

**SITE PLAN ATTACHED**

**LAND AT WATES WAY BRENTWOOD ESSEX**

**DEMOLITION OF ALL BUILDINGS AND STRUCTURES AND THE CONSTRUCTION OF A CLASS E FOODSTORE AND CLASS C3 DWELLINGHOUSES (46 X 1 AND 2 BED FLATS), TOGETHER WITH ACCESS/EGRESS FROM ONGAR ROAD AND BURLAND ROAD, CAR PARKING, LANDSCAPING, REPLACEMENT SUBSTATION, AND ASSOCIATED ENGINEERING WORKS**

**APPLICATION NO: 20/01221/FUL**

|   |   |                       |   |
|---|---|-----------------------|---|
| <b>WARD</b>                                     | Brentwood North   | <b>8/13 WEEK DATE</b> | 4 December 2020                                     |
| <b>PARISH</b>                                   | N/A   | <b>POLICIES</b>       | CP1, CP2, H9, H6<br>T2, H14, H5, C5,<br>LT4 PC7 TC1 |
| <b>CASE OFFICER</b>                             | Mrs Caroline Corrigan   | 01277 312500          |   |
| <b>Drawing no(s) relevant to this decision:</b> | PL01B; PL02B; PL03C; PL04F; PL06C; PL07C; PL08B; PL09B; PL010B; Transport report; Transport Appendices; Ecology Report; 1331 Drainage; Flow SW Calculations P6; Arboricultural Impact Assessment; Air Qualify Assessment; 20-052-01 Landscaping; Acoustic Report; Travel Plan; PAGE 1 OF 1; SCP 18254 ATRSK800-01; SCP 18254 ATRSK800-02; SCP 18254 ATRSK800-03; SCP 18254 ATRSK800-04; SCP 18254 SK800 REV A; 1331 Drainage. |                       |   |

**1. Proposals**

Planning permission is sought for the demolition of all buildings and structures and the construction of x1 part two/part three storey 'L – Shaped' building comprising Class E (Use class for 'Commercial, Business and Service') foodstore and 46 (1 and 2 bed) Class C3 residential dwellings including x16 affordable units on the site of this vacant Class B1 (c) light industrial site. The development would retain the access/egress from Ongar Road for the foodstore. The existing access/egress from Burland Road would be retained for the residential dwellings. 129 car parking spaces service the foodstore. 26 car parking spaces and cycle store service the residential dwellings. Associated landscaping, replacement substation and associated engineering works are also included.

## 2. Policy Context

### **Brentwood Replacement Local Plan 2005**

- CP1 General Development Criteria
- CP2 New Development and Sustainable Transport Choices
- H9 Affordable Housing
- H6 Housing Mix
- H14 Housing Density
- C5 Retention and Provision of Landscaping and Natural Features in Development
- T2 New Development and Highway Considerations
- LT4 Open space in Larger Developments
- PC7 Areas of Poor Air Quality
- TC1 Vacant and Redevelopment Sites within Residential Allocated Areas

### **Local Planning Guidance**

Brentwood Town Centre Design Guide Supplementary Planning Document (SPD)

### **Emerging Local Development Plan (LDP) to 2033**

The following emerging policies are relevant to the determination of this application:

- R15 Wates Way Industrial Estate
- SP01 Sustainable Development
- SP04 Developer Contributions
- HP01 Housing Mix
- HP03 Residential Density
- HP05 Affordable Housing
- BE11 Strategic Transport Infrastructure
- BE12 Car-Limited Development
- BE16 Mitigating the Transport Impacts of Development
- NE05 Air Quality
- PC07 Retail and Commercial Leisure Growth
- PC09 Brentwood Town Centre

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.

The emerging Local Development Plan (LDP) went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019, with a further focused consultation later that year following revisions to the detailed wording of some of the proposed housing allocations. The plan was submitted to the Planning Inspectorate in February 2020. The examination hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held from February to July 2021. The Council has proposed modifications to the plan and a six-week public consultation on those changes ended on 11 November 2021. The Inspectors will consider any representations made as a result of the consultation. Provided the Inspectors find the plan to be sound, it is anticipated that it could be adopted by the Council in early 2022.

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, although issues have been discussed through hearing sessions and main modifications for soundness have been subject to public consultation. The 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 proposed housing and employment allocations. While the post examination consultation on modifications is a further step in progress towards adoption, because the plan has yet to be adopted it is still considered to have limited weight in the decision-making process.

### **National Policy and Guidance**

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

### **3. Relevant History**

- 1978 – 1998: Numerous applications relating to alternative uses of the B1 site, alterations to the existing buildings, many of which were refused.
- 2014 – 2018: Pre-application submissions for the demolition of buildings and construction of residential dwellings and foodstore.
- 2019: Hybrid planning application submitted for foodstore (Full), residential dwellings and care home (Outline), car parking, landscaping was withdrawn following concerns regarding place making and lack of active frontage raised by officers and Essex Quality Review Panel.

#### **4. Neighbour Responses**

The application has been advertised by way of neighbour consultation letters, site notice and an advertisement in the local press. 62 Objections and 5 support responses have been 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/>

Detailed below is a summary of the representation responses:

- Inappropriate siting of large supermarket in a residential area
- Ongar Road – heavy trafficked/gridlock exacerbated
- Fire and ambulance access through proposed traffic light junction unsafe
- Increased pollution
- Increased noise pollution
- Inappropriate height of proposed building
- Roof garden leading to overlooking, loss of privacy
- Height, bulk and mass of new building inappropriate in context
- Noise and disturbance from retail service/loading bay
- Potential change of use under use class order
- Housing mix – lack of 3-bed dwellings
- Design quality (support)
- Retail competition with Sainsbury's (support)

#### **5. Consultation Responses**

- **Environmental Health & Enforcement Manager:**

"I refer to your memo in connection with the above mentioned application and would make the following comments.

Please note that these are initial comments only, in particular I will need to review the Air Quality Assessment and Acoustic Assessments further to respond more fully.

In principle, however, I do not have any objections to the proposal subject to being satisfied with the above reports.

I am aware however of the former industrial uses of the site as Wates Way and the Albert Works prior to this. Whilst it is unlikely that there will be significant levels of contamination likely to cause concern from these activities, assuming that car park areas and the proposed buildings will form an effective barrier to pollutant linkage to end users of the site, there will be some residential use of the site which should be

assessed having regard to any potential risks from previous contamination. I would however be happy for this to be dealt with by way of conditions attached to any approval issued.

I will advise you further on the other concerns once I have been able to read through the assessments submitted with the application.

#### Contaminated land

Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority.

The above scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the [public/buildings/environment] when the site is developed.

Development shall not commence until the measures approved in the scheme have been implemented.

#### Retail

No objection is raised subject to the following informatives:

1. If the proposed works fall within the scope of the Construction, Design and Management Regulations that the work is duly notified to the relevant body - i.e. the Health and Safety Executive.
2. Food premises must register as a food business 28 days before opening. The registration can be completed online at <http://www.brentwood.gov.uk/index.php?cid=1098>
3. All areas proposed to be used for food storage, preparation, handling, cooking etc to be compliant with the requirements of the Food Safety Act 1990, particularly Regulation EC 852/2004, Annex II- Chapters I, II, V, VI, VII., and any other relevant food safety legislation.
4. All proposed work areas to be compliant with the requirements laid out in the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992 as amended."

- **Thames Water Development Planning:**

#### "Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT

(detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided."

- **Anglian Water Services Ltd:**

**“ASSETS**

**Section 1 - Assets Affected**

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

**WASTEWATER SERVICES**

**Section 2 - Wastewater Treatment**

The foul drainage from this development is in the catchment of Shenfield And Hutton Water Recycling Centre that will have available capacity for these flows  
Planning Report

**Section 3 - Used Water Network**

This response has been based on the following submitted documents: DRAINAGE MAINTENANCE AND MANAGEMENT REPORT. The sewerage system at present has available capacity for these flows. 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. (1)

INFORMATIVE - Notification of intention

to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

Contact Development Services Team 0345 606 6087. (2)

INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water

**Section 4 - Surface Water Disposal**

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval

## Section 5 - Suggested Planning Conditions

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

### Surface Water Disposal (Section 4)

CONDITION 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.  
Planning Report

### 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/drainagecalculation-tools/greenfield-runoff-rate-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)."

- **Brentwood Access Group:**

No comments received.

- **Bats - Mrs S Jiggins:**

No comments received.

- **Essex Wildlife Trust:**

No comments received.

- **Essex Badger Protection Group:**

"Thank you for consulting us on this proposal and for sending a copy of the Ecology Report prepared by RPS Group.

Whilst the Essex Badger Protection Group has records of multiple setts in the areas surrounding Wates Way, none of those currently known are close enough to be at any risk of disturbance from this scheme. We also note that no setts or definite field signs were discovered by RPS Group during the ecological surveys.

Although the area under consideration is already subject to significant hard standing, making it a less than ideal habitat for badgers, badgers are known to roam nearby. For example, three badgers were killed on the Ongar Road close to this site in the last week alone. Our attention is also drawn to the mammal path discovered by RPS Group and noted in its report. Although there may have been no signs to confirm that this was down to badger activity, in our experience such paths are almost always caused by badgers in the first instance as they follow regular scent paths on a regular basis night after night and their shape and weight is ideally suited to forming a path in the vegetation. We therefore believe that a degree of mitigation is a sensible approach during the construction phase, beyond that proposed to protect any hedgehogs, in order to minimise any risk of harm to visiting badgers. Specifically, we would ask that any planning permission is made conditional on the following measures being followed:

- o Any trenches or deep pits that are to be left open overnight should be provided with a means of escape should a badger enter. This could simply be in the form of a roughened plank of wood in the trench as a ramp to the surface.
- o Any trenches/pits should be inspected each morning before work commences to ensure no badgers have become trapped overnight. Should a badger be found then ecological advice must be sought before work commences for the day.
- o The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped. Again, should a badger trap itself then urgent ecological advice must be sought before work commences for the day.
- o Litter on site should be cleared at the end of the working day or otherwise kept to a minimum.”

- **ECC SUDS:**

**THIRD LETTER:**

“Thank you for your email received on 11/05/2021 following the submission of ‘revised’ drawings 1331 Drainage and Maintenance which provides this Council with

the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following conditions; 1) submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, 2) submission of a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies 4) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.”

- **Open Space Strategy Coordinator:**

No comments received.

- **Arboriculturalist:**

“The site currently contains disused commercial buildings with extensive hardstanding. There are belts of trees within neighbouring properties on the southern and eastern boundaries. Within the site there is a group of trees on the western boundary close to Ongar Road.

The scheme has been significantly revised to address comments from the Essex Quality Review Panel. It is agreed that the overall approach is an improvement on the previous layout, removing the car park to the rear of the building and seeking to deliver an active street frontage.

The arboricultural impact assessment confirms that one Category B tree and one group and two Category C trees and two groups will require felling to facilitate development. These are all situated in a prominent position on the junction

between Ongar Road and Burland Road. T8, the tree with the best amenity value has been subject to crown reductions in the past. The trees form an important line of trees in this part of Ongar Road and are all covered by TPOs; however it is accepted that individually the trees are not good quality specimens.

Most of the other trees are in third-party ownership and the scheme has been designed to avoid significant effects on these trees.

In principle there is no objection to the removal of the trees provided suitable replacements are provided. A Tree Protection Plan has been provided; however given that many of the trees are in third-party ownership and covered by TPOs I would request that an Arboricultural Method Statement be provided. This can be dealt with by condition.

The landscape scheme that has been prepared has had to respond to the very limited areas that have been retained for new planting. These areas are principally on boundaries and therefore only shrub species and fastigate forms of trees can be used. Details have been provided for a roof garden.

In terms of the proposed planting the landscape scheme is considered appropriate; it is however disappointing to see so little space provided to ensure that the scheme provides a positive enhancement to the streetscape.

The ecological surveys confirmed that the site has overall low ecological value. Several buildings were considered to have low potential to support roosting bats. Surveys in 2018 confirmed that bats were not present. The report recommends that new surveys be undertaken prior to demolition given the time that has elapsed since the last surveys. A condition is sought requiring that this survey be undertaken prior to demolition works commencing.

The Essex Badger Protection Group is satisfied that there are no setts on the site but have records of badger activity in the area. The Group has requested a condition requiring a construction method statement be prepared to prevent animals being killed or injured. I agree that this should be conditioned, although it could form part of a Construction Environment Management Plan if this is also required.”

- **Design Officer:**

“The site is identified within the submitted Local Development Plan as parcel R15, Wates Way Industrial Estate; the amount and type of development to afford provision of new homes of mixed size and type, including affordable and the provision of retail/commercial. This submission follows a recently withdrawn hybrid application ref: 19/00707/FUL which sought Outline permission for 59 one and two bed flats and FUL planning permission for a foodstore.

In terms of Urban Design advice, the former (and now withdrawn application) was unsupported on the basis it's poor design and unconsidered Placemaking. This specialist advice was also tested through Essex Quality Review Panel during the determination period.

Context:

Wates Way is an industrial estate located at the northern entry point into the core of Brentwood Town Centre. It is a highly visible and traffic dominated route which would benefit from a comprehensive redevelopment to include quality architecture and green infrastructure to enhance the street scene whilst also offering mitigation to identified critical drainage issues and air quality management.

Discussion:

The submitted Design & Access Statement (DAS) conveys a detailed analysis of the context including cartographic regression, studies on urban grain, building heights and materiality; this base layer of information gathering is a fundamental element in developing design proposals as set out within the National Design Guide and the adopted Brentwood Town Centre Design Guide.

Within the DAS (p.27-35) the applicant response to the Essex Quality Review Panel (EQR) and previous design advice to the local planning authority is set out. Having assessed this in conjunction with this fresh scheme, it is evident the applicant team have given weight to the EQR findings which has resulted in a comprehensive development and deliverable scheme of a much greater quality.

The proposals seek to place an 'L shaped block' incorporating both the food retailer and three levels of residential accommodation. This mixed-use block of development is proposed to incorporate roof level landscape and amenity (refer to p. 59 DAS), the Brentwood Town Centre Design Guide highlights the importance of incorporating urban ecology as well as providing usable outdoor space for future occupiers, linking to the Essex health agenda and focus on the quality of life for occupiers. The scale of the Block and its positioning is not objected to, this location is at entry point to the Town Centre and, as identified and evidenced with the DAS, there is a transition in scale within the environs.

In terms of inclusivity, all Affordable Housing Units must be tenure blind, I direct to the Housing Consultee for specialist advice on the mix and housing need as set out in the submitted Planning Statement.

Detail and materials for the development are conveyed through precedents and vignettes. I concur with the selected materials; brick is most appropriate and a key component of the Brentwood palette. I request detailed drawings and sample panels by way of Condition prior to works above ground, to ensure this aspect is not value engineered and the intent is delivered. Fenestration/railings 'as proposed' with a setback/reveal is also to be Conditioned.

Summary:

Having assessed the submission, I find the proposals have responded positively to the Design Review process; clearly a fresh approach is tabled here which conveys a sense of Place by the integration of uses within one architectural form.

This architecture, if well-constructed with quality brickwork and detailing, will enhance the Brentwood Townscape and provide much needed residential units in a sustainable Town Centre location.

Recommendation:

As a consequence of the above, I advise this scheme is of Good Design, I find it has been developed with due regard to the adopted local Design Guidance and National Design Guide, as such it is supported subject to Conditions of planning.”

- **Basildon Fire Station:**

“I refer to your correspondence and as a result the submission has been considered and the following observations are made:

Access:

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and the Building Regulations 2010.

The proposal itself does not affect fire service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of the Act.

Fire service access to the proposed development appears sufficient, meeting the requirements of the Building Regulations, Approved Document "B" Fire Safety Volume's 1 & 2 Sections B5 (Including Section 13 (1)(a) of the Act).

Subject to the above conditions being maintained the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no objection to the application.

Where any development include flats, mixed use buildings or non-residential buildings further observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Building Regulations:

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Where appropriate Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called

"the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".

Approved Inspectors will consult with the Authority in accordance with Section 13 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).  
ECFRS/70179/V5 Any Personal Data Entered On This Form May Be Held On Computer Files

**Water Supplies:**

Should the application be successful the architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development and they are therefore urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344 at the earliest opportunity.

**Sprinkler Systems:**

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

• **Essex Police:**

"Security forms a key part of a sustainable and vibrant development. Essex Police considers that it is important that, if approved, this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. This reflects sections 91 and 127 of the NPPF.

As such, Essex Police strongly recommends that the developer seeks to achieve the relevant Secured by Design accreditation which in this case will be Secured by Design Homes 2019 Version 2, March 2019 for the residential element of the development and Secured by Design Commercial Developments 2015 Version 2 for the retail element. (<https://www.securedbydesign.com/guidance/design-guides>).

For the apartment blocks, 'SBD Homes 2019' provides full guidance for preventative measures through compartmentalisation and offers bespoke solutions to access

control relative to each residential core/floor. This is a proven technique to prevent unauthorised intrusion and ASB. SBD also provides guidance on flat entrance doorsets, (A Guide to Selecting Flat Entrance Doorsets).

There appears not to be any specific references to security in the documentation provided. To date Essex Police has not been involved in any pre-application discussions, as recommended in the NPPF. Pre-planning consultation is always preferable in order that security considerations for the benefit of the intended residents are agreed prior to a planning application.

Essex Police are keen to understand the finer detail such as the proposed lighting, physical security measures for the apartments, cycle storage, refuse storage and access control measures.

Essex Police also has a number of specific observations and questions relating to the residential apartments as follows:

-It appears that there are 4 apartments that have private space opening directly onto the landscaped podium at 2nd floor level. It is unclear what defensible space these 4 apartments will have. It is imperative that the boundary between semi-private and private areas is clearly defined and suitable for both security and privacy.

-Further detail is required about postal arrangements. 'Through the wall' mailboxes or mailing arrangements in a secure lobby are recommended. Trades buttons are strongly discouraged.

- It is noted that there are only 26 residential car parking spaces proposed for the 46 apartments. It is therefore unclear how the residential parking spaces will be allocated. Essex Police are concerned that the parking allocation will lead to an overspill of parking onto the surrounding road network. The Design and Access statement states that Ongar Road is a main road and Burland Road has limited parking. Conflict over parking issues could potentially lead to neighbour disputes, both between residents within the proposed apartments and/or with existing residents in Burland Road.

-The plans indicate that there are gates from the residential parking area leading onto Burland Road. What will be the access control and security arrangements for these gates?

- Are there plans to include CCTV coverage for both the retail and residential parking areas?

- Will the existing brick wall separating the site from the neighbouring properties remain? If not, what is the proposed boundary treatment?

- What is proposed for the residential storage allocated on the second floor? Who will this be available to and how will it be secured?

Essex Police, provide a free, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design. We would welcome the opportunity to meet with the applicant to discuss the security design aspects of the development to ensure provision of a safe and secure environment for potential residents.”

- **Planning Policy:**

“Emerging Local Plan policies:

The Brentwood Replacement Local Plan 2005 (Saved Policies, 2008) and the Proposals Map form the relevant elements of the adopted Development Plan in relation to this application.

The emerging Brentwood Local Development Plan (LDP), along with the Addendum of Focussed Changes to the Pre-Submission Local Plan and the accompanying evidence base, were submitted to the Secretary of State for independent examination in February 2020. The policies of the emerging LDP and its technical evidence base carry material weight in the consideration of this application. The evidence base justifying the allocation of this site for mixed-use development (including residential) in the LDP are considered to be robust.

The application site is a brownfield site, located in Brentwood Town Centre, within the Central Brentwood Growth Corridor, as described at paragraph 3.21a of the Pre-Submission LDP (2019).

Housing yield and density:

The Council has a severe and prolonged shortage of affordable and market housing provision in the Borough. The submitted LDP sets out that the identified housing need for the plan period (2016-2033) is 456 dwellings per annum. With regards to housing supply, the most recently published five-year housing land supply statement (as at 31 March 2019, published January 2020) sets out the total deliverable supply is 2.36 years. This includes the provision for a 20% buffer.

The site was identified as a proposed allocation for around 80 dwellings according to LDP Policy R15. This development yield figure is indicative and the Addendum of Focussed Changes did not propose any alterations to the R15 allocation.

Given the central location of the site within the Town Centre and near to Brentwood High Street, it is close to existing amenities and public transport links, every opportunity should be taken to maximise the housing density on site to deliver much needed housing in the Borough, in line with sustainable development principles and quality design expectations. In addition, development on site should respond appropriately in design terms for a mixed-use scheme.

It is noted that the application proposes to deliver 46 units. This is lower than the indicative number proposed in the LDP. However, it is understood that this is in response to previous schemes and pre-application discussion to better integrate the scheme through design concerns raised.

**Affordable Housing:**

Evidence accompanying the emerging LDP supports the provision of 35% affordable housing across all sites. This is in line with the existing position of the current Brentwood Replacement Local Plan.

**Infrastructure Requirements:**

Brentwood Borough Council has not adopted a Community Infrastructure Levy. The Brentwood Infrastructure Delivery Plan (IDP) has been prepared to identify infrastructure to support and mitigate cumulative impacts of planned growth in the LDP. This document also provides a schedule of infrastructure requirements and should be referred to in determining appropriate contributions to wider infrastructure requirements.

Mitigation measures for air quality, cumulative traffic impacts, and contribution to sustainable transport measures package for Central Brentwood Growth Corridor. The site is located near to Brentwood Air Quality Management Area (AQMA) No.7, which comprises parts of Ongar Road, Ingrave Road, High Street and Shenfield Road in proximity to Wilsons Corner (the junction of the A128 and A1203). This AQMA was declared in 2005 due to exceedances of Nitrogen Dioxide (NO<sub>2</sub>), a pollutant largely linked to transport emissions. There are five other proposed allocations and several other extant planning permissions in proximity to AQMA No.7; and there are also five secondary/high schools located in the central part of the Borough generating volumes of traffic from parents dropping off and picking up their children, for instance. Therefore, it is critical that cumulative impacts from individual sites are considered, and that opportunities to improve air quality or mitigate impacts should be identified, such as sustainable transport measures, travel management and green infrastructure provision and enhancement.

The main source of air pollution in Brentwood and AQMA No.7 is road traffic emissions on major roads and around the main junctions. Findings from the LDP Transport Assessment (evidence document reference C35), in terms of likely traffic impact from the LDP on junctions within the AQMAs, provides some insight into the impacts of planned growth on air pollution resulting from traffic. From these findings, a package of sustainable transport measures and highways schemes are proposed to mitigate the traffic impact of growth (and consequently air quality), within the Central Brentwood Growth Corridor. These are examined and proposed in the LDP Transport Assessment and the Infrastructure Delivery Plan. Development proposals on site should consider these requirements and respond accordingly.

Public realm enhancement for Brentwood Town Centre and Brentwood Station

The application site should provide proportionate contribution towards public realm improvements in Brentwood Town Centre and around Brentwood station. Details are set out in the Infrastructure Delivery Plan.

**Design:**

The proposal should refer to the Brentwood Town Centre Design Plan and comply with the Brentwood Town Centre Design Guide Supplementary Planning Document (SPD). These documents can be viewed at [www.brentwood.gov.uk/towncentre](http://www.brentwood.gov.uk/towncentre). In addition, specific design advice is provided in response to the application.

**Other considerations:**

Since the LDP was submitted for examination in February 2020 the appointed Inspectors issued initial questions to the Council in June 2020. The Council has published responses to these initial questions, which will be reviewed by the Inspectors to inform the Matters, Issues and Questions that are yet to be issued. Dates for the examination public hearing sessions have yet to be set, likely to be by the end of 2020 at the very earliest. Subject to the LDP being found sound, it is estimated that adoption could take place by the summer 2020 at the earliest. These estimated timeframes will be kept under review as the examination progresses.

**Economic Implications:**

An assessment of retail and uses/development proposed is set out in the Planning Statement that accompanies the planning application. It provides a helpful overview of the current retail situation in Brentwood Town Centre and should be read in conjunction with the Brentwood Retail and Commercial Leisure Study (2014) and recently published Brentwood Retail Study Update (2020).

The proposal is for a mixed-use development scheme, delivering a new foodstore, specifically convenience floorspace (Lidl supermarket), and new homes. Provision of greater retail choice will benefit the local economy, likely resulting in less out of borough trips to these types of foodstores currently not provided in Brentwood (outside of Iceland on Brentwood High Street). It will also provide new jobs. The Planning Statement includes data on town centre impacts, including vitality and viability. In line with the Council's retail evidence, it concludes that additional convenience floorspace of this scale would make a positive contribution to the local economy and Brentwood Town Centre.

The provision of new homes in the town centre will positively contribute to the local economy. These homes would be in walking distance to shops on Ongar Road as well as Brentwood High Street, and the station area. Residents are likely to support the diverse local business offer.

**Emerging Local Plan infrastructure contributions:**

Having reconsidered the advanced stage of this application and the Local Plan examination, it is considered that most of the contributions noted above would not necessarily be applicable when determining the application.

The IDP Part B Schedule sets out infrastructure requirements to support the Local Plan site allocations and mitigate their cumulative impacts. The IDP and the evidence behind it therefore have been undertaken at a high level, and the cost figures in the IDP assume the worst-case scenarios to allow for contingency. The draft calculations for each site, which I extracted R15 related items and shared previously, provide us a starting point to consider viability (which will be revisited and considered in more detail at application stage as the sites come forward).

However, since we last provided our written correspondence to the site consultation in 2020, the timeframe of the Local Plan and this site application are no longer aligned. Given that site R15 application has progressed well in advance of the Local Plan expected adoption and in consideration of the tangible nature of S106 obligation regulations, it is considered that these would not necessarily be applicable when determining the application in the coming weeks.”

- **NHS England/Mid & South Essex STP**

“The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.

The CCG therefore requests that the sum of £17,250 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the surgeries operating in the vicinity of the application site as detailed in Table 1 above..

The CCG and the Mid and South Essex HCP has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that these are secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such High quality care for all, now and for future generations mitigation the development would impose an unsustainable burden on local healthcare services.

The terms set out above are considered appropriate having regard to the formulated needs arising from the development and the CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

The CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.”

- **School and Education**

“The proposed development is not considered to impact upon educational provision in the area. As such no contributions are sought.”

- **Highway Authority:**

Response 1: Recommendation of Refusal

The documents accompanying the application have been duly considered and a number of site visits carried out. The site is currently accessed via a standard priority junction on Ongar Road plus a one-way exit only onto Burland Road. There are a variety of issues relating to the safety and efficiency of the local highway network that arise from the development proposals and access arrangements.

Therefore, from a highway and transportation perspective, the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The developer has not demonstrated that the proposed main site access on Ongar Road would operate safely or efficiently.
2. The proposed signal junction does not comply with current design standards and therefore is not acceptable to the highway authority.
3. The impact of the traffic generated by the proposed development has not been adequately assessed in terms of traffic generation, impact on the proposed site access junction and impact on the surrounding network.
4. The developer has not demonstrated that the proposed secondary site access on Burland Road would operate safely and efficiently.

Notes;

The signalisation of an existing urban junction does not comply with CD123 of the Design Manual for Roads and Bridges.

The modelling of the proposed site access junction is inadequate and lacks robustness. The TA data does not correspond to site observations which confirms that much greater delay is currently experienced along Ongar Road in both directions at peak times than modelled.

The TA does not assess the capacity of the nearby Wilsons Corner junction, which is integral to the performance of the local highway network in this location. It also omits the Burland Road / Ongar Road junction despite the proposed access onto this road.

The TA identifies a scheme to improve capacity at the Ongar Road / William Hunter Way junction.

However, it has not been demonstrated that this would work in conjunction with the adjacent Wilsons Corner junction. The two junctions are intrinsically linked and must be assessed together to establish what mitigation is required.”

## Response 2

Please note that this communication supersedes the previous recommendation from the Highway Authority and is in response to updated drawings submitted by the applicant in November 2021.

The documents accompanying the application have been duly considered and a number of site visits carried out. The site is currently accessed via a standard priority junction on Ongar Road plus a one-way exit only onto Burland Road. The applicant has proposed a signalised junction to serve the development at the existing junction of Ongar Road and North Road. A number of issues have been raised in terms of the safety, efficiency and deliverability of this proposal. Consequently, there have been a number of minor adjustments in the design of the junction over a period of nearly three years. However, none of these have satisfactorily addressed all the points raised.

In order to try and assist with the process, Brentwood Borough Council (BBC) recently appointed a mediator to consider the outstanding issues. Aided by some additional traffic modelling carried out by BBC’s own transport consultants, the mediator’s conclusion was that the applicant should reconsider their stance and utilise the existing access to the site instead as it “better delivers the principle of development with less negative impact on Brentwood town centre.” The Highway Authority agrees with this assessment.

Therefore, from a highway and transportation perspective, the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The proposed traffic signal junction is likely to lead to both pedestrian safety issues and the potential for vehicle collisions in a congested area of Brentwood town centre.
2. The impact of the proposed development and the main site access arrangements is likely to result in significant additional delays along Ongar Road and the surrounding highway network including Wilson’s corner. This is as a consequence of the need to run the minor approaches to the junction in separate stages of the signal cycle for safety reasons.
3. The effect of these increased delays and queues would exacerbate the existing air quality issue.
4. The applicant has not adequately assessed the impact of the development and access arrangements on the wider network including Wilsons Corner during the weekend peak period, which is expected to be one of the busiest times for traffic generation for the proposed store.
5. It has not been satisfactorily demonstrated by the submitted preliminary survey information that it would be feasible to provide the signals infrastructure within the

highway due to the presence of existing statutory undertakers' equipment in the vicinity of the site.

The proposal is therefore contrary to policy DM1, DM2, DM15 and DM16 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. It is also contrary to the Ministry of Housing, Communities and Local Government's National Planning Policy Framework.

- **Housing Services Manager:**

**"AFFORDABLE HOUSING NOTE**

Re: Housing Consultee Advice 20\_01221\_FUL Land at Wates Way, Brentwood I have been instructed by the Council's Director, Housing and Enforcement, to provide an indication of affordable housing mix requirement in relation to the above application. I have read the applicant's planning statement dated August 2020 to inform this and note the specific reference to affordable housing in paragraphs 6.12 and 6.13 of the statement. I have also reviewed the layout plans as submitted. The applicant has committed to engaging with the Council on affordable housing numbers and mix. I note that there is a Vacant Building Credit element to the applicant's submission which falls outside of this formal response. I have assumed therefore a policy compliant 35% affordable housing delivery. Based upon a proposed 46 homes as part of the development, the expectation is that 16 homes would be affordable. 86% of these homes (14 No.) should reflect the affordable rented mix in the Draft Local Plan whilst the remaining 2 No. homes should be provided as a low-cost home ownership offer. In principle, the Council should expect, as a starting point for the rented mix to reflect that as laid out in the Council's Draft Local Plan, Fig 6.2 Page 133.

Given the nature of the development it is accepted that 1 and 2 bed properties will feature heavily rather than larger family homes. The Council may therefore want to be flexible in its mix requirement for the affordable element.

To inform any flexibility I have looked at recent figures from the Council's waiting list for new homes. This is a live document and so reflects the current requirement for new homes rather than a longer-term strategic requirement. Although it wouldn't be generally the case that such a dynamic document would be used to inform policy in isolation, it can be a useful indicator of need where there are unusual constraints and a more localised approach to affordable housing delivery might be required in specific circumstances.

Based upon this waiting list at last quarter, the Council may, if required to be flexible consider most of the affordable rented offer to be 1 bed 2 person and 2 bed 4 person properties split broadly equally. On low-cost home ownership, there is a greater requirement for 2 bed properties in the draft local plan. My recommendation is that the 2 proposed units for low-cost sale are 2 bed 4 person properties. I hope this provides a helpful indication."

## 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 (NPPF) and National Planning Practice 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 as set out in section 2 of this report.

### Site description

The site is a disused industrial estate located at the northern entry point into Brentwood town centre. The site has access/egress points to Ongar Road and Burland Road. The site measures 0.98 hectares (ha) in size and is currently occupied by five commercial buildings forming three blocks which are widely distributed throughout the site. The site is predominantly covered in hardstanding with mature trees located along a portion of the eastern boundary and Ongar Road (covered by Tree Preservation Order). The site has been subject to anti-social behaviour and vandalism in recent years and appears derelict.

The northern tip of the site is located on the highly prominent corner of Ongar Road and Burland Road. Ongar Road is a major route into the town centre characterised by a mix of commercial and residential uses. Burland Road is characterised by residential dwellings. The rear amenity space and residential dwellings forming Brentwood Place are located to the east of the site.

### Principle

This is a brownfield/previously developed site, located on the edge of Brentwood town centre, within the Central Brentwood Growth Corridor as defined in the emerging Local Development Plan (LDP). The site became vacant in 2014 and was subsequently acquired by Lidl UK. The potential for redevelopment of this site has been informed by the evidence base justifying the allocation of this site for a mixed-use development (including residential) in the LDP which is considered robust. LDP supporting technical evidence carries material weight in the consideration of this application. The site is identified in the LDP as allocation/policy R15 Wates Way Industrial Estate.

The policy indicates a quantum of around 80 new homes. That figure has subsequently been subject to change in the application, responding to design and good placemaking and resulting in a reduction of quantum to 46 new homes. The current status of the LDP is set out in section 2 of this report. As the LDP has yet to be adopted, the weight to be given to emerging policies is limited, although it

provides a good indication of the direction of travel and how growth is expected to be delivered through strategy, policy and site allocations.

The principle of the redevelopment of a brownfield urban site is acceptable subject to the proposals meeting other development management criteria as discussed in this report.

### Change of Use

Following the introduction of the Town and Country Planning (Use Classes) (amended) (England) Regulations 2020, from 1 September 2020 for the purposes of the class, Class B1 (c) light industrial is to be treated as Class E. For any planning applications submitted before 1 September 2020, the use class in effect when the application was submitted will be used to determine the application. The current application was validated on 4 September 2020 and the existing use should be treated as Class E which broadly covers Commercial, Business and Services classes, specifically Class E (g)(iii) Industrial Process. Class E (a) covers the display and retail sale of goods such as the food store proposed. Changes within Use Class E will not constitute development at all (as opposed to permitted development) as do not require planning permission for a change of use for this element. As the site will have primary and secondary uses due to the mix nature of the development planning permission is required for the combined commercial and residential elements.

### Retail and economic vitality

Para 81 of the NPPF states that when building a strong, competitive economy planning policies and decisions should help create conditions in which businesses can invest. Significant weight should be placed on the need to support economic growth. Para 86 aims to ensure the vitality of town centres by taking a positive approach to growth specifically point (a) which encourages growth and diversification that can respond to rapid changes in the retail industry. Equally point (f) recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. This is consistent with the Council's corporate strategy and objective to grow the economy.

The proposal is for a mixed-use development scheme which would deliver a new foodstore, specifically convenience floorspace (Lidl supermarket) with a floor space of 2,481 sqm (GEA) and with a net sales area of 1,413 sqm. The site is within Brentwood town centre and in close proximity to Sainsbury's supermarket located on William Hunter Way and Iceland on Brentwood High Street.

An assessment of retail and uses/development proposed is set out in the Planning Statement that accompanies the planning application. As noted in the planning policy response in section 5 of this report, the assessment provides an accurate

overview of the current retail situation in Brentwood town centre and should be read in conjunction with the Brentwood Retail and Commercial Leisure Study (2014) and Brentwood Retail Study Update (2020). In line with the Council's retail evidence, it concludes that additional convenience floorspace of this scale would make a positive contribution to the local economy jobs and Brentwood town centre by way of greater retail choice and provide new jobs. On this basis it is considered that the retail element of the development would be appropriate in this location.

### Making effective use of land

With NPPF paras 81 and 86 point f) in mind which recognise the important role residential development and economic growth can make in the vitality of town centres it is essential the effective use of land is considered in this regard. Para 119 asserts that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy conditions. Para 120 point c) states that planning decisions should give substantial weight to the value of reusing suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate despoiled, derelict land.

The site has been disused since 2014, is derelict and highly visibly along a major throughfare to the core of Brentwood town centre significantly detracting from the character and appearance of the area. Redevelopment would offer remediation of the site and the provision of 46 residential units and a competitive foodstore and employment close to public transport links. On this basis it is considered that the development would be appropriate in this location.

### Density and housing mix

Policies H14 and H6 address density and housing mix respectively. The housing mix would be 100% one and two bedroom units. Although this policy requires the provision of three bedroom units within this mix the site location and mixed use is more in keeping with a town centre location where small units of accommodation are more acceptable. Discounting retail space, the density of housing would be 76 dwellings per hectare (dph) which falls into a medium level density category. The Brentwood Town Centre Design Guide SPD (2019) and Policy H14 expect densities greater than 65 dph where the location has good public transport accessibility. The surrounding area is at a much lower density, the grain of development a reflection of the post war period when those properties were constructed. The site characteristics however lend themselves to a different form of development, and as the scale, layout and appearance are considered acceptable the proposed density would make good use of an existing urban brownfield site in line with local and national planning policy and is considered acceptable on this basis.

## Affordable Housing

The response from the Housing Director is set out above in full and is not repeated here. The applicant's statement sets out that it intends to invoke the Vacant Building Credit mechanism by which affordable housing contributions can be removed in full or reduced. The ethos behind vacant building credit is to provide an incentive for the regeneration of brownfield sites which would potentially result in a significant reduction in affordable housing requirement and in turn a significant uplift in the revenue retained by the applicant. No submissions have been made by the applicant at the publication of this document regarding vacant building credit and on that basis a fully policy compliant affordable housing provision would be required and secured through a Section 106 agreement.

## Design and landscaping

Para 126 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process is trying to achieve. Para 130 (a) aims to certify that planning decisions should ensure that developments will function well and add to the overall quality of the area (b) are visually attractive as a result of good architecture, layout and landscaping (c) are sympathetic to local character (d) maintain a strong sense of place and (e) optimise the potential of the site to accommodate and appropriate mix of development. Point (i) of policy CP1 (General Development Criteria) is aligned to this ethos and states that the council will need to be satisfied that the proposed development would not have an unacceptable detrimental impact on the visual amenity and character and appearance of the surrounding area. Point (iii) states that the proposal should be of a high standard of design and layout and should be compatible with its location and any surrounding development in terms of size, siting, scale, style design and materials.

Since acquisition of the site in 2014 Lidl have undertaken an exhaustive pre-application period in order to address the considerable constraints of the site. A formal hybrid planning application was submitted in 2019 which proposed a full planning permission for a standalone food store and outline planning permission for the residential element of the scheme. Plans submitted indicated that these elements would be separated within the considerable constraints of the site. As a result Lidl participated in an Essex Quality Review Panel which highlighted concerns regarding the design and layout of the scheme. In line with officer and Brentwood Borough Council's Urban Design and Place Consultant comments a scheme which amalgamates both uses and which provides an active street frontage and landmark design was requested. The current application for full planning permission responds positively to officer, Consultee and EQRP comments. Section 2 of this report includes Brentwood Borough Council's Urban Design and Place Consultants final comments on this scheme.

The proposed development would take the form of an 'L shaped' building offering an active frontage and focal point along Ongar Way. The building would be three storeys high here which responds to the built form hierarchy of the opposite side of Ongar Road. The development would effectively fold into the site at the existing access/egress with Ongar Road. To the rear a second floor communal roof terrace is proposed offering green space, seating and green screening to the outer perimeter. The proposed development would be off set from the existing access/egress in Burland Road which provides private access and parking to the proposed residential units. The access road retains an offset from the adjacent two storey residential dwellings which is considered sufficient to maintain the built form hierarchy of Burland Road. As such the proposed built form would be contained to the north of the site. The remaining space would provide 126 parking spaces for Lidl customers. A store service area is located to close to rear boundaries of dwellings forming Brentwood Place.

The brick material pallet and configuration of fenestration for the residential elements and the food store combined would enhance the existing streetscene. Overall, the transition in scale responds well to the constraints of the site and the environs. This architecture is well considered and if well-constructed with quality brickwork and detailing, will enhance the Brentwood townscape and provide much needed residential units in a sustainable town centre location. On this basis the proposed development is considered acceptable

#### Residential amenity

The site is adjacent to residential dwellings along all boundaries and the development has been designed to avoid or mitigate material overlooking. Although the current local plan does not contain building - building guidance between houses and flats, the nearest property to the site no.1 Burland Road, would be side on to the proposed residential element, the closest window at first/second floor approximately 18m from the rear of this dwelling, which is considered far enough away so not to result in material loss of privacy.

A second floor landscaped communal roof terrace has been incorporated to provide amenity space to the residents of the development. A variety and mix of planting will enable screening of views to neighbouring dwellings and include sedum mounds to provide opportunity for increased biodiversity.

The use of the access and parking area has the potential to create noise and disturbance from comings and goings and manoeuvring. However, the parking area is relatively compact while meeting adopted layout standards and subject to the use of an appropriate hard but permeable surface its use should not materially affect amenity. Details of lighting to be provided in the car park can be required prior to erection in order to protect neighbour amenity. The access for the residential element is already in situ and the proposed access for the store would not be adjacent to any existing residents.

A noise report submitted with the application concludes that the impact on existing residents will be 'low' with the inclusion of mitigation, such as conditions to restrict the timing of deliveries and opening hours. The report recommends all habitable rooms be provided with windows to a specific acoustic rating and that the final design and layout of rooms be designed to minimise the potential for any noise impact from the adjacent foodstore. The Council's environmental health service concur with those findings and mitigation can be secured through appropriate planning conditions.

### Transport

All residential traffic will take access from Burland Road to the north of the site. A total of 26 spaces are provided for the residential element. Given the sustainable town centre location, the use of the access and provision of parking raises no objection from the Highway Authority to this element.

For the foodstore element, a new access is proposed on Ongar Road opposite the junction with North Road to facilitate a car park for 129 spaces and deliveries by HGVs. The Highway Authority has maintained objections to the design of this access (changing from a mini roundabout to a four-way signalised junction) and its impact on the existing highway network. Specifically, objections are raised to the layout of the proposed signalised junction in that pedestrians and vehicles would be unable to jointly navigate the junction safely. The signal cycle would result in significant additional delays along Ongar Road and the surrounding network, leading to increased delays, increase in air quality issues and impact on the efficiency of the highway network.

Following the initial response (reported above under section 5 above) a series of workshops took place during the latter part of summer 2021 between the applicant and the Highway Authority, mediated by an independent transport consultant appointed by the local planning authority. The purpose of these sessions was to find common ground and explore if resolution could be found to the contrasting positions taken by each party, or failing this, the validity of each party's objections. The findings of the mediator are appended to this report (Mediation Report, DUP, October 2021).

The main issues and findings of this report focus on the impact on traffic efficiency and the impact on pedestrian safety through design. A 'worst case scenario' of 70% of all trips to the store would be new (i.e. made by those with the sole intention of visiting the store) and that every scenario to bring the Wates Way site back into operation would result in delays to the highway network (para 5.1.2). The report goes on to set out that if the 'worst case' traffic growth were to occur, the signalised junction as originally submitted would cause delays and blockages that may prove unacceptable. Detailed comments on the options demonstrated by the signal traffic model are to be found at paragraphs 5.2.2 – 5.2.4 of the report. With regard to

pedestrian safety concerns (it was considered that the speed at which vehicles move in the area are so low as to allow drivers to have sufficient reaction time to avoid incidents with other vehicles), the width of some pavements is too narrow to include traffic signal posts; the revised drawings addressed this issue to a degree in the November 2021, but in doing so also gave rise to other pedestrian issues. As a result, concerns were raised that this would potentially require some pedestrians to walk in the carriageway. The placement of infrastructure was discounted as a planning matter by the applicant, but the report highlights that the NPPF requires planning decisions for developments that “create places that are safe, inclusive and accessible and which promote health and well-being” (para 130). The view of the Essex Highways Engineer is that it is not possible to install the junction in any event, due to existing statutory undertakers’ equipment in the area.

As a result of the mediation workshops, it was concluded that to overcome both areas of dispute (highway efficiency and pedestrian safety), significant alterations would need to be made to the existing highway layout and flexibility over lane width standards applied, along with the implementation of a wider strategic transport planning solution to include Wilsons Corner and Ongar Road. Commitment has been made by Essex County Council and Brentwood Borough Council to prepare sustainable transport plans for Wilsons Corner and connected roads, although this would likely be after determination of this application.

A revised set of drawings submitted to the Highway Authority in November has been considered and a response has been received. In the absence of any significant movement on the originally submitted documents, the objection is maintained. Accordingly, it has not been satisfactorily demonstrated to the Highway Authority that the new signalised access would be able to operate without giving rise to pedestrian and traffic safety. The Highway Authority also consider the proposal is shown to have an unacceptable impact on the highway network resulting in sitting traffic (including at Wilsons Corner), opportunity for conflict between pedestrian users and vehicle drivers, including HGV drivers turning into and out of the minor approaches to the junction and straight on movements on Ongar Road, and that the increase in traffic would exacerbate the existing air quality issue.

### Planning Balance

The application site is allocated within the emerging local plan identified for housing including affordable housing and provision for retail/commercial use. The design scale and siting of the building is considered to be appropriate for its location, would protect the amenities of neighbours and make a positive contribution to the character and appearance of this town centre location. If permission were to be granted, full details of the residential layout, materials, lighting, landscaping and drainage can be secured through condition. A Section 106 agreement would secure contributions including Affordable Housing and Health provision. Overall, it would contribute to the vitality of Brentwood town centre, contribute to the Council’s

housing supply and support economic growth within the borough. These aims are identified as key priorities in the corporate strategy 'Brentwood 2025'.

Pre-application discussions have taken place over a protracted period of time involving both Council officers and the Highway Authority. The Highway Authority has consistently raised objections on a range of matters, concluding that the proposed new access to the foodstore controlled by a signalised four-arm junction would result in an unacceptable level of harm to highway efficiency, result in long delays and sitting traffic, which in turn would aggravate a poor air quality area. It remains unconvinced by the data and traffic modelling developed even in its most recent revision, that the development would result in anything other than danger to pedestrian and highway safety, particularly in the longer term, given projected traffic increases. The Highway Authority does not consider that there are any conditions that could mitigate or overcome the harm identified and instead retain their position regarding the original access being the only alternative choice if the development is to advance safely.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

- 1) The proposed signalised junction including the new access to the site at the junction of Ongar Road and opposite North Road would result in an unacceptable impact on the free flow of traffic along Ongar Road and at Wilsons Corner, reducing the efficiency of the highway network particularly at peak times leading to prolonged vehicular delays and traffic. This would conflict with Local Plan Policy T2 and the NPPF para 111.
- 2) The increase in prolonged traffic delays would exacerbate an area of poor air quality to the detriment of the health of pedestrians and nearby residents along this stretch of Ongar Road.
- 3) The proposed signal junction and its infrastructure would lead to conflict between vehicle and pedestrians particularly those using or crossing the minor approaches to the junction, in conflict with Local Plan Policies T2 and NPPF para 110c).

### Informative(s)

1      INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1 CP2 T1 T2 H9 H6 H14 C5 LT4 PC7 TC1 National Planning Policy Framework (NPPF) 2021 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 U0008382

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant and the Statutory Consultee. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to address the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. Details of the pre-application service can be found on the Council's website at <https://www.brentwood.gov.uk/planning-advice-and-permissions>

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**