

SITE PLAN ATTACHED

GARAGES HIGHWOOD CLOSE BRENTWOOD ESSEX

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

APPLICATION NO: 23/01044/FUL

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

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

1. PROPOSALS

Background

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

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

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

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

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

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

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

Site Description

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

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

Proposal

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

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

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

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

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

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

2. POLICY CONTEXT

The Brentwood Local Plan 2016-2033

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

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

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

Other Local Documents or Guidance

Essex Parking Standards 2009

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

3. RELEVANT HISTORY

No relevant Planning History

4. NEIGHBOUR RESPONSES

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

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

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

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

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

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

5. CONSULTATION RESPONSES

POLICE ARCHITECTURAL LIAISON OFFICER:

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

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

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

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

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

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

Boundary treatment of private amenity area

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

Access control for private amenity area

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

Access control for apartment block

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

Security for Electric Vehicle Charging Points

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

Lighting plan

Lighting plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within the space that is illuminated. The DOCO would wish to seek clarity regarding future lighting plan, as it is imperative that the lighting provision must provide uniform illumination with due consideration given to the spill of light and its' impact on neighbouring properties. (For clarity, uniform lighting is always best achieved through column lighting across all areas of the development, specifically within the parking facilities.)

Additional parking spaces

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

Cycle Storage

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

ARBORICULTURALIST:

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

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

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

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

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

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

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

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

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

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

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

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

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

ESSEX BADGER PROTECTION GROUP:

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

ESSEX WILDLIFE TRUST:

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

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

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

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

ECC SUDS:

Lead Local Flood Authority position:

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

HIGHWAY AUTHORITY:

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

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

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

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL HEALTH & ENFORCEMENT MANAGER:

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

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

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

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

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

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

THAMES WATER DEVELOPMENT PLANNING:

Waste Comments

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

via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

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

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

GAS PIPELINE:

No response.

NATIONAL GRID:

No response.

HOUSING SERVICES MANAGER:

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

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

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

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

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

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

6. ASSESSMENT

The main issues for consideration for this application are:

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

i. PRINCIPLE OF DEVELOPMENT

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

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

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

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

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

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

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

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

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

ii. HOUSING NEED AND MIX

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

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

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

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

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

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

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

iii. DENSITY

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

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

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

IV. DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

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

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

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

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

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

V. RESIDENTIAL AMENITY

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

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

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

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

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

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

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

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

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

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

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

VI. ACCESS, PARKING AND HIGHWAY SAFETY

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

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

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

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

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

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

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

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

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

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

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

The Essex parking standards read as follows:

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

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

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

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

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

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

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

VII. LANDSCAPING AND ECOLOGY

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

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

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

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

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

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

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

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

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

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

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

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

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

VIII. FLOOD RISK AND DRAINAGE

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

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

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

IX. CONTAMINATION

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

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

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

X. NOISE

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

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

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

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

XI. AIR QUALITY

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

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

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

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

XII. REFUSE AND RECYCLING

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

XIII. SUSTAINABILITY

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

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

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

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

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

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

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

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

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

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

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

Other Considerations

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

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

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

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

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

XIV. CONCLUSIONS

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

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

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

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

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

7. RECOMMENDATION

APPROVE the application subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hard landscape works

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy BE13 of the adopted Brentwood Local Plan.

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

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

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

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 1l/s Limiting the discharge from the site to 1l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ECC Highways Informatives

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

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Thames Water Informatives

Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section

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

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

BACKGROUND DOCUMENTS

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

DECIDED: