

**SITE PLAN ATTACHED**

**59 CROWN STREET BRENTWOOD ESSEX CM14 4BD**

**DEMOLISH DWELLING AND CONSTRUCT PART TWO STOREY PART THREE STOREY BLOCK PLUS BASEMENT LEVEL TO CREATE 10 X 1 AND 2 BED FLATS PLUS PART DEMOLITION OF BREAKTHRU CHURCH AND CONVERT INTO TWO FLATS, ADDITIONAL FENESTRATION AND BALCONY AT FIRST FLOOR LEVEL WITH ASSOCIATED VEHICULAR ACCESS FROM CROWN STREET TO A NEW UNDERGROUND CAR PARK, PRIVATE AND COMMUNAL AMENITY SPACE, REFUSE AND CYCLE STORAGE. (IN TOTAL 4NO. X ONE BEDS, 7NO X TWO BEDS AND 1NO X THREE BED)**

**APPLICATION NO: 18/00309/FUL**

<b>WARD</b>	Brentwood South	<b>8/13 WEEK DATE</b>	24.05.2018
		<b>Extension of time</b>	20.07.2018
<b>CASE OFFICER</b>	Mr Mike Ovenden	01277 312500	
<b>Drawing no(s) relevant to this decision:</b>	372/17/PL1000; 372/17/PL1002; 372/17/PL1003; 372/17/PL10.01; 372/17/PL1005 REV A; 372.17.PL10.02 REV A; 372.17.PL10.03 REV A;		

**Application referred at officers' discretion**

### **1. Proposals**

This application relates to the demolition of the existing dwelling on the corner of Crown Street and Primrose Hill and the erection of a new building providing ten dwellings (7 flats and 3 duplexes), with 10 basement car parking spaces. The existing Chapel building to the west would be retained and converted to form two flats – one on each floor. Amenity space would be provided through a combination of communal space and balconies.

### **2. Policy Context**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy H6 – Small Unit Accommodation

- Policy T2 New Development and Highway Considerations
- Policy T5 Parking – General
- Policy C5 Retention and Provision of Landscaping and Natural Features in Development
- LT11 Retention of Existing Local Community Facilities
- PC1 Land Contaminated by Hazardous Substances

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**

- 13/01076/FUL: Demolition of existing church building and manse, and the construction of 17 apartments with onsite underground parking -Application Refused. Appeal dismissed.
- 15/01430/FUL: Demolition of existing house and construction of apartment block comprising 10 units and undercroft car parking. -Application Refused

### **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/>

- Highway, traffic and parking concerns
- Noise of people and cars
- Inadequate parking proposed
- Overcrowded narrow busy road
- Will add congestion and parking; no parking permits for new residents
- no space for deliveries to occupiers
- Concerns about recycling bins/noise increase existing 'recycling issues'

- Would result in wrong ilk of people
- Loss of cherished community facility and destroying part of Brentwood heritage
- Current building is lovely characteristic property
- no need to build on the site
- Density is unreasonable, too large, overdevelopment, overwhelming
- Too many /yet more flats proposed, many currently on sale
- Overall look, out of character
- concerns for our own property withstanding a build of this size and magnitude
- Possibility of further redevelopment elsewhere
- Too near the church
- Will affect skyline
- Although aesthetics and scale have clearly been considered by developer it is excessive in scale
- losing our view, loss of scenery and sunlight
- overlooking from the Primrose Hill elevation and loss of light
- Overlooking from first floor balcony of converted chapel
- Loss of views from my back windows (Regency Court)
- the pedestrian access to Primrose Hill will add to difficulties of use
- building work will cause inconvenience and disturbance
- reference to 2014 appeal decision
- With so many new flats being built has Brentwood got the infrastructure to support even more families
- Concern about construction vehicles
- another major construction would add more stress to lives of the residents.
- whatever building proceeds there should be no blockage of Primrose Hill
- Affect value of properties in the locality
- Potential release of pollutants due to excavations
- Overloading of local infrastructure
- Relieved that 1845 Wesleyan Chapel is to remain
- Require full compliance with party wall act
- A petition has been submitted against the proposal
- support the proposed development as it will provide much needed regeneration
- plans are designed to be sympathetic to the local architecture
- The current buildings are run down and significantly degrade the appearance of this part of the town
- There have been no activities on site since September 2017 when Breakthru Church vacated the site (note: I am the Pastor of Breakthru Church)
- Some have claimed the church to be a valued centre and hub for the community. This has certainly not been the case since 2010. The church was forced to shut down activities because of the dilapidated state of the church building.
- The church has now relocated to The Christian Centre in Hanging Hill Lane, Hutton
- Would make it much less attractive as a site for drug users or a target for vandals
- Much needed housing and excellent use of old building and now derelict-looking site

## 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/>

- **Schools & Education** – None received (Note - the size of this development falls below the threshold at which a financial contribution to education would be required).
- **Anglian Water Services Ltd-**

Wastewater Treatment - The foul drainage from this development is in the catchment of Shenfield and Hatton Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network – The sewerage system at present has available capacity for these flows.

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. (See suggested condition). We request that the agreed strategy is reflected in the planning approval

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

Surface Water Disposal: 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.

- **Arboriculture Officer -**

The site does not contain any trees or other landscape features of amenity value. A large sycamore in a neighbouring property to the rear of the plot would not be adversely affected by the development.

The block plan indicates potential new planting and the elevation drawings show features such as new railings. These treatments should help enhance the local streetscape. There are no objections to this scheme on landscape grounds.

- **Building Control -**

As a general comment, the access routes will need to comply with part B volume 2 for fire brigade access.

- **Open Space Strategy Coordinator – none received**
- **Environmental Health & Enforcement Manager - none received**
- **Operational Services Manager-**

I foresee no issues with waste and recycling collection from this proposed development provided the waste storage area conforms to our terms and condition as in the informative.

- **County Archaeologist-**

The Essex Historic Environment Record shows that the proposed development will affect a historic Wesleyan Methodist Chapel, which is to be converted to 2 flats. This chapel is recorded on the 1st edition OS map (1870's). As original fabric, features and fittings are likely to survive within the building, it is important that a survey is undertaken to 'preserve by record' the buildings fabric prior to any conversion works or alterations taking place.

In view of this the following recommendation is made in line with the National Planning Policy Framework. Recommendation: Full condition - Building Record

"No demolition or development of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority."

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. A brief outlining the level of investigation will be issued from this office on request and in this instance, there will be a cost implication for the developer.

- **Design Officer -**

The proposed development site is within view of the southern boundary of the Brentwood Town Centre Conservation Area at the junction of Primrose Hill and Crown Street. The site currently presents buildings of architectural merit and local significance, including a church building and Victorian Villa (59 Crown Street). The existing buildings require upgrading and external enhancement; nevertheless they contribute to the character and appearance of the location by way of their appropriate scale and architectural interest.

Should the principle of development be accepted, I advise this latest approach to the redevelopment of the site has improved from the previously refused schemes. The retention and adaptation of the church building is welcomed by Conservation, if undertaken as a sensitive conversion, it would serve as a positive contribution to the character and appearance of the approach to the Conservation Area and to the character of Primrose Hill. Should the principle of conversion be accepted in planning terms given the community use, it is important a schedule of retention and detailed information in respect of materials/fenestration/doors etc. is developed further, some of the 'as proposed' doors/windows require further consideration; these matters could be Conditioned to ensure an appropriate response to the host Church building is implemented during the technical design development stage; ultimately this is in the interests of the character and appearance of the character of Primrose Hill.

In terms of the proposed core block of development with basement parking, the architect has largely proposed massing to be located upon Crown Street; having assessed the scale and street scene at this location, I advise this is an acceptable approach, however, the return block, which leads into Primrose Hill, the massing should be articulated further and marginally decreased, this articulation should also be in conjunction with alterations to the hierarchy of fenestration and detailing. At present the design intent for openings and detailing remains consistent throughout the scheme, but the character of Primrose Hill is distinctively different to that of Crown Street as referred to by the Inspector within the dismissed Appeal (APP/H1515/A/14/2220682), such refinements will ensure a more human scale to this characterful thoroughfare is complemented and responded to.

In terms of architectural language, the elevational treatment is of a traditional narrative, fairly well proportioned and not overly ornate, again this approach is not disputed by Conservation but as set out in my previous comment, the design would benefit from a less uniformed approach throughout the whole scheme, a slight refinement to detail language upon the return block will assist and convey a more surgical approach to the contextual analysis. Chimneys are a useful design feature but do appear a little too shortened here and could be revised.

Conditions must be apportioned to any future permission in order to ensure quality of materials and suitable detailing are developed prior to the commencement of works above ground.

Recommendation

Subject to minor revisions set out in my comments above and subject to Conditions of planning, I raise no 'in principle' objections to the redevelopment of this site.

Revised plans: These show the minor changes requested and are acceptable.

- **Highway Authority -**

A site visit has been undertaken and the documents accompanying the planning application have been given due consideration. Given the existence of parking restrictions in the area around the site and the location of the development with good access to the town centre and all its associated facilities including extensive public transport, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. Construction Management Plan
2. Vehicular access geometry
3. The redundant part of the existing site access to be closed
4. Prior to occupation, a bollard or similar means to preclude any vehicle access shall be provided within the confines of the development at the pedestrian access from Primrose Hill between Plots 5 and 12, as shown in the Proposed Site Plan (Drawing no 372/17/PL1002).
5. Provision of parking as approved prior to occupation and subsequent retention.
6. There shall be no discharge of surface water onto the Highway.
7. Cycle parking shall be provided in accordance with adopted parking standards.
8. Provision of a Residential Travel Information Pack prior to occupation.

## **6. Summary of Issues**

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2012 (NPPF) and National Planning Practice Guidance 2014 (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

### Design

Policy CP1 (General Development Criteria) is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure. These issues are considered in the following sections.

The site is not in a conservation area and there are no listed buildings on or near the site. The existing dwelling on the site dates from the turn of the C19th/C20th. It occupies a slightly raised position with steps up to the front door and has raised eaves and steep pitched roofs. It is a pleasant building, though currently has a tired appearance, is not listed and while it has some limited local worth officers do not consider it is of sufficient quality to object to its removal, particularly set against the potential for developing the site. This is consistent with the previous planning decisions (two applications and one appeal) where the removal of the existing dwelling was not part of the reasons for refusal.

The replacement building would be set into the ground and be 11.8 metres tall at the frontage, reducing to 10.4 and then 9 metres along Primrose Hill. The height of the frontage building would be comparable to the existing building. The Chapel building is approximately 8.0m tall.

The proposed new building is a well proportioned formal building using historic design elements – including door cases, panelled doors, well proportioned windows, ground floor plasterwork, metal railings. Subject to conditions on detailed design matters and materials the design is considered to be acceptable.

The Chapel building further along Primrose Hill has a more traditional form and the applicant proposes to retain it and convert it to two flats, unlike previous proposals which either ignored the building or proposed its removal as part of a larger scheme. The proposed conversion would be sensitive to its external appearance and it is a positive aspect of the scheme that the applicant has been able to retain the building.

#### Amenity

The front elevation of 1 Primrose Hill is approximately 8 metres from the site boundary. The side elevation of the proposed block would be approximately 3.5 metres away from the boundary. That would result in a distance in the order of 11 metres window to building, although as the two buildings are not parallel this is not constant and increases to the west.

A standard 'rule of thumb' assessment to judge the impact of a building on the light received inside rooms having windows facing a development, uses a 25 degree guideline drawn from potentially affected windows towards the proposed development. If a building does not breach that line it is considered that sufficient light would be received through that window, while if it is breached the light might be affected to some degree. In this case such a line drawn from one front elevation ground floor front window of 1 Primrose Hill to the proposed facing elevation would have a marginal breach of that line. This indicates that there may be an impact on the daylight received through that window. However just after this point the proposed building steps down below such a line. Lines from the other windows in the facing elevation would not be breached, partly due to the greater distance but also the lower height of the end of the proposed building. However, the affected room is not solely reliant on that window for its light. The room appears to run the length of the dwelling and receives light from windows at the rear and three rooflights on its lean-to roof supplement light to the room.



For these reasons it is considered that the proposal is likely to permit 1 Primrose Hill to retain an acceptable level of daylight in its rooms.

With regard to sunlight, most buildings in an urban context experience some shadowing during the day and this is transient as the course of the sun moves throughout the day. In this case shadowing from the proposed building is likely to have left 1 Primrose Hill by the early part of the afternoon. With regard to sunlight and daylight the proposal is considered to be acceptable with regard to 1 Primrose Hill. Due to differences in relative positions other buildings around the site would be less affected with regard to sunlight and daylight.

With regard to potential overlooking of 1 Primrose Hill it would be possible by use of a planning condition to omit the proposed front balcony and require obscure glazing in the lower half of facing windows above ground floor level on this part of the north elevation to avoid building-building overlooking.

On the corner on the opposite of Primrose Hill is a car park serving the commercial building in a Regency style building. That has two windows on its side elevation and would not be materially affected by overlooking from the three windows proposed in the side elevation of the main element of the building or the window to the stairs. It is noted that the existing building on the application site has windows on the ground and first floor level. A note on drawing 372/17/PL10.03 A states that all first and second floor windows on the Primrose Hill elevation will have obscure glazing in their lower panes.

The building on the opposite side of Crown Street is a relatively modern three storey flat block, built up from street level. It has some windows facing the site and some enclosed balconies. The window to window distance would be just over 16 metres. The proposed building would have a balcony to the first floor front unit (unit 6), and another lower one just above the basement entrance. Front elevations of buildings particularly in town locations tend to have a reduced level of privacy than in more secluded locations and this distance is considered to be acceptable.

To the south of the site is an older building (65-71 Crown Street) which is set in from the common boundary and has windows in irregular positions and sizes. With regard to windows on the side (south) elevation of the proposal, these would be a secondary window to a lounge diner (the lower half of which could be obscure glazed). This would avoid direct window-window overlooking. Further back there would be windows to four bedrooms and two ensuites (total) on the first and second floors but they would largely look towards land to the rear which is used for garaging and hardstanding.

Unit 10 would have a terrace provided in the form of an 'inverted dormer' This would provide a form of semi open space that constrains views and users would be kept back from the side elevation by a railing approximately 1.6 metres in from the elevation. From the other side the terrace is hidden and appears to be a conventional roof. The views would be distance views rather than direct overlooking.

The proposed Chapel conversion would have a first floor terrace for its first floor unit. This has been discussed with the application and a method of screening is necessary

and capable of control by a planning condition. This issue has also been raised in representations.

#### Standard of accommodation

The Council has no up to date adopted space standards for residential accommodation; however, underlying all planning decisions is the core planning principle (as set out in paragraph 17 of the Framework) that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The Department for Communities and Local Government March 2015 Technical Housing Space Standards (THSS) has standards for the types of accommodation proposed. The dwellings proposed in the development are 4 one bed units, 7 two beds and 1 three bed unit. The development meets or exceeds the standards in each case.

The space standards have not been adopted by the Council and therefore they do not carry the weight of development plan policies or supplementary local guidance. Nevertheless the THSS gives an indication of what the Government considers is a good standard of accommodation and are used for development management decisions in the borough.

The flats would be provided with small balconies and a small area of the site would be available for sitting out in the area to the rear of the church currently occupied by some utilitarian single storey structures. These facilities would be acceptable.

#### Highways and parking

The development would have one vehicular access on to Crown Street to reach the 10 basement parking spaces. The highways authority having visited the site and considered the application raises no objection subject to conditions.

The development would have ten car parking spaces in the basement. The standards indicate that one bed dwellings should have 1 space and 2+ bed dwellings have 2 spaces. However, the adopted parking standards indicate that for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment. This site is the basis the highway authority raises no objection to this level of parking provision. With regard to concerns about future deliveries to occupiers, there is no requirement in parking or highway standards for providing such facilities and the lack of them in this case does not weigh against the scheme.

#### Loss of community building

Policy LT11 seeks to retain existing community facilities including shops, public houses, community halls etc unless they are not viable or there is no interest in them. The Inspector when determining the appeal in 2014 included the loss of the hall as part of his reasons for dismissing the appeal, which was also considered unacceptable for

other reasons. At that time there was some degree of community use occurring although that has since ceased. The Breakthru Church has moved to facilities elsewhere, the existing chapel building is in poor condition and has been unused for some time. Furthermore, the issue has been discussed with the Council's leisure team and it is noted that there remains a range of facilities in the locality including six community halls in Brentwood and Hutton owned by the Council and managed through trusts, another owned by the County Council, sublet to the Borough Council as well as other private facilities. It is not anticipated that if this redevelopment was not to go ahead that the hall would be brought back into community use. For these reasons it is considered that the conversion of this building to residential use would be acceptable.

#### Trees and landscape

The site does not contain any trees or other landscape features of amenity value. A large sycamore in a neighbouring property to the rear of the plot would not be adversely affected by the development. The block plan indicates potential new planting and the elevation drawings show features such as new railings. Details could be required by condition. These treatments should help enhance the local streetscape. There are no objections to this scheme on landscape grounds.

#### Other matters raised in representations

There have been two previous proposals for the redevelopment of the site. The first in 2014 was to remove all buildings and erect a new four storey building, plus basement, to create 17 (16 net) dwellings. This was refused and dismissed on appeal. An application in 2015 omitted the chapel from the site by proposed erect a new four storey building, plus basement, to create 10 dwellings. This was refused but not appealed. Officers consider that the current proposal is a significant improvement on the previous scheme – see Design Officer's comments.

The quantum of development proposed falls below the threshold for education payments and no request has been received for payments on other matters.

Concerns about possible land contamination due to past uses can be addressed by planning condition. Concerns about overloading infrastructure are not supported by consultees. Some level of disturbance during the construction process is almost unavoidable but can be mitigated to some degree by a Construction Management Statement and if the developer follows the principles of considerate contractors.

Property values and loss of a view are not material planning considerations.

#### Housing land supply

The Council cannot demonstrate a five year housing land supply and therefore as set out in paragraph 49 of the NPPF the Council's planning policies relating to housing supply cannot be considered to be up to date. In the absence of relevant up to date development plan policies, national planning policy states that the balance (in the decision making process) is tilted in favour of sustainable development and granting

planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise. The units are of smaller size required by Policy H6. This proposal for an additional 11 dwellings would make a small contribution to the supply of housing and it is officer's view that such a benefit is not 'significantly and demonstrably' outweighed by adverse impacts.

For the reasons given above the recommendation is to grant planning permission subject to conditions.

## **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 Archaeological recording**

No demolition or development of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.

(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. A brief outlining the level of investigation will be issued from this office on request and in this instance, there will be a cost implication for the developer).

Reason: To ensure that items/features of potential archaeological importance are recorded.

### **4 Construction Method Statement**

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. the erection and maintenance of security hoarding
- vi. measures to control the emission of dust and dirt during construction
- 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

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 protect the amenity of neighbours.

#### 5 Vehicular access geometry

Prior to occupation of the development, the proposed vehicular access, as shown in the Proposed Site Plan (Drawing no 372/17/PL1002), shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not exceed 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

#### 6 Redundant part of existing site access to be closed

The redundant part of the existing site access shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

#### 7 Preclude vehicular use of pedestrian access

Prior to occupation, a bollard or similar means to preclude any vehicle access shall be provided within the confines of the development at the pedestrian access from Primrose Hill between Plots 5 and 12, as shown in the Proposed Site Plan (Drawing no 372/17/PL1002).

Reason: To ensure pedestrian and wheelchair access is not compromised by parked vehicles, to prevent vehicles from potentially unsafe manoeuvring into / out of this space, and in the interest of highway safety and accessibility.

#### 8 Provision of car parking

The development shall not be occupied until the proposed vehicle parking area has been constructed and marked in bays in accordance with Drawing no 372/17/PL10.01. The vehicle parking area shall be retained in this form at all times. The vehicle parking area shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

#### 9 No water discharge to highway

There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

#### 10 Cycle parking

Cycle parking shall be provided in accordance with the adopted parking standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

#### 11 Travel pack

Prior to 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 and transport.

#### 12 Surface water management strategy

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.

#### 13 Omission of balcony to unit 8

The development shall not proceed above slab level until a revised drawing has been received omitting the proposed balcony shown on the 'Proposed Primrose Hill Elevation – North drawing number 372/17/PL10.03 (Rev A). The development shall thereafter be carried out in accordance with the revised drawing.

Reason: To avoid direct overlooking of the dwelling opposite.

#### 14 Privacy screen to converted chapel

The converted chapel building shall not be occupied until a privacy screen of position, dimensions and specification that shall previously have been submitted and approved in writing by the local planning authority has been erected. The approved screen shall be thereafter retained.

Reason: To avoid direct overlooking of the adjacent property.

#### 15 Details of materials

The development hereby permitted shall not progress above slab level until details of the following have been submitted to and approved in writing by the local planning authority:

- Fenestration
- Eaves, fascia, trim, canopy
- balconies
- doors
- cills

The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the character and appearance of the building.

#### 16 Sample panel

The development hereby permitted shall not progress above slab level until a sample panel showing bricks and tiles has been erected on site and agreed in writing by the local planning authority

Reason: To protect the character and appearance of the area.

#### 17 Obscure glazing

The windows identified on the approved drawings as being obscure glazed, and the south elevation kitchen windows to units 3 and 7, shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window(s) shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

#### 18 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings 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.

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

#### 19 Potential land contamination

A) Prior to commencement, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: The previous use of the building(s) and adjacent land for agricultural purposes may have given rise to contamination and investigation and potentially mitigation measures carried out to protect the health and wellbeing of future occupiers of the dwelling.

Informative(s)



#### 1 INF02 Reason for approval (objections)

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

#### 2 INF04 Amendments to approved scheme

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 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H6, T2, T5, C5, LT11, PC1, the National Planning Policy Framework 2012 and NPPG 2014.

#### 4 INF22 Approved With Amendment

The Local Planning Authority has acted positively and proactively in seeking revisions and 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.

#### 5 Party Wall Act

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/party-wall-etc-act-1996-guidance>

#### 6 Highways Informative

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](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Estate, Hall Drive, Brentwood, Essex CM13 3HD.

#### 7 Water authority informatives

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively

adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

#### FOR THE ATTENTION OF THE APPLICANT:

##### Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx> Once submitted, we will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

##### Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)

Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)

Feasible mitigation strategy in agreement with Anglian Water (if required)

##### Surface water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

- Development hectare size
- Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website - <http://www.uksuds.com/drainage-calculation-tools/greenfield-runoffrate-estimation>. For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
- Connecting manhole discharge location

Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

## 8 Waste collection informative

The following is an extract from the standards of service.

### 5. Collection

- (a) The Customer shall ensure Container(s) are ready for collection at the times and place notified by the Council.
- (b) The Council shall be under no obligation to provide the Service if the Council is unable to gain access to the Container.
- (c) If through operational difficulties, the Council is unable to collect the Customer's waste and recycling on the scheduled day, the Council reserves the right to reschedule the service to the earliest opportunity.
- (d) The Customer shall provide access to the Container(s) from 6am until 3pm, on the agreed collection day.
- (e) The Customer shall ensure the waste storage area is designed that the Container(s) are accessible safely and that the surface is smooth, flat and hard, free of any hazards; such as potholes.
- (f) The Customer shall ensure that the route from the waste storage area to the waste collection point:

- is no more than 25m,
- avoids vehicular traffic,
- avoids car parking areas, or other obstacles,
- has a hard base,
- is rendered with a smooth continuous finish, free of any potholes or other imperfections,
- is free of steps or kerbs,
- is a minimum width of 2.0m for 1100 litre containers, 1.5m for 770 litre containers or 1.0m for 360 litre containers or less,
- has a gradient and level areas as follows:

Gradient	Maximum travel distance before a level area is required (m)					
1:11	1, 1:12	2, 1:13	3, 1:14	4, 1:15	5, 1:16	6,
1:17	7, 1:18	8, 1:19	9, 1:20	10, 1:21+	No limit	

- (g) The Customer must report missed collections to the Council within one day of the normal collection day, in order that the issue can be investigated and remedial action taken where appropriate.

(h) The Council will Charge for extra collections, when requested by the Customer, which are outside the scope of the contract- refer to the Council's website for the Charges.

*BACKGROUND DOCUMENTS*

**DECIDED:**

