covered by TPO08/1992. The consultee advises that the development will result in a net increase in trees and that given the space between the building and site boundaries it is considered that the proposed numbers and species are realistic. In comparison to the extant scheme the consultee is satisfied that it provides broadly similar amounts of amenity space and new planting.

An updated ecological assessment has been undertaken which confirms there have

been no significant changes to the presence of protected species since the previous application. The Precautionary Method of Working (Ecology) is considered appropriate for the scheme. The consultee requests a compliance condition for works to be undertaken in accordance with this document and this is recommended.

Overall, it is considered that the proposed changes will not significantly alter the landscape and visual effects of the scheme and will achieve useable amenity spaces. There is therefore no objection to the proposals on landscape or ecology grounds.

VIII. FIRE SERVICE ACCESS

Essex County Fire and Rescue Service have been consulted on this application. They originally raised concerns regarding pumping appliance access to the development (this was not raised as a concern in the previous submission despite no material changes in this regard). In order to address this concern the agent submitted illustrative plans to demonstrate access compliance. Essex County Fire and Rescue were again consulted on the application and access plans and advised that the suggested dead end fire appliance set down point is not considered acceptable as there appears to be insufficient working space around the appliance to suit operational needs.

Essex County Fire and Rescue Service advise that dry riser installation(s) would be considered as a suitable alternative provided vehicular access is provided to within 18 metres of the externally mounted inlet cabinet(s). Following the second consultation where the access plans were not deemed acceptable Essex County Fire and Rescue Service advise that ideally both dry riser installations will have inlet cabinets to the front elevation of the building both of which will need to be within 18 metres of a suitably located fire appliance set down point and be fully visible to the appliances pump operator. They advise that further observations on all precautionary arrangements and facilities for the Fire Service will be made at Building Regulation consultation stage should approval be given.

Following further discussion with the agent they have confirmed that they can relocate or position the dry risers to the frontage of the site as requested by Essex County Fire and Rescue and this is a matter that would be dealt with through the building control process should planning permission be granted. All other observations and comments made by Essex County Fire and Rescue Service are noted and do not raise any material concerns with the application.

IX. Sustainability

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

- An economic objective,

- A social objective, and
- An environmental objective.

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

The application site is located within a highly sustainable location with access to a range of services and facilities as well as public transport.

The application has been supported by a Seniors Housing - Planning Needs Assessment dated June 2023. This document details how there is a shortfall in the number of private extra care units within the area as well as an ageing population. Furthermore, the Council’s own updated SHMA (2022) as well as the adopted Local Plan acknowledges the requirement for specialist residential accommodation, including independent living schemes for the elderly. This proposal would therefore fulfil a social objective by providing specialist accommodation in an accessible location.

The development also represents redevelopment of a brownfield site and would result in additional employment, both during construction, as well as when operational (supporting documentation indicates creation of around 15 full time equivalent jobs), within a accessible location. The proposal would therefore accord with the economic objective.

In terms of environmental sustainability, the location and accessibility to services and facilities has already been discussed. The proposal would also result in additional soft landscaping, and whilst some trees would have to be removed this is less than under the consented scheme and new trees will be planted which will mitigate this loss.

The application has also been supported by a sustainability statement as well as an Energy Statement detailing that the build will adopt a fabric first approach with the building envelope targeted to minimise the mechanical and electrical services loads associated with heating and cooling of the building, by focussing on U-values and air tightness as passive measures to reduce energy requirements to treat the occupied areas.

The development proposes an all-electric heating system using heat pumps to deliver a minimum of 10% reduction in Co2 to satisfy policy BE01. A photovoltaic (PV) array is also proposed on the roof to ensure a 10% of predicted energy needs will come from renewable energy as required by policy BE01. Full details can be controlled via a planning condition.

X. INFRASTRUCTURE CONSIDERATIONS

A consultation response has been received from as Mid & South Essex Health Care (NHS), which requested the sum of £27,100 be secured through a planning obligation in the form of a S106 agreement and is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises. This is an updated figure of the contribution sought and secured under the extant permission.

ECC Highways have also requested payment of a financial contribution of £5,000 towards the costs of making and implementing a Traffic Regulation Order to facilitate the proposed service layby and necessary parking restriction. Again this is in line with the extant permission.

The agent has confirmed agreement to the above referenced planning obligations and has submitted a draft S106 legal agreement which is with legal services for review at the time of writing this report.

CIL 122 Regulations

As financial contributions are sought it is therefore necessary to ensure that these requests meets with the CIL 122 regulations.

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In relation to the Mid & South Essex Health Care request it is considered that the contribution is necessary to make the development acceptable in planning terms. Capacity of GP practices (space vs patients lists) in the vicinity of the development site have been assessed against adopted standards and a contribution is sought as the capacity of primary healthcare facilities in the area of the proposed development is already below the recognised standards of provision for the existing population. Additional population growth in the area resulting from new development would add to the deficit and so would be unsustainable if unmitigated.

The contribution is directly related to the development as the contribution would be used for a purpose that will add capacity to be used for the patients arising from the development, the NHS advises that this is achieved by the use of contributions being tied to use at the practice or primary care network that serves the site and is shown to lack capacity.

The proposal is fairly and reasonably related in scale and kind to the development as the means of calculating the size of the contribution is based on Department for

Health guidance and the cost of providing the additional space is based on Building Cost Information Service data.

In relation to the ECC Highways contribution it is considered that the contribution is necessary to make the development acceptable in planning terms. The development is only acceptable in its current form based upon the provision of the service layby and the financial contribution is required to facilitate this.

The contribution is directly related to the development as the contribution would be used towards the costs of making and implementing a Traffic Regulation Order (TRO) to facilitate the proposed service layby and necessary parking restriction and it is considered that the proposal is fairly and reasonably related in scale and kind to the development.

Introduction of the Community Infrastructure Levy

The Council recently introduced the Community Infrastructure Levy (CIL) which is a locally set charge on most types of new development. It is a charge based on the size and type of development. If a development is liable to pay CIL the payment is mandatory to pay and non-negotiable. This development will be CIL liable.

Other Considerations

It is noted that consultees have referred to Secure by Design principles and security for the development. This is a matter that can be adequately controlled via a planning condition as suggested.

Reference is also made within several letters of representation regarding the determination of the extant scheme under delegated powers. This is not a matter that is relevant to the consideration of this application and the previous application was determined in accordance with the Council's constitution.

XII. CONCLUSION

Following the submission of revised drawings, officers consider that the effect of the development upon neighbouring occupiers is acceptable and that the changes proposed under this current application would not materially impact upon the assessment already undertaken under the extant permission in respect of this matter where the proposal was deemed acceptable.

In terms of design, it is considered that the design and appearance of the development, along with its impact upon the character and appearance of the area is acceptable and complies with policy and whilst the current proposal may not be as architecturally pleasing in relation to certain elements as the extant scheme these are not so significant to warrant refusal of the development. The majority of the concerns raised by the design officer can be mitigated through the use of planning conditions.

All other matters remain as per the extant consented scheme in terms of material considerations. Therefore, having considered the relevant material considerations, the proposed development is considered to accord with the development plan as a whole and is recommended for approval subject to a S106 legal agreement and conditions.

8. RECOMMENDATION

APPROVE the application subject to the completion of a S106 agreement and conditions.

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT (final wording delegated to officers to agree with legal services)

- Payment of £27,100 to mitigate impact of development upon local GP Services.
- Payment of £5,000 towards the costs of making and implementing a Traffic Regulation Order to facilitate the proposed service layby and necessary parking restriction.

CONDITIONS

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

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

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

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

3. No development shall take place, including any ground works or demolition, until a Construction Method Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors
- a waste management plan
- details of measures to minimise noise and vibration during construction and demolition
- measures to control the emission of dust and dirt during construction
- route to be used by construction vehicles to and from the site

- loading and unloading of plant and materials
- site set-up including arrangements for the storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- hours of works

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to minimise the impact of the construction of the development upon neighbouring residents and the environment.

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

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

5. A document pack that shows typical details of:
 - (i) windows – to include the depth of reveal (no less than 75mm) and concealed vent strips;
 - (ii) crown roof detailing including a close-up detail (no less than 1:10)
 - (iii) doors and thresholds including any doors to an underground car park;
 - (iv) balconies;
 - (v) brick detailing;

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

Reason: In order to secure a high-quality design in the interests of the character and appearance of the area in accordance with policy BE14 of the adopted Brentwood Local Plan.

6. No development above slab level, excluding demolition work, shall take place until full details of the positioning of any external plant (at both ground and roof level); and roof guarding for the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

Reason: In order to secure a high-quality design in the interests of the character and appearance of the area in accordance with policy BE14 of the adopted Brentwood Local Plan.

7. Notwithstanding the plans as submitted no development above slab level, excluding demolition works, shall take place until full details of the central front dormer windows within the east facing flank elevation of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: In order to secure high-quality design in the interests of the character and appearance of the area and to ensure a high quality development in accordance with policy BE14 of the adopted Brentwood Local Plan.

8. No external plant or machinery shall be used unless and until full details of the equipment including details of noise emitted have been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the plant being brought into use and retained and maintained as such thereafter.

Reason: To ensure that the use is appropriate for the locality and to safeguard the living conditions of nearby residents.

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

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

10. Other than the staff carrying out their duties the assisted living apartments hereby permitted shall not be occupied other than by a 'qualified person', defined as:
 - i). Persons of more than 65 years of age;
 - ii). Persons living as part of a single household with such a person or persons;
 - iii). Persons who were living as part of a single household with such a person or persons who have since died.
 - iv). Persons in need of personal care by reason of old age, illness or disablement.

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

11. The development shall not be occupied other than by persons who are, assessed on admission, as a qualified person in need of care. All potential residents of the assisted living units will be assessed as to their care needs before occupation by the onsite assisted living manager and on occupation agree to be contracted into a minimum care package. The applicant shall keep a record of all such contracts and make them available for inspection to the local planning authority on reasonable request.

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

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

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

Reason: To ensure that any contamination on the land is remediated in the interests of future occupiers of the site as well as neighbouring land uses and the water environment.

13. Prior to any works occurring above ground level full details shall be submitted detailing how the development will achieve at least a 10% reduction in CO2 emissions as detailed within the submitted sustainability statement and Energy Statement. The development shall then be carried out in accordance with the agreed details.

Reason: To ensure a reduction in CO2 levels in the interests of sustainability and energy efficiency in accordance with policy BE01 of the Brentwood Local Plan.

14. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Limiting discharge rates to 2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with

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

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- 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.
- Treatment indices must be provided showing 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 detailed 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 and provide mitigation of any environmental harm by ensuring the satisfactory storage of/disposal of surface water from the site as well as ensuring the effective operation of SuDS features over the lifetime of the development.

15. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. A stringent maintenance regime is required for any pumps or proprietary treatment systems. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The development shall then be carried out in accordance with the agreed details.

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

16. 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

17. Prior to first occupation of the development the vehicular access shall be provided in accordance with the layout and visibility splays shown in Drawing 2039/02 Rev E in Appendix E of the Transport Statement, together with appropriate kerb radii and dropped kerb crossing of the footway.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway and to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

18. Prior to occupation of the proposed development, the redundant access at the southern end of the site shall be suitably and permanently closed with the footway reinstated to full height.

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.

19. Prior to first occupation of the development the developer shall provide a layby on Western Road as shown in Drawing 2039/04 RevD in Appendix F of the Transport Statement. The proposed layby shall be provided with alternative surfacing to the Western Road carriageway and be maintained in perpetuity for servicing / loading and unloading purposes only. Full details are to be agreed with the Highway Authority and submitted to the local planning authority.

Reason: To ensure that the layby is used as intended and does not attract unwanted parking, which is in the interests of highway safety.

20. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plan 419-ACG-XX-B1-D-A-2000/P7, 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 or occupation of the development.

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 for the development.

21. The parking area hereby approved to serve the development, as shown on plan reference 419-ACG-XX-B1-D-A-2000/P7 shall provide 7 spaces with live electric vehicle charging points with the remainder of the spaces provided with passive capacity for electric vehicle charging.

Reason: To ensure adequate provision for the charging of electric vehicles and also future proof the site to allow for the increase of charging of electric vehicles in the interest of sustainable transport.

22. Notwithstanding the details submitted with this application prior to any works occurring above ground level at the application site full details of the cycle parking as shown on plan reference 419-ACG-XX-B1-D-A-2000/P7 shall be submitted to and agreed in writing by the local planning authority. The cycle parking shall be provided as per the agreed details prior to the first occupation of the development.

Reason: To ensure adequate and appropriate cycle parking provision in the interests of reducing the need to travel by car and promoting sustainable development and transport.

23. Notwithstanding the Landscape Illustrative Masterplan, the proposed boundary planting shall be planted a minimum of 2 metres back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

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

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

25. Prior to the first occupation of the development hereby approved, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

Reason: To ensure that the external lighting of the development is appropriate for its setting and to protect the living conditions of nearby residents.

26. No works related to the alteration of ground levels at the site and no works above ground level other than demolition of the existing building shall occur until details of existing and proposed ground levels and proposed finished floor levels, and their relationship to the adjoining land have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

27. Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works, excluding demolition works, occurring above slab level at the application site. These details shall include:
- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities (including for the green roofs).
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
 - 3) Details of the aftercare and maintenance programme.
 - 4) Schedule of implementation of soft landscape works.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works

- 5) Details of any walls with brick types, construction design and dimensions
- 6) Details of paved surfacing, with materials finishing and edgings
- 7) Details of any fencing with full specification
- 8) Schedule of implementation of hard landscape works.

The hard landscape works shall be carried out as per the approved schedule and retained and maintained as such thereafter.

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

28. The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan contained within the

Arboricultural Report dated 15th June 2023 and submitted in support of this application unless otherwise agreed in writing with the local planning authority. As part of the Arboricultural Method Statement a trial trench should be dug on the western edge of any proposed surface water tank outside of the basement level to confirm that there are no roots present before any further excavation commences. This should be undertaken under supervision of the arboricultural consultant.

Reason: To ensure that the trees to be retained are protected during the course of the development and in the interest of the character and appearance of the development.

29. The development hereby permitted shall be carried out in accordance with the Precautionary Method of Working (Ecology) dated June 2023 (prepared by ACJ ecology).

Reason: To ensure that the development does not result in any harm to the ecological interest of the application site.

30. Prior to occupation of the development hereby permitted full details of the screening proposed to the balconies and windows along the northern elevation (including return elevations) of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be in place prior to occupation and shall be retained as such thereafter.

Reason: To ensure that no material loss of privacy would occur to neighbouring residents to the north.

31. Each apartment shall be constructed and fitted out so that the potential consumption of water by persons occupying the apartment 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.

32. No apartment 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 premises within the approved development OR supplying evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP. The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out at the same time as other services during the construction process and be available for use on the first occupation of any apartment, 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.

33. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

34. Prior to the first occupation of the development hereby permitted a Secure by Design Statement shall be submitted to and approved in writing by the Local Planning Authority, detailing how the design of the development adheres to the principles of the relevant Secure by Design accreditation. The development shall not be occupied until the approved measures applied to the development have been implemented and they shall be permanently retained thereafter.

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

INFORMATIVES:

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

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

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

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

In relation to condition No. 6 and submission of roof guarding details the Council will expect to see a mansafe system used and no rails, guarding or nets applied at roof level.

In relation to condition No. 27 and the trial trench to the western edge of the proposed surface water tank it should be noted that if significant roots are found then the siting of the tank may need to be amended. If no roots are found then standard protection measures should be employed to minimise any effects on the adjacent trees.

Lead Local Flood Authority Informatives

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

ECC Highways Informatives:

- Any necessary relocation of the telegraph pole to facilitate the improved access shall be at the applicant's expense.
- 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

Thames Water Informatives:

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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.

BACKGROUND DOCUMENTS

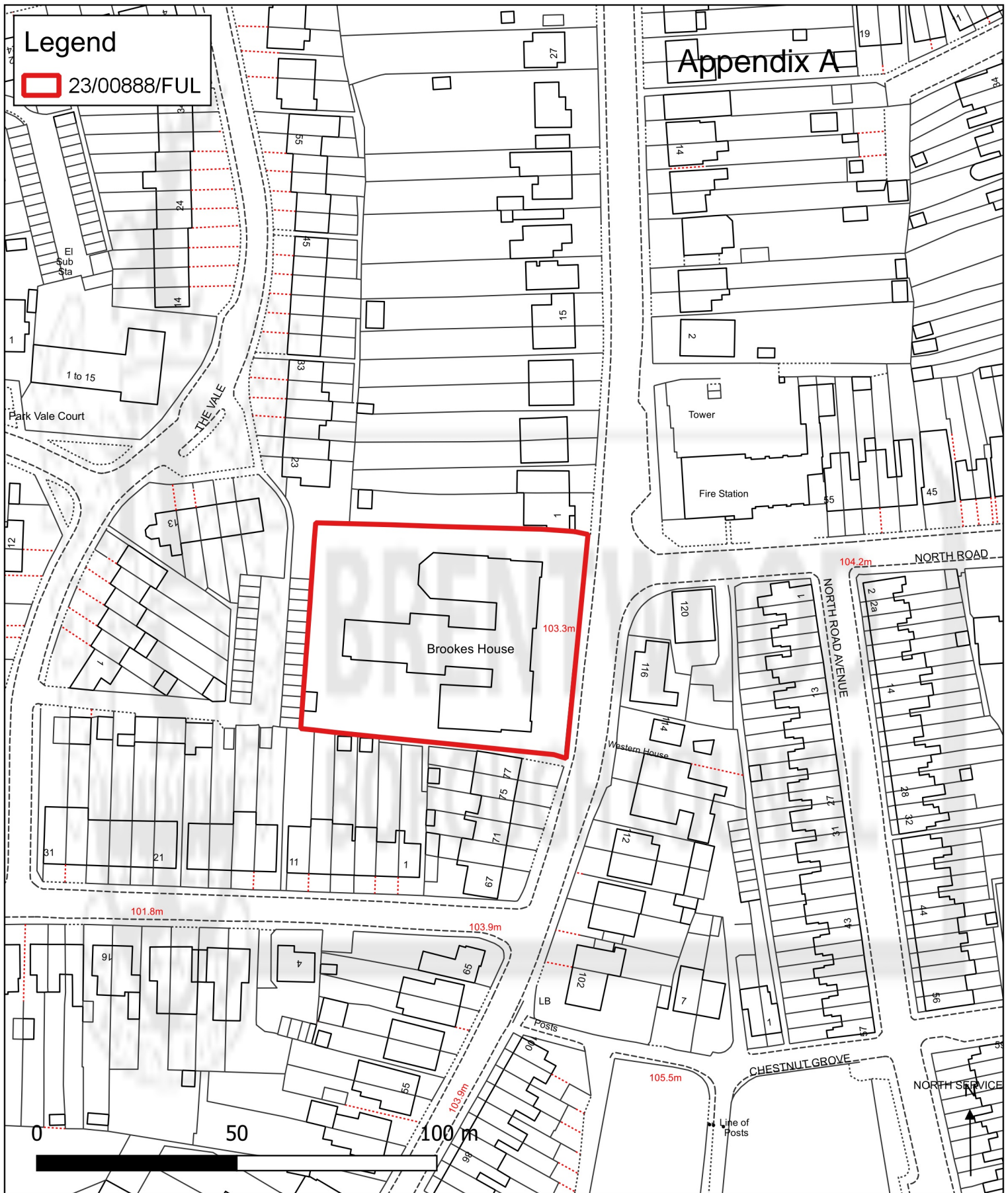
The application documents and the appeal decisions are available to view on the Council's website at www.brentwood.gov.uk/planning and via Public Access.

DECIDED:

Legend

23/00888/FUL

Appendix A



Brookes House, 79-81 Western Road, Brentwood, CM14 4ST

Drawing No. : 23/00888/FUL

Scale at A4 : 1:1250

Drawn by : OSJ

Service : Communications and Digital Engagement **Page 63**

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BRENTWOOD
BOROUGH COUNCIL

Jonathan Stephenson
Chief Executive
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
CM15 8AY
Tel.: (01277) 312500

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SITE PLAN ATTACHED

GARAGES HIGHWOOD CLOSE BRENTWOOD ESSEX

DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF A 3 STOREY BLOCK OF 12 X FLATS WITH ASSOCIATED LANDSCAPING AND PARKING.

APPLICATION NO: 23/01044/FUL

WARD	Brentwood North	8/13 WEEK DATE	30 December 2023
PARISH		EOT DATE	TBC
CASE OFFICER	Julia Sargeant		
Drawing no(s) relevant to this decision:	P02-D; P03-J; DESIGN AND ACCESS STATEMENT; P04-B; P05-B; P06-D; P07-B; P01-D;		

This application has been scheduled for determination by the Council's Planning Committee because the land is owned by Brentwood Borough Council and has been submitted by the Council's Housing Team.

1. PROPOSALS

Background

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

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

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

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

The planning statement submitted in support of this application advises that the applicant’s two development principles are:

1. The sites will result in 100% affordable housing provision focused on affordable rented tenure and will form part of the Council’s portfolio of housing stock once developed.
2. The provision of a Net Operational Zero Carbon Emissions across each of the sites once developed.

The proposal at Highwood Close forms part of the Phase 1 Small Sites Programme of Zero Carbon in use homes which aims to achieve around 200 new dwellings.

Site Description

The application site relates to an area of hardstanding and garages at the end of Highwood Close as well as an area of woodland. Currently on site are 21 garages which are generally in a poor state of repair and an area of hard standing associated with the garages which are located in the southern section of the site. The remainder of the site comprises a parcel of woodland. The portion of the site that contains the garages and hardstanding is considered a brownfield site.

To the north and west of the application site is the A12 and to the north east are the rear gardens of dwellings fronting onto Ongar Road. To the south of the application site are No’s 7 – 17 Highwood Close which are a row of two storey brick built terraced dwellings on a west to east axis as well as St George’s Court which is a two storey brick built block of flats with a flat roof set around two internal courtyards. To the south east of the application site is a three storey brick built block of flats with a pitched roof accessed via Greenshaw. The surrounding area is predominantly residential in nature.

Proposal

Planning permission is sought to demolish the existing garages on site and erect a three storey block of flats with associated landscaping and parking. The proposed block of flats would be positioned on a north south axis and located within the western half of the application site. Internally the block of flats would contain 12 apartments with a mix of 1 and 2 bedroom units (8x1 bedroom units and 4 x 2 bedroom units), including 2 wheelchair accessible apartments. The properties will be served by a central stair and lift core with integral refuse and cycle storage.

The proposal is for 100% affordable housing, with all 12 apartments comprising affordable housing. The units would be ‘Zero Carbon in use’ homes which means the amount of

carbon emissions associated with the proposed dwellings and buildings operational energy is zero or negative, with any outstanding emissions being offset by renewable energy sources.

The proposed block of flats would measure a maximum of 42 metres wide by 10.5 metres deep (excluding balconies) with a flat roof reaching a maximum height of 10 metres. The block of flats are to be finished in buff brickwork with detailing in red multi stock bricks alongside grey fenestration, entrance canopies, rainwater goods, balconies and parapet copings. To the west of the block of flats 12 parking spaces for the flats are proposed (including two disabled parking spaces) as well as 1 visitor parking space and 2 short term parking spaces for St George's Court carers (management of this aspect is to be coordinated by the Corporate Manager of Housing).

The eastern section of the application site is to contain 11 parking spaces for existing residents of No's 7 – 17 Highwood Close as well as 11 single storey storage units which will be finished in brickwork and will provide rear access to the dwellings to the south (No. 7 – 17 Highwood Close).

The block of flats will each benefit from private terrace areas or balconies as well as an area of private communal space to the east of the main block of flats. Beyond the private communal space new communal open space is proposed with paths linking to the south and east (towards Highwood Close and Greenshaw).

2. POLICY CONTEXT

The Brentwood Local Plan 2016-2033

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

- MG01 – Spatial Strategy
- MG03 – Settlement Hierarchy
- BE01 – Carbon Reduction and Renewable Energy
- BE02 – Water Efficiency and Management
- BE04 – Managing Heat Risk
- BE05 – Sustainable Drainage
- BE07 – Connecting New Developments to Digital Infrastructure
- BE09 – Sustainable Means of Travel and Walkable Streets
- BE11 – Electric and Low Emission vehicles
- BE12 – Mitigating the Transport Impacts of Development
- BE13 – Parking Standards
- BE14 – Creating Successful Places
- BE15 – Planning for Inclusive Communities
- HP01 – Housing Mix
- HP03 – Residential Density

HP05 – Affordable Housing
HP06 – Standards for new Housing
NE01 – Protecting and Enhancing the Natural Environment
NE02 – Green and Blue Infrastructure
NE03 – Trees, Woodlands, Hedgerows
NE05 – Open Space and Recreation Provision
NE08 – Air Quality
NE10 – Contaminated Land and Hazardous Substances

Other Local Documents or Guidance

Essex Parking Standards 2009

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

3. RELEVANT HISTORY

No relevant Planning History

4. NEIGHBOUR RESPONSES

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

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

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

At the time of writing three letters of objection had been received. The main reasons for objection are summarised below:

- Loss of privacy, particularly from balconies.
- Loss of privacy infringes Human Rights of neighbouring occupiers.
- Concerns in relation to protected species.
- Huge amount of wildlife living on site.
- Will look out onto flats taking away privacy within garden as well as house.
- Concerns regarding security.
- Unnecessary development.

- Requirement for personal nominated parking spaces for residents of Highwood Close.
- At present garages provide security to back of house and concerns that once removed the potential for burglars and uninvited guests will be amplified.

5. CONSULTATION RESPONSES

POLICE ARCHITECTURAL LIAISON OFFICER:

The 'Essex Police - Designing out Crime Office (DOCO) welcomes the opportunity to make comment on the proposed development of land at Highwood Close in Brentwood. Good design and early co-ordination, incorporating 'Crime Prevention Through Environmental Design' (CPTED) principles, can avoid the conflicts that may be expensive or impossible to resolve once the construction phase is complete. CPTED forms part of Police Crime Prevention Initiatives (PCPI) which is the official UK Police Security Initiative.

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

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

It is important that design and security specifications are risk commensurate and provide an effective and realistic level of physical security that is commensurate with the risk.

We would welcome the opportunity for engagement with the design team to discuss the security design aspects of the development to ensure provision of a safe and secure environment for the future residents of this development.

Consequently, we would ask the applicant to consider the following areas concerning security.

Boundary treatment of private amenity area

Essex Police note the proposed private amenity area that the applicant has shown in the application plans and are interested in the one metre railings suggested as boundary treatment that will be used to help keep this area private and secure. We would welcome discussion with the applicant concerning this element of security.

Access control for private amenity area

The Designing Out Crime Office is similarly interested in what method of access control is proposed for helping secure the private amenity area.

Access control for apartment block

We also seek clarity regarding the access control measures for the apartment block and are keen that residents are afforded a good level of security by the implementation of a system that effectively governs admittance to the block. Consideration regarding access arrangements for the delivery of mail and parcels should be given at an early stage. Historically the use of "Trade" buttons in apartment blocks buttons has given rise to trespassing and provides the opportunity for offenders to exploit private areas.

Security for Electric Vehicle Charging Points

We acknowledge that the project aims to deliver sustainability through the provision of Electrical Vehicle Charging Points (EVCP's). Essex Police recommend that consideration is given to the security provision for EVCP's at the earliest opportunity. Early consideration will mitigate the opportunities associated with crime relating to this comparatively new vehicle fuel provision. We would welcome consultation regarding the infrastructure, proposals, and management of EV charging points.

Lighting plan

Lighting plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within the space that is illuminated. The DOCO would wish to seek clarity regarding future 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. (For clarity, uniform lighting is always best achieved through column lighting across all areas of the development, specifically within the parking facilities.)

Additional parking spaces

Whilst Essex Police recognises the efforts that the applicant has made in relation to accommodating displaced parking caused by the development, we would recommend further visitor parking provision. Current proposals allow for one visitor parking space for twelve flats and therefore it is likely that further parking will occur in the immediate area by visitors which may lead to anti-social behaviour causing tension to residents and cause safety issues to drivers and pedestrians.

Cycle Storage

Essex Police note the reference to cycle storage by the applicant and would welcome additional detail concerning the security for bicycles and recommend that surveillance consideration be considered for siting the parking facilities.

ARBORICULTURALIST:

The site comprises broadleaved deciduous woodland which is a priority habitat and an area of car park. The car park is fully surfaced except for two large oaks which would be retained as part of the proposal.

A preliminary ecological appraisal considered that the site had potential for supporting bats, badgers, fully protected bird species and nesting birds. Bat and badger surveys were subsequently undertaken.

The badger survey identified several large mammal holes, some of which were consistent with badger. These were all assessed as not in use. During the summer, in response to a neighbour report of badgers and following discussions with the project ecologist, I set up two trail cameras within the woods over a two-week period. During that time no badgers were recorded. I visited site on 28th November 2023 and checked all the potential mammal holes. None that were potential badger sett entrances had been in use this season.

Based on the applicant's surveys and my own assessment I am satisfied that there are currently no active setts within the site that would be affected by the proposal. Badgers however are highly mobile species, therefore if permission is granted I would request a condition requiring a pre-commencement survey be undertaken and a report submitted to the LPA detailing the results.

It will also be necessary to ensure that a precautionary method statement is incorporated into a CEMP to ensure that badgers and other mammals accessing the site during construction are not killed or injured. The CEMP should be secured by condition and include all necessary ecological protection measures.

The bat surveys identified seven species using the site for foraging. Bats were recorded as using two trees (T16 & T27) for roosting. Both are ash, one of which have been identified as requiring felling to facilitate development and the other due to its condition. It would be necessary for a protected species licence to be obtained before works can commence. The licence will require details of mitigation and enhancement measures to be submitted.

A Biodiversity Net Gain calculation has been prepared based on the proposed layout. This showed that with onsite biodiversity enhancement measures the scheme would result in a net reduction of -19.4% rather than the 10% net gain set out in the Environment Act 2021. To achieve a net gain it would be necessary to commit to delivering measures offsite. While all applicants encouraged to achieve BNG it is important emphasise that it is not currently a mandatory requirement.

The woodland has not been subject to any management and therefore the quality of the trees is highly variable with several having poor forms due to competition for space or lack of light. Three Category A trees were identified during the tree survey

and all can be retained. There is a high proportion of Ash present and it is likely that these will be impacted by Ash Dieback in the future.

The proposal would reduce the number of trees, albeit poor-quality specimens, which would remove the woodland character of the site. The layout however would retain a buffer to the A12 and some screening to most of the surrounding properties. There would be a useable space to the east of the new apartments with a new path running through it.

If permission is granted I would request a landscape condition requiring details of new planting, materials and boundary treatments to be submitted prior to commencement.

An arboricultural method statement should be secured by condition. This should provide details of protective fencing, requirements for working within the construction exclusion zones, installation of services, and tree management works.

A biodiversity enhancement strategy should be prepared requiring details of measures required as part of the ecological mitigation, management works for the retained wooded areas and other measures to increase the biodiversity value of the site. This should be secured by a condition.

ESSEX BADGER PROTECTION GROUP:

The consultation includes comments on matters relating to protected species and in accordance with current advice these detailed comments are not in the public domain. However, the group lodge a holding objection and requests that a further survey is carried out to support the application prior to determination.

ESSEX WILDLIFE TRUST:

Thank you for consulting us regarding the above application. We wish to submit a holding objection. Insufficient information has been provided to enable us to fully assess the adequacy of the mitigation and compensation proposals for the loss of Priority Habitat Lowland Mixed Deciduous Woodland. We will need to examine the Biodiversity Net Gain (BNG) assessment. The developer should also provide details of the proposed off-site compensation.

Brentwood BC must have confidence that appropriate compensation for this habitat loss can be achieved, sufficient to deliver the required level of biodiversity net gain, off site on land owned or controlled by the applicant/site owner. The site proposed for compensation must be considered suitable, appropriate (e.g. geographically) and must satisfy the Defra Metric trading rules, for example there should be no trading down in habitat distinctiveness. Deciduous woodland is classified as a high distinctiveness habitat, and all high distinctiveness habitats require re-creation on a like-for-like basis should they be lost. The offset site would need to be subject to ecological surveys to prove that the land is appropriate for use and assessment using the metric to show the site can deliver the required number of biodiversity units to

achieve a net gain overall. The offset site should then be legally linked to the application through a planning obligation in a Section 106 (S106) agreement, or the developer should enter into an agreement with a delivery provider (a third-party organisation such as a Habitat Bank who will create and manage habitats) for off-site BNG (e.g. to achieve the expected target of 10%) to be agreed by Brentwood BC.

This is necessary to ensure that the adverse impacts on the Priority Habitat deciduous woodland are fully compensated. We recommend that the Defra Biodiversity Metric 4.1 is used to quantify the predicted loss to inform the bespoke compensation to be secured off site. This information is required to provide the LPA with certainty of impacts on Priority Habitat of High Distinctiveness at determination and enable it to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 of the NERC Act 2006

ECC SUDS:

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions requiring the development to be carried out in accordance with the Flood Risk Assessment, submission of details of a maintenance plan for the surface water drainage system, and the maintenance of yearly logs of maintenance.

HIGHWAY AUTHORITY:

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

The proposals entail the conversion of an existing local authority-owned garage site into 12 new zero carbon, affordable one and two-bed flats with parking for 26 cars in total. Vehicular access to the site is already established via Highwood Close. Parking provision for the proposals is below Brentwood Borough Council's adopted standards at one space per dwelling. However, it should be recognised that car ownership for this type of housing is notably lower than the private market sector. There are also 2 parking spaces being allocated for visitors to the neighbouring St George's Court sheltered housing facility and 11 additional parking spaces for existing local residents. This should help to offset concerns about cars currently using the parking area from being displaced onto the local highway network. Consequently, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing

by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

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

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

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

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

3. 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.

4. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, 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.

ENVIRONMENTAL HEALTH & ENFORCEMENT MANAGER:

The applicant has provided a noise assessment and contaminated land assessment as part of the application.

The contaminated land assessment indicates that the site is likely to be of low significance, however the report does recommend further intrusive investigations due to the presence of made ground on the site. I would therefore recommend that a condition to require further soil testing is attached.

The noise assessment has investigated the likely impact of road traffic noise from the A12 adjacent to the site. The façade noise levels have been identified and a full acoustic specification for windows, facades and ventilation openings has been provided to enable compliance with the internal noise criteria of BS 8233: 2014.

Details of the proposed glazing and ventilation provisions will need to be provided and agreed in order to check compliance with the façade sound insulation specifications to provide adequate internal noise levels.

The internal layout of the development has been arranged to ensure that bedrooms are facing away from the A12 to minimise noise impact.

Conditions are recommended in relation to glazing and ventilation as well as contamination.

THAMES WATER DEVELOPMENT PLANNING:

Waste Comments

We 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: 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 Waters 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.

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide ~working near our assets to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

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

GAS PIPELINE:

No response.

NATIONAL GRID:

No response.

HOUSING SERVICES MANAGER:

Thank you for consulting the Housing Department on the above application. I can confirm that Housing Services do fully support the application.

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

This site includes a Council (HRA) owned garage site and unused area of Council owned scrubland which continues to attract increasing amounts of anti-social behaviour in the area. The garage site is in poor condition and is no longer fit for purpose due to its age. For the most part, the site is vacant, and it has historically been used for storage purposes rather than vehicular use.

The approach to deliver zero carbon (in use) homes will deliver energy efficient homes by adopting a 'fabric first' approach and by using alternative heat sources and heat recovery systems which will result in lower running costs for our residents.

A high proportion of residents are likely to be on lower incomes and are reliant on some form of benefit. For some, this would mean that ordinarily they would be unable to adequately heat their homes which can cause associated health, social issues and also result in poorly maintained homes.

The planned regeneration of this site providing 100% Affordable Homes will not only assist the Council in the supply of much needed new affordable, low-cost housing but will also benefit the wider community by greatly enhancing the area and reducing the Anti-Social Behaviour experienced by residents.

6. ASSESSMENT

The main issues for consideration for this application are:

- i. Principle of development
- ii. Housing need and mix
- iii. Density
- iv. Design and impact on the character of the area
- v. Residential amenity
- vi. Access, parking and highway safety
- vii. Landscaping and ecology
- viii. Contamination
- ix. Flood risk and drainage
- x. Noise
- xi. Air quality
- xii. Refuse and recycling
- xiii. Sustainability

i. PRINCIPLE OF DEVELOPMENT

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

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

As detailed above The Brentwood Local Plan 2016-2033 is the Development plan for the borough and the main relevant policies in relation to this application are listed

above and although these should not be read in isolation, they are the most relevant to this application.

The application site is located within an existing residential area within the urban area of Brentwood which the Development Plan (Policy MG03) identifies as Settlement Category 1. A settlement category 1 is defined as follows:

“This incorporates the towns and neighbourhoods that collectively form the main urban area of Brentwood Borough. They provide a wide range of existing community infrastructure, services and opportunities for employment, retail, education, health and leisure facilities in designated Town, District and Local Centres for the immediate residential areas as well as to the wider population and Borough. They are typically highly accessible and well served by public transport provision, including rail services.”

Category 1 settlements are a focus for development in the Borough. In principle a Category 1 Settlement is an appropriate place for a development of this type and size.

The development plan does not contain any site-specific policies for the land and the site is not within proximity of any heritage assets.

In conclusion under this heading, there are no objections to the principle of development.

ii. HOUSING NEED AND MIX

As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS). Where a Council cannot demonstrate a 5YHLS, the National Planning Policy Framework’s presumption in favour of sustainable development, also known as the ‘tilted balance’ is engaged unless there is a clear reason for refusing permission, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits..

The Council can demonstrate a five year housing land supply through its new local plan. In November 2022, a Housing Delivery and Supply Monitoring Update was provided to the Planning Committee. This report identified that the Brentwood Local Plan had identified a five year land supply of 5.21 years. Whilst this figure informed the Local Plan, a land supply of 6.9 years has now been identified.

Given that the Council continue to demonstrate a 5 year housing land supply (6.9 years) and have a housing delivery of 131% (per the published HDT 2022 results) the tilted balance (para 11(d) NPPF) therefore does not apply.

However, the five year housing land supply is not a cap on development and the redevelopment of the site to provide new housing in a sustainable location is supported in principle within the adopted Brentwood Local Plan. Furthermore, the delivery of affordable housing is an important issue within the Borough. In Brentwood over the period of 5 years (2015/2016 – 2019/2020) there has been an under provision of affordable housing and it is therefore essential that the number of affordable homes being delivered is increased (Brentwood Housing Strategy 2021 – 2026).

This proposal is for 12 new residential apartments which would all be affordable units. This weighs heavily in favour of the proposal, as it would be meeting an identified need within the Borough and form part of a larger strategy by the Council to directly deliver new affordable homes. The Council's Housing Services Department fully supports this application and advises that it is critical that the Council increases the supply of affordable and good quality housing provision within the Borough to ease the burden on the Council's waiting lists and reduce the burden on homelessness in the Borough.

Policy HP01 relates to housing mix and advises that on residential development proposals of 10 or more (net) additional dwellings the Council will require an appropriate mix of dwelling types, sizes and tenures to meet the identified housing needs in the borough as set out in the Council's most up to date housing need evidence. Furthermore, each dwelling should be constructed to meet requirement M4(2) accessible and adaptable dwellings.

In terms of the housing mix proposed the development consists of 1 and 2 bedroom units. Whilst this does not accord with the updated SHMA (2022) mix which suggests a mix of 1, 2, 3 and 4+ bedroom units, the updated SHMA does look for 85% of the affordable housing as 1 and 2 bedroom units and given the form of development proposed there is no objection to the mix. All units will meet the required M4(2) standard as required by policy HP01 with two units meeting M4(3) requirements as wheelchair accessible apartments which is welcomed.

iii. DENSITY

Policy HP03 of the adopted Local Plan relates to residential density and advises that development should take a design led approach to density which ensures schemes are sympathetic to local character and make efficient use of land and should be expected to achieve a net density of at least 35 dwellings per hectare net or higher, unless the character of the surrounding area suggests that such densities would be inappropriate, or where other site constraints make such densities unachievable.

When the site area is taken as a whole this proposal would result in a density of 26 dwellings per hectare which is below the expected density set within policy HP03. However, the site area includes land for replacement parking for No's 7-17 Highwood Close as well as their storage units. When the replacement parking and storage unit

area is removed from the calculation the proposal would result in a density of 36 dwellings per hectare which accords with policy HP03.

IV. DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

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

Policy BE14 of The Brentwood Local Plan seeks to ensure that all development proposals meet high design standards and deliver safe, inclusive, attractive and accessible places.

The application site is located at the end of Highwood Close and is viewed within the context of the existing surrounding residential built form as well as the existing tree cover and landscaping present on the northern section of the site.

The proposed development would introduce a new three storey flatted development within the site as well as additional hardstanding, amenity space, parking and low storage buildings. The proposed new block of flats would reflect the scale and bulk of existing developments within the area as there is an existing three storey block of flats whilst introducing a more contemporary approach to the overall design. The flat roof element of the proposal references the existing flat roofed developments within the immediate vicinity (such as St George's Court) and the main external material being of buff brickwork with detailing in red multi stock bricks references the existing material palette within the vicinity which is predominantly red multi stock. It is considered that this proposal responds positively and sympathetically to its context as well as building upon the existing strengths and characteristics of the area as appropriate. The proposal successfully introduces a modern and contemporary form of development whilst still respecting and responding to the existing character and context of the application site and wider area.

Overall, it is considered that the design approach taken is appropriate to the site and wider built environment. The development would therefore comply with Local Plan Policy BE14, as well as the guidance contained within the NPPF and the NDG.

V. RESIDENTIAL AMENITY

There are existing residential dwellings to the north, east and south of the proposed development.

In terms of the proposed use the development of the site for 12 residential apartments within a residential area would be acceptable in principle and would not result in any materially harmful impacts due to noise or disturbance. Similarly, the additional parking, storage units and open space provision is acceptable in principle and would not result in any materially harmful impacts due to noise or disturbance.

The Essex Design Guide (EDG) normally requires a minimum of 25 metres between the backs of properties with habitable windows facing each other. However, the guide states that where new developments backs onto the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Therefore, the new development should not encroach any closer than 15 metres to an existing rear boundary, however where the rears of the new houses face those of the existing homes at an angle of more than 30°, this spacing may be decreased proportionately, down to a minimum of 1m from the boundary. Furthermore, upper storey flats can cause problems of overlooking from living rooms and therefore any rear-facing upper storey living room should be no closer than 35 metres to the rear of any other dwelling. However, the EDG recognises that it is not possible to meet the distance standards on all developments, particularly in urban areas where higher density development is located. In such settings design is crucial to ensure that no material loss of privacy or overlooking occurs. Whilst the guidance within the EDG is merely guidance and not a set rule for new development to follow it is a good guide for starting the assessment of a proposed development.

This submission follows extensive pre-application discussion where impacts upon neighbouring properties were discussed at length with revisions made prior to submission of this application. The applicant team have also undertaken extensive community engagement and submitted a statement of community involvement in support of this application which clearly highlights how community engagement, alongside pre-application discussions with Brentwood Borough Council have informed the application as submitted.

To the north of the proposed block of flats are the rear gardens associated with the dwellings 312, 314 and 316 Ongar Road. The proposed block of flats would be positioned flank onto the rear gardens 5 metres from the shared boundary and between 38 and 47 metres from the rear elevations of the dwellings. No windows are proposed within the north facing flank elevation and a condition is recommended to require screening to the northern end of the balconies serving flats 8 and 12 to ensure that no direct loss of privacy would occur from these balconies. Subject to this condition in relation to screening of these balconies it is considered that the proposal would not result in any material harm due to overlooking or loss of privacy. Due to the positioning of the development away from the shared boundary and the location of the development to the end of the gardens associated with the dwellings within Ongar Road it is also considered that the proposal would not result in any overbearing impact or material loss of light.

To the south west of the application site is St George's Court which is a two storey block of flats. The proposed development would be positioned between 12.5 and 17.5 metres from the northern flank of this development and due to the relationship would not result in any material loss of privacy, overbearing impact or material loss of light.

To the south of the application site are No's 7 – 17 Highwood Close which are a row of two storey brick built terraced dwellings on a west to east axis. The proposed block of flats would be positioned at its nearest point 19 metres from the rear elevation of No. 7 Highwood Close (flank to rear) and due to the positioning of the proposed block of flats with the flank looking towards the access road, the proposal would not result in any material loss of privacy. Due to the distances involved the development would not result in any overbearing impact and due to the orientation of the development to the north no material loss of light would occur to existing residents.

As part of the development the existing garages currently located at the rear of No's 7 – 17 Highwood Close would be demolished and to mitigate for their loss (some of the garages are used by No's 7-17 Highwood Close) a new single storey linear block of storage sheds is proposed along the southern boundary of the site where it backs onto the rear gardens of No's 7-17 Highwood Close. These storage sheds would be constructed out of brickwork and would be accessible from both the rear gardens of these houses as well as the newly created parking court to the north providing existing residents with rear garden access similar to the existing arrangement whereby the garages have rear doors connecting them to the gardens. This arrangement would provide the same level of security to the rear gardens of these properties and would benefit the existing residents as they would have a modern and secure storage shed for use as opposed to the current dilapidated garages.

Issues in relation to noise and disturbance from the construction of the new development can be mitigated through the use of a Construction Environment Management Plan which can be secured through a planning condition.

In relation to the proposed development all proposed flats would meet the Nationally described space standards in relation to internal size and all would have direct access to an area of private amenity space (terrace or balcony) as well as access to private communal space in accordance with Policy HP06 of the adopted Local Plan. As part of the development new communal amenity space is also proposed to the east of the development with existing pedestrian access points retained into Highwood Close and Greenshaw.

Overall, it is considered that the proposed development would not result in any materially harmful impacts towards residential amenity and would accord with Local Plan Policy BE14 (i and j) as well as HP06.

VI. ACCESS, PARKING AND HIGHWAY SAFETY

As part of any new development safe access to and from the Highway must be achievable to ECC Highway Standards as well as adequate parking provision to comply with the adopted vehicle Parking Standards.

The site at present comprises garages, hardstanding (which is used for parking) and woodland.

Existing vehicular access to the site would be retained as is and would lead into the development with parking for the flats (along with appropriate turning space) proposed to the west and parking for No's 7-17 Highwood Close, as well as a drop-off area and appropriate turning area to the east.

In relation to the proposed block of flats each unit would have one allocated parking space as well as access to cycle storage within the ground floor of the apartment block. As part of the parking provision two of the spaces would be disabled. An additional visitor space is also proposed to serve the development as well as a drop-off area with space for two vehicles. All parking (with the exception of the drop-off area) is to be located to the west of the proposed block of flats in a linear form broken up with some soft landscaping. Two short term parking bays are also proposed in this location which are to be used by visitors to St George's Court.

In relation to No's 7-17 Highwood Close 11 new car parking spaces are proposed within the south eastern section of the site to the immediate rear of these dwellings with one space allocated to each property. Each dwelling would also benefit from a new modern storage shed which would provide space for secure cycle storage.

The submitted Energy Strategy in support of the application advises that all parking is to be provided with EV charge points.

The application has been supported by Transport Statement which includes a parking survey. Parking provision and impacts from displacement parking were one of the main considerations discussed during pre-application discussion (which also involved ECC Highways) and revisions were made from the initial proposal through pre-application discussion.

The overnight parking surveys undertaken showed 17 cars parked either in front of garages or in the parking area to the north of Highwood Close. The existing site also contains 21 garages. Whilst the garages are in a dilapidated state of repair 13 of these garages are currently in use, and one is known to be used by Essex Estate Management who use it for storage and can therefore be discounted. For robustness consideration has been given to Manual for Streets (MfS) which notes that half of garages tend to be used for car parking. On this basis it can be assumed that approximately 6 of the 12 occupied garages are used for storing cars (although in reality the number is likely to be lower). Given the above it is considered that a

total of 23 vehicles could be displaced as a result of the proposals (17 parked in front of garages or in parking area and 6 assumed within garages) and with a worst case scenario with all garages used for cars 29.

The proposals include 11 spaces which will be allocated for No's 7 – 17 Highwood Close and therefore under the worst case scenario only 18 vehicles would be displaced (although in reality the number is likely to be lower). The parking surveys undertaken indicated that there were 29 observed free parking spaces on the local road network within 200m walking distance of the site and therefore it is considered that there is adequate on street parking to accommodate the displaced vehicles.

To provide the 11 spaces for existing residents a reduced parking standard has been applied to the proposed dwellings with one space proposed for each unit instead of two for the two bedroom units (12 spaces proposed as opposed to 16) with one visitor space. In relation to parking provision Policy BE13 deals with parking standards and states that developments must take account of the Essex Parking Standards. Any provision below these standards must be supported by evidence detailing the local circumstances that justify the deviation.

The Essex parking standards read as follows:

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

Whilst the location of the site is not within the main town centre it is within a 5 minute walk to a bus stop (The Robin on A128) with good onward connection links as well as a small parade of shops and take aways.

ECC Highways have also been consulted on this application and raise no objection to the proposal subject to conditions. They state that *“Parking provision for the proposals is below Brentwood Borough Council’s adopted standards at one space per dwelling. However, it should be recognised that car ownership for this type of housing is notably lower than the private market sector. There are also 2 parking spaces being allocated for visitors to the neighbouring St George’s Court sheltered housing facility and 11 additional parking spaces for existing local residents. This should help to offset concerns about cars currently using the parking area from being displaced onto the local highway network. Consequently, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions.”*

Given the location of the site, combined with the type of development proposed (100% affordable housing) which generally has lower car ownership the level of parking provision provided for the development is considered acceptable.

All conditions recommended by ECC Highways are included within the recommendation. Furthermore, to ensure that the block of flats is not built out and occupied prior to the replacement parking and storage units for No's 7-17 Highwood Close a condition is recommended to require the parking for No's 7-17 to be provided prior to the occupation of the flats.

In relation to trip generation the Transport Assessment advises that *“the 12 flats proposed could generate three vehicle trips in the morning peak hour and up to four vehicle trips in the evening peak hour. A total of 33 vehicle trips could be expected across a 12 hour day.”* Given the modest trip generation figures the proposal will not result in any 'severe' residual impacts on the local highway in line with the NPPF. Given the scale of the development and the modest trip generation figures there is no requirement for any strategic infrastructure contributions from this development.

Overall subject to conditions it is considered that the proposed development is acceptable in relation to access, parking and highway safety.

VII. LANDSCAPING AND ECOLOGY

The application site at present comprises of an area of hardstanding and garages to the southern section and an area of woodland to the northern section. The application has been supported by a number of supporting documents and studies in relation to landscaping and ecology comprising:

- Biodiversity net gain report
- Preliminary ecological appraisal
- Landscape strategy
- Badger survey
- Ground level tree assessment and climb and inspect survey (for bats)
- Bat survey report, and
- Tree survey.

The preliminary ecological appraisal advises that the southern section of the site comprising of the garages and hardstanding is of negligible intrinsic ecological value. Two large mature oak trees were noted within the car park area which are, however, considered to be of high ecological value. The northern part of the site comprises of board-leaved semi-natural woodland dominated by mature and semi-mature ash with oak. The ecological appraisal advises that this area is considered to be of high ecological value.

The tree survey submitted advises that two individual trees within the woodland area were rated as Grade A (high quality) which are T12 and T24, and both large ash trees. Of the other individual trees 14 were assessed as moderate quality and 9 as low quality. The remainder were assessed as groups with four of the groups assessed as moderate quality and the other four as low quality. The report highlights that the ratings given to the trees either individually or as groups does not convey the full

value of the woodland as a whole which is considered within the report as an important arboricultural asset.

The further survey work submitted in support of the application indicated that the site is currently not used by badgers, although there are bats using the site to forage and three day roosts identified on two trees (T16 and T27).

A holding objection to the development has been received by the Essex Badger Protection Group as the survey submitted in support of the application did not cover the area to the west of the site or the A12 embankment. A further holding objection has been received by the Essex Wildlife Trust on the basis that the development will not provide measurable biodiversity net gain.

The Council's consultant arboriculturalist and ecologist has been consulted on this application and has undertaken a full site visit. As detailed within the full response above the consultee set up two trail cameras within the woods over a two week period and during this time no badgers were recorded. A further visit was undertaken by the consultee in November of last year where all the potential mammal holes were checked and none that were potential badger sett entrances had been in use this season.

Based on these findings, as well as the survey submitted in support of the application officers are satisfied that there are currently no active badger setts within the site that would be affected by the proposal. However as advised by the consultee badgers are a highly mobile species, and a further pre-commencement survey is recommended via planning condition. A precautionary method statement is also recommended via condition to ensure that no badgers or other mammals accessing the site during construction are harmed.

In relation to the bat survey information, it is noted that bats were recorded as using two trees for day roosts (T16 and T27) both of which are ash and one has been identified as requiring felling to facilitate development and the other due to its condition. It will be necessary for a protected species licence to be obtained before works can commence. The licence will require details of mitigation and enhancement measures to be submitted and this can be dealt with via a planning condition.

A Biodiversity Net Gain calculation has been prepared based on the proposed layout. This showed that with onsite biodiversity enhancement measures the scheme would result in a net reduction of -19.4% rather than the 10% net gain set out in the Environment Act 2021. To achieve a net gain it would be necessary to commit to delivering measures offsite. The relevant consultee advises that while all applicants encouraged to achieve Biodiversity Net Gain it is important emphasise that it is not currently a mandatory requirement. It is therefore not possible to sustain a refusal of planning permission based on the lack of measurable biodiversity net gain.

The consultee advises that the woodland has not been subject to any management and therefore the quality of the trees is highly variable with several having poor forms due to competition for space or lack of light. Three Category A trees were identified during the tree survey and all of these trees can be retained. The proposal would reduce the number of trees, albeit poor-quality specimens, which would remove the woodland character of the site. The layout however would retain a buffer to the A12 and some screening to most of the surrounding properties. There would be a useable space to the east of the new apartments with a new path running through it. It is considered that the proposal is compliant with Policy NE03 of the adopted Local Plan as the proposal has sought to retain all Category A trees and all other trees as far as possible and practicable.

All conditions recommended by the council's consultant arboriculturalist and ecologist have been incorporated into the recommendation below including a biodiversity enhancement strategy. Whilst the development will not provide measurable biodiversity net gain this is not yet mandatory and overall, subject to conditions it is considered that the development is acceptable in relation to landscaping and ecology.

VIII. FLOOD RISK AND DRAINAGE

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

The site is however located within a critical drainage area and in line with policy BE05 has been supported by a Flood Risk Assessment and a Sustainable Drainage Assessment. In relation to surface water drainage the proposed Sustainable Drainage Scheme comprises of rainwater harvesting and permeable paving for attenuation of surface water runoff. The surface water will then discharge to the nearby public sewer network at a restricted rate of 1 l/s. In line with policies BE05 and BE02 evidence has been provided in the form of a letter from Thames Water confirming that there is capacity within the adjacent foul and surface water sewer network to serve the development.

The Lead Local Flood Authority (ECC Suds) have also been consulted on the application and have advised that they have no objection to the development subject to conditions which are included within the recommendation.

IX. CONTAMINATION

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

The application has been supported by a Preliminary Risk Assessment which advises that there is the potential for localised made ground of unknown chemical composition beneath the site due to several phases of construction and demolition at the site. Further exploratory works are therefore recommended.

Environmental Health have been consulted on this application and recommends conditions in relation to contamination due to the findings of the preliminary risk assessment. These conditions are included within the recommendation.

X. NOISE

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

An Environmental Noise Assessment has been submitted in support of this application due to the location of the A12 in close proximity to the application site. This report states that *“based on the noise levels measured, predicted indoor ambient noise levels are likely to be significantly in excess of BS 8233 indoor noise limits with windows open. Therefore, whilst openable windows can be provided for use at the discretion of the occupants, openable windows should not be relied upon as part of the normal ventilation strategy or as a part of the overheating strategy for this development.”*

The internal layout of the development has been arranged to ensure that bedrooms are facing away from the A12 to minimise noise impact.

The façade noise levels have been identified and a full acoustic specification for windows, facades and ventilation openings has been provided to enable compliance with the internal noise criteria of BS 8233: 2014. Environmental Health advise that details of the proposed glazing and ventilation provisions will need to be provided and agreed in order to check compliance with the façade sound insulation specifications to provide adequate internal noise levels. The condition as recommended by Environmental Health has been included within the recommendation.

XI. AIR QUALITY

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

The application site is located in close proximity to the A12 and adjacent to the Brentwood Air Quality Management Area (AQMA). This report identifies that the prevailing concentrations of nitrogen dioxide (NO₂) and particulate matter are less than the Air Quality Strategy (AQS) objectives. Therefore, the use of the development site is acceptable in terms of the prevailing air quality for its proposed use without any

additional mitigation measures. Furthermore, due to the relatively small-scale nature of the proposal the emissions to the atmosphere from traffic generated by the construction and operation of the development will be negligible and no further mitigation is required in this regard.

This report does indicate that a dust management plan should be agreed to deal with potential impacts upon air quality from dust during construction. This is a matter that can be dealt with via planning condition and included within the Construction Environment Management Plan.

XII. REFUSE AND RECYCLING

An integrated refuse and recycling store is proposed within the front elevation of the block of flats to serve the development. This would be of a sufficient size for the development and easily accessible. The entrance to the store would also be within the 25 metre guidance of an adopted road as set out within the Essex Design Guide.

XIII. SUSTAINABILITY

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

- An Economic objective,
- A Social objective, and
- An Environmental objective.

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

The application site is considered to be located within a sustainable location close to public transport links and shops and services.

In terms of the economic objective the proposal would result in additional employment during construction, and during the lifetime of the development the additional residents would help support the local economy.

In social terms the proposal would provide 12 new affordable homes of 1 and 2 bedrooms for affordable rent. There is a shortage of affordable homes within the Borough and the provision of a new 100% affordable housing development weighs heavily in favour of the scheme. The social objective is therefore also considered to be met.

In terms of environmental sustainability, the location and accessibility to services and facilities has already been discussed. Furthermore, the design and appearance of the development is considered to be in keeping with the surrounding area and

acceptable as detailed above. The development is also designed to result in net operational zero carbon emissions once developed. This is to be achieved through a manner of ways including:

- Improved U-Values
- Enhanced air tightness
- High efficiency localised air source heat pumps (ASHP)
- High efficiency building services
- Smart metering and controls
- LED lighting and automatic controls
- Water saving technologies
- Roof mounted PV panels

The zero carbon in use development will be achieved through a combination of demand reduction through construction materials and fittings and savings from renewable energy technologies.

The energy efficient and zero carbon in use nature of this development would result in dwellings that are affordable to run future proofing these affordable homes for both future occupants and a changing climate. The environmental objective is therefore considered to be met.

Other Considerations

It is noted that the Essex Police - Designing out Crime Office have raised some queries in relation to security at the development and how this is to be managed to minimise the potential for conflicts and ensure provision of a safe and secure environment for the future residents of this development. The comments raised by the Designing out crime office were raised with the agent and the potential for a condition to ensure that the development complies with the relevant Secured by Design accreditation discussed.

The agent has advised that Secured by Design accreditation is not something that the applicant team wish to pursue as the new development will remain in the ownership of the Council and Housing management have their own policies for security and access and would not wish to see these conditioned as it would cause management conflicts later where they contravene each other. The enclosure of the residents' communal garden area is proposed as hedging as shown on the application drawings which is intended as being appropriate to the landscaping strategy and in the spirit of the National Design Guide in terms of inclusivity and natural surveillance. Details of lighting can be controlled by way of a condition. Overall, it is considered that subject to conditions in relation to landscaping and lighting the development is acceptable in relation to security and access considerations.

Within one of the letters of objection received comments were made in relation to the Human Rights Act and the impact of the proposal through overlooking. In relation to the Human Rights Act Article 8 sets out the right to private and family life, and First Protocol, Article 1 provides that every person is entitled to the peaceful enjoyment of their possessions and has been applied so as to protect an individual's right to property. However, this has to be balanced with competing interests and rights which includes the rights of individuals or organisations to apply for planning permission for new developments. Full consideration of the impact of the proposal upon neighbouring residents has been considered in the above assessment.

The Council recently introduced the Community Infrastructure Levy (CIL) which is a locally set charge on most types of new development. It is a charge based on the size and type of development. If a development is liable to pay CIL, the payment is mandatory to pay and non-negotiable. This development will be CIL liable, however as it is for 100% affordable housing the applicant is able to apply for social housing relief subject to meeting the relevant criteria. This relief must be applied for and granted prior to any work commencing on site.

In relation to pre-commencement conditions the agent has confirmed agreement to all pre-commencement conditions recommended within this report.

XIV. CONCLUSIONS

The proposal represents new residential development within a sustainable location to which there is no objection in principle. Furthermore, the development is for 100% affordable housing which weighs heavily in favour of the scheme and Housing Services have advised it is critical that we can increase the supply of affordable and good quality housing provision within the Borough to ease the burden on the Councils waiting lists and reduce homelessness. The creation of a 'zero-carbon' (in use) development is also a significant benefit of the scheme, especially for affordable homes.

It is acknowledged that the proposed development will result in the loss of some trees and an area of woodland and will not provide measurable biodiversity net gain. However, all category A trees are to be retained and the requirement for measurable biodiversity net gain is not yet mandatory. Furthermore, the benefits associated with this development in providing 12 new zero carbon in use affordable homes are considered to outweigh the harm resulting from the loss of some of the trees and woodland on site.

The design approach taken is considered to be appropriate to the site and would appear in keeping with the wider streetscene replicating the form and massing of existing built form whilst introducing a more modern appearance. The new development would benefit from adequate off road parking, and the wider development would provide 11 spaces which will be allocated for No's 7 – 17 Highwood Close as well as two short stay spaces for St George's Court to offset the

parking within the site that would be lost. The proposal would also provide storage sheds for No's 7 – 17 Highwood Close to replace the garages which are to be demolished.

Overall, it is considered that the proposal would represent sustainable development as defined within the NPPF and in line with the Development Plan should be approved subject to the conditions below.

7. RECOMMENDATION

APPROVE the application subject to the following conditions:

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

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

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

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

3. The dwellings hereby approved shall be used as affordable housing as defined within the National Planning Policy Framework.

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

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

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

5. Notwithstanding the details submitted in support of this application no development shall take place, including any ground works or demolition, until a Construction and Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. a waste management plan
- iii. details of measures to minimise noise and vibration during construction and ground works
- iv. measures to control the emission of dust and dirt during construction including a Dust Management Plan.
- v. route to be used by construction vehicles to and from the site
- vi. loading and unloading of plant and materials
- vii. site set-up including arrangements for the storage of plant and materials used in constructing the development
- viii. wheel and underbody washing facilities
- ix. hours of works
- x. A precautionary badger method statement to ensure that no badgers or other mammals accessing or traversing the site are impacted during construction.

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

6. No development shall take place, including any ground works or demolition, until a pre-commencement survey for badgers has been undertaken with the report submitted for approval to the Local Planning Authority detailing the results. The development shall then be carried out in accordance with the details as agreed.

Reason: To safeguard protected species in accordance with policy NE01 of the adopted Brentwood Local Plan.

7. No development shall take place, including any ground works or demolition, until a copy of the licence from Natural England in relation to the bat roosts that will be impacted by the works has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the agreed licence.

Reason: To safeguard protected species in accordance with policy NE01 of the adopted Brentwood Local Plan.

8. No development shall take place, including any ground works or demolition, until an arboricultural method statement has been submitted to, and approved in writing by, the Local Planning Authority. The arboricultural method statement shall include details of protective fencing, requirements for working within the construction exclusion zones, installation of services, and tree management works. The development shall then be carried out in accordance with the arboricultural method statement as approved.

Reason: To ensure appropriate protection to trees in accordance with policy NE03 of the adopted Brentwood Local Plan.

9. No development shall take place, including any ground works or demolition, until a biodiversity enhancement strategy has been submitted to, and approved in writing by, the Local Planning Authority. The biodiversity enhancement strategy shall include details of measures required as part of the ecological mitigation, management works for the retained wooded areas and other measures to increase the biodiversity value of the site. The development shall then be carried out in accordance with the biodiversity enhancement strategy as approved.

Reason: To seek to enhance biodiversity on site in accordance with policy NE01 of the adopted Brentwood Local Plan.

10. Prior to occupation of the development hereby permitted full details of screening to the northern elevation of the balconies serving flats 8 and 12 within the eastern elevation of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be in place prior to occupation of these units and shall be retained as such thereafter.

Reason: To ensure that no material loss of privacy would occur to neighbouring residents to the north in accordance with policy BE14 of the adopted Brentwood Local Plan.

11. Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works, excluding demolition works, occurring above slab level at the application site. These details shall include:
 - 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
 - 3) Details of the aftercare and maintenance programme.
 - 4) Schedule of implementation of soft landscape works.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works

- 5) Details of any walls with brick types, construction design and dimensions
- 6) Details of paved surfacing, with materials finishing and edgings
- 7) Details of any fencing with full specification
- 8) Schedule of implementation of hard landscape works.

The hard landscape works shall be carried out as per the approved schedule and retained and maintained as such thereafter.

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

12. Prior to their installation within the development hereby permitted full details of the proposed glazing and ventilation to serve the development shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure adequate internal noise levels within the development and safeguard the living conditions of future residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

13. Notwithstanding the details submitted with this application no development shall commence which in this case includes demolition, site clearance, and any construction until an investigation and risk assessment (Phase 2 Contamination Report) has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

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

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

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

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

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

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

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

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

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

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

remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

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

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

17. No works related to the alteration of ground levels at the site and no works above ground level, excluding demolition, shall occur until details of existing and proposed ground levels and proposed finished floor levels, and their relationship to the adjoining land have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided to serve the development in accordance with policy BE13 of the adopted Brentwood Local Plan.

19. The proposed new block of flats hereby approved shall not be occupied until the new allocated parking and storage sheds to serve properties 7 – 17 Highwood Close as shown on plan references PO3 rev J and PO7 rev B have been completed and made available for use. The parking spaces shall be retained as such thereafter.

Reason: To ensure that sufficient parking spaces and cycle storage is provided to serve the existing community in the interest of highway safety.

20. 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 BE13 of the adopted Brentwood Local Plan.

21. 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.

22. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 1l/s Limiting the discharge from the site to 1l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 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 mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

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

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

24. 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.

25. Prior to the first occupation of the development hereby approved, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

Reason: To ensure the lighting strategy is appropriate for the site and wider environment in the interests of ecology as well as residential amenity.

26. The development shall be carried out in accordance with the Energy Strategy for New Dwellings at Highwood Close by POPE Sustainable Building Services Consultants dated 30/01/2023 revision R2.

Reason: In the interests of sustainability and energy efficiency in accordance with policies BE01, BE02, BE04, and BE05 of the Brentwood Local Plan

27. Each dwelling shall be constructed and fitted out so that the potential consumption of 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.

28. 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

INFORMATIVES:

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

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

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

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

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

The developer is advised that Brentwood Borough Council is a Community Infrastructure Levy (CIL) Charging Authority effective from 15 January 2024. CIL is a locally set charge on most types of new development based on the size and type of development. Where developments are CIL liable, payment is mandatory and non-negotiable.

It is strongly recommended that you read the CIL process in full by visiting the Councils CIL webpage - www.brentwood.gov.uk/cil.

Otherwise, when planning permission has been granted for a development that is liable to pay CIL, a CIL Liability Notice will be issued following the issuing of the Decision Notice. Once a Liability Notice is issued, the CIL charge will be registered on the Land Charges Register.

Prior to starting development, you will need to send us at least two forms as below. Please email cil@brentwood.gov.uk with the relevant forms and application reference number.

Form 2: Assumption of Liability - this informs us who will be liable for paying the CIL relating to the development and must be received prior to commencement. If no one assumes liability to pay, then liability will rest with the landowner.

Form 6: Commencement Notice - this informs us when the development is going to commence, and forms the basis of the dates that CIL payments become due and must be received prior to commencement.

If we do not receive both the Form 2: Assumption of Liability and Form 6: Commencement Notice before you start work, this will result in a requirement to pay in full immediately; loss of any potential exemption and relief; and could also result in surcharges.

Other forms, such as exemption forms (self-build including residential annexes and extensions and charitable and/or social housing relief) should also be submitted where that is claimed. CIL exemption or relief must be applied for and a decision issued prior to any work commencing.

Once we have received a Commencement Notice, we will issue a Demand Notice to the person(s) that have assumed liability to pay the CIL. This notice sets out the deadline date for CIL payment.

If payment is not made by the due date, penalty surcharges apply. We do not have the flexibility to defer CIL in the same way that we can for planning obligations, and payment of CIL is enforceable through both the courts and the planning process.

ECC Highways Informatives

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

Thames Water Informatives

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 Waters 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

The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide working near our assets to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

As you are redeveloping a site there may be public sewers crossing or close to your development. If you discover a sewer it's important that you minimise the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

BACKGROUND DOCUMENTS

The application documents are available to view on the Council's website at www.brentwood.gov.uk/planning and via Public Access.

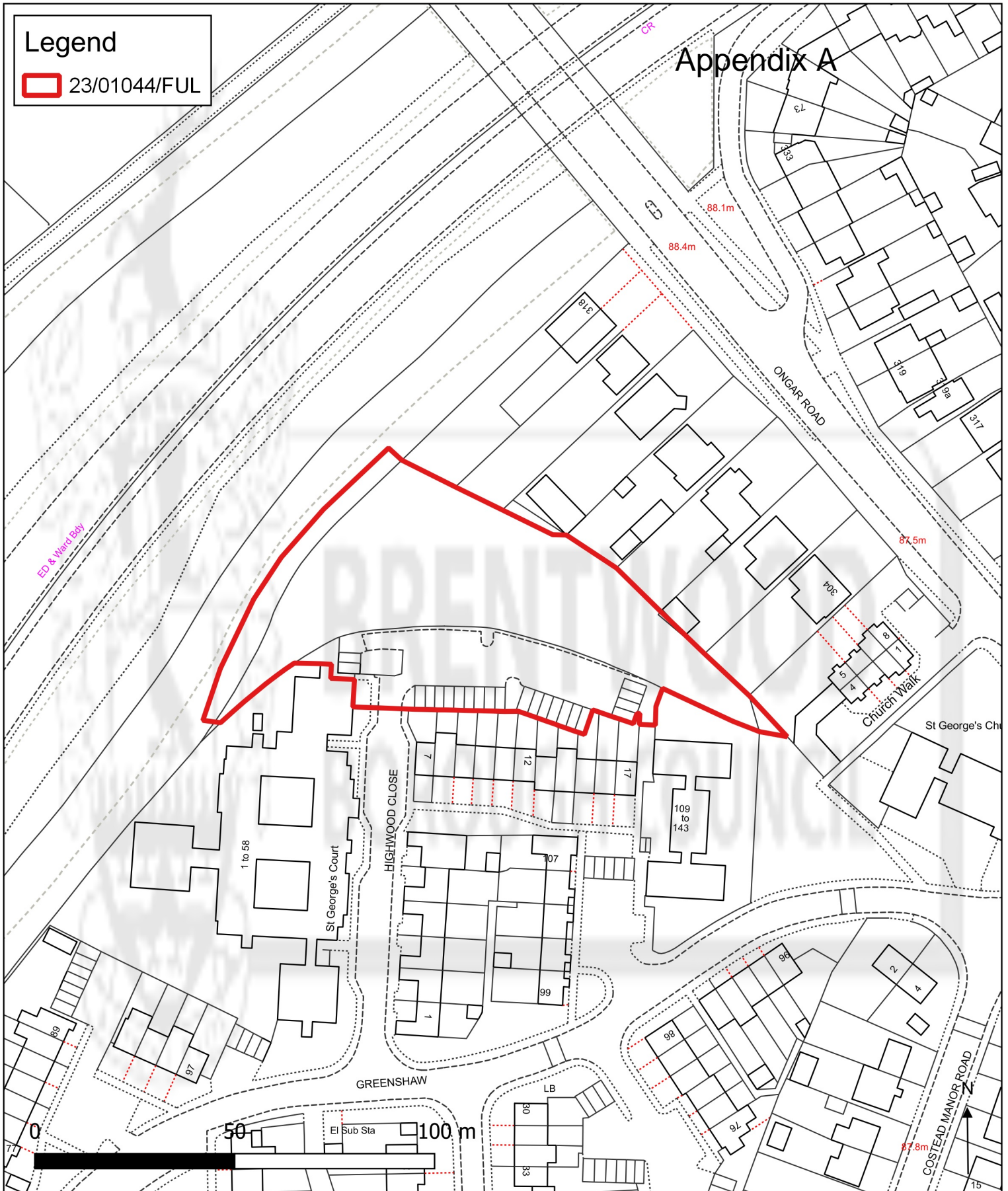
DECIDED:

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Legend

23/01044/FUL

Appendix A



Garages, Highwood Close, Brentwood

Drawing No. : 23/01044/FUL

Scale at A4 : 1:1250

Drawn by : OSJ

Service : Communications and Digital Engagement **Page 105**

Date : 12th March 2024

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PLANNING COMMITTEE

Date 12 March 2024

REPORT TITLE:	Planning Appeals Update (November 2023 – February 2024)
REPORT OF:	Leigh Nicholson, Director – Place

REPORT SUMMARY

This report provides the committee with a summary of recent planning appeal decisions in the borough.

RECOMMENDATION

R1. That the Committee notes the summary of cases provided.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

1.1 The cases reported may be useful or relevant when considering future applications.

2.0 OTHER OPTIONS CONSIDERED

N/A

3.0 BACKGROUND INFORMATION

3.1 This report summarises recent appeal decisions received relating to sites in the borough. This report is regularly presented to the committee and was last reported on 21 November 2023 (summary of appeals between July and October, Item 246). Where the associated application was determined by the committee, the case is marked by a (C), though none were committee cases in the list reported this time.

4.0 APPEAL DECISIONS

4.1 The following fourteen appeal decisions were received between November and February. Out of those appeals, twelve were dismissed (85.7%) and two were allowed (14.3%).

Application No: 22/01376/HHA (NM)
Location: 14 Fryerning Lane Ingatestone Essex CM4 0DD
Proposal: Rear facing mansard loft conversion with dormer window
Appeal Start Date: 13th April 2023

Appeal Decision: Appeal Allowed 19th December 2023

The main issue is the development's effect on the character and appearance of the surrounding area, including the setting of a Grade II listed building and the Ingatestone High Street Conservation Area.

At the time of the site visit, a dormer window except a brick parapet wall was constructed. It was unclear to the Inspector whether this was permitted development. A lawful development certificate had been separately sought under application 23/00055/S192.

The Inspector did not consider that the dormer proposed was overly bulky or contrived in its design where the use of similar materials would assimilate with the existing roof. The alterations were not considered to be overly prominent and the road was identified to comprise a diverse mix of dwellings with various roof shapes and dormer windows of different sizes. Nor was it considered the dormer would affect public views into the conservation area due to its height and limited scale. Furthermore, the proximity of the development from the listed building ('Scotts', 10 Fryerning Lane) was considered to be acceptable to not result in harm to setting. The appeal was allowed subject to conditions.

Application No: 22/00980/PNCOU (NM)
Location: Land Adjacent to Legh Cottage Horseman Side Navestock Romford
Proposal: Prior notification Class Q for the conversion of existing agricultural storage building to one dwellinghouse.
Appeal Start Date: 31st May 2023

Appeal Decision: Appeal Dismissed 15th January 2024

The main issue is whether the development is permitted by Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO)

The council provide dated aerial photographs, which the appellant provided evidence to the contrary which was considered by the Inspector as unclear. The evidence before the Inspector confirmed that the appeal building was not in situ on 28 April 2013 and therefore was constructed after this date, the building cannot have been used for agricultural purposes on or before 20 March 2013 and did not exist.

The Inspector confirms from the site visit there is no evidence the fields and surrounding area are used for agricultural purposes and at the site visit the building was used for the storage of mixed items; a tractor, logs, equipment used in association with greyhounds, an exercise machine, a trailer, an electric circular saw and various storage bins.

The Inspector concluded the conversion of the building to a dwelling cannot be permitted by the GPDO. Instead, the proposed development is that for which express planning permission is required.

Application No:	22/01300/FUL (NM)
Location:	South Lodge, Little Hyde Lane Ingatestone Essex
Proposal:	Demolition of existing house and construction of 'self-build' replacement dwelling.
Appeal Start Date:	26th July 2023
Appeal Decision:	Appeal Dismissed Costs Refused 10th January 2024

Costs:

The Inspector concluded on the costs submission that it has not been demonstrated that better communication by the Council could have avoided the need for the appeal all together or could have substantially reduced the issues to be resolved at appeal. And unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated.

Appeal:

The main issues of the appeal were:

- whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the Framework;
- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on a non-designated heritage asset; and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

The Inspector concluded that the development would result in inappropriate development within the Green Belt. **Page 109**

The Inspector reached a different decision on the impact of the development upon the character and appearance of the area by concluding that there would not be harm to the character of the area by the development proposed.

The Inspector's view was that the building has a low level of significance in terms of both its architecture and its association with The Hyde Estate. The proposed demolition of the bungalow would result in the total loss of the asset. It is therefore necessary to make a balanced judgement having regard to the significance of the asset in accordance with Policy BE16(C) of the Local Plan and paragraph 209 of the Framework.

The Inspector considered the 'other considerations' and concluded the benefits together with the other considerations would clearly outweigh the harm to the Green Belt, including the limited harm to its openness, and the harm arising from the total loss of a Non designated heritage asset of low significance. The Inspector found there to be VSC and as very special circumstances exist, the proposal would accord with the relevant development plan policies and the Framework, and planning permission should be approved unless material considerations indicate otherwise.

However, the construction of the new dwelling, together with the large ancillary outbuilding that currently benefits from a lawful development certificate, would result in a level of harm to the openness of the Green Belt that would not be justified by the very special circumstances, particularly given that in this case the very special circumstances rely heavily upon the fallback position. The Inspector found that this could not be dealt with by condition and therefore the appeal was dismissed.

Application No:	22/01633/FUL (NM)
Location:	10 St Ninians Alexander Lane Hutton Essex
Proposal:	Proposed balcony extension
Appeal Start Date:	1st August 2023
Appeal Decision:	Appeal Dismissed 27th November 2023

The main issues are: i) the effect of the development on the character and appearance of the host building and area; and ii) the effect of the proposal on the living conditions of neighbouring residents on Rayleigh Road, having regard to privacy.

Enforcement action has previously been taken at the site, against the unauthorised erection of a balcony. That matter is separate to the proposed development.

Whilst projecting balconies were identified as a common feature within the locality, the appeal proposal was considered materially different. It would introduce 1.8m high obscure glazed panels to the side elevations extending beyond the height of the roof plane, creating an awkward relationship with the roofline of the host building. The balconies would appear bold and at odds with the more subtle features on the existing elevation. It would appear unsympathetic.

The Inspector concluded that even without publicly accessible views, that does not negate the need to secure high-quality design per local and national policy and guidance. The appeal site would be conspicuous from rear gardens and amenity areas, parking and other vehicle circulation areas. It would appear visually unattractive.

In terms of overlooking and privacy, the site is within an area where mutual overlooking is a common feature. Whilst the Inspector was mindful of perceived overlooking, they considered the balcony would be erected at a similar height to the existing and would be unlikely to have a material impact beyond the existing scenario on overlooking to the rear. Overlooking to the side could be mitigated through obscure glazing to the sides and those views were predominantly towards parking areas.

Limited information was provided regarding the existing external amenity space and whether suitable space was provided and therefore limited weight was attached to the increase of quantity of external amenity space for occupants of the host dwelling.

The appeal was dismissed.

Application No:	22/01204/OUT (NM)
Location:	Land Adjacent 5 St Vincents Hamlets Weald Road South Weald Brentwood
Proposal:	Outline application for the construction of 1 no. dwelling (All matters reserved).
Appeal Start Date:	13th September 2023
Appeal Decision:	Appeal Dismissed 8th December 2023

The main issues of the appeal were:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies,
- the effect on the character and appearance of the area, and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

The Inspector agreed that the ribbon of development has neither the scale or cohesion generally associated with a village. The proposal falls outside the scope of paragraph 149e since the site is not within a village.

The Inspector agreed that the site does fall within the definition of previously developed land from the outbuildings present on site. The introduction of the smallest house that would comply within the minimum space standards would increase the volume of built development and the formation of a separate curtilage is also likely to

lead to an increase in residential paraphernalia which would adversely affect the openness of the Green Belt.

The Inspector concluded there would be some harm to the character and appearance of the area. That harm would be moderate in extent, given that the site has historically been garden land and is within an established ribbon of residential development. Nevertheless, the proposal would conflict with Policy BE14 of the BLP.

The Inspector considered the VSC put forward within the appeal statement and afforded them limited weight and concluded whether considered individually or cumulatively, the harm to the Green Belt, and other harm, is not clearly outweighed by those other considerations. In consequence, the very special circumstances necessary to justify the proposal do not exist.

Application No:	18/00799/COND/3 (NM)
Location:	Bishops Gate William Hunter Way Brentwood Essex
Proposal:	Discharge of condition 6 (Details of of materials - external surfaces) of application 18/00799/FUL (Construction of building to provide 5 residential accommodation units)
Appeal Start Date:	14th September 2023
Appeal Decision:	Appeal Dismissed 2nd January 2024

The appeal's main issues were the effect of the rubber roofing material on the surrounding area's character and appearance, including the adjacent Brentwood Town Conservation Area, of which the Inspector found that as the site is immediately outside the boundary of the Conservation Area, the unsatisfactory roofing material installed had no bearing on the main qualities of the conservation area and did not harm its setting.

The Inspector considered that the roof is an important part of the overall composition, with the dark colour complementing the grey brick and light render and joinery of the block. However, the installed rubber roof, has a grainy, rippled appearance which spoils the overall development and lacks the crisp monotone appearance of zinc as installed on buildings within the vicinity, therefore fails to achieve the high quality expected.

The building, whilst located to the rear of the High Street, forms an important part of the townscape and in a prominent position of the periphery of the town centre, with the poor quality finish of the roof, detracting from the character and appearance of the surrounding area.

Paragraph 140 of the National Planning Policy Framework (revised in December 2023) warns against the quality of approved development being materially diminished due to changes made to the permitted scheme. Changes to approved details such as

materials are cited as one example of this. The proposal to retain the sub-standard roofing material falls precisely into this category. These national policy provisions are therefore a significant material consideration and count against allowing the appeal.

The roof covering in place was not approved and so those works were undertaken at risk. In any event, the possible consequences of rectifying what has been done, such as disruptions and inconvenience to residents, do not outweigh the harm caused to the locality's character and appearance, therefore, the appeal is dismissed.

Application No:	23/00273/HHA (NM)
Location:	57 Robin Hood Road Brentwood Essex CM15 9EL
Proposal:	New first floor & roof, first floor projecting front extension. Fenestration alterations.
Appeal Start Date:	28th September 2023
Appeal Decision:	Appeal Dismissed 28th November 2023

The main issue of the appeal was the effect on the character and appearance of the area.

The inspector referenced the character of the area comes from two-storey detached and semi-detached dwellings which include some edwardian designs, but mainly includes a wide variety of designs. However, the inspector found the general form of the front elevation would not be detrimental to the character of the road.

The inspector stated that the main issue would be the developments relationship with the highway as it is set on the bend in the road and create extra prominence and found the resultant dwelling by way of its height and scale would not sit comfortably within its plot. The development would therefore be restricted in nature and create an irregular shape which would be apparent and present a cramped appearance.

Therefore, in considering the proposed development, the inspector concluded the proposal would be harmful to the character and appearance of the surrounding area, would be contrary to Policy BE14 of the Local Plan, and the NPPF.

Application No:	22/00903/OUT (M)
Location:	Ongar Garden Centre, Ongar Road, Kelvedon Hatch, Brentwood, Essex CM15 0LB
Proposal:	Demolition of the existing commercial units on site and erection of new replacement commercial buildings.
Appeal Start Date:	10th October 2023
Appeal Decision:	Appeal Dismissed 13 January 2024

The main issues are the effect of the proposed development on (a) highway safety and (b) flood risk.

In terms of preliminary matters, the Inspector for clarity considered the site location plan to be the document indicating the red outline (there were inconsistencies with other plans). Furthermore, all details shown except those relating to access are considered indicative. Finally, the Inspector has only assessed the documents submitted during the lifetime of the application, rather than any documents submitted with the second application (reference: 23/00296/OUT). This application remains pending consideration.

The main parties agree that the site constitutes previously developed land and that it is possible to ensure, given the outline nature of the proposal, that the redevelopment would not have a greater impact on the openness of the Green Belt than the existing development. Subject to suitable controls at the reserved matters stage relating to the scale and layout of new buildings, the Inspector had no reason to disagree.

In terms of highway safety, the application form indicates an uplift from 15 to 150 employees and the Inspector has assumed a maximum of 150 employees could be present on site – as there is no mechanism to control the number or whereabouts of people (i.e., the documents suggested some occasional working offsite). The Inspector raised concerns with figures quoted within the Transport Assessment in terms of trip generation for vehicles including heavy goods vehicles for the proposed development in comparison to the existing. Whilst they acknowledged that there is no evidence to suggest the existing access is unsafe, they found the supporting evidence lacking in terms of the likely effects on highway safety with the absence of details for how trips would be dispersed across the local road network and the impacts on existing road junctions. The proposal was considered contrary to local policies BE08, BE09 and BE12 and paragraph 115 of the NPPF.

In terms of flood risk, the site area exceeds 1 hectare and is predominantly within Flood Zone 1 whilst the access road and northern boundary within Flood Zone 2 near to the River Roding. The Inspector identified that a site specific flood risk assessment (FRA) is required alongside the incorporation of appropriate sustainable drainage systems (SuDS) i.e., a surface water drainage strategy. The submitted FRA was a single page concentrating on fluvial flood risk with scant references to other potential sources. It was not demonstrated that the sequential test had been reviewed or satisfied. There was also little detail on how risk would be managed or whether climate change had been considered. Indeed, the site access is within Flood Zone 2, and it is unclear whether safe access and egress would be possible in the event of a flood. Insufficient information had been provided contrary to local policies BE14, NE09 and BE05.

In terms of other matters, only moderate weight was given to economic benefits arising from the proposal given the existing garden centre provides jobs and retail services to the local community. Whilst they were aware of local opposition,

particularly in respect of the lease, that specific issue was a private matter between the relevant parties and not a material planning consideration.

Paragraph 123 of the NPPF promotes effective use of land, but as it was not demonstrated the site was under-utilised, or that it is suitable for redevelopment given the findings on the main issues, only limited weight to these benefits was given.

Only moderate weight was given to the delivery of ecological benefits i.e. improved landscaping and habitats areas for various species, including any biodiversity net gain. These could be secured through condition and the reserved matters stage. Little weight was given to the potential for the new buildings to be more aesthetically pleasing as the details had not been secured given the outline nature of the proposal.

Consequently, the appeal was dismissed.

Application No: 21/02125/FUL (M)
Location: Land at Spital Lane, Brentwood, Essex
Proposal: Erection of 12 affordable apartments, including new vehicular access and associated parking and landscaping.

Appeal Start Date: 3 October 2023

Appeal Decision: Appeal Dismissed 12 February 2024

The site is in the green belt and the Inspector considered that the proposal was inappropriate development in the green belt and therefore reliant on very special circumstances. He also stated that the development would cause harm to the openness of the green belt.

In considering the survey information provided by the appellant he saw that it indicated some level of local need for affordable housing, though it had gaps and weaknesses and was further compromised by a very low (10%) response rate. Nonetheless, he took the view that the need for affordable housing in South Weald had been adequately demonstrated and that it was related to the scale of the proposal. He considered that the proposal did not fall with the NPPFs definition of 'community led' and that such a development would rarely if ever be applicable to the green belt. He was not persuaded by the appellants claim that the Council will fail to meet its targets for affordable housing provision set out in the development plan and noted that some of the allocated sites in South Weald ward are expected to provide affordable housing.

In paragraphs 21 and 22 he made a similar statement to those often made in officer reports concerning green belt:

"21. However, NPPF paragraph 153 makes it clear that, for 'very special circumstances' to exist, the combined weight of the harms to the GB must be clearly outweighed by other considerations. In other words, for inappropriate

development to be permitted in the green belt it is necessary for the benefits of the scheme to be shown to outweigh the harm, not merely on balance, but 'clearly'.

22. In the present case, despite the significant benefits that would arise from the provision of affordable housing, I find that the harm to the GB, with the substantial weight that such harm must carry, is not clearly outweighed. The necessary 'very special circumstances' have therefore not been demonstrated."

He finished by concluding that in the absence of very special circumstances, the proposed scheme clearly conflicts with Policy MG02, and therefore with the development plan as a whole. The appeal was dismissed.

Application No: 21/01793/FUL (NM)
Location: Stable Field, Doddinghurst Road, Pilgrims Hatch
CM15 0SG
Proposal: temporary planning permission for the siting of a
mobile
home for a period of three years..

Appeal Start Date: 18 April 2023

Appeal Decision: Appeal Dismissed 16 November 2023

Application No: 23/00391/FUL (NM)
Location: 240 Hatch Road, Pilgrims Hatch, Essex CM15 9QR
Proposal: demolition of existing dwelling and outbuildings,
removal of containers and hardstanding and the
construction of 4 new residential dwellings.

Appeal Start Date: 30 October 2023

Appeal Decision: Appeal Dismissed 15 February 2024

The main issues of the appeal were:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- the effect on the character and appearance of the area; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

The Inspector set out that whilst it was agreed between the Council and appellant that plots 1 and 2 (dwellings fronting Hatch Road) would constitute 'limited infilling' (para 154(e)), the appeal scheme had to be considered as a whole. Consequently, this exception would fall away. In terms of para 154 (g), the proposal relates to previously developed land but even were the Inspector to agree with the appellant regarding containers not being considered as temporary buildings, there would be notable increase in volume and footprint which would result in materially greater impacts upon openness in spatial terms. This would not be ameliorated by repositioning of built form. On that basis, there is conflict with local policy MG02 and very special circumstances would need to be demonstrated.

Whilst it was accepted that the removal of current hardstanding and shipping containers, which the Inspector regarded as temporary buildings, would be beneficial to openness, they ascribed limited weight as the containers were not permanent structures. In terms of the historical function of the site (commercial use), it was accepted the impact would be comparable when considering all aspects including general paraphernalia associated with the use, but this was a neutral consideration.

In pure design terms, the inspector considered the style and appearance of the dwellings was acceptable. However, plots 3 and 4 would constitute backland development which conflicts with the prevailing pattern of homes in the area. Most backland development comprises ancillary residential outbuildings or commercial uses. These were identified as organically arising from long rear gardens or not formed as a new housing development. Therefore, the proposal would conflict with policies NE07 and BE14.

The harm to the Green Belt was not clearly outweighed by the considerations identified. Furthermore, paragraph 11(d)(i) of the Framework was not considered to be engaged due to the conflict with Green Belt policies within the Framework.

Consequently, the appeal was dismissed.

Application No: 22/01395/FUL (NM)

Location: 7A Hallsford Bridge Industrial Estate, Ongar Road,
Stondon Massey, Ongar, Essex CM5 9RB

Proposal: Removal of condition 6 (vehicle charging) from
permission for Change of temporary planning
permission (20/01144/FUL) to permanent Change of
Use from motor vehicle parking to motor vehicle
parking and storage of empty skips.

Appeal Start Date: 14 November 2023

Appeal Decision: Appeal Allowed 14 February 2024

The main issue is whether the condition is reasonable or necessary in the interests of maximising the use of electric and low emission vehicles. The application primarily concerns the application of local policy BE11 (Electric and Low Emission Vehicles).

The appeal site comprises a compound located on the opposite of the appellants main offices and depot. Permission was granted on a permanent basis following a temporary use. The appellant did not consider that a condition for electric vehicle parking within the compound would be reasonable due to a lack of electricity supply. However, the Inspector considered that a condition for electric vehicle charging within the office and depot car park would be possible.

As the proposal would lead to a potential increase in the intensity of the appellant's operations, with a commensurate increase in the number of employees and visitors, they considered it would be feasible to provide at least a charging point on the main site.

The Inspector concluded therefore that whilst it was not reasonable or necessary to include a condition with regard to vehicles used in the operation of the site (the compound), including commercial vehicles or HGVs, the maximising of charging facilities for staff and visitors of the main site (which falls within the blue line) would be acceptable.

Condition 6 was therefore replaced with a condition to this effect. The planning permission was varied and the appeal was allowed.

Application No: 22/01420/PADD (NM)
Location: Wingrave Court, Wingrave Crescent, Brentwood, Essex CM14 5PB
Proposal: erection of an additional floor on an existing 3 storey block of flats.
Appeal Start Date: 8 November 2023

Appeal Decision: Appeal Dismissed 15 February 2024

This appeal relates to an application under paragraph A.2 of Part 20, Class A of the General Permitted Development Order which requires the prior approval of the local planning authority. The main issues concern the external appearance of the building (paragraph A.2(1)(e)) and impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light (paragraph A.2(1)(g)).

The Inspector did not share the Councils concern regarding the location of a bicycle store and whether this would be on land forward of a wall fronting a highway as it only addresses a minor, or internal, access (paragraph A.1(n)(iii)).

Wingrave Court comprises a detached three-storey block of nine flats. It is set within a small estate of C20 homes which include two and three-storey terraced houses and four-storey detached flat blocks. Wingrave Court is the only flat block of three floors. Therefore, the Inspector considered that the increased height would not appear at-odds with the character of the wider estate.

However, the roof form (mansard roof and protruding dormers) was considered to be markedly different and quite jarring in this context. The form would not harmonise with the distinct and simple vernacular of the existing building, nor read well with the other roof forms of other flat blacks nearby or pitched roofs of terrace homes. For these reasons, the proposal would fundamentally alter the architectural composition of the building.

Despite the increased height, the Inspector did not consider this would be dominating insofar as it relates to the occupants of nearby premises' living conditions. There is ample space surrounding the building and the supporting Daylight and Sunlight Report confirms little overshadowing would occur. Nor would the windows result in a material increase of overlooking.

Whilst the Inspector considered locally expressed concerns, these did not lead them to a different overall conclusion. The appeal was therefore dismissed.

Application No:	23/00102/FUL (NM)
Location:	Stonywood, Mill Lane, Fryerning, Essex CM4 0HU
Proposal:	erection of a new dwelling. Amended scheme to include a basement.'
Appeal Start Date:	5 October 2023
Appeal Decision:	Appeal Dismissed 21 February 2024

The main issues of the appeal were:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Within the appellants statement, they refer to the term 'disproportionate' and the Inspector gave consideration to exception para 154 (c) which relates to extensions or alterations provided they do not result in disproportionate additions over and above the size of the original building. This is a matter of planning judgement.

Whilst the proposal is for a new dwelling, it essentially forms an amendment to a previous permission – that change being the addition of a basement. The enlargement was considered to add approximately 177.5sqm of floor area, the full footprint of the dwelling with rear sunken courtyard to provide a lightwell to the basement rooms.

The extent of physical built development is a question of fact whether considering the original (now demolished dwelling) or recently approved scheme as the baseline. There would be a significant uplift in floorspace.

The Inspector also considered exception para 154(d) concerning replacement buildings provided they are with the same use and not materially larger than the one they are replacing. The uplift of the floorspace would be materially larger than the one it replaces.

When considering openness, the Inspector considered there were some glimpsed views from Mill Lane and private vantage points and that the openness of the Green Belt was readily apparent in this location. Despite the basement itself not visible, it would result in additional built form which does not presently exist. It would inevitably lead to a physical loss of openness, albeit to a limited extent.

Other considerations, including other examples nearby, were considered neutral in the determination of the appeal and afforded them limited weight. The appellants fallback position was also afforded limited weight.

The harm identified was not clearly outweighed by other considerations. It would therefore not accord with local policy MG02 or the Framework. The appeal was dismissed.

5.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources (and Section 151 Officer)

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

- 5.1 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.

6.0 LEGAL IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance (and Monitoring Officer)

Tel & Email 01277 312500 / Claire.mayhew@brentwood.rochford.gov.uk

- 6.1 There are no legal implications arising from this report.

7.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 7.1 None

8.0 RELEVANT RISKS

- 8.1 None

9.0 ENGAGEMENT/CONSULTATION

- 9.1 Formal consultation takes place as part of individual planning applications.

10.0 EQUALITY & HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

Tel & Email: 01277 312500 / kim.anderson@brentwood.gov.uk

10.1 There are no equality & health implications arising from this report. Health impact assessments may be required for individual planning applications.

11.0 ECONOMIC AND CLIMATE IMPLICATIONS

Name & Title: Leigh Nicholson, Interim Director - Place

Tel & Email: 01277 312500 /

Leigh.nicholson@brentwood.rochford.gov.uk

11.1 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.rochford.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 246, 'Planning Appeals Update (December 2022 – February 2023)'	21/11/2023
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

Agenda Item 6

Committee(s): Planning	Date: 12 March 2024
Subject: Planning Enforcement Activity Overview	Wards affected: All
Report of: Leigh Nicholson, Interim Director - Place	Public
Report Author: Caroline Corrigan, Corporate Manager, Planning Development Management	For information

Summary

This report summarises the planning enforcement activity undertaken in Brentwood Borough for the period between 1 October 2022 and 31 January 2024.

Assessment

The following information provides an overview of the number of enforcement cases opened for each quarter as shown below and the number that have been closed. The team is consistently successful in its negotiations with residents/agents and developers to achieve compliance with the Regulatory requirements of planning.

Table 1: Number of cases opened and number closed in the period

Quarter	Cases Opened	Cases Closed
Q3 (Oct 22-Dec 22)	15	20
Q4 (Jan 23-Mar 23)	11	32
Q1 (Apr 23-Jun 23)	16	14
Q2 (Jul 23- Sep 23)	18	10
Q3 (Oct 23-Dec 23)	12	9
Q4 (Jan 24-Mar 24) Part Qtr	6	3
Total	78	88

(NB: a further 21 enforcement cases which are not shown in the above figures have been recommended for closure by the investigating planning enforcement officer and are currently awaiting authorisation)

Figure 1: Comparison of number of cases opened in 22/23 and 23/24

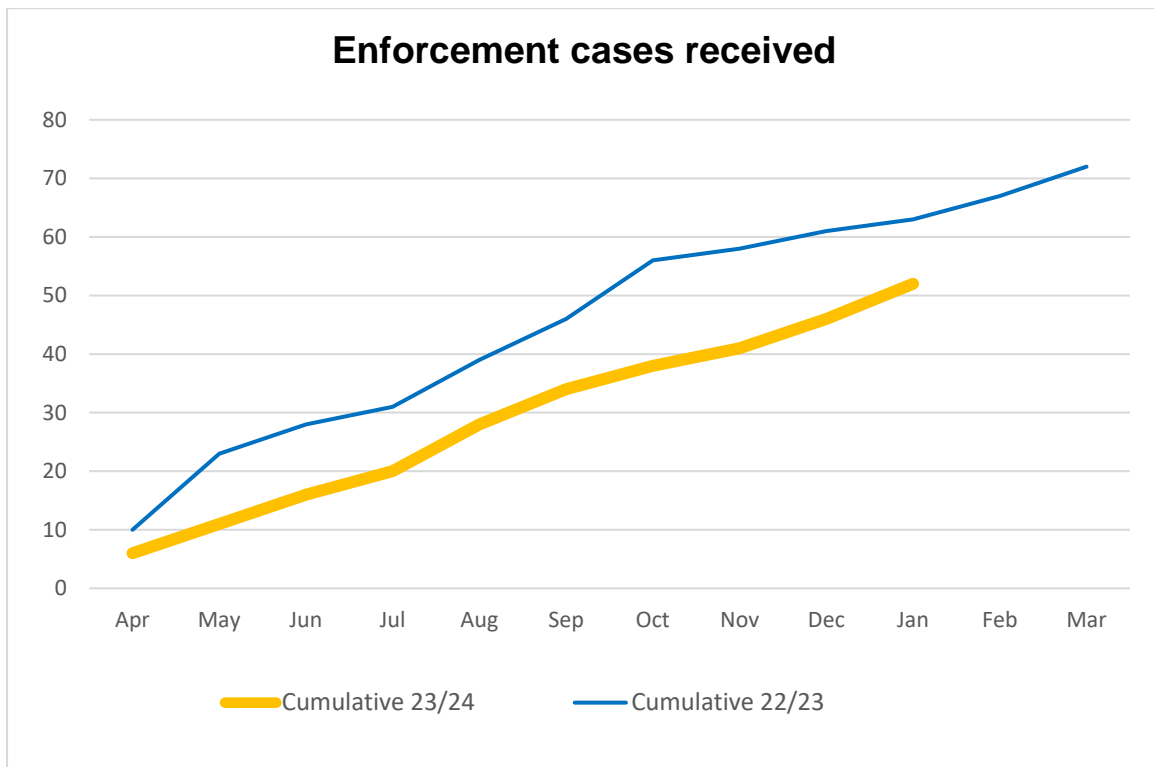
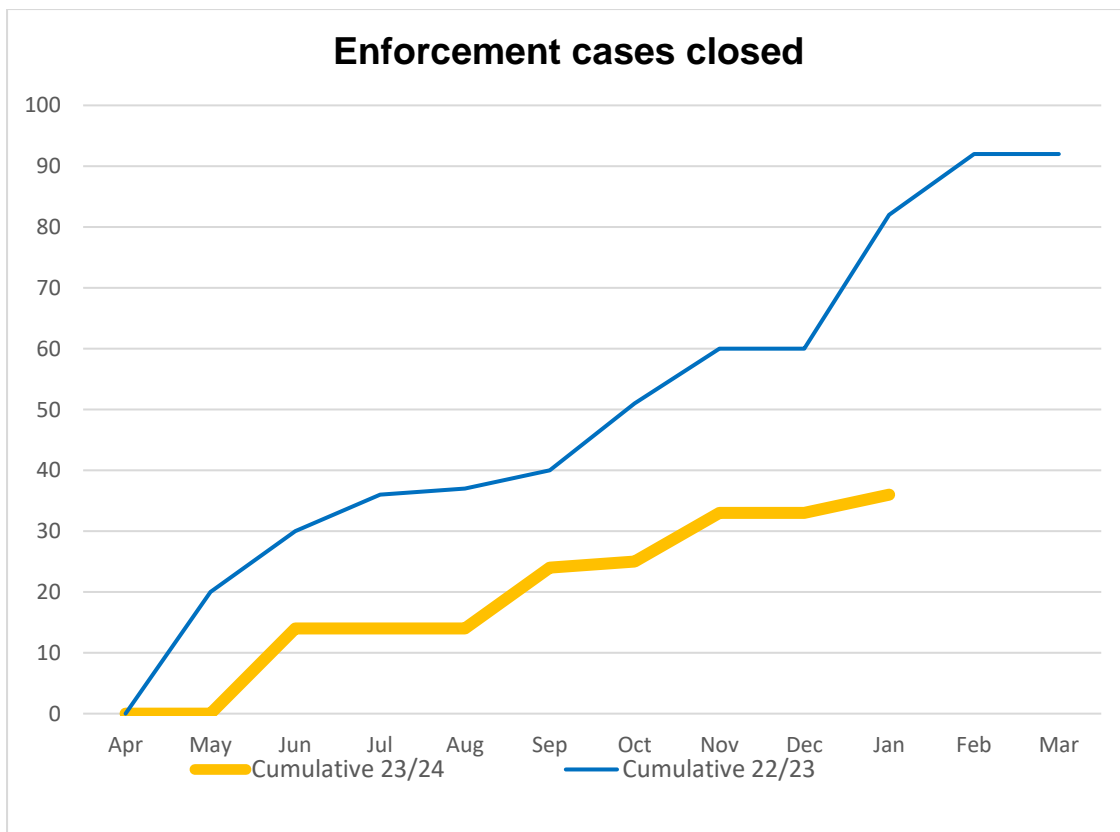


Figure 2: Comparison of number of cases closed in 22/23 and 23/24



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

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

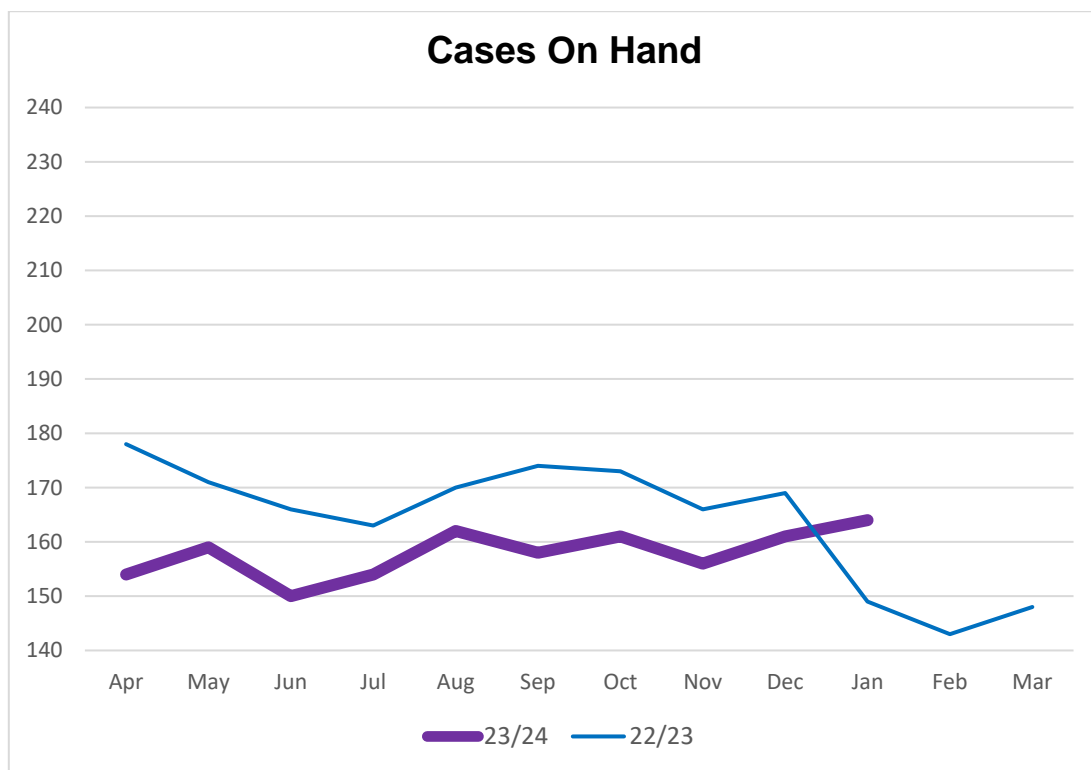
It is however important to note that these initial assessments may still take up significant officer time. Although these assessments are not represented within the graphs provided, the planning enforcement service has shown that this initial assessment is an effective use of officer time and resources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

Within the reported period, the planning enforcement team have also dealt with and **closed 329 initial enquiry investigations** in addition to the 88 recorded full investigations closed (NB: a further 21 enforcement cases have been recommended for closure following a full investigation by a planning enforcement officer and are currently awaiting authorisation).

Following investigation into the individual circumstances of each recorded enquiry, cases are recommended for closure by determining one of the following outcomes, either; “No Breach”, “Breach Remedied”, “No Further Action” or “Take Legal Action”

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

Figure 3: Comparison of number of cases on hand in 22/23 and 23/24



It should be noted that the current figure of 164 cases on hand as at the end of January 2024 does not include the 21 enforcement cases which have been recommended for closure following investigation and are currently awaiting authorisation. Following the authorisation of these additional cases, the cumulative total of cases on hand for the 23/24 period is 143 which is comparable with the 22/23 period.

All enforcement enquiries are dealt with from the initial raising of the enquiry to the enforcement team through to resolution, be that negotiated compliance, remedial works being undertaken, submission of planning application, formal enforcement proceedings, dealing with the Pins appeals, court prosecutions, injunctions, etc. Some of these investigations also require liaison with the Heritage Consultant, Arboricultural Consultant to assess harm, gathering of evidence and possible formal caution and/or prosecution proceedings.

In accordance with the Councils Planning Enforcement Plan, an assessment of harm to amenity and the expediency of taking formal enforcement proceedings is undertaken in deciding what formal action may be taken according to the merits of each case, which in accordance with government guidance, must be proportionate to the nature of the breach and the harm being caused.

The length of time that an enforcement case can be subject to an ongoing investigation can vary greatly depending on the seriousness of the breach and the specific resources required and may involve several follow up compliance site visits. Every effort is made to provide regular updates to the complainant(s), Councillor(s) (via Councillor Casework system), and are provided following an email request to the

specific enforcement case officer, e.g. from Parish Council, Senior Management, Leader, etc.

Whilst the length of time taken by the Planning Inspectorate to list and allocate enforcement appeals has reduced significantly, it is apparent that there has been an increase in the number of appellants requesting a Public Inquiry appeal, as is shown by Enforcement Notice appeals recently for Five Acre Farm, Karma Court, Craigiliea and Fantails (see Enforcement Notice appeals table below for full details). These appeals necessitate significant officer time and resources (and also incur additional expense of legal representation, i.e. barrister, etc).

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

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

Planning Notices served

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

Land adjacent to McColls House, Ashwells Road, Pilgrims Hatch, CM15 : PCN served on occupant of land following an allegation of an unauthorised material change of use of green belt land for security/residential use, and also a separate equine/menage use and associated operational development. Negotiations are continuing with the planning agent regarding the submission of a planning application for temporary planning permission during the construction period of adjacent and associated McColls House development site.

38 Junction Road, Warley, CM14: PCN prepared for service on landowner following an allegation of the unauthorised material change of use of a residential dwelling to a

holiday let property. Consideration of formal planning enforcement proceedings will be assessed dependent on response/answers received from owner.

Legal Action

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

Injunction sites previously served are kept under review, namely:

1. Land adj The Spinney, School Road/Eagle Lane, Kelvedon Hatch: served on 07/04/2020 (suspected impending traveller incursion on green belt land). Planning Inspector refused planning permission for use of the land for the stationing of caravans for residential purposes and dayroom following appeal hearing by Appeal Decision dated 13 June 2023. (Site remains unoccupied land.)

2. Land at Five Acre Farm, Warley Street: served on 21/05/2020 (unauthorised travellers' site to prevent further breaches on green belt land). Planning Inspector refused planning permission for use of the land as a residential caravan site by Public Inquiry Appeal Decision dated 7 February 2023. The Inspector upheld the Enforcement Notices and varied the compliance period requirement to vacate the land from 6 months to 12 months.

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

Planning Improvement Board programme

Members may recall a report to the January 2024 Audit and Scrutiny Committee which outlined the progress of work to deliver improvements to the Development Management Service and Enforcement Service through the Planning Improvement Board programme. Within the current Phase 2 work presently underway there will be a focus on the structure of both Enforcement and the Development Management teams with a further tranche of work to include the following workstream:

R15: An end-to-end review of existing processes, procedures, structures and resources relating to planning enforcement. It is important to review and update, where necessary, enforcement protocols, the public interface with enforcement and reporting arrangements to Members in both organisations.

It is anticipated that the progress of this workstream will be reported to Members of the Planning Committee within these regular updates later in the year.

Consultation

None

References to Corporate Plan

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

Implications

Financial Implications

Name/Title: Carrie Cox, Corporate Director (Finance & Accountancy)

Tel/Email: 01702 318029/carrie.cox@brentwood.rochford.gov.uk

This report is for noting and as such there are no direct financial implications. Any additional financial costs as a result of enforcement action has to be met from within existing resources.

Legal Implications

Name & Title: Claire Mayhew, Joint Acting Director (People & Governance) and Monitoring Officer

Tel & Email: 01277 312741/claire.mayhew@brentwood.rochford.gov.uk

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

Economic Implications

Name/Title: Leigh Nicholson, Interim Director (Place)

Tel/Email: 01277 312500/leigh.nicholson@brentwood.rochford.gov.uk

There are no economic implications arising from this report.

Background Papers – N/A.

Appendices to this report : Enforcement Notices at appeal (Appendix 1).

Appendix 1

Enforcement notices at appeal				
Case Number	Address	Breach	Notice Issued	Compliance/Appeal Status
15/00039/UNLCOU	Karma Court Ashwells Road Pilgrims Hatch	Unauthorised change of use of land to commercial use and also residential use	Sep-18	Public Inquiry appeal dismissed June 2022 - requirements of Enforcement Notice are: 1) commercial use of land to cease (complied with by compliance date of 29/7/22) and also: 2) residential use of land to cease (complied with, removed mobile home from the land by compliance date of 29/12/22).
16/00080/UNOPDE	Craigielea, Chivers Road, Stondon Massey	Unauthorised change of use of land to residential use	Feb- 21	Enforcement Notice(s) appealed, awaiting Public Inquiry appeal in April 2024.
14/00100/UNOPDE	Chivers Farm Swallows Cross Wyatts Green	Unauthorised boundary treatment (brick walls, pillars, metal railings and wooden fencing)	Nov-16	Enforcement Notice upheld and appeal dismissed. Following two successful prosecutions for non-compliance, remedial works undertaken in May 2022 (walls,

				railings & pillars) and also by 31/12/22 (wooden fencing). Compliance date extended to 31 March 2024 for fencing removal.
18/00008/UNOPDE	Hunts Farm, Old Church Road, Mountnessing	Unauthorised construction of a residential dwelling and change of use of land to builders' yard	Nov-20	Enforcement Notice upheld and appeal dismissed by the Planning Inspector in Appeal Decision dated 27 March 2023. Compliance site visit undertaken on 7 February 2024 confirmed that compliance now achieved.
20/00052/UNOPDE	Fantails, Hook End Road, Hook End,	Unauthorised construction of agricultural barn building and associated hardstanding area and access track	Nov-23	Enforcement Notice appealed. Awaiting Public Inquiry appeal in April 2024.
21/00030/UNOPDE	9 Shenfield Road, Brentwood	Unauthorised construction of a roof extension at second floor level in a Conservation Area	Nov-21	Enforcement Notice upheld and appeal dismissed by the Planning Inspector in Appeal Decision dated 28 June 2023. Remedial works to achieve compliance currently being undertaken.

19/00123/UNLCOU	40 High Street, Brentwood	Unauthorised change of use from snooker hall (Class D2 Use) to nightclub (Sui Generis Use)	Dec-23	Enforcement Notice issued (no appeal made). Remedial works to achieve compliance currently being undertaken.
19/00103/UNOPDE	Five Acre Farm, Warley Street, Great Warley	Unauthorised change of use of land to residential travellers' site	Feb-20	Enforcement Notice upheld and appeal dismissed following 7-day Public Inquiry appeal, by Appeal Decision dated 7 February 2023. The Planning Inspector also varied the compliance period from 6 months to 12 months to vacate the land.
19/00014/UNOPDE	Meadow View Murthering Lane Navestock	Unauthorised sunken garden(s)/basement to front and rear of authorised dwelling	July-22	Enforcement Notice issued (no appeal made), remedial works undertaken, compliance now achieved.
20/00068/UNLCOU	Meadow View Murthering Lane Navestock	Unauthorised builders' compound/storage area on green belt land	July-22	Enforcement Notice issued (no appeal made), remedial works undertaken, compliance now achieved.

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

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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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