

**SITE PLAN ATTACHED**

**33-37 HIGH STREET BRENTWOOD ESSEX CM14 4RG**

**DEMOLITION OF 35 AND 37 HIGH STREET BRENTWOOD, THE PART DEMOLITION, PART RETENTION OF NO. 33 AND CONSTRUCT OF PART 3 PART 4 STOREY BUILDING COMPRISING FIVE GROUND FLOOR RETAIL UNITS AND 14 NO. RESIDENTIAL UNITS (8NO. 1 BED UNITS; 6NO. 2 BED UNITS). ADDITIONAL CONSTRUCTION OF FIVE STOREY BUILDING TO REAR OF THE SITE COMPRISING GROUND FLOOR SME (FLEXIBLE RETAIL/OFFICE) USE, AND 4NO. 2 BED UNITS.**

**APPLICATION NO: 18/00959/FUL**

<b>WARD</b>	Brentwood North	<b>8/13 WEEK DATE</b>	101092018
<b>CASE OFFICER</b>	Mr Nick Howard	01277 312500	
<b>Drawing no(s) relevant to this decision:</b>	D301 D; D302 E; D304 A; D305; D306 A; D200 A; D201 A; D202 A; D203 B; D204 B; D301 Visual image C; D302 Visual image D; E000 3;		

**The committee refused a planning application for a similar development on this site at its meeting in March 2018. This application is for a revised form of development.**

**1. Proposals**

The site comprises two linked parcels of land, a roughly rectangular plot which covers units 33-37 High Street (plot A), with a ribbon of land extending to William Hunter way, and a triangular plot to the north (plot B) facing William Hunter Way. Both plots are within the Brentwood town centre and conservation area. The building structures of units 33, 33a and 33b would be retained at ground and first floor level, with internal/external alterations. Units 35 and 37 would be demolished and replaced in their entirety.

Unit 33 would have three storeys including a pitched roof with front facing dormers behind a low parapet. The ground floor would have three retail units, and there would be 3 flats on each of the first and second floors totalling 2 x one bed units and 4 x two bed units - providing a total of 6 residential flats. The total height of the building is 650mm lower than previously proposed.

Unit 35 would have four storeys including a pitched roof with front facing dormers behind a parapet. The ground floor would have one retail unit, and there would be 2

x one bed units on each of the three floors above – providing a total of 6 residential flats. The total height of the building is approximately 1290 mm lower than previously proposed.

Unit 37 would be three storeys, with a front façade of similar proportions to unit 35 but without the pitched roof. It would have retail use on the ground floor, and 1 x two bed unit on each of the floors above. It would provide in total 2 residential flats. The total height of the building is one storey lower, approximately 3135 mm, than previously proposed.

In total, Plot A would retain all five retail units on the ground floor and provide 14 residential units. CGIs submitted with the application (referred to as 'View points') show the High Street elevation to have articulated frontages of finely detailed brickwork with fenestration having generous reveals. The other change is to the material colour of Block A, this variation in the finish provides more visual variety to the scheme. The front elevation has a sympathetic relationship to the massing of its neighbours to each side.

The proposal for Plot B a five-storey building with flexible retail/office use at the ground floor, and four floors of residential units above; each residential floor would provide 1 x two-bedroom unit. The ground floor would also include cycle and bin storage. In total the proposal would provide one commercial unit and four residential units above. The height of this building is the same as previously proposed and it would be mostly brick clad facing William Hunter Way, with a part glazed aluminium curtain wall stair tower to its rear elevation rising just above the main body of the building. There is a minimum of windows to its flanks.

## **2. Policy Context**

National Planning Policy Framework (NPPF) 2018  
National Planning Practice Guidance (NPPG)

Brentwood Replacement Local Plan (BRLP) 2005:

Policy CP1 General Development Criteria  
Policy H6 Small Unit Accommodation  
Policy H9 Affordable housing  
Policy C14 Conservation area  
Policy T5 parking  
Policy T14 Cycling  
Policies TC3/H4 Mixed Use Development  
Policies TC4/H5 Use of Upper Floors Above Commercial Properties

Emerging 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 48 of the National Planning Policy Framework 2018. 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 2019. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted later in 2019.

### **3. Relevant History**

- 17/01533/FUL: 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. - Application Refused April 2018.
- 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. This refers to an adjacent site in Culvers Yard which has been built.

### **4. SUMMARY OF CONSULTATION RESPONSES**

Detailed below is a summary of the consultation responses. 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/>

#### **Neighbour Responses**

- Four letters of objection received which can be summarised as follows:
- The proposal due to the height of the building will block current views.
- Loss of privacy,
- Will affect the current ventilation,
- Will reduce the amount of sunlight entering the windows and overshadowing of the building.
- Its massing is not in keeping with buildings in the immediate vicinity,
- The peak of the building which can be seen from the high street is also not in keeping with the current views from the high street.
- There are windows directly facing windows in habitable rooms within Culyers Yard

- Should the walkway outside our building entrance become a passageway to the high street, it would instantly lose its privacy factor.

- **Historic Buildings and Conservation Officer:**

The revised application is supported for approval.

- **Highway Authority:**

The Transport Statement that accompanies the planning application has been considered. Although the proposal makes no provision for off-street vehicle parking, this would not impact highway safety as the local 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 above planning application has been identified on the weekly list by the Historic Environment Advisor of Essex County Council.

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 addition to this possible medieval activity there is a line of properties are marked on the 1st edition OS mapping; meaning these buildings pre-date 1880. The demolition of the existing building would give a rare opportunity to examine the medieval road frontage of Brentwood High Street. Recent archaeological work carried out in the vicinity, revealed extensive medieval and post-medieval remains and it is likely that these deposits would continue into the proposed development area. These deposits would be destroyed or disturbed by the proposed development.

In view of this, the proposal is supported subject to conditions.

- **Essex & Suffolk Water:**

Our records show that we do not have apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwellings for revenue purposes.

- **Arboriculturalist:**

The comments on the previous application were that 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 would 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 would be ongoing post-development pressure to cut the trees back.

## **5. Summary of Issues**

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) 2018 and National Planning Policy Guidance (NPPG) 2014. The relevant policies are listed in section 2 above.

One of the material considerations is the previous application on the site. Members will recall that the previous application was refused for the following reason:

*“The proposed development by reason of its size, scale and design would have a dominant impact on the street scene and have an unacceptable detrimental impact on the character and appearance of the Brentwood High Street Conservation Area and therefore be contrary to Policies CP1 and C14 of the Brentwood Replacement Local Plan and the National Planning Policy Framework”*

The refusal therefore related to design related issues. There were no objections on matters of principle, unit size mix, no requirement for provision of affordable housing, highways and parking, archaeology, landscape, amenity of neighbours. The proposal does not change those matters.

Design, character and appearance

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.

Since the refusal of the last application, discussions have been held with the applicant. These included a reduction in massing at the western section of the development at High Street and the testing of key viewpoints to demonstrate in three dimensions how the proposals would affect the Conservation Area. It is evident that advice given at preapplication has been incorporated into the revised scheme. The proposed architecture and scale respond to the context of the High Street; in terms of grain there is clear definition and division of buildings, this is important in respect of character and appearance.

A series of 'views' have been submitted to convey the impact the development would have upon the character and appearance of the conservation area, in terms of massing and viewpoints.

The alterations made to the proposal as part of this application are described in section 1 above. It is considered that the slight reduction in scale, improved design and materials result in a superior and acceptable scheme. In summary the HBO advises this application is supported by Conservation and Urban Design and considers the development would serve as an enhancement to the Conservation Area. The proposal complies with Policy CP1 and C14 of the Local Plan.

#### Potential retention of No 35

This was an issue that emerged from the previous application when it was discussed at committee. The applicants have relooked at the building and advise there are significant reasons for not retaining No 35.

- The building has internal supporting columns and associated foundations which would not have the capacity to support an additional storey of residential units. The whole of the internal structure would need to be demolished to enable an additional storey to be added.
- First floor levels that are different to the adjoining buildings thus preventing any connectivity between the buildings. Floor levels cannot be adjusted due to the existing windows and sill heights. The first-floor levels of the adjoining buildings are higher at 33 High Street and lower at 37 High Street, which makes it impossible to integrate 35 into the proposed scheme without full demolition
- Pitched timber roof structures that would need to be demolished if additional storeys are to be added
- A rear and more recent single storey extension, which has no ability to support additional storeys above. The existing flat roof has not been designed to act as a floor structure
- Some structural modifications to front part of the building and potential wall removal at first floor, which reduces the integrity of the structure and its ability to be extended vertically

- Cracking to masonry, which is likely to be exacerbated with additional loads from an extra storey
- Structural elements that are very old that would need replacement in a redeveloped scheme to achieve Building Regulation approval.

Overall the points raised in the applicant's structural survey means that No 35 cannot be retained in the proposed redevelopment. Although No 35 has C19th origins the loss of this non-listed building is outweighed by the benefits derived from the redevelopment of this and the neighbouring properties and therefore its replacement is accepted.

### Residential Amenity

Although members previously accepted the relationship between the proposal on Site B and Culyers Yard, this issue has now re-emerged due to residents now occupying Culyers Yard. Culyers Yard is situated to the west of site B and is a four-storey development with residential above a commercial ground floor, fronting onto William Hunter Way. The buildings are separated by a distance of about 5 - 6 metres.

Within the residential element of Culyers Yard there are number of windows facing towards site B. These include on the first floor, starting from William Hunter Way, a secondary lounge window (the main window overlooks the road), a window serving the second bedroom, a window serving the communal staircase and a further window serving the second bedroom for the rear flat. This arrangement is repeated on the second floor. With regard to the third floor only the front flat exists, therefore it consists of a secondary lounge window, a window serving the second bedroom and a window serving the communal staircase.

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 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 in terms of loss of light.

#### Other Matters

With regard to the other matters raised; loss of view is held by the courts not to amount to a material consideration; there are no windows proposed on the elevation facing Culyers Yard and therefore there will be no loss of privacy through inter-overlooking; no evidence has been presented that the proposal will affect ventilation to the flats at Culyers Yard; the massing of the proposed building is similar to Culyers Yard building. Based on the comments of the Design and Conservation Officer, the massing and height of the building is considered to be in keeping with the area; the comment that the 'peak' would be seen in the high street and is not in keeping with current views is noted but the overall visual effect is not considered to result in harm to the character and appearance of the Conservation Area. With regard to residents suffering a loss of privacy from use of the passageway, all the flats are on upper levels and pedestrians could not view private areas of their flats.

Accordingly, while the representations are noted officers are of the opinion that the weight afforded to them would not result in a different recommendation to that arrived at previously.

#### Planning balance

It remains the case that the Council cannot demonstrate a five-year supply of housing land and this proposal would make a contribution towards it. This weighs in favour of the proposal although the proposal is not reliant on this as it is, as indicated above, acceptable on its own merits.

## 6 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 erected 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 accordance with the EPOA Parking Standards 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 be 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)

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, H9, C14, T5, T14, TC3/H4, TC4/H5, National Planning Policy Framework (NPPF) 2018 and NPPG 2014.

4 INF22

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

## BACKGROUND DOCUMENTS

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](http://www.brentwood.gov.uk/planning)