

SITE PLAN ATTACHED

BAYTREE CENTRE INCLUDING UNITS ALONG CHAPEL HIGH AND 40-42 HIGH STREET BRENTWOOD ESSEX

WORKS TO CHAPEL RUINS TO INCLUDE HARD AND SOFT LANDSCAPING, PLANTING AND TREE PRUNING WORKS, REPLACEMENT OF STREET FURNITURE AND PAVEMENT RE-SURFACING. ALTERATIONS TO SHOPFRONTS FACADE ACROSS THE CENTRE INCLUDING 40-42 HIGH STREET. CHANGE OF USE OF FROM USE CLASS A1 TO A3 AT UNITS 25-27 AND UNITS 23-24, AND USE CLASS A1 TO D2 AT UNITS SU12 AND SU13 (BOTH GROUND AND FIRST FLOORS), 115SQ.M OF EXTERNAL RESTAURANT/CAFE SPACE AT CHAPEL HIGH, ASSOCIATED DRAINAGE AND UTILITIES WORKS.

APPLICATION NO: 18/01745/FUL

WARD	Brentwood South	8/13 WEEK DATE	07.01.2019
PARISH		POLICIES :	NPPF, NPPG CP1 C14 C16 TC7
CASE OFFICER	Caroline McCaffrey		01277 312500

DRAWING NUMBERS RELEVANT TO THIS DECISION	Drawing Number	Revision
Site Location Plan	A11403 F0001	P3
Site Plan	A11403 F0002	P2
Site Location Plan Blueline Boundary	A11403 F0003	P1
Ownership & Application Boundary Plan (Ground Floor)	A11403 F0050	P2
Ground Floor Plan Chapel High Proposed	A11402 D0100	P3
No. 42 (New Look) Flank wall Comparative Elevations Existing and Proposed	A11403 D0201	P2
Proposed West and East Elevations Ruins of Chapel of St Thomas a Becket	A11403 D0203	P2
Proposed South and North Elevations Ruins of chapel of St Thomas a Becket	A11403 D0204	P2
Chapel High Detailed Elevations Proposed	A11403 D0250	P2
Existing and Proposed sectional Elevations – Chapel High	A11403 D0300	P2

Existing and Proposed Sectional Elevations – Ruins of Chapel of St Thomas a Becket	A11403 D0301	P2
Ground Floor Baytree Centre Unit Plan Proposed uses	A11403 D1100	P4
First Floor Baytree Centre Unit Plan Proposed Uses	A11403 D1101	P4
Chapel Ruins Detailed Plan Proposed	A11403 D2100	P3
Ground Floor Plan Chapel High Existing	A11403 F0100	P1
Existing West and East Elevations Ruins of Chapel of St Thomas a Becket	A11403 F0203	P1
Existing South and North Elevations Ruins of Chapel of St Thomas a Becket	A11403 F0204	P1
Ground Floor Baytree Centre Unit Plan Existing Uses	A11403 F1100	P3
First Floor Baytree Centre Unit Plan Existing uses	A11403 F1100	P2
Chapel Ruins Detailed Plan Existing	A11403 F2100	P1
Possible Supply & Extract Ventilation Systems Elevations and sections	17160-MSK- 006	P
Existing Elevation Chapel High Service yard	A11403 F0205	P1
St Thomas a Becket Chapel Conservation Management Plan		June 2019

1. Proposals

Planning permission is sought for works to the surrounding chapel ruins to include re-surfacing of the pavement, removal of enclosures around the Scheduled Ancient Monument (SAM), replacement street furniture (benches and new display board); works to trees and the addition of a sculptural 'living' wall. As part of the refurbishments, repairs and maintenance work would be undertaken to the SAM which comprises the ruins of the Tower of the Chapel of St Thomas A Becket although all the original fabric of the ruins will be preserved. The alter is proposed to be retained as existing.

The application also seeks permission for the amalgamation and change of use of smaller units from Class A1 retail to Class A3 restaurant/café along with the use of external space; replacement shopfront windows and new signage at façade level changes to the layout and use of Units SU12 and SU13 to provide for a Use Class D2 (Assembly and Leisure);. No extensions are proposed as part of the application.

The application is accompanied by a Design and Access Statement, Planning Statement, Heritage Statement, Flood Risk Assessment and Drainage Strategy,

Arboricultural Assessment; Ventilation and Extraction plan and a Conservation and Management Plan.

2. Policy Context

National Policies: NPPF 2019
NPPG 2014 (as amended)

Brentwood Replacement Local Plan 2005:

CP1 – General Development

TC7 – Non retail uses

C14 – Development affecting Conservation Areas

C16 – Development within the vicinity of a listed building

Local Development Plan:

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation between 5 February and 19 March 2019. The responses to the consultation are currently being assessed. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q3 or Q4 of 2019. Provided the Inspector finds the plan to be sound, it is estimated that it could be adopted by the Council in early/mid 2020.

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Local Plan Pre-Submission (Publication Draft) 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.

3. Relevant History

- : - None relevant to this proposal.

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. 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>

- Proposed to fell T3 is unnecessary and undesirable
- Proposals to cover ground around chapel ruins with hard surface would result in a monotonous covering in the context of the High Street and shopping centre already dominated by stone paving.
- Loss of soft surfaces would have adverse consequences for biodiversity and drainage
- Loss of walls / screening separating the Chapel Ruins from north end of Baytree Centre would undermine the dignity and function of a sacred space
- Noise and disruption should be kept to a minimum during construction
- Careful consideration should be given to opening hours of any open air activity
- Activities in units SU12 / SU13 should be kept to a minimum (as residential units sit above)
- Ability for increased traffic and parking to be absorbed by proposed changes
- Deliveries to west service area in South Street are subject to restricted hours
- No need for further food outlets unless it's a supermarket

5. Consultation Responses

- **Historic England:**

Historic England wishes to comment on this application insofar as it affects the remains of the chapel of St Thomas a Becket (a scheduled monument), its setting and the setting of the Conservation Area. The proposed works to repair, enhance and reveal the significance of the chapel ruins are an important element of this scheme to refurbish the Baytree Centre, which will also see the better integration of Chapel High in the streetscape of the Brentwood's historic core. We welcome measures for the future conservation and enhancement of the scheduled monument have the potential to make a positive contribution to sustainability of the designated heritage assets the relationship between the Baytree Centre and the High Street.

As we have advised during pre-application discussions, the works within the scheduled area would require scheduled monument consent from the Secretary of State, advised by Historic England. The principles for the works have been discussed with us. We are keen that the proposals to improve streetscape give primacy to the conservation and enhancement of the chapel's standing structure and buried archaeological remains, so that its significance can be better revealed and enjoyed through works which will repair, protect, interpret and display in line with the aims and objectives of chapter 16 of the NPPF. Whilst we are content with the principles, we still have some concerns regarding the proposed materials and some aspects of the detailing, such as the form of the floating altar and suggest that these

should be subject to a condition requiring agreement of materials and details of new hard and soft landscaping within the scheduled monument of between ourselves and your council's conservation adviser, prior to a scheduled monument consent application being made. We also, advise that your council consider what measures would be required to ensure that future resources would be made available to ensure the management and upkeep of the church ruins and its environs would be sustained.

Recommendation

Historic England has no objection to the application on heritage grounds, but has reservations regarding some materials and matters of detail. We recommend that these could be addressed by condition.

Further comments following revised plans:

- **Historic Buildings and Conservation Officer:**

Significance:

The site is located within the Brentwood Town Centre Conservation Area; development proposed will affect the Scheduled Monument of The Chapel of St Thomas a Becket (List Entry Number:1017452) "The monument includes the standing and buried remains of the Chapel of St Thomas a Becket, located on the south side of Brentwood High Street, some 100m to the east of Crown Street.'(extract from Historic England 2018). Please refer to advice from the Inspector of Ancient Monuments at Historic England given this designation and the subsequent necessary requirement for permission from the Secretary of State in this regard.

Development also affects the Grade II listed building of RUINS OF OLD CHAPEL OF ST THOMAS A BECKET (list entry number 1197221) and the setting of the Grade II listed building of 44 High Street (List Entry number 1025027).

The site is located within the geographic scope of the Brentwood Town Centre Design Plan, within this study the need to enhance desire lines through the Conservation Area to improve pedestrian permeability on the north/south axis as well as take a cohesive approach to new development in the Town Centre as a whole is set out. There is also reference made to the Chapel Ruins and the need to improve public realm in this core area and the hinterland of the High Street.

Discussion:

The proposed development site holds a prominent position within the core of the Brentwood Town Centre Conservation Area; it is a highly significant location within the Town and the National designation set out in the opening paragraph of this letter conveys such given the scheduling and the break in the historic high street which offers a relief of built form to accommodate the Chapel.

At preapplication I raised no in principle objections to works which improve the setting of this key area, we discussed public realm improvements and the retail frontages etc. within the context. In terms of the proposals for setting and landscaping at preapplication, I did concur with the Ancient Monuments Inspector

from Historic England that the East Anglian palette for materiality should be studied and adopted within any future proposals, this is important to the setting of the Ruins, the Grade II listed building of Pepperell House and also to the character and appearance of the Conservation area. I also raised concern for the lack of any long-term maintenance plan for the Chapel Ruins and the listed structures per se.

Having assessed the current proposals within this application I welcome the investment to improve the Conservation Area but I note there is no conservation management plan/proposals for the long-term maintenance/works to The Ruins, this should be addressed as the annotation on the proposed plan states 'All original fabric of the Ruins Preserved' but there is no commentary as to how this is to take place, what works etc, the annotation goes on to state 'New Portland Stone skirt to Chapel Walls', I have not been consulted on any Listed Building Consent application in this regard.

In terms of the retail frontages and the proposed cleaning of the concrete and bronze pallet for materiality I raise no objection although a low stall raiser on the frontages are advised (this could be conditioned). The activation of the corner unit (New Look) and the heritage board on the return elevation is welcomed although further information on the heritage board and the living wall are required, the arboricultural officer should be able to advise further on how successful a living wall would be given the proposed siting of this feature as well as the proposals for tree works.

There appears to be banner signage located at high level on this return elevation at present associated with a sports lounge which I would like clarity on, is this within the ownership of the applicant? (refer to DRW: D0201 P1) if it is then it should be removed if not permitted under advertising consent.

Summary

I support the proposals in principle subject to Condition for detail and materiality; however, prior to a final recommendation and detailed advice for Conditions I would be grateful for clarity on the matters as set out above, namely:

Are there works here which require listed building consent given the proposed stone skirt on the Ruins? is there a methodology for the repairs to the Ruins and a conservation management plan? Information on the banner above the New Look flank wall would also be of assistance.

(officer comment: listed building consents is not required – this is dealt with under separate consent; methodology has been submitted, this will be dealt with via SAM consent; information banner has now been removed).

- **Environmental Health & Enforcement Manager:**

No comments received.

- **Arboriculturalist:**

The proposed scheme seeks to undertake a package of measures to enhance the public realm between the High Street and Baytree Centre. A key aspect to this is the proposed landscape scheme centred on the chapel ruins and pedestrian areas through Chapel High. These seek to improve the physical and visual connectivity from the High Street.

The most prominent existing landscape features are two large trees, a London Plane fronting the High Street and a large multi-stemmed bay to the rear of the ruins. It is proposed that both of these trees will be retained although they are to be reduced to clear adjacent building and subject to crown lifting to 4m to open up views through to the Baytree Centre. The proposed reductions are required as the existing canopies are nearly touching the adjacent buildings.

A third tree, a small multi-stemmed bay has suffered from poor quality pruning in the past and has limited amenity value. It is agreed that this tree should be removed and a replacement provided.

A general arboricultural method statement has been provided which is considered acceptable. A final document taking on board any changes resulting from amendments to the final design should be submitted as a condition. I would wish to agree the works to the two retained trees prior to commencement.

The chapel ruins are currently enclosed by low walls and contain some amenity grass and shrub beds. Few people use this area and the overall quality of the planting is low. The proposed scheme would result in the existing planting being removed. This is considered acceptable as the existing planting beds are outdated and do not make a positive contribution to this town centre location. New planting will be limited with new seating and comprise contemporary planters. The enhanced paving will improve access to all through the site. Use of different materials will help define the original walls without limiting access. The plans show a section of green wall being included which should help provide an attractive feature which softens the large expanse of blank wall in this location. It is considered that the proposed scheme is acceptable in principle. There is little information provided with regard to materials and ongoing maintenance. The detail of these can be finalised through condition.

- **ECC SUDS:**

Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this is not a major application and therefore we shall have no further comments accordingly in relation to this application. However please consider conditions/informatives if relevant for the development; These include, surface water drainage details to be submitted and approved.

- **Highway Authority:**

A site visit has been carried out and the documents accompanying the application have been duly considered. The proposals do not implicate the highway apart from a confined area to the west of the Chapel ruins. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to a Construction Management Plan to be submitted and approved to 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

- **Assets Manager:**

Essentially we have no objection to the application however, the attached deed which will need to be rescinded. The deed gave the Council the maintenance responsibility in exchange keeping the site open for the public.

The application seems to transfer those maintenance responsibility inclusive of the ruin, to the applicant which is good for the Council provided the site stays open to the public. So the applicant needs to be advised that this deed needs to be removed.

I am currently reading through the Design Access Statement and para 3.1.1 existing uses states

“The freehold (long leasehold in part) of The Baytree Centre is owned funds managed by Columbia Threadneedle Investments. The boundary of ownership is illustrated in solid red line on the Location Site Plan overleaf.”

However the plan over leaf includes 44 High Street which is in the ownership of the Council. It also includes the remaining part of New Road from the High Street which I doubt is in their ownership but is still highway maintainable at public expense.

Para 6.1.1 There was a major enhancement project that I believe the Council undertook in 1997 providing new surfaces railings, alter, repairs to the walls and information boards, updating what TP bennet architects did in 1972, (plan attached) following which the Baytree centre carried out their works in 2006.

Essentially the works appear to flatten the existing site and remove a lot of the existing historic detail that has been preserved with the proposal reducing the current identity and presence purely to enhance the commercial nature of the Baytree centre.

Para 6.2.2 the concept of a feature board on the flank boundary wall is interesting as the reader would be reading information pertaining to the vista behind them!

Para 5.7 of the heritage statement suggests that Pepperell House is “*currently underused*” is not understood as it is tenanted by Brentwood Community transport.

There is a deed packet for the ruins which probably relates to the Council improvement project in 1997 which I am trying to locate as it contains an agreement entitled “Right use land adjoining T a B”

Officer comment: regarding ownership, correct certificates has been served on the Council ; the works and maintenance of the ruins will be a matter for the applicant to undertake on commencement of the development.

- **County Archaeologist:**

18/01745/FUL | Works to Chapel ruins to include hard and soft landscaping, planting and tree pruning works, replacement of street furniture and pavement re-surfacing. Alterations to shopfronts facade across the centre including 40-42 High Street. Change of use of from Use Class A1 to A3 at units 25-27 and units 23-24, and Use Class A1 to D2 at units Su12 and Su13 (both ground and first floors), 115sq.m of external restaurant/cafe space at Chapel High, associated drainage and utilities works. | Baytree Centre Including Units Along Chapel High And 40-42 High Street Brentwood Essex

The Historic Environment advisor of Essex County Council has been consulted on the above planning application.

The Essex Historic Environment Record shows that the proposed work lies within the historic settlement of Brentwood (EHER 525) and directly impacts on the Chapel of St Thomas a Becket which is a Scheduled Monument (1017452). The Heritage Statement submitted by the applicant recognises the national significance of the site and states that there has been extensive consultation with Historic England. Any future work around the Scheduled Monument will require Scheduled Monument Consent so it is essential that there is continuing consultation with Historic England. In addition, the area lies to the rear of the medieval High Street and there will be extensive archaeological deposits outside of the Scheduled area. This evidence may be damaged or destroyed by the groundworks associated with the development.

In view of this the following recommendation is made in line with the National Planning Policy Framework

Recommendation: Full condition

"No groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological monitoring 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.

6. Assessment

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 2019 (NPPF) and National Planning Policy Guidance (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.

Heritage Issues

The proposed works to the central courtyard containing the Chapel of St Thomas A Becket have been the subject of a series of pre-application discussions primarily centred around the proposed use of materials and the method of repair and maintenance of the ruins. As the site contains a Scheduled Ancient Monument those details will require a separate application for SAM consent to be progressed to the Secretary of State with approval from Historic England. This part of the site is outside the ownership of the applicant and in consultation with the Diocese of St Thomas of Canterbury it has been agreed that an application to the Diocese for Chelmsford for Faculty Jurisdiction will be progressed to ensure all the relevant consents for the proposed works are in place.

Design:

Both the Council's Heritage Officer and Historic England have had opportunity to review the proposed materials and schedule of repairs and maintenance to the monument and surrounding courtyard. Revisions submitted during the course of the application include:

- the internal chapel ruins floor area has been updated with a revised floor finish of red brick set in a herringbone pattern;
- the colour of the steel tree guards has been amended to black;
- proposed Portland stone apron at the ruins has been removed
- existing break in the outline of the southern wall of the chapel ruins has been reinstated
- existing consecrated stone alter will be retained with red brick base over-clad in Portland stone

- BT cabinet box to be retained in its current location.

Other materials proposed include new Scoutmoor Yorkstone paving to surround the chapel walls and the full extent of Chapel High and the area adjacent to Pepperrell House. The flint pebble dwarf walls are proposed to be resurfaced with new facing ragstone, and Portland stone capping.

The refurbished dwarf walls around the monument will include new openings to the north and south wall to enable pedestrian flow through; the existing benches are to be removed and new seating in the form of hardwood benches to be positioned on top of dwarf walls.

A new seating area within the central courtyard is proposed to be paved with Scoutmoor Yorkstone replacing the existing concrete tiles.

Although the application also suggests a palette of materials including Limestone, those details will need to be agreed and a condition to be attached to any permission is recommended.

Existing floor lighting is to be retained and refurbished. The existing alter is proposed to be retained and refurbished.

Landscaping:

Works to the existing Plane and Bay trees will reduce canopies and new corten steel tree guards with recessed lights are to be introduced around the base. It is proposed to remove the existing diseased bay tree and introduce a new tree in its place. Subject to conditions the Council's arboriculturist agrees with this approach.

Other works:

A new information board is proposed along the return wall of 38-42 High Street comprising the introduction of an information panel that provides details on the Chapel ruins; a new 'green wall' treatment is also proposed on this flank.

Alterations to the shop fronts with hanging signs are proposed along the west flank (The Chapel High Façade) including a bronze metallic finish with 200mm concrete stall riser; deep cleaning of concrete façade and replacement of the first floor window assembly with a bronze metallic finish. The fascia and signage are proposed to provide for a consistent colour and font suit which the applicant states will build uniform as part of a larger branding exercise across the Baytree Centre. Notwithstanding the information provided, a condition requiring details to be agreed to include stall risers is considered more appropriate here, given the proximity to the Conservation Area, and as highlighted to the applicant at pre-application stage.

Based on the comments from the Conservation / Historic Buildings officer the changes and refurbishment of the Chapel High Façade are considered acceptable. The landscape officer confirms that the works to the trees are acceptable subject to conditions.

Change of Use:

The proposal seeks a change of use of 6 units, from A1 (retail) to A3 (restaurant) at units 25 – 27 and units 23 – 24, on the pedestrian approach from the High Street, and from A1 to D2 (Assembly and leisure) at units SU12/13 towards the south end of the centre.

The Baytree Centre is within the Prime Shopping Area, where Local Plan policy TC7 applies and which states that further non-retail uses will be resisted because the Baytree Centre provides an important shopping provision in the Town centre. The plan also indicates that in strategic terms, the most appropriate location for further retail improvements within the town centre, be it food or non-food, would be on the south side of the High Street and that the priority should be for the development of the Baytree Centre.

The applicant's planning statement acknowledges that the proposal is not supported by Policy TC7 but consider that little weight should be attached to as it conflicts with the NPPF and the development is 10 years old. However, while the development plan dates from 2005 and therefore is capable of being judged out of date, for example due to subsequent changes in national policies, the revised NPPF published February 2019 retains support for this type of policy in paragraph 85(b) advising that planning policies should:

“define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations as part of a positive strategy for the future of each centre”

On that basis Policy TC7 is considered to be generally consistent with current national policy and up to date, although it does not provide a 'range' of uses that it considers to be acceptable, within the Baytree Centre. This being the case, it is necessary to consider whether there are any circumstances that would justify a departure from that policy that would allow permission to be granted.

The applicant's planning statement goes on to acknowledge that the Centre is at the heart of the town centre and plays a key role in meeting Brentwood's current retail needs. While it benefits from a range of unit sizes and layouts which are capable of subdivision or amalgamation to provide a flexible provision of floorspace arrangements, it does not currently cater for the full range of day-to-day retail needs and lacks other uses that would be expected of a shopping centre in this location. The applicant also highlights that over time, a variety of planning applications have resulted in changes to signs, shopfronts, cafes, and change of use from A3 to A1 and D1 as well as from A1 to a radio broadcasting station.

The Centre suffers from a high level of vacancy – over 30% according to the applicants submission - including the previous supermarket (unit S12) with the units subject to the application having been vacant for a number of years, despite efforts to market, limited interest has been shown. The Centre does not currently cater for the full range of day-to-day retail needs and lacks other uses that would be expected of a shopping centre in this location.

Units SU12 and SU13 are wholly contained within the envelope of the centre and offer no active street frontage. D2 uses include leisure and assembly and have the potential to attract the general public into the Centre for example, creche or soft play type activities would provide a complementary use to the primary shopping area. It is considered such a use would not give rise to unacceptable noise or disturbance to surrounding residents, subject to condition.

The Chapel High units 25/27 and 23/24 have also been vacant for over 4 years. It is considered that the option of an A3 (restaurant) use would provide flexibility in marketing the units and with the option of outdoor seating could revitalise and attract additional footfall to the benefit of surrounding retail units. The applicant points to recent change and extensions to permitted development rights from A1 to A3 use, and contends that this demonstrates Government seeks to seek flexibility for high streets to help diversify the uses and assist with long term viability.

Even with the introduction of the additional A3 use, the Baytree Centre would still be predominantly in A1 use; the Centre currently has no other A3 use and the change of use would equate to approximately 510sqm out of a total of 8401sqm Class A1-A3 units.

It is considered that the proposed changes of use could provide a choice to future tenants and an opportunity to bring back footfall to the area and introduce a evening economy and benefit other units within the Centre. Given the length of vacancy of the units, it is considered that the proposed changes of use would be acceptable.

Other Matters:

Highways: Subject to a condition requiring a Construction Management Statement, no objections are raised. A representation submitted concerned with additional car movements arising out of the development is noted, however, it is considered that the change of use is of a scope that would not result in any unacceptable traffic impact.

Drainage: The site is within Flood Zone 1 and a Flood Risk Assessment has been submitted with the application. Except for local repairs and incorporating an attenuation tank in the courtyard to accommodate a 20% betterment in the discharge from the upgraded courtyard, there is no proposal to alter the existing drainage network.

Delivery Hours: The service yard to west adjacent to Crown Street would be closest to residential properties and for this reason it is considered that an appropriately worded condition restricting deliveries be added.

Ventilation and extraction: Details of the proposed kitchen ventilation and extraction units are detailed on plan 17160-MSK-006 Rev P. These are proposed to be located along the service yard to the west. Further details are proposed with an accompanying statement – restaurant ventilation provision. No comments have been received by the Environmental Health Service at the time of the report writing. The end tenant will therefore need to submit details prior to the occupation and use of any unit approved for A3 use and a condition requiring details of ventilation and noise from extraction / A/C units is suggested.

Conclusion :

The proposed work to the monument is supported by the parish church of St Thomas of Canterbury who in a letter to the Council confirm that part of the application concerns an area of land that is part of the Parish of Brentwood and consists of consecrated land. As such, the applicant intends to submit a unilateral undertaking to enable works to land outside their control to be undertaken, on the basis of which, suggested condition 5 will fall away.

In terms of the change of use of the units away from non-retail, an exception to applying policy TC7 can be acceptable if the Council considers that the change would assist in an enhancement to the vitality of the Baytree Centre by way of attracting additional footfall and provide facilities that would complement the existing uses.

Subject to conditions requiring further details to be agreed, the works around the SAM are acceptable.

The comments of the Council's asset team are noted and the applicant has indicated that they are seeking advice on how the current deed to which they refer could be rescinded, but in any event that is not a matter for the local planning authority.

Based on the above, it is recommended that permission be granted subject to conditions.

7. Recommendation

APPROVAL subject to the submission of a Unilateral Undertaking S106

Subject to conditions:

1 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 Drawings

Unless formally permitted by the local planning authority 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 New Materials

Notwithstanding the submitted drawings, details and samples of all new materials within the St Thomas A Becket Chapel ruins and surrounding area as indicated on drawing no A11403 D2100 rev P3, including the dimensions of the agreed herringbone brickwork within the chapel ruins shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: in the interest of the setting and appearance of the Scheduled Ancient Monument, Grade II listed buildings and the character and appearance of the Brentwood Town Centre Conservation Area.

4 Conservation Management Plan

No development shall take place until such time as a Conservation Management Plan for the St Thomas a Becket Chapel ruins has been submitted to and approved in writing by the local planning authority in conjunction with Historic England. The report shall include full details of a scheme to include the methodology of repairs; proposed works, responsibilities and maintenance of the Scheduled Ancient Monument. The works as agreed shall be carried out strictly in accordance with the approved scheme.

Reason: In the interests of the appearance and integrity of the Scheduled Ancient Monument and nearby Grade II listed buildings.

5 Hours of Use - deliveries

No deliveries shall take place outside the following hours: 08:00 - 18:00; Mondays - Fridays, 08:00 – 18:00 Saturdays and there shall be no deliveries on Sundays and public holidays.

Reason: To safeguard the living conditions of nearby residents

6 Hours of Use (7 day opening)

The premises granted permission for change of use shall not be open for customers outside the following hours: Monday – Fridays 09:00 – Midnight, and Saturdays and Sundays 10:00 – 23:00.

Reason: To safeguard the living conditions of nearby residents.

7 Extraction units

Notwithstanding the details as submitted prior to first use of the premises granted permission for A3 use, full details of the means of ventilation and extraction, and dispersal of cooking smells and fumes, including details of odour control measures, noise levels and its appearance and finish, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use hereby permitted commences and permanently retained thereafter.

Reason: To safeguard the amenity of adjoining properties and the protect the general environment.

8 Construction Management

Given the location of the development in the centre of Brentwood, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved

Plan shall be adhered to throughout the construction period. The Plan 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 and Policy

9 Drainage

The Sustainable Urban Drainage system shall be implemented in accordance with the details set out within the Flood Risk Assessment document

Reason: In order to ensure adequate provision is made for surface water drainage.

10 Landscaping

Prior to the commencement of the development hereby permitted a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees and shrubs to be retained and provided, including the 'green wall', and a plan for its management and maintenance. Any newly planted tree or green wall that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

11 Replacement Tree

Prior to the removal of the tree hereby granted consent details of a replacement tree, including its species, size and position shall be submitted to and agreed in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority the replacement tree shall be planted during the first planting season following removal of this tree. If within five years the replacement tree dies, is removed or becomes severely damaged or seriously diseased, it shall be replaced within the next planting season after its death, removal or the recognition of the damage or disease.

Reason: In the interests of the visual amenities of the locality.

12 Agree works to trees

Details of the proposed works to the retained trees shall be submitted to and agreed in writing by the local planning authority prior to any such work commencing.

Reason: To enable the Council's Arboriculturalist opportunity to agree an appropriate schedule of work, in the interest of the visual amenity of the area.

13 Site levels

Details of existing and proposed site levels of works to the external areas 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.

14 Shopfronts

Prior to the commencement of works the details of the new shopfronts shall be submitted to and agreed in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area, given its proximity to the Brentwood Town Centre Conservation Area.

Informative(s)

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, C14 C16 TC7 and National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

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.

If this planning permission is the subject of a planning obligation made under Section 106 of the Town and Country Planning Act and the developer must ensure that the provisions of that obligation are fully implemented.

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.

Appendix A – Site Map