

**SITE PLAN ATTACHED**

**130 KINGS ROAD BRENTWOOD ESSEX CM14 4EQ**

**TWO STOREY ROOF EXTENSION TO EXISTING SIX STOREY BUILDING TO PROVIDE 10 NO. RESIDENTIAL DWELLINGS, EXTERNAL ALTERATIONS, SUB SURFACE WATER STORAGE TANKS, PLANT ROOM, REFUSE STORE, CYCLE PARKING, AND CONSTRUCTION OF A SINGLE STOREY GROUND FLOOR EXTENSION.**

**APPLICATION NO: 17/01971/FUL**

<b>WARD</b>	Brentwood South	<b>8/13 WEEK DATE</b>	08.03.2018
-------------	-----------------	---------------------------	------------

**PARISH**

<b>CASE OFFICER</b>	Ms Tessa Outram	01277 312500
---------------------	-----------------	--------------

<b>Drawing no(s) relevant to this decision:</b>	P0 101 P1; P1 104 ; P1 103 ; P3 101 ; P3 100 ; P2 100 ; P1 105 ;
---	---

## **1. Proposals**

Planning permission is sought for two additional floors to form 10 residential flats; a ground floor single storey extension to the rear; external alterations and façade treatments; the installation of sub-surface water tanks and provisions for a plant room; refuse store and cycle parking associated with the residential units at Ewing House, 130 Kings Road, Warley.

The proposal will increase the height of the building by 2 storeys; 6.1 metres from the existing parapet level or 2.8 metres from the existing roof level, given the varied height of the existing roof. The proposed ground floor extension will infill the south eastern corner of the building extending 2.6 metres to the east and 1.6 metres to the south to allow for a plant room to be added. The proposed flats will contain a mix of 1 bed and 2 bed units.

The external alterations include the replacement of the existing fenestration and a façade upgrade using stained black bricks, white mosaic and light cement panels and dark grey aluminium window frames.

The existing pedestrian access to the building is unaltered. 10 cycle storage spaces are to be provided for the 10 residential units, as well as an internal refuse store. A Solar PV system is to be erected on the roof of the building and underground water tanks are to be installed to supply domestic water and the building's sprinkler system, with landscaping proposed above ground. The existing ground floor retail units are to be retained and do not form part of this application.

## **2. Policy Context**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy:      Policy CP1 General Development Criteria  
                     Policy H6 Small Unit Accommodation  
                     Policy H14 Housing Density  
                     T2 Transport and Highway Considerations  
                     PC4 Noise

NPPF Sections: Core Planning Principles  
                     Chapter 7 (requiring good design)

Local Development Plan:

The successor document for the Brentwood Replacement Local Plan 2005, the new Local Development Plan (LDP), underwent draft stage consultation (Regulation 18) in 2016 and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The emerging LDP was the subject of site-focused consultation (Regulation 18) between 29 January and 12 March 2018, identifying proposed development allocations. This will be followed by the Pre-Submission Draft (Regulation 19), currently anticipated to be published in Q3 of 2018. Following this, the LDP will be submitted to the Secretary of State for

an Examination in Public in Q4 of 2018. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in early/mid 2019.

### **3. Relevant History**

- 17/00792/PNCOU: Prior Approval Notification Class O - Change of use of floors 1-5 from office space Class (B1(a)) to residential use to create 40 units Class (C3) -Prior Approval is Not Required

### **4. Neighbour Responses**

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

41 neighbour representation letters have been received objecting to the proposed development at the time of writing this report. The summarised concerns arising from the objection letters include:

- Lack of parking
- Overdevelopment of the area
- Result in increased traffic congestion and lead to highway safety concerns
- Scale not appropriate
- Overlooking and daylight reduction to surrounding residents
- Emergency services will have reduced access because of unlawful parking and congestion
- Overshadowing to Gresham Rd properties
- Strain on infrastructure
- Noise pollution during construction
- Security concerns – lead to anti-social behaviour
- Out of character with Victorian properties

### **5. Consultation Responses**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Design Officer**-Thank you for consulting on this application at 130 Kings Road in respect of Design. The proposed development site is located within the geographic scope of the Brentwood Town Centre Design Plan. Having assessed the submitted information I advise the principle of increased massing at this location is acceptable by Design. The façade proposals and new materiality are also considered appropriate to context.

In summary Design raise no adverse comments to this application.

- **Anglian Water Services Ltd-**

Surface Water Disposal

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

**We request that the agreed strategy is reflected in the planning approval**

Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority.

No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

- **Highway Authority**- A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal makes no provision for off-street parking; however the immediate highway network is protected by parking restrictions. The proposal site is located very close to regular public transport services. In main urban areas with frequent and extensive public transport, cycling and walking links, reduced parking standards may be applied to

residential developments, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions including a Construction Method Statement ; Cycle parking shall be provided in accordance with the EPOA Parking Standards; Provision and implementation of a Residential Travel Information Pack

**Essex & Suffolk Water-** no objection to this development subject to compliance with our requirements

- **Environmental Health & Enforcement Manager-** The Environmental Health Department are satisfied with the noise assessment report produced by WSP and have no objections to this application.

## 6. Assessment

The site is located on the corner of Kings Road and King Edward Road, Brentwood and measures 0.87 hectares (8,700 sqm). It is occupied by a six-storey building, comprising three ground floor retail units and five upper floors of office space (see planning history below). Within the land ownership is the car park to the rear of the building.

The surrounding area is a mix of commercial units and offices as well as residential dwellings to the north and east and Brentwood railway station 120m to the south. There is a change in topography along Kings Road, with levels increasing to the north and south of the site.

### Planning History

Prior approval has been granted for 40 residential units to the first, second, third, fourth and fifth floor of the existing building; application ref: 17/00792/PNCOU.

### Principle of the Proposal

One of the core planning principles in the National Planning Policy Framework is to encourage the effective use of land by reusing land that has been previously developed, providing that is not of high environmental value.

The site is in an area allocated for shop/office purposes within the current local plan proposals map, and the ground floor retail units will be retained. Conversion of the existing office space has already been established because of the recent permitted development application 17/00792/PNCOU.

Policy H4 of the local plan seeks to achieve further residential provision as part of mixed used schemes and the opportunity should be taken to provide new residential accommodation as part of mixed use development.

The NPPF is highly supportive of sustainable mixed use development, planning should assist in the delivery of homes and promote mixed use developments. It can actively manage growth to make the fullest possible use of public transport, walking and cycling. Paragraph 23 of the NPPF recognises that residential development can play an important role in ensuring the vitality of town centres. As such, the principle of using this site for a mixed use with retail use on the ground floor and a residential use above is considered acceptable.

### Housing Policies

In terms of density it is important to ensure previously developed sites in sustainable areas of this nature are used as effectively as possible, as advocated by the NPPF and to relieve pressure on undertaking new development within the Green Belt.

The proposed density of this development is 57 dwellings per hectare (dph), (including the conversion of the lower floors to residential via permitted development). Policy H14 of the local plan identifies that densities in excess of 65 dwellings per hectare would be expected in locations with good public transport accessibility. Surrounding developments within Kings Road have similar and higher densities, as such the density proposed is considered acceptable.

In terms of housing mix, the proposal seeks to provide 10 x 1 and 2 bedroom flats. Policy H6 of the Local Plan states that for developments of this size a minimum of 50 percent of the units should be 1 or 2 bed units. In this instance 100 percent of the units proposed are 1 or 2 bed units in accordance with this Local Plan Policy.

### Design, Character and Appearance

The application site is located within the geographic scope of the Brentwood Town Centre Design Plan, and while this document is not yet formally adopted by the Council, it seeks to identify opportunity sites and how redevelopment can help meet a variety of local needs and future growth, in line with the objectives of the emerging local development plan.

Taller buildings than proposed here are within the immediate vicinity, including the 9/10 storey building of the Premier Inn opposite the application site. In addition, the topography of the area means the building is located at the low level end of where Warley Hill, Kings Road and Queens Road converge, thus when viewed when approaching from these avenues would not appear unduly tall or dominant.

The ground floor extension is modest and is of an appropriate design, in keeping with the appearance of the building. The external alterations will result in the removal of the existing unattractive signaling masts on the roof and the façade treatments proposed will update the building and improve its appearance without significantly altering its character.

It is noted that the Design Officer's supports the principle of increased massing at this location is acceptable and the façade proposals and new materiality are also considered appropriate to its context.

It is therefore considered the roof extensions and increased massing is acceptable; the façade treatments and external alterations will improve the appearance of the building and therefore result in a more positive visual contribution to the surrounding area. The proposal is compliant with policy CP1 (i) and (iii) of the local plan, the NPPF and the NPPG.

#### Impact on Neighbour Amenity

No windows are proposed to the northern elevation. The east facing windows are no closer than the existing windows on lower floors of the building and the nearest habitable room window of residential properties in Gresham road is in excess of 35 metres to the north east, as such the views from these windows would be oblique and would not result in direct overlooking to Gresham Road properties.

The windows to the south would be 16 metres from the adjacent building Kingsgate however given the difference in heights between the two buildings and the proposed upper two floors would not result in any material inter-overlooking between occupiers. Windows to the west would overlook the public realm and would not result in any material overlooking to adjacent buildings. Given the position of the application site and distances between the proposed windows and adjacent commercial and residential properties it is not considered the development would result in any direct or material overlooking that would result in a loss of privacy to surrounding occupiers.

In terms of dominance and an overbearing effect, no part of the proposed development directly adjoins any residential dwellings with distances to Gresham Road and Kind Edward Road properties in excess of 30metres away. Adjoining properties to the north at 124 and 114-122 Kings Road have extant permissions for 4/5 storey buildings with residential use to the upper floors with no facing windows, the proposal would therefore not appear overly dominant in relation to these buildings. The two-storey commercial unit to the east is separated a sufficient distance from the application site by the adjacent decked car park. Given the bulk of the building already exists and the separation distances to surrounding premises it is not considered the addition of two storeys would result in any material harm to the existing residents in terms of dominance and an overbearing impact.

A number of objections have been received in regard to overshadowing and a loss of light. However, this application has been submitted with a sunlight and daylight assessment which considers the impact of the proposed development on the existing dwellings in Gresham Road, King Edward Road and Rose Valley. The BRE report concludes that all properties on Gresham Road and King Edward Road will meet BRE report guidelines with only minor losses to daylight and sunlight that will likely be unnoticed. The properties within Rose Valley are in excess of 100m from the application site and therefore will not be unduly affected. As such, it is not considered that the proposal would result in any material harm to the residential amenity of the adjoining residents or in terms of loss of light, overshadowing or outlook.

In terms of noise and disturbance, the Environmental Health Officer (EHO) are satisfied with the noise assessment report produced and have raised no objections to this application. In response to the neighbour objections it is considered that any noise during construction will be mitigated by the condition for a construction method statement.

It is considered that the proposal would not be unacceptably harmful to the occupiers of the adjacent businesses and residential premises and that it would not conflict with Policy CP1 (ii) of the Brentwood Replacement Local Plan or with one of the core principles of the Framework which indicates that a good standard of amenity for all existing and future occupants of land and buildings should always be sought.

### Living Conditions

In terms of the sizes of the units, all 10 of the flats are above the minimum size recommended by the nationally recognised DCLG technical housing standards and internal storage areas are also provided for each of the units. Therefore, it is considered that the size of the dwellings hereby proposed would be adequate and would provide adequate living conditions for any future occupiers of the site.

Provision for bin storage and cycle parking would be made at ground floor level.

In terms of amenity space, the Brentwood Replacement Local Plan sets out in Appendix 1 that in urban locations a balcony area of 5sq.m would be acceptable as the outdoor amenity area for flats. In this regard none of the flats proposed would be provided with any balcony or private usable amenity space for the occupiers and therefore the proposed development would not comply with the above stated standards.

However, considering the highly sustainable and urban location of the site, the proximity of the site to areas of informal public open space, and the fact that other proposed developments in this area have been permitted without outdoor private



amenity space, it is considered that the quality of life for the occupiers of the proposed flats would not be below an acceptable level.

### Parking and Highway Considerations

The application site benefits from a decked car park adjacent to the east containing 73 parking spaces which are for the use of the existing office, only part of this car park is indicated to be within the application site. The planning statement and transport assessment states the proposed development would only be implemented together with the permitted development change of use of the upper floors to 40 dwellings and no additional parking will be provided. It should be noted the permitted development was allocated 10 vehicular parking spaces within the existing car park for the 40 dwellings proposed.

The adopted parking standards state that one-bedroom flats should be provided with a minimum of one parking space each and two-bedroom flats will require two spaces. On this basis, a total of at least 14 spaces would need to be provided to comply with this standard. However, the parking standards also state that in urban areas consideration can be given to a reduction in this standard.

A prior approval application for a change of use to residential at nearby property 148-157 Kings Road was previously refused (15/00850/PNCOU) by the council on the grounds of a lack of parking provisions but a subsequent appeal to PINS Inspector gave permission based on the site is in a highly sustainable location and the units sizes would decrease the likelihood of families occupying the units. Material weight should therefore be afforded to this decision in considering similar schemes in similar locations.

The proposal does not include any off-street parking spaces, however given the highly sustainable location of the site and the comments from the Highway Authority, plus the recent appeal decision quoted above; that occupiers of the proposed flats would have access to local services and facilities as well as public transport without the need for use of a private car, it would be difficult to resist such a proposal.

The applicant has suggested that a condition should be imposed to restrict future occupiers from applying for residential permits to prevent those who do own vehicles parking in oversubscribed nearby residential roads. South Essex Parking Partnership have confirmed that no permits would be issued for this development and as such it is considered there is no need for such a condition.

Neighbour objections have been received in regard to increased highway congestion and safety issues for pedestrians. The highway authority have raised no comments in regard to highway safety, and no demonstrable evidence has been submitted to support that view. The proposal would retain the existing vehicular

access and would not reduce visibility to road users and therefore comply with Local Plan policy T2.

### Flooding and Drainage

The application site is within Flood Zone 1 and has a very low risk of flooding. The proposal includes the installation of a sub-surface cold water storage tank and sprinkler tank for the use of the building. Anglian Water have commented that the surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable and that no evidence has been provided to show that the surface water hierarchy has been followed. As such they have recommended that a surface water management strategy should be conditioned into any grant of approval. Subject to such a condition the proposal is acceptable.

### Other Matters

It is not considered that this proposal would encourage any anti-social behaviour over and above that may already occur in the area.

### Planning Balance:

This proposal will make efficient and functional use of the land by the development of an existing developed site in a highly sustainable area. The Council cannot currently demonstrate a 5 year housing supply as required by government and the provision of 10 smaller sized units (1 and 2 bed apartments) on the site will help to provide good quality accommodation towards Brentwood's housing supply. Although no off street parking is supplied, it is considered that the proposal would represent a sustainable form of development which in line with the aims and objectives of the National Planning Policy Framework and should be approved without delay.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

### 1 TIM01 Standard Time - Full

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

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

### 2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) 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 U23839

No development shall take place until samples of the materials, to be used in the construction of the external surfaces of the building hereby permitted have been viewed on site and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4 U23967

No development shall take place above ground level until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

5 U23968

The cycle parking facilities as shown on the approved plans are to be provided prior to the first occupation of the development and retained at all times.

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

6 U23969

No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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. wheel and underbody washing facilities
- v. measures to control the emission of dust and dirt during construction
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vii. hours of working and hours during which deliveries may be taken at the site

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto

the highway in the interests of highway safety and to safeguard the amenity of neighbouring residents.

7 U23970

Prior to first occupation of the development, a Residential Travel Information Pack for sustainable transport shall be provided to each new dwelling. The details of the contents of the Pack shall have been submitted to and gained the prior written approval of the local planning authority and shall include six one day travel vouchers for use with the relevant local public transport operator.

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

8 U23971

None of the accommodation hereby permitted shall be occupied until the facilities to be provided for the storage of refuse/recycling materials have been provided in accordance with the details shown on the approved drawings. Thereafter the accommodation shall not be occupied unless those facilities are retained.

Reason: To ensure that adequate provision is made in order to safeguard the character and appearance of the area.

9 U23972

No development shall take place until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Informative(s)

1 INF01

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below.

2 INF04

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 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H6, H14, T2, PC4, the National Planning Policy Framework 2012 and NPPG 2014.

4 INF21

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

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**

#### **Appendix A: - Site Map**