

**Agent:**

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**Applicant:**

Mr & Mrs David & Sue Brimley  
658 Rayleigh Road  
Hutton  
Brentwood  
Essex  
CM13 1SJ

Application No: **23/00423/FUL**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT**  
**PROCEDURE) (ENGLAND) ORDER 2015**

In pursuance of the powers conferred on them, the Council, as local planning authority, having considered your application to carry out the following development:-

**DEVELOPMENT:** Demolition of existing detached dwelling. Construction of 2 new detached residential dwellings with associated parking and landscaping.

**ADDRESS:** 658 Rayleigh Road Hutton Brentwood Essex CM13 1SJ

**DRAWING NO(s):** CE23/010/FRA rev. 00 dated August 2023; J206/01/G; J206/02/F; J206/03/B; J206/04/B;

In accordance with the plan(s) accompanying the said application, do hereby give notice of their decision to GRANT PERMISSION for the said development, subject to compliance with 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 documents listed above and specifications. Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.
- 3 Notwithstanding the details indicated in the application, no development shall proceed above slab level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons: in order to safeguard the character and appearance of the area and for the avoidance of doubt.

- 4 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. As a minimum, the CEMP shall provide for: i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during demolition and construction works vii. a scheme for recycling/disposing of waste resulting from demolition and construction works viii. hours of working and hours during which deliveries may be taken at the site ix. measures for the control of construction, demolition and vehicle noise emanating from the site. x. contact details for the site manager who shall act as liaison between the Council, construction team plus subcontractors and local community ensuring issues arising are dealt with effectively and promptly. Reason: In the interests of highway safety, visual and neighbour amenity. This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard.
- 5 Notwithstanding the approved drawings, details of existing and proposed site levels and the finished floor levels of the proposed buildings (including outbuildings) and swimming pools shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details. Reasons: To safeguard the character and appearance of the area, to protect the living conditions of nearby residents and for the avoidance of doubt.
- 6 No development shall take place until a detailed Arboricultural Impact Assessment and Method Statement to include tree protection measures and plan have been submitted to and approved in writing by the local planning authority. Where trees may need to be removed and where this is robustly justified, suitable replacements will need to be identified in agreement with the local planning authority. The development shall be carried out in accordance with the approved details. Reason: In the interests of the character and appearance of the area. This issue is fundamental to the development permitted and the application as submitted provides insufficient information in this regard.
- 7 The proposed building(s) shall not proceed above slab level until details of:
  - measures to ensure that the building does not exceed 110 litres per person per day;
  - measures to provide wastewater infrastructure capacity;

- measures to achieve lower water consumption rates and to maximise futureproofing;
- measures to demonstrate the development would not have an adverse impact upon the sewerage network; and
- measures to improve water quality and protect the quality and functioning of existing water courses/groundwater.

have been submitted to and approved in writing by the Local Planning Authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved. Reason: in order to ensure that the proposed development incorporates the sustainable principles in relation to policy BE02 of the Brentwood Local Plan.

- 8 Prior to the first occupation of the proposed building(s), a report, showing the sustainable drainage features that have been incorporated into the development, shall be submitted to and approved in writing by the local planning authority. The sustainable drainage features shall be fully installed in accordance with the approved details prior to first occupation. Note: Householder/Minor developments are expected to incorporate private features which can include, but not limited to, water-butts, cisterns, water-barrels, permeable paving, rainwater harvesting systems and rainsave planters. These facilities shall be proportionate to the quantum of development and be well integrated into the development ensuring they are of an appropriate scale and location. Reason: the site is located within a critical drainage area as identified within the policies map and individual measures are required to mitigate flood risks in accordance with policies BE05, BE14 and NE09 of the Brentwood Local Plan.
  
- 9 If, during development, contamination not previously identified is found to be present at the site, it shall be made safe and reported immediately to the local planning authority. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted findings (by way of report) of an intrusive investigation together with a risk assessment and remediation strategy detailing how this unsuspected contamination shall be dealt with and how this will be monitored and maintained in the future. The report shall be submitted to and approved in writing by the local planning authority before development recommences. The remediation strategy and monitoring and maintenance plan shall be implemented as approved. 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 that risks from land contamination is understood in the interests of the future users of the land and for impacts upon neighbouring land to be minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10 The development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained. Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.
- 11 The proposed residential dwelling(s) shall not be occupied until details and specifications of waste and refuse storage facilities serving the building(s) have been submitted to and approved in writing by the local planning authority. These facilities shall be well integrated into the development ensuring they are of an appropriate scale, secure and appropriately ventilated whilst avoiding 'bin blight'. Development shall be carried out in strict accordance with the approved details. Reason: in order to provide appropriate facilities in association with the residential use of the building(s) and in order to safeguard the character and appearance of the area.
- 12 Notwithstanding the width of the shared access as shown on the approved drawings and prior to first occupation of the development, the vehicular access shall be widened in an easterly direction with details to be submitted to and agreed in writing by the local planning authority. The width of the access at its junction with the highway shall not be less than 5 metres. The access shall be provided with a suitable dropped kerb vehicular crossing of the highway verge and footway. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.
- 14 Prior to first occupation of the development, as shown in principle on the approved drawings, each dwelling shall be provided with a minimum of two off-street parking spaces. The vehicle parking areas and shared driveway shall be retained for this purpose at all times. Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.
- 15 The flat-roofs of the single-storey projections hereby permitted for each building shall in no way be used as a balcony or raised platform accessed from any fenestration opening of the buildings. Reason: To prevent undue overlooking of neighbouring windows and private amenity areas and to safeguard the character and appearance of the area.
- 16 Prior to development commencing above slab level, a report and accompanying scaled drawing(s) shall detail where the space and infrastructure for electric vehicle charging/plug-in points are to be provided to

each building. The documents shall detail the type, capacity/charge rate, design, scale, location and include manufacturers information as a minimum and shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the charging points shall be fully operational prior to first occupation of the building(s). Reason: in order to provide for the transition to electromobility and reduce pollution and climate change impacts in the interests of the health and wellbeing of the public in accordance with policy BE11.

- 17 Prior to development proceeding above slab level, a scheme of hard and soft landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall also include details of all surfacing materials which shall be permeable unless otherwise agreed. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation. Reasons: In order to safeguard and enhance the character and appearance of the area and for the avoidance of doubt.
- 18 Prior to the first occupation of the proposed development; details of the facilities to be provided for the storage of cycles for each residential dwelling; shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times and in accordance with the EPOA Parking Standards. The approved facilities shall be provided in accordance with those details prior to the first use of any of the accommodation hereby permitted and thereafter the accommodation shall not be occupied unless those facilities are retained. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and sustainable transportation.
- 19 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, 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 residential dwelling free of charge. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.
- 20 The proposed building(s) shall not be occupied until the infrastructure for the fastest available broadband connection installed on an open access basis has been provided for the future occupants of the building(s). Reason: in order to ensure that new developments are connected to digital infrastructure in accordance with policy BE07 of the Brentwood Local Plan.

- 21 Notwithstanding the approved drawings, and prior to development proceeding above slab level, additional drawings of the pool outbuildings shall be submitted to and approved in writing by the local planning authority. The drawing package shall include elevations, floorplans, roof plan and details of external materials for each building. The development shall be carried out in accordance with the approved details. Reasons: In order to safeguard and enhance the character and appearance of the area, to safeguard the amenities of neighbours and for the avoidance of doubt.

#### Informative(s)

- 1 Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below.
- 2 The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.
- 3 The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE02, BE04, BE05, BE07, BE11, BE12, BE13, BE14, HP01, HP03, HP06, NE01, NE02, NE03, NE07, NE09, NE10, MG02, MG03; National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 4 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 5 The developer is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the proposed works to affected neighbours. Detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. Further information may be viewed at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
- 6 When carrying out building work, you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction which shall be complied with. Notwithstanding, the developer is reminded to

ensure compliance with the requirements of the Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required, the Authority may serve a notice on the site/works setting out conditions of permitted work under section 60 of the Act. British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work. An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice. The developer is also reminded that, where applicable, during the construction phase on the building site, no bonfires should be undertaken. The Environmental Protection Act 1990 outlines that smoke arising from bonfires can be considered a statutory nuisance. The Highways Act also outlines smoke drifting onto a public highway is an offence. The developer is also reminded, where applicable, to ensure that any asbestos containing materials within existing buildings is removed by an appropriately licensed contractor before undertaking any development on site in the interests of health and safety.

- 7 Considerate Contractor Advice Note - The developer is advised to ensure full compliance with the 'Guidelines for good practice' when undertaking construction and demolition works during the relevant phases. A copy of the guidelines is available online:  
[https://document.brentwood.gov.uk/pdf/pdf\\_1185.pdf](https://document.brentwood.gov.uk/pdf/pdf_1185.pdf).
- 8 Highways Informative:
  - o 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.
  - o The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
  - o Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.
  - o 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.
  - o The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

Dated: 11 October 2023



Jonathan Stephenson  
Chief Executive

IMPORTANT – ATTENTION SHOULD BE DRAWN TO NOTES ATTACHED



## NOTES

### PLANNING APPLICATIONS AND LISTED BUILDING CONSENT APPLICATIONS

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission or approval or consent subject to conditions, that person may appeal to the First Secretary of State, in accordance with the provisions of the Town and Country Planning Act 1990, within 6 months of the date of this notice (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN) or alternatively at <https://www.gov.uk/appeal-planning-inspectorate>. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.
- (2) If permission, consent or approval to develop land is granted subject to conditions, whether by the Local Planning Authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, that person may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.
- (3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission, consent or approval is granted subject to conditions by the First Secretary of State on appeal or on a reference of an application to the First Secretary of State. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990 and Sections 27 and 28 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (4) The decision is for planning approval only. It may also be necessary for your plans to be passed by the Borough Council under the requirements of the Building Regulations.
- (5) Unless expressly stated, this permission does not incorporate Listed Building Consent.
- (6) If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).