

SITE PLAN ATTACHED

BAYTREE SHOPPING CENTRE BRENTWOOD ESSEX CM14 4BX

PARTIAL DEMOLITION OF EXISTING BAYTREE SHOPPING CENTRE AND REDEVELOPMENT TO PROVIDE NEW FLEXIBLE RETAIL/RESTAURANT/LEISURE USES (USE CLASS E), A NEW CINEMA, A NEW PUBLIC SQUARE AND 7NO RESIDENTIAL DWELLINGS ALONG SOUTH STREET. REPLACEMENT AND REFURBISHMENT OF EXISTING SHOPFRONTS, NEW SERVICE YARD, IMPROVEMENTS OF EMERGENCY ESCAPE ROUTES FOR BECKETT HOUSE, NEW SUBSTATION AND PLANT EQUIPMENT AND ASSOCIATED WORKS.

APPLICATION NO: 22/01640/FUL

WARD	Brentwood South	8/13 WEEK DATE	22 February 2023
PARISH		POLICIES	
CASE OFFICER	Julia Sargeant		

Drawing no(s) relevant to this decision: A12094 D 0210/REV I1; 2249-WWA-ZZ-ZZ-L-D-0101/REV P03; A12094 D 0250/REVI1; A12094 D 0260/REVI1; DESIGN AND ACCESS STATEMENT; 2249-WWA-ZZ-ZZ-L-D-0301/REV P01; A12094 D 0100/REV I1; A12094 D 0101/REV I1; A12094 D 0110/REV I1; A12094 D 0200/REV I1; A12094 D 0201/REV I1; A12094 D 0202/REV I1; A12094 D 0203/REV I1; A12094 D 0204/REV I1; A12094 F 0100/REV I1; A12094 F 0101/REV I1; A12094 F 0110/REV I1; A12094 F 0001/REV I1; A12094 D 0150/REV I1; A12094 F 0200/REV I1; A12094 F 0201/REV I1; A12094 F 0202/REV I1; A12094 F 0203/REV I1; A12094 F 0204/REV I1; J5031-S-SK-0001_00; J5031-S-SK-0002_00; J5031-S-SK-0003_00

This application is a scheduled Committee item because the application is submitted by Seven Arches Investment Limited (SAIL). Seven Arches Investment Limited is Brentwood Borough Council's development arm and the proposal concerns council owned land.

1. Proposals

Site Description

The application site is located in the heart of Brentwood Town Centre to the south of the High Street. The application site measures approximately 0.54ha and covers just under half of the area forming the Baytree Shopping Centre.

The application site is located within the Primary Shopping Area as defined within adopted policy PC07 and is also located in a historic context within the setting of several Heritage Assets including the Scheduled Monument of the Chapel of St Thomas a Becket, Grade II listed buildings and the Brentwood Town Centre Conservation Area.

At present the application site comprises the western half of the Baytree Shopping centre which is a part covered shopping mall as well as the western service yard. The shopping mall is a mixture of 2 – 3 storey structures. The site currently contains a number of retail units (some vacant) as well as the service yard serving the western half of the shopping centre. To the south and above part of the application site is Becket House which is a residential block of flats at 8 and 11 storeys tall. To the east of the application site is the second half of the Baytree Shopping centre. To the north is Chapel High and the Scheduled Monument of The Chapel of St Thomas a Becket with 44 High Street (Grade II listed) and the High Street beyond. Becket House is the tallest building in the vicinity of the site and currently dominates views. The Brentwood Town Conservation Area is also directly adjacent to the application site running along the High Street as well as South Street.

The application site is well connected to the local highway network, with the A1023 High Street to the north of the site and South Street to the west. It is easily accessible on public transport, foot or cycle. The site is well served by public transport with the High Street served by multiple bus routes and the Brentwood mainline train station is an approximate 10 minute walk from the application site. The application site is accessible from the High Street as well as South Street (Service yard) and the rear entrance to the Baytree Centre from New Road.

Proposal

Planning permission is sought for the partial demolition of the Baytree Shopping Centre and its redevelopment to provide new flexible retail/restaurant/leisure (use Class E) units alongside a cinema, new public open space (in the form of a public square) and seven residential dwellings. The development also includes the replacement and refurbishment of existing shopfronts, a new service yard, improvements to the emergency fire escape route for Becket House as well as new substation, plant equipment and associated works. The proposed development aims to create a sustainable and desirable new retail and leisure destination based around new external public realm.

The application site itself includes the majority of the shop fronts along the western façade of Chapel High and the western half of the main area of the shopping centre

including the service yard. The site area available for the development has been informed by the various existing freehold and tenant lease periods.

The proposed works primarily result in remodelling part of the existing Baytree Shopping centre, through some demolition and rebuild, but also reconfiguration of existing floorspace. The scheme has been developed to limit the amount of demolition required, as far as is practicable, to minimise the development's carbon footprint.

The extent of demolition is limited to unit 12 (where it protrudes from beneath Becket House) part of unit 18a, the roof over the shopping centre's former food court, the first floor of unit 20, part of unit 5 and the UKPN substation enclosure on South Street. A new public square area is proposed in place of the demolished unit 12 which will open up the Baytree Shopping centre to South Street and new flexible use retail/restaurant/leisure units will be created at ground floor level within the largely retained structure. The new public square would be open with no roof with only a small section of covered walkway proposed (to the immediate south of Chapel High).

A new 4 screen cinema is proposed at first floor level with its entrance foyer positioned at ground floor at the centre of the new public square. The proposal would result in an overall extent of new built form of around 2,995sqm, and a reduction in floorspace of built form across the site overall.

New shopfronts are proposed surrounding the new public square and along the west side of Chapel High with the use of a consistent grain of shopfront openings, regular fenestration and signage zones aiding in creating an identity for the site within its historic context.

A terrace of three storey mews dwellings are proposed along the east side of South street. Six three bedroom units are proposed and one two bedroom unit. The proposed dwellings would be set back from the roadway behind a widened pavement with new street trees.

A reduced service yard is proposed to the rear of the dwellings with access now proposed to the south of the service yard instead of opposite the existing dwellings along South street. A scheme of hard and soft landscaping has been submitted alongside the proposals including new street trees, raised planters, seating and lighting.

Pre-Application process and Essex Quality Review Panel

Prior to submission of this application the proposed development was subject to pre-application discussion with Council Officers and was also placed before the Essex Quality Review Panel for review. The proposal is also accompanied by a

Statement of Community Involvement (SCI) which provides details of community engagement undertaken and the response to this.

During the pre-application process Officers were supportive of the principle of development and it was acknowledged that the new cinema would assist in generating a new anchor for the centre. The creation of new public realm was also welcomed in line with policy requirements as well as the town centre design guide SPD. Officers further advised that there is a real opportunity with this site for engagement of paragraph 206 of the NPPF and opportunity for enhancement of heritage. It was acknowledged that this is a sensitive site and any development must be truly heritage led.

Enhancing the permeability of the area and creating safe and pleasant pedestrian movement is a key objective for the Council. The pre-application proposal showed linkage through to New Road, however there was no connectivity into South Street (although dwellings were still proposed along here) and whilst welcoming the linkage into New Road officers encouraged the potential for pedestrian linkage into South Street to assist in permeability as well as enhancing and assisting in activating the frontage along South Street.

Following the meeting with Council Officers the proposal was also presented to the Essex Quality Review Panel. The Panel considered that the redevelopment of this site provides significant opportunity to enhance the town centre and recommended masterplanning potential future development phases to ensure long-term adaptability. There were concerns arising from the proposals coming forward in a piecemeal 'phased' fashion, which has clear potential to impact detrimentally on the overall quality of design and the scope to capitalise on the greater opportunity presented by the 'whole'.

Following the feedback at pre-application stage and at Essex Quality Review Panel the proposal was further refined to increase permeability into south Street, refine the design and position of the proposed dwellings along South Street, amend the public realm offer and provide further information in relation to the wholesale potential redevelopment of the Centre and how this could in the future link into this current proposal.

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. The following policies are most relevant to this application:

MG01 – Spatial Strategy

MG04 – Health Impact Assessments (HIAs)

MG05 – Developer Contributions
BE01 – Carbon Reduction and Renewable Energy
BE02 – Water Efficiency and Management
BE04 – Managing Heat Risk
BE05 – Sustainable Drainage
BE07 – Connecting New Developments to Digital Infrastructure
BE09 – Sustainable Means of Travel and Walkable Streets
BE11 – Electric and Low Emission Vehicles
BE12 – Mitigating the Transport Impacts of Development
BE13 – Parking Standards
BE14 – Creating Successful Places
BE15 – Planning for Inclusive Communities
BE16 – Conservation and Enhancement of Historic Environment
HP01 – Housing Mix
HP03 – Residential Density
HP06 – Standards for new Housing
PC04 – Retail Hierarchy of Designated Centres
PC05 – Brentwood Town Centre
PC06 – Mixed Use Development in Designated Centres
PC07 – Primary Shopping Areas
PC08 – Non-Centre Uses
PC09 – Night Time Economy
NE01 – Protecting and Enhancing the Natural Environment
NE02 – Green and Blue Infrastructure
NE03 – Trees, Woodlands, Hedgerows
NE05 – Open Space and Recreation Provision
NE08 – Air Quality
NE09 – Flood Risk
NE10 – Contaminated Land and Hazardous Substances
NE11 – Floodlighting and Illumination

Other Local Documents or Guidance

Essex Parking Standards 2009
Brentwood Town Centre Design Guide
Brentwood Town Centre Design Plan
Town Centre Shopfront Guidance

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG)

3. Relevant History

There have been numerous consents on the site and wider Baytree Centre over the years which mostly relate to new shopfronts and advertisements and are not directly relevant to this application. The most relevant planning history is shown below:

- P/BRW/351/03 – Refurbishment and extension of shopping centre including provision of service access to eastern service area via access road at the rear of the library, improvements to the south street service area, alterations and enlargement of shops, enclosure of centre, additional shops at first floor, re-paving of pedestrian areas, provision of separate coffee shop kiosk, change of use of 1 unit within atrium to A3 (food and drink) use together with the enlargement of and improvement works to Becket House and conversion of enlarged building to provide 106 flats (45 1 bed and 61 2 bed). – Approved – 12/12/2003
- P/BRW/253/05 – Deletion of condition 25 attached to planning permission reference BRW/351/2003 to enable the retail element of the approved development to be occupied independently from the residential element. Approved – 09/05/2005

4. Neighbour Responses

Within the period of public consultation 5 letters of representation have been received. One which supports the application, two which are neutral and two that object to the application. It should be noted that one of the letters of representation was received from the Becket House Leaseholders Association, which did not object to the principle of the development but raised some specific concerns with the scheme and the specific objections have been logged under the reasons for objection section of this report.

Main reasons for objection (summarised):

- Query the need for seven new dwellings along South Street.
- Concern over where new residents will park.
- Concern over number of restaurants and coffee shops proposed.
- Query over location of new service road.
- Query over the section of existing buildings to be demolished.
- Disruption for neighbours.
- Queries the need for a cinema.
- There is already anti-social behaviour and more restaurants and leisure will make it worse.
- Concerns over noise and consider insufficient attention given to existing residences at Becket House compared to the proposed new dwellings along South Street
- Noise impact on local residents during construction period is not predicted and it is unclear how long the construction works will take.

- Noise assessment only appears to consider commercial operations associated with service yard.
- Concern regarding placement and number of noise sensitive receptors used to assess impact upon Becket House.
- Concern regarding the sustainability of the number of trips required to service the proposed development.
- Mitigation requested in regard to noise should the application be approved.
- Concern over air quality during construction.
- Becket House lies within the impact zone of the dust assessment and the potential impact of dust is significant – including on the surface of the building.
- Concern regarding the aesthetic appearance of the roofs as many flats within Becket House have an outlook predominantly over this roofline.
- Requests confirmation that the proposed fire exit for Becket House raises no security concerns and that this proposal received all relevant approvals.

Main reasons for Support (summarised):

- Application is refreshingly people orientated.
- Development is designed to fit in with the historical nature of Brentwood and enhances the unique characteristics of the town.

Main comments from Neutral representations (summarised):

- Clarification requested over parking access for residents. The plans suggest an additional 5 CPZ spaces however with 7 new properties this will be a net reduction of parking spaces for current residents.
- Clarification requested over plans in place to compensate and support the existing businesses impacted by ongoing construction works.

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/>.

• Planning Policy:

The Planning Policy Team welcomes the proposal for the partial redevelopment of the Baytree Centre, recognising it as an opportunity for Town Centre improvements to better meet local needs. The Team supports the development in principle provided due consideration is given to policy requirements.

• 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 subject to conditions relating to :

- 1 – Provision of a detailed surface water drainage scheme for the site
- 2 – Maintenance plan for the surface water drainage scheme
- 3 – Yearly logs of maintenance

- **Environmental Health & Enforcement Manager:**

The applicant has provided assessments and reports relating to Air Quality, Contaminated Land and Noise, these are reviewed below:

Air Quality

Agree with the overall assessment that the site is unlikely to either affect local air quality in the long term or be subject to poor air quality.

Geo-environmental Assessment

The Phase 1 Site Investigation report submitted by Gemco indicate that there should be further investigations on the site to determine any contamination risks – the recommendations of this report should be incorporated into further work to be undertaken secured by condition:

Noise Assessment

The applicant has provided a report from AAC Air & Acoustic Consultants. This report considers the potential noise impact of the proposed operational development on the closest noise sensitive receptors from construction and operational noise sources.

“Noise levels generated by site activities are deemed to be potentially significant if the total noise (pre-construction ambient plus site noise) exceeds the pre-construction ambient noise by 5 dB or more”

I would normally wish to ensure that the noise levels are maintained at a level of 5dB below the pre-existing ambient noise where possible.

The report concludes that some adverse impacts are anticipated from fixed plant and at the proposed residential properties which will require alternative ventilation to mitigate against noise.

The worst case predicted scenario for noise sensitive receptors contained in the proposed development indicate that levels are above the expected daytime and night-time internal noise levels.

An additional ventilation strategy will be needed to provide background ventilation to the proposed residential development.

External amenity areas will meet the upper guideline level and will not require any mitigation measures.

The assessment also identifies that whilst the total area of the service yard will reduce, there will be an increase in the number of vehicles using the yard and additional items of fixed plant will be required for the proposed uses.

The predicted noise levels at four receptors are more than five dB above the background sound level at night, and three of these will also exceed the daytime noise criteria. It is therefore likely that additional sound mitigation will be required to meet the Desirable Ambient Noise Levels for Dwellings contained in BS8233:2014.

The report indicates that the Air Source Heat Pumps (ASHPs) proposed to be located on a flat roof will cause these exceedances at assessment receptors located in Becket House; it will therefore be necessary to consider quieter units, relocation and a possible additional noise barrier or enclosure.

The proposed residential units will require standard specification double glazing to meet satisfactory noise levels and suitable acoustically attenuated background ventilation will be needed in order provide an equivalent sound reduction to the glazing and other building fabric.

In conclusion, I am satisfied that the proposals should be permitted if the appropriate measures are identified and implemented to deal with any existing site contamination and to ensure that noise levels from construction or operational activities do not adversely affect nearby receptors.

- **Historic England:**

Historic England's comments on the scheme are limited to its impact on the historic square between Brentwood High Street and The Baytree Centre, formed around the standing and buried remains of the medieval Chapel of St Thomas a Becket, a scheduled monument.

The proposed redevelopment of the Baytree Centre presents key opportunities for strategic public realm interventions and improvements. The omission of the high priority chapel square undermines improvements to the historic core that may be otherwise associated with the scheme and limits the overall potential benefit. The local plan is clear that development proposals such as the one at hand should contribute to enhancement of the square to better reveal the significance of the scheduled monument, unlock public realm improvements, and better integrate the Baytree Centre development in the historic town centre.

To ensure the application complies with policy we recommend that you seek to secure works for the enhancement of the chapel ruins and square through an

appropriate planning obligation in association with delivery of the proposed 'phase 1' scheme.

Historic England does not wish to object to the application on heritage grounds. We are, however, concerned by the omission of the chapel square from the 'phase 1' scheme and recommend that any consent should be contingent on the delivery of historic environment and public realm improvements around the chapel ruins aligned with the positive strategy set out in the Local Plan and Town Centre Design Guide.

- **County Archaeologist:**

First Response

In accordance with National Planning Policy Framework paragraph 194 and Brentwood Local Plan Policy BE16, the applicant is required to describe the significance of any heritage assets affected by the application's proposals. The submitted DBA partially addresses this, however, given the potential importance of any archaeological remains surviving on the site, and in particular, the proximity to a Scheduled Monument, a programme of onsite archaeological evaluation work should also be undertaken on the proposed development site to adequately determine the significance of any archaeological remains present that may be affected by the development.

The DBA suggests, as the shopping centre is active and the associated service yard fully operative, that any invasive evaluation would not be practical at a pre-determination stage. This office is satisfied this would be the case. A programme of geophysical survey (specifically Ground-Penetrating Radar) within the service yard, however, would be far more practical and un-invasive. Its results would serve to inform both the layout of the proposed development and any future invasive archaeological evaluation/mitigation strategies.

Second Response

Since the application was submitted a programme of geophysical survey (Ground Penetrating Radar) has been completed within the accessible areas to identify any buried archaeological remains. The preliminary results of the geophysical survey have been received which have identified anomalies which may be archaeological in origin and some which may represent structural remains. Further analysis will be required to determine if the radar anomalies correlate with former buildings depicted on historic mapping.

Based on the preliminary results of the geophysical survey there are no known archaeological remains which would prohibit development within the above site and any archaeological remains that will be impacted upon by the development can be preserved by record through a programme of archaeological investigation following consent.

Recommends conditions securing a programme of trial trenching and open area excavation.

- **Operational Services Manager:**

No response at time of report.

- **Historic Buildings and Conservation Officer:**

The development zone site is within the geographic scope of the Brentwood Town Centre Design Plan, which sought to enhance desire lines through the Conservation Area and improve pedestrian permeability on the north/south axis as well as take a cohesive approach to new development in the Town Centre as a whole, the SPD relating to this 'Plan' is the adopted Brentwood Town Centre Design Guide.

Having assessed the submission which is made further to preapplication and Essex Quality Review Panel, I reiterate the principle of a conservation led regeneration of the Baytree Shopping Centre is supported, the Council's ownership of the centre brings great opportunity to repair the edges of the historic core, improve the 'offer' for residents and visitors in order to deliver an improved and greater character and appearance of the conservation area as set out in Para 206 NPPF.

The submission pack evidences a well-considered level of contextual analysis and detail by the Project Architects, this understanding of Townscape being a critical baseline upon which to transform this pivotal location within the Historic Core, the DAS includes photographic reference around areas for enhancement as signposted within the Design Plan, for example South Street which is a highly significant yet under celebrated route within the Town Centre. The DAS also refers to a wider visioning of the location which are at present not part of the submission but given due consideration in this phasing.

Overall, I find the creation of courtyards and active frontages upon the 'new routes' a complementary approach to the existing townscape. The contemporary architecture and its scale is appropriate given the baseline of the existing scale and variety within this existing Town Centre; 'opening up' new routes will be a benefit and not in my opinion result in material harm to the setting of the Conservation Area, the listed buildings of 60 and 62 High Street or a diminution of significance.

The main matter of concern raised at preapplication was the architectural treatment of the dwellings within South Street which I advised were not fully informed by the immediate context; from my assessment of this current submission, I find there to be improvement. This run of proposed 'mews' is fairly silent in its elevational appearance and the scale drops down to the thoroughfare of South Street which offers a transitional height and relationship from the modest and characterful cottages to the greater scale of the new development to the east; activation is key to line the route but most importantly in respect of achieving Para 206 is the tree

planting and quality of materials (Bricks and Bonding, coping stones, railings and fenestration set back into reveals of no less than 75mm) this residential aspect must not be value engineered or diluted and strict Conditions must apply.

A Heritage Assessment is submitted which is considered to meet the minimum requirements of the NPPF Paragraph 194.

In summary, Built Heritage and Urban Design raise no objections subject to consultation on any Conditions of Planning. The scheme in my professional opinion meets Policy C1 of the National Design Guide and Paragraph 206 of the National Planning Policy Framework which states 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.

- **Thames Water**

No comments to make at this time.

- **Essex Police – Designing Out Crime Office**

First Response

The volume of detail provided by the applicant within the Design and Access statement clearly demonstrates the consideration of the impact of excessive permeability and the desire upon completion for a positive and successful experience for those living and visiting the location.

Residential Provision

Due to the location of the proposed residential element of the development and the challenges posed by a thriving “night-time” economy, we would be keen to understand the finer detail such as the proposed lighting, physical security measures for the individual residential units, refuse provision and storage, boundary treatments and boundary proposals between individual properties and the street.

Heritage Considerations

Due to the proximity of the heritage buildings within the foreground of the development and listed buildings to the rear, heritage directly features within this project. The DOCO are keen to positively influence that any developments within the conservation areas, are protected from crime and ASB within the planning considerations.

Public Rights of Way and Public Realm Areas

Whilst we are appreciative that the proposals provide a holistic overview and are considerate of sustainability agendas, it is important to ensure the design of all public realm areas balance appropriate levels of connectivity with permeability, and do not encourage crime and ASB.

Management and Maintenance Plan

We recommend that there is a management and maintenance plan in place at the very early stages of design for the entire development. The continued and lasting security of the development will be reliant on the effective management of the site where deficiencies in security measures can be addressed. The application of management and maintenance plans are integral to an ongoing holistic security regime which should include an appropriate lighting and CCTV plan and we would be interested in the detail of these provisions.

Second Response

Anti-Social Behaviour (ASB)

Brentwood has a vibrant night-time economy and Essex Police consider violence against women and girls when making comments on developments where women and girls are likely to be present. It is the intention of Essex Police to positively influence this development with this matter in mind. Additionally, Essex Police stated an interest in any mitigation linked to the Security Plan regarding impact on the heritage and listed buildings to the front and rear of the centre which may be impacted upon by additional footfall and alcohol associated ASB.

Security Plans

The DOCO's were interested in the extent of Security provision within the centre and a copy of the Security plan is requested at the appropriate time in the planning process.

Landscape and Lighting

Notwithstanding that this is at an early stage of the application process Essex Police requested copies of landscaping and lighting plans when available. Comments were made regarding the planned trees in South Street and the landscaping of the public realm area of the new centre.

Management and Maintenance Plans

The DOCO's sought detail at the appropriate time for management and maintenance plans which we recommend should include the future maintenance of security provisions.

Residential units

Essex Police commented on the height of the front perimeter walls of the seven new houses proposed for South Street. There is some concern regarding the height of the walls and the DOCO's asked whether the applicant would consider a railing style fence to top the walls.

Access Control

The access to the service yard behind the new housing was discussed together with the access to the public realm area. Essex Police commented on the need for the developer to consider hostile vehicle mitigation (HVM) for the public realm area; advice is to be sought from Counter Terrorism Security Advisors by the DOCO.

Additional consideration

Further to the discussions within the meeting on 20th January Essex Police would request that the applicant comply with requirements regarding the provision of CCTV and submission of A Security Management and CCTV Plan.

Conclusion

Recognise that mixed residential, retail and leisure redevelopments where safety and security has been addressed and 'designed out' at the earliest planning stages, will enhance the health and wellbeing of residents, employees and users of retail outlets and leisure facilities. Perception of crime and fear of crime can be an influential factor in determining the success, synergy and ongoing sustainability of a project of this nature.

Given the complexity of the proposal which includes residential, retail and leisure provision Essex Police requests that a condition be imposed by Brentwood Planning Office on behalf of the local authority. This condition is incumbent on the developer to seek to achieve the relevant Secured by Design accreditation detailed within the current Secured by Design Homes guide for the residential element of this development and the current Secured by design Commercial developments for the retail and leisure aspects of the project; (<https://www.securedbydesign.com/guidance/designguides>), provides full details.

- **Essex Police – Counter Terrorism Security Advisor (CTSA)**
 - The entrance to the pedestrianised area on South Street will need a Vehicle Dynamics Assessment (VDA) to determine the correct rated Hostile Vehicle Mitigation (HVM) bollards. The proposed location outlined in the plans is acceptable however procedures regarding the access control management will need to be considered. If any of the bollards need to be raised and lowered constantly to allow delivery lorries throughout the day, this could potentially cause a long term issue regarding maintenance and operation. Previous experience has shown that when they break down, they are left in the lowered position and any HVM is gone.
 - A Long Goods Vehicle (LGV 2) or a box van is anticipated as the most likely form of vehicle threat.

- There needs to be some HVM installed to the right-hand side of the South Street entrance, there are currently steps shown in the plan but these will need to be of sufficient height to provide mitigation against a "vehicle as a weapon" (VAW) type attack.
- There needs to be some HVM installed at the entrance to the centre from the High St by the side of the chapel.

- **Arboriculturalist:**

The arboricultural assessment identifies a total of 10 trees within or close to the site. The trees of the highest value are the London Plane and Bay by the chapel ruins. These will be retained and unaffected by the proposals.

Only one Category B tree, a Cherry will require removal. This is growing on the edge of the service yard off South Street and views of the tree are limited. Five other trees growing on the boundary with South Street will require removal. These are all small specimens of Category C or U. The removal of these trees would not be a constraint to the proposed development.

The proposed landscape plan will provide new tree planting that will mitigate the loss of the 6 specimens. Proprietary urban tree pit drainage and pavement support products have been specified which will result in better quality trees establishing. The ecological survey found no habitat features on site other than the trees which offer some potential for nesting birds. I agree with that conclusion.

A Biodiversity Net Gain calculation has been undertaken using the current Defra metric. Given the lack of habitat currently present this confirms that the scheme would achieve a significant net gain as a result of the additional landscape planting. The Landscape Strategy sets out how the proposed landscape has been designed to take account of the important heritage assets and improve pedestrian access. It is considered that the design approach and detailed specifications are appropriate for the location.

It is considered that the proposal would result in a positive improvement to the landscape character of this important site. I have no objections to the proposal on landscape or ecological grounds.

- **Highway Authority:**

The documents submitted with the planning application have been duly considered and a site visit has been carried out.

The proposals involve the partial redevelopment of the existing shopping centre and incorporates a relocated service access from South Street. This allows vehicles waiting to enter the site to do so clear of the public highway, which is an improvement on the existing arrangement. Accessibility improvements also include

localised widening of the South Street carriageway, a new pedestrian footway on the east side of South Street to access the proposed dwellings and a new footway to connect the adjacent multi-storey car park to the redeveloped centre.

South Street is currently protected from unwanted on-street parking by the presence of double-yellow lines and restricted resident permit holder only parking sections. There is a proposal to extend the controlled parking zone on the east side of South Street. This is a matter for Brentwood Borough Council as the parking authority and the South Essex Parking Partnership to consider. The Highway Authority is satisfied that, as this is a town centre location with good access to all of Brentwood's facilities and car parks as well as frequent and extensive public transport, there would be no harm to the safety and efficiency of the local highway network if the proposed dwellings do not include formal parking provision.

Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to the following:

- Construction Management Plan
- Provision of site access as shown
- Provision of site access and highway improvements
- Existing service access to be permanently closed.
- Submission of updated workplace travel plan and monitoring fee
- Residential Travel Information Pack
- Provision of cycle parking

- **Basildon Fire Station:**

Access

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13(1)(a)(b) and The Building Regulations 2010. Should the intention be for any existing premises affected by the re-development to remain trading during construction Fire Service vehicular access will be expected to be maintained to these premises at all times as it will upon subsequent completion of the project to ensure compliance with Section 13 (1)(b) of the 1987 Act.

The contents of the fire strategy document including reference to Fire Service vehicular access is also noted and will be given due consideration at Building Regulation consultation stage should the proposal be approved. The opportunity is however taken to highlight the following aspects often associated with such developments, which go on to include initial observations on access specific to this application.

o Where bollards or other removable barriers are required / proposed, then the details of design / operation should be agreed with this Fire Authority.

- o Trees and other features such as fixed seating, refuse bins, street lighting, signage should not be located where they will obstruct Fire Service vehicular access.
 - o With specific reference to Fire Service vehicular access to the proposed range of dwellings it appears that a suitable turning provision may be required at the head of South Street.
 - o The access routes and hard standing should be capable of sustaining a load of 18 tonnes for pumping appliances. (it is understood that buildings will be less than 11 metres in height therefore the larger Ariel Ladder access will not be required). Note turning circle of such an Essex pumping appliance is 17.8 metres kerb to kerb slightly greater than the model used to demonstrate turning provision within the service yard, it is therefore advised that confirmation is sought that the provision remains adequate
 - o Where fire appliance vehicular access is required to the underside of any decking / under-croft a clear head room of no less than 3.5 metres should be ensured throughout.
 - o For operational reasons initial Fire Service attendance will be as described in the fire strategy report via South Street entrance but also via High Street, this availability must be maintained, both during works and upon subsequent completion.
 - o The Design & Access document confirms that the 45 metre hose length criteria to all points of the development existing & proposed is achievable from the most remote point of the development (dead-end enclosed service yard), however for safety reasons such a location cannot be considered as being suitable under fire conditions therefore where it is found that the distance cannot be achieved by alternative hose laying routes a further assessment based on vehicular access to 15% of the overall perimeter of the development will be made; this strengthens the need for maintaining High Street access and may also require the provision of dry rising mains, which subject to restrictions on overall horizontal length may be considered a suitable substitute; otherwise affected aspects of the proposal may not be acceptable to this Authority. (Such an installation(s) will require externally mounted inlet cabinet(s) to be located fully visible at Fire Service vehicular access points to the complex).
 - o Access to the existing dry riser installation serving the adjacent multistorey car park located in South Street must be maintained at all times both during construction and then upon completion of the works.
- Subject to the above conditions being implemented / maintained the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority has no objection to the application in principle, as previously referred to more detailed analysis of the overall proposal will be undertaken as part of the building regulation consultation process.

- **Essex Badger Protection Group:**

The consultation includes comments on matters relating to protected species and in accordance with current advice these detailed comments are not in the public

domain. However, the group raises no objections to the proposal subject to conditions.

- **Affinity Water:**

No response at time of report.

- **Essex & Suffolk Water:**

No response at time of report.

- **Health Impact Assessment Steering Group:**

Local planning policy has a crucial role to play in ensuring that the opportunities exist for people to be able to make healthier life choices and addressing health inequalities. The National Planning Policy Framework (NPPF) acknowledges that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Brentwood Borough Council is committed to ensuring all new developments promote healthier and inclusive environments. This is partly achieved through the Local Plan policy MG04 which requires residential developments of 50 or more homes and non-residential development of 1,000 sqm to submit a health impact assessment as part of the application process.

Applicants are expected to follow the England Public Health’s guidance on Health Impact Assessments (2021), and any up to date Local guidance, such as the EPOA HIA guidance and reference to the Essex Design Guide. The guidance identifies 10 key Health Determinants:

1. Access to education
2. Access to work and training
3. Access to health and social care services and other social infrastructure
4. Access to open space and nature
5. Accessibility and active travel
6. Housing and Homes Design
7. Access to healthy food
8. Social cohesion and inclusive design
9. Crime reduction and community safety
10. Environmental Sustainability.

Members of the Brentwood HIA Steering Group all are experts within their field and sit on the Council’s Health and Well-Being Board.

Health Determinants	HIA Steering Groups Comments
Access to education	This application only consists of 7 residents homes, which will not have a meaningful impact on access to education. Therefore, this has not been considered.

<p>Access to work and training</p>	<p>The use of local supply chain during the construction phase has been noted. We would request that the applicant also make contact with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex. To encourage local labour within the borough, job opportunities should be promoted via the Brentwood Jobcentre to reach jobseekers who are the furthest from the market. We would strongly encourage the applicant to work alongside the Brentwood Chamber of Commerce, Brentwood Business Partnership and local secondary schools to highlight work experience, training and apprenticeship opportunities. It is noted that workers can use active and public travel to reach The Baytree Centre.</p>
<p>Access to health and social care services and other social infrastructure</p>	<p>Brentwood Community Hospital and two local GP surgeries are within walking distance or a short bus ride away.</p>
<p>Access to open space and nature</p>	<p>The current green space at the rear of the Baytree Centre remains in place as part of the new development. This could be developed by the way of 2 permanent table tennis tables to encourage residents and shoppers to be more active, whilst still maintaining the green space.</p>
<p>Accessibility and active travel</p>	<p>Brentwood Station is within walking distance to the development. There are a number of bus stops along the High Street to link to the rest of the borough. Secure cycle storage should be made available as part of the development. Active travel links are yet to be developed and the developer could contribute to the LCWIP for the Town Centre, which will identify routes which will need to be upgraded and improved, to encourage people to travel actively and safely in and around the town.</p>

Housing and Home Design	The seven homes proposed and their design appears to be appropriate. The homes are located within the town centre with good access to the various shops, public transport, and other services.
Access to healthy food	Will the site include a supermarket/food shop or health food shop?
Social cohesion and inclusive design	The development sits in the main town within the borough of Brentwood so it is not sitting in isolation.
Crime reduction and community safety	The report mentions natural surveillance but does not mention any public space CCTV cameras? Has any consideration been given to designing out anti-social behaviour such as position of planters, crazy paving in communal areas, creating defensible spaces etc? There is mention of living accommodation overlooking on two sides to provide security, is this a communal area or other living accommodation that is being overlooked? What security will be in place during construction?
Environmental Sustainability	There were no concerns or comments raised by the Environmental Health Officer in relation to this application.

Conclusion

Overall the HIA Steering Group are pleased to see the redevelopment of the Baytree Centre, as it is well located within the Town Centre with access to various shops, services, active travel and public transport.

It is requested that the applicant make contact with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex. To encourage local labour within the borough, job opportunities should be promoted via the Brentwood Jobcentre to reach jobseekers who are the furthest from the market. We would strongly encourage the applicant to work alongside the Brentwood Chamber of Commerce, Brentwood Business Partnership and local secondary schools to highlight work experience, training and apprenticeship opportunities.

It is noted that there are existing green spaces within the Baytree Centre site boundary. The Applicant would be encouraging to explore opportunities to

encourage the public to make use of this space, such as offering table tennis facilities or similar.

6. Summary of Issues

Principle of Development

The Council is required to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).

The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives.

As detailed above The Brentwood Local Plan 2016-2033 is the Development plan for the borough and the main relevant policies in relation to this application are listed above and although these should not be read in isolation, they are the most relevant to this application.

The site is located within the Brentwood Town Centre and also within the Primary Shopping Area under Policy PC07 of the adopted Brentwood Local Plan. The site also falls within the area covered by the Brentwood Town Centre Design Guide which is adopted as an SPD. As detailed above there are a number of policies relevant to this proposal, however policies PC04 through to PC09 of the Brentwood Local Plan are most relevant to the principle of the development.

Policy PC04 relates to the retail hierarchy of designated centres and advises that Brentwood Town Centre is designated for retail, leisure and other main town centre uses. In terms of hierarchy Brentwood Town Centre should be the first choice for retail, leisure and main town centre uses. As Brentwood Town Centre is the first choice for retail, leisure and main town centre uses there is no requirement for this proposal to undertake a retail impact assessment.

Policy PC05 relates to Brentwood Town Centre and this policy has been developed following The Brentwood Town Centre Design Plan which establishes a vision for enhancing the town through improved links and key opportunity sites. One of the key opportunity sites identified is the Chapel Ruins, Baytree Centre and South Street area, and policy PC05 under section 3 states:

“This area provides a link to strategic sites on the High Street therefore improving its permeability and integration into the wider public realm network will create a more welcoming and flexible space at the heart of the Town Centre, enable its historical settings to be celebrated. Proposals should:

- a. *Contribute to the enhancement of public realm around Chapel Ruins and the Conservation Area, retain and enhance their significance and character;*
- b. *Complement the retail function and maintain or add to the vitality, viability and diversity of the Town Centre, by means such as mixed-use schemes that include retail, leisure and residential;*
- c. *Facilitate safe and pleasant pedestrian movement through improved alleyways, lighting, wayfinding and landscaping; and*
- d. *Assist in uplifting and transforming the Baytree Centre and integrate it with the other parts of the Town Centre.”*

It will therefore be necessary to assess the proposal against the above criteria contained within policy PC05 which is done throughout relevant sections of this report.

Policy PC06 relates to mixed use development in designated centres and is written in the context of the need to retain a mix of appropriate uses for the benefit of a centre. The NPPF recognises that diversification is key to long-term vitality and viability of town centres to respond to rapid changes in the retail and leisure industries. Policy PC06 therefore sets out the criteria for assessing mixed use developments and states they will be supported if it:

- “a. Is in proportion to the scale and function of the centre;*
- b. Contains an appropriate mix of ground floor uses; and*
- c. makes efficient use of the site and is considered to be of sufficient density.”*

Policy PC07 relates to primary shopping areas and states that retail should remain the predominant use in primary shopping areas and a key consideration of this policy is to retain existing large retail units in primary shopping areas as they can be a major driver of footfall and subdivision would reduce the ability to attract major retailers. The supporting text also recognises that whilst historically non-retail uses were resisted in primary shopping areas, changes in retail trends and technology need to be taken into account as part of future development assessment.

Policy PC08 sets out non-centre uses and the criteria that must be met before any proposals for non-centre uses within designated centres is permitted. Policy PC09 relates to the night time economy and seeks to ensure that proposals, where appropriate, contribute to the diversity of the evening and night-time economy whilst not resulting in any material harm to the surrounding residential area.

This current proposal would accord with the overall principle aims and objectives of the adopted local plan. It proposed to rejuvenate the current tired and dated Baytree Centre which is identified as an opportunity site for redevelopment within The Brentwood Town Centre Design Plan and the adopted Local Plan (Policy PC05).

Town Centre Considerations

The application site is located within the area covered by the Brentwood Town Centre Design Guide and is subject to many of the Town centre policies within the Local Plan as discussed above.

From the Design Guide the majority of the application site is located within the Brentwood High Street character area with the proposed dwellings along South Street located in the other commercial streets character area.

Ensuring the vitality of town centres is an important consideration within the NPPF which advises that planning policies should (amongst other things) “*define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.*”

The current Baytree Centre is tired in appearance and contains several empty units (approx. 30% remain empty). This proposed redevelopment aims to meet the shifting demands for town centre locations and provide a more diverse mix and size of retail, restaurant and modern leisure uses around an area of improved public realm.

The application site is located within primary shopping area Brentwood High Street as set out in adopted strategic policy PC04. This policy sets out the Brentwood Town Centre should be the first choice for retail, leisure and main town centre uses. Policy PC07 relates to Primary Shopping Areas and states that retail use should remain the predominant use in primary shopping areas.

At present the majority of occupied units within the Baytree Centre are in retail use as shops with the centre closing at 5:30pm most days (4pm Sundays) (there are some exceptions such as the gym). This proposal seeks to provide new flexible E use class units to enable a variety of town centre appropriate uses that fall within Use Class E, including restaurants and cafes which would complement the proposed new cinema use and contribute to the diversity of the evening economy as promoted by policy PC09. It should be noted that the previous A1 (shops) use now falls within Use Class E and the majority of units could already be used for other E Use Classes without requiring a change of use planning application.

The overall change in floorspace proposed by the development is shown in the below table.

	Existing Gross Internal Area (GIA) sqm	Proposed Gross Internal Area (GIA) sqm
Retail and leisure (E Use Class)	13,502.4	12,814.5 (Inc. Sui Generis Cinema)

Office (E Use Class)	256.5	256.5
Residential (C3 Use Class)	0	622
Total Floorspace	13,758.9	Commercial GIA = 13,071 Residential GIA = 622 Total GIA = 13,693

Whilst the overall area of built floorspace would be reduced slightly, this is made up by the enhancement in public realm and the improved connectivity to South Street. Furthermore, the redevelopment of the site will enhance the appeal of the refurbished units (as well as existing units) to potential new tenants, particularly given the proposed new cinema which will result in the Baytree Centre becoming a destination location. The total offering of E-use class floorspace (excluding the cinema) will be 11,867sqm and will thus accommodate 86.7% of the total floorspace provided. Retail will therefore remain the predominant use in this Primary Shopping Area, as required by Policy PC07.

Flexible Use class E units will enable town centre appropriate uses at the site. All uses allowed through Use Class E are considered to be town centre appropriate uses as set out in the supporting text to policy PC08 of the adopted Local Plan. The cinema use proposed at first floor is also a town centre appropriate use.

The provision of seven residential dwellings along South Street would introduce a residential use at ground floor level within the primary shopping area. Residential use is not considered a suitable ground floor use within primary shopping centres, as set out in the supporting text to policy PC08. However South Street is a predominantly residential street at its southern end with a row of terraced cottages directly opposite the site. Currently these dwelling overlook the western rear service yard associated with the Baytree Centre and the introduction of new residential dwellings in this location will make a positive contribution to the street scene and help to activate this street frontage whilst providing additional natural surveillance to reduce the risk of anti social behaviour. The proposed dwellings would not create an over-concentration of non-centre uses and would not be harmful to the function of the primary shopping centre. There is therefore no objection in principle to the proposed seven residential dwellings in relation to policy PC08.

In line with policy PC06 (Mixed Use Development in Designated Centres) the proposal is considered to be in proportion to the scale and function of the centre, contains appropriate ground floor uses, makes efficient use of the site and is considered to be of appropriate density.

Overall, it is considered that the proposed development is appropriate in principle for this town centre location and would comply with policies PC06, PC07, PC08 and PC09 of the adopted Local Plan.

Layout

The layout of the proposed development has been dictated to an extent by the site area and proportion of the existing Baytree Centre available for redevelopment at this time. The application site is also within a historic context and the form and layout of the proposal has been heavily influenced by the requirement for the development to reference its historic setting whilst enhancing public realm and promoting pedestrian movement and connectivity.

Alleyways within the town centre are integral to the pedestrian network and a key consideration within the adopted Design Guide. South Street benefits from one of these alleyways linking directly onto the High Street. Policy PC05 (Brentwood Town Centre) requires proposals relating to the Chapel Ruins, Baytree Centre and South Street areas to (amongst other things) “*facilitate safe and pleasant pedestrian movement through improved alleyways, lighting, wayfinding and landscaping*”.

The existing Coptfold Road multi-storey car park is located to the immediate south-east of the application site and provides parking for visitors to the Baytree Centre and wider town centre environment. The location of this car park provides a high number of potential shoppers for the Baytree Centre, however at present the more direct route along South Street, or even Crown Street is often preferred bypassing the Baytree centre and Chapel High.

The proposed layout would open up the Baytree Centre to South Street creating a new public square which will assist in desire lines for pedestrians from the south and south-west (i.e. Brentwood Train Station or the multi-storey car park). This new area of public realm will assist in boosting the commercial viability of the surrounding units as well as facilitating safe and pleasant pedestrian movement through the site and onto Chapel High and the High Street. The new public square will include raised planters and seating as well as appropriate lighting.

The Historic Buildings and Conservation Officer supports the layout approach taken advising that the creation of courtyards and active frontages upon the new routes is a complementary approach to the existing townscape. The new routes are considered to be a benefit and would not result in material harm to the setting of any heritage assets.

As part of the proposal the existing pedestrian access to the south and onto New Road will be lost. This is regrettable as it does help to activate the southern edge of the Baytree Centre. However, the existing access to Becket House will remain in this location and the new improved pedestrian realm onto South Street will compensate for the loss of the covered walkway from New Road. It is acknowledged that retaining the existing New Road access and creating the new public realm would result in the loss of more retail floorspace which would detract from the offer in this town centre location. It is therefore considered that the

proposed layout strikes a good balance in creating new public realm and connectivity alongside the provision of new retail floorspace.

The proposed layout will also enable the relocation of the vehicular access to the western service yard (which will be reduced in size). Instead of access being taken directly opposite the row of cottages on the western side of South Street a new access is proposed to the south of the South Street houses, whilst the new mews houses will screen the service yard, reducing its visual and acoustic impact. A new pedestrian footway is also proposed along the east side of South Street which will further aid safe pedestrian passage in and around the site.

It is noted within the submission that the red line of this applications site is dictated by various existing freehold and tenant lease periods; however this proposal has been developed to maximise the potential positive impact upon the Town Centre whilst ensuring potential future phases are not sterilised. The submitted design and access statement contains potential future phases and detail of masterplanning as recommended at the Essex Quality Review Panel.

It is therefore considered that the proposed layout is appropriate for this site and in accordance with policies BE14 and PC05 of the adopted Local Plan.

Design, Scale and Effect on Heritage Assets

Part of the environmental role of sustainable development as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The National Design Guide is also relevant to the consideration of this application and illustrates the Government's priorities for well-designed places.

Policy BE14 of The Brentwood Local Plan seeks to ensure that all development proposals meet high design standards and deliver safe, inclusive, attractive and accessible places. As the application site is located within the setting of heritage assets Policy BE16 is also relevant to the consideration of this application

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy BE16 of the adopted Brentwood Local Plan states that

great weight will be given to the preservation of a designated heritage asset and its setting.

Policy PC05 (Brentwood Town Centre) states that development should conserve the positive qualities of Brentwood Town Centre while enhancing and improving negative aspects of function and appearance where relevant. Development in the town centre should contribute to the capacity and quality of the public realm, to a vibrant High Street and to the surrounding Conservation Area in line with the Town Centre Design Guide SPD.

The Town Centre Design Guide SPD requires new development in the High Street Character Area to be respectful of the architectural and historic context, respond appropriately to the scale of the surrounding context, consider the use of upper storey setbacks, and undertake daylight-sunlight studies to ensure that adjacent buildings are not adversely affected. The High Street character area comprises mainly 2-4 storey buildings.

The Baytree Centre has developed over time through various extensions and remodelling. The earliest buildings on site date from the 1960's with the most recent refurbishment programme (which also included conversion of Becket House into residential units) occurred in the early 2000's. The current shopping centre is a predominantly inward facing precinct of a traditional format with a pair of large retail units located at its southern end to draw shoppers in from the High Street and along the covered mall. Of these two large anchor stores only Wilko remains (unit 8 which is to be retained). Due to this traditional covered shopping mall form the current development presents open service yards to the east and west of the site which currently detracts from the character of the neighbouring residential streets (Alfred Road and South Street).

The proposal has been designed as a sustainable heritage-led redevelopment of the site. The redevelopment of this part of The Baytree Centre seeks to open up the area and create new improved public realm and connectivity into South Street. The key feature of the proposed new development is the new cinema which is to be located at first floor to ensure that active frontages are maintained at ground floor level. The positioning and size of unit required to provide a new cinema creates a focal point for the development and also assists in wayfinding. The proposed cinema unit would measure 6 metres wide by 14 meters deep at ground floor level where the entrance atrium would be located and approximately 48 metres wide by 25 metres deep (main section) at first floor level where the main bulk of the building is located. The building would have a flat roof and reach up to a maximum height of 14.5 metres above ground level.

The cinema box would represent the highest point of the redevelopment with the remainder of the proposal featuring roof heights similar to existing. The overall height of the cinema is considered to be acceptable for this locality and in line with the guidance contained within the Town Centre Design Guide SPD which advises

2-4 storey buildings are appropriate for the High Street Character Area (4 storey is generally between 12 – 18 metres depending upon design).

The cinema would be visually prominent within the development and visible from the surrounding road network as well as being located within the setting of heritage assets. The finish of this cinema unit is crucial to the development and the external materials to be used were discussed at length during pre-application discussion as well as part of the Essex Quality Review Panel. The cinema unit is to be clad in ribbon profiled metal sheet mounted (secret-fixed) as a rainscreen cladding which will appear to be hung from the parapet capping in a finish of terracotta red. Using four variations in profile shape will provide a theatrical curtail aesthetic which is considered appropriate for the end use. The choice of a terracotta red for the paint finish evolved from a study of the site's context and a desire to complement the historic predominance of red brickwork and clay tiled roofs.

Ground floor units are to be finished in yellow/buff stock brick laid in Flemish bond. As part of the proposal the majority of shopfronts along the western façade of Chapel High and within the application site itself around the new public square are to be replaced. All new and replacement shop front screens are to be formed in a blue/grey metalwork with consistent window and door positions, fascia for branded signage and high level louvres (within the square) for ventilation. Metal bus stop signage and wall lights are proposed on brickwork piers between units in matching colour and at a regular height. Street furniture, including the lamp posts and bollards within the new public Square, are also proposed to be painted in the same blue/grey colour tone.

The application has been supported by a Heritage Assessment which concludes that the proposed development would not cause any direct harm to the built heritage assets surrounding the site and that the proposals would make a positive contribution to their settings and thus significance. The report also concluded that the character and appearance of the Brentwood Town centre Conservation Area would also be enhanced.

The Historic Buildings and Conservation Officer has been consulted on this proposal and is supportive of the development subject to appropriate conditions advising that the principle of a conservation led regeneration of the Baytree Shopping Centre is supported and this proposal brings great opportunity to repair the edges of the historic core, improve the 'offer' for residents and visitors in order to deliver an improved and greater character and appearance of the conservation area as set out in Para 206 NPPF. Furthermore, the Historic Buildings and Conservation Officer considers that the contemporary architecture and its scale is appropriate for this site given the baseline of the existing scale and variety within the existing town centre.

Historic England have commented on this application and advised that they do not wish to object to the application on heritage grounds. They have raised a concern

regarding the omission of the chapel square from the proposal and consider that any consent should be contingent on the delivery of historic environment and public realm improvements around the chapel ruins through a planning obligation. Whilst it is acknowledged that policy PC05 requires proposals to “*Contribute to the enhancement of public realm around Chapel Ruins and the Conservation Area, retain and enhance their significance and character,*” the proposal must be determined as submitted. The Chapel Ruins are under separate ownership and the area around Chapel High is not included within the red line (although it is under the same ownership). As detailed above the proposal will result in an enhancement to the area overall and the proposed new shopfronts along the western façade of Chapel High will result in an enhancement to the area directly adjacent to the Chapel Ruins. Overall, it is considered that the scheme will result in an enhancement to the setting of heritage assets and complies with policy PC05. The requirement of a planning obligation to require historic environment and public realm improvements around the chapel ruins would not meet the relevant tests (it is not necessary to make the development acceptable in planning terms).

Based on the advice of the Historic Buildings and Conservation Officer and subject to conditions, it is considered that the proposals would have a positive impact on the significance of designated heritage assets within the vicinity of the application site, including the Brentwood Town Conservation Area. The conditions recommended to be attached to the permission are key to ensure the use of appropriate materials having regard to the importance of this scheme and to ensure that the intent of design shown within the submission is not diluted.

The proposed development is therefore considered to be in accordance with policies BE14, PC05, BE16 as well as the Town Centre Design Guide SPD.

Proposed Dwellings

As part of the development seven terraced dwellings along South Street are proposed which would be positioned immediately opposite the existing terraced cottages along the western side of South Street. Six of the dwellings would contain three bedrooms and one would contain two bedrooms. There is no requirement for affordable housing as part of this development as the threshold of 10 dwellings is not met.

The Town Centre Design Guide advises that infill development could occur along South Street in order to increase density in these areas. It highlights the importance of carefully considering the scale, massing and materiality of adjacent buildings. Infill development can activate currently inactive areas of the street.

The dwellings have been designed as mews style properties with flat roof finish. The dwellings are proposed to be set back from South Street behind a new 2.5 metre tree lined pavement. They would take the form of three storey townhouses, stepping back from the street at first and second floor to set back the overall height

from the street scene. The first and second floors are set back from the street frontage behind a small roof garden/terrace. The dwellings would measure 6.5 metres wide by a maximum of 10.2 metres deep (including single storey front projection) with a maximum height of 9.8 metres. The overall terrace would have a frontage of 45 metres.

In terms of design the dwellings are of a modern townhouse design with each dwelling benefiting from a small enclosed courtyard to the front enclosed by a brick wall measuring 0.95 metre in height with access via a painted filigree metal gate. This will provide the dwellings with a small defensible space as well as secure bicycle storage whilst still activating the street. A further small roof garden/terrace is proposed at first floor level and a further small terrace at second floor level.

The dwellings are proposed to be finished in yellow/buff stock brick laid in Flemish bond with green sedum roofs to the flat roofs. All window frames and doors are to be terracotta/red painted metalwork to pick up the ribbon profile metal cladding on the cinema to the rear. The proposed dwellings will conceal the new internal service yard and provide active frontage and intimate enclosure of South Street.

The Historic Buildings and Conservation Officer has been consulted on this proposal and advises that during pre-application discussion a matter of concern related to the architectural treatment of the dwellings within South Street which were not fully informed by the immediate context. The Historic Buildings and Conservation Officer now advises that there is improvement from pre-application discussions and *“This run of proposed ‘mews’ is fairly silent in its elevational appearance and the scale drops down to the thoroughfare of South Street which offers a transitional height and relationship from the modest and characterful cottages to the greater scale of the new development to the east; activation is key to line the route but most importantly in respect of achieving Para 206 is the tree planting and quality of materials (Bricks and Bonding, coping stones, railings and fenestration set back into reveals of no less than 75mm) this residential aspect must not be value engineered or diluted and strict Conditions must apply.”*

On the basis of the above and the advice of the Historic Buildings and Conservation Officer it is considered that, subject to conditions, as recommended, the proposed dwellings accord with the guidance within the Town centre Design Guide as well as policies BE14, BE16 and PC05 of the adopted Local Plan.

In terms of the amenity of future occupiers the proposed dwellings would all comply with the Nationally Described Space Standards as required by policy HP06.

For development comprising family dwellings of three bedrooms the Council generally expects to see provision of private amenity space of 100m² per dwelling. The proposed dwellings would not meet this standard. Each dwelling would benefit from 26m² of private amenity space in the form of a ground floor courtyard, a first floor terrace and a second floor terrace. Policy HP06 of the adopted local plan

states “New residential units will be expected to have direct access to an area of private and/or communal amenity space. The form of amenity space will be dependent on the form of housing and could be provided in a variety of ways, such as private garden, roof garden, communal garden, courtyard balcony or ground level patio with defensible space from public access.”

Whilst the amount of amenity space proposed for each dwelling is below the ideal standard for family homes it is considered acceptable given the town centre location of the site. Furthermore, a variety of outdoor spaces are proposed for each dwelling which would enable flexible use of the areas.

Issues of noise are considered in detail later in this report, but the findings of the submitted noise assessment is that noise can be dealt with through appropriate mitigation to ensure that it does not materially impact upon the amenity of future occupiers of these dwellings.

Overall, it is considered that the proposed development would accord with policy HP06 in terms of meeting the required standards for new housing.

Residential Amenity

There are existing residential units to the south (Becket House) and east (along South Street) of the proposed development.

In terms of the proposed redevelopment and introduction of a cinema use and residential units this is considered to be acceptable in principle subject to detailed consideration in terms of noise (which is within the below section).

It is noted that letters of representation have been received raising concerns regarding construction noise, disturbance, and dust. Whilst these concerns are understood they would only be a temporary issue and can be managed through the use of a Construction Environmental Management Plan (CEMP) to minimise the impact of the construction of the development upon surrounding residents and businesses. A condition has been recommended in this regard.

With regard to the relationship between the proposed development and Becket House to the south, it is considered that the proposed cinema building would not result in an overbearing impact on the units in Becket House or result in any material loss of light due to the orientation of the built form. The development would result in the removal of the existing roof over the food court area of the Baytree centre and the introduction of the new public square with planting and use of green roofs at first floor level will improve the outlook from many of the units in Becket House.

In terms of loss of privacy there is a lounge area proposed at first floor level within the cinema which would have large window overlooking the green roof of the single

storey element below and then towards the new public square. This window would be positioned approximately 40 metres from the southern elevation of Becket House and due to the distance involved it is not considered to result in any material loss of privacy towards the occupiers.

The proposed location and form of the dwellings along South Street have been subject to discussion with officers at pre-application stage and a daylight, sunlight and overshadowing report has been submitted in support of the application.

At present the southern section of dwellings along South Street are located opposite the black brick wall of unit 12 (currently empty) which impacts upon the light available to the front windows of these dwellings. The northern section of dwellings are located opposite the open service yard and have a relatively uninterrupted outlook for a town centre location.

The proposed development will result in the loss of the majority of unit 12, opening up the Baytree Centre to South Street which will result in an improvement to the outlook and amount of light reaching the dwellings at the southern end of South Street. To the northern end of South Street the proposed townhouses will introduce new built form which will restrict the amount of light currently reaching front elevations of these dwellings. The report goes on to analyse the impact of the development upon the dwellings along South Street and finds that in terms of annual probable sunlight hours the existing buildings do not comply with the regulations (12.4%), however even after the proposed development the value would be less than 1% more from the original building and hence would be compliant staying within 0.8 times the former value.

In terms of skyline the report advises that if following construction of a new development, the no skyline moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit. The report concludes that the development will comply and post development the skyline value would be no less than 0.8 times its former value.

Overall, the report concludes that in comparison between the original situation and the proposed new development the southern units will benefit from improved light conditions while the more northern dwellings will not be highly affected. The report also assesses light levels for future occupiers of the proposed dwellings and concludes that they will comply with the BRE Site layout planning for daylight and sunlight 2022.

The next issue to consider is loss of privacy which was another matter raised at pre-application discussions. In response to this concern the townhouses have been set back from the highway boundary to create a pedestrian path long this side of South Street and have also been designed so that the upper floors are set back from the ground floor. The front to front distances between the dwellings are

therefore between 11 and 15 metres. Given the distances between the front elevations and the public realm positioned in between it is considered that the placement of the dwellings and windows will not result in any material loss of privacy towards the occupiers of the existing dwellings along South Street.

Private amenity space in the form of a front yard, first floor terrace and second floor balcony are proposed for each dwelling. The ground floor yard area will help to activate the street front and reduce anti-social behaviour. Front walls are proposed which will also aid in privacy as well. The first floor terrace area is of a reduced scale (5 sqm) and set back behind a green roof area with the second floor terrace (8 sqm) set further back at 15 metres from the dwellings opposite. Given the distances and the fact that any views are towards the public frontage of the dwellings (not the more private rear elevations or garden areas) it is considered that the relationship is acceptable for this town centre location and would not result in any material loss of privacy.

Overall, it is considered that the proposed development would not result in any materially harmful impacts towards residential amenity and would accord with Local Plan Policy BE14 (i and j).

Noise

Local Plan Policy BE14 (Creating Successful Places) aims to safeguard the living conditions of future occupants of the development and adjacent residents.

A Noise Impact Assessment has been submitted in support of this application. This report considers the potential noise impact of the proposed operational development on the closest noise sensitive receptors from construction and operational noise sources.

The Council's Environmental Health Officer (EHO) has been consulted on this application and advises that:

"Noise levels generated by site activities are deemed to be potentially significant if the total noise (pre-construction ambient plus site noise) exceeds the pre-construction ambient noise by 5 dB or more.

I would normally wish to ensure that the noise levels are maintained at a level of 5dB below the pre-existing ambient noise where possible.

The report concludes that some adverse impacts are anticipated from fixed plant and at the proposed residential properties which will require alternative ventilation to mitigate against noise.

The worst case predicted scenario for noise sensitive receptors contained in the proposed development indicate that levels are above the expected daytime and night-time internal noise levels.

An additional ventilation strategy will be needed to provide background ventilation to the proposed residential development.

External amenity areas will meet the upper guideline level and will not require any mitigation measures.

The assessment also identifies that whilst the total area of the service yard will reduce, there will be an increase in the number of vehicles using the yard and additional items of fixed plant will be required for the proposed uses.

The predicted noise levels at four receptors are more than five dB above the background sound level at night, and three of these will also exceed the daytime noise criteria. It is therefore likely that additional sound mitigation will be required to meet the Desirable Ambient Noise Levels for Dwellings contained in BS8233:2014.

The report indicates that the Air Source Heat Pumps (ASHPs) proposed to be located on a flat roof will cause these exceedances at assessment receptors located in Becket House; it will therefore be necessary to consider quieter units, relocation and a possible additional noise barrier or enclosure.

The proposed residential units will require standard specification double glazing to meet satisfactory noise levels and suitable acoustically attenuated background ventilation will be needed in order provide an equivalent sound reduction to the glazing and other building fabric.

In conclusion, I am satisfied that the proposals should be permitted if the appropriate measures are identified and implemented to deal with any existing site contamination and to ensure that noise levels from construction or operational activities do not adversely affect nearby receptors.”

Following comments from the EHO (as above) the consultant acting on behalf of the agent queried the wording of one suggested condition (in relation to noise levels to be achieved) and a letter of representation was also received from the Becket House Leaseholders Association which raises a number of concerns in relation to noise and the quality of the submitted noise assessment. The contents of this letter were sent to the Environmental Health Officer for review as well as to the agent acting on behalf of the applicant.

The consultant acting on behalf of the agent has responded to the concerns raised by the Becket House Leaseholders Association in relation to noise and the

assessment carried out in support of the application. This response has also been passed to the EHO for review.

Discussions have been ongoing between the agent and officers in relation to the wording of conditions relating to noise. The initial response from the Council's EHO requested a condition requiring the rating noise level of any externally located plant or equipment to be at least 5dB below existing background noise levels. The consultant acting on behalf of the agent requested alternative wording to the condition as it was considered overly onerous.

Following further discussions, a revised condition was agreed with the EHO which requests a further noise assessment to be submitted and agreed prior to any plant or equipment being installed onto any part of the development. As part of this details of the exact specification of the plant/equipment, its location, possible enclosure or screening and any other mitigation that may be necessary to protect the amenities of surrounding residents shall also be provided. A condition in relation to the delivery and servicing plan for the commercial element of the development is also recommended.

Hours of use for the proposed development have not been submitted and the agent has requested that the proposal be assessed on the basis of flexible hours. The majority of the units at the Baytree Centre at present could change to any E use class without planning permission. Similarly, the cinema use is unlikely to result in any significant noise and disturbance during operating hours, only from people entering and leaving the premises. No potential 'bad neighbour' uses are proposed and on this basis it is considered acceptable to not restrict opening hours under the planning consent. The majority of end uses would require a licence which would further consider the appropriate operating hours and is in line with the guidance within the NPPF which advises that "*Planning decisions should assume that these regimes will operate effectively*" in relation to separate legislation to control pollution (which noise is). This is consistent with the approach taken on other sites.

It is therefore considered that subject to conditions the proposed development is acceptable in relation to noise and safeguarding the living conditions of future occupants of the development and adjacent residents.

Secured by Design

Policy BE14 (Creating Successful Places) requires new development to meet high design standards and deliver safe, inclusive, attractive and accessible places. Policy BE15 (Planning for Inclusive Communities) also requires new development to, amongst other criteria, ensure new public spaces are planned for everyone to move around and spend time in comfort and safety.

The Essex Police Designing Out Crime Office have commented on this application and requested conditions in relation to CCTV and Secure by Design Accreditation. These conditions are included within the recommendation.

Comments have also been received from the Essex Police Counter Terrorism Security Advisor who has requested that Hostile vehicle Mitigation be incorporated into the development. Full details of this can also be secured through a planning condition.

Subject to the condition as requested by Essex Police it is considered that in terms of crime and safety the proposed development complies with policies BE14 and BE15 of the adopted Local Plan.

Highways Considerations and Parking

This application has been supported by a Transport Assessment, Outline Delivery and Service Plan, and a Framework Travel Plan.

The application site is located in a highly sustainable location and served by excellent public transport links including bus and rail. Brentwood Railway Station is located approximately 650m from the application site.

The site at present does not have a car park but is adjacent to Coptfold Road multi-storey car park (523 spaces) and in close walking distance to other local car parks. Due to the highly sustainable location of the application site no parking facilities are proposed as part of the development.

The planning statement submitted in support of the application advises that:

“For the new residential properties, the closure of the existing South Street service yard access provides an opportunity for the existing Controlled Parking Zone (CPZ) bay on the eastern side of South Street to be extended. This will be increased from around 10.5m to 35m in length and is therefore expected to provide a net uplift in spaces of 5 spaces. Assuming one car per dwelling in this town centre location, the expected increased use of existing CPZ spaces is only expected to be that of 2 vehicles.”

As part of the proposal the existing access to the service yard along South Street will be closed and a new access point provided from the south west section of the site with vehicles now accessing an internal service yard (below the cinema unit and the rear of the proposed dwellings). This will ensure that delivery trucks no longer need to drive past the majority of dwellings along South Street.

The new service yard has been designed to include turning space so that vehicles can enter and egress from the same access point of the south western section of the site. Bollards will line the part of this route which crosses the new pedestrianised

area from South Street to ensure no conflict with pedestrian safety, and the protection of the schemes ability to promote sustainable means of travel and walkable streets as required by Policy BE09.

An assessment of trip generation projections based on the national and industry recognised TRICS trip rate database has been undertaken and concludes that the proposal will have a positive impact in increasing footfall to the site, whilst decreasing the number of car driver trips over the course of a typical Saturday afternoon.

In terms of cycle parking, 46 short-stay cycle parking spaces will be provided within the open spaces incorporated into the proposals. Long term cycle parking for staff is to be provided within each unit. Each residential dwelling will also be provided with two secure covered cycle parking spaces per dwelling. The cycle parking can be secured by way of a condition.

The outline delivery and servicing plan details that the proposed development is predicted to generate in the region of 32 total delivery/servicing trips on a typical day, predominantly by small vans and courier/panel vans and nothing larger than a 10-metre rigid bodied truck. The service yard will be controlled by security gates set-back from the public highway such that vehicles waiting to enter the site can do so clear of the public highway which is an improvement over the existing situation.

It is projected that there may be a small increase in delivery and/or servicing trips, albeit these will mostly be undertaken by small vehicles and vans. The space has been designed however to ensure that a 10-metre rigid truck or a 7.5t box van can still enter and use the service yard when required. The provision of this service yard will ensure that all servicing can take place off of the highway, and also away from any pedestrian thoroughfares.

ECC Highways have raised no objections to the proposed development subject to conditions. They further advise that as this is a town centre location with good access to all of Brentwood's facilities and car parks as well as frequent and extensive public transport, there would be no harm to the safety and efficiency of the local highway network if the proposed dwellings do not include formal parking provision.

The adopted parking standards state:

"For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment."

As the proposal is located within the main urban area of Brentwood there is no objection to the proposal being car free. Furthermore, the local highway network is protected by parking restrictions.

It is noted that the application refers to the extension of the existing Controlled Parking Zone (CPZ) bay on the eastern side of South Street to allow for a further five parking spaces. This is outside of the red line of the application site, ECC Highways have not requested this improvement and is not required to make the development acceptable in planning terms. It is acknowledged that it would bring about some betterment in terms of parking for existing residents and an informative is suggested to encourage the provision of the extension of the CPZ.

Subject to conditions, including the provision of a Residential Travel Information Pack, the proposal therefore complies with Policies BE09 (Sustainable means of travel and walkable streets), BE12 (Mitigating the Transport Impacts of Development) and BE13 (Parking Standards).

Landscape and Ecology

Paragraph 174 of the NPPF states that “Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.” Policy NE01 of The Brentwood Local Plan deals with the protection and enhancement of the natural environment seeking biodiversity net gain where possible.

The application site at present is mostly hardstanding and built form with limited soft landscaping or habitat. The application has been supported by an outline planting strategy, a tree constraints plan, a tree survey, landscape strategy, landscape masterplan, preliminary ecological appraisal and biodiversity net gain assessment.

As part of the development one category B tree (a Cherry) will be removed which is growing on the edge of the service yard as well as five other trees growing on the boundary of South Street which are all small specimens of Category C or U. The Council’s arboriculturalist advises that the removal of these trees would not be a constraint to the proposed development and proposed landscape plan will provide new tree planting that will mitigate the loss of the 6 specimens further advising that proprietary urban tree pit drainage and pavement support products have been specified which will result in better quality trees establishing.

In terms of ecology the ecological survey found no habitat features on site other than the trees which offer some potential for nesting birds. The council’s consultee agrees with that conclusion and advises that the Biodiversity Net Gain calculation has been undertaken using the current Defra metric. Given the lack of habitat currently present this confirms that the scheme would achieve a significant net gain as a result of the additional landscape planting. As part of the development two sparrow terrace boxes and 2 bat boxes are to be included.

The Landscape Strategy sets out how the proposed landscape has been designed to take account of the important heritage assets and improve pedestrian access. It is considered that the design approach and detailed specifications are appropriate for the location.

Overall, the council's arboricultural consultant advises that the proposal would result in a positive improvement to the landscape character of this important site. Full details can be controlled through the use of planning conditions.

Air Quality

The purpose of Local Plan Policy NE08 (Air Quality) is for development to meet national air quality standards and identify opportunities to improve air quality or mitigate local exceedances and impacts to acceptable legal and safe levels.

An Air Quality Assessment report has been submitted in support of this application. The air quality report concludes that there will be minimal long-term impact to the existing air quality in the area. Whilst there will be some negative impact on the localised air quality during construction (also through dust) this can be managed in line with best practice and controlled via a planning condition to require full details of mitigation measures to be agreed prior to any works starting on site.

Brentwood Council's Environmental Health Officer agrees with the overall assessment that the site is unlikely to either affect local air quality in the long term or be subject to poor air quality. Conditions have been recommended to secure mitigation during construction.

It is noted that concerns have been raised by neighbouring residents in relation to air quality and dust during the construction period. Any disruption would be temporary and subject to conditions to require appropriate mitigation to minimise impacts would not warrant refusal of the scheme.

It is therefore considered that the Proposed Development would, subject to conditions, comply with Local Plan Policy NE08 (Air Quality).

Contamination

Local Plan Policy NE10 (Contaminated Land and Hazardous Substances) aims to manage any risks, including to human health and the environment including the quality of local groundwater or quality of surface water.

A Phase 1 Geoenvironmental Assessment has been submitted in support of this application. This report identifies that historically the site was formerly partially residential and an open parcel/field which was redeveloped in the 1970's and again in c.1985 to a predominantly commercial premises. The Site is underlain by superficial deposits of Stanmore Gravel Formation (Sand and Gravel), which are in

turn underlain by Bagshot Formation (Sand) bedrock. Both the superficial Stanmore Gravel and Bagshot bedrock are Secondary 'A' Aquifers with a combined groundwater vulnerability of 'Medium'.

The report concludes that risks to sensitive receptors are generally considered Very Low or Low based on the likelihood of contamination or the lack of pathway due to widespread hardstanding proposed in the redevelopment.

However the report does indicate that there should be further investigations on the site to determine any contamination risks. The recommendations are as follows:

- “• A Geotechnical Site Investigation will likely be required to inform the civil and structural engineering design of the proposed development, and such an investigation is recommended to include soil and water sampling for the chemical analysis of soils and water (if encountered) in order to determine the general contamination conditions at the Site and for the assessment of the risks identified by the CSM;*
- Gas and groundwater monitoring may be prudent to assess the ground gas risk and determine the resting groundwater level;*
- An HSG 264 Asbestos survey is recommended to be undertaken in structures proposed for demolition and refurbishment due to the potential for the use of asbestos in pre-1999 structures; and*
- A Discovery Strategy should be in place during all the development works”*

Council's Environmental Health Officer agrees with the overall assessment and has recommended conditions which would encompass the above recommendations within the submitted report.

It is therefore considered that the Proposed Development would, subject to conditions, comply with Local Plan Policy NE10.

Archaeology

The site is directly adjacent to the historic core of Brentwood, which is first recorded in 1176 and evolved in the medieval period as a ribbon settlement along the line of the main road between London and Chelmsford (EHER 525). The Essex Historic Environment officer advises that although the proposed development is set back from the High Street there is a high possibility of archaeological deposits related to backyard plots and medieval occupation, including outbuilding remains, rubbish pits or evidence of industrial/commercial activity, being present on the site. Additionally, the site is in close proximity to the Scheduled Monument of "The Chapel of St Thomas a Becket", the ruined remains of an early 13th-century chapel (rebuilt in the 14th century) which formed the historic nucleus of the medieval town (EHER 528).

Given the above, the groundworks of the proposed development have a high likelihood of impacting upon archaeological remains. During the lifetime of the

application a programme of geophysical survey (specifically Ground-Penetrating Radar) within the service yard was requested by the Essex Historic Environment Officer and duly submitted by the applicant.

The preliminary results of the geophysical survey have been received which have identified anomalies which may be archaeological in origin and some which may represent structural remains. Further analysis will be required to determine if the radar anomalies correlate with former buildings depicted on historic mapping. Based on the preliminary results of the geophysical survey there are no known archaeological remains which would prohibit development within the above site and any archaeological remains that will be impacted upon by the development can be preserved by record through a programme of archaeological investigation following consent.

The Essex Historic Environment Officer requested a number of conditions to be added to the decision notice, including a programme of archaeological works. The conditions have been included within the recommendation, and the proposal is considered to comply with Policy BE16 (Conservation and Enhancement of Historic Environment).

Fire Service Access

As part of the proposed development one of the existing emergency escape route along the northern elevation of Becket House would be revised. The existing escape route exits onto an existing 1st floor rooftop from which residents escape across a roof. This route has now been shortened and a new external staircase would provide an escape route into the new public square.

The houses, due to the open plan nature, would all be fitted with domestic sprinkler systems together with fire-resistant partitions and a door to separate the ground floor from the upper floors.

The new cinema would have three fire escape stairs, offering alternatives should any route be compromised.

Space is provided within the service yard for any fire service vehicle to access and turn around.

Essex Fire Services (Basildon Fire Station) have been consulted on this application and advised that they have no objection to the application in principle and more detailed analysis of the overall proposal will be undertaken as part of the building regulation consultation process. They have made comments, most of which relate to assessment at the building control stage of the development, however where relevant the requirements have been included within the recommendation as informatives in relation to retention of fire access for trading units during

redevelopment, design and operation of bollards, access both during and post construction and maintenance of water supplies.

There were other points made by the fire service that were considered important to address at this stage and these were sent to the agent to action. The first point was where the fire service advised: *“With specific reference to Fire Service vehicular access to the proposed range of dwellings it appears that a suitable turning provision may be required at the head of South Street.”*

The agent has responded that:

“South Street is a narrow, historic street, with no existing provision for fire tender access (without a significant reversing manoeuvre) to the existing residential dwellings that line it. Whilst we are not proposing a turning head at the northern end (‘the head’) of South Street, as it would compromise the scheme’s ability to provide a new improved and active street frontage with new infill housing, in line with the local authority’s townscape and heritage requirements, the scheme instead proposes a new turning head onto the public square. This would provide significant improvements to fire tender access to South Street by allowing a three-point turn, and thus provide a Building Regulations compliant solution to tackling fire in the proposed South Street housing, and improving the existing situation in this location.” A plan has also been submitted demonstrating this turning space and also that the full extent of residential floorspace can be reached within maximum reversing and hose distance limits.

The second point raised by the fire service that required addressing was: *“turning circle of such an Essex pumping appliance is 17.8 metres kerb to kerb slightly greater than the model use to demonstrate turning provision within the service yard, it is therefore advised that confirmation is sought that the provision remains adequate.”*

The agent provided a plan demonstrating that a 17.8m kerb to kerb turning circle can be achieved in the service yard.

Flood Risk and Drainage

The application site falls within the lowest flood risk area, Flood Zone (FZ) 1, and is at low risk of flooding. Based on the NPPG flood risk vulnerability and flood zone compatibility table the development is considered ‘appropriate’ in this low risk flood zone. The development satisfies the Sequential Test based on the site falling within Flood Zone 1.

The application site is however located within a critical drainage area and has therefore been supported by a Flood Risk Assessment and Sustainable Drainage Assessment. The drainage report advises that a 62% betterment of the 1 in 1 brownfield flow rate is proposed and that overall there is a 9% decrease in impermeable area within the proposed development.

The Lead Local Flood Authority have been consulted on this application and initially raised a holding objection to the proposal as greenfield run off rates of 1.27l/s were not proposed, and rainwater re-use should be used. The consultant for the application responded to the holding objection advising that due to site constraints greenfield rates are not achievable and instead following the Essex Design Guide a 50% betterment of the brownfield 1 in 1 year runoff rate is proposed as an alternative. Rainwater harvesting is not considered feasible for this site due to its existing nature and the implications of storage and potential additional distribution.

In terms of incorporating SuDS techniques into the proposed development the most viable method for this proposal is the inclusion of green roofs, Urban Arboflow tree pits and below ground attenuation tanks.

Following the response from the consultant the lead Local Flood Authority removed their holding objection and advised that they have no objection to the proposal subject to conditions which are detailed above in the consultation section of this report.

Overall, it is considered that subject to appropriate planning conditions the development is acceptable in flood risk and drainage terms.

Infrastructure Requirements

The Planning Policy team have been consulted on this proposal and are supportive of the principle of the development. In considering whether any contributions should be made to infrastructure projects by the proposal they have advised the following:

Policy MG05 relates to Developer Contributions and as set out within the Council's Draft Planning Obligations SPD, "where development is proposed on non-allocated sites in the vicinity of the identified strategic and necessary infrastructure and development will benefit or be acceptable due to the said infrastructure, landowners and developers of those sites may also be required by the Council to contribute towards the cost of such strategic infrastructure via a S106 agreement. The Council shall determine on a case-by case basis, in line with the statutory tests for planning obligations, whether such contributions or a proportion thereof, should be payable" (Paragraph 3.16).

The Council's Infrastructure Delivery Plan (IDP) sets out the key infrastructure projects required in the Borough and outlines how funding sources will be used to deliver new infrastructure. The Council's approach to apportioning the cost of infrastructure mitigation measures is discussed in Chapter 15 of the IDP. It is considered the relevant infrastructure requiring contributions from this non-allocated site, listed in the IDP Part B, include:

- o Brentwood Town Centre Public Realm Enhancement (IDP Ref T7)
- o Brentwood and Shenfield Railway Station Public Realm Improvement (IDP Ref T8)
- o Quietway Cycle Routes in Brentwood Urban Area (IDP Ref T10)
- o Railway Station Cycle Infrastructure (IDP Ref T12)
- o A128 Ingrave Road / The Avenue /A128 Brentwood Road / Running Waters - Double Mini Roundabout Mitigation (TA ref. Junction 15 and Junction 16) (IDP Ref T26)

The infrastructure requirements listed above are based on comparable items required from allocated sites within close proximity to this non-allocated site. In determining whether such contributions or a proportion thereof, should be payable with regard to this application its necessary to consider forecast trip generation.

It's understood the proposals will result in a reduction of 687 sqm GIA over-existing on the western part of the Baytree Shopping Centre. It's also noted the application is accompanied by a Transport Assessment, which amongst other things considers trip generation and traffic impacts of the proposal. As reported in the Planning Statement the Transport Assessment "*concludes that the proposal will have a positive impact in increasing footfall to the site, whilst decreasing the number of car driver trips over the course of a typical Saturday afternoon.... Any traffic impacts are expected to be safely accommodated within the existing highway network given its existing capacity and the projected extent of impact. It can therefore be concluded that the development will not have an unacceptable impact on the transport network in terms of highway safety, capacity and congestion, as required by Policy BE12.*"

Provided Essex County Council as the Highways Authority are satisfied with the forecast trip generation and conclusions of the Transport Assessment, in this case, it is not necessary for this proposal to contribute towards the cost of such strategic infrastructure contributions. Essex County Council have confirmed that they are satisfied with the proposed development and on this basis it is considered that there is no justification to require the development to provide strategic infrastructure contributions.

Refuse and Recycling

In respect to commercial refuse and recycling, a refuse collection vehicle will be able to enter the western service yard, collect waste, three-point-turn to then exit the site in a forward gear. This maintains the existing established arrangements for the western part of the Baytree Centre. In terms of the residential units a dedicated refuse store is proposed adjacent to the service yard which is accessible separately and independently of the service yard. The positioning of this refuse store will also enable waste service vehicles to access the store by reversing off South Street which would also aid existing waste collections along South Street which does not benefit from a turning head. The refuse strategy is considered to be appropriate and in line with advice contained within the Essex Design Guide.

Sustainability

The purpose of the planning system is to contribute to the achievement of sustainable development. In determining whether a proposal would represent sustainable development there are three objectives which must be considered;

- An economic objective,
- A social objective, and
- An environmental objective.

Paragraph 38 of the NPPF states that “*Decision-makers at every level should seek to approve applications for sustainable development where possible.*”

In terms of the economic objective the proposal would result in a boost to the local economy and provide additional jobs. Additional residents from the 7 dwellings would also help to support the local economy. The economic objective is considered to be met.

In social terms the proposed development would provide new leisure and improved retail facilities in a sustainable town centre location as well as providing new and enhanced public realm. Additional housing would also be provided on this brownfield site. The social objective is therefore also considered to be met.

In terms of environmental sustainability, the location and accessibility to services and facilities has already been discussed. Furthermore, the design and appearance of the development is considered to be acceptable, and the development overall would result in a positive impact on the significance of designated heritage assets within the vicinity of the application site, including the Brentwood Town Conservation Area.

Furthermore, a BREEAM pre-assessment has been submitted in support of this application which has been undertaken by BREEAM Accredited professionals. This pre-assessment report finds that a score of 71.9% is achievable for the new cinema building. A score of at least 70% falls within the BREEAM Excellent rating, and therefore the construction of the new cinema building will comply with policy BE01 which requires all major new non-residential development to achieve the certified Excellent rating under BREEAM. Securing the BREEAM Excellent rating for the new cinema building can be secured via a planning condition.

A Energy Statement has also been submitted in support of the application which demonstrates compliance with Policy BE01 requirement to achieve a 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations. It also details the commitment, as a minimum for the new retail units to be EPC rated C with aspirations to achieve EPC rated B units.

The energy strategy for the residential dwellings includes for 4no. 400W photovoltaic panels at roof level. This combined with the highly efficient air source

heat pump and Future Home Standard thermal performance of the envelop, gives a 63% improvement on current Building Regulations and exceeds the requirements of policy BE01.

The new retail units are shell and core only, however they have been designed with a decentralised reversible air source heat pump system for heating and cooling in mind. PV panels are also proposed on the cinema roof level to assist in achieving the requirement for 10% of the energy needs of the development to be from renewable energy sources.

Overall, subject to conditions, the environmental objective is considered to be met and the proposed development would comply with policies BE01, BE02, and BE04 of the adopted Local Plan.

Conclusion

The proposal represents the redevelopment of an existing brownfield site within a highly sustainable location which is supported in principle by the Development Plan.

The Baytree Centre and South Street are specifically referenced in policy PC05 (Brentwood Town Centre) as a key opportunity site where the policy states that the proposal should:

“a. Contribute to the enhancement of public realm around Chapel Ruins and the Conservation Area, retain and enhance their significance and character;

As detailed above it is considered that the proposal will result in an enhancement of public realm around the South Street area which is within the Conservation Area. Whilst the Chapel Ruins are outside of the application site they will benefit from an enhancement to their wider setting through the redevelopment of the site.

b. Complement the retail function and maintain or add to the vitality, viability and diversity of the Town Centre, by means such as mixed-use schemes that include retail, leisure and residential;

The proposed development represents a mixed use scheme as it includes a new cinema unit, flexible E use class units and residential. The development will add to the vitality, viability and diversity of the Town Centre and result in the Baytree centre becoming a destination in its own right.

c. Facilitate safe and pleasant pedestrian movement through improved alleyways, lighting, wayfinding and landscaping; and

The proposal includes the provision of new, safe public realm that will integrate the Baytree centre into South Street and help activate this area. The new cinema unit

will assist in wayfinding and full details of lighting and landscaping can be dealt with via conditions.

d. Assist in uplifting and transforming the Baytree Centre and integrate it with the other parts of the Town Centre.”

The proposal will assist in uplifting and transforming the Baytree centre whilst integrating it further with South Street.

Overall it is considered that subject to conditions the proposed development will represent sustainable development and accord with the Development Plan.

7. Recommendation

The Application be **APPROVED** subject to the following conditions:-

1. The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the approved plans and documents listed above.

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

3. No development works above slab level, excluding demolition works, shall take place until full details of all the materials to be used in the construction of the external surfaces, including windows and doors, of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate high quality materials in the construction of the development in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

4. Prior to the use of any brickwork within the development further details of the new brickwork, including brick type, the bond, mix and colour of the mortar and joint profile shall be submitted to and approved in writing by the local planning authority. The details shall include sample panels of the proposed brickwork which shall be made available for inspection by the Council on site. The development shall be carried out in accordance with the details as approved.

Reason: To ensure the use of appropriate high quality materials and appropriate details within the development in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

5. A document pack that shows typical details of:
- (i) windows – to include the depth of reveal (no less than 75mm);
 - (ii) doors and thresholds;
 - (iii) balustrading, railings and gates;
 - (iv) cills and coping stones;
 - (v) rainwater goods;
 - (vi) ironmongery;
 - (vii) shopfront details;

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

Reason: To ensure the use of appropriate high quality materials and appropriate details within the development in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

6. No electricity, gas, water meter boxes, antennae (roof level) or extraction vents shall be fixed to the façade of the buildings unless otherwise agreed in writing with the Local Planning Authority. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing with the Local Planning Authority.

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

7. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) shall be occupied or brought into first beneficial use until full details of the location and screening of all required external plant has been submitted to and approved in writing by the local planning authority. The external plant and screening shall then be installed as approved and retained as such thereafter.

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

8. No development shall commence, including works of demolition until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall identify that construction activities so far as is practical do not adversely impact amenity, traffic or the environment of the surrounding area by minimising the creation of noise, air quality pollution, vibration and dust during the site preparation and

construction phases of the development. The demolition and construction works shall be completed in accordance with the information agreed within the CEMP by the Local Planning Authority.

Reason: To safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

9. 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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to minimise the impact of the construction of the development upon neighbouring residents and the environment.

10. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) shall be occupied or brought into first beneficial use until a delivery and servicing plan for the commercial element of the development hereby approved has been submitted to an approved in writing by the local planning authority. The approved delivery and servicing plan shall then be adhered to in perpetuity.

Reason: To safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

11. No development shall take place within the existing South Street service yard area, including any ground works or demolition until a programme of archaeological trial trenching evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the planning authority.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

12. A mitigation strategy detailing the excavation/preservation strategy of the archaeological remains identified shall be submitted to and approved in writing by the local planning authority following the completion of the archaeological evaluation.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

13. No development or preliminary groundworks can commence on those areas containing archaeological deposits within the existing South Street service yard area until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

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

Reason: To safeguard heritage assets of archaeological interest that may survive on the site, in line with Local Policy BE16.

15. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, and initial strategy set out in Drainage Strategy Report (22230-SYM-XX-XX-RPT-C-0002) has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 21l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- 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.
- 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 scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy BE05 of the adopted Brentwood Local Plan, and the National Planning Policy Framework and Planning Policy Guidance.

16. 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, shall be 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.

17. The applicant or any successor in title must maintain yearly logs of maintenance as agreed under condition 16 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.

18. Notwithstanding the details submitted with this application (Phase 1 Geoenvironmental Assessment 2111 R01: Issue 1), no development shall commence which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment (Phase 2 Contamination Report) has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to:
- human health,
 - properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's guidance on land contamination risk management (LCRM).

Reason: To ensure that any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

19. The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

20. The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure any contamination on the land is remediated in the interests of the occupiers and visitors to the site as well as neighbouring land uses and the water environment in accordance with policy NE10 of the adopted Brentwood Local Plan and guidance contained within the National Planning Policy Framework.

22. No development shall take place, including any ground works or demolition, until details of the proposed mitigation measures identified in the Construction Works Impact Assessment section of the Air Quality Assessment undertaken by WMEboom have been submitted to and agreed in writing by the Local Planning Authority. The mitigation measures shall be implemented as agreed during the construction phase of development.

Reason: To safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

23. No plant or equipment shall be installed onto any part of the hereby approved development until a further noise assessment is submitted and approved in writing by the local planning authority. The noise assessment shall be undertaken in accordance with the guidance and methodology detailed in British Standard 4142:2014+A1:2019 to determine the rating level of the proposed plant or equipment.

Details of the exact specification of the plant/equipment, its location, possible enclosure or screening and any other mitigation that may be necessary to protect the amenities of surrounding residents shall also be provided. The development shall then be carried out in accordance with the details and mitigation as agreed and retained as such thereafter.

Reason: To safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

24. A scheme of proposed mitigation measures shall be agreed in writing by the LPA and implemented prior to occupation to ensure that the internal sound levels within existing receptors and proposed new residential development will meet the indoor ambient noise levels recommended in Table 4: Desirable Ambient Noise Levels for Dwellings contained in BS8233:2014

These measures shall include, but not be limited to, specifications for the glazing, background ventilation and building fabric of new residential units, proposals for the location and choice of Air Source Heat Pumps, and additional noise barriers or enclosures for plant and equipment to mitigate against noise emissions affecting adjacent residential development whether existing or proposed as part of the permitted development.

Reason: To safeguard the living conditions of nearby residents in accordance with policy BE14 of the adopted Brentwood Local Plan.

25. Prior to completion of the proposed development, the site access shall be provided in accordance with Drawing No P2713/TA/C within Appendix C of the Transport Assessment.

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 in accordance with policies BE09 and BE12 of the adopted Brentwood Local Plan.

26. Prior completion of the proposed development, the developer shall provide site access and highway improvements as shown in principle in Drawing no D 0100 Rev I1 (Ground Floor Plan) with full details to be agreed with the Highway Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide pedestrians and the mobility impaired with safe access in accordance with policies BE09 and BE12 of the adopted Brentwood Local Plan.

27. The existing service access on South Street shall be suitably and permanently closed incorporating the reinstatement of the kerb 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 in accordance with policies BE09 and BE12 of the adopted Brentwood Local Plan.

28. Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack to each householder 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).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies BE09 and BE12 of the adopted Brentwood Local Plan.

29. Cycle parking for both the commercial development and the proposed new residential dwellings shall be provided 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 in accordance with Policies BE12 and BE13 of the adopted Brentwood Local Plan.

30. There shall be no development excluding demolition works above slab level until the developer has submitted an updated workplace travel plan (which shall be subject to approval of the Local Planning Authority in consultation with Essex County Council and actively implemented for a minimum period of 5 years) alongside a details of how the required monitoring fee is to be secured and paid before occupation of the development.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies BE09 and BE12 of the adopted Brentwood Local Plan.

31. Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works, excluding demolition works, occurring above slab level at the application site. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities (including for the green roofs).
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding

rates, planting methods, mulching, plant protection, staking and/or other support.

3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works

4) Details of walls with brick types, construction design and dimensions

5) Details of paved surfacing, with materials finishing and edgings

6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

Reason: To ensure the use of appropriate high quality materials and appropriate soft landscaping within the development in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

32. No dwelling pursuant to this permission shall be occupied until an FTTP (Fibre to the Premises) Statement has been submitted to and approved in writing by the Local Planning Authority detailing a scheme for the installation of a high speed wholly FTTP connection to each premises within the approved development OR supplying evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP. The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out at the same time as other services during the construction process and be available for use on the first occupation of any dwelling, or such other date agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that have been made in the absence of FTTP).

Reason: To ensure fast, reliable digital connectivity for the new residential dwellings in accordance with policy BE07 of the adopted Brentwood Local Plan.

33. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) or the new dwellings shall be occupied until a Secure by Design Statement has been submitted to and approved in writing by the Local Planning Authority, detailing how the design of the residential element of the development adheres to the principles of Secure by Design accreditation, Secured by Design Homes 2019 Version 2, March 2019, and Secured by Design Commercial Developments 2015 Version 2 for the commercial element (<https://www.securedbydesign.com/guidance/design-guides>). The development shall not be occupied until the approved measures applied to the development have been implemented and they shall be permanently retained thereafter.

Reason: To ensure that the proposal will deliver a safe and inclusive development in accordance with Policies BE14 and BE15 of the adopted Brentwood Local Plan.

34. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) shall be occupied until a Security Management and CCTV Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved Security Management and CCTV Plan.

Reason: To ensure that the proposal will deliver a safe and inclusive development in accordance with Policies BE14 and BE15 of the adopted Brentwood Local Plan.

35. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) shall be occupied until a Hostile Vehicle Mitigation (HVM) Plan has been submitted to and approved in writing by the Local Planning Authority. The HVM Plan shall include a Vehicle Dynamics Assessment (VDA) to ensure the correct rated HMV bollards are proposed.

Reason: To ensure that the proposal will deliver a safe and inclusive development in accordance with Policies BE14 and BE15 of the adopted Brentwood Local Plan.

36. No part of the newly constructed or refurbished commercial development (excluding those units where the proposals solely relate to new shopfronts) or the new dwellings shall be occupied until details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the external lighting of the development is appropriate for its setting and to protect the living conditions of nearby residents in accordance with policies BE14 and BE16 of the adopted Brentwood Local Plan.

37. Within six months of the new build elements of the cinema unit hereby approved being brought into first beneficial use a final certificate shall be issued by a recognised BREEAM certification body certifying that BREEAM rating Excellent has been achieved for this element of the development.

Reason: In order to ensure that the proposal development meets the carbon reduction and renewable energy principles in relation to policy BE01 of the adopted Brentwood Local Plan.

38. No development shall take place above slab level of the dwellings hereby permitted until details of:
- measures towards the aim that the dwellings do not exceed 110 litres per person per day;
 - measures to achieve lower water consumption rates and to maximise futureproofing;
 - measures to demonstrate the development would not have an adverse impact upon the sewerage network;

have been submitted to and approved in writing by the Local Planning Authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved.

Reason: In order to ensure that the proposed development incorporates the sustainable principles in relation to policy BE02 of the Brentwood Local Plan

39. No development shall take place above slab level until an Energy Statement updating the submitted Energy Statement by WMEboom dated November 2022 has been submitted to and approved in writing by the Local Planning Authority. The updated Energy Statement shall detail how a 10% reduction in carbon dioxide emissions above the requirements of Part L Building Regulations will be achieved and how a minimum of 10% of the predicted energy needs of the development will be from renewable energy. The development shall then be carried out in accordance with the approved Energy Statement.

Reason: In order to ensure that the proposal development meets the carbon reduction and renewable energy principles in relation to policy BE01 of the adopted Brentwood Local Plan.

Informative(s)

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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.

Attention is drawn to conditions that require the submission and approval of details prior to the commencement of development. Failure to comply with these conditions may result in the planning permission becoming invalid with the possibility of planning enforcement action being taken by the Council.

Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

Contact should be made with South Essex Parking Partnership to progress the proposal to include additional parking spaces within the Controlled Parking Zone.

It is requested that the applicant make contact with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex. To encourage local labour within the borough, job opportunities should be promoted via the Brentwood Jobcentre to reach jobseekers who are the furthest from the market. We would strongly encourage the applicant to work alongside the Brentwood Chamber of Commerce, Brentwood Business Partnership and local secondary schools to highlight work experience, training and apprenticeship opportunities.

Please be aware that separate advertisement consent may be required for new signage.

Archaeology

A professional team of archaeologists should undertake the archaeological work, which will initially comprise a trial trenching evaluation of the proposed development site. This may be followed by a programme of archaeological excavation and/or monitoring, depending on the results of the trenching. The Borough Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief detailing the work and the level of investigation required will be issued from ECC Place Services on request.

Essex Fire Service

Should the intention be for any existing premises affected by the re-development to remain trading during construction Fire Service vehicular access will be expected to be maintained to these premises at all times as it will upon subsequent completion of the project to ensure compliance with Section 13 (1)(b) of the 1987 Act.

Where bollards or other removable barriers are required / proposed, then the details of design / operation should be agreed with this Fire Authority.

The access routes and hard standing should be capable of sustaining a load of 18 tonnes for pumping appliances.

Where fire appliance vehicular access is required to the underside of any decking / under-croft a clear head room of no less than 3.5 metres should be ensured throughout.

The Design & Access document confirms that the 45 metre hose length criteria to all points of the development existing & proposed is achievable from the most remote point of the development (dead-end enclosed service yard), however for safety reasons such a location cannot be considered as being suitable under fire conditions therefore where it is found that the distance cannot be achieved by alternative hose laying routes a further assessment based on vehicular access to 15% of the overall perimeter of the development will be made; this strengthens the need for maintaining High Street access and may also require the provision of dry rising mains, which subject to restrictions on overall horizontal length may be considered a suitable substitute; otherwise affected aspects of the proposal may not be acceptable to this Authority. (Such an installation(s) will require externally mounted inlet cabinet(s) to be located fully visible at Fire Service vehicular access points to the complex).

For operational reasons initial Fire Service attendance will be as described in the fire strategy report via South Street entrance but also via High Street, this availability must be maintained, both during works and upon subsequent completion.

Access to the existing dry riser installation serving the adjacent multistorey car park located in South Street must be maintained at all times both during construction and then upon completion of the works.

The MEP report November 2022 submitted in support of this application makes reference isolation / diversion of existing fire mains it is important that should the application be successful. The architect or applicant liaises with this Authority's Water Technical Officer at Service Headquarters, telephone 01376-576344 at the earliest opportunity to discuss the necessary requirements both during construction

and then upon completion to the satisfaction of this Authority; the Officer will then liaise with the local Water Authority for the area to make the appropriate arrangements.

Many existing units located in the Baytree Centre that are to remain are provided with mains fed Automatic Water Fire Suppression Systems (AWFSS), it is important that water supplies to these installations are maintained to these premises at all times.

Lead Local Flood Authority

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.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

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.

Essex County Council Highways

The applicants are advised that any structures or non-standard lighting / materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. This is to ensure that the public rights of way are maintained to a suitable standard to allow safe and convenient access for public use.

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.

Any tree planting within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance and is to be agreed with the Highway Authority.

Please note that the monitoring fee associated with the workplace travel plan under condition number 30 will be £6,383 (plus the relevant sustainable travel indexation) and will need to be paid prior to occupation of the development.

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

BACKGROUND DOCUMENTS

DECIDED:

