

**SITE PLAN ATTACHED**

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

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

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

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

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

**Landscaping Plans**

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

**Architectural Plans**

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

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

#### Highways Plans

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

#### Management Plan

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

#### Arboriculture

SHA 694 TPP Rev B 5.9 – Tree Protection Plan

#### Drainage

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

#### BNG Off Site

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

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

### **1. Proposals**

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

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

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

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

## **2. Policy context**

The Brentwood Local Plan 2016-2033

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

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

National Planning Policy and Guidance

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

### **3. Relevant History**

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

### **4. Neighbour Responses**

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

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

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

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

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

## **5. Consultation Responses**

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

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

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

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

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

First reply: holding objection

Final reply:

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

Condition 1

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

- o Verification of the suitability of infiltration of surface water for the development, especially for Soakaway A. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- o Limiting discharge rates to 4.3l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated, including third party agreement for the outfall headwall.
- o Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- o Provision of 10% urban creep allowance.
- o Sewer network design should demonstrate that there is no surcharging for the 1 in 1yr RP.
- o Final modelling and calculations for all areas of the drainage system.
- o The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

o An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

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

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

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

Condition 2

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

Reason

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. This should include maintenance arrangements specific to the single tank located within the rear garden of property 21.

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

Reason



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

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### Condition 4

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

#### Reason

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

- **Parish Council -**

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

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

We also would like the following requests to be noted:

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

- **Environmental Health & Enforcement Manager -**

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

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

- o Provisions made for the control of construction and vehicle noise emanating from the site. These provisions could include physical and/or administrative measures.
- o Control of dust from construction activities.
- o Control of vibrations from construction activities.
- o To reduce disturbance to nearby properties, Environmental Health would recommend restricting construction activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

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

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

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

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

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

Other considerations:

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

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

There should be no bonfires on site.

- **Anglian Water Services Ltd-**

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

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

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

- **Arboriculturalist-**

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

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

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

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

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

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

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

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

- **Schools & Education-**

When estimating the number of children that a new housing development will generate, and that will require a school place (yield), ECC takes account of the number of houses and flats that are suitable to accommodate children. One-bedroom units and some dwellings, such as student and elderly accommodation, are excluded from the education calculation.

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

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

Early Years and Childcare

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

#### Primary Education

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

#### Secondary Education

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

#### Post 16 Education

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

#### School Transport

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

#### Libraries

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

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

## Monitoring Fees

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

## Employment and Skills

Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships, and to invest in skills to realise personal and economic aspirations.

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

In the current economic climate and national skills shortage, ECC supports Brentwood Council in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers.

These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the 'development phase'. ECC also supports Brentwood Council in requiring landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the 'end-use phase'. Additionally, ECC encourages Brentwood Council to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this development.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on Secondary School Transport and Libraries. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

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

- **Basildon Fire Station-**

Various advisory comments on the following:

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

- **Environmental Health & Enforcement Manager-**

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

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

- o Provisions made for the control of construction and vehicle noise emanating from the site. These provisions could include physical and/or administrative measures.
- o Control of dust from construction activities.
- o Control of vibrations from construction activities.
- o To reduce disturbance to nearby properties, Environmental Health would recommend restricting construction activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

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

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

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

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

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

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

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

- **Highway Authority-**

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

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

Recommend conditions on the following:

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

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

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



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

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

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

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

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

Reason: To ensure the continued safe passage of the public and protect the integrity of the definitive right of way, and in the interests of accessibility, in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

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

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

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

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

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

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

- **Essex Badger Protection Group-**

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

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

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

- **NHS Property Services Ltd -**

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

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

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

- **Housing Services Manager-**

In terms of quantum, the proposed development is consistent with Policy HP05 of the Local Plan providing 35% of the proposed dwellings as affordable homes. The proposed tenure mix does provide for appropriate provision of homes of affordable rented tenure which is consistent to the tenure mix requirement of affordable rent to low-cost home ownership of the 86%/14% ratio in Policy HP05.

However, the proposed siting of the affordable housing should be reviewed as currently it is being provided in 'clusters' which would not be acceptable. The requirement would be for a 'tenure blind from the kerbside' approach and one where affordable homes are 'pepper potted' throughout the development. This helps to meet the Council's generally accepted aspiration for mixed and balanced communities rather than separated tenure clusters.

- **Design Officer -**

Original comments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Planning Policy –**

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

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

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

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

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

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

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

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

- **County Archaeologist -**

RECOMMENDATION: Archaeological Evaluation

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

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

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

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

The Borough Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief detailing the work will be issued from this office on request and should be acquired prior to the production of a Written Scheme of Investigation.

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

## **6. Summary of Issues**

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 4 above.

### The local plan process

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

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

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

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

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

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

#### Site allocation



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

<b>Policy R24: Land Off Stocks Lane</b>	
Land off Stocks Lane, Kelvedon Hatch is allocated for around 40 new homes.	The proposal is for 49 dwellings
1. Development Principles Proposals should: a. provide vehicular access via Stocks Lane; and b. provide open space as required by policy NE05.	a. vehicular access would be via Stocks Lane; b. the proposal does provide open space as required by policy NE05.
2. Infrastructure Contributions Applicants will also be required to make necessary financial contributions via planning obligations towards off-site highway infrastructure improvements as may be reasonably required by National Highways and Essex County Council in accordance with policies MG05 and BE08 (the planning obligation will determine the level and timing of payments for these purposes).	In its consultation response, Highways has indicated that the developer shall make the appropriate contributions towards the cost of highway infrastructure improvements as identified in the Brentwood Local Plan Infrastructure Delivery Plan. Infrastructure contributions are being negotiated as part of a S106 in the event that planning permission is granted.

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

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

## Green belt

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

## Housing mix

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

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

## Affordable housing

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

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

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

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

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

### Design

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

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

### Landscape

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

### Ecology

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

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

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

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

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

#### Standard of accommodation

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

#### Residential amenity

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

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

### Air quality

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

### Sustainability

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

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

### Secured by Design

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

### Drainage

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

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

#### Highways and parking cycle parking car charging

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

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

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

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

#### Planning obligations

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

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

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

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

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

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

### Conclusion

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

## **7. Recommendation**

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

S106 agreement Heads of terms:

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

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

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

Reason: To protect the historic environment.

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

Reason: To protect the historic environment.



5 U0053371 Archaeological Evaluation 3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

The Borough Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief detailing the work will be issued from this office on request and should be acquired prior to the production of a Written Scheme of Investigation.

Reason: To protect the historic environment.

6 U0053372 Lighting scheme

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

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

7 U0053373 Details of meter boxes

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

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

8 U0053374 Construction Management Plan

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

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

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

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

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

Reason: To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, and that activity is controlled in the interests of the amenity of local residents.

#### 9 U0053375 Access geometry

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

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

#### 10 U0053376 Kerb radii

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

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

11 U0053377 Unobstructed PROW

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

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

12 U0053378 Car parking

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

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

13 U0053379 Cycle parking

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

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

14 U0053380 Residential Travel Information Pack

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

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

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

15 U0053381 Materials

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

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

16 U0053382 Brickwork Sample Panels

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

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

17 U0053383 SUDS Condition 1

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

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

- o Limiting discharge rates to 4.3l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated, including third party agreement for the outfall headwall.

- o Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- o Provision of 10% urban creep allowance.
- o Sewer network design should demonstrate that there is no surcharging for the 1 in 1yr RP.
- o Final modelling and calculations for all areas of the drainage system.
- o The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

#### Reason

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

18 U0053384 SuDS Condition 2

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

#### Reason

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during

construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

19 U0053385 SUDS Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. This should include maintenance arrangements specific to the single tank located within the rear garden of property 21. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

20 U0053386 SUDS Condition 4

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

Reason

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

21 U0053387 Accessibility

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

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

22 U0053388 FTTP Fibre Broadband

No dwelling approved by this permission shall be occupied until an FTTP Statement has been submitted to and approved in writing by the Local Planning Authority detailing a

scheme for the installation of a high speed wholly FTTP connection to each dwelling within the approved development OR supplying evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP. The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out at the same time as other services during the construction process and be available for use on the first occupation of any dwelling, or such other date agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that have been made in the absence of FTTP).

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

#### 23 U0053389 Contamination

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

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

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

#### 24 U0053390 Secure by Design

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

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

#### 25 U0053391 Construction Environmental Management Plan (CEMP)

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

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

26 U0053392 Protected species

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

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

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

27 U0053393 Landscaping and maintenance



The site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. In addition, it shall be supplemented by details of a maintenance programme of the landscaping scheme and details showing the provision of a childrens play area. Such details shall be submitted to and approved in writing by the local planning authority on commencement of the development and implemented as part of the overall landscaping scheme. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme that has been agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

#### Informative(s)

##### 1 U0010145 Reason for approval

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

##### 2 INF04 Amendments to approved scheme

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

##### 3 U0010158 Policies

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

##### 4 INF22 Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal

to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

5 U0010146 Drainage Informative

#### INFORMATIVES:

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

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

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

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

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

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

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

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

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

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

o Sustainability of the development

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

6 U0010159 Environmental health informatives

Environmental health informatives:

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

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

There should be no bonfires on site.

7 U0010160 Highways Informatives

Highways Informatives

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being

granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

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

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

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

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

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**