

## **ADDENDUM REPORT 22/01347/FUL**

### **LAND EAST OF NAGS HEAD LANE, BRENTWOOD**

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

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

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

#### **Revised Drawing Numbers:**

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

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

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

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

## **Background**

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

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

These matters are addressed below:

### **1 Further engagement**

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

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

### Neighbour response to further consultation

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

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

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

Additional Consultation Response summaries:

- **Thames Water**

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

- **Essex Badger Protection Group**

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

- **Highway Authority**

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

- **Fire and Rescue Service**

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

- **Essex Police**

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

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

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

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

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

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

- **County Archaeologist**

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

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

## **2 Cumulative highway impacts, parking and safety**

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

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

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

## **3 Layout, design and landscaping**

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

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

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

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

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

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

#### **4 Clustering of affordable housing**

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

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

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

## **5 Ecological surveys**

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

## **6 Thames Water clarification of comments**

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

### **Response to objections**

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

### **Summary**

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

### **S.106 Heads of Terms to include:**

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

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

Libraries - £9,880.60

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

NHS £63,000 index linked

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

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

Management and maintenance plan including management company arrangements

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

Provision and sale of self-build plots

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

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

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

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

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

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



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

## **Recommendation**

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

### **1 TIM01 Standard Time - Full**

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

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

### **2 Reserved Matters**

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

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

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

### **3 Commencement of Reserved Matters**

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

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

### **4 DRA01A Development in accordance with drawings**

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

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

### **5 Pre-commencement Survey and mitigation measures**

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

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

## 6 Construction Environment and Traffic Management Plan

No development shall commence, including site clearance, until a Construction Environment and Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period and shall provide for:

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

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

## 7 Ground Works

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

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

## 8 ECC SuDS

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

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

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

The scheme shall subsequently be implemented prior to occupation.

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

## 9 ECC SuDS

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

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

## 10 Archaeology

1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching evaluation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the Local Authorities archaeological advisors.

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

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

## 11 Archaeology

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

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

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

## 12 Tree protection

Prior to commencement of the development hereby approved, an Arboricultural Method Statement supported by a 1:500 scale technical drawing shall be submitted to and approved in writing providing details of the protection barriers of retained trees and hedges, including trees outside the site whose canopies overhang the site. The Method Statement shall also include details of retaining trees with bat roosting features including, but not limited to, the two English Oaks (T3 and T4) which will require structural work to be retained. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

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

## 13 Ecological measures

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

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

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

## 14 Planting Scheme

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

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

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

#### 15 Boundary Treatments

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

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

#### 16 Archaeology

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

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

#### 17 Materials

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

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

#### 18 Brick Sample Panels

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

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

#### 19 Details of meter boxes

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

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

#### 20 ECC SuDS

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

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### 21 Highways

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

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

#### 22 Highways

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

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

#### 23 Highways

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

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

#### 24 Highways

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

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

#### 25 Cycle parking

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

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

#### 26 Residential Travel Plan

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

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

#### 27 Residential Travel Information Pack

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

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

#### 28 Lighting Scheme

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

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

### 29 Noise

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

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

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

Reason: To protect the amenity of future occupiers.

### 30 Noise

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

Reason: To protect the amenity of future occupiers.

### 31 ECC SuDS

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

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

### 32 Secure by Design

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

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

### 33 Sustainability



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

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

#### 34 Sustainability

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

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

#### 35 Electric vehicle charging points

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

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

#### 36 Accessibility

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

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

#### 37 Removal of Class A Permitted Development Rights

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

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

#### 38 Removal of Class E Permitted Development Rights

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

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

#### 39 Broadband

No dwelling pursuant to this permission shall be occupied until an FTTP Statement has been submitted to and approved in writing by the Local Planning Authority detailing a scheme for the installation of a high speed wholly FTTP connection to

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

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

Informative(s)

1 INF02

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

2 INF27

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

3 U0009548

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

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

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

4 U0009547

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

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

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

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

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

5 U0009549

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

6 U0009550

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