

SITE PLAN ATTACHED

CAR PARK, WESTBURY ROAD, BRENTWOOD ESSEX

REDEVELOPMENT OF THE SITE COMPRISING 45 NO. RESIDENTIAL UNITS (CLASS C3) LANDSCAPING, CAR AND CYCLE PARKING AND ASSOCIATED PLANT INFRASTRUCTURE.

APPLICATION NO: 21/02100/FUL

WARD Brentwood West **8/13 WEEK DATE** 22 March 2022

CASE OFFICER Mike Ovenden **Ext of time** tbc

Drawing no(s) relevant to this decision: 153762-STL-P-1070; 153762-STL-P-1015 Rev A; 153762-STL-P-1055 Rev A; 153762-STL-P-1051; 153762-STL-P-1052; 6093 01 REV C; 6093 02 REV C; 6093 03; 6093 04; 153762-STL-P-1000; 153762-STL-P-1005; 153762-STL-P-1006; 153762-STL-P-1010; 153762-STL-P-1011; 153762-STL-P-1016; 153762-STL-P-1017; 153762-STL-P-1018; 153762-STL-P-1019; 153762-STL-P-1020; 153762-STL-P-1021; 153762-STL-P-1022; 153762-STL-P-1023; 153762-STL-P-1024; 153762-STL-P-1030; 153762-STL-P-1031; 153762-STL-P-1040; 153762-STL-P-1045; 153762-STL-P-1046;

The committee's attention is drawn to the follow:

The application is submitted on behalf of Brentwood Development Partnership (the applicant) which is a joint venture between MUSE and Seven Arches Investment Limited (SAIL). Seven Arches Investment Limited is Brentwood Borough Council's development arm.

Therefore, in accordance with the Council's constitution, this application is to be determined by the committee because the Council owns part of the applicant company, as indicated above, the proposal relates to Council owned land and it is a major development likely to be of interest to the committee.

1. Proposal

The site is on the west edge of the town centre. Its north edge is described by the High Street (A1023), to the east is Bennetts undertakers, to the south are the rear gardens of properties facing Westbury Road and to the west is a terrace of three dwellings facing Westbury Road before its junction with the High Street.

The site is L-shaped, with a frontage of 80 metres and a maximum depth of 57m. It has an area of approximately 0.29 hectares, is currently a tarmacked car park, sloping both north to south and east to west, and provides around 97 parking spaces. It is understood that the car park was closed in June 2021.

The proposal relates to the redevelopment of the site for 45 residential units, in a mix of flats (36), duplexes (5) and town houses (4), landscaping, car and cycle parking and associated plant infrastructure.

The development would take the form of two main buildings, one a linear building along the road frontage, with a midway, lower link section, running from near the corner of High Street and Westbury Road, heading east. The other one has a reverse L-shape footprint leading from the northeast corner of the site broadening midway down the site boundary. Vehicular access to the site would be from Westbury Road, in approximately the same position as the current access; a residents only pedestrian access would be near the northeast corner of the site between the two blocks. Between the two blocks would be a small communal courtyard, with seating, planting and pergola, linking to the pedestrian access. Parking would be in a mix of undercroft (8), car port (4) and open parking (24) near the south and west boundaries.

The main proposed frontage building would be 4 storeys at its east end, before dropping down to two storeys at its west end. This building would be brick faced. The other building running from the High Street southwards would be at various heights, including three and four storeys. It would have a lower brick clad section with boarding above.

2. Policy Context

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- Policy MG03: Settlement Hierarchy
- Policy BE01: Carbon Reduction and Renewable Energy
- Policy BE02: Water Efficiency and Management
- Policy BE04: Managing Heat Risk
- Policy BE05: Sustainable Drainage
- Policy BE07: Connecting New Developments to Digital Infrastructure

- Policy BE09: Sustainable Means of Travel and Walkable Streets
- Policy BE11: Electric and Low Emission Vehicles
- Policy BE12: Mitigating the Transport Impacts of Development
- Policy BE13: Parking Standards
- Policy BE14: Creating Successful Places
- Policy BE15: Planning for Inclusive Communities
- Policy BE16: Conservation and Enhancement of Historic Environment
- Policy HP01: Housing Mix
- Policy HP03: Residential Density
- Policy HP05: Affordable Housing
- Policy PC05: Brentwood Town Centre
- Policy NE02: Green and Blue Infrastructure; and
- Policy NE03: Trees, Woodlands, Hedgerows
- Policy NE05: Open Space and Recreational Facilities
- Policy NE09: Flood Risk
- Policy NE10: Contaminated Land and Hazardous Substances
- Policy R11 Westbury Road Car Park, Brentwood

Other local documents or guidance

- Essex Parking Standards 2009
- Brentwood Town Centre Design Guide 2019

National Planning Policy and Guidance

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

3. **Relevant History**

- None

4. **Neighbour Responses**

- Size and scale would be overbearing
- development is too high, too blocky / chunky and unattractive, too big - the scale is inhuman
- has a squashed in at all costs appearance
- There can be no need for this number of flats in this
- Development should be a maximum of 2-2½ storeys
- Courtyard would be a place for youths to gather
- Four storey development would be too high, dense and dominate the area
- Reduced quality of life
- Query accuracy of artistic impression (CGI)

- The size and scale of the development is excessive
- High density would result in problems challenges such as parking, noise, congestion, over stretched resources/amenities etc
- Proposed tree planting will affect light
- Reduce light to house and garden
- Don't object to the principle of redevelopment but this scheme is unacceptable for reasons given above
- Floors 3 and 4 will directly overlook Westbury Road houses
- Any development needs to be decent, high-quality spacious housing, with proper private gardens each and parking each, built in a style that complements the nearby Victorian houses.
- Size of proposal would affect privacy and amenity of occupiers on Westbury Road and High Street
- the consultation document that this is a landmark building, more like a monstrosity
- This will spoil the approach to the High Street up the London Road with overbearing flats towering over the road and most significantly for the residents of Westbury Road towering over our houses and gardens.
- Happy in theory; as a resident of Downsland Drive though I do feel that four stories would be too high as this is not in keeping with the developments in Westbury Road and would disrupt views looking from our property
- Far fewer parking spaces than dwellings
- Parking in Westbury Road is very problematic/overburden parking/loading/turning
- Create unacceptable traffic volumes
- Roads and pavements are inadequate and additional traffic would create conflict with pedestrians/cyclists/drivers
- Train service has become too overcrowded over last 2 years
- Insufficient parking/doesn't meet Essex standards
- A mechanism to restrict parking on local streets, such as a Section 106 condition prohibiting residents of any new development to apply for parking permits in the surrounding streets would need to be in place
- The existing parking enforcement practices are not fit for purpose
- Loss of important car park/already dangerous parking on pavements during day/night/weekends
- Access would be inadequate for emergency vehicles
- Westbury Road is a rat run with deteriorating surface/potential sink hole
- Suggest an access direct to London Road
- more dwellings with inadequate parking provision over spilling into surrounding streets
- A well lit, monitored and maintained car park would meet the future needs of the community
- Comments about under use of site for parking are misleading – the Council didn't allow the public to use it/This car park has been deliberately neglected over the past two decades/nor claimed to be under utilised
- Tree belt will be much reduced and visually amenity will be reduced as a result
- Most of the trees along the back of the site are being removed

- It is wrong to remove healthy trees
- Proposed tree planting will take 10-15 before it provides a noticeable screen
- Concern that properties to the south will not be screened; request sufficiently mature planting to provide sufficient screening from the beginning
- Would like to see an elevation providing a N/S section with 24 Westbury Road to see overlooking into house and garden
- Risk fire danger
- Neighbours would be affected by after hours noise and light
- Concerned about flooding
- The development will reduce property prices
- If BBC is serious about providing homes, not investment opportunities, sales must be to owner occupiers and not to Investment companies or buy-to-let.
- The Council and the developer will benefit whilst everybody else suffers – not surprising as this is Brentwood Councils speciality
- Brentwood Council is ruining the town and community, one new build at a time
- the design of the building is completely not in keeping with existing structures
- it is just another development of apartments with little or no character
- we use the car park to provide wheelchair access to my mothers property that would be lost which would have massive impact on my mental health and on my daughter who is now unable to visit her grandparents home causing her much confusion and distress
- Concern about effect on structural integrity of adjacent buildings
- Would construction route be controlled?
- Disturbance during construction following on from the disturbance from other local developments
- How would air pollution from construction be dealt with?
- We are asking that planning re-examines whether it is necessary to remove so many trees and if so stipulates that sufficiently tall mature trees be substituted to provide adequate screening from the start
- Request extra time to make comment (dated 19 January)
- General objection to Brentwood Council's development initiative in the area
- Brentwood Council clearly have pound signs in their eyes as this is a Brentwood Council development through the Brentwood Development Partnership
- I would hope that the Planning Committee seriously considers mine and my fellow residents' concerns and finds a better solution for this site which adds to the benefit of Brentwood Town Centre and not to its detriment!
- Brentwood is no longer a desirable county Town more of a scruffy Urban environment

5. Consultation Responses

- **Historic Buildings and Conservation Officer:**

This site is located at the western entry point to the Brentwood Town Centre Conservation Area, and immediately adjacent to the Grade II listed building of 120

High Street (List IUD 1298819) 'House, now house and offices. Early C18, early C19 and early C20. Red brick, slate hipped roofs. Rectangular plan with C19 rectangular addition on W side, principal stacks on E and W flank walls' (extract Historic England 2022). The application site is allocated within the adopted Local Development Plan.

This submission is made further to preapplication with the LPA and Essex Quality Review Panel. At preapplication Built Heritage advised the principle of development was not objected to subject to impact upon the Brentwood Townscape and the setting of Heritage Assets.

The submitted Heritage Impact Assessment correctly identifies the heritage context and that the site with development would materially impact upon the setting of the conservation area and the listed building located immediately within the context. The HIA includes detailed cartographic analysis including an OS from 1874 which appears to be the last time the developable area offered a real sense of place through landscaped gardens and High Street frontage. In terms of site features, the existing trees at the southern boundary offer clues to this former C19th setting, as such, retention and provision of a soft boundary is key to maintain.

The site at present offers little by way of contribution to character and the setting of Heritage Assets, there is opportunity to enhance setting through development and the positioning of the site adjacent to a listed building does not preclude development.

From my assessment in respect of impact upon the Brentwood Town Centre Conservation Area and 120 High Street, I find the design revisions since preapplication have enhanced the scheme which has evolved over a protracted period. Built form placed at the frontage and in 'return' at the east of the site creates an inner courtyard and sense of place. The pitched roofscape applied is congruous with the Townscape, this was discussed and tested through options throughout preapplication. The quality of the roofscape materials is key to setting, no proliferation of vents and mansafe systems should be applied and Conditions for external materials must be apportioned should the application be recommended for approval. In terms of the eastern range immediately adjacent to 120 High Street, the architectural detail at this frontage is unresolved, the openings are wide with large patio doors and balconies upon the frontage, this contrasts too strongly from the vernacular of the listed building, as a transitional form it requires greater finesse, this was discussed at preapplication. In this instance I agree with the HIA which finds the proposals result in less than substantial harm to the setting of the Grade II listed building (please refer to 3D street Scene View 10). In terms of the impact upon the Brentwood Town centre conservation area, there is impact, this at present is intrinsically linked to the material impact upon the listed building, however subject to a refinement of the proposed façade at 120 High Street and conditions of planning being applied in respect of details and materials the scheme can be considered acceptable and of neutral impact. As it stands I find in agreement with

the HIA, the proposals would result in material harm upon the setting of the Grade II listed building of 120 High Street, however this is not in respect of scale, it is in relation to the architectural response to the proposed range immediately adjacent to the listed building. Should revisions for this element be submitted please reconsult.

- **Historic England:** We do not wish to offer any comments.
- **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 does not affect Fire Service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of The Act.

Prior to statutory consultation with building control, Fire Service vehicular access to the development has been informally agreed with the developer thus ensuring compliance with The Building Regulations 2010 Approved Document 'B' Fire Safety Volume 2 Section B5 and Section 13 (1)(a) of The Act. Subject to the above conditions being maintained / achieved the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no objection to the application proceeding.

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

Building Regulations: It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector. Where appropriate Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".

Approved Inspectors will consult with the Authority in accordance with Section 13 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

Water Supplies: Statutory fire hydrant(s) are located in the vicinity of this development. The extent of works are such that no additional arrangements with regards water supplies for fire-fighting purposes are required.

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.

- **Highway Authority:**

The documents submitted with the planning application have been duly considered and a site visit has been carried out during the pre-application process. The proposals entail the redevelopment of an existing commuter car park of some 97 spaces into a residential development of 45 flats. Given the type of development and its central location, the change of use is not expected to result in an intensification in use of the site.

The proposals also include the use of an improved site access and the provision of 36 car parking spaces. The reduced standard is considered appropriate due to the location just a few metres from Brentwood High Street 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 the following requirements:

- Construction Management Plan
- vehicular access shall be widened to a minimum 5m, with appropriate dropped kerb, and retained at that width for 6 metres
- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres
- No occupation until parking area is provided and ready for use
- Provision of cycle parking to EPOA standards
- Residential Travel Information Pack for each dwelling

- **ECC SUDS:**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following conditions:

1. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment under planning reference 21/02100/FUL and the following mitigation measures detailed within the FRA:
 - Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Maintenance plan - Prior to first occupation a maintenance plan detailing the maintenance arrangements should be submitted including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies
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.

2. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, 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.

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.

- **EBPG:**

The Essex Badger Protection Group's records show no badger setts close enough to be at direct risk of harm from these proposals. It is nevertheless disappointing to read comments such as "species LIKELY absent from site" within the ecological assessment rather than being given an assurance that this is definitely the case. We do nevertheless acknowledge that the current site usage and percentage of hardstanding employed makes the site far from optimal for sett building purposes. However, given the badger presence in the wider area, the possibility of badgers entering the area during the construction phase cannot be ruled out entirely. We therefore recommend that the following mitigation measures are included by way of planning condition for any approvals given to this scheme:

- o Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- o Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.
- o The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped.

- **Housing Services Manager:**

I note that this significant town development fails currently to deliver any affordable homes. 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 86% affordable rented homes with the balance providing low-cost home ownership. The Council currently has approximately 500 households on its combined lists awaiting appropriate affordable housing and we are experiencing a significant increase in the number of households approaching as threatened with homelessness; currently there are 179 households requiring urgent assistance with housing. Central sites like this in Westbury Road are critical to the supply of sustainably located affordable homes anticipated in the emerging local plan.

I note that the applicant has justified a lack of provision through the undertaking of a viability assessment and concluded that no affordable housing delivery can be achieved on the grounds of that assessment. The applicant instead offers a small offsite payment.

This payment may be appropriate, but it is essential that rigorous testing and detailed assessment of the applicant's viability assessment is undertaken, including an in-depth analysis of all assumptions used to reach this conclusion. This would be the case normally but is especially important given that this is a development being proposed through a company part-owned by the Council. Once this assessment is completed, and I have had sight of its results, I will share this with the housing team and be able to update my advice accordingly.

- **Mid & South Essex Health Care:** Request £22,300 (indexed) to fund increased healthcare service capacity to mitigate demand from occupiers of new development. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.
- **Schools & Education:** I confirm that both the Education & EY&C department are not able to make a case for contributions in this area based on current forecasts and number of qualifying units from the development.
- **County Archaeologist:** Recommends five conditions requiring a Programme of Trial Trenching and Open Area Excavation prior to the commencement of development.
- **Open Space Strategy Coordinator:** The courtyard would have limited beneficial use for families who are more likely to rely on the open space network in the Borough. The scheme will trigger a contribution of funds via a Section 106 agreement to existing open space provision under current local planning obligations. The requested contribution is £45,000 [equating to £1,000 a property] is in line with contributions recently agreed on developments elsewhere in the Borough.
- **National Highways:** No objections
- **Sustainability Consultant:**

Energy: Even allowing for a standard variance of up to 5% within normal construction practice, the development would be considered sustainable in terms of energy and carbon emissions and would still exceed the future buildings standard interim target.

Heating and cooling energy demand: It is also noted that the u values for insulation on all the major building elements have been met or improved beyond the requirements of current standards this will have the effect of reducing energy demand of the buildings and therefore make them more comfortable for residents to live in and much more cost effective to heat or cool dependent of the season.

This development exceeds the requirements set out in building regulation relating to energy efficiency and could act as a beacon of best practice to other developers in the district.

Materials: Should the development stick to the procurement schedule commitment of BES6001:2008, and alter their commitment to sustainable legal timber, then the impacts of the materials used within the site would be minimised and considered sustainable.

Site waste: The main contractor should also produce and utilise a resource management plan in addition to a site waste management plan.

Water management: As a minimum should achieve a reduction to 110l/per person/per day, and ideally as low as 95l/pp/pd.

Travel: The site is seeking to provide policy compliant number of EV charge points and additional infrastructure to increase the number based on EV ownership numbers in the future. The site is also providing secure cycle storage for residents. It can be considered a sustainable site from a transport perspective

Having reviewed all the documentation on the Brentwood planning portal, I believe that this development can be considered sustainable in terms of carbon emissions and energy use.

- **Essex Police (Secured by Design):** No objections
- **Planning Policy:**

The development site is allocated for residential development as per the Brentwood Local Plan 2016-2033 Policy R11 Westbury Road Car Park, Brentwood.

In respect of S106s contribution towards transport infrastructure

In terms of policy requirement R11 (clause 3a) regarding contributions to off-site highway infrastructure improvements:

This should be read in conjunction with Policy BE08 Strategic Transport Infrastructure and Policy BE12 Mitigating the Transport Impacts of Development. In order to support and address the cumulative impacts of planned and incremental growth, the Local Plan Transport Assessment proposed a number of highways infrastructure improvements and sustainable transport measures; these were later included and costed in the IDP Part B (the latest version was updated on 29th January 2021, document F70). Some of these measures would accommodate travels generated from this site and/or address its cumulative impacts on the highways network; as such, they require proportionate contributions from the development. The relevant transport infrastructure requiring contribution from this site are listed in the IDP Part B, they are:

- T10 Quietway Cycle Routes in Brentwood Urban Area
- T12 Railway Station Cycle Infrastructure (Central Growth corridor)
- T28 M25 Junction 28
- T29 M25 Junction 29
- T30 Signalised Junction Improvements at A1023 High Street/ B185 Kings Road/ A1023 London Road/Weald Road

In terms of highways measures, it is acknowledged that the Local Plan Transport Assessment was undertaken at a high level; therefore, detailed transport evidence from the applicant showing its impacts on the junctions listed above would assist understanding the level of cumulative impact of the proposal on these junctions and consequently the reasonable proportion of contributions, in accordance with Policy BE08 and BE12.

With regards to contributions to Junction 28 and 29 (IDP ref T28 and T29), Essex County Council and National Highways as the highways authorities would be in a better position to provide more detailed comments on the potential impacts on the highways network which will determine the level of contributions.

The Council's approach to apportioning the cost of infrastructure mitigation measures is discussed in Chapter 15 of the IDP (document F45).

In terms of policy requirement R11 (clause 3b) regarding contributions to 'quietway' cycle routes:

The 'quietway' cycle routes (IDP ref T10, listed above) are identified in the Local Plan Transport Assessment as part of non-highways measures to facilitate behavioural changes towards sustainable travels, particularly taking into account the number of schools, the level of school traffic around Brentwood Town Centre and the capacity of the highways network in this area.

Contribution towards these identified highways and non-highways measures would ensure consistency with the Policy BE12 Mitigating the Transport Impacts of Development and BE08 Strategic Transport Infrastructure.

In respect of Housing Delivery

The provision of 45 new dwellings would be an additional benefit to the borough in terms of increasing housing supply, particularly the five-year housing land supply position.

It should be noted however, that the lack of affordable housing provision onsite is not compliant with the policy HP05 Affordable Housing and it is unclear how the objective of creating mixed and balanced communities would be effectively met. This deviation from policy requirement must be justified by robust and credible evidence to the Council's satisfaction.

In respect of parking space retention

The site is situated at a highly sustainable location, in walking distance to local services, train station, employment opportunities and locationally consistent with the Council's objective for modal shift towards more sustainable forms of transport and travel. As such, it is considered that a reduction of car parking would be consistent with the Council's aims for modal shift.

During the Local Plan examination, the Council made it clear that there should be no net loss of parking provision in Brentwood town centre based on need, not current net provision. When determining car parking needs, the level of capacity, occupancy and demand is to be set out within the Council's Parking Strategy. It is acknowledged that this document is yet to be finalised. However, in preparation of the Parking Strategy, the Council commissioned work in early 2020 to survey public parking provision in Brentwood town centre according to the existing situation, provision and demand. This showed a reduced level across all public parking sites in the Town Centre (see document F73). However, Westbury Road car park was not included in the surveys because the spaces are for season ticket permit parking predominantly used by local businesses and so not available to the public. As such, in light of the overall town centre public parking needs yet to be determined, the levels of public parking space to be re-provided onsite should be informed by robust evidence on past occupancy/ vacancy levels and potential impacts the reduced number of public parking spaces would have on local businesses.

The reduced quantum of parking provision however must be accompanied by appropriate measures to promote active modes and public transport use so as not to result in off-street parking elsewhere, subsequently creating barrier to walking and cycling and reducing the appeal of the Town Centre. This can be done via on site provision as well as contributions to the wider off-site provision that have been identified and discussed above.

- **Arboriculturalist:**

Most of the site is surfaced with existing trees and shrubs confined to the northern and southern site boundaries.

The arboricultural assessment surveyed 41 trees of which 16 were Category B (Moderate Value), 22 were Category C (Low Value) and 3 were Category U (Unsuitable for retention).

The most significant landscape feature are the trees on the southern boundary which contains 35 of the 41 trees. These form a dense screen of up to 16m between the site and residential properties to the south. However the trees are growing close together and have had little management over time. This has resulted in most of the trees having poor forms, including very narrow or unbalanced crowns and thin stems. There

is also a significant amount of ivy growing within several trees which has affected their crowns and increases the risk of the trees failing in windy conditions.

The arboricultural impact assessment identifies 7 trees can be retained with the current layout.

The landscape masterplan that has been submitted proposes infilling the gaps with a mix of fastigate and 'small/medium native' trees. A detailed planting schedule has been provided for the wider landscape elements; however no detail has been provided regarding proposed species/varieties or size of stock.

Having surveyed the trees I consider there is little merit in trying to retain more of the existing trees due to their poor form. Several are relatively thin for their height with significant ivy meaning that they are liable to storm damage. If the ivy were removed the screening would be reduced. The ash trees are already showing signs of Ash Dieback.

Retaining more trees would create issues in terms of planting suitable replacements. This is because the digging of planting pits will be an impact on existing tree roots. This impact will increase if the size of the new trees increases as the pits will need to be larger. It is noted that larger stock takes longer to establish and start to put on new growth compared to smaller stock and is also more prone to failing. The size of the trees when they are planted will therefore need to balance the desire for as much screening as possible at the outset with the practicalities of planting larger stock.

The proposal to use 'small/medium native' species appears to be informed by the desire to reduce the extent of shading on the proposed rear apartments. Given the degree of separation it is considered that larger-growing trees could be planted. The proposal to plant native species would be beneficial for biodiversity; however deciduous species would not be so effective at providing year-round screening. It is likely that an element of evergreen/conifer planting would be required.

It is noted that tall fastigate oaks in engineered tree pits and permeable tree pit surfacing are proposed on the western boundary with Westbury Road. It is unclear why there is no similar detailed specification for the southern boundary which is equally as sensitive for existing residents.

In summary it is considered that the retention of the existing tree belt cannot be justified on arboricultural grounds due to the condition of several of the existing trees. It will be vital however to ensure that the final landscape scheme for this sensitive boundary includes species/varieties that are relatively fast growing, planted at appropriate density to provide a degree of screening throughout the year but without having adverse effects on the retained trees.

The detail of this planting can be finalised by condition.

The wider landscape scheme has focused on creating a useable courtyard garden and an element of privacy planting along the front boundary and is considered appropriate for the type of development.

- **Affinity Water:** No comments received
- **Anglian Water Services Ltd:** No comments received
- **Assets Manager:** No comments received
- **Bats - Mrs S Jiggins:** No comments received
- **Brentwood Access Group:** No comments received
- **Environment Agency:** No comments received
- **Environmental Health & Enforcement Manager:** No comments received
- **Essex Wildlife Trust:** No comments received
- **Operational Services Manager:** No comments received
- **Thames Water Development Planning:** No comments received

6. Summary of Issues

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

The site is in central Brentwood which the Development Plan (Policy MG03) identifies as Settlement Category 1. These provide a wide range of existing community infrastructure, services and opportunities for employment, retail, education, health and leisure facilities in designated Town, District and Local Centres for the immediate residential areas as well as to the wider population in the borough. They are typically highly accessible and well served by public transport provision, including rail services. Category 1 settlements are a focus for development in the borough. In principle a Category 1 Settlement is an appropriate place for a development of this type and size.

Site allocation Policy R11 - Westbury Road Car Park

The development of this site is a specific proposal in the Development Plan. Its requirements and the compliance with this policy are assessed below.

Requirements of the policy	Assessment of current application
Allocated for housing development for around 45 new homes.	The proposal is for 45 dwellings
1 Development principles: Proposals should:	Vehicular access is via Westbury Road
a) provide access via Westbury Road;	
b) be designed to a high standard to meet the objectives of the Town Centre Design Plan as part of a key opportunity area;	See Design comments
c) Provide good pedestrian and cycle connections to routes identified within the Brentwood Cycle Action Plan or other relevant evidence;	The proposed development contains pedestrian routes for occupiers, to the rest of the town centre
d) any future development at R11 should sustain and where possible enhance the significance of the Brentwood Town Centre Conservation Area and the Grade II listed building at 120 High Street and their settings;	See Design comments
e) be accompanied by a heritage assessment taking account of archaeological potential for the historic core of Brentwood;	The archaeology team at the County Council has identified the potential for archaeological interest on the site and has recommended to the imposition of five planning conditions to require a programme of investigation works.
f) the retention of public parking spaces to be reconfigured and integrated with the new development, provided that the number of spaces to be included is sufficient to meet overall town centre public parking needs in combination with other public parking provision within the town centre.	The proposal includes no retention of public car parking on the site. At the local plan examination this site was not considered to be public parking, but contract parking for commercial rental.
2 Drainage 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 has confirmed this in its consultation reply.
3 Infrastructure Contributions Applicants will also be required to make necessary financial contributions via planning obligations towards: a. off-site highway infrastructure improvements as may be	The Highways Authority has made no request for financial contributions via planning obligations towards off-site highway infrastructure improvements.

<p>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);</p>	
<p>b. 'quietway' cycle routes connecting transfer hubs to schools in Brentwood Town Centre.</p>	<p>The Highways Authority has made no request for financial contributions via planning obligations towards 'quietway' cycle routes.</p>

Design and effect on the Conservation Area and listed buildings

The site currently offers little by way of contribution to character and the setting of the Conservation Area or listed buildings (Heritage Assets). There is opportunity to enhance their setting through development and the positioning of the site adjacent to a listed building does not preclude development.

The Historic Buildings and Design officer's assessment in respect of impact upon the Brentwood Town Centre Conservation Area and 120 High Street, advises that the design revisions since preapplication have enhanced the scheme. Built form placed at the frontage and in 'return' at the east of the site creates an inner courtyard and sense of place. The pitched roofscape applied is appropriate with the Townscape, this was discussed and tested through options throughout preapplication. The quality of the roofscape materials is key to setting, no proliferation of vents and mansafe systems should be applied and conditions for external materials must be imposed if the application is recommended for approval. In terms of the eastern range immediately adjacent to 120 High Street, the architectural detail at this frontage is unresolved, the openings are wide with large patio doors and balconies upon the frontage, this contrasts too strongly from the vernacular of the listed building, as a transitional form it requires greater finesse, this was discussed at preapplication. The Design Officer agrees with the HIA (Heritage Impact Assessment) which finds the proposals result in less than substantial harm to the setting of the Grade II listed building. In terms of the impact on the Brentwood Town centre conservation area, there is impact, this at present is intrinsically linked to the material impact upon the listed building, however subject to a refinement of the proposed façade at 120 High Street and planning conditions being applied in respect of details and materials the scheme can be considered acceptable and of neutral impact. The HIA indicates that the proposals would result in material harm to the setting of the Grade II listed building of 120 High Street, though in elevation detail not scale. This could be addressed by condition.

These comments have been discussed with the applicant and revised plans would be required by condition to address the Design Officer's concerns.

The Guide identifies suggested densities and heights of building that would be appropriate to different areas of the town. The site is partly washed over by notation indicating medium density (56 to 240 dwellings per hectare) and up to 5 storeys (page 100), and also low to medium density (35 to 130 dwellings per hectare and up to 4 storeys in height (page 104). The proposal is for four storeys along the frontage, dropping down to two storeys, with four and three at the rear at an overall density of 155 dwellings per hectare.

Affordable housing

Policy HP01 requires proposals to have an appropriate mix of tenures to meet up to date needs assessments. More specifically, Policy HP05 requires that 35% of the housing in Major developments should be for affordable tenures, with a tenure split of 86/14% affordable rented homes/low-cost home ownership.

The Council has approximately 500 households on its combined lists awaiting appropriate affordable housing and it is experiencing a significant increase in the number of households approaching or threatened with homelessness; at the time of consultation there were 179 households requiring urgent assistance with housing. Central sites like this in Westbury Road are important to the supply of sustainably located affordable homes anticipated in the new local plan.

The applicant provided a viability report that indicates that at current values and costs the scheme generated a negative residual land value and cannot viably support any (i.e. zero) affordable housing. Despite the stated economics of the proposal the applicant states that it is prepared to take the commercial risk of offering approximately £440,000 towards affordable housing. *“This is based on the potential to improve viability based on growth in sales values and their ability to keep costs inflations under control and make savings where possible over the lifetime of the Proposed Development”*. This indicates that to make this level of commuted payment the applicant is either going to need to rely on a combination of hoped for increase in sales values over the development period, keep cost inflation under control and implement savings from the development where possible or the applicant will need to fund this commuted payment itself. This offer seemed equivocal in the submission documents but has since become a clear and firm offer.

The local planning authority appointed a specialist consultant to review the applicant's viability evidence and claims. The specialist tested the applicant's submission and considers that the proposal is capable of providing four (rather than 15.75 at full compliance) affordable units on site, though this would not be to the Councils preferred tenure split, (ie the 86% affordable rent/14% shared ownership); they would be all shared ownership units.

It has long been accepted that affordable housing should be provided as integrated parts of developments to achieve mixed and balanced communities. The provision of

a commuted payment is therefore not best practice. However Policy HP05 states that the Council will in principle accept off-site provision, or an appropriate financial contribution in lieu of on-site provision but only *where it can be robustly demonstrated that on-site provision is not possible and that, in the individual case and to the satisfaction of the Council, the objective of creating mixed and balanced communities can be effectively and equally met through either off-site provision or an appropriate financial contribution in lieu or a combination of the two.*

The planning authority’s advisors indicate that it is possible to have the four shared ownership units on the site, however, the commuted payment would be of greater financial value. It is understood that the applicant has not been in contact with the Housing team to identify a project where the sum could be spent to deliver the additional affordable housing. This provision should be over and above any provision independently proposed by the Housing team through separate redevelopment proposals or other funded or programmed schemes. On that basis there is no clear link between the £440,000 offered and the delivery of affordable housing necessary to meet the contribution required of major sites in the development plan or the LDP towards meeting the identified need in the borough. Furthermore, a review mechanism would be required in the S106 agreement to capture any improvements to the viability during the development and at completion of the scheme as a result of better market conditions. This would ensure that the affordable housing contribution continues to be set at the right level.

For those two reasons – not contributing to mixed and balanced communities and the payment not having a direct link to the delivery of additional affordable dwellings – officers would be minded to recommend refusal.

Dwelling size mix

The proposal would provide the following mix of dwellings:

Type	Number	Percentage (rounded)
1 bed	21	46%
2 bed	17	37%
3 bed	7	15%
Total	45	

Policy HP01 requires Major developments to meet the boroughs identified housing needs, amongst other things, in terms of size of dwellings. The boroughs needs are predominantly for two bedroom and above dwellings. However, in central areas, flatted development is more likely to lean towards the provision of smaller dwellings, with larger family dwellings more likely in less central areas, and in this respect the size mix proposed here on this central site is acceptable.

Sunlight, daylight and residential amenity

The application includes a daylight and sunlight assessment regarding light to windows of local buildings and to neighbouring gardens. The BRE (Building Research Establishment) advice is that properties should retain adequate levels of light, not necessarily retain existing levels. Therefore, in general terms proposals that result in a reduction in levels of light are not necessarily unacceptable. However, the conclusion of this report is that the proposed development should be considered acceptable in daylight and sunlight terms.

Residential amenity

Policy BE14 is generally supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

The Essex Design guide provides guidance on building design, site layout and context. Concern has been expressed in representations regarding overlooking. The design guide uses two measures – the distance ‘building to building’ and ‘building to boundary’ distances. The standard for the former is 25 metres, the latter is 15 metres, although these distances can be reduced where buildings do not directly face each other. The gardens in Westbury Road along the southern boundary are quite long and therefore the building to building standard is satisfied. The distance between the windows on the rear of the town houses is 15 metres and the window to boundary distance is met. In addition, the proposal would provide some measure of boundary planting to mitigate overlooking.

The west facing window to unit 41 (Townhouse) is 17m ie in excess of the standard to the site boundary and in addition the proposed west boundary fastigate tree planting would provide a measure of screening. For further comments see Landscape and Ecology below.

There are windows proposed to the rear elevation of the main frontage block. While most of those are to the rear corridor and can be obscure glazed, some are to rooms and therefore have been angled to control views. Details of measures to control overlooking can be required by condition

Standard of accommodation

The Department for Communities and Local Government March 2015 Technical Housing Space Standards (THSS) have been incorporated into Policy HP06. These standards therefore now carry full weight in planning decisions. These units meet the standards.

Sustainability

A sustainability consultant has considered the proposal on behalf of the planning authority. Comments are summarised in the consultation section above. The consultant concludes this development can be considered sustainable in terms of carbon emissions and energy use.

Secured by Design

The consultation reply for this application raises no objections and the further comments could be included as a note on the decision notice were the application to be approved.

Highways and Parking

Vehicular access to the site would remain from Westbury Road and it would be 4.85 metres wide for a distance of 22m into the site, double gates are indicated 7.3m into the site. The provision of the vehicular access on Westbury Road, rather than London Road, together with its dimensions – its width is sufficient to allow a car to enter the site which another is about to leave – are acceptable.

Car parking

The proposal incorporates features advocated in the Town Centre Design Guide, for example some undercroft parking; parking that is both screened from the frontage and well overlooked. With regard to number of car parking spaces, the proposal as assessed against the standards, as below:

Type	Number of dwellings	Car parking standard
1 bed flats	21	21 spaces
2 bed flats	17	34 spaces
3 bed flats	7	14 spaces
Visitors	-	1 per 4 dwellings ie 11.25, rounded to 12
Total	45 dwellings	81 spaces

The applicant proposes 36 parking spaces, an average of 0.8 space per dwelling, as a mix of undercroft and open parking, but has not explained how they will be allocated. Three of the spaces are 'disabled' spaces.

The applicant has submitted a transport statement that 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" (page 64). It is considered that this is such a location.

In 2018 at 141-147 High Street, almost opposite the site (corner of High Street and Weald Road), a development of 19 flats was permitted without any car parking. On the issue the committee report said:

“The proposal does not provide any off street parking spaces but given the sustainable location; that the occupiers of the flats would have access to local services and facilities as well as public transport without the need for the use of a private car; provision would be made for cycle storage within the proposed building; and that the previous permission was granted on a similar basis, the provision of no off-street parking is justified in this case.”

That site is very close to the application site and lends weight to the view that the level of provision of car parking proposed on this site should be considered to be acceptable.

The highways authority 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. It therefore raises no objections subject to conditions listed in the consultation section above.

The highways authority advises that 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.

Local residents do not share that view and are concerned about displaced parking onto local streets. One representation suggests a S106 agreement to prevent occupiers having residents parking permits. Recent caselaw indicates that outside London this is not a legitimate mechanism as S106 agreements seek to control land use and the land that such an agreement would attempt to control is the public highway which is not in the applicant's control. There is no mechanism available to the planning system to limit the provision of parking permits. The issuing authority would decide whether or not to issue residents permits to occupiers of the proposed flats.

Electric Vehicle Charging

Policy BE11 aims to maximise the provision of electrical vehicle charging. This proposal originally included the provision of 4 parking spaces with operative 7.4KW charging points, the remainder would have some of the infrastructure but fall short of functional charging points without further equipment. The recently updated Building Regulations (Part S - Infrastructure for charging electric vehicles), would in this case, require each space proposed here to be fully equipped. The applicant has now confirmed that all spaces will have fully functional car chargers from day one. The proposal complies with Policy BE11 and will be subject to a planning condition.

Cycle parking

The proposal would provide 52 cycle parking spaces. The proposal as assessed against the adopted Essex Planning Officers Association (EPOA) standards, as below. The cycle parking would be in three stores adjacent each core (building main entrance).

Type	Number of units	Standard	Proposed	Compliance/shortfall
All dwellings	45	45	52	Overall, exceeds standards

Flood Risk and SUDS

The site lies in flood zone one, the area least at risk from flooding. The Lead Local Flood Authority (ECC) raises no objections, subject to the conditions listed above in the consultations section.

Internet connectivity

Information has not been provided relating to Policy BE07 (Connecting New Developments to Digital Infrastructure) but such matters could be addressed by planning condition. This should be to the standard of full fibre broadband provision to the dwellings (FTTP).

Local Community Facilities

With regard to Policy PC10 (Protecting and enhancing community facilities) the existing car park is not a village hall, community centre, library or sports, leisure, healthcare or arts venues, shops, public houses, community halls, petrol filling stations, or medical facilities. The requirements of Policy PC10 to retain a site in its current use do not apply to this proposal.

Landscape and Ecology

Much of the site is currently devoid of planting and is surfaced with tarmac. At the rear of the site is a group of trees which provide a visual break between the site and the residential properties to the south. The submitted tree survey identifies 41 specimens, none were Category A (highest quality with a useful life expectancy of 40+ years). Sixteen were moderate quality (B - a useful life expectancy of 20+ years, twenty two were low quality (C - a useful life expectancy of 10-20 years) and 3 were assessed as not suitable for retention (Category U – unsuitable for retention). One category B and four category C trees are proposed to be retained. Appendix four of the Arboriculture Assessment identifies that much of the tree belt along the southern boundary is to be removed as are the four feature trees along the High Street frontage.

The block of trees, containing 35 trees, along the southern boundary is quite densely planted. This group has amenity value as the overall height varies generally between 10 and 16 metres. It also acts as a vegetative screen between the existing car park and residential properties to the south. The Council's arboriculturist advises that the trees are growing close together and have had little management over time. This has

resulted in most of the trees having poor forms, including very narrow or unbalanced crowns and thin stems. There is also a significant quantity of ivy growing within several trees which has affected their crowns and increases the risk of the trees failing in windy conditions.

The Council's arboriculturist further advises that having surveyed the trees he considers there is little merit in trying to retain more of the existing trees due to their poor form. Several are relatively thin for their height with significant ivy meaning that they are liable to storm damage. If the ivy were removed the screening would be reduced. The ash trees are already showing signs of Ash Dieback.

Retaining more trees would create issues in terms of planting suitable replacements. This is because the digging of planting pits would affect existing tree roots. This impact would increase if the size of the new trees increases as the pits would need to be larger. It is noted that larger stock takes longer to establish and start to put on new growth, compared to smaller stock, and is also more prone to failing. The size of the trees when they are planted would therefore need to balance the desire for as much screening as possible from the outset with the practicalities of planting larger stock.

The proposal to use 'small/medium native' species appears to be informed by the desire to reduce the extent of shading on the proposed rear apartments. Given the degree of separation it is considered that larger-growing trees could be planted. The proposal to plant native species would be beneficial for biodiversity; however deciduous species would not be so effective at providing year-round screening. It is likely that an element of evergreen/conifer planting would be required.

Along the western boundary it is proposed to plant a line of four tall fastigiata Oak trees in engineered tree pits and permeable tree pit surfacing. It is unclear why there is no similar detailed specification for the southern boundary which is equally as sensitive for existing residents. The screening effect of planting along this boundary is a matter of particular importance, born out in representations. With replacement planting there is a tension between size of specimens when planted, the point at which they act as an effective screen, and the value of that screen in the long term. The effect of the tree removals should be considered as part of the overall planning balance in terms of the benefits brought forward by the development.

In summary it is considered that the retention of the existing tree belt cannot be justified on arboricultural grounds due to the condition of several of the existing trees. It will be vital however to ensure that the final landscape scheme for this sensitive boundary includes species/varieties that are relatively fast growing, planted at appropriate density to provide a degree of screening throughout the year but without having adverse effects on the retained trees. The detail of this planting can be finalised by condition.

The internal courtyard would provide seating, a pergola, planting, raingardens, leading to small terraces for the townhouses and an element of privacy planting along the front boundary. The wider landscape scheme has focused on creating a useable courtyard garden and an element of privacy planting along the front boundary and is considered

appropriate for the type of development. Details of lighting have been provided and seek to avoid up lighting and light spillage.

The Ecological Impact Assessment concludes that the proposed application will result in 'no net loss in biodiversity' and provide opportunities for 'biodiversity net gain'. It is proposed to condition the implementation of measures for Enhancement and Monitoring set out in section five of the assessment.

Air quality

The applicant has submitted an air quality assessment indicating that despite the site being adjacent to a busy junction, it is not close to an Air Quality Management Area (AQMA). Furthermore, the energy strategy for the proposed development is proposed to be all electric, utilising zero emission technologies. Based on the assessment, the application site is considered suitable for the proposed development without mitigation and air quality should not be considered as a constraint to the development.

The impacts of construction work on dust soiling and ambient fine particulate matter concentrations have been assessed. This identified that there is a high risk of dust soiling impacts and a low risk of increases in particulate matter concentrations due to construction activities. The risk of dust causing a loss of local amenity and increased exposure to fine particulate matter concentrations has been used to identify appropriate mitigation measures. Provided these are implemented and included within a dust management plan, for example through a planning condition, the residual impacts are considered to be not significant.

Archaeology

The Essex Historic Environment Record (EHER) shows that the proposed development lies within the historic settlement of Brentwood, directly west of the core of the medieval town (first recorded in 1176; EHER 525). The development site is in proximity to the medieval Scheduled Chapel of St Thomas a Becket (EHER 528) at the heart of the medieval High Street. In addition, there are buildings shown on the street frontage of the development site on the 1st edition OS map (surveyed in 1866) of which traces may still survive below-ground. As mentioned in the desk-based assessment submitted with the planning application, one of these buildings is labelled as a maltings, and remains may survive on site related to this use.

In addition, Brentwood High Street, immediately to the north of the proposed development, is built on the line of the Roman road from Colchester to London. Consequently, the possibility of Roman remains, including those related to the road itself, surviving on site should not be discounted.

Recent archaeological work carried out elsewhere on the High Street has revealed extensive medieval and post-medieval remains, and it is likely that further deposits will be found in the proposed development area. Any archaeological deposits that may be

destroyed or disturbed by the proposed work should therefore be recorded prior to development. The archaeology team at Essex County Council therefore request that conditions (five) are imposed requiring the agreement and implementation of a programme of trial trenching and open area excavation before the commencement of the development. On that basis the proposal accords with policy BE16 (Conservation and enhancement of the historic environment).

Housing need and housing delivery

The Council can demonstrate a five year housing land supply through its new local plan. However, housing delivery rates are low. The NPPF (paragraph 11) considers that where a local planning authority has demonstrated low levels of housing delivery decisions should apply a presumption in favour of sustainable development.

For decision making this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - o 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
 - o 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 is commonly referred to as the 'tilted balance'.

If the committee were to decide that the development on its planning merits was unacceptable in planning terms, it should then judge whether it is so unacceptable as to 'significantly and demonstrably outweigh' the benefits. If it does not meet that higher threshold of harm, the application should be approved subject to appropriate conditions and planning obligations/S106 agreement.

Officers consider that some aspects of the proposal are unsatisfactory though they do not reach the level of 'significantly and demonstrably outweigh' the benefits of the development. This largely relates to the reliance on an affordable housing payment rather than on site provision of affordable housing.

Planning obligations

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.

The applicant has indicated that the development cannot viably support the provision of on site affordable housing though has offered £440,000 towards the provision of off site affordable housing. This issue is addressed elsewhere in the report.

The applicant has indicated a willingness to make financial contributions to the following:

- Education
- Library facilities
- Open space
- Travel Plan and its monitoring

Essex County Council Infrastructure team has confirmed that no case can be made to justify an education or library payment. For that reason, such payments will not be requested. Likewise, the Highways Authority has not requested a payment for travel plan monitoring.

The Mid and South Essex NHS Clinical Commissioning Group 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. The request is for £22,300.

Open Space provision

The Facilities Manager has requested a commuted payment for the maintenance and improvement of the local open space, areas which are likely to be visited and used by future residents. This is on the basis of £1,000 per unit, i.e. a total of £45,000. This would be captured in the S106 agreement.

Officers consider that all matters listed for the S106 agreement above meet the legislative tests in that they are necessary to make the development acceptable in planning terms; they directly related to the development and fairly and reasonably related in scale and kind to the development.

Other matters

Comments made in representations where they relate to planning issues, are addressed above. Representations cover matters that relate to the Council being, through a joint venture partnership, (partly) the applicant. This is made clear at the top of the report and this recommendation is made as it would be whoever the applicant was including the reliance on the 'tilted balance'. The committee must determine the application on its planning merits.

7. Recommendation

The application is recommended for conditional approval subject to a S106 agreement to cover the following matters

S106 heads of terms:

- Affordable housing payment of £440,000 with review and clawback
- Open Space provision commuted payment: £45,000
- NHS Clinical Commissioning Group: £22,300

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 documents 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 U0048331 Archaeology 1

No development or preliminary groundworks can commence until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the planning authority.

Reason: To investigate, protect and record archaeological remains in accordance with Policy BE16 and part 16 of the NPPF.

4 U0048352 Archaeology 2

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the Local Authorities archaeological advisors.

Reason: To investigate, protect and record archaeological remains in accordance with Policy BE16 and part 16 of the NPPF.

5 U0048351 Archaeology 3

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

Reason: To protect and record archaeological remains in accordance with Policy BE16 and part 16 of the NPPF.

6 U0048350 Archaeology 4

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 approved in writing by the local planning authority through its historic environment advisors.

Reason: To protect and record archaeological remains in accordance with Policy BE16 and part 16 of the NPPF.

7 U0048349 Archaeology 5

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 shall provide 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 protect and record archaeological remains in accordance with Policy BE16 and part 16 of the NPPF.

8 U0048339 Precautionary badger mitigation measures

- o Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- o Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.

- o The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- o During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- o Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped.

Reason: In the interests of the protected species

9 U0048332 Dust Management Plan

The development hereby permitted shall not commence until A Dust Management Plan (DMP) has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in compliance with the approved plan unless amendments have previously been agreed in writing by the local planning authority. The Dust Management Plan shall address all matters listed in section 7 of the Air Quality Assessment.

Reason: To protect the amenity of neighbours and the local environment.

10 U0048348 Construction Management Plan

No development shall take place, including any ground works or demolition, until a Construction Management Plan 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. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vi. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

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.

11 U0048342 SUDS Condition 1

The development permitted by this planning permission shall not be carried out otherwise than in accordance with the approved Flood Risk Assessment under planning reference 21/02100/FUL and the following mitigation measures detailed within the FRA:

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Maintenance plan - Prior to first occupation a maintenance plan detailing the maintenance arrangements should be submitted including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies
- 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.

12 Enhancement and Monitoring

The development shall incorporate the measures for Enhancement and Monitoring set out in section five of the Ecological Impact Assessment.

Reason: To enhance matters of ecological interests on the site.

13 U0048337 Materials

The development hereby permitted shall not progress above slab level until details of all external materials and details of window and door design and materials, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out using the approved materials unless a variation has been previously agreed in writing by the local planning authority.

Reason: To protect the character and appearance of this prominent site and the setting of the listed building.

14 U0048336 Sample panels

The development hereby permitted shall not progress above slab level until a sample panel showing bricks and other external materials of the dwellings has been erected on

site and agreed in writing by the local planning authority. Furthermore, no boundary screening/walls/gates etc shall be erected until a sample panel(s) showing the external materials to be used in their construction have been erected on site and agreed in writing by the local planning authority. The sample panels shall measure 1 square metre minimum shall be erected on site to show areas of new, exterior walling. Where appropriate, these panels shall indicate: Brick bond, copings, mortar mix, colour and pointing profile.

Reason: To protect the character and appearance of this prominent site and the setting of the listed building.

15 U0048334 Measures to address overlooking

The development hereby permitted shall not progress above slab level until a scheme of obscure glazing and/or other preventative measures to mitigate material overlooking shall be submitted to and approved in writing by the local planning authority. The measures shall relate to the windows on the rear (south) elevation of the dwellings between 1 and 6 (numbers shown circled) as indicated on 'elevation 3 south elevation' on drawing 153762-STL-P-1030.

16 U0048358 Landscaping

The development hereby permitted shall not progress above slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees, shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, including those in proximity to the south and west boundaries. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. 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.

Reason: In order to safeguard and enhance the character and appearance of the area and protect the amenity of local residents.

17 U0048333 Further details

The development hereby permitted shall not progress above slab level until details of the following shall be submitted to and approved by the local planning authority in writing and implemented as approved.

- Roof mounted Solar PVs as part of a package to reduce carbon dioxide emissions in comparison to the requirements of Part L Building Regulations
- Means of Managing Heat Risk
- Means of safely accessing the roof mounted PVs (mansafe system preferred)
- Measures to achieve a maximum water use of 110 litres per person per day
- Full fibre broadband provision to the dwellings (FTTP)

Reason: To fulfil the environmental objectives of the NPPF and supporting the transition to a low carbon future.

18 U0048347 Access geometry

As detailed in the Transport Statement, the vehicular access shall be widened to a minimum 5m width, together with appropriate dropped kerb, and retained at that width for 6 metres within the site from the highway boundary.

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

19 U0048346 Position of gates

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.

20 U0048346 Provision of car 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. The vehicle parking 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.

21 U0048344 Cycle parking

Cycle parking shall be provided for each dwelling in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

22 U0048343 Residential Travel Information Pack

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

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

23 U0048341 SUDS Condition 2

The approved development shall not be first occupied until a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, 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.

24 U0048361 - Car charging

No dwelling shall be occupied until the on site parking space used by its occupiers has been provided with a fully functioning car charger to at least the standard (currently 7kW) set out in Approved Document S – 'Infrastructure for the charging of electric vehicles' - operative at the time of installation.

Reason: To maximise the provision of electric vehicle charging points as required by Policy BE11.

25 U0048340 SUDS 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.

26 U0048359 M4(2) Category 2: Accessible and adaptable dwellings

All dwellings shall meet the M4(2) Category 2: Accessible and adaptable dwellings standard as set out in Building Regulations Approved document M Access to and Use of Buildings.

Reason: To create buildings and spaces where everyone can use confidently, independently with dignity and without engendering a sense of separation and segregation as set out in Policy BE15.

27 U0048338 Provision and retention of parking

Notwithstanding the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), all parking spaces indicated on drawing 153762-STL-P-1010 shall be provided prior to the first occupation of the unit they relate to and thereafter permanently retained and kept available for use for car parking.

Reason: To protect against the loss of parking on the site, in the interests of the character of the area and safety and amenity of residents.

Informative(s)

1 INF02 Reason for approval (objections)

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed in representations, 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 U0009173 Policies

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG03, BE01, BE02, BE04, BE05, BE07, BE09, BE11, BE12, BE13, BE14, BE15, BE16, HP01, HP03, HP05, PC05, NE02, NE03, NE05, NE09, NE10 and R11, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

4 U0009180 Environmental health Informatives

Any construction or renovation works undertaken (especially those that involve the use of power tools and machinery) should be undertaken with reasonable hours, to avoid action being taken under Section 60 of the Control of Pollution Act 1974.

Any vehicles arriving to the property during construction (including vehicles delivering supplies), should arrive within reasonable hours.

All resultant waste from any construction/renovations should be disposed of appropriately. We would like to inform the applicant that it is an offence to burn trade waste without an exemption from the Environment Agency. Furthermore, any waste burnt on an industrial or trade premises that gives rise to dark smoke is an offence under the Clean Air Act 1993. It is also an offence under the Environmental Protection Act 1990 to allow smoke from any bonfire to cause a statutory nuisance to neighbouring properties.

Appropriate means of dust control should be implemented at the site during demolition and construction, to avoid action taken under the Environmental Protection Act 1990.

5 U0009181 Highway Informatives

Any necessary relocation of the lighting column and/or rearrangement of street furniture to facilitate the widened access shall be at the applicant's expense.

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.

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 or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood, Essex CM13 3HD.

BACKGROUND DOCUMENTS

DECIDED: