

SITE PLAN ATTACHED

CAR PARK OPP CENTRAL OFFICE FORD MOTOR CO LTD EAGLE WAY GREAT WARLEY ESSEX

REDEVELOPMENT OF THE SITE TO PROVIDE 133 RESIDENTIAL DWELLINGS (USE CLASS C3) WITH ANCILLARY PARKING, OPEN SPACE AND OTHER ASSOCIATED DEVELOPMENT [DETAILED APPLICATION] AND 0.6HA OF LAND FOR A CARE HOME (USE CLASS C2) INCLUDING DETAILS OF ACCESS ONLY (MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED) [OUTLINE APPLICATION].

APPLICATION NO: 20/01111/FUL

WARD	Warley	8/13 WEEK DATE	13 November 2020
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APPLICANT	Fairview New Homes (South East) Limited	EXTENSION OF TIME:	tbc
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CASE OFFICER	Mike Ovenden
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Drawing no(s) relevant to this decision:	6790 D2703 A; 6790 D2703 B; 6790 D2704 PO; 6790 D2705 PO; 6790 D2706 PO; 6790 D2707 PO; 6790 D2708 PO; 6790 D2100 P0; 6790 D2101 P0; 6790 D2102 PO; 6790 D2102 PO; 6790 D2103 P0; 6790 D2104 P0; 6790 D2105 P0; 6790 D2106 P0; 6790 D2107 P0; 6790 D2108 P1; 6790 D2109 P0; 6790 D1000 P0; 6790 D2000 SOUTH P4; 6790 D2000 NORTH P4; 6790 D2100 B P0; 6790 D2100 C P1; 6790 D2101-A P0; 6790 D2102-A P0; 6790 D2700-A P0; 6790 D2700-B P0; 6790 D2700-C P1; 6790 D2701-A P0; 6790 D2701-B P0; 6790 D2701-C P1; 6790-D1500 P1; 6790-D1501 P1; 6790 D2100 CARE HOMEBUILDING P1; 6790 D2000 NORTH REV P2; 6790 D2000 SOUTH REV P2; 6790 D2000 NORTH REVP4; 6790 D2000 SOUTH REVP4; ARCHAEOLOGICAL EVALUATION JAC26018;
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In accordance with the constitution this application is referred to committee as in the view of the Development Management Team Leader the application should be determined by committee as the development is of a particularly significant scale.

1. The Proposal

The site is in two parts 1) south of Eagle Way and 2) north of Eagle Way. In total it measures 5.29 hectares. It forms part of the land holding formerly owned by Ford and operated as its UK headquarters, until it left the site in 2019. The ownership of the

southern site has since been subdivided and its redevelopment is being taken on by two developers. The main HQ building opened in the mid 1960's, its large formal green in front of the HQ building, and the former employees' car parking is being developed by Land Charter. It is carrying out the residential conversion of the main HQ building, plus seven additional units on the roof, with limited areas of new building adjacent to that building – terrace at the rear and 13 dwellings adjacent Clive Road. The redevelopment of the rest of the site, both to the north and to the south of Eagle Way, is subject to this application and is proposed by Fairview New Homes.

As originally validated in August 2020 the application related to the redevelopment of the site to provide 152 dwellings (Use Class C3 - *dwellingshouses*) and 796 sq m of flexible commercial space, ancillary parking and other associated development. Details equivalent to an outline application for a care home (Use Class C2 - *Residential institutions*) were also included in the application. Details of access were included, leaving Appearance, Landscaping, Layout and Scale as reserved matters for later approval.

During the life of the application, the applicant has amended the proposal to relate to a redevelopment providing a reduced number of dwellings, now 133 dwellings, ancillary parking, open space and other associated development. It retains details equivalent to an outline application for a care home (Use Class C2) – i.e. providing details of access only (matters of appearance, landscaping, layout and scale being reserved for later approval). No commercial floorspace is now proposed.

The revised proposal would provide:

- 83 houses (52 on the south site and 31 on the north site)
- 50 flats, in three blocks, all on the north site
- Land for a care home (details of appearance, landscaping, layout and scale are reserved for later approval)
- Twenty seven affordable (shared ownership) dwellings
- 2.1 hectares of open space (820 sqm plus incidental space northern parcel /2 hectares southern parcel)
- parking and other related infrastructure
- An upgraded surface crossing of Eagle way and a crossing place of The Drive
- Links through the southern site between Thorndon Gap and Barrack Wood
- Provision of first part of link through the site, to continue northwards if later phases allow

Layout of the north and south sites

The north site would provide 81 dwellings – 31 houses and 50 flats. The corner of Eagle Way and The Drive would have three blocks - A, B and C. Blocks A and B would have 5 storeys, Block C 4 storeys. These would provide, 28, 14 and 8 flats respectively. The parking for the flats would be to the north of Block A, between and to the north of blocks B and C. Some of the parking would be provided under pergolas. A small substation would be provided adjacent to the Block A car park. Adjacent to Block A would be an area of informal play including play equipment and adjacent to Block B would be a

paved 'Public Square' and small equipped play area. A power and water supply would be provided to allow for the stationing of a mobile vendor in the square – eg a coffee van.

A central row of six dwellings would be 3 storey (6 units in all on this part of the site), the others being 2 storey dwellings. The rest of the northern site would be individual houses, mostly with on plot parking, arranged on a grid semi grid layout. A small parking court for 14 cars would be in the southwest corner overlooked by plots 53-55 and 60 and 61.

Vehicular and parking surfaces would be permeable block paving. Vehicular access would be from Eagle way to the east of the upgraded cycle/pedestrian crossing. A new pedestrian crossing point is shown across The Drive towards the Keys Hall local centre. The site layout permits northward extension onto BBC owned land - towards the Scouts Club, Marching Band and Warley Playing Fields - as identified in the draft masterplan, were that land to come forward for development. The layout allows the pedestrian and cycle routes to cross the northern site and connect to existing routes to the north, again dependant on the adjacent BBC land coming forward for development. In the meantime this boundary would be marked with a timber fence, though at the present time there is no certainty that the land to the north would come forward so this fence may be the permanent boundary.

The south site would provide 52 dwellings – all houses, though it should be noted that the former HQ building is being converted into flats. The layout would be mostly individual houses, most with on plot parking, arranged on a grid semi grid layout. Three units at the front, adjacent to the proposed care home would be 3 storey dwellings, as would a further fourteen at the southern side of the site, with the remainder being two storey dwellings.

The site would also accommodate the care home. Details of this have not been provided – the information is at the level of an outline application, with only information relating to access being provided. Indicative information is provided in the Design and Access Statement. The care home is described as having a gross internal area (GIA) of 39,880 sqft (approx. 3710 sqm). Drawing D2100 P1 provides an indicative footprint – a 'reverse C' - showing a progression of heights from a maximum of four storeys (finished floor level [FFL] plus 16m), down to 3 storeys (FFL plus 12m) and single storey (FFL plus 4m).

Vehicular and parking surfaces would be block paving, some informal parking would be provided using reinforced grass. The layout includes both a north-south route and east-west pedestrian/cycling routes to the open space with its LEAP (Local Equipped Area for Play), informal open space, pond, allotments (shown indicatively), and linking to other routes beyond, e.g. to Warley Gap and Barrack Wood. Vehicular access would be from Eagle way to the west of the upgraded cycle/pedestrian crossing, in the same position as the existing main access. A courtyard and exterior landscaped sitting area would be associated with the care homes (as would 21 parking spaces). The Design and Access Statement indicatively indicates that this would be enclosed by a hedge and planted within.

2. Policy Context

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy GB1 New Development
- Policy GB2 Development Criteria
- Policy T2 New Development and Highway Considerations
- Policy T5 Parking
- Policy H6 Small Unit Accommodation
- Policy H9 Affordable Housing on Larger Sites
- Policy H12 Residential Homes
- Policy E1 Areas Allocated for General Employment
- Policy E2 Areas Allocated for Office Purposes
- Policy E4 Sites for Additional Employment Land
- Policy E5 Land Adjacent the Council Depot, Warley
- Policy C3 County Wildlife Sites, Local Nature Reserves and Other Habitats and Natural Features of Local Value
- Policy C16 Development within the Vicinity of a Listed Building
- Policy C19 Secured by Design
- Policy IR5 Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held in February and March 2021, as set out in draft timetabling by the Secretary of State. The Inspector has asked for more information on some issues with further hearing sessions expected to take place in July 2021. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council towards the end of 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to complete its progress through the Examination in Public it is still considered that it currently has limited weight in the decision making process.

National Policy

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

3. Relevant History

- Permission for office building 1960. Various later applications for parking, cooling towers, signs, alterations, internal works, additional offices, fire protection, car wash, computer data centre, portakabins, satellite equipment, CCTV and alterations to front entrance canopy.
- 19/00844/PNCOU: Notification for Prior Approval class O for a Proposed Change of use of a building from office use (Class B1(a)) to a dwellings (266 units) (Class C3). -Prior Approval is Not Required
- 19/01708/PNCOU: Prior Approval Notification Class O - Proposed change of use of main office building to residential (325 units) (Class C3). - Prior Approval is Not Required
- 20/00444/FUL: Replacement windows for the Former Ford HQ excluding the rooftop accommodation and Eagle way primary entrance. Please refer to specific area which that have been excluded on the proposed elevations. -Application Permitted
- 20/01390/FUL: Two-storey rooftop extension to the northern section of the existing former Ford Headquarters building to provide 7 no. dwellings and associated access/circulation and communal space. – approved
- 20/01421/FUL: New landscaped frontage to the north and east of the existing former Ford Headquarters building, including new entrance canopy to building and free-standing canopies for external amenity purposes - approved
- 20/01479/FUL: Extension of and amended cladding/fenestration to the 10 no. rooftop dwellings consented via permitted development at the southern element of the existing former Ford Headquarters building. -Application Permitted
- 20/01566/FUL: 13 no. dwellings on west side of car park and demolition of existing canteen building to provide new landscaped amenity area and compensatory car parking. -Application Permitted
- 21/00312/DEM: Prior Approval Notification - Demolition of data centre and associated development on the south of the site - subject to current application 20/01111/FUL. -Prior Approval is Not Required

4. Neighbour Responses

- Little if any consideration given to sustainability with regard to social, economic and environmental concerns.
 - Warley has already been overdevelopment with large cramped estates lacking infrastructure or amenities such as shopping, social or recreation
 - This offers no new facilities despite bringing substantial numbers of people and families to the area
 - Consideration should be given to cycling and walking infrastructure
 - Many occupiers will be commuting to London; how will the development address narrow and congested Warley Hill?
 - Amenities such as cycleways and footpaths to link places such as Thorndon should be included
 - Nothing wrong with new homes, but consideration needs to be given to the impact on the local economy, society and community as well as the environment before permission is given to unfettered construction at the site.
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- **Brentwood Borough Council** (Adjacent landowner):

Brentwood Borough Council is committed to the delivery of development that meets local needs, including new homes and jobs. Consistent with the emerging Local Development Plan for the borough, suitable brownfield land outside of the Green Belt is scarce and so needs to be used efficiently when available. The wider former Ford HQ site with parking controlled by Fairview New Homes as part of application 20/0111/FUL, and adjacent Council owned depot and parking, should be redeveloped consistent with this aim and the overall objectives for quality in line with borough character. The Council supports redevelopment for residential uses and associated uses/improvements as proposed. The Council intends to redevelop its land at the site for appropriate uses including residential. The relocation of the depot facility to accommodate redevelopment through the most efficient use of land is a priority that can be achieved through various options, including relocation of a facility that meets modern needs to alternative land within the borough. This means that the Council-owned land can be brought forward consistent with the overarching principles of the Fairview masterplan. Whilst the Council may not bring forward its land exactly as indicated as possible through the Fairview masterplan, it is agreed that development should respond positively to the scheme proposed on Fairview-controlled land and be consistent with overall aims to improve the wider area.

Community Involvement

Before submission of the application, the applicant carried out leaflet drop of the locality supported by a web based information pack. Given the restrictions of the Coronavirus this format of public consultation was appropriate.

5. Consultation Responses

- **Affinity Water:** To be reported if received

- **Bats - Mrs S Jiggins:** To be reported if received
- **Environmental Health & Enforcement Manager:** None received
- **Essex Wildlife Trust:** To be reported if received
- **Gas Pipeline:** To be reported if received
- **Great Warley Conservation Society:** To be reported if received
- **Open Space Strategy Coordinator:** To be reported if received
- **Planning Policy:** To be reported if received
- **Strategic Housing Consultee:** To be reported if received
- **Highway Authority:**

The proposal does not wholly comply with Brentwood Borough Council's adopted parking standards. However, there is not a significant shortfall; all houses plus 3-bed flats meet the standard with 1 and 2-bed flats being provided with one parking space each. Given the commitment of the applicant to make the site a more sustainable location for new residents by offering notable contributions towards walking and cycling infrastructure as well as public transport services and potential additional parking controls in the area, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

- Construction Management Plan
- Upgrade of existing zebra crossing on Eagle Way between the north and south to a signalised crossing for pedestrians and cyclists
- the pedestrian guardrail on the north side of Eagle Way between the existing zebra crossing and The Drive to be replaced with a widened footway of a minimum 2 metres
- provision of tactile paving and dropped kerbs at north and south site access road junctions with Eagle Way
- the proposed zebra crossing on The Drive shall be omitted in favour of an informal dropped kerb crossing with tactile paving

- north-south aligned section of public footpath no 29 to the east of the site shall be upgraded to have a natural but firm and even surface with a minimum 2 metres width.
- the proposed east-west aligned footpath link in the southern section of the proposed development shall have a minimum width of 3m in order to accommodate both pedestrians and cyclists safely.
- No occupation of any dwelling until its parking has been provided
- Provision of cycle parking in accordance with adopted standards
- Provision of Travel information pack
- Provision of residential travel plan

The Highways authority has also identified financial contributions towards improving sustainable transport links to and from the site, necessary to mitigate the impact of the proposal. These would need to be part of a S106 agreement.

- i. £25,000 towards a Cycle and Pedestrian Study to improve walking and cycling accessibility between the site and Brentwood rail station;
- ii. £100,000 towards identified cycle/pedestrian improvements on that route;
- iii. £226,600 towards improving public transport provision to serve the site;
- iv. £25,000 towards bus infrastructure improvements;
- v. £35,000 towards the implementation of parking restrictions in the vicinity of the site if required.
- vi annual monitoring fee of £1,533 per annum (index linked) for monitoring of travel plan to be paid to Essex County Council.

- **Brentwood Access Group:**

Original Plans:

- The percentage of people with a disability has risen to 21% of the population.
- Design and Access Statements should set out and develop their plans to show how disabled people will be treated equally throughout the plan.
- This particular plan is totally useless and fails to do this. In nearly 90 pages of the D and A statement there is only one small paragraph on page 78. This only quotes compliance with Part M of the building regulations and no other

interest in disabilities has been taken. It should have at least looked at the following.

1. Mobility Scooter parking and charging spaces undercover in all the housing areas is needed. If you are making all the residential units large and accessible enough for people with disabilities to live in then their transport usage needs to be taken in to account with at least parking and charging places.

2. I note that there will be significant play and recreation space within the development, that is to be applauded. However, there is no mention of play equipment for children with disabilities. There is a significant amount manufactured these days, the developers just need to take advice from the specialists in this field.

3. No electric car charging points seem to have been accounted for. As people with disabilities may wish to have this type of vehicle if it suited them then how are they going to charge them if no charging points are near wider parking bays. The Motability scheme will allow their users to have electric cars if they are suitable. Many other residents will gradually have to be going over to these cars in the future. There seems to be no future considered here.

Revised plans:

Once again the Brentwood Access Group find that people with disabilities have been ignored.

1. there are no parking bays or charging points in the ground floor car parks to the blocks of flats for mobility scooters despite the revision of the plans.

2. There is still no Design and Access statement laying out how people with disabilities are factored into the plans. In the Equalities Act there is provision for people with disabilities to be positively enabled over the norm.

We are disgusted to see that no provision has been considered at all.

We call upon the planning officers and Brentwood Councillors to send these plans back to the drawing board.

- **ECC SUDS:**

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

Condition 1

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

- o Detailed engineering drawings of each component of the drainage scheme.

- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

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

Condition 2

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

Reason

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

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.

- **Schools & Education:**

Essex County Council cannot make a case for an education contribution from this site at this time and will not be making a request.

- **Mr Alan Twine:**

In response to the above outline planning application, Essex Police has no additional comments to add to those included in our previous response dated 1 October 2020.

However as indicated in our previous correspondence , Essex Police strongly recommends that the developer seeks to achieve the relevant Secured by Design accreditation which will be Secured by Design Homes 2019 Version 2, March 2019 for the residential element of the development and Secured by Design Commercial Developments 2015 Version 2 for both the retail elements and the care home.

(<https://www.securedbydesign.com/guidance/designguides>),.

The questions posed in our previous correspondence are still relevant.

Essex Police, provide a free, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design. We would welcome the opportunity to meet with the applicant to discuss the security design aspects of the development to ensure provision of a safe and secure environment for potential residents.

- **County Archaeologist:**

Revised: The development lies on the site of the former Warley Barracks which was established on Warley Common and has medieval origins. The development area is also adjacent to a WWII military camp.

While the development of the buildings associated with the Ford Headquarters has disturbed any below ground archaeological deposits, the areas to the east of these buildings and to the north of the road were considered relatively undisturbed and could preserve deposits associated with the military barracks, military activity or earlier medieval activity therefore a recommendation was made for a full archaeological condition on the application to investigate these deposits that may have been destroyed by further development.

However, in March 2021 a Desk Based Assessment (DBA) and a Written Scheme of Investigation (WSI) was submitted to this office. The archaeological consultant had noted considerable landscaping and terracing on the northern side of the site with the

ground level being approximately 1-1.5m lower than the original surface and there was no likelihood of any archaeological survival within this area, but proposed a series of targeted trenches on the open space to the south. This evaluation was completed, and a report submitted to this office. Unfortunately, the level of disturbance across the site meant that no archaeological deposits were recorded. Consequently, no further work is required on the site and no archaeological conditions are needed on the planning application.

- **Essex Badger Protection Group:**

As confirmed in the latest Wildlife and Countryside Link Report, the badger remains the most persecuted protected mammal in the UK and it is therefore imperative that the location of any badger setts remains strictly confidential and is not published on public forums. As the commentary relates to protected species we ask that it is not uploaded to the planning portal.

We would recommend that any planning permission is conditional on the following:

- Prior to the commencement of work, a detailed mitigation plan should be submitted by Aspect Ecology or another suitably qualified ecology firm, clearly showing the extent of the exclusion zone to be used and the proximity of the badger sett to the construction footprint. Ideally this should be illustrated by site photographs to demonstrate the habitat being protected.
- A further badger survey to be conducted prior to commencement, as already proposed by Aspect Ecology, with this being conducted no earlier than three months before construction begins.
- The following mitigation measures should also be employed, many of which have already been proposed by Aspect Ecology:
 - All workmen on site should be fully briefed concerning the presence of badgers on site, the relevant implications and the necessary safeguards;
 - Any trenches or deep pits that are to be left open overnight should be provided with a means of escape should a badger enter. This could simply be in the form of a roughened plank of wood in the trench as a ramp to the surface. This is particularly important if the trench fills with water;
 - Any trenches/pits should be inspected each morning before work commences to ensure no badgers have become trapped overnight. Should a Badger become trapped, it will likely attempt to dig itself into the side of the trench, by forming a temporary sett. Should a trapped Badger be encountered a qualified ecologist must be contacted immediately for further advice before work commences in that area;
 - The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences, with consideration given to temporary fencing around any such mounds to exclude Badgers. Advice must be sought from a suitably qualified ecologist should it be evident that badgers have adopted a mound and

work in that area should be suspended until such time as the matter has been legally resolved;

- The storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers;
- Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped. Again, should a badger trap itself then urgent advice must be sought from a qualified ecologist before work commences for the day;
- Food and litter on site should be cleared at the end of the working day or otherwise kept to a minimum; and
- Security lighting should be kept to a minimum so as not to disturb the badgers on site.

- **Arboriculturalist:**

Original plans: The site north of Eagle Way is primarily hardstanding which was used as a car park. Trees and other vegetation are limited to the southern and western edges. South of Eagle Way mature woodland and trees wrap around the northern, eastern and southern boundaries. Within the site there are existing commercial buildings, car parking and amenity areas comprising lawns and some trees.

Trees

A tree survey has been undertaken which has informed the production of a Tree Constraints Plan and a Tree Protection Plan. A total of 9 Category B (moderate value) trees would require removal as well as several Category C (low value) individuals and groups. The largest number of trees to be removed are close to the southern boundary, although these are mainly Category C. All Category A trees will be retained.

It is accepted that most of the trees to be removed are generally low quality and therefore their loss is considered acceptable. The main belts of trees within the southern site are to be retained. Five Category B trees on the southern side of the belt beside Eagle Way will require removal to allow the development of three of the units and the provision of an access road. There are opportunities to mitigate for the removal of through the proposed planting scheme.

The line of lime trees on the north side of Eagle Way are the most important trees on this part of the site. While the plans show them as being retained the Tree Protection Plan identifies that they will require pruning to provide space to allow for the construction of Blocks C & D as they are within 6-7m of the new buildings. The tree report categorises these lime as early-mature and so they will continue to grow. As a result they are likely to be subject to ongoing post-development pressures for reductions or removal due to shading, especially given they are to the south of the blocks.

Although no details have been provided some plans, e.g. the illustrative landscape masterplans, appear to show several paths running through the woodland belt adjacent to Eagle Way. Several of the trees in this location have been identified as Category A; clearly such routes would need to be designed to have minimum effects on the roots of these trees.

While most trees will be retained with only 9 Category B trees being removed I am concerned about the long term future of the prominent line of limes given their close proximity to the new blocks.

Ecology

Ecological surveys have been undertaken. It is agreed that most of the site has low ecological value comprising existing buildings, hardstanding or amenity vegetation. The green belt area has the most ecological significance. It contains area of deciduous woodland (priority habitat) and is used for foraging by bats in low numbers. There is also an active badger sett within this part of the site. The appraisal concludes that as the green belt area is to be retained and enhanced there should not be any adverse ecological effects. The report contains detailed method statements including for badgers.

I do not have any objection to the proposed scheme with regards to ecology so long as proposed badger protection measures and ecological enhancement measures are implemented. These can be dealt with by condition.

Landscape

The site is partly within the green belt in an area dominated by mature woodland. Most of the larger trees on the south side of Eagle Way are to be retained. These will help to provide screening which will mitigate some of the visual effects of this large development on the edge of the countryside. There is more concern about the potential visual effects of the development of the north site given the proximity of Blocks C & D to the lime trees.

Several masterplan documents have been prepared which present details regarding the evolution of the development. Despite this I feel that the proposals, particularly for the northern area to provide little significant landscape enhancement or place making. There is no evidence of a 'gateway' as suggested in the Masterplan Design Principles. Car parking and the access roads dominate. There are no amenity areas with even the LAP being relegated to the roadside.

With The Masterplan Design Principles identifies the importance of providing a north south pedestrian link through the north site. While a physical route has been identified on the landscape scheme this is little more than a footway between parking areas and fronts of properties. It is not considered to be a principle route as identified with the various design documents.

There are two play areas proposed. The larger site is within the green belt area. There is also a LAP proposed immediately north of Eagle Way. No detail of these have been provided. In principle the larger site offers potential to create an attractive larger open space if the play area was integrated with the new pond and other habitat enhancements.

There is concern over the proposal to place a play area for younger children immediately adjacent to Eagle Way rather than to try to create a focal point within the development area.

The plans show a new pedestrian link leading from the public footpath outside the eastern boundary through to the access road off Warley Gap. This create an improved link for walkers between Thorndon Park and Warley Gap; however there is little design detail provided. It is not clear therefore if it will be promoted to non-residents and whether walkers will feel able to use it.

The plans show that it is intended to incorporate green roofs on some of the blocks. These do have some ecological value; however during the pre-application discussions it was recommended that blue roofs be considered to help address SUDS issues. The pond in the green belt area has the potential to be a landscape and ecological asset as well as forming a part of the SUDS scheme; however no opportunities to provide other above ground features such as swales have been considered.

There are significant concerns regarding the adequacy of the final landscape scheme, particularly north of Eagle Way. Until these are addressed I would not be able to support this application.

Revised: No comments received.

- **Operational Services Manager:**

The roads would need to support our collection vehicles and a dropped kerb at each bin store route would be necessary.

Street level properties are required to present their waste and recycling kerbside for collection and multi dwelling properties from a communal bin store. There should be adequate unobstructed turning space for a 26tonne refuse collection vehicle to access all areas of the proposed site and for communal bin stores the general requirements to take into consideration are;

General principles

- o Waste should not be stored in an area that is plainly visible from the main public route past the property.
- o The storage area should not obstruct sight lines for pedestrians, drivers or cyclists.

- o The storage area should not obstruct any utility service points, access paths, entrances/exits or fire exits.
- o The storage area should also be sited to minimize any fire hazard: that is, sited at a safe distance from potential ignition sources, sited at a safe distance from the property to prevent the spread of fire, be designed in such a way waste containers cannot be removed and used for starting a fire elsewhere.
- o The storage area should be sited in such a way illegal access to the property would be facilitated.
- o Ideally in a shaded area to minimize the potential for odours.

General principles concerning the storage area

- o The storage area should be of sufficient size to accommodate the required size and number of bins.
- o Must have good ventilation.
- o Be designed for use by older persons and persons with disabilities.
- o The doors/gates must not open over the public highway.
- o Have a floor which is impervious and easily kept clean, with a suitable drainage.
- o Have a convenient water supply for washing.
- o Access is easy for residents.
- o Be designed in such a way nobody can conceal themselves from someone entering.

Requirements concerning a communal waste storage area; from an operational perspective:

- o If enclosed: minimize obstruction from doors, ensure doors can be fixed open whilst containers are being moved.
- o Avoid, where possible, the use of padlock/keys/access card.
- o Minimum clearance (width) for the door/gate should be 2m where 1100 litre bins are used, 1.5m for 770 litre and 1m for 360 litre or less..
- o Clear signage to indicate what waste is deposited and the arrangements for bulky waste.
- o Clear signage indicating the nearest Household Waste Recycling Centre and recycling centre (Bring Site).
- o If there is a roof; sufficient clearance for a person to stand upright and for lids to open.
- o Easily accessible light switch and adequate lighting - if enclosed.
- o The threshold of the door must not be raised.
- o The distance between the solid waste storage area and the waste collection point should not exceed 25m.
- o The pathway between the solid waste storage area and the waste collection point must be:
 1. Flat, firm based and smooth finished, without any steps or kerbs.
 2. Minimum width of 2m (for 1100 litre containers).
 3. Pathway gradient to be minimal; ideally 1:21 +.
- o Give consideration to a bulky household waste storage area, ideally 2.5m x 1.5m

Designing Out Crime Officer

Original Proposal: Security forms a key part of a sustainable and vibrant development. Essex Police considers that it is important that, if approved, this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. This reflects sections 91 and 127 of the NPPF. As such, Essex Police strongly recommends that the developer seeks to achieve the relevant Secured by Design accreditation which in this case will be Secured by Design Homes 2019 Version 2, March 2019 for the residential element of the development and Secured by Design Commercial Developments 2015 Version 2 for both the retail elements and the care home.

(<https://www.securedbydesign.com/guidance/design-guides>),.

It is noted that this application has proposals for 3 x 4/5 storey high apartment blocks incorporating 71 residential units. 'SBD Homes 2019' provides full guidance for preventative measures through compartmentalisation and offers bespoke solutions to access control relative to each residential core/floor of the apartment blocks. This is a proven technique to prevent unauthorised intrusion and ASB. SBD also provides guidance on flat entrance doorsets, (A Guide to Selecting Flat Entrance Doorsets).

This appears to be a comprehensive, well thought out application. Although there is not a specific section relating to security in the documentation provided, there are a number of key elements which are built into the design, which will assist in providing a safe and secure environment. To date Essex Police has not been involved in any pre-application discussions, as recommended in the NPPF. Pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents are agreed prior to a planning application. From the information provided, it appears that this development lends itself to Secured by Design accreditation, but we would be keen to understand the finer detail such as the proposed lighting, physical security measures, the undercroft parking arrangements, boundary treatments for the houses and access control measures for the apartment blocks.

Essex Police has a number of specific observations relating to the apartment blocks as follows:

- The documentation states that each property has 'private' amenity space and all of the flats have a balcony or a terrace. Para 4.27 of the Design and Access statement, indicates that there is no defensible space outside the five ground floor apartment in Block C. It is important that the boundary between public and private areas is clearly indicated. It would be beneficial if the same railing layout on the balconies of the higher floors was included for the ground floor flats (with a key lockable gate if preferred, to allow access/egress for residents).

- It would be beneficial if low level defensive planting was located below accessible ground floor windows.

- Further detail is required about postal arrangements. 'Through the wall' mailboxes or mailing arrangements in a secure lobby are recommended. Trades buttons are strongly discouraged.

-Further detail would be welcomed about the security arrangements for cycle and refuse storage. A digital lock arrangement, that must be managed so that the access control number is regularly changed, is recommended.

- **Environment Agency:**

We have reviewed the application as submitted and have no objection, providing the conditions detailed in our response are appended to any future planning permission. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority

1 A preliminary risk assessment which has identified all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2 A site investigation scheme, based on 1 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3 The results of the site investigation and detailed risk assessment referred to in 2 and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4 A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 e complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Condition 2

No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason for Conditions 1,2,3 and 4

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 A6, J1 J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

Condition 5

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details. Reason for condition 5

Infiltration through contaminated land has the potential to impact on groundwater quality.

Condition 6

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason for condition 6

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- **Conservation Place & Development:**

Revised scheme:

This application remains as 'Hybrid', the description has been amended to reflect it now proposes a slightly reduced number of residential units from 152 to 133. The Care home and associated land seeks outline permission. No flexible commercial space is now proposed. The pack is supported by an addendum to the Design & Access Statement (DAS January 2021); the submitted Planning Statement states 'The revised site layout addresses all of the concerns regarding the quality of placemaking within the scheme'. Having assessed the revised information, I offer the following advice: In terms of layout and the spaces between the buildings, the introduction of a small public space adjacent to Keys Hall is positive; however, this does not go far enough in terms of the breaks and stops I advised in my initial advice to the LPA.

The DAS correctly identifies the 'The local area is currently lacking of spaces for residents of different ages to socialise and play', whilst the parkland is located nearby in terms of destination 'play', squares for the new community are best practice, this intent for one square, needs to be carried on through into the designed layout more robustly given the scale of development. I raised at the meeting arranged with the applicant team prior to this reconsultation, the space around the new square being framed solely by residential with limited defensible space is not Good Placemaking, at ground floor level this area should be of mixed use to offer linkage from buildings to public realm. There is a matter of conflict here given the proximity of the play area and the future residents, again this would be negated by alternative class use. I have highlighted the need for this mixed use since the first preapplication, my advice in this regard will not alter, there is considerable new development across the whole allocation, Keys Hall as a Local Centre will not support the quantum of new residents.

The allocation overall is a new walkable neighbourhood tacked onto existing and dated infrastructure, employment and mixed use is key to achieving quality Placemaking holistically. As previously advised in my first assessment, 'stops' and 'breaks' in development of public spaces should be repeated, although such spaces are not always needed to be framed by alternative class uses; deeper into the development secondary squares at the east and north east of the northern parcel are at a greater distance from Keys Hall, therefore I would consider it not always being necessary to activate the ground floor with flexible commercial space; squares and stops can also be applied within the southern parcel, certainly at the transition to the open space. I note the submitted Masterplan (Drawing D2000 P1) which helpfully shows a visioned layout for the most northern area of the allocation, but this is not within the developer's ability to deliver. Therefore, in terms of the transition to the land outside of the developer's delivery, a 'break up' of the long runs through introducing public space at the transition will assist from one land developer parcel to the next; squares and public realm also negate car dominated street frontages and support sequencing of transitions between land ownerships. I commented previously on the green blue infrastructure as this is also a critical drainage area, an introduction of swales and above ground features in this revised pack is positive, such features contribute to softening the experience within the street scene as well as ecological uplift. At pedestrian level the landscape screening around parking courts is key; the Landscape and Ecology Consultee will be able to provide more technical detail on the nature of these. I encouraged in my earlier letter, 'Day in the Life scenarios' to consider wider landscape connectors and class uses within the environs of the site parcel.

There is additional information on movement and permeability of the site, but the mix of uses and the spaces as mentioned in the earlier section of this letter is outstanding. In terms of inclusivity and positive Placemaking across both parcels, the LPA must seek detailed comments from the Housing Consultee in respect of the level of Affordable Housing, its mix and tenure. I raised in my initial advice to the LPA the importance of inclusivity and affordable homes, from my assessment there remains a deficiency in Affordable Homes provision, mix and tenure, my earlier advice stated 'Affordable Homes should be tenure blind and scattered throughout the site; not located solely on the northern parcel; to 'group' affordable housing as proposed, is not in the spirit of inclusive Placemaking and has wider implications in terms of health and wellbeing'.

Both the EQRP and my initial letter raise concerns regarding the care home, its siting and integration within the proposed southern development parcel. My previous letter advised 'As stated previously at each preapplication session, I advise its siting and scale poses in a harsh and avoidable transition into green belt. I highlighted throughout preapplication new and innovative care homes often work on a courtyard style layout, offering a series of quality internal/external spaces which are private and safe for residents; layout is also dependent on the level of care. I question the positioning of the Care Home on the southern parcel and encourage the architecture at this location engages with the Green Belt area by more than a pathway 'route'. In 'framing' this open space with dwellings facing eastwards, it affords natural surveillance and creates an integrated sense of place to the wider

landscape. This point was also raised by Essex Quality Review Panel'. Revisions for this area of the site are tabled, but in the main these are in terms of the interrelationship with the Green Belt land, the reality of how external terraces and hedges would actually manifest themselves going forward in terms of security at boundaries, signage, and lighting etc is not definitive here although the intent, I agree, is for a more natural and open surveillance which is improved. The fundamental matter remaining is the proposed scale and siting of the Care Home which has not been amended since my initial letter. This whole area of the layout plan requires review, it may be of benefit to also consider and examine the scale of houses dotted around a four-storey block, proud of the building line for the HQ (which is by the applicant's own submission the hierarchical building). I suggest this location is studied more robustly to join up with the thinking around connectivity of Green Space at the east. The spatial quality at the principal introduction of the development from Eagle Way, will be impeded by way of the four storey prominent Care Home block. In terms of the concerns raised for a fabric first approach and green energy, the submitted Energy Statement refers to Air Source Heat pumps and PVs, I have no detail on the location of these within the submitted drawings in order to provide comment. These items alter the architectural intent if not designed in at this stage, information should be within the application and not conditioned.

Other matters I raised have not been addressed are taken from my initial letter as follows: - 'The more the fundamental observation (which I have raised previously to both this landowner and to the adjacent landowner) is the back filling of the existing underpass. Given there is to be a significant increase in vehicular movement, this existing supporting pedestrian link on the north/south axis would be of significant benefit to retain and incorporate'. - Given the style of architecture the architect should take advantage of the flatted typology proposed to include usage of roof areas as upper-level amenity spaces, this was advised at preapplication - the dwellings at the south of the site appear cramped, their placement will result in a loss of tree screening which will negatively alter the existing soft character of the lane bridging the Woods; in addition, the quality of the natural daylight for these units and their residential amenity could pose conflict for future occupiers. - The area is annotated as a 'Home Zone' appears fairly narrow and with little spatial quality at the frontages. An earlier preapplication iteration showed a greater spacing at frontages.

In terms of the detailed elements upon the Blocks, balconies remain 'clamped' on as opposed to integrated or recessed, not an approach I support given the narrative, rainwater goods should be concealed not applied. For the avoidance of doubt balconies designed as illustrated on Block A. Proposed Elevation 1 & 2 are not accepted. This has been raised previously. Summary There has been progression here since my first letter was issued to the LPA however aspects of advice which in my opinion do contribute to the quality of Place are not wholly addressed, I maintain a view that a high-quality scheme is achievable, but as previously advised, a rigorous review of the development principles and a real focus on how they are applied in Placemaking is required. Recommendation: Based on the information before me, there has been progression but as set out in this letter, this scheme is deficient in offering a quality and inclusive Placemaking. Therefore, I do not support this application for approval.

6. Summary of Issues

The starting point when determining a planning application is the Development Plan, which at the current time is the Brentwood Replacement Local Plan 2005 ('the Local Plan'). Planning legislation states that applications must be determined in accordance with the relevant development plan policies unless material considerations indicate otherwise. Additional policies, as relevant material considerations for determining this application are the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the emerging Local Development Plan ("LDP"). Although individual policies in the Local Plan should not be read in isolation, the adopted plan contains policies of particular relevance to this proposal which are listed in section 4 above. A further material consideration is the permitted development conversion of the former HQ building and related development which is currently underway and has changed the land from employment use to a residential site.

Principle of development

For the most part, the site is outside the greenbelt and is therefore on land where in principle redevelopment is acceptable. The part of the site within the greenbelt (1.8 hectares) is not proposed for development, other than in a minor way for purposes related to its recreational use as open space. This is considered later in the report.

Policy context

The 2005 Development Plan allocates the southern site – that part that lies outside the green belt - for employment use under Policy E2. This states that on sites such as this, permission will only be granted for office development, subject to criteria concerning scale, transport, traffic and landscape considerations.

The land to the north of Eagle Way is allocated for General Employment use under Policy E1. The site was not identified as a main employment site but one appropriate for a range of employment opportunities, starting with what are referred to in the plan as B1, B2 and B8 uses (light and general industry and warehousing), but not ruling out other employment opportunities.

This application is being considered at a time when planning policies are soon to transition from the current Development Plan to the document that will replace it. The Development Plan, and the evidence that supported its policies, is now approaching 16 years old. During that period there has been an increasing focus on the need to increase delivery of housing, which particularly in green belt boroughs such as Brentwood where sites for large developments outside the green belt are rare, encourages the reuse and reallocation of former employment sites for housing. The emerging LDP makes provision for employment uses commensurate with identified needs and the site is no longer identified for employment use in emerging policies.

The emerging local plan allocates the site, in policies R04 and R05 for mixed, mostly residential, use. This is based on much more recent evidence of the need, and

strategies for meeting the need, for housing, as well as employment and other uses in the borough.

The main building on the southern site is currently undergoing redevelopment that involves the removal of office employment opportunities and conversion to residential occupation. This is being achieved by the implementation of the permitted development conversion (19/01708/PNCOU and before it 19/00844/PNCOU) of the whole building. The system of permitted development for residential conversion pays no regard to local policies relating to the principle of the use of the site. However, partly due to the conversion works, and partly to the greater emphasis given to housing delivery, there is no reasonable likelihood of any development on this site for office use.

Policy (H12 Residential Homes) from the current development plan supports proposals for residential homes (inc. nursing or care homes) provided that it does not result in an overconcentration of such homes in any residential street, is in suitable proximity to services, meets the needs of future occupiers and occupancy is appropriately conditioned. It would not lead to those problems and occupancy could be conditioned. The care homes element of this proposal is therefore in accordance with this part of the development plan.

Emerging Policy R04 and R05

This development is related to the allocation of the site for residential led development in the emerging plan. The site was originally anticipated to come forward a number of years after adoption of the LDP as the Development Plan. Due to the commercial decisions of the former site owner, it has come forward at this stage. In discussions between the applicant and officers relating to work on the LDP it is agreed that sites R04 and R05 are deliverable earlier in the plan period, notably 2021-2025.

The NPPF addresses the situation where a development comes forward prior to adoption of an emerging local plan and advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the following apply:

- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

With regard to criterion (a) it is not considered that the scale of development would be so substantial as to undermine the plan making process about the scale, location or phasing of new development that are central to an emerging plan. The proposal is for 133 dwellings against a need identified in the Reg 19 plan as 7752 dwellings. This development is for a small proportion of the Boroughs overall future housing requirement. On the second issue (criterion b) the emerging plan is proceeding through

the examination process though currently it is advised that it has limited weight. However as both tests need to be met before proceeding with an argument of prematurity – and as indicated above criterion (a) is not met, it would be contrary to NPPF policy to object to the application on grounds of prematurity. This is consistent with the Inspector’s findings in the recent Ingatestone Garden Centre appeal.

The weight to be attached to an emerging policy depends in part on whether objections have been received and the extent to which they have been resolved. The Regulation 19 version of the LDP contained a site specific policy relating to the site. It has attracted an objection submitted on behalf of Ford dating from when it had an interest in the land. That objection sought the removal of the requirement for self/custom build, care home and employment land, on the basis that the latter two items would reduce the quantum of residential development achievable on the site. As the policy has an objection it attracts less weight in the decision making process. Furthermore at the hearing sessions of the Examination in public, the Inspector asked for consideration of the wording of the policy, in common with other site specific policies, partly for consistency with the wording of other policy allocations, whether affordable housing needs to be specifically mentioned in the policy or covered under a generally applicable affordable housing policy, removal of reference to the critical drainage area, instead addressing this under a borough wide drainage policy, as well as other minor rewording. As a consequence, the final wording of the policy may vary from that set out in the Reg 19 plan, likely to a limited extent rather than fundamentally altering the policy, but that final form is unknown.

With regard to the Reg 19 version of Policy R04 and R05, in the table below the proposal is assessed against the requirements of that policy.

Requirements of the draft policy	Assessment of current application
A. Amount and Type of Development a. provision for around 473 new homes of mixed size and type, including affordable housing;	The allocation did not envisage the retention and conversion of the former HQ building. That is a large 7 storey building and together with related developments on the site being developed by Land Charter, is providing 350 dwellings. This proposal would add a further 133 dwellings which the potential for more to come on the Council owned land. Estimates of site capacity should not in principle be interpreted as a ceiling or a barrier to a greater quantum of development, which should be considered on their merits.
b. provision for a residential care home (around 60 bed scheme as part of the overall allocation);	This is part of the proposal, and it therefore complies in principle with this iteration of the policy.
c. provision for 5% self-build and custom build across the entire allocation area; and	No self-build or custom build is proposed as part of this development. There is an objection to this element of the draft policy

	which limits the weight to be attached to it.
d. provision of 2ha of land for employment purposes.	No employment use is proposed as part of this (revised) development. There is an objection to this element of the draft policy which limits the weight to be attached to it.
B. Development Principles a. comprehensive masterplan and phasing strategy to be prepared and considered as planning applications come forward;	A masterplan has been submitted with this application. A phasing strategy has been submitted. This identifies that the Land Charter scheme represents the first phase, the applicant's development as a second phase, proceeding later this year if permission is granted.
b. vehicular access via Eagle Way and The Drive;	The vehicular access would be via Eagle Way.
c. provide well-connected internal road layouts which allows for good accessibility;	The proposal provides well-connected internal vehicular, cycle and pedestrian routes which allows for good Accessibility.
d. integrate existing community facilities within new development provision for new multi-functional green infrastructure including public open space;	The proposal would provide links to Keys Hall, local open space and additional open space within the development.
e. consideration of historic context for the area;	No adverse comments are raised with regard to historic context
f. preserve the setting of two listed buildings on adjoining land to the west;	No adverse comments are raised with regard to listed buildings to the west
g. protect and where appropriate enhance the Local Wildlife Sites (Barrack Wood/Donkey Lane Plantation).	The proposal includes a footpath to the east to connect with existing routes including Barrack wood and further afield.
C. Infrastructure Requirements a. provision for improved bus service;	This could come forward as a package of S106 monies to mitigate the impact of the development.
b. the site is located within a Critical Drainage Area. This development may have the potential to impact on the Critical Drainage Area in respect of surface water flooding. As a result of this, the site is likely to require an individually designed mitigation scheme to address this issue.	The Environment Agency and Lead Local Flood Authority raise no conditions subject to conditions.

Design

A summary description of the development is given in section 1 above. One of the requirements of the emerging allocation (LDP policy R04 and R05) was that the sites be subject to a comprehensive masterplan. A masterplan does not determine the detailed form of development on adjacent land but demonstrates that it is possible to develop the overall allocation in an acceptable and comprehensive manner. A masterplan has been submitted (drawing D2000 P1) and shows an appropriate form of development across the whole of the R04/R05 policy area. The landowner of the rest of the allocated land to the north, Brentwood Borough Council, supports the principle of the development of this brownfield development and considers that the masterplan plan shows a form of redevelopment of its land that may come forward in due course. No adverse comments have been received relating to the masterplan and it is considered to be acceptable.

The preeminent building on the overall site is the former Ford HQ building, a modernist building in the international style, opened in 1965. Despite that building being converted by another developer, it has a presence felt across the overall site. Through discussions carried out through pre application discussions and since submission, the scheme has been developed to propose contemporary block type typologies, both as individual dwellings and apartment blocks with flat roofs and contemporary use of materials and fenestration. The layout across the parcels has a semi grid form appropriate to the strong grid appearance and layout of the HQ building and to the typologies being used.

The southern site would be developed for houses, a mix of two and three storey dwellings, provide pedestrian/cycle links to the east and west (Warley Gap and Barrack Wood), with vehicular access and further pedestrian/cycle links to the north, as well as taking advantage of the current open land within the greenbelt along the east side to provide formal and informal recreation. Parking is mostly on plot, though there is limited provision of tandem parking adjacent to the podium parking associated with the former HQ building and partly adjacent to the main spine road, and one of the east west routes in the middle of the site. The applicant has been encouraged to identify where informal parking would naturally take place and design it in to the scheme; this parking would be surfaced with reinforced grass and build outs with street trees.

A care home is proposed on the northeast corner of the southern parcel, though only basic massing details of the building have been provided at this stage.

The northern site is the first part of what could be a multi phase redevelopment, with the land beyond, and proposes a now entirely residential development of houses and apartment blocks. The three apartment blocks would be along the centre of the Eagle Way and The Drive frontages. Block A would be five storeys and provide 28 flats, Block B also five storeys, providing 14 flats and Block C would be a four storey block of eight units. The houses and flats would share a common design language. This parcel includes a small public open space and a public square.

The design of the northern site is more challenging as it has to work in relation to the southern site and has to work with the land to the north in its current state and use and

as redeveloped. This is the reason for the Masterplan on the overall allocation. Officers consider that the development of the northern site would be appropriate in those different circumstances. Should the land to the north come forward the north/south routes in this development could be extended to reach the playing fields and beyond.

With regard to the Design Officers comments, officers' starting point throughout the pre app and later was to have a greater role for SUDS features, swales, rills, water gardens and retention basins etc, to be expressed more in the scheme. In addition to their drainage benefits, they help placemaking, landscape and ecology. However, the layout is considered acceptable and is supported by the Lead Local Flood Authority.

The proposal includes a care home and while there are other possible forms of provision for such specialist groups, the care home is a requirement of the draft policy and subject to submission of appropriate details at the reserved matters stage is considered satisfactory.

The Design Officer's preference for and comments relating to retention of the existing tunnel from the basement of the HQ building under Eagle Way to the northern site is noted – as is the similar discussion at an early Member briefing – and this was discussed with the applicant before the application was submitted and again during the life of the application. This is not accepted by the applicant or the developer converting the former HQ building. The traffic data accepted by the highways authority indicates a lesser traffic generation for the site as proposed than in its previous commercial use. The Highways authority has not required its retention on highway safety grounds - the surface crossing of Eagle Way is to be upgraded as part of the proposal. It is also doubtful that the tunnel would be on the desire line for occupiers on either part of the site, but especially those not resident in the former HQ building – and therefore even were it to be retained and available for use, using it use would not make sense to many. While its retention was worth investigating, it is not part of the applicants offer, it is incompatible with the proposed layout due to conflict with the position of Block B and therefore cannot be achieved by condition. For the reasons given above the assumed benefits of the tunnel does not justify its retention – and the necessary refusal of the application to achieve it.

Heritage

The former Ford HQ building was considered for listing but was not put on the statutory register though its developer recognises its architectural qualities, and it can be considered to be a Non-Designated heritage Asset. Due to proximity and scale the proposal for the southern site would have a significant effect on the setting of the building, though it lacks statutory protection. The layout and form of the development has changed greatly since the beginning of pre application discussions relating to this development to one based on a semi grid layout with contemporary housing typologies. The position and overall massing of the Care Home would have a greater effect on the setting of the former HQ building. It would be of the order of 12.5 metres in front of the former HQ building but due to its much smaller scale 16m tall, 30m wide at that height, as opposed to the HQ's 23m, up to a maximum height of 32 metres and 130m width, the HQ building would always retain its role as the dominant building on the site. The

dwellings on Plots 50-52 would likewise sit proud of the HQ building but at 9.15m tall would be more subservient still.

There are two Grade II listed buildings in the immediate setting of the site allocation (to the west), these are Blenheim House and the Headquarters of The Royal Anglian Regiment on the opposite side of Clive Road. These proposed development of these two parcels would have a neutral effect on the setting of the listed buildings.

Sustainability

Section 5 of the revised Design and Access Statement addresses sustainability, as does the Sustainability Statement and Energy Statement submitted with the application. The four largest buildings proposed – the three flat blocks (A to C) and the care home are all indicated to have green roofs. In addition, blocks A to C would have photovoltaic cells (PVs) and direct electric heating. The rest of the buildings, the houses, would incorporate fabric first principles, air source heat pumps and PVs.

The submission has been assessed by a specialist who has identified that national policies and measures might not be best suited to long term carbon reduction and may need revision. In summary it is noted that the revised form of development is a significant improvement on the original proposal. On the whole the energy strategy for the proposed development is considered to represent standard practice but fall significantly short of what would be expected for a net zero building and risking the need to retrofit the properties ahead of 2050. However, the applicant has not sought to produce an exemplar scheme but to achieve the requirements of planning policy. In that context the proposal archives meaningful improvements over the building regulations and is acceptable.

Sunlight, daylight and residential amenity

The development has been assessed in accordance with the Building Research Establishment's publication "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2011). The results of the analysis demonstrate that the aims of the BRE's guidance are achieved and the proposed accommodation and amenity spaces will have good access to daylight and sunlight. For the most part, the development is not close to other existing dwellings. Those few dwellings adjacent to existing development would have a satisfactory relationship.

Affordable Housing

Under Policy H9, on large sites such as this the Council will seek a proportion of 35% of the number of dwelling to be provided as affordable housing in a manner to be agreed with the council. The policy follows the conventional requirement at the time, including both subsidised rented accommodation and low cost market housing, restrictions on occupation to address local needs, with the viability of the development and other planning issues being relevant when determining provision.

Consideration of issues around affordable housing have changed in the years following adoption of the 2005 Development Plan. Government policy has moved against requiring provision of affordable housing on very small sites, permitted development rights have been introduced that allow certain residential development types to be carried out without planning permission (and therefore with no requirement for such provision). More recently the Government has sought to improve the economics of developments by allowing developers to apply 'Vacant Building Credit' which subtracts the floorspace of buildings to be demolished from the residential floorspace proposed before calculating the quantum of affordable housing required. This thereby reduces the number of affordable homes required on sites such as this where buildings (in this case the former data centre) are being removed. While these processes are not without controversy, they are legitimate ways for a developer to reduce its affordable housing requirement, in the name of improving the viability of development which may not otherwise be viable to implement.

The application as originally submitted, for 151 dwellings, care home and commercial units etc., was viability tested by the applicant and proposed 38 affordable units (i.e. 25.1%). Following revisions to the scheme in January 2021, including the reduction to 133 dwellings, the applicant carried out a further viability assessment and advised that no affordable housing could be provided on the site. Taking into account the floorspace to be demolished as permitted under the Vacant Building Credit, the 'policy compliant' level of provision would have been 25.5% i.e. 34 units. Therefore, the shortfall in provision due to viability would be 34 units. Further discussions have been carried out with the applicant and the Council's specialist advisors and the viability information indicates that the development could support five dwellings, all shared ownership. That view would be subject to seeking updated information on local house price movements since Fairview's sale price estimates were produced in July 2020. S106 agreements commonly include a requirement for viability review when reduced affordable housing provision is proposed on viability grounds on the basis that viability can change with time due to changing market conditions.

Notwithstanding that, the applicant has made an offer of 20% of the dwellings to be provided as affordable housing. This amounts to 27 homes. These would be shared ownership, of a range of sizes indicated below, on the northern parcel. However, this offer is subject to there being no such future viability review. In this case a viability review is not necessary as the economics of the situation are unlikely to alter to the extent that the viable provision of 5 units would increase to 27 shared ownership units or beyond.

The proposed provision is:

- 9 No. 1 Bedroom 2 Person (1B2P) flats
- 4 No. 2B3P flats
- 7 No. 2B4P flats
- 1 No. 2B3P wheel chair flats
- 4 No. 3B5P flats
- 2 No. 4B6P houses

Total – 27 affordable units

There is no dispute that the borough has a significant under supply of affordable homes and that this has been so for a prolonged period of time. The Council's housing monitoring report confirms that for the year 2019/20 the supply was just 40 homes and that this was below requirements. Therefore, the provision of these 27 affordable homes is a benefit of the scheme to which significant weight can be attached. The provision of these units would be required via a S106 agreement.

Care Home

The proposal includes a care home on the southern part of the site. Limited information has been provided – the information is at the level of an outline application, with only information relating to access being provided. Details of appearance, landscaping, layout and scale are reserved for later approval. The care home would have a gross internal area (GIA) of approx. 3700 sqm, a maximum of four storeys and lower elements of 3 storeys and single storey. This is indicative of a 60-65 bed home and it may include specialist care though it is understood that at this stage a care home provider has not been finalised. The inclusion of a care home is in accordance with the requirements of the emerging local plan's site specific policies (R04 and R05). Occupancy can be controlled by condition.

Dwelling size

Policy H6 (Small Unit Accommodation) requires at least fifty percent of dwellings on larger sites to be one or two bedroom dwellings. The proposal would provide the following mix of dwellings:

Type	Number	Percentage (rounded)
1 bed	15	11%
2 bed	52	39%
3 bed	47	35%
4 bed	19	14%
Total	133	

The proposal meets this policy objective. Furthermore, it is noted that the conversion of the adjacent HQ building is overwhelmingly of one and two bed units.

The density of housing would be 59 (net) dwellings per hectare (dph) on the north site, 33 (net) on the south site. Policy H14 expect densities greater than 65 dph in town or village centres where the location has good public transport accessibility. However, this does not take into account the 350 dwellings coming forward through the conversion of the former HQ building and related developments. In this context the density is considered to be acceptable.

All dwellings meet or exceed the technical housing standards – nationally described accommodation space standards - which although not adopted by the planning authority are a nationally recognised and accepted space standard for dwellings.

Secured by Design

This and other developments on the overall site have been considered by the crime prevention officer in accordance with the principles of Secured by Design. The consultation reply for this application raised no objections and the further comments are to be included as a note on the decision notice. A similar design approach has been taken on previous applications and the proposal is considered to meet the requirements of Policy C19.

Highways and Parking

A transport assessment has been provided with the application which indicates a lower level of vehicular trips in the AM and PM peaks of this revised 133 unit scheme in comparison to those predicted for the 151 unit scheme, with commercial uses. Both of these were predicted to be very much less than the vehicular trips associated with the Ford use of the site. The junctions associated with both parcels would operate well within their theoretical capacity.

With regard to highways impacts, paragraph 109 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In the context of the above, the proposal would not give rise to those problems and the proposal is supported by the highways authority and is considered to be acceptable in highways terms.

The highways authority supports the scheme subject to conditions, including upgrade of the crossing between the north and south sites, improvement to footway along the Eagle Way frontage of the north site, use of tactile paving adjacent to crossings, a link to the adjacent north-south path adjacent to Barrack Wood, minimum 3 m width of east-west link walking cycling route on southern parcel. Furthermore, the highways authority has requested mitigation measures to make the site a more sustainable location for new residents by offering notable contributions towards walking and cycling infrastructure as well as public transport services and potential additional parking controls in the area. These would be achieved through funding by the applicant via a S106 agreement.

Car parking

With regard to parking, the revised proposal would provide 240 car parking spaces, 219 allocated plus 21 for visitors, relating to the residential part of the scheme. The proposal as assessed against the standards, as below:

Type	Number of dwellings	Standard	Proposed	Compliance/shortfall
1 bed flats	15	15	15	Compliance
2 bed flats	32	64	32	Shortfall 32 spaces
3 bed flats	3	6	6	Compliance

2 bed house	20	40	40	Compliance
3 bed house	44	88	88	Compliance
4 bed house	19	38	38	Compliance
Sub Total	133	251	219	Shortfall 32 spaces
Visitors	Standard is 0.25 per dwelling (rounded up)	34	21	Shortfall 13 spaces
Grand total	-	285	240	Shortfall 45 spaces

Car parking would be in a mix of open parking, some under pergolas, car ports and garages. The garages are associated with three house types (3A, 4 and 5), 54 units in all. In each case the garage would be a single garage of internal dimensions of 7m by 3m – the garage at house type 4 is within 80mm of that length, which is de minimis. This is the larger dimension recommended in the parking standards that recognise that smaller garages can become unusable due to storage of items. The larger dimensions seek to make this less likely. Permitted development rights for conversion of garages can be removed by condition.

The care home would be provided with 21 parking spaces. The standard is 1 space per full time equivalent (FTE) member of staff plus 1 visitor space per three beds.

A care home of 3700 sqm the size indicated in the application, is indicative of a 60-65 bed home, with 70-80 staff, approximately 35-40 at any one time. On that basis the estimate of car parking required under the adopted standards would be as follows:

- 1 space per fte staff members = 40 spaces
- 1 space per 3 bed spaces = 22 (rounded up) based on 65 bed spaces.

i.e. 62 spaces. The proposal would provide 21 spaces. The standard is expressed as a maximum number, but the proposals fall well below it.

The adopted ECC 2009 Essex wide Parking Standards indicate that provision below the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport. Measured from the junction of the Drive and Eagle Way, the two sites are over a mile from the railway station, the return journey being uphill and although there is a bus stop adjacent to the northern site, its accessibility to public transport is not of the standard of a town centre site.

The parking standards advise that Car Clubs should be promoted in low provision/car free residential, and this may have a part to play in justifying a lower than standard compliance level of provision. Promotion is likely to require funding from the developer and provision of car club spaces. This could be achieved through a Planning Obligation/S106 agreement. The applicant is proposing a subsidised car club, envisaged to be for two such cars, though this is subject to further discussion.

The applicant proposes other measures to promote modes of transport other than use of the private car and these are considered below with regard to Planning obligations.

Cycle parking

The proposal would provide 258 cycle parking spaces. The proposal as assessed against the standards, as below:

Type	Number of units	Standard	Proposed	Compliance/shortfall
1 bed flats	15	15	85	Overall, exceeds standards
2 bed flats	32	32		
3 bed flats	3	3		
2 bed house	20	20	40	Exceeds standards
3 bed house	44	44	88	Exceeds standards
4 bed house	19	19	38	Exceeds standards
Sub Total	133	133	251	Exceeds standards
Visitors	-	-	7	Exceeds standards
Grand total	-	133	258	Exceeds standards

The overprovision of cycle parking is acceptable, though in locations such as this it is generally not considered to mitigate non compliance with car parking standards as the modes of transport are not direct alternatives and in most contexts rarely easy substitutes.

In discussions with the applicant, the shortfall in car parking spaces has been reduced from previous iterations of the scheme – through reducing dwelling numbers, omitting commercial floorspace and changes in layout - and the applicant is proposing mitigation measures, considered in the Planning Obligations section. These mitigation measures seek to reduce the number of cars residents own to meet their needs. The applicant is also proposing to fund a study and implementation of parking controls in the locality to address potential displacement of parking from the site elsewhere in the area.

Resident's bays would be marked with their flat/house number and parking in these would require the display of a permit on the windscreen. Visitors bays would be marked with a 'V' and residents would not be permitted to park in these. These would be policed by the management company and appropriate action would be taken against residents who misuse them.

Electric Vehicle Charging

All of the houses with on plot parking or bays immediately adjacent to them (plots 1-52, 60-80 and 82-83) would be provided with passive electric vehicle charging points. (i.e. physical conduits to support future charging points) This would allow occupiers to install a charging point without the need to run electric cables through the house etc. Ten

percent of the parking provision for the flats, visitors and houses with communal parking bays (plots 53-59 & 81) would be provided with active (ready to use) electric vehicle charging points and 10% passive electric charging points would also be provided.

Green Belt

Around 1.8 hectares of the site is in the Green Belt. All proposed buildings would be within the settlement boundary i.e. outside the greenbelt. The land would remain as open space, available for recreation by residents and would include an east-west cycle route running between Barrack Wood and PROW 29 (to the east) and Warley Gap and PROW 112 (to the west). It would accommodate a SUDS feature pond, a play area and general open space. On this basis the development would not be inappropriate development within the Green Belt.

Flood Risk and SUDS

The northern site would have swales (shallow channels with gently sloping sides) running along the northern side of Block C and its parking area and between Block A and B. The large openspace adjacent to the southern parcel would contain a balancing pond. All on-site roads and parking areas would be laid with permeable paving. The expression of sustainable drainage (SuDS) features has drainage, landscape and ecological benefits, though in this scheme those benefits are limited due to the relatively small scale of such features. Subject to conditions the Environment Agency and SUDS team raise no objections.

Landscape and Ecology

A detailed landscaping scheme has been developed and submitted with the application. Its implementation can be required by planning condition.

The site has been assessed by a specialist ecologist. The site itself has no statutory ecological designation. The nearest SSSI is Thorndon Park, 05 km to the east, and Barrack Wood, local wildlife sites at Donkey Lane Plantation, Ellens Wood, Little Warley Common and Warley Gap, are closer but none are considered to be affected by the development. The grassland, buildings and large areas of hardstanding on the site are of no more than low ecological value. The deciduous woodland at the east of the site would be retained in full. Most of the site offers little for protected species other than the woodland to be retained and enhanced through a landscaping proposal. Statutory consultees offer no objections.

Planning obligations

Planning obligations - secured through Section 106 of the Town and Country Planning Act - assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. They should only be used where it is not possible to address unacceptable effects through a planning condition(s). Conditions have a slightly more limited ability to deal with issues, for example they cannot be used to require the payment of monies. Planning obligations, can cover financial contributions,

but must only be sought where they meet the tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (and repeated in national planning policy NPPF paragraph 56), that is:

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

In discussions through the work being done on the emerging LDP, the applicant has agreed with the LPA that development on the site will need to provide or make proportionate financial contributions through a S106, towards necessary infrastructure to mitigate its cumulative impacts.

The applicant has suggested that the following financial contributions could be appropriate to make this proposal acceptable in planning terms and proposes a S106 agreement to cover the following matters:

1. Provision of affordable housing
2. Financial contribution towards provision of education for residents, if requested by Essex County Council – ECC has responded to say that it cannot make a case that such provision is necessary.
3. Health needs contribution, if requested by the local commissioning group. The commissioning group has made such a request.
4. Open space contribution, if requested by local authority
5. Site specific highway works, if requested by local highway authority, for example enhanced crossing arrangements along Eagle Way and the Drive, and traffic calming measures
6. Travel plan coordinator, implementation of Travel plan as agreed with local planning and Highways authorities
7. Cycle and walking improvements
 - a. Funding of study to improve walking and cycling accessibility to the station (£25,000)
 - b. funding of improvement plan on that route (up to value of £100,000)
8. Public transport improvements
 - a. Public Transport Contribution of up to £226,000
 - b. Bus Infrastructure Improvement Contribution of £25,000
 - c. subject to confirmation by the County Council that these can be applied locally to the site.
9. Financial contribution of £35,000 towards Local Car parking zones monitoring, consultation and implementation

The applicant also proposes to establish a car club with a current provider and in any event include an obligation to fund the implementation of a car club should this be established through later phases of the redevelopment.

Essex County Council Infrastructure team has confirmed that no case can be made to justify an education payment. For that reason, such a payment will not be requested.

The Mid and South Essex NHS Clinical Commissioning Group has calculated that the development would be likely to have an impact on the NHS funding programme for the delivery of health and care provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated. The CCG advises that the development could generate approximately 319 residents and subsequently increase demand upon existing constrained services. The group has calculated that this extra demand would require extension, reconfiguration, refurbishment or relocation of primary, community and out of hospital services for the benefit of the residents of the proposed development. The costs of this has been assessed as £50,301 based on 2015 levels. This request and the evidence provided in the CCGs representation indicates that the above three tests are met and it is reasonable to require the developer to fund such provision. The CCG has asked that payment should be made before the development commences and this is reasonable and such a trigger point for the payment can be part of the S106 agreement.

Open Space provision

Current plan policy LT4 requires a provision of public open space the proportion of which should be informed by the extent, nature and accessibility of existing provisions, and the suitability of the site to accommodate open space. Appendix 5 (Miscellaneous Residential Design Guidelines) sets out the starting point for assessing the proportion of space. Within larger housing areas (sites of 50 units and above) at least 15% of the site area should be set aside for public open space, part of which should be suitably hard surfaced. The proposal exceeds this level of provision – fifteen percent would be 0.8 hectares, provision over the whole site is 1.96 ha, with 1600 sqm on the northern parcel.

The applicant has made a financial offer for the maintenance and improvement of the local open space, areas which are likely to be visited and used by future residents. This is on the basis of £1,000 per unit, i.e. a total of £133,000. This would be captured in the S106 agreement.

Housing land supply and delivery

The scheme would deliver market housing and affordable housing. The Council is unable to demonstrate a five year housing land supply against its local housing need and the rate of delivering new dwellings is low. At the recent Ingatestone appeal the housing land supply was agreed to be 2.36 years. This shortfall is substantial and on that basis government policy is that the Council's planning policies relating to housing supply cannot be considered to be up to date.

National planning policy states that the balance (in the decision making process) should, as a result, be tilted in favour of sustainable development and planning permission should be granted except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The appeal site is owned by the appellant, a national house builder, and the site can be considered deliverable in that regard. Therefore, substantial weight can be attributed to the provision of additional housing.

The NPPF lists specified protected areas, such as greenbelt, where this permissive approach does not apply. However, this site is not one of those protected areas (eg green belt, SSSIs, AONB, National Park, irreplaceable habitats, designated heritage assets etc) and therefore the 'tilted balance' does operate with regard to this development. Consequently, when considering this proposal substantial weight should be given to the benefits of the proposal and grant permission except permission where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

However, as indicated in this report, this proposal is acceptable in its own right and therefore does not rely on the 'tilted balance' to be considered acceptable. It is noted however that 133 new dwellings would be a significant addition to the number of dwelling coming forward in the borough.

As indicated above, the proposal is considered acceptable, even before considering the tilted balance and the recommendation is that planning permission be granted subject to conditions and a S106 agreement.

7. Recommendation

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

As part of the recommendation, it is requested that power be delegated to Head of Planning to agree minor changes to conditions listed below and to the S106 agreement, subject to agreement of the Chairman of the Planning & Licensing Committee, should they be necessary.

S106 Agreement Heads of Terms (all monies indexed):

- Provision of affordable housing (27 shared ownership units)
- Health needs contribution (£50,301 based on 2015 levels)
- Open space contribution (£133,000)
- Travel plan monitoring (£1,533 per annum)
- Cycle and walking improvements
 - Funding of study to improve walking and cycling accessibility to the station (£25,000)
 - funding of improvement plan on that route (up to value of £100,000)
- Public transport improvements
 - Public Transport Contribution of up to £226,000
 - Bus Infrastructure Improvement Contribution of £25,000
- Financial contribution of £35,000 towards Local Car parking zones monitoring, consultation and implementation
- Participation of car club (requirements to be negotiated).

Planning conditions

- 1 Standard Time - Full

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

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

2 Approval of the details of the scale, layout and appearance of the building(s) and the landscaping of the care home development that are reserved for later approval (hereinafter called the reserved matters) shall be obtained in writing from the Local Planning Authority before that part of the development is commenced and the development shall be carried out as approved.

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

3 Application for approval of the reserved matters of the care home shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

5 The reserved matters application(s) for the care home shall be limited to a proposal that does not exceed the parameters indicated on drawing D2100 P1:

- Floorspace (GIA)
- Footprint
- Heights
- Site layout

Reason: To ensure the care home protects the character of the overall development and the amenity of occupiers of adjacent properties.

6 Care home occupancy

The building(s) indicated on the approved drawings to be a Care Home shall not be occupied other than as a care home. It shall not be occupied until details of the care home operation proposed have been submitted to and approved in writing by the LPA. The submitted information shall include any age restrictions of occupants, the type and level of care provided within the facility, and confirmation that the care home units shall not be occupied other than by persons who are, on admission, residents in need of assistance with the normal activities of daily life.

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

7 Development in accordance with drawings

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

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

8 Implementation of works to protect protected species

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

- Prior to the commencement of work, a detailed mitigation plan should be submitted by Aspect Ecology or another suitably qualified ecology firm, clearly showing the extent of the exclusion zone to be used and the proximity of the badger sett to the construction footprint. Ideally this should be illustrated by site photographs to demonstrate the habitat being protected.
- A further badger survey to be conducted prior to commencement, as already proposed by Aspect Ecology, with this being conducted no earlier than three months before construction begins.
- The following mitigation measures should also be employed, many of which have already been proposed by Aspect Ecology:
 - All workmen on site should be fully briefed concerning the presence of badgers on site, the relevant implications and the necessary safeguards;
 - Any trenches or deep pits that are to be left open overnight should be provided with a means of escape should a badger enter. This could simply be in the form of a roughened plank of wood in the trench as a ramp to the surface. This is particularly important if the trench fills with water;
 - Any trenches/pits should be inspected each morning before work commences to ensure no badgers have become trapped overnight. Should a Badger become trapped, it will likely attempt to dig itself into the side of the trench, by forming a temporary sett. Should a trapped Badger be encountered a qualified ecologist must be contacted immediately for further advice before work commences in that area;
 - The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences, with consideration given to temporary fencing around any such mounds to exclude Badgers. Advice must be sought from a suitably qualified ecologist should it be evident that badgers have adopted a mound and work in that area should be suspended until such time as the matter has been legally resolved;
 - The storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers;
 - Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped. Again,

should a badger trap itself then urgent advice must be sought from a qualified ecologist before work commences for the day;

- Food and litter on site should be cleared at the end of the working day or otherwise kept to a minimum; and
- Security lighting should be kept to a minimum so as not to disturb the badgers on site.

Reason: To protect protected species that may reside or visit the site.

9 Ecological mitigation and enhancement

The development hereby permitted shall be carried out in accordance with the mitigation measures and ecological enhancements listed in chapter 6 of the Ecological appraisal by Aspect Ecology dated July 2020.

Reason: To protect protected species that may reside or visit the site.

10 Construction Management Plan

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

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

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.

11 Eagle Way crossing

Prior to occupation, or an alternative timescale previously agreed in writing by the local planning authority, the existing zebra crossing on Eagle Way that links the north and south sites shall be replaced with a signalised crossing for pedestrians and cyclists. Notwithstanding the North Site Proposed Layout drawing, the adjacent pedestrian link into northern development shall be provided with a minimum 3m width to accommodate pedestrians and cyclists together safely.

Reason: In the interests of pedestrian and cycle accessibility and amenity, and in the interests of highway safety.

12 Removal of guard rail and wider footway

Prior to occupation (as advised by the road safety audit), or an alternative timescale previously agreed in writing by the local planning authority, the pedestrian guardrail on

the north side of Eagle Way between the existing zebra crossing and The Drive shall be replaced with a widened footway of a minimum 2 metres to accommodate pedestrians safely.

Reason: In the interests of pedestrian accessibility and amenity, and in the interests of highway safety.

13 Dropped kerbs and tactile paving

As shown in the Proposed Site Layout plans and prior to occupation of the development, or an alternative timescale previously agreed in writing by the local planning authority, pedestrian dropped kerbs and tactile paving shall be provided at both the north and south site access road junctions with Eagle Way.

Reason: In the interests of pedestrian accessibility and amenity, and in the interests of highway safety.

14 The Drive crossing

Notwithstanding the Proposed Site Layout plans and prior to occupation of the development, or an alternative timescale previously agreed in writing by the local planning authority, the proposed zebra crossing on The Drive shall be replaced with an informal dropped kerb crossing with tactile paving, the precise location of which is to be agreed in consultation with the Highway Authority.

Reason: In the interests of pedestrian accessibility and amenity, and in the interests of highway safety.

15 Route to public footpath no 29

Prior to occupation of dwellings on the south site, the north-south aligned section of public footpath no 29 (Brentwood parish) to the east of the proposed development on the southern development shall be upgraded to have a natural but firm and even surface with a minimum 2 metres width.

Reason: In the interests of amenity and to ensure the continued safe passage of the public on the Public Right of Way.

16 East-west shared route

Prior to occupation of dwellings on the south site,, the proposed east-west aligned footpath link in the southern section of the proposed development shall have a minimum width of 3m in order to accommodate both pedestrians and cyclists safely.

Reason: In the interests of pedestrian accessibility and amenity and safeguard potential future cycle links through to Barrack Wood to the east.

17 Provision of parking

The proposed development shall not be occupied until such time as the vehicle parking spaces indicated on the approved plans, including any parking spaces for the mobility impaired, have been allocated to each dwelling. The vehicle parking area shall be retained in this form at all times and 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.

18 Cycle parking

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

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

19 Residential Travel Information Pack

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

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

20 Travel plan

Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. (monitoring fee included within S106 agreement).

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

21 LAN03 Landscaping - full - details submitted

The site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme that has been agreed in writing by the local planning authority. Any newly planted tree, shrub or

hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

22 LAN05 Retention of existing Trees, Shrubs and Hedges

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

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

23 Garage conversions

Notwithstanding the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the garages to house types 3A, 4 or 5 shall be retained and kept available for use for car parking.

Reason: To protect against the loss of parking on the site, in the interests of the character of the area and safety and amenity of residents.

24 Sample panels

The development hereby permitted shall not progress above slab level until a sample panel showing bricks and other external materials of the dwellings has been erected on site and agreed in writing by the local planning authority. Furthermore no boundary screening/walls/gates etc shall be erected until a sample panel(s) showing the external materials to be used in their construction have been erected on site and agreed in writing by the local planning authority. The sample panels shall measure 1 square metre minimum shall be erected on site to show areas of new, exterior walling. Where appropriate, these panels shall indicate: Brick bond, copings, mortar mix, colour and pointing profile.

Reason: To protect the character and appearance of this prominent site and the setting of the listed building.

25 Further details

Prior to the first occupation of the dwellings hereby permitted details of the following shall be submitted to and approved by the local planning authority in writing and implemented as approved.

- Roof mounted Solar PVs as part of a package to reduce carbon dioxide emissions in comparison to the requirements of Part L Building Regulations
- the position and location of air source heat pumps
- Means of safely maintaining the roof mounted PVs (mansafe system preferred)
- Means of providing defensible space adjacent to the ground floor of blocks
- Measures to achieve a maximum water use of 110 litres per person per day
- Full fibre broadband provision to the dwellings (FTTP)

Reason: To fulfil the environmental objectives of the NPPF and supporting the transition to a low carbon future.

26 Access for waste collection vehicles

Prior to the construction of the buildings hereby permitted, above slab level, details of the on site roads shall be submitted to demonstrate that they would support the 26 tonne collection vehicle, have a dropped kerb at each bin store route and provide unobstructed turning space for a 26 tonne refuse collection vehicle to access all areas of the proposed site.

Reason: To provide appropriate facilities for collection of waste and recycling.

27 Refuse and Recycling

Prior to the construction of the dwellings above slab level, details of the provision for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the dwellings to which they relate.

Reason: To fulfil the environmental objectives of the NPPF and HP13 of the Publication Draft Local Plan 2018.

28 Detailed surface water drainage scheme

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

- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

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

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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

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

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

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

29 Works to minimise the risk of offsite flooding during construction

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

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

30 Drainage maintenance logs

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

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

31 Contamination assessment

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site on that phase shall each be submitted to and approved, in writing, by the local planning authority

- A preliminary risk assessment which has identified all previous uses
- potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- A site investigation scheme, based on 1 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and detailed risk assessment referred to in 2 and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 e complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 A6, J1 J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

32 contamination verification of remediation

No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action,

as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 A6, J1 J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

33 Contamination monitoring

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 A6, J1 J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

34 Contamination uncovered during development

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 A6, J1 J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

35 Drainage pollution control

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality.

36 Control of piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at

unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Informative(s)

1 INF02 Reason for approval (objections)

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 by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF04 Amendments to approved scheme

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

3 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, T2, T5, H6, H9, H12, E1, E2, E4, E5, C3, C16, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

4 INF22 Approved Following Revisions

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

5 U0007922 Drainage Informatives:

- o Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- o Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

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- o Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

o It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

o We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

BACKGROUND DOCUMENTS

DECIDED:

