

COMMITTEE REPORT

Reference:
17/01533/FUL

Site:
33 - 37 High Street
Brentwood
Essex
CM14 4RG

Ward:
Brentwood North

Parish:

Proposal:
Demolition of no 35 and no 37, part demolition, part retention of no. 33 and construction of part 3, part 4, and part 5 storey building comprising of five ground floor retail units, and 15no. residential units (8no. 1 bed units; 7no. 2 bed units). Construction of additional five storey building to rear of the site comprising ground floor, SME (flexible retail/office) use, and 4no. 2 bed units.

Case Officer: Mr Nick Howard

The application is presented to committee as it is a major proposal within Brentwood High Street.

1.0 DESCRIPTION OF PROPOSAL

The site is comprised of two separate parcels of land which covers units 33-37 High Street (plot A), and a triangular plot to the north (plot B). Both plots are located within the Brentwood Town Centre. Units 35 and 37 will be demolished and replaced in their entirety. The building structures of units 33, 33a and 33b are to be retained at ground and first floor level, with internal/external alterations.

Unit 33 will have two storeys and a pitched roof capable of accommodating residential units. The ground floor will have three retail frontages, and there will be 3 flats on each of the first and second floors totalling 2 x one bed units and 4 x two bed units.

Unit 35 will have three storeys and a pitched roof capable of accommodating further units. The ground floor will have one retail frontage, and there will be 2 x. two bed units on each of the three floors above – providing a total of 6 residential flats.

Unit 37 will be a four storey, with a similar pitched roof with retail use on the ground floor, and 1 x two bed unit on each of the floors above. It will provide in total 3 residential flats.

In total, Plot A will retain all five retail units on the ground floor and offer 15 residential units.

The design of Plot B is a five-storey building with flexible retail/office use at the ground floor, and residential units above; each floor will provide 1 x two bedroom unit. The ground floor will also include a cycle and bin storage. In total the proposal will provide one commercial unit and four residential units above.

2.0 RELEVANT HISTORY

The site has no relevant history to this application however, the following approval refers to the adjacent site known as Culyers Yards and is currently under development:

14/01261/FUL Construction of a building accommodating retail (Class A1) at Ground floor level, 13 No. residential flats over the three upper floors and a pedestrian footpath link between William Hunter Way and High Street. Approved 16 February 2015.

3.0 SUMMARY OF 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/>

- **Highway Authority-**

The Transport Statement that accompanies the planning application has been given due consideration. Although the proposal makes no provision for off-street vehicle parking, this will not impact highway safety as the immediate highway network is protected by parking restrictions.

The site is in a sustainable location with good access to all of the town centre's facilities including frequent and extensive public transport services. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions

- **County Archaeologist-**

The Essex Historic Environment Record (EHER) shows that the proposed development lies within the medieval settlement of Brentwood (EHER 525), which was first mentioned in 1176. In view of this, the County Archaeologist has suggested a number of conditions in line with the National Planning Policy Framework:

- **Anglian Water Services Ltd-**

The applicants plans show that they are intending on connecting into Thames Water's network. Therefore, we have no comments to make.

- **Arboriculturalist-**

The only vegetation growing on the site are a number of small self-sown sycamores and shrubs on the boundaries of the car parking area off William Hunter Way. They do not have any significant amenity value and there is no objection to their removal. The proposed layouts would not provide any opportunity for new planting; however, this is not considered to be an issue and would be in keeping with the adjacent Culvers Yard.

Two mature street trees within the footway of the High Street are likely to be affected by the raised elevations. The lime near No 33 and the London Plane near No 37 have branches that extend towards the buildings. It is likely that some works will be required to reduce/remove some branches to avoid them being damaged during construction. If these works are done sympathetically it is not considered that there should be any significant issues. The trees are on highway land and it is assumed that the developer would cover the costs of any works. Due to the proximity of the trees to the facades it is likely that there will be ongoing post-development pressure to cut the trees back.

- **Essex & Suffolk Water-**

We have no objection to this development subject on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

- **Historic Buildings and Conservation Officer-**

No objections subject to conditions. The Historic Buildings Officer (HBO) comments are included in the assessment section of the report.

4.0 SUMMARY OF NEIGHBOUR COMMENTS

This application has been advertised by way of individual neighbour notification letters, press advert 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/>

No representations have been received

5.0 POLICY CONTEXT

Brentwood Replacement Local Plan (BRLP) 2005:

TC3/H4 Mixed Use Development

TC4/H5 Use of Upper Floors Above Commercial Properties

H6 Small Unit Accommodation

CP1 General Development Criteria T14 Cycling

NPPF Sections: Paragraphs 23 & 60.

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.

6.0 ASSESSMENT

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.

The existing site is comprised of as follows:

PLOT A

The site is on the northern side of the High Street, and contains units 33 to 37, which are designated within a primary shopping frontage and a conservation area. On either side of it to the northeast and southwest are retail units which are also designated within the primary shopping frontage. The units are in A1 (retail) use.

Unit 33 - a flat-roofed, two storey unit constructed during the 20th Century. To the northeast is another retail frontage of similar height and design

Unit 35 – a pitched-roof, two storey unit constructed during the 19th Century. The height of both the pitched roofs and the façade is irregular.

Unit 37 – a flat-roofed, two storey unit constructed during the 20th Century. This is lower in height than the other two units. To the south west is a three-storey retail unit, currently occupied by Marks and Spencer.

PLOT B

The site is to the north of plot A, and triangular in shape. It comprises hardstanding. To its west lies the Culyers Yard development, with William Hunter Way along its northern border.

The assessment below covers the following areas:

Principle of the Development

The site is located within Brentwood High street area. Site A comprising 33-37 High Street is situated within a primary frontage. The site which also includes Site B at the rear is 'allocated' for residential, offices and retail use. Both sites are located in Brentwood Conservation Area.

The National Planning Policy Framework in Paragraph 23 seeks to ensure the vitality of town centres and recognises the important role that residential development can play.

Polices TC3/H4 of the Brentwood Replacement Local Plan refers to mixed use development and states that within the area allocated for residential/offices/ shops and in any other redevelopment proposals involving commercial development outside the residential/offices/shops allocation, the opportunity should be taken to provide new residential accommodation as part of a mixed-use development. The proposal is for retail on the ground floor with residential above on both parts of the development and therefore complies with Polices TC3/H4.

Polices TC4/H5 refers to the use of upper floors above commercial properties. The policy states that changes of use of upper floors above existing commercial premises to residential accommodation will be encouraged within the town centre, particularly to provide affordable units of accommodation, providing the following criteria can be satisfied:

- i) reasonable facilities and amenities are provided for prospective occupiers
- ii) the development does not result in demand to replace storage space that may be lost

Although the proposal is not technically a change of use, it is a redevelopment, the proposal provides residential accommodation on the upper floor of both sites. In addition, the level of accommodation is considered reasonable. The proposal therefore complies with Policy TC4/H5.

Policy H6 refers to small unit accommodation which seeks to ensure the provision of a mix of units on suitable sites of 6 units and above, with at least 50% of total units being 1 and 2 bedroom properties, except where it can be demonstrated that such a mix of units will be inconsistent with the character of existing development in the area or where

such provision cannot be adequately accommodated on the development site. The proposal is for 19 residential units, therefore the policy applies. However, all of the units are either one or two bedroomed apartments. The proposal therefore complies with Policy H6. Furthermore, the proposal includes the provision of 19 residential units which will make a welcome contribution to the Council's housing need.

As such, the principle of development is acceptable.

Affordable housing

Policy H9 requires the provision of affordable housing on suitable sites of 20 residential units and above or on suitable residential sites of 0.66 hectares or more within the Brentwood urban area. Although the site is within the urban area, it falls below the threshold of 20 units required to provide affordable housing.

Design, character and appearance

Paragraph 60 of the NPPF promotes good design through local distinctiveness, directing that planning policies and decisions should not seek to impose architectural styles or stifle innovation.

Policy CP1 sets out that development should have an acceptable impact on visual amenity, residential amenity and be of a high standard of design; satisfactorily accommodate travel demand, and should not give rise to an unacceptable detrimental impact on health, the environment or amenity; and should be expected to take full account of the need to conserve or enhance the character, appearance, biodiversity and historical and archaeological heritage of the site and the surrounding area.

Policy C14 refers to development affecting conservation areas, and this directs that when considering applications for development within and in the vicinity of conservation areas, special attention will be given to the need to preserve or enhance their character or appearance.

Advice has been sought from the Historic Buildings and Conservation Officer (HBO): In terms of the buildings within the core of the High Street, it is evident the proposed architecture is responding more successfully, with emphasis being afforded to the fine historic grain of the High Street; this is apparent in the definition and division of the buildings as viewed from the public realm.

A strong contributor to character within the Brentwood Town Centre Conservation Area is the variety of scale and detailing. The existing postmodern buildings are of a greater scale than the historic buildings and at the very least these should not be challenged to a degree where the scale becomes contextually inappropriate in the largest constituent part of the Conservation Area.

Further to the HBO's initial observations and following extensive discussions and revisions, she notes that the scheme has been positively progressed; in terms of the revisions, it is evident there has been examination of the roofscape and a stronger understanding and response to the finer grain of the High Street as a whole. Her view is that this has resulted in a much improved scheme with the verticality emphasized, and a reinforcement of the fine grain all resulting in a reduced 'block' approach to Town Centre development.

A more detailed development for fenestration proposals has been carried out and the alley way for pedestrian permeability to William Hunter Way is enhanced with a diaper work pattern. At roof level there is not a consistent approach to dormers, such variety will introduce a stronger sense of individuality; there is an introduction of external roof space with planting, this is important to ensure urban ecology and appearance have been considered alongside residential amenity.

Officers consider that in order to ensure the delivery of the development at the high level design achieved through discussions, conditions relating to prior agreement of materials and detailing is reasonable and appropriate.

In summary, subject to conditions, the scheme is considered to be of 'Good Design' as set out in the NPPF, and would serve as an enhancement to the Conservation Area. The proposal complies with Policies CP1 and C14.

Car parking provision

The proposal does not include any car parking spaces. However, both sites are situated within the Town Centre, which has good access both to local public services, and to public transport. The proposal also provides storage for 15 bicycles and accords with adopted policy T14 which seeks to promote the use of bicycles. Based on the comments of the Highway Authority, this approach is considered acceptable.

Impact on neighbours

The nearest neighbouring residential properties are situated to the west of site B. The neighbouring site comprises Culyers Yard which is a four-storey development with residential above a commercial ground floor, fronting onto William Hunter Way. Within the residential element there are a number of windows facing towards site B. A daylight and sunlight report, prepared by the applicant, assessed the impact of the proposal on the neighbouring building. The report notes that the existing access to light within living/kitchen/dining rooms at Culyers Yard are already below levels recommended by the Building Research Establishment (BRE), and that rooms are further hampered by heavily recessed windows. Even before factoring in the effect of the proposed development, the report states the access to light at Culyers Yard is already heavily compromised.

The report concludes that with regard to Culyer's Yard, this property is unduly sensitive and reliant on light from across the site due to its extremely close 'unneighbourly' positioning.

along the site's boundary; its self-imposed design constraints, which exaggerate the sensitivity to changes in massing on the site; the low-rise nature of the existing massing on the site. Under these circumstances, any meaningful development, more in keeping with the height of taller surrounding buildings, will inevitably result in deviations from the default target values of the BRE guide opposite this property. Nevertheless, most of the windows and rooms below guideline levels are either minor deviations, satisfy at least one of the daylight tests or relate to bedrooms, which are less important than other room uses. The detailed assessment reveals that the majority of rooms will satisfy the guideline and it is worth noting that, if one were to factor in all rooms within Culyer's Yard on this basis (i.e. including those facing away from the development), the vast majority of habitable space will either satisfy the guidelines or be unaffected.

On the basis of the submitted report, officers consider the proposal on site B will not be materially harmful to the living conditions of the neighbouring residents in Culyers Yard or the potential residents.

7.0 Planning Balance

The proposal represents a quality design providing retail and a welcome contribution of 19 dwellings in the town centre. The proposal will enhance the character and appearance of the conservation area and for site B will provide a further enhancement to the street scene on William Hunter Way.

8.0 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 U23857

No development shall take place until a sample panel 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.

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

4 U23856

No development shall take place until samples of windows and doors to be used in the construction 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.

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

5 U23858

No development shall take place until a sample panel of the pattern to be used on the external wall adjacent to the proposed footpath link 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.

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

6 U23859

Notwithstanding the details illustrated on the approved plans and accompanying documentation, prior to the commencement of works a detailed section plan at a scale of 1:20 showing the balcony, landscaping/railings and amenity area of a top floor apartment shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in strict accordance with the agreed details.

Reason: In the interests of preserving the character of the Conservation Area.

7. Before the development is first brought into use cycle parking shall be provided in a secure, convenient and covered facility, and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T14 of the Brentwood Replacement Local Plan.

8. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling, as approved by Essex County Council (to 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.

9. 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.

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

10. Prior to the commencement of any works of demolition or construction, including preliminary groundworks, a scheme for the archaeological investigation of the site, including a timetable for that investigation, shall be submitted to and agreed in writing by the local planning authority. The results of the investigation shall be submitted to the local planning authority prior to the commencement of any works and, if necessitated by the findings of the investigation, those results shall be accompanied by a programme of excavation, recording and where necessary the protection and preservation of remains of archaeological or historic significance. No development or preliminary groundworks shall take place until the local planning authority has approved that programme and the development shall only take place in accordance with that programme or any variation as may agreed in writing by the local planning authority.

Reason: To enable archaeological records to be made if necessary on a site that lies within an area of known archaeological interest.

11. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

Reason: The site lies within an area of known archaeological interest.

12. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason: The site lies within an area of known archaeological interest.

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

Reason: The site lies within an area of known archaeological interest.

Informative(s)

A professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief outlining the level of investigation will be issued from this office on request.

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.

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

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.brentwood.gov.uk/planning

Appendix A: Site Map