

**SITE PLAN ATTACHED**

**WILLIAM HUNTER HOUSE 10, 12 & 20 WESTERN ROAD BRENTWOOD ESSEX  
CM14 4SR**

**DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 60 DWELLINGS  
AND ASSOCIATED DEVELOPMENT INCLUDING NEW VEHICULAR ACCESS, CAR  
AND CYCLE PARKING, HARD AND SOFT LANDSCAPING AND OTHER  
ASSOCIATED WORKS.**

**APPLICATION NO: 21/01617/FUL**

<b>WARD</b>	Brentwood North	<b>8/13 WEEK DATE</b>	15 December 2021
		<b>Ext of time</b>	tbc

**CASE OFFICER** Ms Tessa Outram

**Drawing no(s) relevant  
to this decision:**

WH205\_21\_P\_10.03.P1; WH205\_21\_P\_10.04.P1; WH205\_21\_P-10.02.P1;  
WH205\_21\_P\_25.00.P1; WH205\_21\_P-25.01.P1; WH205\_21\_P-25.02.P1;  
WH205\_21\_P\_25.03.P1; WH205\_21\_P-25.04.P1; WH205\_21\_P-25.05.P1;  
WH205\_21\_P\_30.04.P1; WH205\_21\_P\_30.05.P1; WH205\_21\_P\_30.06.P1;  
WH205\_21\_P\_30.07.P1; WH205\_21\_P\_35.01.P1; WH205\_21\_P\_35.03.P1;  
WH205\_21\_P-05.00; 2102079-TK08 B; 2102079-05; Arboricultural Impact Assessment  
Preliminary Arboricultural Method Statement & Tree Protection Plan ref: WH205 Sept  
2015; Written Scheme of Investigation for an Archaeological Evaluation Version 2 Jan  
2022; Flood Risk and SuDS Report -Rev A dated Jan 2022;

**In accordance with the constitution, this application is referred to committee as  
the development is of a particularly significant scale on a strategic site within the  
borough. It is allocated for redevelopment in the emerging development plan.**

## **1. Proposal**

The application site is approximately 0.21 hectares in size and located to the north of Brentwood High Street, southeast of Western Road towards its junction with William Hunter Way. The eastern boundary is formed with a yard and car park associated with 'The Swan' public house facing the High Street. The south western boundary is formed with rear gardens of maisonettes (No.s 1-6 Western Gardens). The existing site is

previously developed brownfield land within the urban area and is currently occupied by six buildings; comprising two semi-detached houses and an associated outbuilding and four buildings ranging from 2 ½ storeys to single storey used as offices, comprising 700sqm of floorspace.

The site is adjacent to but outside of the Brentwood Town Centre Conservation Area, is located within the geographic scope of the Brentwood Town Centre Design Plan and would be subject to assessment in relation to the Brentwood Town Centre Design Guide. The High Street includes several listed buildings that may be affected by the proposal.

The proposed development comprises the demolition of all existing buildings on site and for the construction of a residential apartment block ranging in height from three to five storeys comprising 60 flats (net increase of 58 units), 21 of which are allocated for affordable housing (35%). 10% of the units are part M compliant (enhanced accessibility).

Vehicular and pedestrian access would be provided from Western Road and a 27 space undercroft car park is proposed. The apartment block wraps around an internal residential courtyard that would provide 2 disabled parking spaces, urban landscaping, and some limited communal amenity space. The scheme has been designed to allow for a future pedestrian link to the High Street; should an arrangement come forward with the adjacent landowners, to promote pedestrian permeability. An integral refuse and cycle store is located on the ground floor adjacent to Western Road. The building has three entrance cores, and units on the ground floor fronting western Road have their own street access.

Amendments have been made during the lifetime of the application, following some of the consultation responses received. Alterations include:

- reconfiguring front elevation along Western Road to break up massing of apartment block to improve articulation
- the addition of a pitched roof over the five -storey component
- increase in parapet height to front elevation fronting Western Road
- alterations to materials/façade detailing of front elevation
- introduction of sedum roof to flatted roof area and three private roof terraces
- alteration to the ground floor layout and access to provide a 90 degree vehicular access to highway and move access away from the zebra crossing
- removal of three balconies along eastern elevation adjacent to The Swan
- alteration of one unit from 2 bed to 1 bed
- additional acoustic testing

The application has been subject to lengthy preapplication discussion and design workshops with the LPA, including a Design Panel Review, prior to submission.

## 2. Policy Context

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy CP2 New development and sustainable transport
- Policy H6 Small Unit Accommodation
- Policy H9 Affordable Housing
- Policy H14 Density
- Policy T2 New development and highways considerations
- Policy T5 Parking
- Policy T14 Cycling
- Policy T15 Pedestrian facilities
- Policy LT4 Provision of open space in new development
- Policy IR5 Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development
- Policy C14 Development Affecting Conservation Areas
- Policy C16 Development within the Vicinity of a Listed Building
- Policy C18 Ancient Monuments and Archaeological Sites
- Policy C19 Secured by Design

Town Centre Design Guide SPD

Emerging Local Development Plan (LDP) to 2033:

Currently 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 Brentwood Local Plan 2016-2033 was submitted to the Planning Inspectorate in February 2020. Following examination hearings held from December 2020 to July 2021 the Council published a schedule of Potential Main Modifications for consultation from September to November 2021. On the 23 February 2022 the Council received the Inspectors' Final Report on the Examination of the Brentwood Local Plan 2016-2033. The Inspectors' Report concludes that subject to a number of main modifications, set out in the appendix to their report, the Brentwood Local Plan 2016-2033 is sound, legally compliant and capable of adoption.

The Brentwood Local Plan 2016-2033 is now expected to go to the Extraordinary Council meeting on 23 March 2022 with a recommendation for adoption. If adopted, the Brentwood Local Plan 2016-2033 the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) will be revoked. At this current stage the

Brentwood Local Plan 2016-2033 is considered to have significant weight in the decision-making process. Until it is adopted due consideration will still need to be given to the extant Brentwood Replacement Local Plan, August 2005.

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide

### Community Involvement

Before submitting the application, the developer carried out a leaflet drop of the local area directing members of the public to an online exhibition website including details of the development and a feedback form. The application is supported by a statement of community involvement and how residents' comments have been considered and addressed as part of the proposal. Given the restrictions of the Coronavirus pandemic this format of public consultation was appropriate.

### 3. **Relevant History**

- 12/00106/FUL: Conversion of existing garages into offices. -Application Permitted

### 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/>

One hundred and thirty-one neighbouring premises were consulted. A re-consultation was also carried out following minor amendments to the scheme. Thirty-two representation letters have been received, a majority of which objecting to the proposed development. The concerns arising from the objection letters include:

- traffic increase
- out of keeping
- overdevelopment
- loss of privacy
- scale will overshadow properties
- highway and pedestrian safety from access
- construction disturbance
- insufficient landscaping along Western Road frontage
- HIA is incorrect and disabled access requirements are insufficient
- more leisure facilities are required not flats
- height is too great

- insufficient parking
- drainage and sewer impacts
- pollution
- insufficient infrastructure to support development
- LDP housing allocation for Brentwood North is too great
- poor living conditions for future residents
- loss of sunlight
- noise from pub on future residents will lead to complaints and impact pubs viability
- loss of light to pub beer garden
- visibility concerns

## 5. Consultation Responses

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

- **ECC SUDS:** Originally issued a **holding objection** to the granting of planning permission pending further information.

**Additional Comments:** 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:

Condition 1- The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment as in application reference 21/01617/FUL and the following mitigation measures are detailed within the FRA:

- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
  - o Detailed engineering drawings of each component of the drainage scheme.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective treatment of surface water runoff to prevent pollution.

Condition 2: Prior to occupation a maintenance plan detailing the maintenance arrangement including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 3: 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. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- **ECC Schools & Education:** I can confirm that this development falls below ECC education threshold 29 x 1 bed flats (Not counted) 31 x 2bed flats = only 1.4 EY&C, 4.65 Primary & 3.10 Secondary places. No monies requested.
- **ECC Highway Authority:**—This recommendation supersedes the Highway Authority's previous response to this application dated 25th October 2021. The documents submitted with the planning application have been duly considered and site visits have been carried out. The proposals involve the redevelopment of 700sqm of office space and two houses to provide 60 flats. The original plans for the site included the provision of an access at approximately 45 degrees to the Western Road carriageway and adjacent to the existing zebra crossing. This was deemed unsafe for all highway users, so the applicant has submitted alternative access arrangements which now comply with highway standards and have been safety audited.

The change of use can be expected to result in a limited increase in trips to and from the site during the course of an average day. However, given the type of development and its central location, it is not anticipated to have a material impact on the performance of the local highway network.

The proposals include the provision of 31 car parking spaces. The reduced standard is considered appropriate due to the location adjacent to Brentwood town centre with all its facilities, car parks and access to frequent and extensive

public transport services. The local parking restrictions should also ensure that there is no overspill onto surrounding roads.

Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to 10 conditions. A comprehensive list can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/> .

- **County Archaeologist:** The Historic Environment advisor has been consulted on above planning application. The Essex Historic Environment Record (EHER) shows that the proposed development lies within the medieval settlement of Brentwood (EHER 525), which was first mentioned in 1176. In addition to this possible medieval activity there features and possible buildings marked on the 1st edition OS mapping; meaning these buildings pre-date 1880. Recent archaeological work carried out in the vicinity, revealed extensive medieval and post-medieval remains and it is likely that these deposits will continue into the proposed development area. Any archaeological deposits may be destroyed or disturbed by the proposed work and should therefore be recorded prior to development.

In view of this, the following recommendations are made in line with the National Planning Policy Framework:

**RECOMMENDATION:** A Programme of Trial Trenching, and Open Area Excavation

1. Following the demolition of the existing buildings to ground level no further development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
3. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

**Additional Comments:** I can confirm we are satisfied with the submitted WSI. We have had assurances from the applicant that they will share a method statement from their chosen contractor for our approval prior to beginning of works; this guarantee is also included within the WSI, as a result we are happy with the applicants suggested conditions without alteration.

- **Secure by Design:** Essex Police considers that it is important that 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.

Essex Police therefore requests that the developer seeks to achieve the relevant Secured by Design accreditation for this development, which in this case will be Secured by Design Homes 2019 Version 2, March 2019. The SBD website- (<https://www.securedbydesign.com/guidance/design-guides>) provides full details. 'SBD Homes 2019' provides full guidance for preventative measures through compartmentation and offers bespoke solutions to access control relative to each residential core of the apartment blocks. These are proven techniques to prevent unauthorised intrusion and ASB and should be considered to improve access and security for this residential development. SBD also provides guidance on flat entrance doorsets, (A Guide to Selecting Flat Entrance Doorsets).

Security forms a key part of a sustainable and vibrant development and I can find no specific reference to security in the documentation provided. Essex Police has a number of observations as follows:

- Essex Police would be keen to understand the finer details of the physical security specification for the doors, and windows.
- Access control is essential to maintain security of the development. - details of the access control systems would be appreciated.
- What proposals are there for postal arrangements? - 'Through the Wall' mailboxes or mailing arrangements in a secure lobby are recommended. Trades buttons for blocks of flats are strongly discouraged.
- Further detail is required about the security and locking arrangements for the cycle and refuse storage areas. As these appear to open onto publicly accessible areas.
- Will a CCTV system be in operation within the communal areas of the apartment blocks or the entrance to the courtyard or car parking area?
- Will each individual floor have restricted /fob access? Some form of compartmentation will improve the security for residents.
- It is noted that previous discussions have indicated that a gated courtyard was not the preferred option. Essex Police have a number of concerns about unrestricted access to this courtyard (documented below) and recommend that the courtyard area is secured with secure access for residents only.



- o Essex Police discourage rear parking areas but where included recommendations are for these to be gated. What are the security arrangements for access to the undercroft parking area?
- o It is also noted that there are proposals for a small seating area to be provided in the central courtyard. In other developments the provision of seating has acted as a meeting points for non-residents and has encouraged anti-social behaviour. If ungated, this area will need to be carefully managed to ensure that the residents are not discouraged from using the courtyard area due to anti-social behaviours by others.
- o Entrances to apartments and residential lobbies lead directly from this unsecured courtyard with limited surveillance from outside of the development, which could make the properties targets for burglary and/or criminal damage to the courtyard area.
- o Lighting plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within that space. When applied and designed correctly, lighting can reduce the potential for crime. Essex Police recommend that detailed lighting plans are incorporated within the design, to comply with BS5489-1 2020, for the rear courtyard and parking areas.

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 discuss with the applicant the security design aspects of the application to ensure provision of a safe and secure environment for potential residents.

- **Mid & South Essex Health Care:** 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 (sum of £22,800) are secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such 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.

- **Design and Conservation Officer:**

Original comments: Preapplication has been undertaken, this included Essex Quality Review Panel (EQPR). A Heritage Assessment (HA) is submitted within

the application pack given the development abuts the Brentwood Town Centre Conservation Area (northwest location of Brentwood High Street). Page 12 of the HA illustrates a 1km zone of reference to the site and identifies Heritage Assets within the immediate and wider site context for analysis. Please note the Conservation Map on p.13 of the HA document is incorrect, the designation boundary was extended in 2010.

This development site is allocated for residential development within the Councils emerging Local Development Plan, the principle of development is accepted. At preapplication stage it was advised future proposals should seek an enhancement to the backlands of the Conservation Area and not result in harm to its setting which includes nearby listed buildings. A future scheme was advised to be compliant with the requirements of the National Design Guide in delivering well considered Placemaking and inclusive new homes.

National designations within the immediate site context include the Grade II listed building of 129 and 129A High Street and the Grade II\* listed building of the White Hart Inn (please consult Historic England given the designation status of this Heritage Asset).

The Brentwood Town Centre Conservation Area is composed of a variety of styles and building typologies, some competing C20th architecture is evident, but this is not considered positive, nor was it cited at preapplication as best practice or precedent setting; this 'variety', particularly within but not exclusively within Brentwood High Street, is considered integral to the character of the Conservation Area, it contributes to the Town's historic and social significance as a period of evolutionary expansion. Brentwood Town Centre has a highly significant historic core at its point of origin, demarcated by the scheduled monument of the Chapel of St Thomas a Beckett. The grain throughout the Conservation Area is fine and runs on a west to east axis with narrow routes of permeability repeating at intervals on a north/south axis. As a Historic Town on an elevated position, Brentwood Town Centre is visible at points in the wider urban and rural environs of the Borough. The HA submitted signposts to analysis of key views within the Design & Access Statement, there is however, no evidence of assessment of the impact of the development upon the Brentwood Townscape made further to the scoping diagram (p.12) within the Heritage Statement.

The context of the site at its immediate environs shows variety in scale and typology; at the west/northwest modest to medium scaled building forms including Western Gardens a narrow characterful throughfare, and these do not overly challenge the core of the Conservation Area. At the east of the site, a C20th linear building of little merit in its architecture is situated, further to this at the north/northeast a later C20th development including Hunters Walk and Silkweavers Heights designed in the Essex Design Guide style are of a medium

to high scale (in the Brentwood Context). This context offers opportunity for scale being more prevalent at the eastern range.

Housed within the development site itself are existing buildings, these are not considered high contributors to the Character and Appearance of the Brentwood Town Centre Conservation Area or its setting; their demolition is not objected to. The site overall is considered of neutral contribution to the Heritage Asset, offering opportunity for enhancement and meaningful urban landscaping, including improved permeability on the north/south axis through future development onto the Brentwood High Street.

The proposals seek to implement a residential development based on a courtyard narrative. This narrative was consolidated at an early stage of the design process through a detailed and well documented analysis of the evolution and layout of Brentwood Town Centre, notable commentary and cartographic data showing the pattern of development from the formation of the linear High Street to its backland courtyards has been evaluated, I consider such interrogation of the pattern of development as advised at preapplication to be valid. This was tested at Essex Quality Review Panel (EQPR) and found to demonstrate a good level of understanding which complemented the significance of the Conservation Area and provided opportunity to inform a massing and elevational approach.

Having carried out my assessment of the scheme, I advise the layout of a courtyard style development on this irregular triangular parcel is supported, I find the parking within this courtyard level, reduces its quality and dilutes the intent of a shared space which is human centric; given this is a highly sustainable Town Centre location within a walkable neighbourhood, car dominance as proposed within this amenity space should be reviewed, in addition the opening up of a physical link to the High Street should be secured through agreement with the adjacent landowners and Council. This is cited within the Brentwood Town Centre Design Plan and will in turn benefit the setting of the Grade II listed building of 129/129A High Street.

Despite the positive analysis of the pattern of growth and backland courtyards of Brentwood Town Centre which has underpinned layout, from my assessment I find this narrative has not transcended successfully into the resultant architecture proposed. The architecture reads as orthogonal and bulky in its shape of form, with repetitive elevational treatment; this results in little variety in both shape of form and elevational treatment, the flatted roofscape in addition to this, only serves to add weight to the developments appearance offering a harsh transition to the existing Townscape, as a consequence I find the development would result in a diminution to the setting of the Brentwood Town Centre Conservation Area.

As a proposed built form, the development reads as a continuous partly stepped block over 3/4/5 storeys, this in itself is incompatible to the finer grain, spatial

breaks of buildings and prevalent vernacular roofscape; emphasis upon the elevations leads on a 'horizontal' line with wide apertures, cumulatively this results in a visual lack of finesse for a location which predominantly evidences a fine grain and variety.

My advice at preapplication, was to refine the architecture and respond to the vernacular roofscape and grain, this does not necessarily equate to a reduction in quantum for delivery, depth of footprint or an overly busy architecture; a longer gestation of design development was advised given the impact of the proposals upon designated heritage assets to ensure a successful transition for this development into its wider context of more modest buildings.

From the submitted information, the roofscape being less that contextually appropriate is highlighted with the Heritage Assessment, the HA states 'Given the scale of the proposed building, the required pitched roofs would not respond to the those already found within the conservation area (on much smaller buildings), nor would they respond to the pitched roof forms along William Hunter Way (on buildings with a narrower footprint)', the impact assessment offered further to this, finds the development would have no harm to the significance of the conservation area through the alteration of its setting and no impact upon the listed buildings in the immediate environs.

In response to this assessment, I advise the roofscape is one of a series of fundamental components of character, of particular importance when introducing new development of this scale upon the Conservation Area and the wider Townscape. It is my opinion there are architectural options available to refine the architecture and regain emphasis of the fine grain with a complementary roofscape, the depth of the buildings in footprint does not equate to the sole option of a flatted roofscape.

This point was raised by the Essex Quality Review Panel at preapplication, who advised the applicant team to review the rich roofscape of predominantly pitched, traditional roof forms, the panel commented the development would be clearly visible from Western Road and beyond. Whilst I appreciate the applicant team reviewed and supply studies at the most recent preapplication, I remain unconvinced this has been satisfactorily examined and resolved, as stated earlier within this letter, the depth of buildings does not preclude this option being implementable; in design terms the proposed expanse of flatted roof is not a 'development principle', for example a 'blue roof' necessary for rainwater recycling nor is it utilised as amenity, notwithstanding this matter, such an approach to usage would not alter my view that more suitable architectural option should be designed. Therefore, despite common ground with areas of content of the Heritage Assessment, I find in contrast with the impact assessment it offers on this matter.

In elevation and material intent, brickwork proposed offers a simple and honest envelope, this is supported subject to specification and sample panels erected on site prior to works above ground, however as advised earlier in this letter this component of the architecture would benefit from greater emphasis on the vertical as opposed to the horizontal axis, again drawing reference to the grain of the environs of the Town Centre. I find the window apertures too squared at present and signpost to a more elegant vertical emphasis, such matters of detail together with a more appropriate roofscape will greatly assist in this development reading as a positive progression of Brentwood Town Centre architecture, as opposed to what I find currently as complete contrast in elevation and shape of form.

In terms of carbon reduction development information should be provided to the LPA on this intent and deliverable, for example if Air Source heating, information on the positioning of units upon the building envelope is required, AOVs, rainwater management etc, including mansafe systems where applicable and electric car charging infrastructure, should be clearly annotated and referenced. In relation to the proposals and contribution of Affordable Homes, the Strategic Housing Consultee can provide detailed advice; Urban Design supports the inclusivity proposed, the National Design Guide states that well designed Places have a mix of home tenure types and sizes.

Summary: As a consequence of the advice within this letter on matters pertinent to Conservation Place and Development, taking into the balance the contribution this site makes at present to the setting of designated Heritage Assets and the Brentwood Townscape, I am unable to support the current scheme. The proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Brentwood Town Centre Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- Additional Comments on Amended Scheme: My assessment of the revisions is as follows: The adjustment of vehicular and pedestrian access further to consultee advice from ECC Highways has not diluted the narrative of the courtyard style development. I maintain the professional opinion that parking within this courtyard level dilutes the intent of a human centric shared space; this is a highly sustainable Town Centre location within a walkable neighbourhood therefore car dominance should be considered carefully by the LPA, in addition, the physical link to the High Street should be secured through agreement with the adjacent landowners and Council. This is cited within the Brentwood Town Centre Design Plan and will in turn benefit the setting of the Grade II listed building of 129/129A High Street.

The most pertinent matter from my previous advice was in relation to the impact the development would have on the Historic Environment, in particular the setting

of the Grade II listed buildings within the High Street and the character and appearance of the Brentwood Town Centre Conservation Area.

From my assessment of the revisions, I advise the shape of form to be improved, most notably the part pitched roofscape now applied; this is compatible with the environs of the site. The roof covering of the pitched forms should be natural slate or red clay (double camber) and not grey tiles as illustrated within the DAS; details of roof materials and any coping stone (where applicable) should be submitted by way of condition. The revised flatted roof areas propose with sedum roof and small amenity areas, this is supported and has benefits to the urban ecology value of the Town Centre, further details must be submitted to ensure the build-up of the green roof is not excessive and that any roof level paraphernalia is negated, as this could hinder the ecological benefits detailed, a roof plan showing maintenance access is required. No plant or extractions should be applied unless clearly within a consent, this is in the interests of the Conservation Area and setting of the Grade II listed buildings.

With regards to elevation and material intent, I previously supported the approach to brickwork which offered a simple and honest envelope (subject to specification and sample panels erected on site prior to works above ground) there was however too much emphasis on the horizontal and this extended to fenestration and other apertures; both of these matters have been refined. I encourage the vertical cording on the lighter brick is omitted, it overcomplicate the architectural element upon which it is applied, which, in the hierarchy of the façade, is a subservient plane.

Summary: As a consequence of the advice within this letter regarding matters pertinent to Conservation, Place and Development, taking into the balance the contribution this site makes presently to the setting of designated Heritage Assets and the Brentwood Townscape, I find the development would be of neutral/positive impact upon the character and appearance of the Brentwood Town Centre Conservation Area. Please discuss Conditions of planning should this application be recommended for approval.

- **Environmental Health & Enforcement Manager:** I would make the following comments.

The development proposes the construction of dwellings within the town centre area, some of which are being constructed close to the boundary with the Swan PH in Brentwood High Street. The Swan has a beer garden at the rear of the premises, which is actively used by customers, particularly in the summer months where it is possible for up to approximately 100 customers to use the area until 1am at weekends.

Following discussions with the applicants there have been some design revisions made, including the removal of balconies from some of the apartments adjoining the beer garden boundary area.

The developer has commissioned an environmental noise assessment to support this application and has undertaken a recent further noise survey to determine the existing sound levels in the area. The report submitted quotes from the National Planning Policy Framework (NPPF) which states that planning policies and decisions should ensure that new and existing development should not be *'adversely affected by unacceptable levels of... noise pollution'* and also that *'new development can be integrated effectively with existing businesses and community facilities (such as...pubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business... could have a significant adverse effect on new development...in its vicinity, the applicant...should be required to provide suitable mitigation before the development has been completed'*.

An unattended environmental noise survey was undertaken between Thursday 6<sup>th</sup> January and Monday 10<sup>th</sup> January 2022 and further attended measurements were carried out. The report does not indicate whether the pub garden was occupied or busy at any point during the measurement periods.

The calculations using BS4142:2019 to predict the noise from the outdoor area at the Swan have indicated that the rating level would be above the background sound level and would indicate a low impact, however it should be noted that this procedure was undertaken in January, when I would expect that the outdoor use of the premises was limited and would not be representative of conditions during the summer months, when future occupiers would also wish to have windows open.

There are several habitable rooms including bedrooms and living rooms on each floor of the development that will be located close to the boundary with the pub garden and car park area.

The report indicates that the mitigation measures to install alternative means of ventilation and a minimum of 32dB noise reduction to glazing would enable the internal noise levels to meet the requirements of BS8233:2014.

The applicant's report concludes that the measures to provide mitigation against noise will be sufficient to prevent additional restrictions to be imposed on the pub's operation, however I have some concerns that the measurements would not reflect the 'worst case scenario' of a busy summer evening and it would be recommended that this is considered by additional measurements at more representative times of the year or that an improved specification for glazing (and

ventilation if necessary) is implemented to provide more than the minimum required based on the current report.

I would consider that it is possible to provide a solution to mitigate against noise impact from the use of the adjacent pub garden, although there are remaining concerns that this may not prevent associated complaints from the future occupants. It is recommended that a further noise assessment to be undertaken during a suitable weekend period between May and August in dry weather should be required to ensure that the existing assessment is representative of the likely environmental noise during busy periods of operation of the pub garden and that assessment of peak noise levels from customers using the garden and/or any amplified music is also provided.

It is therefore recommended that, if the proposal is granted permission, conditions should be attached to ensure that the measures indicated in the report are implemented and that further monitoring to confirm that the measurements are representative is undertaken, and account is taken of any additional noise impact identified when producing the final design specification before installation.

### CONDITIONS

The applicant shall undertake additional noise monitoring over a weekend period between May and August 2022 to provide additional information to the environmental noise assessments already undertaken. The measurements shall be undertaken to assess the likely impact of noise on the proposed development from the adjacent pub garden at the Swan PH High Street Brentwood.

The applicant shall review the results of the additional monitoring and provide an assessment carried out in accordance with the provisions of BS4142:2014. This assessment shall determine the mitigation necessary in order to meet the recommended indoor ambient noise levels contained in BS8233-2014 Table 4:

**Table 4 Indoor ambient noise levels for dwellings**

<b>Activity</b>	<b>Location</b>	<b>07:00 to 23:00</b>	<b>23:00 to 07:00</b>
Resting	Living room	35 dB $L_{Aeq,16hour}$	—
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	—
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$

Details of the noise mitigation measures required in order to ensure compliance with the above noise levels shall be submitted to and agreed by the LPA prior to the commencement of development.

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to



demonstrate that the development has been constructed to provide sound attenuation against external noise, incorporating effective ventilation, in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal night noise levels of 30dBLAeq, for living rooms and bedrooms and 55dBLAeq for external garden areas. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

A site-specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard - BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iii) The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (iv) Measures to control the tracking of mud off-site from vehicles.
- (v) Measures to control dust from the demolition and construction works approved along with land disturbance in general.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.

Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site. A copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be

re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a verification report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site until the Local Planning Authority has approved the verification report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

- **Housing Services Manager:** Thank you for consulting the housing department on the above application and your request for advice on the affordable housing elements. I have reviewed the applicant's submission and advise further to written advice given at a pre application meeting. In terms of quantum and size mix, the proposed development is consistent with Policy HP05 of the emerging Local Plan providing 35% of the proposed dwellings as affordable homes and although the size mix is not consistent with current requirements on size in policy, given the location and nature of the new housing a balance towards smaller homes is appropriate.

As per our preapplication advice dated 14 October 2020 the tenure mix is still balanced in favour of affordable sale tenure against affordable rented tenure and not consistent with policy HP05. At preapplication discussion, the applicant was advised that the tenure mix of affordable rent to low-cost home ownership should be consistent or at least balanced towards the 86%/14% ratio in policy HP05. This is still not the case. The need for affordable rent in sustainable locations is increasing and my advice given at preapplication stage therefore still stands.

- **Thames Water Development Planning:** No comments received at the time of writing this report.
- **Historic England:** Thank you for your letter of 15 November 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

- **Arboriculturalist:** The site currently contains buildings and hardstanding with very little vegetation. It is an awkward shape which places significant constraints on the scheme layout.

The arboricultural survey identified 7 trees on site; 1 Category B (moderate value), 4 Category C (low value) and 2 Category U. The category B birch, immediately outside the site boundary, can be retained as can a small Portuguese Laurel. The removal of the remaining trees is considered acceptable due to their limited value and potential life expectancy. The proposed new planting would mitigate their loss.

New low hedge/shrub planting is proposed along the highway boundary with Western Road. The main landscape area is shown as the courtyard which provide some private amenity together with four parking bays, two reserved for blue badge holders. The proposed planting and materials are considered appropriate and would deliver an attractive space, although it would provide limited outdoor communal space for residents.

The level of existing development and its location means that it has very low ecological value. It is disappointing that it is not proposed to provide a green roof which would have potential to deliver a biodiversity net gain.

There are no objections to the scheme on landscape or ecology grounds; however the detail of the landscape scheme would need to be finalised through a condition.

- **Affinity Water:** Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.
- **Anglian Water Services Ltd:** No comments received at the time of writing this report.
- **Basildon Fire Station:** 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 appear to affect Fire Service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of the Act.

Fire Service vehicular access to all aspects of the development will be expected to meet the requirements of the Building Regulations, Approved Document "B" Fire Safety Volume 1 Section B5 (Section 13 (1)(a) of the Act). With regard to the Southern aspect of the development this may necessitate / confirmation of

suitable fire appliance access and turning facilities to within 18 metres of any dry riser inlet installed to meet such requirements (Note: this Authority will not accept excessive horizontal sections of dry mains to achieve compliance). Subject to the above conditions being met the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no objection to the application.

Where any development includes 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.

Water Supplies: Should the application be successful additional water supplies / fire hydrants for firefighting purposes may be necessary for this development. The architect or applicant is therefore urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344 at the earliest opportunity to discuss the necessary requirements the Officer will then liaise with the local Water Authority for the area to make the appropriate arrangements.

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.

Note: Some sections of the proposed development appear to exceed 11 metres in height to the topmost floor level, as such the provision of suitable AWSS installations throughout is a now a Building Regulations requirement.

- **Essex & Suffolk Water:** No comments received at the time of writing this report.
- **Open Space Supervisor:** In terms of the overall style of the development this is outside of my field of remit and so I have no comments to make on this. Looking at the site itself an attempt has been made to provide some private formal open space in the form of a private communal courtyard area in the centre of the development, whilst this is a positive step it is also a limited offering when considering the needs of families. It should also be noted that the courtyard doubles up as vehicle access to four parking spaces further into the development which, in reality, renders the area unusable as a safe open space due to the

increased risk of vehicular movement. This is also likely to result in the courtyard having limited beneficial use for 'families' who are more likely to rely on the open space network in the Borough.

I also note that the development consists of 60 individual dwellings and although is under a hectare in site the scheme will trigger a contribution of funds via a Section 106 agreement to existing open space provision under current local planning obligations. Under the current Replacement Local Plan it stipulated that:

*“Current local policy LT4 states developers of residential sites greater than 1.0 ha. (or 50 units) will normally be required to provide a LEAP with a minimum area of 400 sq.m and 5 types of play equipment (either on-site or off-site) and at least 1 LAP on-site with a minimum area of 100 sq.m and make a financial contribution towards the provision of a NEAP. LT4 is largely outdated following the rationalisation of the boroughs play spaces, where new sporadic play facilities are no longer favoured.*

With regards to the financial contribution, due to the intended design of the scheme it is not going to be possible to integrate a play area on the development and there are already play facilities located a short distance away in King George's Playing Fields and North Road. It is also important to highlight that the Council is undergoing a review of its play provision and as such is not commissioning the installation of any new play facilities for the short term. In light of this decision any financial contribution will be used to improve existing open space and outdoor sports provision firstly in and around the development area, King George's Playing Fields and Hartswood and then further afield if no suitable projects are evident.

In terms of the value of the contribution, this is placed at £60,000 [equating to £1,000 a property] which is in line with contributions recently agreed on developments elsewhere in the Borough.

At this stage there is no initial objection from an open space's perspective.

- **Operational Services Manager:** No comments received at the time of writing this report.

## 6. Summary of Issues

The starting point when determining a planning application is the Development Plan, which at the current time is the Brentwood Replacement Local Plan 2005 ('the Local Plan'). Planning legislation states that applications must be determined in accordance with the relevant development plan policies unless material considerations indicate otherwise. Additional policies, as relevant material considerations for determining this application are the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the

emerging Local Development Plan (“LDP”). 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.

Principle of Development

The site has been identified and allocated for residential development within the emerging development plan (policy R12). The site was originally anticipated to come forward a number of years after adoption of the emerging plan. However, the land has been acquired by developers and has come forward now. In discussions between the applicant and officers relating to work on the LDP it is agreed that site is brownfield and not afforded any special protection under current policy; as such it is deliverable earlier in the plan period, notably 2021-2025.

Emerging policy (R12) provides a basis for how development is expected to come forward on the site and key considerations; as outlined in the table below:

<b>Requirements of the draft policy</b>	<b>Assessment of current application</b>
Allocated for housing development. around 48 new homes.	The proposal is for 60 1 and 2 bed dwellings
1. Development Principles	
Proposal should: a) provide access from Western Road	Vehicular access is via Western Road
b) provide good pedestrian and cycle connections to routes identified within the Brentwood Cycle Action Plan (BCAP) or other relevant evidence;	No cycle routes have been identified within the BCAP within proximity of the application site. The applicant has put forward a proposal to enter into a legal agreement to bring forward a pedestrian link between the High Street and the development site. The layout of the development has been purposefully designed to facilitate this link. Pedestrian access from Western Road is also proposed.
c) any future development should sustain and where possible enhance the significance of the Brentwood Town Centre Conservation Area and its setting;	This is discussed in depth in the report below. In summary the Design and Conservation Officer has advised within their consultation response that the development would have a ‘neutral/positive’ impact on the conservation area and its setting.
d) be accompanied by a heritage assessment taking account of archaeological potential for the historic core of Brentwood.	The application was supported by a heritage statement which has informed the design. A Written Scheme of Investigation has been produced and sent to the Local Archaeologist at Place Services by the

	developer; trial trenching and excavation prior to works has been agreed via condition.
<b>2. Drainage</b>	
As the site is located within a Critical Drainage Area, the development should minimise and mitigate surface water runoff in line with Policy BE05 Sustainable Drainage.	The SUDS Team at ECC (LLFA) consider the proposal to be acceptable and have confirmed this in their consultation response.
<b>3. Infrastructure Contributions</b>	
Applicants will also be required to make necessary financial contributions via planning obligations towards: an off-site highway infrastructure improvements as may be reasonably required by National Highways and Essex County Council in accordance with policies MG05 and BE08 (the planning obligation will determine the level and timing of payments for these purposes);	The Highway Authority at Essex County Council has been consulted regarding any off-site contributions that may be required. The Highway Authority has advised that the site is also not causing any material impact on the highway and is in a highly sustainable location, as a result no highway infrastructure contributions can be justified.
b 'quietway' cycle routes connecting transfer hubs to schools in Brentwood Town Centre.	Similarly, the Highway Authority have advised there are no confirmed walking/cycling schemes in the locality that could be connected to the site in planning terms, to justify a contribution.

The proposed development is for 60 residential units, (12 units more than the LDP allocation) of a mixed size and tenure and includes a 35% affordable housing provision (21 units). Matters relating to access, heritage and drainage are discussed in further detail within the report below.

This application is being considered at a time when planning policies are soon to transition from the current Development Plan to the document that will replace it. The Development Plan, and the evidence that supported its policies, is now approaching 16 years old. During that period there has been an increasing focus on the need to increase delivery of housing, particularly on brownfield sites. The NPPF actively encourages the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Sites for large scale development outside of the green belt are rare in Brentwood and should be used as effectively as possible.

Taking the above into consideration, the development proposal in principle is in line with the emerging site policy R12 and strategic aspirations of the borough and its allocation for residential growth to meet projected need. The principle of re-developing the site for residential purposes to maximise the use of an under-achieving brownfield site is therefore acceptable and supported, subject to the above considerations and meeting other policy and development management considerations.

## Housing Policies

### Density

Local Plan Policy H14 states that the Council will expect any proposal for residential development to be of an appropriate density that makes efficient use of land with densities to be no less than 30 dwellings per hectare and 64 dwellings per hectare in central areas or those with good levels of accessibility. The Town Centre design Guide (TCDG) provides a more up to date recommendation of densities within the Town Centre, that are significantly higher than those within policy H14.

It is necessary to ensure that the density is appropriate to the site's context and the existing character of the area. The site would fall in-between the High Street and Residential character areas within TCDG; which considers there are key opportunities to increase density of residential areas particularly within strategic sites that have been identified and allocated within the emerging plan for new homes, to support the growth of the borough.

The emerging site policy would suggest a density of around 228dph for a 48 unit scheme. The proposal would provide 60 units on a small site and therefore has a high density of 285 dwellings per hectare (dph). Whilst high, this is not uncommon for flatted development with small scale accommodation in urban areas and is in line with suggested densities in the TCDG. The scheme would also have a comparable density to the recently approved mixed used development on the corner of the High Street/Western Road junction which has a density of 333dph.

With regard to the number of dwellings proposed being greater than the number indicated in the LDP site allocation, this matter was considered by the Inspector at the blood bank appeal. The inspector advised that optimising a site's potential is not identical to maximising the site's content and should not be purely numeric. Instead, an assessment should balance an efficient use of land with respecting the surrounding character and appearance of the area within what is an urban town centre location, that can in principle support higher densities than out of town unsustainable locations.

The increase is not considered to be out of character with the density of surrounding development and is acceptable in line with local policy H14, the TCDG and the aims of paragraph 11 of the NPPF; subject to the development being of an appropriate



design and scale that is appropriate to context, which is discussed within the design section of the report below.

### Housing Mix

The proposal seeks to provide a mixed residential development comprising 30 x 1 bed units and 30 x 2 bed units, of both affordable and market housing, as set out in the table below:

Housing Type	Market Housing		Affordable Housing	
	No of units	%	No of units	%
1 Bed	15	25%	15	25%
2 Bed	24	40%	6	10%
<b>Total</b>	<b>39</b>	<b>65%</b>	<b>21</b>	<b>35%</b>

In terms of the requirement for size mix within the Borough, current local plan policy H6 states that for developments of this size a minimum of 50 percent of the units should be 1 or 2 bed units. As the development is only for 1 and 2 bed units it would comply in this regard. Policy H6 has been superseded however by the Council's more up to date evidence based Strategic Housing Market Assessment (SHMA) 2016 which outlines the evidenced need of both market and affordable housing requirements for the borough. The SHMA and emerging policy are not formally adopted; but given the plan has been found to be sound, is afforded weight.

The development does not provide any larger family homes on the site, contrary to the requirements of the SHMA. However, given the size and nature of the development within a Town Centre location, it is considered the development is better suited to small sized units, as larger garden areas would be required for family sized homes that cannot be accommodated on a site of this size and nature. The Council's Strategic Housing Consultant has raised no objection to the size of the units as 1 and 2 beds, given the Town Centre location of the site.

### Affordable Housing

Under Policy H9, on major development sites such as this - the Council will seek a proportion of 35% of the number of dwellings to be provided as affordable housing in a manner to be agreed with the Council. Emerging local plan policy HP05 expects that 35% of the housing developed on the site should be set aside for affordable tenures, with a mix of tenure split consisting of 86% affordable rented homes and 14% low-cost home ownership (shared ownership, equity, or other product etc).

The Council currently has over approximately 1000 households on its combined lists awaiting appropriate affordable housing and it is experiencing a significant increase in the number of households threatened with homelessness; currently there are 145 households requiring urgent assistance with housing. Central Town

Centre locations like this in Westbury Road are critical to the supply of sustainably located affordable homes anticipated in the emerging local plan.

The applicant is proposing a policy compliant number of affordable units (21) which equates to 35%. There is a deviance in the tenure split – with 48% of those affordable houses allocated for affordable rent and 52% identified for low-cost home ownership (discounted sales).

The Council's Strategic Housing Officer has been consulted on the proposed offer and has advised within their consultation response, that the tenure mix of affordable rent to low-cost home ownership should be consistent or at least balanced towards affordable rent tenure. The Affordable Housing Statement provided by the applicant has weighted the tenure towards affordable rent in terms habitable rooms but not in terms of units. As a result, there is a split of 48% (10) units allocated for affordable rent and 52% (11) units allocated for low-cost home ownership. The application is not supported by a viability statement; to justify the deficiency as is required by emerging policy HP05. While the Housing Officers preferred mix would be a SHMA compliant 18 unit/3 unit (affordable rent/low cost), the consultee response indicates that a more than fifty – fifty split would be acceptable here. To achieve that would require to amend the split by altering one currently low cost unit to an affordable rent unit – resulting in 11 affordable rent, 10 low cost. However this is not what has been proposed and this deficiency in the affordable housing tenure is material and is weighted within the planning balance at the end of this report.

Notwithstanding the tenure deficiency; the provision of 35% affordable housing, comprising 21 affordable homes on site is supported and would be of a significant public and social benefit to the borough that weighs heavily in favour of the development. The provision of these units would be required via a S106 agreement.

### Design and Heritage Considerations

A summary description of the development is given in section 1 of the report above.

#### Site context

The application site abuts the Brentwood Town Centre Conservation Area and is within the conservation area backlands. National designations within the immediate site context include the Grade II listed building of 129 and 129A High Street and the Grade II\* listed building of the White Hart Inn.

The existing buildings are not considered high contributors to the character and appearance of the Brentwood Town Centre Conservation Area or its setting; by the Design and Conservation Officer (DCO); or within the developers submitted heritage statement. The demolition of the existing buildings is therefore not objected to and the existing site overall is considered of neutral contribution to the Heritage

Asset, offering opportunity for enhancement, as identified as a requirement within emerging site policy R12; alongside a high quality design.

Given the sites location; the historic context is fundamental to the design and narrative of the scheme; which has been developed alongside careful and detailed historic analysis to inform the design proposal. As a result, design and heritage are interlaced and cannot be considered interdependently of the other.

## Layout

This application has been submitted following a long design gestation period; extensive preapplication engagement with the local planning authority and design/heritage and landscape officers has taken place. The proposal has also been subject to an independent Essex Quality Review Panel (EQPR) during the preapplication stage; which guided the design progression of the scheme and has evolved positively since conception.

The proposals seek to implement a residential development based on a courtyard narrative and layout. The minor amendments to the access during the lifetime of the application has not diluted the courtyard layout intent. The courtyard narrative was consolidated at an early stage of the design process through a detailed and well documented analysis of the evolution and layout of Brentwood Town Centre. Notable commentary and cartographic data showing the pattern of development from the formation of the linear High Street to its backland courtyards has been evaluated. The Council's Design and Conservation Officer (DCO) has advised that such interrogation of the pattern of development and the courtyard layout that has consequently been developed, is valid and supported. This was tested at Essex Quality Review Panel (EQPR) and was found to demonstrate a good level of understanding which complemented the significance of the Conservation Area and provided opportunity to inform a massing and elevational approach.

The DCO has commented that the introduction of four parking spaces into the courtyard has diluted the communal shared space that this area could offer; within what is a highly sustainable location. Whilst this is noted, the internal courtyard still offers relief of built form, defensible space, external seating, lighting and soft planting. Whilst this could be enhanced to promote better placemaking opportunities; parking remains a material consideration that must be carefully balanced across the scheme as a whole. In this instance it is not considered the parking provision proposed would be so detrimental to the design intent of the scheme, and these spaces could be designed out in the future if they become surplus to requirements.

Lastly; the scheme has been designed to facilitate a permeable link to the High Street for the future occupiers; should this arrangement come forward in the future which would further benefit the setting of the Grade II listed building of 129/129A High Street, the Brentwood Town Centre Conservation Area and the aims of the

Town Centre Design Plan. The applicant has confirmed this arrangement and physical link can be secured through a s106; should an agreement be made with the adjacent landowners and/or the Council.

## Scale

The Town Centre Design Guide (TCDG) identifies that higher densities and scale can be supported in Town Centre locations but careful consideration must be given to the transition to lower densities, in this instance the two storey housing along Western Road and Western Gardens. Similar examples of larger scale residential development adjacent to residential housing within the backlands of the conservation area are evident and not uncommon. Library House and Coptfold House to the south of the High Street for example are four/five storey developments, directly opposite and adjacent to two storey housing within Coptfold and Alfred Road; demonstrating a mixed grain and scale within these locations and on the periphery of the Town Centre is not out of character.

The context of the site at its immediate environs shows variety in scale and typology. At the west/northwest there is modest to medium scale building forms including Western Gardens, which has a narrow characterful throughfare. At the east of the site, a C20th linear utilitarian building of little merit in its architecture is situated. Further to this at the north/northeast, there is a later C20th development of Hunters Walk and Silkweavers Heights designed in the Essex Design Guide style which are of a medium to high scale (in the Brentwood Context). The DCO has advised this context offers opportunity for scale on the development site; with greater scale being more prevalent at the eastern range.

The proposed development is of three to five storeys in height, the highest five storey block is positioned within the south-eastern corner of the site and would not be immediately apparent from the site edges or from within the Conservation Area, looking out. The submission includes a number of scale and massing models within the DAS and DAS addendum. These studies, taken from a pedestrian scale identify that the development including the five storey component would not be visible when viewed from key vantage points such as the top end of the High Street looking west; or the Weald Road/High Street junction.

The design when viewed from the mini roundabout junction serving Western Road and William Hunter Way, forms a landmark corner; with the five storey component, positioned to the 'rear' within the backdrop of a higher density high street developments behind. Western Road and the William Hunter Way junction also provides a clear visual separation to the smaller scale residential housing to the north east and west. The built form is reduced adjacent to Western Gardens, the frontage decreases to three storeys and the internal courtyard separates the larger scale development from the rear of these units to avoid any overbearing impact.

Overall; there is no in principle objection raised by the DCO to the scale of the development, within a location that can support increased scale and density.

### Form and Appearance

Objections were raised with the original scheme submitted in which the DCO considered there were architectural options available that had not been sufficiently explored or tested as a means to refine the architecture and regain emphasis of the fine grain. Suggestions were for a more complementary roofscape, greater emphasis on the vertical and greater articulation to the buildings massing and bulk of built form.

Amendments were made during the lifetime of the application, as well as additional preapplication discussions to address these concerns. The DCO has advised the shape of form is now improved, most notably the part pitched roofscape now applied; which is compatible with the environs of the site. Some limited private terraces to the upper roof area have been incorporated to improve living conditions and the remainder of the flatted roof area now incorporates a green/sedum roof that has significant environmental benefits.

The amendments have also broken up the orthogonal and mass of form; into what now appears as three separate blocks. Design detailing, material change and the set back of certain components has refined the architecture in both shape of form and elevational treatment that is more reflective of the finer grain of the backlands.

In elevation and material intent, the brickwork proposed is appropriate to context, comprising predominantly red brick with a lighter brick for the building's plinth and upper set back on the Western Road Frontage. The DCO has advised the elevation and material treatment is appropriate and supported subject to specification and sample panels which can be secured via condition.

In addition, the concerns previously raised relating to the vertical emphasis of the architecture within fenestration and other apertures have been refined through the amendments made. With the exception of the vertical cording on the lighter brick which the DCO considers to 'overcomplicate' the architecture on what is a subservient façade. This detail can be omitted through condition, of which the applicant has agreed.

### Summary

In summary, the proposed development has been subject to rigorous and lengthy design discussion and evolution. The applicant has carefully considered the proposal within its context including the impact upon the historic environment; and has been sensitively designed to conform to those constraints. The DCO has advised that the development overall would be of neutral/positive impact upon the character and appearance of the Brentwood Town Centre Conservation Area and

would not be harmful within its setting; following the amendments made and taking into the balance the contribution this site makes presently.

The development overall is considered to be of a high-quality design; subject to condition that would accord with current local design policies CP1 (i), (iii), (viii), C14 and C16 of the adopted development plan and the criteria within emerging site policy R12. The development is also broadly compliant with the aims of the Town Centre Design Guide , the National Design Guide and the design principles of the NPPF (chapter 12).

### Archaeology

The site is identified within emerging policy R12 as having archaeological potential as a result of its location within the historic core of Brentwood. A desk-based archaeology assessment has been undertaken and submitted as part of the application. A Written Scheme of Investigation (WSI) for excavation and trial trenching was also submitted during the lifetime of the application.

The County Archaeologist has advised within their consultation response that medieval and post-mediaeval deposits are likely within the development area and have potential to be disturbed by the proposed works. However, provided they are recorded prior to development through trial trenching and open excavation, no objections are raised on archaeology grounds.

The development is therefore acceptable subject to the suggested conditions and the development would accord with the provisions of local policies CP1(viii) and C18, chapter 16 of the NPPF and the emerging site policy requirements within policy R12.

### Secure By Design

The development has been considered by the crime prevention officer in accordance with the principles of Secured by Design. The consultation reply for this application raised matters largely in respect of whether the development was gated. The applicant has confirmed the pedestrian and vehicle access would be gated, and is shown on the ground floor plan (dashed line). Further details of which are secured by condition. This confirmation addresses many of the secure by design officers comments. Other minor matters are to be included as a note on the decision notice, for the developer and designing out crime officer to agree. The proposal is considered to meet the requirements of Policy C19.

### Sustainability

The NPPF requires the planning system to support the transition to a low carbon future in a changing climate, encourage the use of renewable and low carbon energy and associated infrastructure in line with the Climate Change Act 2008.

Current policy IR5 seeks to incorporate energy and water conservation and efficiency into new developments, but the policy does not contain any specific targets or standards. Emerging policy is more prescriptive in this regard with specific carbon reduction targets and minimum energy standards.

The application is supported by an energy statement; which details the fabric of the building would support efficient and sustainable design and construction methods (as detailed with the design strategy - para 2 of the energy statement). Methods include low air leakage levels achieved through airtight construction, thermally beneficial U Values achieved by improving insulated fabric for the walls, floors, roofs and mechanical extract ventilation. The proposed scheme also seeks to use renewable energy methods through air source hot water pumps to heat water to the flats alongside electric panel heaters. The heat pumps do not require external condenser units and air intake/extract to the outside is via an air brick/vent and internal ducting system. The scheme does not propose any gas heating.

The energy statement provides SAP calculations and an energy hierarchy; demonstrating that scheme would achieve a 22.96% reduction in CO<sub>2</sub> against current Building Regulations; above the requirements of emerging policy BE01.1 which requires a 10% reduction in carbon emissions above building regulations.

In terms of water management, the energy statement also details that new residential development would achieve limits of 110 litres per person per day, which would meet the minimum standards for water efficiency requirement of emerging policy BE02.1.

Other sustainability improvements have been proposed through the introduction of a green roof which would provide ecological and biodiversity enhancements, as detailed further within the report below. The applicant has also confirmed that the development would be provided with 100% infrastructure capacity for passive EV charging to all spaces within the undercroft parking area; in line with emerging policy requirement BE11, which can be secured through condition.

Overall, the energy strategy for the proposed development would make meaningful improvements over the standard building regulations requirements and carbon reduction targets; as well as including a renewable energy water heating system and water efficiency measures. The development is considered acceptable and would meet current local planning policy IR5; as well as generally meeting the requirements and standards of emerging energy policies.

#### Impact on Neighbouring Residential Amenity

The application site is constrained with low density two storey residential housing to the north-west and south-west, a mixed residential and commercial use to the south

(Merchant Public House) and commercial uses to the east; with the eastern part of the site aligning The Swan public house's beer garden and car park.

### Overbearing Impacts, Outlook and Light

No.s 9-19 Western Road and 1-3 Western Gardens would have an altered outlook compared to the existing situation through the introduction of the increase in built form and scale alone. However, the proposed development is a minimum of 17.8 metres from these dwellinghouses on the opposite side of Western Road which has a different character and density. The occupiers within Hunters Walk on William Hunter Way to the northeast of the site are separated some 25metres by the pub car park. The residential units in the upper floors of the Merchant are also 17metres from the southern flank wall of the development and are already screened by a larger existing three storey block that would abut the development site. As such it is not considered any of the residential occupiers would experience a detrimental loss of outlook nor would the development be unduly overbearing on the adjacent occupiers given the separation distances that have been retained between the development and existing residential buildings.

Turning to matters relating to light. The development has been assessed in accordance with the Building Research Establishment's (BRE) publication "*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice*" (2011). BRE is not adopted by the Council but is nationally recognised best practice guidance for site layout planning in relation to sunlight/daylight and overshadowing.

It is an inevitable consequence of the built-up urban environment that daylight and sunlight will be more limited in dense urban areas. It is well acknowledged that in such situations there may be many other conflicting and potentially more important planning and urban design matters to consider other than just the provision of ideal levels of daylight and sunlight.

An extensive daylight/sunlight assessment (DSA) following BRE standards and modelling has been submitted as part of the application submission. An addendum to the DSA was submitted following the minor amendments made to the scheme to include the increase in parapet height on the Western Road frontage and pitched roof addition to the internal block.

The results of the analysis demonstrate that where there are transgressions from the targets suggested within the BRE Guidelines, generally these are considered to be only minor. The analysis within the submitted report concludes that the proposed development is appropriate in its context and changes to neighbouring daylight and sunlight amenity, upon implementation of the proposed development, is not considered to be significant with good levels of retained daylight and sunlight.

The addendum demonstrates that there would be no material additional daylight or sunlight loss over and above the previous scheme iteration. The minor increase in



parapet height results in either no loss or negligible light losses, which are likely imperceptible for occupants of properties tested on Western Road. In terms of Visible Sky Component (VSC), all windows tested experience less than 1% absolute change which is considered negligible. Similarly, for the No Sky Line) NSL criteria, rooms tested experience only a very minor additional change, which is considered to be insignificant. In regard to sunlight the DSA addendum identifies there is either no loss of sunlight or no material change from the previous scheme iteration.

As a result of the findings of the DSA assessment, the LPA are satisfied that the proposed scheme would not amount to adverse levels of light loss or overshadowing that would be detrimental to the living conditions of the neighbouring residential occupiers.

### Overlooking and Privacy

The north-western units, which form the buildings frontage overlook the public realm of Western Road. Overlooking of frontages onto streets is important in both design and security terms in order to give a building an identity and to provide natural surveillance in a public setting; as outlined within both the National and Essex Design Guide. The dwellings on the opposite side of Western Road have large frontages and setbacks; as a result minimum distances of between 18 and 25metres are retained between the development's windows/balconies and No. 9-19 Western Road. Whilst the proposed building is of a greater scale; the separation distance achieved is acceptable for residential buildings that face onto active public frontages and vehicular routes.

No 1-6 Western Gardens are a terrace of two storey maisonettes; positioned to the south-west of the application site and would be most affected by the development proposal. The land levels drop from the site boundary to the rear of 1-6 Western Garden's. As a result the gardens and ground floor maisonettes are protected to a degree by the level change and the existing boundary fence that's in place. No.5 and 6; would be less affected as a result of the proposed building's position. The first-floor rear windows of No.s 1-4 would be directly impacted by the proposed development.

The development has been designed with the Western Garden's occupiers in mind; which has dictated the position of the internal courtyard and to allow a separation distance between buildings to protect the existing occupiers amenity. However, some of the units within the inner courtyard would face the rear of the Western Garden's maisonette's, albeit not directly. The proposed first floor units would present the greatest degree of overlooking; the proposed upper stories would be elevated above the neighbouring window height and set back enough to prevent any direct or material overlooking or loss of privacy.

The Essex Design Guide identifies that a low- density layout should be able to avoid any overlooking, in normal urban densities (above 20 houses per hectare) some overlooking is inevitable. Within dense and compact developments in sustainable locations some overlooking is unavoidable. In this instance the overlooking that would occur to the rear of the first floor masonettes would increase from that currently experienced. However, the scheme has been designed to reduce the impact, distances of 18metres are retained and new trees and landscaping are proposed along this boundary, which would aid in screening overlooking further once established. As a result it is not considered a reason for refusal on this basis could be justified in the wider balance of the scheme when viewed as a whole.

Consideration is also given the recently approved development to rear of No.113-115 High Street; which is currently under construction. This building is contained within a rear car park and does not extend beyond the southern end the commercial warehouse building to its east. As a result, the proposed development would not amount to any material overlooking to these units. The residential flats in Hunters Walk are positioned over 25metres from the development site; and wouldn't result in material overlooking between units given this separation distance.

The three private roof terraces on the roof of the proposed building; and generally considered to be of a height and set back position that would not amount to any material overlooking or loss of privacy to surrounding flats. The private terrace to the south would exceed the roof height of the lower rear block of 125-127 High Street and would directly face the second floor residential units above The Merchant. It is not anticipated that this would lead to material overlooking as a result of the proposed parapet height; however a condition is recommended to ensure this is the case and to provide an additional privacy screen if required.

### Summary

In summary the proposed development would lead to some increase overlooking to the rear of No.1-6 Western Gardens, but overall this is not considered so detrimental that it would amount to adverse impacts on the existing occupiers that would warrant a reason for refuse, given the urban setting. The remainder of the development is considered to be acceptable in amenity terms and would accord with local core policy CP1 (ii) and paragraph 127(f) of the NPPF.

### Living Conditions of Future Occupiers

The Department for Communities and Local Government March 2015 Technical Housing Space Standards (THSS) contains a more up to date set of standards than given in the current 2005 development plan and provide an indication of what the Government considers is a good standard of accommodation. These standards are set to be adopted within the emerging plan which is at an advanced stage and now carries weight. An accommodation schedule has been submitted, with a breakdown of internal floor areas. All units meet the THS internal space standards and are provided with internal storage. There are no single aspect north or south

facing units to avoid issues of under/overheating and all habitable rooms are provided with a degree of light, ventilation and outlook.

In terms of inter-overlooking and privacy between units; new developments are not afforded the same degree of privacy standards as existing development particularly within flatted developments in urban settings. However, the development and internal layout has been designed at offset angles resulting in no habitable room windows or balconies directly facing each other. The ground floor units are set at an elevated land level and slightly set back from the Western Road/William Hunter Way footpath to create defensible space, and planted separation between the ground floor units windows and the public footpath.

The first-floor units on the eastern elevation may be subject to overlooking from users of the adjacent beer garden at ground level. Whilst this would not be direct given the elevated height; it is considered the future occupiers should be provided with a greater degree of privacy as a result of the adjacent use and therefore a condition is recommended to obscure glaze the lower half of the fenestration serving units along this elevation. The upper floors would not be adversely affected as a result of their elevated position. Subject to condition; the LPA is satisfied that the arrangement would not lead to any adverse material overlooking or loss of privacy to future occupiers.

In terms of amenity provision, three balconies have been removed from the units on the eastern elevation closest to the rear of The Swan public house and its beer garden to mitigate noise impacts. The remainder of units are provided with private balconies. Three of the top floor units are also provided with larger private roof terraces. Limited communal amenity space is provided within the courtyard; but given the highly sustainable location of the site with easy and frequent access to the borough's parks and open space and the financial contribution requested towards the improvement and maintenance of these spaces. The amenity provision is considered acceptable in this instance.

The development is provided with an integral refuse store on the ground floor for all units. The refuse store is positioned adjacent to Western Road with direct and step free access for ease of collection. The store is large and provides provision for both waste and recycling; in line with emerging policy requirements.

### Noise

The application site is directly adjacent to The Swan public house; which has a beer garden and car park that runs the length of the site's eastern elevation. An objection has been received from Greene King; regarding the impact the development would have on the pub should it be approved.

Paragraph 187 of the NPPF states: '*planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and*

*community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'.*

Paragraph 187 identifies that potential noise issues may exist between existing and new development but does not preclude conflicting uses from being permissible. Noise within urban town centre locations cannot be entirely avoided and residents living near to licensed premises should expect a certain amount of disturbance but not to the extent that it causes them a noise nuisance.

Concern was originally raised from the Council's Environmental Health officer regarding the proximity of the units and the beer garden (particularly those closest to the rear of pub and those on lower floors). In response further acoustic testing was carried out by the developer and an additional noise assessment was submitted to the LPA, to determine the existing sound levels in the area and to ensure appropriate mitigation for the residential units would be provided; such as acoustic glazing and sound proofing. In addition, three balconies were removed from the units that would be most affected.

The Council's Environmental Health Officer has advised within their consultation response that the additional acoustic testing was undertaken in January and is therefore not convinced this is representative of the levels of noise from the beer garden in summer months or a 'worst case scenario'.

As a result, the Environmental Health Officer has however advised that it is possible to provide a solution to mitigate against noise impact from the use of the adjacent pub garden, (albeit this may not prevent people making complaints; which is outside of the Council's control), but additional testing would be required.

Therefore, a condition has been recommended for additional testing between a period in the summer, to gather a more representative measure of noise and for the developer to propose adequate mitigation to meet the identified noise levels in line with British Standards. Another condition to demonstrate that the units have been fitted with the correct noise mitigation measures prior to occupation is also recommended.

Subject to such conditions the LPA is satisfied that adequate noise mitigation can be achieved to make the development acceptable in planning terms in line with the requirements of National Planning Policy (para 187) and to ensure the future occupiers would not be adversely impacted by noise pollution.

#### Trees, Landscaping and Ecology

The site as existing contains very little vegetation and is almost entirely hard surfaced. Five small trees are earmarked for removal, the Council's Arboriculturalist has advised the trees are of low value (3x category C trees and 2x category U trees) and as a result there is no objection to their removal. A category B Silver Birch tree and a Portuguese laurel located outside of the site boundary are to be retained and an arboricultural impact assessment and method statement has been submitted which details protection measures to ensure the retained trees would not be adversely impacted during the construction process.

The proposed development includes the addition of seven new trees within the proposed courtyard, which would mitigate for the loss of the existing trees. Whilst the site has a high density and significant built form, the courtyard is south facing and good light levels are achieved.

New low hedge/shrub planting is also proposed within the courtyard and along the highway boundary with Western Road, which would soften the building within the street scene and provide some defensible space to the future occupiers of the development.

A preliminary ecological appraisal has been submitted, which identifies the site contains no protected species and has a very low ecological value.

The amendments received during the lifetime of the application include the introduction of a sedum roof on the flat areas of the building. This would significantly enhance the ecological offering on the site alongside the increase in planting at ground level; amounting to a biodiversity net gain in what is an urban location; that would accord with the aspirations of 180(d) of the NPPF.

In summary, the relevant consultees have raised no objections to the scheme on landscape or ecology grounds, subject to a detail landscaping/planting condition to include the sedum/green roof.

#### Access, Parking and Highway Considerations

The original plans for the site included the provision of a shared vehicular and pedestrian access at approximately 45 degrees to the Western Road carriageway and immediately adjacent to the existing zebra crossing. This was deemed unsafe for all highway users. In response the developer has submitted alternative access arrangements which include a 90-degree access and positioned the access further to the south of the zebra crossing. The Highway Authority are satisfied that this revised arrangement complies with highway standards and has been safety audited.

A transport statement has been submitted as part of the application which demonstrates that the associated traffic generated from the development would not have an adverse impact on the transport network or highway safety. The Highway Authority have advised the change of use of the site can be expected to result in a

limited increase in trips during the course of an average day. However, they have further advised that given the type of development and its central location, it is not anticipated to have a material impact on the performance of the local highway network.

The proposal provides a dedicated ground floor integral cycle store for 60 cycles that can be entered directly from Western Road; and 8 visitor cycle spaces within the courtyard. An obligation has been put forward to provide a pedestrian link to the High Street; should agreement be facilitated with the adjacent landowner of No.129/129A High St, to further promote pedestrian permeability and walkable links to the Town Centre; in line with the aspirations of emerging policy R12 and the TCDG, as well as accordance with local policies T14 and T15 of the adopted development plan.

In terms of vehicle parking, the proposed development seeks to provide 31 car parking spaces for the future occupiers, including two disabled spaces within the ground floor courtyard which are designed and positioned for those with limited mobility. The majority of the parking spaces are located within an undercroft car park within the lower ground floor of the building, facilitated by the ground levels of the site. The applicant has also confirmed all undercroft spaces would have passive EV charging; meaning the infrastructure is installed to provide electric charging when required by the future occupiers, in line with emerging policy BE11.

The transport statement submitted refers to the site's central location and good public transport links. The adopted parking standards advise "*Reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport*". It is considered that this is such a location.

A similar development in 2018 at 141-147 High Street; within close proximity of the application site was approved by the planning committee with no parking provision given its sustainable location and close and frequent access to public transport and services. This proposal seeks to provide a 0.52 ratio of car parking for future residents; far greater than what was approved at the adjacent site, which lends weight to the view that the level of provision of car parking proposed on this site should be considered acceptable.

The Highway Authority also advises that the reduced standard is appropriate due to the location close to Brentwood High Street with its facilities, car parks and access to frequent and extensive public transport services. The local parking restrictions should also ensure that there is no overspill onto surrounding roads.

In summary, no objections are raised by the Highway Authority to the development proposal following the amendments to the access and subject to conditions listed in the consultation section above. The development complies with the adopted parking standards and current local policies CP1 (iv) and (v), T2, T5, T14 and T15.

### Fire Considerations

No objections have been raised by the Fire Department in respect of access to both existing and proposed development. Further details would be addressed through building control legislation. The comments made in respect of sprinklers and water supply had been added as an informative for the developer.

### Contamination

A phase 1 desk study and risk assessment has been undertaken and submitted as part of the application. The report identifies that the site has potential sources of contamination. An intrusive investigation should be undertaken and if required a remediation strategy should be produced to make the site suitable for residential use. The Council's Environmental Health Officer has advised additional investigation can be carried out and details of remediation supplied via planning condition; prior to the commencement of work on site.

### Air Quality and Pollution

An air quality assessment has been submitted with the application that demonstrates that the proposed development would not have an adverse impact on the surrounding area, and that future residents would not be exposed to unacceptable levels of air quality. The Council's Environmental Health department have raised no objections in this regard, subject to a condition to minimise dust impacts during construction.

### Flood Risk and Drainage

The site is located in flood zone 1 (the lowest risk of flooding) and no part of the site is identified as being at risk from surface water flooding. The site is within a critical drainage area, as is most of the Brentwood Urban Area.

A site-specific flood risk assessment has been submitted alongside the application as well as surface water drainage strategy. The drainage strategy has been amended during the lifetime of the application following an objection from the SUDs team at the Lead Local Flood Authority (LLFA) Essex County Council as a result of the discharge of surface water into the foul water sewer in Western Road. The revised drainage strategy as an alternative proposes a soakaway and permeable paving system to provide the required attenuation for the proposed development with no discharge into the sewer. Following this amendment; the LLFA have removed their objection and consider the development would be acceptable subject to conditions.

The proposal is considered to provide a suitable site-specific sustainable drainage system that would adequately dispose of surface water and would not increase

flood risk elsewhere; in accordance with the provisions of the NPPF and emerging policies R12 and BE05.

### Other Matters

The representations received that relate to material planning matters have largely been covered within the report above. In terms of other matters raised:

Commercial uses are not afforded the same degree of protection to amenity considerations as residential occupiers. The pub garden as existing has a number of outdoor structures, immediately to the rear of the pub which already prevent light reaching these areas. The area most affected is a narrow strip where a number of picnic benches have been placed in recent years, however a recent site visit as part of this application has revealed part of this area is also currently covered by a gazebo; providing shading and reducing sunlight. Therefore, whilst the development would lead to a loss of light and overshadowing to part of what is a very narrow area of seating; this would not prevent the use from functioning and being used as a beer garden and outdoor space. This consideration is therefore afforded limited weight.

The comment in relation to the LDP housing allocation within and around the town centre is a matter for the strategic plan process; which has been subject to multiple consultations and has been found to be sound by the Inspector.

In terms of infrastructure; Essex County Council and Brentwood Council consultees have been consulted and requests have been made for financial contributions where necessary to support local infrastructure. The CCG has commented the HIA submitted is flawed but have carried out their own assessment and recommended a contribution is required to mitigate the impact in regard to health infrastructure. The development complies with adopted planning policies in regard to DDA compliance.

The development would lead to disturbance during the construction process however this is not a reason to refuse the development. A condition is recommended for a Construction Environment Management Plan to mitigate and minimise the effects.

### Contributions

Planning obligations - secured through Section 106 of the Town and Country Planning Act - assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. They should only be used where it is not possible to address unacceptable effects through a planning condition(s). Conditions have a slightly more limited ability to deal with issues, for example they cannot be used to require the payment of monies. Planning obligations, can cover financial contributions, but must only be sought where they meet the tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (and repeated in national planning policy NPPF paragraph 56), that is:



- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

Affordable Housing: As outlined within the report above 21 affordable housing units of affordable rent and discounted market sales tenure are required on site.

Education: Essex County Council Infrastructure team has confirmed that no case can be made to justify an education payment. For that reason, such a payment is not requested.

Highway Infrastructure: The Highway Authority at Essex County Council has confirmed that given that the site is not causing any material impact on the highway and is in a highly sustainable location they are unable to justify any contributions towards highway infrastructure, improvements or cycle routes at this point in time.

Health Care: The Mid and South Essex NHS Clinical Commissioning Group (CCG) has calculated that the development would be likely to have an impact on the NHS funding programme for the delivery of health and care provision within this area and specifically within the health catchment of the development. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision. On this basis the CCG has requested a sum of £22,800 be secured through a planning obligation in the form of a S106 agreement in order to increase capacity for the benefit of patients of the surgeries in the vicinity of the application site.

Open Space: Current local policy LT4 states developers of residential sites greater than 1.0 ha. (or 50 units) will normally be required to provide a LEAP with a minimum area of 400 sq.m and 5 types of play equipment (either on-site or off-site) and at least 1 LAP on-site with a minimum area of 100 sq.m and make a financial contribution towards the provision of a NEAP. LT4 is largely outdated following the rationalisation of the boroughs play spaces, where new sporadic play facilities are no longer favoured.

Emerging policy states all major development proposals should investigate and maximise opportunities to enhance open space, play, sport and recreation facilities where possible and appropriate, particularly in areas of deficiency in quantity and quality. New development can help to enhance provision even where it is not feasible to deliver new public open space on site. This could include improving access, through public realm enhancements, to existing nearby facilities or alternatively, contributions will be sought where appropriate.

The site is small and constrained, provision for open space is therefore very limited. The landscaped courtyard offers some relief and small areas of external seating are provided. Nearly all units are provided with private balconies and some of the units

on the upper floor have larger private terraces. The development does not provide any family sized units (3 beds), therefore it is not anticipated the proposal would amount to any significant increased demand on surrounding play spaces, but the use of surrounding public open space, parks and high street public realm would be heightened due to the limited open space that can be provided on this site.

The Open Space Supervisor (OSS) has recognised the nature of the scheme and has identified there are already play facilities located a short distance away in North Road and larger facilities within King George's Playing Fields. In light of this and in combination with the lack of family sized units proposed a financial contribution in line with the requirements of local policy LT4 and emerging policy. The contribution would be used instead to improve and maintain existing open space. This may include at St Faiths; (which is in walking distance of the development site), public realm improvements within the High Street and outdoor sports provision around the development area of King George's Playing Fields and Hartswood; all of which are likely to be used by future occupiers. A sum of £60,000 has been requested [equating to £1,000 a unit] which is in line with contributions recently agreed on developments elsewhere in the Borough.

The applicant has confirmed they are prepared to make a financial provision towards open space by way of a S106.

Pedestrian Link: The developer has agreed, in the event that the neighbouring site is redeveloped, or the Council secure agreement with owners of the alley way adjacent to 129-129a High Street, that an opening in the boundary wall can be created to allow pedestrian access by foot through the alley way to the application site, and subsequently onto Western Road.

### Planning Balance and Conclusion

The NPPF's states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

*-approving development proposals that accord with an up-to-date development plan without delay;  
-or where a local plan is out of date (which includes local planning authorities that cannot demonstrate a five year supply of deliverable housing), granting permission, unless:*

*the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.*

This application is submitted at a time when two development plans overlap. As such both of the above considerations are applied.

As outlined within the report, the proposal would result in the redevelopment of a brownfield site in a highly sustainable town centre location; which is supported by the policies within the 2005 adopted local plan and National Planning Policy. The site is also allocated for housing provision within the emerging development plan and the Brentwood Town Centre Design Plan. The site has been identified as a key location for residential growth of the borough; on one of Brentwood's very limited number of brownfield sites.

The provision of 60 residential units on the site, which would include a provision of 21 onsite affordable housing units, will help to boost the supply of market and affordable housing in the Borough. This would be of a significant public and social benefit to the borough that weighs heavily in favour of the development. The development is also being brought forward by a national house builder; meaning the units would also be immediately deliverable. This is also weighted in favour of the development; given the boroughs 'Brentwood Housing Action Delivery Plan' (Nov 2021) states where housing delivery falls below 75% (as is the case) the presumption in favour of sustainable development – the 'tilted balance' - applies for planning applications for residential development.

The proposal would not result in detrimental harm to assets of particular importance (in this case heritage assets) and would in fact have a neutral/positive impact on the Brentwood Town Centre conservation area; compared to the existing development on site.

Officers consider the matters relating to noise mitigation and the impact on existing premises could be overcome through planning condition, to meet the requirements of paragraph 187 of the NPPF.

The objection from the housing department in regard to the affordable tenure mix has weight. An 86% affordable rent provision as outlined within the SHMA is a high requirement, and is likely to affect the viability of a scheme. When weighted in the planning balance it is not considered that the deficiency in mix – as little as the change in one unit from shared ownership to social rent would be sufficient to (just) make the majority of the units social rent, albeit somewhat off the full 86%/14% preferred mix - would be sufficient grounds to refuse the development taking into account that the developer is proposing a 35% provision in terms of the number of units and the overall benefits of the scheme when viewed as a whole. Especially when assessed in line with current adopted policy H9; which does not specify this tenure requirement.

The heightened overlooking to a small number of existing premises in Western Gardens is also not considered to significantly or demonstrably outweigh the benefits of the framework as taken as a whole, taking into account the provisions of paragraph 11 (Making effective use of land), which seeks to support the

development of underutilised land and buildings and to give substantial weight to the value of using suitable brownfield sites.

The development is considered to be policy compliant in every other aspect.

As a result and for the reasons outlined above the presumption in favour of sustainable development applies and planning permission should be granted for the development hereby proposed; without delay.

The application is therefore recommended for approval subject to the conditions and planning obligations (to be secured through a s106 legal agreement); outlined below.

## **7. Recommendation**

The Application be APPROVED subject to completion of a Section 106 Agreement and to the following conditions:-

As part of the recommendation, it is requested that power be delegated to Head of Planning to agree minor changes to conditions listed below and to the S106 agreement, subject to agreement of the Chairman of the Planning & Licensing Committee, should they be necessary.

S106 Agreement Heads of Terms (all monies indexed):

- Provision of affordable housing (21 units – 10 affordable rent – 11 DMS)
- Health needs contribution (£22,800)
- Open space contribution (£60,000)
- Facilitation of future pedestrian link to High St

Planning conditions

### 1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### 2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

### 3 Materials

No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority.

The details shall include:

- (i) sample panels of the proposed brickwork to include bond, mortar colour and any patterning/brick detailing. (NOTE: the 'vertical cording' shown on the lighter brickwork – [as shown in section 09 – 6.4 of the Design and Access Statement Addendum dated 21.02.2022] shall be omitted from the proposal).
- (ii) Coping
- (iii) and roof tiles - these shall consist of either natural slate or handmade clay plain tiles with a double camber
- (iv) materials of windows and doors to include RAL colour
- (v) balcony material

Reason: In order to secure a high-quality design in the interests of the character and appearance of the area, conservation area and adjacent heritage assets.

### 4 Typical Architectural Details

A document pack that shows typical details of:

- (i) windows – to include the depth of reveal and concealed vent strips;
- (ii) doors and thresholds;
- (iii) balconies;
- (iv) eaves, verges and cills;
- (v) vents/airbricks associated with the air source hot water pumps;
- (vi) brick detailing;

shall be submitted to and approved by the Local Planning Authority in writing prior to any development above ground level. The development shall be carried out in strict accordance with the approved details.

Reason: In order to secure a high-quality design in the interests of the character and appearance of the area, conservation area and adjacent heritage assets.

### 5 Detailed Roof Plan

No development above ground level shall take place until a detailed roof plan has been submitted to an approved in writing by the local planning authority. The roof plan shall include details of:

- (i) build up sedum roof
- (ii) maintenance access and mansafe systems
- (iii) AOVs or extraction

- (iv) The boundary treatments and functionality of three private roof terraces and any privacy screens that may be required

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

Reason: In order to secure a high-quality design in the interests of the character and appearance of the area, conservation area and adjacent heritage assets.

#### 6 No fixtures or fittings

No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grilles or ducting, satellite dishes, burglar alarms, security lighting, video cameras or floodlighting, surface wiring or pipework shall be fixed to the external fabric of the building without the prior written approval of the Local Planning Authority or through the agreement of details reserved by conditions.

Reason: In order to secure a high-quality design in the interests of the character and appearance of the area, conservation area and adjacent heritage assets.

#### 7 Landscaping scheme

Prior to occupation of any part of the development; a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall indicate and include:

- (i) the location and species of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved
- (ii) sedum roof – to include a programme of maintenance
- (iii) any existing trees shrubs and hedgerows to be retained
- (iv) Minor artefacts and structures (e.g. street furniture, benches, external lighting, cycle stands, signs);
- (v) Details of all hard surface materials for parking spaces, pedestrian accesses, etc
- (vi) all boundary treatments, retaining walls, gates or means of enclosure

The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, 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. Existing trees to be retained shall be protected in line with details and mitigation measures outlined within the Arboricultural Impact Assessment and Arboricultural Methods Statement hereby approved.

All hard landscaping shall also be carried out in accordance with the approved details or in accordance with a programme to be agreed in writing with the Local

Planning Authority. The hard landscaping details shall not include any unbound material in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

#### 8 Construction Environmental Management Plan (CEMP)

No development shall take place, including any ground works or demolition, until a site-specific Construction Environmental Management Plan (CEMP) has been 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) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard - BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iii) the parking of vehicles of site operatives and visitors
- (iv) loading and unloading of plant and materials
- (v) storage of plant and materials used in constructing the development
- (vi) wheel and underbody washing facilities
- (vii) The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (viii) Measures to control the tracking of mud off-site from vehicles,
- (ix) Measures to control dust from the demolition and construction works approved along with land disturbance in general.
- (x) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.

Reason: To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety and to ensure that the development does not amount to adverse environmental impacts on surrounding premises during the construction process.

#### 9 New Vehicular Access

Prior to occupation of the development and as shown in Drawing no: 2102079-05; the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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

10 Visibility splays – vehicle access

Prior to occupation of the development and as shown in Drawing no 2102079-05; the proposed site access at its centre line shall be provided with clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the site access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway in the interest of highway safety.

11 Visibility splays – pedestrian access

Prior to occupation of the development and as shown in Drawing no 2102079-05, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

12 Access Gates – inward opening only

Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway and carriageway, in the interest of highway safety.

13 Closure of existing access

The redundant vehicle access points on Western Road shall be suitably and permanently closed incorporating the reinstatement of the footway to full height immediately the proposed new access is brought into first beneficial use.

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

14 Parking

The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form



at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

#### 15 Electric Car Charging

The undercroft car park hereby permitted shall provide 100% capacity for passive EV charging to ensure appropriate infrastructure/ducting is provided to enable the installation electric vehicular charging and/or plug in points for every parking bay in the future.

Reason: To future proof the site to allow for the charging of electric or other low emission vehicles in the interest of sustainable transportation and development.

#### 16 Cycle and Refuse Storage

None of the accommodation hereby permitted shall be occupied until the facilities to be provided for the storage of cycles and refuse; have been provided in accordance with the details shown on the approved drawings. Thereafter the accommodation shall not be occupied unless those facilities are retained.

Reason: To ensure that adequate provision is made in the interest of highway safety and amenity.

#### 17 Residential Travel Information Pack

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, as approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

#### 18 SUDS – In accordance with FRA

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk and SuDS Report (EAS, January 2022) and the following mitigation measures are detailed within the Flood Risk and SuDS Report:

- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- o Detailed engineering drawings of each component of the drainage scheme.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective treatment of surface water runoff to prevent pollution.

#### 19 SUDS – Maintenance Plan

Prior to occupation a maintenance plan detailing the maintenance arrangement including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### 20 SUDS – Maintenance Logs

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. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

#### 21 Noise Mitigation – Summer Survey

The applicant shall undertake additional noise monitoring over a weekend period between May and August 2022; to provide additional information to the environmental noise assessments or subsequent year, already undertaken. The measurements shall be undertaken to assess the likely impact of noise on the proposed development from the adjacent pub garden at the Swan PH High Street Brentwood.

The applicant shall review the results of the additional monitoring and provide an assessment carried out in accordance with the provisions of BS4142:2014. This

assessment shall determine the mitigation necessary in order to meet the recommended indoor ambient noise levels contained in BS8233-2014 Table 4:

**Table 4 Indoor ambient noise levels for dwellings**

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB $L_{Aeq,16hour}$	—
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	—
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$

Details of the noise mitigation measures required in order to ensure compliance with the above noise levels shall be submitted to and agreed by the LPA prior to the installation of glazing and ventilation.

Reason: To safeguard the living conditions of future occupiers and protect the existing premises from unreasonable restrictions that may be placed upon them as a result of allowing the proposed development to proceed.

**22 Noise – Confirmation of Sound attenuation compliance**

On completion of the approved noise mitigation measures but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise, incorporating effective ventilation, in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal night noise levels of 30dB $L_{Aeq}$ , for living rooms and bedrooms and 55dB $L_{Aeq}$  for external garden areas. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB $L_{Amax}$ .

Reason: To safeguard the living conditions of future occupiers and protect the existing premises from unreasonable restrictions that may be placed upon them as a result of allowing the proposed development to proceed.

**23 Contamination – remediation**

Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site. A copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed in accordance with the approved remediation scheme prior to the occupation of the development.

Reason: To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

#### 24 Contamination - Verification Report

Within four weeks of completion of the remediation works a verification report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' shall be submitted to the Local Planning Authority for approval. The development shall not be occupied until the verification report demonstrating that the remediation measures have been completed in accordance with the approved remediation scheme, has been submitted to and approved in writing by the LPA.

Reason: To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

#### 25 Unexpected Contamination

Should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

Reason: to protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178).

#### 26 Archaeology –Mitigation Strategy

Prior to commencement (excluding demolition of the existing buildings to ground level) a programme of archaeological trial trenching shall be undertaken in accordance with the approved Written Scheme of Investigation (RPS, dated 19th January 2022). Following the completion of this work a mitigation strategy detailing the excavation/preservation strategy shall be submitted to and approved in writing by the local planning authority.

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

#### 27 Archaeology – Fieldwork

No development or preliminary groundworks can commence on those areas identified as containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, has been signed off by the local planning authority.

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

#### 28 Archaeology – Post excavation Fieldwork

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

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

#### 29 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding demolition) hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To ensure the development is built out as approved to safeguard the character and appearance of the area and the living conditions of nearby residents.

#### 30 Obscure Glazing- lower half of first floor windows

Prior to development above ground level, plans and cross sections showing the location and details of the first floor windows along the eastern elevation adjacent to site serving 'The Swan Public House' to have obscured glass (to a minimum of level 3 of the "Pilkington" scale of obscuration) up to transom height (horizontal glazing bar), shall be submitted and approved in writing by the Local Planning Authority.

The windows shall be installed prior to the first occupation of the dwellings which the window(s) are installed on. Those windows shall remain so glazed in perpetuity, unless otherwise agreed in writing by the local planning authority.

Reason: To provide the future occupiers of the first-floor units with an extra degree of privacy from overlooking from the adjacent use and beer garden.

Informative(s)

#### 1 INF02 Amendments to approved scheme

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

#### 2 INF04 Amendments to approved scheme

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

#### 3 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, CP2, H6, H9, H14, T2, T5, T14, T15, LT4, IR5, C14, C16, C18, C19, National Planning Policy Framework (NPPF) 2021 and NPPG 2014.

#### 4 INF22 Approved Following Revisions

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.

#### 5 Drainage:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015

based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

#### 6 Highway Apparatus

Any necessary relocation of street signs to facilitate the proposed access shall be at the applicant's expense.

#### 7 Surface Water on Highway

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

#### 8 Highway Works

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood, Essex CM13

#### 9 Secure By Design

Essex Police requests that the developer seeks to achieve the relevant Secured by Design accreditation for this development, which in this case will be Secured by Design Homes 2019 Version 2, March 2019. The SBD website-

(<https://www.securedbydesign.com/guidance/design-guides>) provides full details. 'SBD Homes 2019' provides full guidance for preventative measures through compartmentation and offers bespoke solutions to access control relative to each residential core of the apartment blocks. These are proven techniques to prevent unauthorised intrusion and ASB and should be considered to improve access and security for this residential development. SBD also provides guidance on flat entrance doorsets, (A Guide to Selecting Flat Entrance Doorsets).

#### 10 Water Supplies

Should the application be successful additional water supplies / fire hydrants for firefighting purposes may be necessary for this development. The architect or applicant is therefore urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344 at the earliest opportunity to discuss the necessary requirements the Officer will then liaise with the local Water Authority for the area to make the appropriate arrangements.

#### 11 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.

Note: Some sections of the proposed development appear to exceed 11 metres in height to the topmost floor level, as such the provision of suitable AWSS installations throughout is a now a Building Regulations requirement.

12INF16 Section 106

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.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**