



## Brentwood Pre-Submission Local Plan (Regulation 19)

January 2019

### COMMENT FORM

From Tuesday 05 February to Tuesday 19 March 2019 we are consulting on the next stage of the Brentwood Local Plan: Pre-Submission Local Plan (Regulation 19). You can view and comment on the consultation document online at:  
**[www.brentwood.gov.uk/localplan](http://www.brentwood.gov.uk/localplan)**

Alternatively, please use this form to share your views on the contents of the document.

All responses should be received by 5PM Tuesday 19 March 2019.

Please return forms either by attaching completed forms by email to **[planning.policy@brentwood.gov.uk](mailto:planning.policy@brentwood.gov.uk)** or alternatively by post to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY.

#### **How to complete the representation form:**

This form consists of two sections – Section A: Personal Information, and Section B: Your Representation. Please note that your representation cannot be accepted without completing information identified in Section A.

The Local Plan Pre-Submission (Regulation 19) consultation consists of more formal and technical questions focused on the four Tests of Soundness and whether the Local Plan is compliant with relevant legislation. Comments are to be focused on three core areas – is the Plan positively prepared (referred to as ‘soundness’), does the Council adhere to the Duty to Cooperate, and is the Plan legally compliant (addressed by question 3 of this comment form). These terms are defined below:

- a) **Soundness:** Local Planning Authorities must prepare a Local Plan based on relevant and appropriate evidence base. They are required to publish these documents on their website. The evidence used to develop the Brentwood Local Plan can be found on the Council’s website under Evidence Base.
- b) **Duty to Cooperate:** Throughout the plan-making process discussions have taken place with various statutory consultees and neighbouring authorities. A summary of these meetings can be found within the Duty to Cooperate Statement, published as part of the Regulation 19 consultation. This is a live

document and will be updated prior to being submitted to the Secretary of State.

- c) **Legally Compliant:** Local Planning Authorities must prepare a Local Plan which adheres to the requirements as set out in the National Planning Policy Framework (NPPF), planning practice guidance, and other relevant planning regulations & legislation.

Question 4 of this comment form asks for further information on your opinion of the Plans 'soundness'. According to the National Planning Policy Framework (NPPF) para 35, Local Plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and consistent with achieving sustainable development
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

Please keep in mind the information provided above to assist with correctly completing your comment form. For additional information on what the difference is between a Regulation 18 and Regulation 19 Local Plan consultation, please view the FAQ's published on-line [www.brentwood.gov.uk/localplan](http://www.brentwood.gov.uk/localplan)

#### **Data Protection**

All personal information that you provide will be used solely for the purpose of the Local Plan consultation. Please note whilst all addresses will be treated as confidential, comments will not be confidential. Each comment and the name of the person who made the comment will be featured on the Council's website.

By submitting this form, you are agreeing to the above conditions.

**Section A: Personal Details**

Title	Mr
First Name	Stuart
Last Name	Willsher
Job Title (if applicable)	Associate
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## Section B: Your Representation

Please complete a separate sheet for each representation that you wish to make. You must complete 'Part A – Personal Details' for your representation to be accepted.

Representations cannot be treated as confidential and will be published on our Consultation Portal. Any representations that are considered libelous, racist, abusive or offensive will not be accepted. All representations made will only be attributed to your name. We will not publish any contact details, signatures or other sensitive information.

Full Name

Stuart Willsher – Phase 2 Planning

Question 1: Please indicate which consultation document this representation relates to?

The Local Plan

Sustainability Appraisal

Habitat Regulations Assessment

Question 2: Please indicate which section of the indicated document identified above that you are commenting on (where applicable please clearly state the section / heading or paragraph number).

Policy R08: Land at Mascalls Lane, Warley

Question 3: Do you consider the Local Plan is:

Sound?

YES

NO

Legally Compliant?

YES

NO

Compliant with the Duty to Cooperate?

YES

NO

Question 4: If you consider the Local Plan unsound, please indicate your reasons below (please tick all that apply):

The Local Plan has not been positively prepared

The Local Plan is not justified

The Local Plan is not effective

The Local Plan is not consistent with national planning policy

Question 5: Please provide details of either:

- Why you consider the Plan to be sound, legally compliant, or adheres to the Duty to Cooperate; or
- Why you consider that the Local Plan is unsound, is not legally compliant, or fails to comply with the Duty to Cooperate

Please see accompanying representation submitted on behalf of Stonebond Properties Ltd

Please continue on a separate sheet if necessary

Question 6: Please set out what modification(s) you consider necessary to make the Local Plan sound or legally compliant, having regard to the matters that you identified above.

You will need to say why this modification will make the Local Plan sound or legally compliant. Please be as accurate as possible.

Please see accompanying representation submitted on behalf of Stonebond Properties Ltd

Please continue on a separate sheet if necessary

Question 7: If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination in Public (EiP)?

NO, I do not wish to participate in the oral part of the EiP

YES, I wish to participate in the oral part of the EiP

Question 8: If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary.

Please see accompanying representation submitted on behalf of Stonebond Properties Ltd

Please continue on a separate sheet if necessary.

Please note that the Inspector (not the Council) will determine the most appropriate procedure to hear those who have indicated that they wish to participate in the oral part of the Examination.





# Phase 2

## Brentwood Local Plan Pre-Submission Document

Regulation 19 of the Town and Country Planning (Local Planning) Regulation 2012

Land at Mascalls Lane, Warley (Policy R08)

On Behalf of

**Stonebond Properties Ltd**

**March 2019**

**Our Ref: C16110**

**Phase 2** PLANNING & DEVELOPMENT LIMITED

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## 1. Introduction

- 1.1 This representation is made towards the Brentwood Local Plan Pre-Submission Regulation 19 consultation document and is focussed on support of Policy R08: Land at Mascalls Lane, which proposes an allocation on the land at Mascalls Lane, Warley, for housing development of *“around 9 new homes of mixed size and type.”*
- 1.2 This representation is made on behalf Stonebond Properties Ltd (SP) a locally based regional house builder who has secured an option to promote and develop the land at Mascalls Lane, Warley (Policy R08) for housing. SP are currently working towards submission of a planning application and submits these representations supporting the delivery of this site for residential development. The land at Mascalls Lane, Warley is available for development, in a suitable for housing, being free of constraint, and achievable within 0-2 years.
- 1.3 This representation follows previous submissions promoting this land as suitable for allocation during previous stages of the Local Plan process and more recent submissions to the Regulation 18 consultation document supporting the allocation of the site for housing. SP fully support the identification of the site for residential development and are committed to delivery once the Council accepts the principle of development or adoption of the emerging Local Plan, whichever is sooner.
- 1.4 Previous representations have been made in support of the sites release from the Green Belt at the Call for Sites in March 2017, and during the Regulation 18 consultation in March 2018 (Rep ID: 19563). We do not wish to repeat our previous representation but suffice it to say that we continue to support the Pre-Submission Local Plan and the decision to release the site from the Green Belt for residential development, and that SP is committed to developing the site within the next two years.
- 1.5 SP has not identified any constraint to development of this site that would withhold development. The site has previously been the subject of an application for 11 dwellings under reference 13/01351/OUT, which was refused by the LPA and subsequently dismissed at appeal on 28th January 2015, simply on matter of principle being located within the Green Belt. There were no other matters of harm or local objection that counted against the development, nor any sound planning reasons why this site should be considered anything other than deliverable in the context of the National Planning Policy Framework (NPPF); it is available for development immediately, it is suitable for residential development, and development of 9 dwellings is achievable.
- 1.6 These representations have adopted the format of the Local Plan comments form and are based around answering the following questions:
- Question 5: Please provide details of either:  
Why you consider the Plan to be sound, legally compliant, or adheres to the Duty to Cooperate; or

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Why you consider that the Local Plan is unsound, is not legally compliant, or fails to comply with the Duty to Cooperate;

- Question 6: Please set out what modification(s) you consider necessary to make the Local Plan sound or legally compliant, having regard to the matters that you identified above; and
- Question 8: If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary.

1.7 This representation also summarises the Planning History of the site (section 3), as well as providing a summary of relevant Evidence Base documents that have been published since previous representations were made in respect of the site (section 4) before providing our submissions (section 5).

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## 2. Sustainable Location

2.1 The site measures 0.34 ha (0.84 acres) and lies in a highly sustainable location, close to Brentwood Town Centre and the associated benefits that the town centre would offer to residents of the site, including the train station (with its regular services (Including the new Crossrail service) to London and surrounding parts of Essex), retail, and public open space. These are located within walking/cycling distance of the site, and include:

- The Fat Turk Restaurant – opposite the site;
- Headley Spice Restaurant – Approx.400m to the south;
- Warley Country Park – Approx. 500m to the north;
- Ursaline Preparatory School – Approx. 550m to the south;
- Tesco Express – Approx. 800m to the north;
- DW Sports Fitness – Approx. 900m to the north;
- Warley Playing Fields – Approx. 1000m to the east; and
- Beechwood Doctors Surgery – Approx. 1000m to the north.

2.2 The site also lies within walking distance from bus stops located on Warley Hill and Eagle Way, which provide the following bus services:

- 9 Brentwood - Billericay - Laindon – Basildon (Monday – Saturday);
- 21 Ongar - Kelvedon Hatch - Pilgrims Hatch – Brentwood (Monday – Saturday);
- 81 Brentwood Station - Shenfield Station - Hutton (Circular) (Monday – Saturday);
- 251 Warley - Shenfield - Billericay - Gt Burstead – Wickford (Sunday only);
- 269 Grays - Stifford Clays - South Ockendon - Gt Warley – Brentwood (Monday – Saturday);
- 351 Brentwood - Ingatestone – Chelmsford (7 days a week);
- 808 Community Hospital - Hutton Village - Brentwood Rail Station (Monday – Friday);  
and
- 826 Upminster - Gt Warley - Brentwood – Billericay (Monday – Friday).

2.3 The site is located in a highly sustainable location for residential development.

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### 3. Planning History

- 3.1 The Local Authority refused planning permission for 11 dwellings on the site, under reference 13/01351/OUT, on 24th March 2014. The reasons for refusal did not refer to the number of dwellings proposed; indeed, the only reasons advanced by the Local Authority related to impact upon the Green Belt and the lack of very special circumstances put forward to harm to the Green Belt i.e. the principle only.
- 3.2 The application was subsequently appealed, which was dismissed by Planning Inspector on 28th January 2015. Again, the Inspector found no issue with the numbers of dwellings proposed; with the main issue being the lack of very special circumstances required to justify the development. This application was made in advance of the emergence of the draft Local Plan which now recognises the suitability of the site for housing and proposes its release from the Green Belt.
- 3.3 The Council records for the application confirm that the application was accompanied only by a Phase 1 Habitat Survey. This report confirms that, “with respect to ecology, there are no overriding constraints to development and that the scheme is wholly deliverable.”
- 3.4 A copy of the refused site layout, and the Inspector’s Report, is supplied with this representation as Appendix 1.

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## 4. Local Plan Evidence Base

### Green Belt Study (January 2019)

- 4.1 Brentwood Borough Council has acknowledged that “exceptional circumstances” exist to justify the release of land from the Green Belt in order to meet its OAN. The next step is to select the most suitable and sustainable sites in the most suitable locations.
- 4.2 Brentwood Borough Council published its initial Green Belt study in January 2018, which comprised the following documents:
- Part 1: Brentwood Green Belt in Context - A high-level historic and functional review of the London Metropolitan Green Belt, and the context against which the Brentwood Local Plan 2013-2033 is being developed; and
  - Part 2: Green Belt Parcels Assessment - A borough-wide definition and relative assessment of Green Belt parcels against the five purposes of the Green Belt.
- 4.3 Our representation dated March 2018 provided SP’s comments on that document, which in summary supported the Council’s conclusion that the site is appropriate for release from the Green Belt, and that the Parcel of Green Belt that the site lies within (Parcel 29A West of Warley) made a ‘moderate’ contribution to the Green Belt purposes.
- 4.4 The Green Belt Study Part 3 – “Assessment of Potential Housing, Employment and Mixed-Use Sites in the Green Belt and their Relative Contribution to the Purposes of the Green Belt Designation” – was published in November 2018, and subsequently amended in January 2019. This part of the Green Belt Study assesses the potential Site Allocations against the purposes of the Green Belt.
- 4.5 The report continues to find that Land at Mascalls Lane, Warley makes a ‘Low-Moderate’ contribution to the Green Belt.
- 4.6 We fully endorse the assessments conclusions which confirms that:
- **Purpose 1** – the site is well contained by housing to the north and east; Warley Hospital to the west; and Mascalls Lane to the south. The assessment confirms that development on this site would not encroach beyond the existing settlement into the countryside;
  - **Purpose 2** – development on the site would not cause coalescence with other towns and will not significantly reduce the gape to Great Warley or towards Romford;
  - **Purpose 3** – The site is a ‘typical’ countryside use with no current public access; and
  - **Purpose 4** – The site has a ‘limited’ relationship with the historic town, and that that site does not lie within or adjacent to a Conservation Area, with adjacent dwellings being predominantly post-war.

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4.7 The assessment concludes that the site makes a ‘low-moderate’ contribution to the Green Belt Purposes and concludes that development would form a natural small-scale extension to Warley.

4.8 Our own assessment of the site against the purposes of the Green Belt was provided within our March 2018 representation, and which came to consistent conclusions as the Green Belt Study 2019, as follows:

- **Purpose 1: to check the unrestricted sprawl of large built-up areas** The site has strong physical features that would act as boundaries to restrict future development. The site is constrained by residential development to the north, east and west; and by Mascalls Lane to the south. The site is therefore clearly well contained, and development would not encroach beyond existing pattern of development on Mascalls Lane into the countryside.
- **Purpose 2: to prevent neighbouring towns merging into one another** The significant containment of the site will ensure that proposed development will not result in towns – Brentwood and Romford – merging into one another, nor will development reduce the gap to Great Warley.
- **Purpose 3: to assist in safeguarding the countryside from encroachment** The site currently comprises unused scrubland, with no public use of rights of way and no public use.
- **Purpose 4: to preserve the setting and special character of historic towns** The site does not lie within a Conservation Area. Adjacent buildings are typically post-war, modern development. The site has no relationship with the historic core of Brentwood.
- **Overall:** It is our assessment that the site performs a low-moderate contribution to the Green Belt purposes. The site is bound on all sides by existing development, which restricts opportunities for further development into the Green Belt, and as such development on this site would make a natural extension to the existing built up area without encroaching further into the Green Belt.

4.9 We therefore fully support the Council’s conclusion that the site is appropriate for release from the Green Belt and is to be removed from the site from the Green Belt, which will allow SP to bring forward the site for residential development immediately.

4.10 The removal of the site from the Green Belt would not cause conflict with paragraphs 136-139 of the NPPF, in that the site has clearly defensible boundaries (Mascalls Lane, and adjacent residential development) which are permanent and will not lead to further development encroaching into the Green Belt.

### **Landscape Sensitivity and Landscape Capacity Study: Potential and Strategic Allocation Options**

4.11 This Study was published in October 2018 and assesses landscape and visual considerations only in relation to the sites allocated for potential development in the Pre-Submission Plan.



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- 4.12 Land at Mascalls Lane, Warley, is included within the assessment as Site Reference 027, with the report confirming that the site has a 'low' landscape and settlement character sensitivity; a 'medium' visual sensitivity; and a resultant overall landscape sensitivity of 'medium'. The report confirms that the site is of an 'unremarkable' character, is not an important piece of land between settlements, and would have no effect on the general pattern of development in the area.
- 4.13 We would agree with this assessment of the site and consider that a scheme could be delivered on this site, which would consider the landscape character of the area and deliver some landscape benefits to this part of Warley.

#### **Housing and Economic Land Availability Assessment (HELAA) October 2018**

- 4.14 The Borough Council's Housing and Economic Land Availability Assessment (HELAA) was published in October 2018 and updates and replaces all previous land availability studies, including the 2011 Strategic Housing Land Availability Assessment (SHLAA).
- 4.15 Land at Mascalls Lane, Warley, is within the HELAA as Site 027, with the HELAA confirming the site to be 'suitable', 'available' and 'achievable' for residential development, further confirming that the site is deliverable within 1-5 years.
- 4.16 We support the conclusions that the site is 'suitable', 'available' and 'achievable' for residential development and confirm that Stonebond Properties committed to delivering residential development on this site immediately but certainly within 1-2 years.

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## 5. Policy R08: Land at Mascalls Lane, Warley

### Question 5 – Comments

- 5.1 Land at Mascalls Lane, Warley is allocated at Policy R08 for ‘around 9 new homes of mixed size and type’. Stonebond Properties supports the proposed allocation and are committed to delivering residential development on this site immediately but certainly within 1-2 years.
- 5.2 The NPPF makes clear at paragraph 59 that the Government is committed to significantly boosting the supply of homes, and that a sufficient amount of land should be brought forward where it is needed. Paragraph 60 goes onto provide that strategic policies should be informed by a local housing need assessment. It is considered that the Council’s Housing Strategy and its proposed allocations, including land at Mascalls Lane, is an appropriate strategy in order to deliver the objectively assessed need calculated at Policy SP02 and detailed within the Strategic Housing Market Assessment published in October 2018.
- 5.3 Paragraph 31 of the NPPF confirms that policies should be underpinned by relevant and up to date evidence. Having reviewed the evidence base relevant to this site, as summarised within Section 4 of this Representation, it is considered that the evidence supports the proposed allocation and demonstrates that the site is ‘suitable’, ‘available’ and ‘achievable’ for residential development. This consideration is further confirmed by the planning history of the site, which demonstrates that an earlier application for 11 dwellings was only refused on grounds relating to the impact upon the Green Belt and the lack of very special circumstances put forward to harm to the Green Belt i.e. the principle only. No other concerns were raised within either the Council or Planning Inspector’s decision to suggest that development on this site is not achievable.
- 5.4 Residential development on this site would therefore help to deliver the objectively assessed need that the Local Authority has identified at Policy SP02. Furthermore, the Local Plan Evidence Base has confirmed, through the various stages of its Green Belt Review, that the release of the site from the Green Belt is appropriate given that the site makes only a ‘low-moderate’ contribution towards the Green Belt purposes. Stonebond Properties agrees with the Council’s assessment of the site in this regard.
- 5.5 We would like to draw reference to the Technical Report attached as Appendix 4 to this Representation, which provides further evidence with regards the suitability of the site for residential development. This report confirms that:
- The site lies within a sustainable location, close to regular bus services and central Brentwood;
  - A Visibility Plan and Refuse Swept Path accompanies the report, which confirms that the site access can be positioned safely in relation to the existing Mascalls Park access; that reuse vehicles will be able to access and egress in forward gear; and that visibility splays close to 2.4m x 90m can be achieved;

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- A range of Sustainable Drainage Systems (SuDS) can be employed on this site which would ensure that development does not increase flood risk off site;
  - The development would connect with the existing foul sewer within Mascalls Lane and it is likely that there will be existing capacity within the sewer to serve the development; and
  - The site is well served by Essex and Suffolk Water, National Grid, UK Power Networks and BT Openreach, without the need for offsite works.

5.6 The report concludes therefore that the site is deliverable for residential development.

5.7 With regards to the wording of the policy, our comments are as follows:

- Amount and Type of Development – it is considered that the proposed allocation of ‘around 9 new homes’ is appropriate for the site, and that the use of ‘around’ allows for a degree of flexibility for Stonebond Properties to progress a scheme for more than 9 dwellings if achievable on the site.
- Development Principles – Access via Mascalls Lane is appropriate for this site. The March 2018 representation was accompanied by the Technical Report (and is re-submitted), which confirmed that visibility splays could be achieved on the site of 2.4m x 90m; and that indicative schemes have demonstrated that refuse vehicles will be able to enter and exit the site in forward gear.

This Report also confirms that the site lies within walking distance of a number of bus stops, providing services into Brentwood Town Centre, Shenfield, Grays and Ockendon, which would provide sustainable travel thus reducing car reliance.

The additional requirement to provide landscaping along the north, east and western boundaries of the site is appropriate and accepted.

- Infrastructure Requirements – it is noted that the policy identifies the site is within a critical drainage area and this needs to be considered in respect of surface water flooding and may require an individually designed mitigation scheme. However, a report undertaken by our engineers (Appendix 5) illustrates that the site is not located within a Critical Drainage Area as confirmed by the Council’s Strategic Flood Risk Assessment but that a Drainage Impact Assessment (DIA) would be required. Therefore, this aspect of the policy is incorrect but will nonetheless be satisfied by a DIA.

5.8 The emerging policy framework therefore supports Stonebond Properties proposals for residential development on Land at Mascalls Lane, Warley. Policy R08 is, therefore, considered to be sound as it has been:

- **Positively Prepared** – the proposed allocated has been informed using an evidence base, as summarised within section 4, which demonstrates that the site is available, and that development is achievable and suitable. Development on the application site will contribute towards the Council’s identified objectively assessed need and will be brought forward within 1-2 years, making a contribution towards the Council’s 5-year housing supply and housing delivery test;

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- **Justified** – The proposed allocation, given that the site is bounded on three boundaries by residential development, is the most appropriate strategy for the site and its allocation is based on a robust and proportionate evidence base;
  - **Effective** – The wording of the policy is sufficient to allow the development to be brought forward within 1-2 years and does not raise any requirements that would delay development being brought forward; and
  - **Consistent with national policy** – Residential development on this site would enable the delivery of a scheme which would be consistent with the Government’s aims to sustainable development and which could comply in all other respects with policies within the National Planning Policy Framework.

#### Question 6 – Comments

- 5.9 Stonebond Properties only comments that would require amendments relates to the wording of Part C of Policy R08.
- 5.10 Part C identifies the site is within a critical drainage area and this needs to be considered in respect of surface water flooding and may require an individually designed mitigation scheme. However, a report undertaken by our engineers (Appendix 4) illustrates that the site is not located within a Critical Drainage Area as confirmed by the Council’s Strategic Flood Risk Assessment. However, a Drainage Impact Assessment (DIA) would be included with any future application to address this issue. Therefore, this aspect of the policy is incorrect but will nonetheless be satisfied by a DIA.

#### Question 8 – Comments

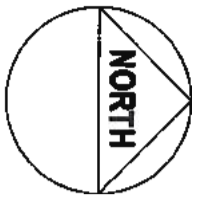
- 5.11 Stonebond Properties would welcome the opportunity to present oral evidence to the Inspector, if required, in order to provide further detail in respect of the proposed allocation and to provide further evidence in respect of application timescales and the deliverability of development on this site.
- 5.12 We would therefore like to participate in the examination process.

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## 6. Summary

- 6.1 Stonebond Properties Ltd is committed to delivering residential development on this site immediately but certainly within the first five years of the Plan; indeed, the site is available for development now, in a suitable for housing, being free of constraint, and achievable within 0-2 years. Stonebond Properties Ltd supports the Local Authority's intention to remove the site from the Green Belt and its proposed allocation for residential development.
- 6.2 The Council's Evidence Base, supplemented by representations prepared in respect of the site's allocation, demonstrates that the site is suitable to be released from the Green Belt, given that it performs only a 'low-moderate' function against the Green Belt. Furthermore, a previous application for development on this site was only refused on ground related to inappropriate development in the Green Belt at a time prior to the Council's signalled intention to allocate the land for residential development. No other issues were raised in respect of the suitability or deliverability of the site for residential development.
- 6.3 Please record this representation as a formal submission towards the Local Plan evidence base and drafting stages and we look forward to the opportunity to presenting evidence to the Local Plan Inspector and answering any questions that the Inspector may have with regards to residential development on this site.

## Appendix 1 – Application Reference 13/01351/OUT



<p><b>ANDREW DAVISON ARCHITECT</b></p> <p>162 Hudson Road, Sturbridge,          154 0177 221134 Fax: 01207 221138          Email: <a href="mailto:info@andrewdavison.co.uk">info@andrewdavison.co.uk</a>          Website: <a href="http://www.andrewdavison.co.uk">www.andrewdavison.co.uk</a></p>			
<p>Project:  <b>SITE AT MASCALL'S LANE          GREAT WARLEY</b></p>			
<p>Drawing Title:  <b>SITE PLAN          AS PROPOSED          ROOF PLANS</b></p>			
<p><small>This drawing is the property of Andrew Davison Architects. Copyright is reserved by him and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part, without his consent in writing. Figure dimensions only are to be taken from this drawing. All dimensions to be checked on site before any work is put in hand. If in doubt please ask.</small></p>			
Scale:	Sheet:	Date:	
1:500 @ A3	DW	13.12.2013	
Job No:	Drawn by:	Checked:	
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## Appeal Decision

Hearing held on 16 December 2014

Site visit made on 16 December 2014

**by K R Saward Solicitor**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 January 2015

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**Appeal Ref: APP/H1515/A/14/2225964**

**Site adjacent to Carmel, Mascalls Lane, Warley, Brentwood, Essex  
CM14 5HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Maylands Green Estate Co. against the decision of Brentwood Borough Council.
  - The application Ref 13/01351/OUT, dated 20 December 2013, was refused by notice dated 24 March 2014.
  - The development proposed is formation of new access way and erection of 11 new dwellings.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by the Council at the Hearing against Maylands Green Estate Co. This application is the subject of a separate Decision.

### Procedural Matters

3. The application was made in outline with details of access and layout included. Matters of appearance, landscaping and scale are reserved for future determination. Illustrative only plans of the proposed dwellings were submitted as part of the application. I have considered the application on that basis.
4. A completed unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted by the appellant in favour of the Council. With my agreement, the plan missing from the undertaking was provided after the Hearing had closed. The undertaking provides for a financial contribution towards public open space in the vicinity of the appeal site and to secure four of the eleven proposed units as rented affordable housing. I return to this matter below.
5. At the Hearing the parties confirmed that drawing No PL 06 entitled 'site plan as proposed' and 'ground floor plans' did not form part of the application. I have disregarded this plan accordingly. Instead, another drawing also numbered PL 06 illustrating plots 6 and 7 did form part of the Council's consideration. A copy was produced at the Hearing and I have taken it into account.



## **Main Issues**

6. The appeal site is in the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate unless they fall within a prescribed exception. It is common ground that none of the exceptions apply and the proposal would be inappropriate development. Therefore, the main issues are:
- the effect of the proposed development on the openness of the Green Belt and the purposes of including land in it;
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

7. The appeal site is approximately 0.34ha of vacant land fronting Mascalls Lane; a narrow, winding road off the busy Warley Hill which leads towards Brentwood town centre. On one side of the site is a pair of semi-detached houses. A development of 75 new homes at Mascalls Park is under construction on the other side. The rear boundary abuts the rear gardens of a row of detached houses in a residential cul-de-sac at The Dell. Opposite part of the appeal site, the car park is being extended for the pub on the corner of the lane with Warley Hill. It is also in a Special Landscape Area. The proposal is for eleven residential properties accessed off Mascalls Lane.

### *Openness of the Green Belt*

8. Paragraph 79 of the Framework identifies openness as an essential characteristic of the Green Belt. There is no definition of "openness" in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects. The introduction of eleven dwellings onto previously undeveloped land which is completely open apart from boundary trees would undoubtedly have a significant effect on openness.
9. The appellant maintains that the appeal site is both visually and functionally part of the suburb of Brentwood. Whilst there is surrounding development, the appeal site is not a small gap in an otherwise built-up frontage. It is a reasonably sized and fairly regular shaped parcel of land providing a clear visual and physical separation between built form.
10. The adjoining land at Mascalls Park is a brownfield site having previously contained hospital buildings. The car park being built opposite is an extension. Thus, although both sites are also in the Green Belt the considerations differ. In any event, as a flat surface behind boundary trees the car park will have much less visual impact than a housing development. Neither diminishes the value of the site as an open, natural environment which contributes to the rural qualities of the lane deriving from the abundance of trees and hedgerow with fields behind. The appeal site is seen and experienced in this context. Rather than 'rounding off' or consolidating development in Warley, the proposal would palpably extend development further into the countryside.

11. Consequently, the appeal site checks the unrestricted sprawl of the built-up area and assists in safeguarding the countryside from encroachment. These are two of the five purposes served by the Green Belt identified in Paragraph 80 of the Framework. The proposal would thus conflict with these purposes in addition to having a significant detrimental effect on openness contrary to Policy GB2 of the Brentwood Replacement Local Plan (LP), 2005 and Paragraph 79 of the Framework.

#### *Character and appearance*

12. It has not been established with certainty that the appeal site is within the Thames Chase Community Forest as referred to by the Council. If so, it would be at the very edge. At one time the appeal site was a verdant setting, but it has been substantially cleared leaving overgrown grassland and trees solely at the perimeters. Those along the frontage form part of a long row of tall trees and hedgerow lining both sides of the lane which heavily characterise it and create a distinctly rural feel. Only the pair of semi-detached houses next to the appeal site and a detached property at Mill House have frontages along this part of the lane.

13. Reasonably large rear gardens would be provided to achieve a relatively spacious development in keeping with its surroundings. Although the frontages would comprise large areas of hard surfacing to accommodate car parking, this could be softened by appropriate landscaping upon the submission of details.

14. However, instead of a natural buffer between housing, there would be a continuous line of built form. This would erode the rural characteristics of the lane especially as the proposal would necessitate removal of some trees to facilitate the vehicular access and visibility splays. Parts of the development would thereby be exposed to public view. Whilst this could be mitigated by boundary planting at reserved matters stage, it is difficult to envisage how sufficiently robust landscaping could be achieved to preserve the character of the lane given the close proximity of Plot 5 in particular to the highway boundary. This is especially so if the dwellings closest to the road are two storey, thus increasing their visual impact and the degree of harm from urbanisation. Additionally, Plot 7 and two garages would be very close to the boundary with properties in The Dell. This would compromise the ability to provide adequate boundary planting to retain its character.

15. Therefore, I consider that there would be a moderately harmful effect on the character and appearance of the surrounding area contrary to the corresponding aims of LP Policy CP1. It would also conflict with Paragraphs 56 and 58 of the Framework insofar as they promote high quality design that responds to local character, and with one of the core planning principles in Paragraph 17 thereof to recognise the intrinsic character and beauty of the countryside.

#### *Other considerations*

16. Paragraph 87 of the Framework states that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm.

17. The Council acknowledges that it cannot currently demonstrate a deliverable five year housing land supply. Given that position, the LP is out of date in relation to

housing supply policies as provided in Paragraph 49 of the Framework. LP policies GB1, GB2 and CP1 do not concern housing supply but Green Belt protection and generic design issues (amongst other matters), respectively. They are consistent with the Framework as acknowledged by the appellant and are not therefore out-of-date.

18. The parties disagree over the extent of the housing shortfall; the Council says it has 4.3 years supply, the appellant contends the figure is 1.69 years and that the Council has not objectively assessed its needs which would go against the requirements of the Framework. Even if its draft Local Plan were to proceed smoothly to adoption, it is likely to be a considerable time before allocations come to fruition. Indeed, the Council stated at the Hearing that it is to embark upon further consultation early in 2015 on its strategic growth options so that it can re-assess its options. It is evident from this that the Council is still at the early stages in progressing a revised Local Plan to address its housing need.
19. The appeal site is available now. It would deliver eleven dwellings towards the Council's existing shortfall. Of those eleven dwellings, four would be affordable housing units, as set out in the unilateral undertaking. This would fulfil the requirement for 35% affordable housing in LP Policy H9 and deliver an agreed mix of 1, 2 and 3 bedroom properties towards the Council's recognised affordable housing need which spans across housing types. I give substantial weight to the proposed provision of housing.
20. The appeal site was included in the Council's Strategic Housing Land Availability Assessment, published 2011 (SHLAA) as suitable for residential development, which is available and achievable. The document identifies potential housing sites only. It does not mean that it will be included in the Council's site allocations development plan documents or that planning permission will be granted. It is too uncertain whether this site would be allocated for housing for me to give its inclusion in the SHLAA more than very limited weight.
21. The appellant states there are many recent appeal decisions where significant weight has been given to a local authority's lack of a five year housing land supply overriding existing policies. It is unclear whether these decisions relate to development within the Green Belt as none specifically have been drawn to my attention. This limits the weight I can attach to the decisions.
22. The Council refers to a recent Appeal Decision<sup>1</sup> in its borough where the Inspector dismissed an appeal for development in the Green Belt having considered the Council's housing shortfall. That case concerned a single dwelling in a village location and so the circumstances are not comparable. It does not weigh against the proposal. I have also considered the Secretary of State's decision<sup>2</sup> for an outline proposal up to 165 dwellings in Thundersley, Essex. In dismissing the appeal, the Secretary of State found that factors in favour of the proposal including a severe lack of a forward housing land supply, did not clearly outweigh the harm to the Green Belt. In this appeal there are other factors advanced by the appellant which also need to be weighed in the balance.
23. The Council acknowledges if it is to meet its full housing need, then it is inevitable that a review of Green Belt boundaries will at least need to be considered. It is clear from Paragraph 83 of the Framework that once

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<sup>1</sup> Appeal Ref: APP/H1515/A/13/2210524 dated 6 October 2014

<sup>2</sup> Appeal Ref: APP/M1520/A/12/2177157 dated 26 June 2013

established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. This is reiterated in Paragraph 044 of the National Planning Practice Guidance (PPG). Accordingly, I give very little weight to the appellant's submission that the Green Belt boundary is out-of-date in relation to this site. A decision on this issue should take place through preparation or review of the Local Plan where a strategic assessment of the need against the comparative suitability of any new land for development can be made and having considered what could be any number of objections in the consultation process.

24. Paragraph 14 of the Framework provides that where relevant housing supply policies are out-of-date, planning permission should be granted unless specific policies in the Framework indicate development should be restricted. Land designated as Green Belt is listed in the footnote to Paragraph 14 as an example of such a restriction. The appellant's agent confirmed at the Hearing that in view of the footnote, it is not submitted that Paragraph 14 is invoked. Rather, it is argued that the proposal represents sustainable development which should be weighed in the balance.
25. Sustainable development is seen in the Framework as a golden thread running through decision taking. Paragraph 7 identifies three dimensions to sustainable development; economic, social and environmental. The construction of eleven dwellings would invariably assist the local economy in terms of labour opportunities and demand for materials/supplies along with the use of local services by future occupants. There would therefore be some economic benefit.
26. The social dimension concerns providing the supply of housing required to meet the need of present and future generations and accessible local services. I have already established the proposal would contribute towards the Council's recognised housing need. In this way, the social dimension is fulfilled.
27. The appeal site is approximately 1 mile from a mainline railway station and a reasonable number and variety of small shops. These would be easily accessible by cycle. It is possible that occupiers would walk the 20 minutes or so even though it is partly uphill. A lit footway runs from in front of the site to these facilities. The main town is further away and so less accessible. Buses operate between nearby Warley Hill and the town centre, but according to local residents the service is very infrequent so most people use their private cars into the town. Nevertheless, the availability of services and facilities within a reasonable distance makes the location relatively sustainable in both social and environmental terms.
28. However, the harm that I have already found to character and appearance impacts negatively on the environmental dimension. Indeed, good design which would include the layout is identified as a key aspect of sustainable development in Paragraph 56 of the Framework. Paragraph 8 also makes it clear that these roles should not be taken in isolation as they are mutually dependant. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.
29. In view of this, I conclude that the proposal has no more than moderate sustainability credentials to which I afford corresponding weight.

## Other Matters

30. The completed unilateral undertaking provides for a financial contribution of £60,000 towards public open space provision in the vicinity. The Council has submitted no evidence to justify this contribution. Therefore, I am not satisfied that the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and as repeated in Paragraph 204 of the Framework are fulfilled. The timing and delivery of the affordable housing is also uncertain. However, my decision does not turn on this matter.
31. I have taken into account the numerous representations from local residents on various matters including highway safety and living conditions for occupiers of adjoining properties in terms of outlook, privacy and sunlight.

## Green Belt Balance and Conclusion

32. I have had regard to the *Hunston Properties* case<sup>3</sup> as cited by the appellant noting that it is for the decision maker to assess whether housing need in common with other factors relied on in support of the development together clearly outweigh the identified harm to the Green Belt. I have also taken into account the passages from the *Doncaster*<sup>4</sup> and *Wychavon*<sup>5</sup> cases quoted by the appellant concerning the approach to undertaking the Green Belt balance.
33. The Framework sets out a clear ambition to significantly boost the supply of housing. This proposal would assist with additional dwellings and some other benefits to the area. However, the Framework also confirms the importance of Green Belts. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework substantial weight must be given to any harm to the Green Belt. There would be a significant reduction in openness and moderate harm to the Green Belt purposes of preventing urban sprawl and preventing encroachment in the countryside. Moderate harm would result to the character and appearance of the area.
34. I have balanced the totality of these factors against the combined weight of the other considerations raised in support of the application. In doing so, I have taken into account guidance within Paragraph 034 of the PPG that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt. I have reached the view that these other considerations do not clearly outweigh the harm. Very special circumstances to justify the development do not therefore exist and the proposal would conflict with the aims of LP Policies GB1, GB2 and CP1 and the Framework.
35. For the reasons given above and, having had regard to all other matters raised including representations in support, I conclude that the appeal should be dismissed.

*KR Seward*

INSPECTOR

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<sup>3</sup> *Hunston Properties Limited v Secretary of State for Communities and Local Government and St Albans City and District Council* [2013] EWHC 2678 (Admin)

<sup>4</sup> *Doncaster MBC v SSETR* [2002]

<sup>5</sup> *Wychavon v Secretary of State for Communities and Local Government and Butler* [2008]

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Kathryn Mathews MRTPI	Senior Development Control Officer
Phil Drane	Planning Policy Team Leader
Philip Cunliffe-Jones	Planning Lawyer

### FOR THE APPELLANT:

Matthew Driscoll	The JTS Partnership
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### INTERESTED PERSONS:

Councillor David W. Tee	Ward member
Councillor Mrs Jill Hubbard	Ward member
Robert Flunder	Campaign for the Protection of Rural England
Len Fryatt	Great Warley Conservation Society
Bernard Lee	Local resident
Gerald Pearse	Local resident
Caroline Plumtree	Local resident
Brian Hastings	Local resident

## **DOCUMENTS SUBMITTED AT THE HEARING**



- 1 Completed unilateral planning obligation deed dated 27 November 2014
- 2 Drawing No. PL 06 entitled 'Plots 6 and 7'
- 3 Costs application by the Council

## **Appendix 3 – Stomor Engineers Drainage Note**

**TECHNICAL REPORT****March 2018**

**Date** : **March 2018**  
**Project** : **Mascalls Lane, Brentwood**  
**Project Ref** : **181550**  
**Report Ref** : **181550-01**

**DOCUMENT CONTROL**

REV	ISSUE PURPOSE	AUTHOR	CHECKED	APPROVED	DATE
	Client Issue	IW / FY	IW 	SAF 	09.03.18

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## 1.0 INTRODUCTION

Ardent Consulting Engineers (ACE) has been instructed by Stonebond Properties Limited (Stonebond) to provide transport, drainage and utilities advice in relation to the proposed redevelopment of the land at Mascalls Lane, Warley, Brentwood for 11 residential units.

The site is currently afforded a draft allocation within Brentwood Borough Council's Local Plan submission document.

The site location is identified in **Plate 1** below:



**Plate 1** – Site Location (Source: Google Earth)

This Technical Report sets out the key transport, drainage and utilities aspects of the site, and confirms that the site is considered deliverable for residential development with regards to those areas.

It is considered that the site should be viewed favourably for residential development.

## 2.0 TRANSPORT

### Access Proposals

The site is located on land to the north of Mascalls Lane, Warley, within the Brentwood Borough Council (BBC) authority area.

Essex County Council (ECC) is the relevant highway authority.

Mascalls Lane is a Priority 2 Road (PR2) within ECC's road hierarchy, where access is permitted within settlement boundaries as long as it is designed to appropriate standards, there is no suitable alternative from a lower category road and that access points are kept to a minimum.

There are no appropriate alternative access points from lower category roads, and the proposals are to provide a singular point of access onto Mascalls Lane.

It is therefore considered that the site access conforms to the above requirement.

A highway record search confirms that the site immediately abuts the public maintainable highway.

**ACE drawing 181550-001** attached to this Technical Report shows the visibility splays and junction spacing with the adjacent mini-roundabout junction to the west (that serves the Bellway Mascalls Park scheme).

Visibility splays have been shown as 2.4m x 43m (Manual for Streets standards for a 30mph road). In reality, visibility can actually be achieved to a level closer to 2.4m x 90m (DMRB standards for a 30mph speed limit).

Separation distance between the proposed site access and the Mascalls Park access is in the region of 64m. We consider this to be sufficient. The distance between the proposed site access and the signal junction of Mascalls Lane and the B186 Warley Road is approximately 100m.

The drawing also demonstrates that based upon the indicative scheme proposals that a refuse vehicle can access and egress the site from Mascalls Lane in forward gear.

A review of the accident history of the immediate section of Mascalls Lane indicates that no accidents have occurred in the most recent 3-year period.

In terms of the site access it is considered that it is positioned safely and has been designed to accommodate the turning manoeuvres of the largest vehicle expected by the development.

### **Sustainability**

The site has been designed to provide connections to the existing footway network along Mascalls Lane.

The site is located within 200m of bus stops on Warley Road, to the east of the site. These bus stops provide access to 1 regular service and 2 school services (269, 808 and 826) providing links to central Brentwood, Shenfield, Grays and South Ockendon.

The bus services travelling northbound also provide connections to Brentwood Railways Station, which provides regular services on the Greater Anglia line to London, Chelmsford, Colchester and Ipswich.

The site is also located within close proximity to central Brentwood, with the retail and day-to-day facilities required for residential development.

It is considered that the development site is both deliverable from a technical standpoint as well as being sustainable.

### 3.0 PROPOSED DRAINAGE

#### Surface Water Drainage Strategy

The British Geological Survey (BGS) maps show the site is located above an area of Bagshot Formation Sand bedrock, with superficial deposits of Stanmore Gravel Formation. There are no BGS registered boreholes within close proximity to the site.

Soakage testing was undertaken to support the planning application for the adjacent Mascalls Park Development (13/01169/FUL). The results varied across the site with infiltration feasible in some areas, but not possible in other locations.

The topographic survey shows the site falls in a westerly direction at a gradient of circa 1:20, with a slight fall to the north. A ditch is located within the northern boundary of the site and has been surveyed at a depth of between 1.0m and 0.5m.

If a Geotechnical Site Investigation demonstrates that the underlying soil is suitable for an infiltration-based drainage strategy, then the site could be served by soakaways and unlined permeable paving. Should infiltration not be feasible, then a gravity discharge to the ditch within the site will be made.

In the absence of infiltration data, a concept drainage strategy has been developed based upon a discharge to the ditch within the site. Discharge from the development will be limited to existing (greenfield) run-off rates to ensure development does not increase flood risk off site. It has been assumed that 60% of the site will be impermeable following development (including a 10% allowance for Urban Creep). A storage requirement of 110m<sup>3</sup> has been established using the Source Control function of MicroDrainage, including a 40% allowance for Climate Change.

A range of Sustainable Drainage Systems (SuDS) could be employed within the site to provide surface water attenuation and adequate treatment of run-off, such as permeable pavements, bio-retention, rain gardens, swales and buried storage.

#### Foul Drainage Strategy

Thames Water record plans show there is a 150mm diameter foul sewer located within Mascalls Lane to the south of the site. The sewer is shown at a depth of circa 2.0m. From a review of the site topography and the sewer record plans, it is

anticipated that the development can be served by a gravity connection to the foul sewer within Mascalls Lane.

Due to the small number of dwellings proposed in relation to the size of the existing sewers, it is considered likely that there will be existing capacity within the sewer to serve the development.

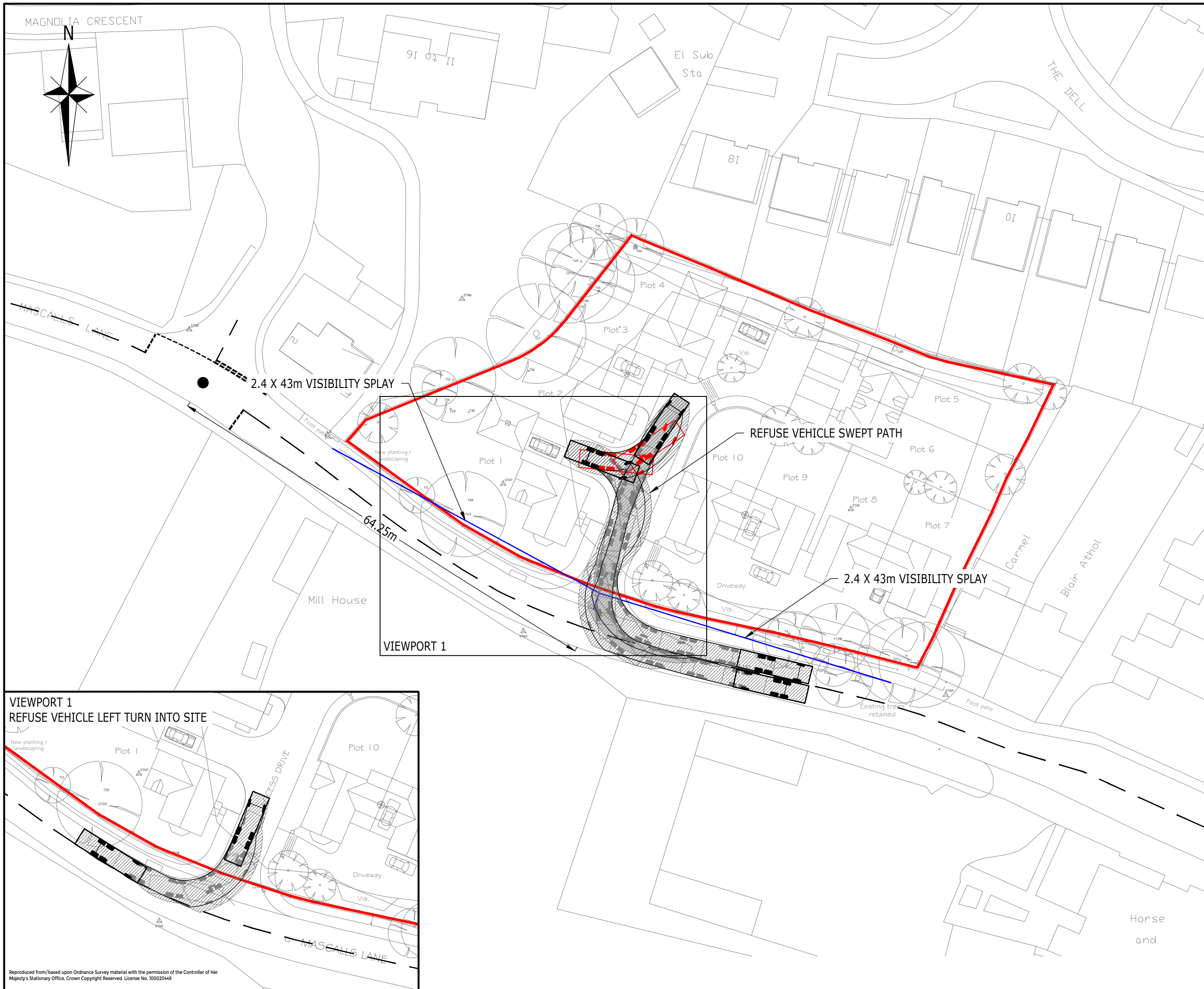
#### **4.0 FLOOD RISK**

The Environment Agency (EA) Flood Maps show the site is entirely within Flood Zone 1 and is therefore considered at low risk of flooding. The EA Maps show no areas of Surface Water flood risk within the site boundary and confirm the site is not within the vicinity of any Source Protection Zones. As the site is at a low risk of flooding, it can be concluded that the site is suitable for development.

## 5.0 UTILITIES

Record Plans have been received from Essex and Suffolk Water (Water Supply), National Grid (Gas), UK Power Networks (Electrical) and BT Openreach.

The plans confirm that no plant is located within the site and so no diversionary works are anticipated, aside from minor protectionary or lowering works at the proposed development access. All utilities providers show plant within Mascalls Lane adjacent to the site and it is anticipated that local connections can be made without the need for offsite works.



**KEY -**

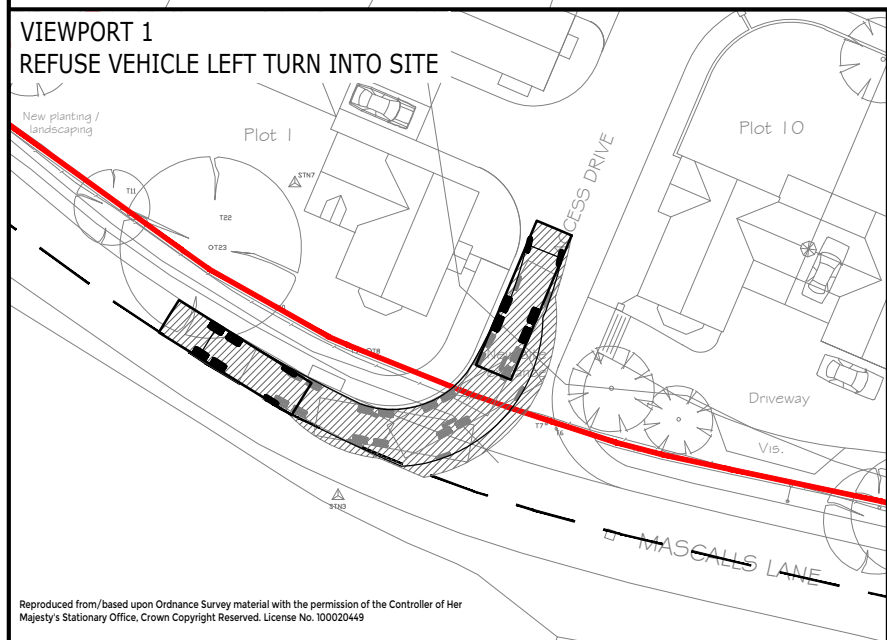
- SITE BOUNDARY
- VISIBILITY SPLAY

**VEHICLES USED -**

Brentwood Large Refuse Vehicle (3 axle)

Overall Length	10.342m
Overall Width	2.500m
Overall Body Height	3.814m
Min Body Ground Clearance	0.366m
Track Width	2.500m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	9.950m

DRAFT



Rev	Description	Drm	Chk	App	Date
<b>ARDENT CONSULTING ENGINEERS</b>					
Suite 207 One Alie Street London E1 8DE					
Tel: 020 7680 4088 Fax: 020 7488 3736					
Web: www.ardent-ce.co.uk E-mail: enquiries@ardent-ce.co.uk					

Client  
**STONEBOND PROPERTIES LTD**

Project Title  
**MASCALLS LANE, BRENTWOOD**

Drawing Title  
**VISIBILITY PLAN & REFUSE SWEPT PATH**

A3 Scale	1:500	Date	07.03.18	Designed by	AA	
Drawn by	AA	Checked by	DV	Approved by	IW	
Drawing Number	<b>181550-001</b>				Rev	-

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## Appendix 2 – Ardent Technical Report

Ref: ST-2840/1903-Drainage Statement-Rev1  
Revision 1: 18<sup>th</sup> March 2019

### **DRAINAGE STATEMENT**

Information provided with this report:

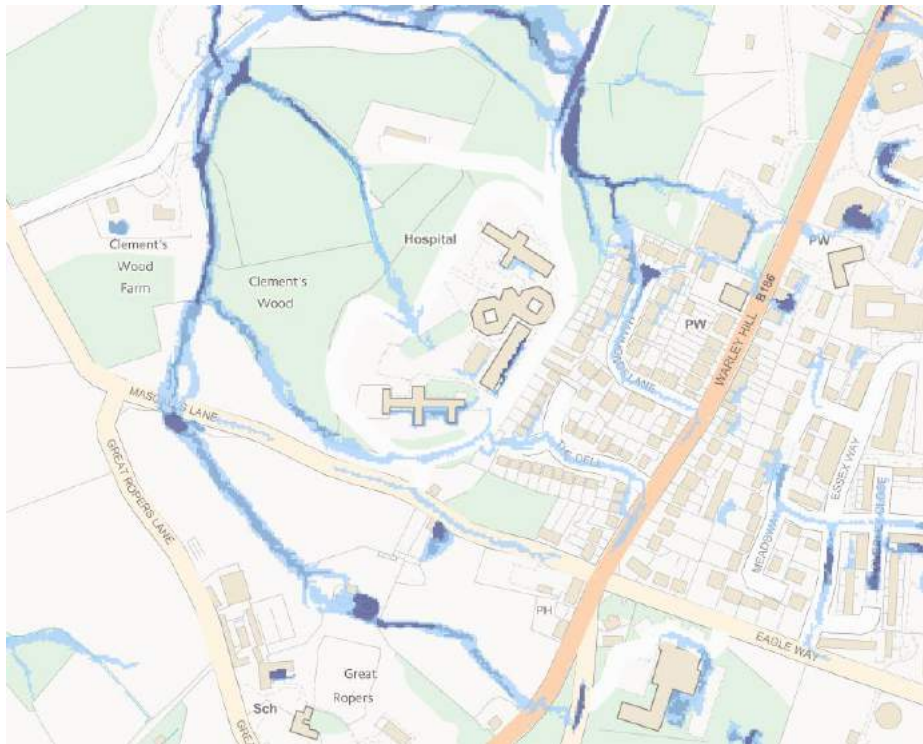
- **Appendix A-** Topographical Survey, Tripoint Survey Ltd Drawing 01
- **Appendix B-** Historic Maps Extract Anglian Water Services Asset Plan
- **Appendix C-** Anglian Water Services Asset Plan

Stomor Ltd have been commissioned to provide an assessment of the suitability of a potential drainage ditch associated with a proposed development on land to the north of Mascalls Lane, Brentwood. The ditch is located within the site, along the northern boundary. A topographical survey of the site is provided in **Appendix A**.

The topographical survey identified that ground levels generally fall from east to west, with no obvious fall towards the ditch on the north boundary. The survey did not identify an outfall from the ditch or any inlets.

The site lies at the edge of the Thames basin, within the Ingrebourne catchment. A desktop study of the downstream drainage scenario of the site indicates that runoff from the site would contribute to the surface water discharging to the ordinary watercourse network which appears to originate approximately 250m to the north west of the site.

Further evidence to support this comes from inspection of the Environment Agency Surface Water Flood Map which indicates that overland flows currently run north west from the site:



Inspection of historical maps for the area does not indicate a drainage connection between the site and the aforementioned watercourse network to the north west of the site. Historical map extracts provided in **Appendix B**.

In addition, the planning application for the development located adjacent to the west of the site, called 'The Green, Mascalls Park', did not identify any drainage ditches or surface water infrastructure between the site and the watercourse network.

A site inspection of the ditch was undertaken on 20<sup>th</sup> February 2019 to determine whether the ditch had an outfall or was receiving any surface water runoff. The inspection did not identify an outfall at the lower end of the ditch and no incoming pipes were observed.

In addition, geotechnical consultants Green Earth Management Co Ltd. have examined the underlying ground conditions of the site and concluded the following:

1. The site investigation encountered 'made-up ground' indicating that the site levels have been raised.
2. The made ground was a maximum of 2.60m thick below which was a layer of relict topsoil, which suggests the made ground was over-tipped onto topsoil which has not

been stripped back. This provides an indication that the deposit of made ground artificially increased the ground level at the site.

3. There is a difference in elevation between the ground level of the houses to the north and the ground level of the site.
4. The made ground contained modern materials such as glass bottles.
5. The google aerial photos also clearly show that the site was cleared of vegetation in 2015-2017. We infer this is roughly the time that the made ground was placed.

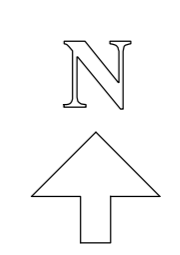
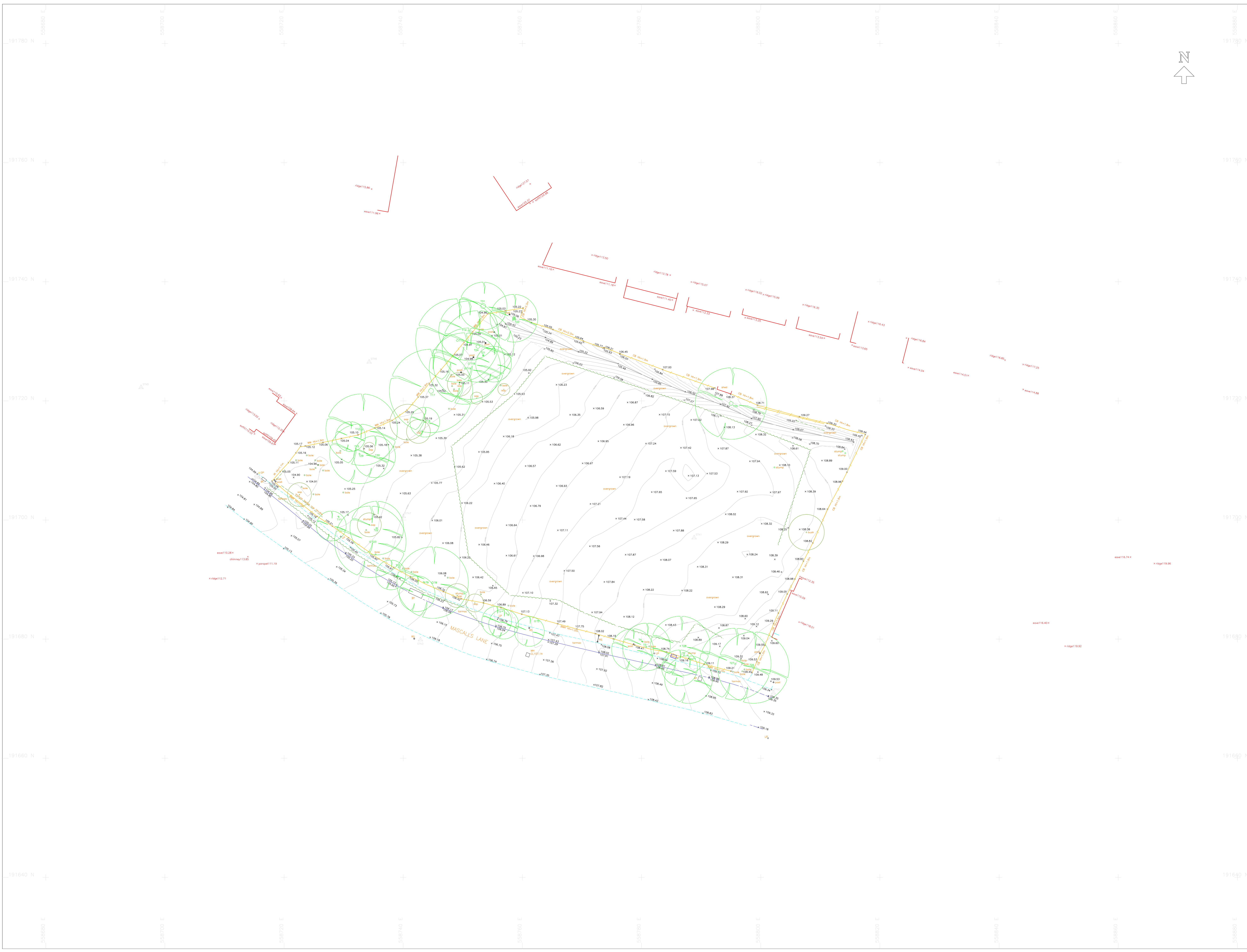
From the above, it is considered that the ditch on the northern boundary of the site does not form part of the current or historic surface water infrastructure for the area.

BRE Digest 365 Soakage tests were undertaken for the site in May 2018. The soakage test results identified infiltration rates varying from  $2.27 \times 10^{-5}$ m/s to  $2.65 \times 10^{-7}$ m/s, which indicates that infiltration methods could be used for the disposal of surface water runoff from the proposed development. It is noted that the soakage tests were undertaken within the strata of the 'artificial made ground', which is described above. Therefore, further soakage tests may need to be carried out subsequent to any mitigating measures associated with the 'artificial made ground'.

Stomor Ltd were also requested to assess the potential impact of the Essex County Council (ECC) Critical Drainage Areas (CDA) as the Brentwood district is shown to be within a CDA.

The Brentwood Borough Council Strategic Flood Risk Assessment assesses the Housing and Economic Land Availability Assessment sites which the proposed development site is included (Site 27: Land adjacent to Carmel, Mascalls Lane, Wareley). The report shows that the site is not located within a CDA, but would require a Drainage Impact Assessment. Extracts from the SFRA are attached in **Appendix C**.





**LEGEND**

SURVEY CONTROL	FEATURE ABBREVIATIONS
AV	Air Valve
BS	Bus Stop
BT	British Telecom
CB	Conc. Bollard
CD	Cover
CD	Cover to manhole
EB	Electric Box
EP	Electricity Pole
FL	Fire Hydrant
FL	Floor level
GM	Gas Meter
GV	Gas Valve
IL	Invert Level
IS	Inspection Chamber
KLS	Keep Left Sign
KO	Kept Offset
LB	Letter Box
LP	Lamp Post
MH	Manhole
MOR	Mortar
MP	Manhole Post
MB	Manhole Bollard
PI	Petrol Interceptor
RG	Road Gully
RNB	Road Name Board
RS	Road Sign
RW	Retaining Wall
SA	Sidewalk
SC	Shopcock
SV	Square Valve
TP	Telegraph Pole
TJB	Telephone Box
TJ	Traffic Light
TL	Traffic Light
V	Valve
W	Water Level
WP	Water Pipe
WM	Water Meter
WO	Water Outlet
WV	Water Valve

DATUM  
 GRID = ORDNANCE SURVEY NATIONAL GRID (OSTN15)  
 LEVELS = ORDNANCE SURVEY (OSDM15)  
 SCALE FACTOR REMOVED

**SURVEY CONTROL**

STATION	Easting	Northing
1	558760.00	191780.00
2	558770.00	191780.00
3	558780.00	191780.00
4	558790.00	191780.00
5	558800.00	191780.00
6	558810.00	191780.00
7	558820.00	191780.00

**TREE SCHEDULE**

TREE	TRUNK	HEIGHT	SPREAD	SPECIES
1	0.25	14	8	MARPLE
2	0.18	14	8	MARPLE
3	0.17	14	8	MARPLE
4	0.15	8	5	MARPLE
5	0.24	12	5	MARPLE
6	0.13	10	5	MARPLE
7	0.13	10	5	MARPLE
8	0.32	14	12	ASH
9	0.22	18	8	MARPLE
10	0.27	8	5	MARPLE
11	0.16	13	8	MARPLE
12	0.25	14	12	ASH
13	0.24	16	14	MARPLE
14	0.25	16	10	MARPLE
15	0.14	14	5	MARPLE
16	0.25	18	5	HAWTHORN
17	0.25	18	14	MARPLE
18	0.3	17	12	MARPLE
19	0.24	16	12	MARPLE
20	0.17	15	8	ASH
21	0.25	12	5	MARPLE
22	0.28	13	12	ASH
23	0.25	16	12	ASH
24	0.25	16	12	ASH
25	0.25	16	12	ASH
26	0.23	12	12	MARPLE
27	0.26	13	12	MARPLE
28	0.18	13	10	ASH
29	0.2	13	10	MARPLE
30	0.18	10	7	MARPLE
31	0.23	10	6	ASH

**NOTES**  
 Drainage and service covers that were buried, obscured or not visible at the time of the survey cannot be shown. Sewer connections between manholes are assumed to be straight and only shown where from the cover are shown. Tree canopy measured values are written as maximum spreads.

**SURVEYED BY**  
**Tripoint Surveys Ltd**  
 land & engineering surveyors  
 Unit 5C Castle End Business Park  
 Castle End Road  
 Ruscombe  
 Berkshire  
 RG10 9XQ  
 T: 01183 272171  
 e: office@tripointsurveys.com  
 www.tripointsurveys.com

**CLIENT**  
**STONEBOND PROPERTIES LTD**


**SITE**  
**MASCALLS LANE**  
**WARLEY**  
**BRENTWOOD**  
**ESSEX**  
**CM14 5HX**

**TITLE**  
**SITE SURVEY**  
 AS EXISTING  
**SCALE** 1/200 (AO) **DATE** JULY 2017  
**DRAWING No.** 01 **JOB No.** 17072286




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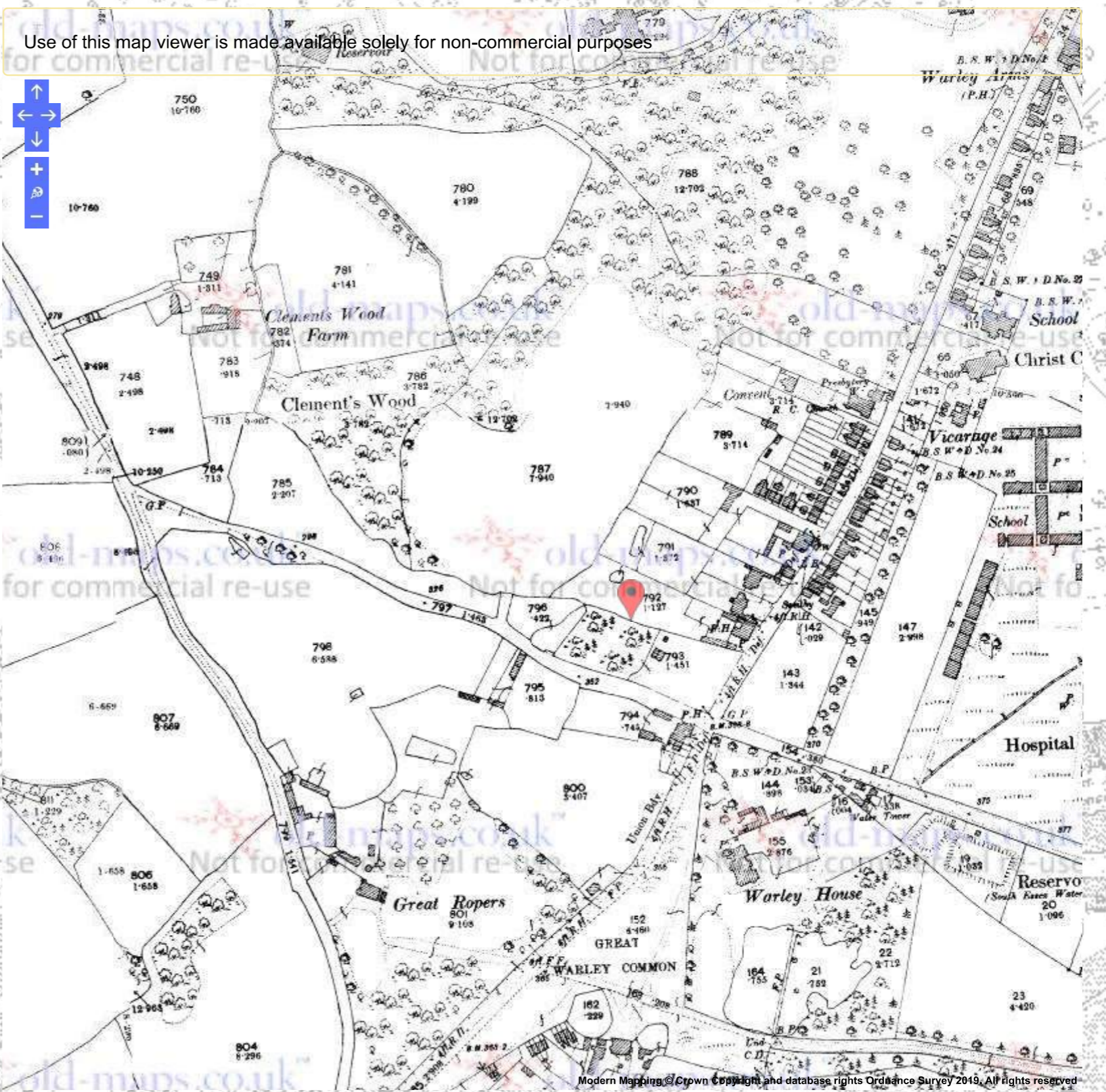
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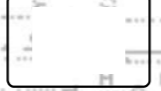


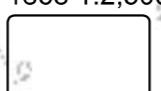

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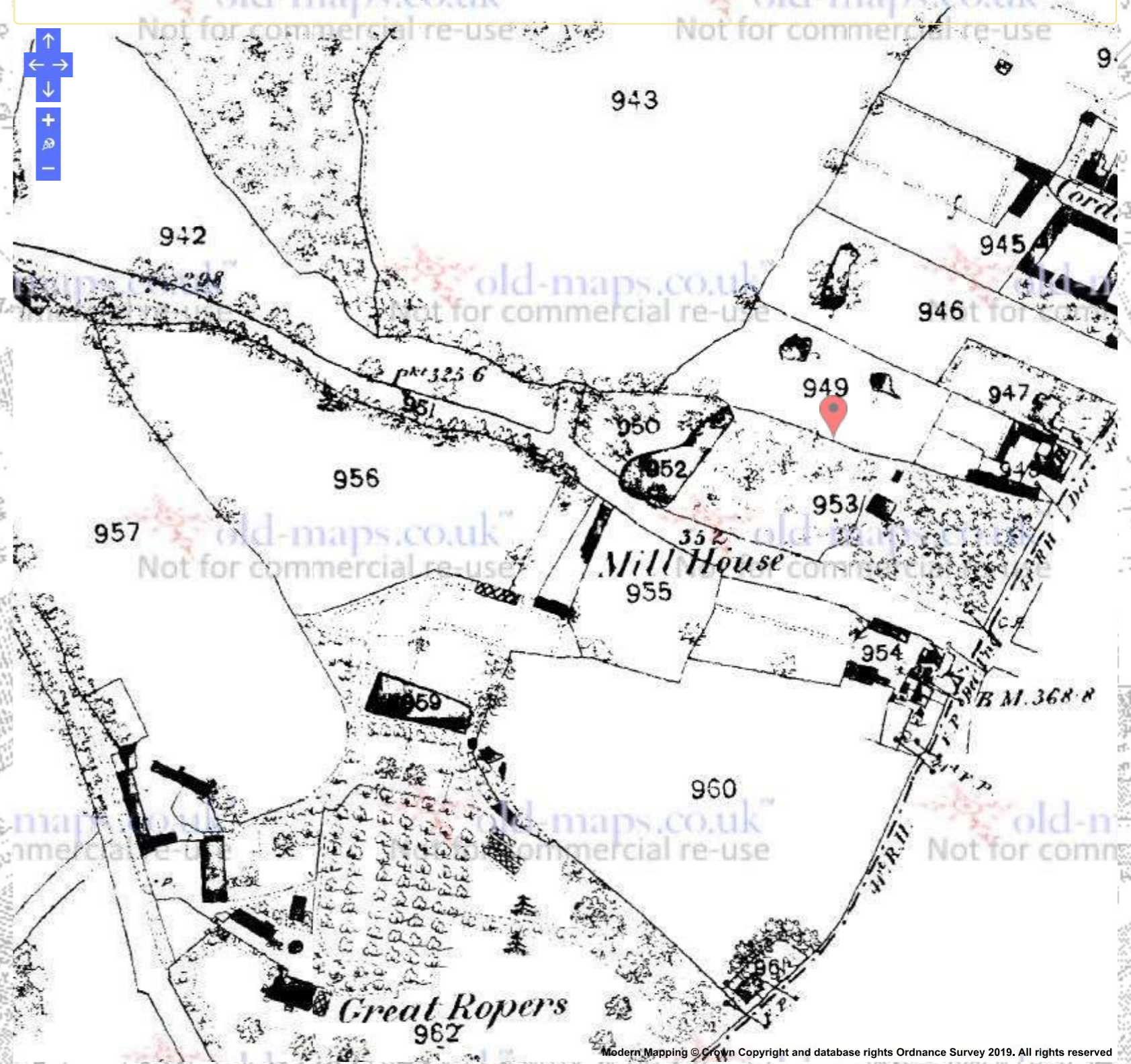


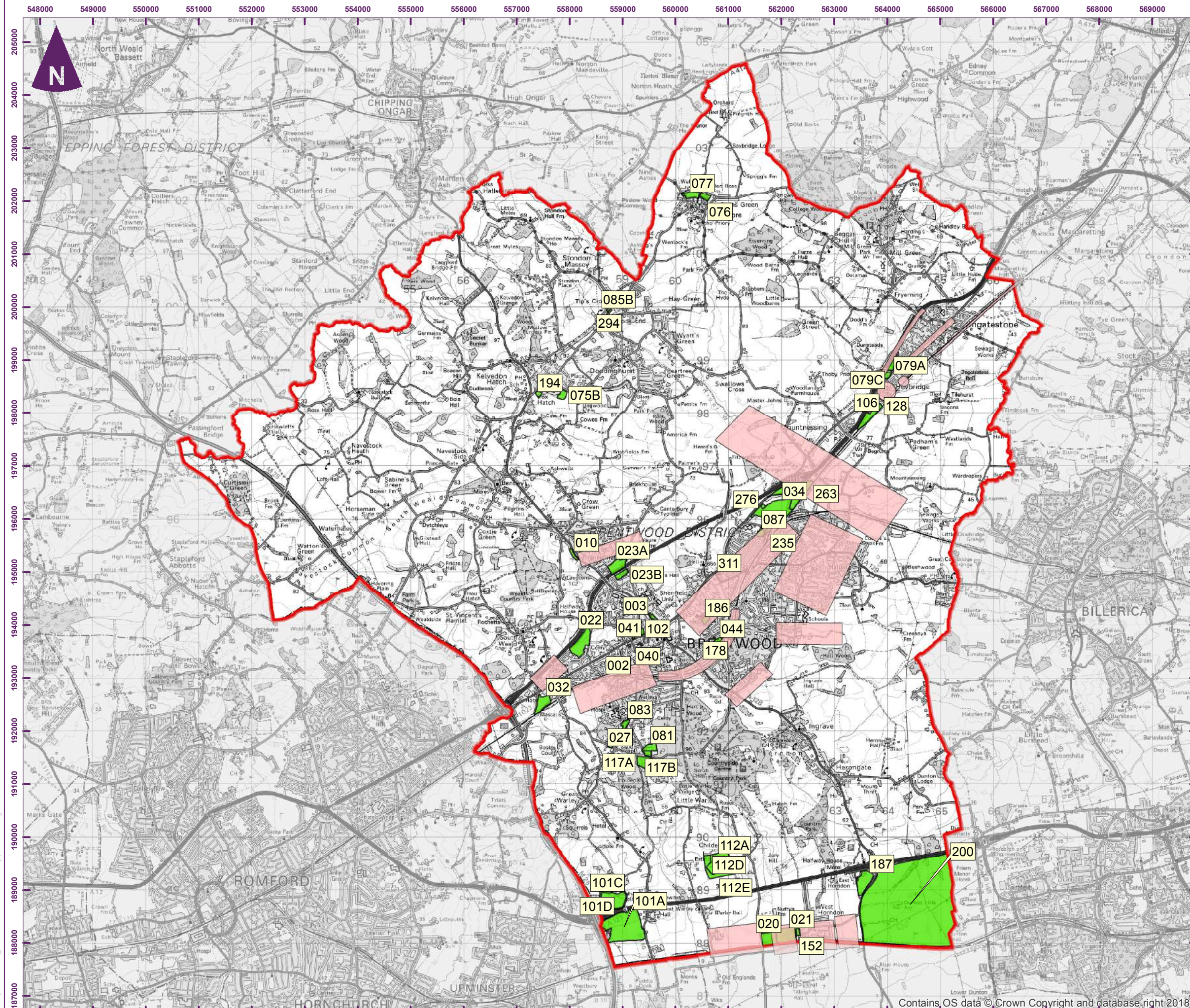


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**Key**

- Brentwood Critical Drainage Areas
- HELAA Sites\*
- Brentwood Borough Council Boundary

\*As per shapefile - 34bfaf4d-2540-4e1d-a597-85161932356e.shp



Brentwood Level 1 SFRA

amec foster wheeler

**Figure C3**  
Brentwood Borough Critical Drainage Areas

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file: H:\Projects\41274\_Brentwood\Docs\SFRA\Appendix C\Figure C3.mxd



Table C.1 HELAA Development Sites and Flood Risk

Site	Site Name	Proposed Use	Total Site Area (ha)	Fluvial Flood Zone						Surface water risk			In Critical Drainage Area?	Development Viability
				Flood Zone 1		Flood Zone 2		Flood Zone 3		High Risk	Medium Risk	Low Risk		
				Area	% of site	Area	% of site	Area	% of site					
112A	Childerditch Industrial Estate	Employment Site	11.25	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	No	site specific FRA required
102	William Hunter Way car park, Brentwood	Mixed Use	1.2	100.00	100.00	0.00	0.00	0.00	0.00	No	Yes	Yes	No	site specific FRA required
087	Land at Alexander Lane, Shenfield	Housing Site	1.73	100.00	100.00	0.00	0.00	0.00	0.00	No	No	Yes	Yes	site specific FRA required - within CDA so should refer to the site specific recommendations in the SWMP
003	Wates Way Industrial Estate, Ongar Road, Brentwood	Mixed Use	0.99	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	No	permitted subject to LPA/LLFA consultation, requires Drainage Impact Assessment
21	Horndon Industrial Estate, Station Road, West Horndon	Mixed Use	10	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	Yes	site specific FRA required - within CDA so should refer to the site specific recommendations in the SWMP
39	Westbury Road Car Park, Westbury Road, Brentwood	Housing Site	0.27	100.00	100.00	0.00	0.00	0.00	0.00	No	No	No	No	permitted subject to LPA/LLFA consultation, requires Drainage Impact Assessment
40	Chatham Way/Crown Street Car Park, Brentwood	Housing Site	0.33	100.00	100.00	0.00	0.00	0.00	0.00	No	No	No	No	permitted subject to LPA/LLFA consultation, requires Drainage Impact Assessment
41	Land at Hunter House, Western Road, Brentwood	Housing Site	0.21	100.00	100.00	0.00	0.00	0.00	0.00	No	No	No	No	permitted subject to LPA/LLFA consultation, requires Drainage Impact Assessment
81	Council Depot, The Drive, Warley	Housing Site	3.2	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	No	site specific FRA required
83	Land west of Warley Hill, Pastoral Way, Warley	Housing Site	2.21	100.00	100.00	0.00	0.00	0.00	0.00	No	No	Yes	No	site specific FRA required
085B	Land adjacent to Tipps Cross Community Hall, Blackmore Road, Tipps Cross	Housing Site	0.33	100.00	100.00	0.00	0.00	0.00	0.00	No	No	No	No	permitted subject to LPA/LLFA consultation, requires Drainage Impact Assessment
2	Brentwood railway station car park	Housing Site	1.07	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	Yes	site specific FRA required - within CDA so should refer to the site specific recommendations in the SWMP
10	Sow & Grow Nursery, Ongar Road, Pilgrims Hatch	Housing Site	1.2	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	No	site specific FRA required
079A	Land adjacent to Ingatestone by-pass (part bounded by Roman Road, south of flyover)	Housing Site	1.39	100.00	100.00	0.00	0.00	0.00	0.00	No	Yes	Yes	Yes	site specific FRA required - within CDA so should refer to the site specific recommendations in the SWMP
77	Land south of Redrose Lane, north of Woollard Way, Blackmore	Housing Site	3.3	100.00	100.00	0.00	0.00	0.00	0.00	No	No	Yes	No	site specific FRA required
76	Land south of Redrose Lane, north of Orchard Piece, Blackmore	Housing Site	1.69	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	No	site specific FRA required
20	West Horndon Industrial Estate, Childerditch Lane, West Horndon	Mixed Use	6.45	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	Yes	site specific FRA required - within CDA so should refer to the site specific recommendations in the SWMP
22	Land at Honey Pot Lane, Brentwood	Housing Site	10.93	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	No	site specific FRA required
023A	Land off Doddinghurst Road, either side of A12, Brentwood	Housing Site	5.99	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	No	site specific FRA required
32	Land east of Nags Head Lane, Brentwood	Housing Site	5.88	100.00	100.00	0.00	0.00	0.00	0.00	No	Yes	Yes	No	site specific FRA required
34	Officer's Meadow, land off Alexander Lane, Shenfield	Housing Site	20.8	20.34	97.79	0.39	1.88	0.07	0.34	Yes	Yes	Yes	Yes	consider site layout and design around flood risk - within CDA so should refer to the site specific recommendations in the SWMP
44	Land at Priests Lane (west), Brentwood	Housing Site	4.51	100.00	100.00	0.00	0.00	0.00	0.00	No	Yes	Yes	Yes	site specific FRA required - within CDA so should refer to the site specific recommendations in the SWMP
27	Land adjacent to Carmel, Mascalls Lane, Warley	Housing Site	0.34	100.00	100.00	0.00	0.00	0.00	0.00	No	No	No	No	permitted subject to LPA/LLFA consultation, requires Drainage Impact Assessment
079C	Land adjacent to Ingatestone by-pass (part bounded by Roman Road)	Employment Site	2.06	100.00	100.00	0.00	0.00	0.00	0.00	No	Yes	Yes	Yes	site specific FRA required - within CDA so should refer to the site specific recommendations in the SWMP
128	Ingatestone Garden Centre, Roman Road, Ingatestone	Housing Site	3.45	100.00	100.00	0.00	0.00	0.00	0.00	No	Yes	Yes	No	site specific FRA required
152	Land East of Horndon Industrial Estate	Mixed Use	0.8	100.00	100.00	0.00	0.00	0.00	0.00	No	Yes	Yes	No	permitted subject to LPA/LLFA consultation, requires Drainage Impact Assessment
158	Land North of A1023 Chelmsford Road, Shenfield	Mixed Use	4.45	100.00	100.00	0.00	0.00	0.00	0.00	No	Yes	Yes	Yes	site specific FRA required - within CDA so should refer to the site specific recommendations in the SWMP
178	Land at Priests Lane (east) adjacent Bishops Walk, Brentwood	Housing Site	0.61	100.00	100.00	0.00	0.00	0.00	0.00	No	No	Yes	Yes	permitted subject to LPA/LLFA consultation, requires Drainage Impact Assessment
186	Land at Crescent Drive, Brentwood	Housing Site	1.54	100.00	100.00	0.00	0.00	0.00	0.00	No	Yes	Yes	Yes	site specific FRA required - within CDA so should refer to the site specific recommendations in the SWMP
187	Land south of East Horndon Hall	Employment Site	8.7	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	No	site specific FRA required
112D	Childerditch Industrial Estate	Employment Site	2.34	100.00	100.00	0.00	0.00	0.00	0.00	Yes	Yes	Yes	No	site specific FRA required



# Phase 2

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