

SITE PLAN ATTACHED

EWING HOUSE CAR PARK KING EDWARD ROAD BRENTWOOD ESSEX

DEMOLITION OF EXISTING TWO TIER CAR PARK AND PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 35 RESIDENTIAL UNITS IN A PART 6, PART 7 STOREY BUILDING, TOGETHER WITH ASSOCIATED ANCILLARY FACILITIES INCLUDING PLANT ENCLOSURE, CYCLE PARKING AND REFUSE STORAGE

APPLICATION NO: 23/01157/FUL

WARD	Brentwood South	8/13 WEEK DATE	20 December 2023
PARISH		POLICIES	
CASE OFFICER	Julia Sargeant		
Drawing no(s) relevant to this decision:	DESIGN AND ACCESS STATEMENT; (20) 107/P3; (20) 000/P3; (20) 100/P6; (20) 101-103/P6; (20) 104/P5; (20) 105/P2; (20) 106/P4; (20) 300/P3; (20) 301/P1; (20) 400/P3; (20) 401/P5; (20) 402/P4; (20) 403/P4; DESIGN & ACCESS ADDENDUM; (00) 000/P3; (00) 100/P4; (20) 404/P1;		

This application has been referred to Planning Committee by Councillor Gareth Barrett for the following reasons:

This application conflicts with strategic policy BE14 of the Brentwood Local Plan, specifically:

- 1. e. respond positively and sympathetically to their context and build upon existing strengths and characteristics, and where appropriate, retain or enhance existing features which make a positive contribution to the character, appearance or significance of the local area (including natural and heritage assets);**
- i. avoid unacceptable overlooking or loss of privacy;**
- j. safeguard the living conditions of future occupants of the development and adjacent residents.**

Further the Town Centre Design Guide states for the Brentwood Station area where this site is located that:

- Scale, massing and architectural style**

- Respect the scale, proportions and style of adjacent and surrounding buildings and ensure that proposals respond appropriately to this context.
- Ensure that building height is in-keeping with the surrounding townscape. The exact height is subject to the site specific location and must be discussed in the preapplication process. Taller buildings are acceptable along the railway and around the station, but where new development is adjacent to existing low rise buildings, the proposed heights should respect this scale.

It is in conflict with policy BE13: Parking Standards, with justifications for this position not sufficient. Given restrictions on local parking permits and that the location is at capacity, new residents would not be able to access any parking nearby.

The Brentwood Town Centre Design Guide states that for this area:

- Ensure any parking is well designed and integrated into the public realm proposals and reprovide an appropriate quantum of parking subject to parking surveys and local need.

That justifications for the lack of affordable housing are not sufficient and in breach of policy HP05.

The supplementary Brentwood Town Centre Design Guide, highlights that developments respect the scale, proportions and style of adjacent buildings and respond appropriately to context.

This development will be overbearing on two Victorian streets of terraced housing, inappropriately moves the boundary of building of a significantly greater height from Kings Road into the wider community of Gresham Road and King Edward Road.

Overall, by scale, massing, overlooking, impact on privacy, lack both of car parking and affordable housing provision, and the inappropriate context of the height of the application in the wider setting of King Edward Road and Gresham Road.

1. Proposals

Site Description

This brownfield site relates to a current decked car park located on the northern side of King Edward Road. The car park is currently semi-vacant and was previously used in connection with the office use of Ewing House to the west. Ewing House has since been converted into residential flats under references 17/00792/PNCOU, 19/00791/PNCOU and 20/00301/PNCOU with a two storey upward extension permitted on appeal under 17/01971/FUL. The latest prior notification for conversion of Ewing

House to residential and the two storey upward extension were permitted as car free developments.

The lower level of the car park on site is currently blocked from vehicular access and not in use with the upper deck in short-term use with spaces leased on a private basis. The transport statement submitted in support of the application advises that all of the leased spaces have been issued with notice of intent to close the car park and due to the age of the car park it will be closed regardless of the outcome of this application.

King Edward Road is a predominantly residential street just off Kings Road and in close proximity to Brentwood Railway Station. To the north of the application site are residential dwellings located within Gresham Road which is also a predominantly residential street located off Kings Road.

There are changes in levels across the site and between the site and Gresham Road to the north. The site slopes from east to west with the eastern most section around 0.7 m higher than the western section. The site is also set at a lower level than Gresham Road to the north with a change in level of around 1.3 metres.

The site is within an area covered by the adopted Town Centre Design Guide. The site is predominantly within the Brentwood Station Character Area but also overlaps with the Residential Character Area. The Station Character Area identifies that there is high potential to improve the area and create a sense of arrival with improvements to public realm and urban fabric as well as having the capacity to accommodate higher density development and taller buildings. The Residential Character Area advises that any new residential development should be carefully designed to respect the unique character and scale of the existing buildings and streets. Where increased massing or higher density is proposed, a higher level of detailed information to illustrate the impact the proposals will have upon the context are required.

Proposal

Planning permission is sought for the demolition of the existing car park and erection of a part six, part seven storey, residential block of apartments with associated plant enclosure, cycle parking and refuse storage. The block would be positioned to follow the building line of Ewing House allowing the building to be set back from the street and for the creation of a small defensible space with low brick wall and soft landscaping. The building would measure a maximum of 26.2 metres wide by 21.5 metres deep including a rear projection section. The building is to be finished in light London stock brick with metal window/door frames in muted bronze colour. The top floor which is set back is proposed to be finished in natural white coloured concrete with a linear profiled texture. All balconies would also have metal balustrades in muted bronze colour to match the fenestration and the natural white coloured concrete finish to the top floor would be picked up in natural white coloured concrete bands within the main block linking up with the balconies. The building would reach a maximum height of 21 metres.

The development proposed 35 residential units of the following mix:

Unit Type	No. of units	Unit Mix %
1B1P	16	46%
1B2P	14	40%
2B3P	2	6%
2B4P	3	8%
Total	35	100%

The supporting planning statement details that the proposal is to be operated and managed as a Build to Rent (BtR) housing product. The NPPF defines Build to Rent as:

“Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.”

Built to Rent (BTR) is a housing model that is increasing in prominence, having been highlighted in a Government White Paper as a model it aims to support in order to increase the country’s provision of high quality homes for rent (Department for Communities and Local Government (2017) Fixing Our Broken Housing Market). Planning Practice Guidance has also been issued in relation to BtR developments and acknowledges the potential of BtR to make a positive contribution to the UK housing supply and advises that BtR is a distinct asset class within the private rented sector.

The Council’s updated SHMA (South Essex Housing Needs Assessment 2022) advises that privately renting households are likely to increase in number and that BtR schemes could play a role in meeting demand for quality rented accommodation.

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 Design South East Design Review Panel. The initial proposal for the site comprised a 38 unit scheme in a part 8, part 5 and part 3 storey block.

During the pre-application process Officers were supportive of the principle of development, however concerns were raised in relation to scale and massing as well as potentially harmful impacts towards the occupiers of adjoining residential units.

Following the meeting with Council Officers the proposal was also presented to the Design South East Design Review Panel. The Panel were also supportive of the principle of converting the site into a residential development and also considered that the site has the potential for a scheme of approximately the quantum of development proposed, but that the proposal presented did not respond to the specific characteristics

of the site resulting in the internal and open spaces being compromised. The Panel also considered that the built form was unnecessarily complicated and that a simpler footprint would enhance the quality of the scheme.

In response to both the initial officer feedback as well as the response from Panel the proposal was revised and a simpler form of development proposed which pulled the built form away from the northern boundary and reduced the height of the development from 8 storeys to 7 with the top storey inset. A further pre-application meeting was held with officers where the revised form and layout was welcomed in terms of providing meaningful communal amenity space and design details however concern was still raised regarding the overall height of the proposal due to its location immediately adjacent to two storey built form and advice was given to lower the overall height of the development to 6 storeys with the top floor set back.

This current application has been submitted following the most recent pre-application meeting and contains a number of supporting studies and documents including a viability report.

2. Policy Context

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

MG03 – Settlement Hierarchy

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

BE10 – Sustainable Passenger Transport

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

HP01 – Housing Mix

HP03 – Residential Density

HP05 – Affordable Housing

HP06 – Standards for New Housing

PC04 – Retail Hierarchy of Designated Centres

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

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

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

3. Relevant History

None directly relevant to this application site, however there is relevant planning history for Ewing House which is under the same ownership and located directly to the west of this site:

- 17/01971/FUL - Two storey roof extension to existing six storey building to provide 10 no. residential dwellings, external alterations, sub surface water storage tanks, plant room, refuse store, cycle parking, and construction of a single storey ground floor extension. – Refused – Allowed on Appeal
- 17/00792/PNCOU - Prior Approval Notification Class O - Change of use of floors 1-5 from office space Class (B1(a)) to residential use to create 40 units Class (C3) – Prior Approval Not Required - 19.07.2017
- 19/00791/PNCOU - Prior Approval Notification Class O - Change of use of floors 1-5 from office space Class (B1(a)) to residential use to create 40 units Class (C3) – Prior Approval Not Required - 19.07.2019
- 20/00301/PNCOU - Prior Approval Notification Class O - Change of use of floors 1-5 from office space Class (B1(a)) to residential use to create 50 residential units Class (C3) – Prior Approval Not Required - 28.04.2020

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's

website via Public Access at the following link:
<http://publicaccess.brentwood.gov.uk/online-applications/>

This application has been advertised by way of neighbour notification letters, a site notice and a press notice.

At the time of writing this report the application had received a total of 152 letters of representation. 67 letters of objection, 47 letters of support and 38 representations. Upon reading the representations it was apparent that 12 were objecting and 26 were in support bringing the total number of objections up to 79 and total number of support up to 73.

Main Reasons for objections (summarised):

- Adding so many flats without any parking provision will lead to greatly increased congestion and high likelihood of residents and visitors parking on the pavement causing a risk to pedestrians especially those with pushchairs or wheelchairs.
- Previous small scale developments have been refused due to lack of parking and same should apply here.
- The proposal is contrary to policy BE13 of the local plan relating to parking standards.
- Very few residents in King Edward Road and Gresham Road have off-street parking yet many have cars and compete for the heavily over subscribed on-street parking even with residents parking restrictions in place.
- Not having off street parking does not dissuade all residents and their visitors from using cars if there is some possibility of parking on-street.
- residents parking restrictions only apply for part of the day so outside these hours anyone may seek to park in these roads further worsening the competition for space.
- Parking in the locality is an issue, especially of a weekends when there are no parking restrictions and people drive to the station and the town rather than use public transport.
- Existing car park is in use and demonstrates a need for parking.
- Where will the existing car park users park if this development goes ahead.
- Despite living near the train station , the necessity for car travel in and around the Essex area is a must due to most of the county being in a more rural setting.
- Without adequate parking provisions the development may not be accessible to individuals with disabilities.
- A 'car free' development does not control whether the residents do or do not own a car, it just means it will not provide parking.
- Gresham Road and King Edward Road are already used for through-traffic from the train station and this will increase the traffic risk to the many young families on the road and children that walk these roads to nearby schools.
- The increased traffic is impacting the air quality in our neighbourhood.
- Revised plan should be submitted including underground parking.

- Development is too big for the site.
- Proposal is far too tall.
- It is a creeping high rise development into a low rise area.
- This development cannot and should not be compared to Ewing House as a justification for its size.
- There is reference to the potential development of the neighbouring building 12 King Edward Road stating that this will be redeveloped to five storeys and therefore justifying the size of this proposed development. However unaware of any intention to develop 12 King Edward Road.
- It would be detrimental to the street scene and character of the locality.
- Inappropriate use of materials.
- To add more communal living developments in this area would completely ruin the charm and small town feel of Brentwood and the immediate area.
- Disagree that the carpark is an eyesore/derelict. It is the opposite and only noticeable if you are walking directly past it.
- Proposal would have an unacceptable effect on local residents amenities because of its overbearing presence and the loss of privacy, daylight and sunlight that would occur.
- Proximity of the building to neighbouring properties would have an adverse effect on noise and disturbance with no consideration of impact of many balconies with open doors on noise.
- Proposal will cause unreasonable loss of privacy and loss of light for those living on Gresham Road.
- Concern over impact upon large conifer trees at end of garden of property within Gresham Road. The proposed building would suffocate them of much needed sunlight.
- Proposal would block sunlight and block all views in relation to Station Place.
- Proposal would devalue neighbouring properties.
- Proposal is contrary to the Local Plan.
- Proposal is contrary to policy BE14
- Proposal would fail to respond sympathetically to its context
- Proposal would fail to build upon existing characteristics
- Proposal would cause unacceptable overlooking and loss of privacy.
- Proposal would fail to safeguard the living conditions of adjacent residents.
- The applicants have failed to identify that the site partially lies within a 'residential' character area. The guidelines for the 'Brentwood Station' character area do not take precedence over those for the 'Residential' area.
- With respect to density and residential typologies the site and building partly fall within a 'low to medium density area' as set out in the design guide where "...buildings should not exceed 4 storeys in height..." and a density range between 35 and 130 units per hectare is acceptable. A key constraint is to "...ensure new higher density development does not compromise the quality of existing low rise residential areas...." The proposed seven storey building would materially, jarringly, exceed the specified storey limit and would have such an adverse effect on Gresham Road and King Edward Road.

- The proposal building would be more an obvious constituent part of the street scene of King Edward Road than of Kings Road, and would appear very incongruous in the street scene of the former because of its height.
- Obscure glazing is not a remedy if those windows can be opened. The applicants have not proposed fixed paned windows so unacceptable overlooking of gardens and rear elevations would still occur from close quarters when those windows are opened.
- Some of the windows in question are the sole windows to bedrooms so presumably cannot be fixed glazed as this would be contrary to the building regulations requirements for ventilation.
- Obscure glazing would not be a remedy for the overlooking that would occur from the large 6th floor terrace, the balconies to the 4th and 5th floors on the east elevation or the balconies to the 1st to 5th floors on the western elevation.
- Overlooking from Ewing House is already bad enough, and although some distance away it already feels like residents of Gresham Road are living in a goldfish bowl and this would be unacceptably worsened by the current proposal.
- Proposal would allow the 1st, 2nd, 3rd, 4th, 5th and 6th floors to overlook properties in Gresham Road.
- BRE daylight and sunlight guidelines has not been adopted as a supplementary planning document by the Council, and the Government has given it no status in the National Planning Policy Framework. While the proposal may nearly meet the guidelines for vertical sky component and daylight distribution, these guidelines are clearly not going to be suitable in all circumstances.
- Residents in Gresham Road enjoy relatively open south facing gardens. That does not mean their amenities should be dragged down by a 'one size fits all' application of the BRE guidance when it has no status.
- The applicants have not submitted any shadow plans.
- The sheer physical presence of this cliff face of a building, as illustrated by the section BB drawing, so close to the rear boundaries of Gresham Road properties would have an unacceptably intrusive, oppressive effect on the outlook of these properties.
- Concern regarding impact of the proposal on 12 King Edward Road which is not considered within the Daylight/Sunlight report.
- Potential for overlooking into 12 King Edward Road at potentially commercially sensitive information.
- Proposal would blight the development potential of 12 King Edward Road.
- Demolition of concrete structures has a major negative carbon/environmental impact.
- Gresham Road and surrounding roads flood easily in the winter, this development will make this issue even greater, putting houses at a higher risk of flooding and property damage than ever before.
- Proposal would result in disruption and mean neighbours are unable to work and unable to make an income due to the increased noise and dust.

- The amount of noise during construction and after will hugely impact our livelihood (working from home) and the dust from construction poses an environmental health issue.
- Proposal has potential to exacerbate crime in the area and intimidate local residents due to tunnel affect with adjacent Ewing House.
- Impact upon residential wildlife.
- Concern over access to GP appointments and there are no NHS dental spaces left in Brentwood.
- Concern over impact upon utility infrastructure.
- There are sufficient flats/apartments close to the station available to rent.
- Concern over publication of application and consultation period.

Main Reasons for support (summarised):

- Welcome development on derelict site coming forward for housing as opposed to the countryside or Green Belt.
- Brownfield site which can only have a positive impact on our local area and residents.
- Brownfield site in ideal location.
- Will significantly boost the supply of homes.
- Will add desperately needed housing stock suitable for the younger generation and help to alleviate the growing housing crisis.
- This area lacks an affordable rental housing market.
- Desperate need for more housing.
- Most people are concerned about getting a mortgage but rentals are a great solution.
- It is essential everyone has a home.
- More homes provides fair opportunities amongst everyone.
- Love to see new homes in the area as there are many old properties from the 1950's and having new ones would be great.
- Appreciate emphasis on high-quality rental housing.
- Brentwood very much lacks purpose built new build to let properties and knowing the Heimstaden high end brand and quality, I strongly support this scheme and can see a high demand for tenancy.
- It is essential to provide stable housing options and this development could make a significant impact.
- The proposed development could offer a solution to overcrowded living conditions and provide a better quality of life for people in the area.
- More homes will provide greater options for people.
- Support the inclusion of smaller flats as bigger flats are so expensive in Brentwood.
- Would rather live opposite a new build renting scheme than a car park.
- Pleased it has been set away from the boundaries.
- High quality design principles.
- Inclusion of balconies or terraces in all units is noteworthy as many flats in Brentwood are converted offices lacking outdoor spaces.

- Support the communal area with garden and trees.
- Would be a good and positive addition to the area.
- Proposal will provide a better chance of people having decent housing.
- In favour of the design and height of the building near the station as seem to be well suited to area's needs and aesthetics.
- Stepping of the higher floors of the development and use of high-quality materials will create a satisfactory appearance in terms of scale and design.
- Thoughtful design considerations such as step back architecture and obscure glazing to ensure the privacy of nearby residents.
- Site is highly sustainable and well served by public transport.
- Proposal is car free and in close proximity to the train station and other amenities and therefore more environmentally friendly and sustainable.
- Living in walking distance to the station is a big plus.
- Pleased to see the planting of new trees and that the development will be a car free scheme meaning traffic and pollution will not be affected.
- Car free scheme is a highly commendable feature of the project.
- A housing development that encourages alternate modes of transportation such as walking, cycling, and public transport would significantly reduce the local carbon footprint, alleviate traffic related stress, and enhance the overall well-being of our residents.
- Existing under-utilised car park is an eyesore.
- Site contributes nothing to the local economy.
- Site often used for anti-social behaviour and could be put to better use.
- The development would bring substantial economic benefits to the community. The construction phase alone will generate jobs and stimulate local businesses, while the long-term presence of residents will lead to increased economic activity in the area, benefiting local shops and services.
- Great to see high quality sustainable new build coming to Brentwood.

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/>.

- **Arboriculturalist:**

The site comprises a two-tier car park which extends to the boundaries of the site. The ecology report that has been submitted with the application states that there is no vegetation within the site boundary. Having visited the site I can confirm that this is the case. I agree with the report conclusions that the site does not contain features for supporting protected species, including badgers, as there is no habitat features present.

While there is no scope for badgers to dig setts on the site, there are records of badgers within the vicinity. I would request that a precautionary badger method statement be incorporated into a CEMP to ensure that no animals traversing the site are impacted during construction.

The arboricultural report confirms that there are no trees within the site boundaries. Those beyond the boundary (mainly Category C - Low Value) would not be affected by the proposal.

There are tall, mainly commercial buildings to the west and lower mainly residential to the east of the site. The DAS confirms the design evolution that has taken place to try to reflect this transition.

The scheme would provide opportunities to improve boundaries treatments, undertake new planting, particularly to the rear of the site and to achieve a significant biodiversity enhancement through the use of green roofs. No detail has been provided with the application; therefore I require a landscape condition to control the details.

- **ECC SUDS:**

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

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 1 l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.
- Provide a full detailed survey of the retaining wall, how offsite overland flows will be managed. Flow routes must be detailed and how offsite flows will be stored on site.
- Provide a detailed drainage plan showing surface water and foul water pipe networks.
- Provide water quality indices showing that adequate water treatment is provided.

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

Reason

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

Condition 2

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

Condition 4

The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason

To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- **Essex County Council Infrastructure Planning**

Whilst the proposal falls outside the threshold for education contributions it is considered that the library service would be affected by this development. Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Libraries

ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

The suggested population increase brought about by the proposed development is expected to create additional usage of the nearest library'. A developer contribution of £2,723 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the outreach and mobile library offer that would service this development. This equates to £77.80 per unit, index linked to April 2020.

Monitoring Fees

In order to secure the delivery of the various infrastructure improvements and to meet the needs arising from development growth, ECC needs to monitor Section 106 planning obligations to ensure they are fully complied with on all matters. ECC has a resultant obligation to ensure the money is received and spent on those projects addressing the needs for which it was sought and secured. To carry out this work, ECC employs a staff resource and charges an administration/monitoring fee towards funding this requirement. The Monitoring Fee will be charged at a rate of £550 per obligation (financial and otherwise). On large developments the Monitoring Fee will be calculated using a bespoke formula.

Employment and Skills

Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships, and to invest in skills to realise personal and economic aspirations. ECC has a role to play in supporting Local Planning Authorities and helping to ensure that the development industry has the necessary skills to build the homes and communities the county needs. ECC supports Brentwood Borough Council in securing obligations which will deliver against this crucial role in supporting employment and skills in the district.

In the current economic climate and national skills shortage, ECC supports Brentwood Borough Council in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the 'development phase'. ECC also supports Brentwood Borough Council in

requiring landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the 'end-use phase'. Additionally, ECC encourages Brentwood Borough Council to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this development.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on libraries.

The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

- **Planning Policy:**

Policy context

The Brentwood Local Plan 2016-2033 was adopted as the Development Plan for the Borough on 23 March 2022.

Policy Overview

The Brentwood Local Plan 2016-2033 should be read as a whole with all policies considered; policy considerations of note include but are not limited to those outlined below:

Policy MG05 Developer Contributions

Policy MG05 sets out that new development will be expected to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the Infrastructure Delivery Plan and other policies in the Plan.

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 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:

- Brentwood Town Centre Public Realm Enhancement (IDP Ref T7)
- Brentwood and Shenfield Railway Station Public Realm Improvement (IDP Ref T8)
- Quietway Cycle Routes in Brentwood Urban Area (IDP Ref T10)
- Railway Station Cycle Infrastructure (IDP Ref T12)
- M25 Junction 28 (IDP Ref T28)
- M25 Junction 29 (IDP Ref T29)
- Signalised Junctions Improvements, A1023 High Street / B185 Kings Road/ A1023 London Road/Weald Road (IDP Ref T30)

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 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 Transport Assessment, it concludes *'the site would generate a total of 14 two-way trips per day by vehicle, primarily taxi and servicing trips... When compared to the existing use as a car park, this is a significant reduction'*.

It's understood the proposals will be a car free development to help encourage travel by modes other than private car.

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 may not be necessary for this proposal to contribute towards the cost of such strategic infrastructure contributions.

Its further noted, the application is supported by a Viability Assessment which has been scrutinised independently and it has been established the scheme cannot viably contribute to affordable market rent housing. This conclusion is based on (amongst other factors) forecasted S106 contributions towards the above listed IDP items. In such circumstances it is necessary to consider Policy MG05 Developer Contributions, Item 6. Which sets out exceptions to MG05 Policy requirements; one being the demonstration that the full mitigation cannot be afforded through a Viability Assessment.

From a balanced view of the above circumstances, in this case it is considered that contributions towards the relevant infrastructure requiring contributions are not required from this development. However, upon this reasoning, its requested that the viability of the provision of the affordable market rent housing be reassessed.

Policy NE05 Open Space and Recreation Provision

Outdoor sports provision – Using Sport England’s Playing Pitch Calculator. Based on a total population increase of 40 people (derived using a housing mix of 30x 1 bed and 5x 2 bed), the total capital cost of meeting the demand generated by the estimated population for playing pitches would be:

- Capital Cost: £11,376 (Estimated capital cost towards new pitch provision)
- Changing rooms: £15,885 (Estimated capital cost to provide the changing room provision)

A total of £27,261 towards the provision of a new playing pitch and changing rooms is therefore recommended.

Indoor sports provision - As set out in the Council’s Built Facilities Strategy, Sport England’s Sports Facility Calculator (SFC) can estimate the demand generated by development for the principal indoor facility types. The SFC indicates that a population of 40 people in Brentwood Borough will generate a financial contribution of £7,879 towards Sports Hall provision/improvement and £8,686 towards Swimming Pool provision/improvement.

Open Space Provision (excluding outdoor sport) – As per Local Plan Policy NE05 and the Council’s Open Space calculator in the Draft Planning Obligations SPD, we would be seeking, £8,727 as a commuted sum for provision of open spaces and £1,745.40 as a commuted sum for maintenance.

Introduction of the Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a locally set charge on new development that will be introduced in Brentwood Borough on 15 January 2024.

It is a charge based on the size and type of development. If a development is liable to pay CIL, the payment is mandatory to pay and non-negotiable.

- **Housing Services Manager**

For this site it would be appropriate to accept a financial contribution in lieu of on-site provision.

- **Design Officer:**

First Response

Thank you for consulting on this application which pertains ‘Demolition of existing two tier car park and proposed residential development comprising 35 residential units in a part 6, part 7 storey building, together with associated ancillary facilities including plant enclosure, cycle parking and refuse storage’.

This Urban Design letter is offered further to preapplication advice and should be read in conjunction with other matters pertinent to development.

Context

The proposed development falls within the geographic scope of the adopted Brentwood Town Centre Design Guide, this SPD was developed further to the output of the Brentwood Town Centre Design Plan, the aims and objectives of this is to seek high quality design and longevity in placemaking, including Public Realm enhancements, urban ecology, wayfinding and pedestrian permeability.

Background

By way of background through the series of preapplication sessions held to date, Urban Design have advised there is no objection to the principle of development. I set out the fundamental requirement that the level of intensification and its subsequent impact should be informed by context and any future scheme should reflect high quality inclusive accommodation, sustainability in architecture and construction, with enhancements to public realm and urban ecology.

This site in the long term, will no doubt never revert to its current use and going forward it can be considered by Urban Design a legacy site in C21st Brentwood placemaking.

At the initial preapplication sessions the scheme presented examined an efficient use of the land parcel and an intent for high quality design; I expressed concern regarding impact upon the properties at the site boundaries, most notably the transition to the historic terrace (Gresham Road) at the northern edge of the site; more recently the transition in scale at the eastern flank to the neighbouring C19th building remained of concern. Additional information regarding levels, boundaries and potential inter-overlooking matters were tabled to be addressed with request for greater transparency in a future application.

Higher density constraints do not preclude development but are considerations which are key when producing Town Centre regeneration and ones which have to be 'designed out' to result in a building(s) that can be considered harmonious as Brentwood evolves.

At preapplication I suggested amending the preapplication document (which has now conflated into the Design and Access Statement) to convey contextual analysis, clear development principles, intent for Net Zero Carbon/Fabric First development, inclusivity and public realm experience, to be clear, an 'on the ground view' with vignettes of what is being proposed to ensure the impact to all on the periphery on the site would have transparency to the proposed change to the townscape.

Discussion

In terms of the site arrangement and the positioning of this main orthogonal block which fronts King Edward Road, I find this is sited appropriately within the streetscene and its adjacency to Ewing House; weight of form and scale has been

amended from the previous preapplication and a set back of the upper storey is adopted as advised.

The relationship and the transition to that of 12 King Edward Road remains severe in my opinion (see elevation DRWG ((20) 400) this is advised to be revised as advised at the final preapplication meeting; for clarity I am not suggesting a parallel scale at this junction but an architectural response to the transition in scale be reflected. The National Design Guide Policy C1 requires new development to understand and relate well to the site, its local and wider context.

In terms of the relationship to the northern boundary of the site and considering assessment of the levels/boundaries alongside activity/amenity of the Gresham Road properties, unfortunately I am not furnished within the pack before me of the information requested at the last preapplication session, namely a granular understanding of the levels, trees, boundary and ultimately the relationship of the site at its northern boundary.

I have a section (Drawing (20) 300 REVP2), which on the key plan appears to the east of the site and within the site a section ((20) 401); regardless it is key to understand this sensitive boundary in more detail, a matter also discussed at Design Panel. I suggest additional documentation for example supporting photographs to convey more on the site at its northern boundary. If this information is with the LPA, please issue across for assessment.

In terms of buildings sustainability, the intent for PVs and green roofs is encouraged by Urban Design, detail be assessed by the sustainability and ecology consultees. Regarding architectural style and detail, I advise the scheme is commendable in its architecture and of high-quality design; there is a good rhythm and proportion in the appearance with an honest response to the upper set back, inclusion of usable private amenity is considered and I expect the scheme as a major application has oversight from the Councils Housing Team and provision for affordable housing has been tabled and agreed.

Regarding townscape the street scene has been considered to negate domestic operations in areas at pedestrian level, bin stores being located away from the public realm and planting proposed to enhance the streetscene and urban ecology value. Activation of the frontage is of benefit to the context.

In respect of the material palette and engineering intent this is supported except for the red clay brick, the context is London Stock. Brentwood's traditional pallet is red clay brick and there was a brickworks and the geology supports that narrative, however the context is weighted to lighter stock therefore I welcome discussion on the brick selection, bonding and patterning, this is an aspect that must be conditioned prior to above ground work. Reveals for doors and windows must be set deep into the envelope and no UPvC is supported. Details of RWGs and any other

paraphernalia including ventilation and AOVs must be shown clearly on drawings at application stage.

Summary

whilst there is a great deal of merit in this submission, the matters of granular information regarding the northern boundary and the lack of architectural response to the domestic scale of 12 King Edward precludes my ability to offer support in completeness at this stage of assessment. Should additional information with revisions be submitted please reconsult, as it stands I am unable to find the scheme has reached a full gestation of design development.

Second Response

This advice letter is offered further to recent and additional preapplication and should be read in conjunction my initial letter dated 20th October 2023. There is no need to repeat in detail the matters raised in my initial assessment, this largely concerned information being requested regarding the northern boundary and a request for 'lightning' the weight of form to assist in the transition to 12 King Edward Road.

Overall, I commented the scheme was of merit and quality design but required further gestation of design development.

Having assessed the revised information, I find a sufficient level of information presented here to negate my concerns at the boundary line (north). Please refer to both the sectional information and Addendum DAS within the submission pack. In terms of the internal plans, I note partially obscured fenestration on the northern elevation facing the boundary of Gresham Road and a vignette of the boundary wall (p18). I also note the alteration in brick colouring and patterning and balconies, such changes to the palette are welcomed and 'lightened' the perception of weight and simplified the orthogonal block. The key here being the quality of brick and the execution of the detail and engineering.

Cumulatively the amendments are found sufficient, I reiterate the scale is not in question in urban design terms, the transition and the appearance of the weight of form has moved in a positive direction.

Regarding architectural style and detail, the scheme remains commendable and of high-quality design, with a good rhythm and proportion in its elevational appearance and an honest response to the set back. I have clarity that all Rainwater Goods are concealed but I emphasise the need for deep reveals and a sufficient level of Conditions to include brick sample panels, control of roof level paraphernalia and meaningful planting should the application be recommended for approval. I have no further comments and find this scheme as a whole will be a positive contribution to the Brentwood Town Centre Townscape.

- **Environment Agency:**

No response at time of report.

- **Health And Safety Executive Land Use Planning:**

This application does not fall within any HSE consultation zones. There is therefore no need to consult the HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make.

- **Health And Safety Executive:**

Headline response from HSE is 'content'.

Section 6 of the fire statement states that the residential building has a top storey height of 17.82m and comprises part 6, and part 7 storeys above ground level, without basement. The building is served by a single stair which is part of the firefighting shaft containing a firefighting lift, together with a mechanical smoke control system, and a dry riser with the inlet on the face of the building.

The second building, part of the same development, will be located on the curtilage of residential building and will contain: plant, store, air source heat pump enclosure, and cycle store associated with the residential building. The height of this service building is 3.1m and contains a single ground storey.

Section 6 e) of the fire statement form confirms that the standards used, relating to fire safety, is Approved Document B volume 1 for the residential area and Approved Document B volume 2 for the non-residential. HSE has assessed the application accordingly.

Following a review of the information provided in the planning application, HSE is content with the fire safety design, to the extent that it affects land use planning.

- **Housing Services Manager:**

Comment that for this site it would be appropriate to accept a financial contribution in lieu of on-site provision of affordable housing.

- **Mid & South Essex Health Care:**

Further to a review of the application details the following comments are made in regard to the primary healthcare provision on behalf of the health partners of the Mid and South Essex Integrated Care System (ICS).

Existing Healthcare Position Proximate to the Planning Application Site

The proposed development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site. With the exception of one, the GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The ICS would therefore expect these impacts to be fully assessed and mitigated.

Assessment of Development Impact on Existing Healthcare Provision

With the exception of one, the existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 62 new residents and subsequently increase demand upon existing constrained services. The capacity of primary healthcare facilities in the area of the proposed development is already below the recognised standards of provision for the existing population. Additional population growth in the area resulting from new development would add to the deficit and so would be unsustainable if unmitigated.

Using the accepted standards the capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £12,700. The ICS therefore requests that the sum of £12,700 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

- **Anglian Water Services Ltd:**

No response at time of report.

- **Community Safety Manager:**

Having read through the plans for this it states Secure by design meeting is yet to take place with Secure by Design so we will need to have sight of what is agreed following that meeting? Site security would need to be provided during construction.

Also, what considerations have been given to natural surveillance and CCTV? What security is there for cycle storage, refuse storage and plant? What is the secure access for residents and visitors? Parking security?

Note – Following the above response details of the revisions made following the meeting with Essex police Designing Out Crime have been sent to the Community Safety Manager and any further response will be reported.

- **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.

Provided the service road serving the East elevation of Ewing House and rear access to its ground floor commercial units and beyond is made no worse than as existing then the proposal will be seen not to affect Fire Service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of the Act.

Based on the supporting Fire Statement document Fire Service vehicular access appears to be achievable meeting the requirements of The Building Regulations 2010 Approved Document B Volume 1 Sec B5 (and so address Section 13 (1)(a) of the Act).

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

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

Building Regulations

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

Where appropriate Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".

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

Water Supplies

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

Flood Plain Risk

It is acknowledged that the proposed development has been identified as being in Flood Zone 1 with High, moderate and low risk from surface water flooding: the following statement with regard developments with any level of risk from flooding is submitted as part of this consultation.

At present, Essex County Fire and Rescue Service (ECFRS) under the Fire and Rescue Services Act 2004 and the Fire and Rescue Services (Emergencies) Order 2007, does not have a statutory duty to respond to flooding issues.

However, ECFRS is committed to protecting the people of Essex and will always endeavour to respond to a flooding emergency based on a risk assessed approach. Due to the limited availability of specialist water rescue resources during flooding incidents, ECFRS has, on recent previous occasions, had to limit their operational response to 'life threatening situations' only. We would not therefore support proposals that are likely to increase this situation or add to the volume of calls received.

Where however approval is given to any application that has an element of flooding risk, it is recommended that specialist advice is obtained and acted on accordingly by the applicant to mitigate any risk of flooding to the development in the future; with this application the observations / advice referred to in Lustre Consulting Flood Risk Assessment Report submitted in support of this application and any that may be submitted by ECC Suds should therefore be followed

- **Highway Authority:**

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal makes no provision for off-street parking. Brentwood Borough Council's adopted parking standards state that "for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development."

The local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Brentwood's facilities and car parks.

The proposal includes a Construction Logistics Plan which provides details of the expected vehicle trips, routes and types of construction vehicles to be used during the construction phase. The report also includes mitigation measures to ensure that the construction traffic is managed to reduce the impact on the local highway network therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Site construction shall be in full accordance with the approved Framework Construction Logistics Plan by Markides Associates. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. Banksmen to assist with all construction vehicle movements to and from the site access.
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development
 - v. wheel and underbody washing facilities

Reason: To ensure that the construction traffic is managed and to ensure that onstreet parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. Prior to first occupation of the development, the redundant part of the existing shared access up to the east site boundary on King Edward Road shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing. (Ensuring that the dropped kerb access remains in place for the immediate adjacent site; Adelaide House, 12 King Edward Road). Details to be agreed with the Highway Authority.

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 policy DM1.

3. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

- **Environmental Health & Enforcement Manager:**

The application is for the construction of a 7-storey residential development of apartments on the site of a car park at the rear of Ewing House, Kings Road, Brentwood.

The principal issues identified include noise, air quality and land contamination. I have reviewed the reports submitted with the application and am satisfied that the main issues can be addressed through planning conditions.

The issues relating to noise and dust from construction and demolition activities can be dealt with by a CEMP which can contain an Air Quality and Dust Management Plan (AQDMP) to address dust emissions from construction activities.

The land contamination assessment submitted indicates that there should be no significant sources of contamination, but a Phase 2 Site investigation should be undertaken together with a watching brief to identify any evidence of contamination.

An environmental noise survey has been undertaken and indicates that suitable glazing and ventilation strategies should be implemented to ensure that internal noise standards are achieved.

Noise emissions from proposed plant (both normally operating and emergency plant) have also been assessed at the nearest noise sensitive properties and the noise levels are predicted to comply with noise limits during daytime and night-time periods.

I am therefore satisfied that the development proposal can be implemented, subject to appropriate conditions being attached to any approval.

- **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 lodge a holding objection and request that a formal badger survey is carried out to support the application.

- **Operational Services Manager:**

No response at time of report.

- **Essex & Suffolk Water:**

No response at time of report.

- **Essex Police Strategic Planning:**

Good design and early co-ordination, incorporating 'Crime Prevention Through Environmental Design' (CPTED) principles, can avoid the conflicts that may be expensive or impossible to resolve once the construction phase is complete. CPTED forms part of Police Crime Prevention Initiatives (PCPI) which is the official UK Police Security Initiative.

Essex Police considers that it is important that, if approved, this construction project is designed incorporating the maximum achievable benefit of CPTED and we are very pleased to acknowledge the applicant's commitment to achieve "Secured By

Design" (SBD) accreditation and to meeting PAS 24 standards for the windows and doors used in the development.

It is important that design and security specifications are risk commensurate and provide an effective and realistic level of physical security that is commensurate with the risk. As a consequence, we are interested in some of the finer details of the security aspects of the development as detailed below:

Access Control

We are keen to Understand the access control arrangements for residents and visitors to the apartment block. A strict security regime governing admittance to both the building and its' grounds will help to reduce opportunity for crime and safeguard the residents.

Mail Delivery

The delivery of mail and particularly parcel delivery has changed significantly since the COVID pandemic. Shopping/retail behaviour has resulted in a huge increase in on-line purchasing with the consequence of home delivery. We would be interested in any arrangements for the secure receipt of mail and packages. Options for letters or small packaging include either wall mounted or freestanding post box solutions which are "Secured By Design" approved, conforming to EN13724 standards.

Residential parcel lockers are also available and may be a measure that the developer would like to consider, ensuring the security of the future residents' purchases. Traditional postal delivery increases the opportunity for those with a criminal intent to gain entry to the building and therefore the arrangements of secure parcel receipt can restrict the permeability required for home parcel delivery.

Cycle and bin storage security

Essex Police would welcome detail on the security and access control arrangements of both the cycle and bin storage structures. There is a likelihood that due to the non-motor vehicle parking status of the development that residents may own expensive bicycles and therefore it will be necessary to ensure that there is a risk commensurate level of security for the cycle store which could otherwise be considered as a "target rich" environment for "would be" cycle thieves.

The security of bin stores is also an area that should not be overlooked as these are facilities that can attract anti-social behaviour or areas for "rough sleepers" to exploit.

To conclude, we would welcome the opportunity for engagement with the design team to discuss the security design aspects of the development and ascertain if the developer aspires to achieve the Gold or Silver SBD award.

Note – Following the above the applicant team held a meeting with Essex Police and made a number of minor revisions to the plans including:

- *Addition of metal railings on top of the brick wall along the eastern boundary to achieve a minimum 2m height, designing out a potential climbing opportunity into the communal garden.*
- *Extension of the boundary wall along the full extents of the western boundary to achieve a secure perimeter.*
- *Provision of secondary doors in the entrance lobby providing a double-entry system to mitigate tailgating.*
- *confirmation the following will be adopted post-planning: self-closing doors and multi-lock systems for all doors at ground floor level. This aligns with this commitment in the Design & Access Statement that the scheme will seek PAS:24 accreditation.*

Details of the revisions have been sent to Essex Police and any further response will be reported.

- **Thames Water Development Planning:**

Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

The proposed development is located within 15 metres of our underground waste water assets and as such we would like an following informative attached to any approval granted.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like an informative attached in relation to this.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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

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 an area where there is no objection in principle to new development. It is also in a Designated District Shopping Centre under policy PC04 (Retail Hierarchy of Designated Centres) 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.

Policy PC04 relates to the retail hierarchy of designated centres and the supporting text to policy PC04 states: "*Residential development often plays an important role in ensuring the vitality of centres; therefore, residential development on appropriate sites and/or above existing commercial premises are encouraged.*"

As the site is not on the main Kings Road or Warley Hill and currently does not contain any commercial uses there is no objection to the principle of the residential development.

In relation to the Brentwood Town Centre Design Guide the application site is predominantly within the Brentwood Station Character Area but also overlaps with the Residential Character Area. The Station Character Area identifies that there is high potential to improve the area and create a sense of arrival with improvements to public realm and urban fabric as well as having the capacity to accommodate higher density development and taller buildings. The Residential Character Area advises that any new residential development should be carefully designed to respect the unique character and scale of the existing buildings and streets. Where increased massing or higher density is proposed, a higher level of detailed

information to illustrate the impact the proposals will have upon the context are required. This site is therefore a transition site between the two distinct character areas and how the development addresses this change is crucial to the consideration of this application and is considered in detail within the design section below.

The development plan does not contain any site-specific policies for the application site. The application site currently comprises a semi-vacant decked car park. The site is classified as a brownfield site and NPPF within chapter 11 promotes making effective use of land, is supportive of the redevelopment of brownfield sites and making as much use as possible of brownfield sites to deliver new housing. Furthermore paragraph 120 states planning policies and decisions should (amongst others) “*give substantial weight to the value of using suitable brownfield land within settlements for homes...*” The principle of development is therefore supported.

Design, Scale and Layout Considerations

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.

Whilst the site is within an area that aspires to increase density, as per the Brentwood Town Centre Design Guide, it is crucial that developments respect the scale, proportions and style of adjacent buildings and respond appropriately to context.

This application has been subject to extensive pre-application engagement as well as engagement during the lifetime of the application through a Planning Performance Agreement. The application currently presented has responded to officer comments in relation to design, massing and positioning within the site as well as to the advice given by the Design South East Design Review Panel in terms of its simplified form, it is however still taller than the advice given by officers at original pre-application discussion which will be considered within this assessment.

The proposed development will see the demolition of the existing decked car park and the erection of a part 6, part 7 storey building containing 35 residential units to be used under a build to rent model. The building itself would follow the build line of

Ewing House with a rear projection. It features a modern approach to the design with reference to the traditional character and materiality of the residential area through the predominant use of light London stock brickwork and design details.

At the Design South East Design Review Panel comments were made in regard to introducing more 'moments of character and joy' to prevent the build from appearing too austere in this predominantly residential street, with reference to be taken from the residential dwellings as this is a purpose built residential development rather than the office conversion of Ewing House. This proposal has responded to this advice by incorporating semi-recessed balconies and integrated window boxes to the front elevation adding greenery and interest to the building as 'moments of character and joy'.

It is acknowledged that the proposal is of a significant scale with a maximum height of seven stories, however the top floor is inset as per the guidance within the Brentwood Town Centre Design Guide and finished in natural white coloured concrete and visually the proposal will be read as a six storey building. The urban design consultee has advised that the scale is not in question in urban design terms and original concerns centred around information being requested regarding the northern boundary and a request for 'lightning' the weight of form to assist in the transition to 12 King Edward Road. It is considered that the design approach taken (set back of top floor and materiality) has addressed the initial officer concerns in relation to scale.

The initial submission under this application proposed light orange/red stock brick with metal fenestration, cladding and balconies in salmon orange colour to match the brickwork. Concerns regarding the materiality were raised by the design officer and revisions made to the current proposal of light London stock brickwork with muted bronze fenestration and balconies. This change in material results in a lightening of the perception of weight and simplified the orthogonal block which eases the transition to 12 King Edward Road.

The agent has also supplied additional information in form of section plans and visuals of the northern boundary which details how this boundary will be addressed (new retaining wall set adjacent existing wall to rear gardens of Gresham Road properties set around 20cm lower with soft landscaping) and the urban design consultee advises that this additional information submitted addresses the initial concerns.

Conditions are recommended by the urban design consultee in relation to rainwater goods (to be concealed), reveals, brick sample panels, control of roof level paraphernalia and soft landscaping. Conditions to address all of these matters are recommended. Overall the design consultee advises that the scheme as a whole will be a positive contribution to the Brentwood Town Centre Townscape and it is considered that the proposal complies with the Local Plan as well as the NPPF.

Density

Policy HP03 of the adopted Local Plan relates to residential density and advises that development should take a design led approach to density which ensures schemes are sympathetic to local character and make efficient use of land and should be expected to achieve a net density of at least 35 dwellings per hectare net or higher, unless the character of the surrounding area suggests that such densities would be inappropriate, or where other site constraints make such densities unachievable.

The Brentwood Town Centre Design Guide advises that the station area has the capacity to accommodate higher density development and taller buildings with an aspiration to increase the density of the existing Brentwood Station area. As the site is partially also within the residential character area where increased massing or higher density is proposed a higher level of detailed information to illustrate the impact the proposals will have upon the context is required. The Brentwood Town Centre Design Guide does also highlight that there is the potential to increase the density within certain areas of the residential character area.

Four density zones have been identified within the Brentwood Town Centre with guidelines provided on appropriate density ranges, building heights and massing. Where two or more density areas meet or overlap, densities and building heights should be carefully designed to transition from one zone to the next, without compromising any existing low rise residential areas.

The Application site is predominantly within the high density zone, but the north eastern corner of the site is also within the low to medium density zone highlighting the need for transition between the character areas.

The Brentwood Town Centre Design Guide advises that within the high density zone a density range of between 140 and 405 units per hectare is acceptable (or 650 to 1100 habitable rooms per hectare) with taller buildings ranging from 5 to 12 storeys. Within the low to medium density zone a density range of between 35 and 130 units per hectare is acceptable (or 150 to 300 habitable rooms per hectare) with buildings not to exceed 4 storeys in height.

This current proposal has a density of 389 units per hectare or 511 habitable rooms per hectare. The units per hectare density is within the range set for the higher density zone, with the habitable rooms per hectare slightly below. Both calculations are above the range set for the low to medium density zone.

It is considered that the density is acceptable in principle, as whilst it is above the low to medium density zone the site is predominantly within the station character area, and the most important consideration of how the site deals with this transition relates to its form, scale and massing which is more than just a consideration of density figures. The site is also a brownfield site, in a sustainable location, which is

currently under utilised, and the proposal comprises smaller residential units which whilst increasing the density does not result in such an increase in mass as the inclusion of larger residential units would. This can be seen through the habitable rooms per hectare calculation which is at 511, below the range for the high density zone.

Housing Need and Mix

As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).

The Council can demonstrate a five year housing land supply through its new local plan. In November 2022, a Housing Delivery and Supply Monitoring Update was provided to the Planning Committee. This report identified that the Brentwood Local Plan had identified a five year land supply of 5.21 years. Whilst this figure informs the Local Plan, a land supply of 6.9 years has now been identified.

In relation to the Housing Delivery Test (HDT), a 2022 position statement was provided, the first following adoption of the new local plan. Whilst this has not been subject to final verification by DLUHC, through the publication of the annual HDT results, the HDT measurement is anticipated to be 86%, which is in excess of the 85% requirement and the application of the NPPF paragraph 11(d) presumption in favour of sustainable development no longer applies.

However, the five year housing land supply is not a cap on development and the redevelopment of a brownfield site to provide new housing in a highly sustainable location is supported both within the adopted Brentwood Local Plan and the NPPF.

Policy HP01 relates to housing mix and advises that on residential development proposals of 10 or more (net) additional dwellings the Council will require an appropriate mix of dwelling types, sizes and tenures to meet the identified housing needs in the borough as set out in the Council's most up to date housing need evidence. Furthermore, each dwelling should be constructed to meet requirement M4(2) accessible and adaptable dwellings.

In terms of the housing mix proposed the development consists of 1 and 2 bedroom units. Whilst this does not accord with the updated SHMA (2022) mix which suggests a mix of 1, 2, 3 and 4+ bedroom units given the location of the site in the town centre where increased density is sought and reduced amenity space available this mix is deemed to be acceptable and aligns with the car free nature of the proposal. This approach is inline with the approach taken on other nearby urban sites such as 80-99 Kings Road (21/01138/FUL) and Ewing House (17/01971/FUL). All units will meet the required M4(2) standard as required by policy HP01.

Furthermore, this proposal is for a purpose built BtR scheme and it is considered that the provision of BtR housing will widen the choice of available housing within Brentwood and provide a high quality flexible form of housing, distinct from traditional (non-purpose built) private sector rental accommodation and owner-occupied housing.

Housing Standards and Open Space

Policy BE05 of the adopted Local Plan relates to managing heat risk and advises that all development proposals should minimise internal heat gain and the risks of overheating through design, layout, building orientation and use of appropriate materials. This application has been supported by an overheating assessment which details compliance with the requirements of Policy BE05.

Policy HP06 of the adopted Local Plan relates to standards for new housing in relation to both internal residential space and external residential space.

The policy requires all new build housing to achieve compliance with the Technical housing standards – nationally described space standard and this current proposal meets this requirement with all units achieving compliance.

In relation to external residential space the policy 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 a private garden, roof garden, communal garden, courtyard balcony, or ground level patio with defensible space from public access.”

Each unit within this development would have access to private amenity space in the form either a balcony, terrace or small garden with a minimum size of 5m² and all units would also benefit from use of the communal private amenity space to the rear of the development which measures around 225m². The provision of amenity space is considered to be appropriate for this locality and will ensure that all future residents have access to both some private amenity space as well as a larger communal amenity space. The communal amenity space meets the BRE default target in relation to sunlight to amenity space.

Whilst appropriate levels of private and communal amenity space is provided on site the development is not able to provide sufficient levels of public open space to serve the needs of the development as per policy NE05 of the adopted Local Plan (Open Space and Recreation Provision).

In relation to outdoor sports provision and using Sport England’s Playing Pitch Calculator the total capital cost of meeting the demand generated by the estimated population for playing pitches would be:

- Capital Cost: £11,376 (Estimated capital cost towards new pitch provision)

- Changing rooms: £15,885 (Estimated capital cost to provide the changing room provision)

A total of £27,261 towards the provision of a new playing pitch and changing rooms is therefore recommended.

Indoor sports provision - As set out in the Council's Built Facilities Strategy, Sport England's Sports Facility Calculator (SFC) can estimate the demand generated by development for the principal indoor facility types. The SFC indicates that the proposed development will require a financial contribution of £7,879 towards Sports Hall provision/improvement and £8,686 towards Swimming Pool provision/improvement.

In relation to other open Space Provision (excluding outdoor sport) the Council's Open Space calculator in the Draft Planning Obligations SPD, requires £8,727 as a commuted sum for provision of open spaces and £1,745.40 as a commuted sum for maintenance.

The provision of appropriate financial contributions towards the provision/improvement and maintenance of off site open space provision can be dealt with through the use of a S106 legal agreement and is considered in more detail below in this report.

Affordable Housing

Policy HP05 of the adopted Local Plan relates to affordable housing and requires the provision of 35% affordable housing on all new residential development sites with proposals of 10 or more (net) units.

However, the Planning Practice Guidance issued in relation to Build to Rent (BtR) advises that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. Brentwood Borough Council has not set a different proportion within the adopted Local Plan in relation to BtR and therefore 20% would be level sought to be policy compliant in relation to this development.

As this proposal is for 35 residential units 7 affordable housing units should be provided on site to be policy compliant. However, policy HP05 states that *"In seeking affordable housing provision, the Council will have regard to scheme viability; only where robust viability evidence demonstrates that the full amount of affordable housing cannot be delivered, the Council will negotiate a level of on-site affordable housing that can be delivered..."*

This application has been supported by a viability assessment that has been independently and robustly assessed by a consultant appointed by the Council and paid for by the applicant. Upon inspection the Council's consultant has advised that the development is unable to offer any affordable housing at this time. In line with

policy MG05 (developer contributions) and the Draft Planning Obligations SPD any permission granted should be subject to a later review as part of a S106 legal agreement as assess if this position has changed. Furthermore a restriction is recommended within a S106 legal agreement that should the tenure of the development change from BtR within a set time period a further review on whether an appropriate commuted sum should be paid should be triggered.

The housing consultee has advised that for this site it would be appropriate to accept a financial contribution in lieu of on-site provision. This is acceptable under policy HP05 (4) which advises “*The Council will only accept off-site provision, or an appropriate financial contribution in lieu of on-site provision where it can be robustly demonstrated that on-site provision is not possible and that, in the individual case and to the satisfaction of the Council, the objective of creating mixed and balanced communities can be effectively and equally met through either off-site provision or an appropriate financial contribution in lieu or a combination of the two.*”

The Council have their own projects to deliver affordable housing, some of which are close to the town centre, and it is considered that a financial contribution could assist in the objective of creating mixed and balanced communities equally through a financial contribution which could be used to assist in the delivery of these projects.

The applicant has advised that they are aware of the sensitivity surrounding affordable housing delivery in Brentwood, and that the Council has its own housing programme to deliver affordable housing in the area. In recognition of this, the applicant is willing to propose, on a without prejudice basis, a financial contribution of £35,000 (£1,000 per unit) towards delivery of affordable housing in Brentwood. This will be provided at the applicant’s own commercial risk and is to be factored into any late review and represents the applicant’s social aspirations to maximise the public benefits generated via a grant of planning permission and delivery of the proposed development.

The offer of a financial contribution towards the delivery of affordable housing is noted and welcomed however it is not considered that this would meet with the CIL 122 regulations, particularly the requirement that any financial contribution is “*(a) necessary to make the development acceptable in planning terms.*” The application has complied with relevant policies through submission of the viability assessment which having been independently assessed found that the proposal is not able to provide any affordable housing. The requirement for a financial contribution towards affordable housing is therefore not necessary to make the development acceptable in planning terms. As previously stated, any permission should be subject to a later review as part of a S106 legal agreement as assess if this position has changed as well as restriction regarding the BtR tenure.

Residential Amenity

The Council has received a number of objections from residents concerning the scale of the proposed building, loss of light, loss of outlook, overlooking and loss of privacy.

The Essex Design Guide (EDG) normally requires a minimum of 25 metres between the backs of properties with habitable windows facing each other. However, the guide states that where new developments backs onto the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Therefore, the new development should not encroach any closer than 15 metres to an existing rear boundary, however where the rears of the new houses face those of the existing homes at an angle of more than 30°, this spacing may be decreased proportionately, down to a minimum of 1m from the boundary. Furthermore, upper storey flats can cause problems of overlooking from living rooms and therefore any rear-facing upper storey living room should be no closer than 35 metres to the rear of any other dwelling. However, the EDG recognises that it is not possible to meet the distance standards on all developments, particularly in urban areas where higher density development is located. In such settings design is crucial to ensure that no material loss of privacy or overlooking occurs. Whilst the guidance within the EDG is merely guidance and not a set rule for new development to follow it is a good guide for starting the assessment of a proposed development.

In terms of the proposed use, the development of the site for residential is considered to be acceptable in principle and is compatible with the surrounding land uses. Noise and Air Quality matters are considered in detail below within this report.

The impact of the development upon surrounding properties has been subject to discussion with officers at pre-application stage and a daylight and sunlight report has been submitted in support of the application which has been carried out in accordance with the BRE Guide 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' 3rd Edition 2022 (The BRE Guide). It should be noted that this is not an adopted document, is not formal planning guidance is purely advisory and the numerical target values within it can be varied to meet the needs of the development and its location. However, it is a useful guide to assist in assessing the impact of a development and is required under the adopted Brentwood Town Centre Design Guide.

In relation to the NPPF there are no particular standards expressed in relation to daylight and sunlight. Paragraph 125 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPA's should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). Whilst there is no existing or anticipated shortage of land for meeting identified housing need Brentwood Borough is a Green Belt Borough and in line with the NPPF should

look to make best use of brownfield sites such as this one. It is therefore clear that the BRE daylight and sunlight standards are not a mandatory planning threshold.

The proposed new block of flats would follow the build line of Ewing House with a rear projection. The flats would have an overall height of seven storeys (with the top floor inset) dropping down to six storeys to the rear and adjacent to No. 12 King Edward Road to the south east. An assessment will be undertaken along each boundary in turn in terms of impact upon amenity:

West Facing Flank Elevation

The west facing flank elevation of the development would face west towards Ewing House. This flank elevation would be located on the western site boundary and would measure 11 metres deep. The rear projection would then be set angled away from Ewing House at between 9.3 and 15.3 metres from the western site boundary. Ewing House is set between 5.2 and 6.6 metres from application site to the west.

This relationship results in the closest building to building distance of 5.2 metres, increasing to 22 metres.

Ewing House contains windows from the first floor upwards on its east facing flank elevation. The proposed development would contain two windows at ground floor level within the west facing flank elevation closest to Ewing House and then 1 at the 1st – 4th floors and then two at the 5th and 6th floors. Given the close relationship between the proposal and Ewing House at this point these windows would have the potential to result in overlooking and material loss of privacy (floors 1 – 6), however none of these windows are the sole window to a habitable room and after initial concerns were raised with the agent have been shown now to be obscure glazed and inward opening only (above 1.7m) and this can be controlled via a planning condition to ensure that no material loss of privacy would occur.

Within the rear projection there would be a stairwell window set 18 metres from Ewing House (which is a non habitable space) and balconies set between 18 and 19.6 metres from Ewing House, these would be set angled away from Ewing House to reduce loss of privacy and are considered acceptable in this urban environment.

In relation to the daylight and sunlight report this indicates that 10 of the windows within Ewing House would not meet the BRE Vertical Sky Component (VSC), where as all the windows would meet the BRE daylight distribution. VSC is the amount of skylight received at the centre of a window from an overcast sky and assesses whether the occupants of an existing building will notice the reduction in the amount of skylight. The BRE guidance does allow for the setting of alternative target values for skylight and sunlight, and there are many cases where these may be used such as where an existing building has windows unusually close to the site boundary, the

site is located in a historic city centre where typical obstruction is generally greater or there may be an extant planning permission on a site.

The daylight and sunlight report goes on to advise that when considering a retained VSC of 20 which is generally deemed acceptable in an urban environment, 32 No. out of 37 No rooms comply and that in relation to the 5 remaining rooms:

“For the 5 No. remaining rooms have greater impacts to daylight VSC (2 No. studio rooms and 3 No. bedrooms), when considering an ‘alternative target’ of effectively applying a ‘self-test’ target of a median illuminance 150 lux for the studios and 100 lux for bedrooms, we can confirm that these 5 No. rooms in the proposed scenario satisfy the illuminance review....

consideration to a ‘self-test’ review is a reasonable alternative target, given that the studios / dwellings within this block are occupied on an short-term tenure basis with typically, a one year lease granted / longer term occupation less likely. Thus, the retained level of daylight (lux illuminance) within the room, for a given room use, could be considered the more relevant consideration in the proposed scenario (rather than whether a particular occupant will be in residency long enough to actually notice a shift change in the available daylight).”

Overall, it is considered that subject to appropriate condition in relation to obscure glazing the proposed development would not result in material harm to the living conditions of the occupiers of Ewing House through loss of privacy, overbearing impact, material loss of light or material loss of outlook.

South Facing Front Elevation

The south facing front elevation would be set around 2.3 metres back from the front site boundary. Directly on the opposite side of the road is a vacant triangular parcel of land which was granted planning permission under 17/00682/FUL for two two bedroom semi-detached dwellings, however it appears that this permission was never implemented and the consent has now lapsed. Further to the west opposite the site is the Kingsgate building and further to the east is Number 3 King Edward Road which is a two storey end of terrace dwelling.

The proposed development would be positioned around 16 metres from the Kingsgate building and between 18.5 and 20 metres from No. 3 King Edward Road. Any fenestration and balconies within this front elevation would primarily allow views over King Edward Road and towards the public frontages of these buildings and would not result in any material loss of privacy towards occupants of these buildings.

In relation to the daylight and sunlight report this indicates that the proposal will not materially impact upon No. 3 King Edward Road. In relation to the planning permission granted under 17/00682/FUL the proposal would impact upon the light

levels towards a bedroom and small kitchen to the front of the properties, however, all main habitable rooms to the rear of the dwellings would be unaffected. Furthermore, this permission does not appear to have been implemented and has now expired and on this basis the proposal is deemed acceptable in this regard.

East Facing Flank Elevation

The east facing flank elevation of the development would face towards No. 12 King Edward Road which is a commercial two storey property used as offices. The proposed development is set further north adjacent to No.12 with a step back of around 1.8 metres from the front elevation to reduce the impact of the proposal visually. The built form would be located adjacent to the boundary (0.5m off down to adjacent) for a depth of 4.4 metres before pulling away from the boundary by between 4.3 and 5.2 metres for the rear projection of 7.2 metres depth.

All windows in the section of flank elevation closest to the boundary (there are no windows at ground floor in this section) on floors 1-3 would be obscure glazed up to 1.7m above floor level to reduce overlooking of the commercial premises. The windows at levels 5 and 6 would not allow any direct views into the building. There are windows within the set back rear elevation as well as three balconies however these are further from the boundary and due to the commercial nature of No. 12 it is not considered that they would result in any material harm.

The daylight and sunlight report submitted with the application does not assess the impact of the proposal upon No. 12. It is noted that a letter of objection has been received in relation to this and the agent has now provided a statement from the applicant's daylight and sunlight consultants in response to this. This response highlights that windows within the flank north-west facing elevation (facing towards the proposal), appear to be either typically serving WCs (for which even within residential accommodation, would not be assessed / non-habitable space) or forming part of a number of windows serving dual-aspect office suites / office space. Furthermore, the response states that ordinarily, office buildings are not reviewed for any potential impacts to daylight (or sunlight) since being commercial properties, they ordinarily rely on artificial lighting and indeed, sunlight can often be undesirable for use of computer screens or similar. It should be noted that any 'rights to light' is a civil matter and not a planning consideration

There are no extant planning permissions to redevelop No. 12 King Edward Road and no current application submitted that the proposal would impact upon.

North Facing Rear Elevation

The north facing rear elevation would be positioned between 7.7 and 8.8 metres from the rear northern boundary of the application site with a width of 16.6 metres at a height of 17.7 metres, the top storey of the block would be set between 13.5 and 14 metres from the rear northern boundary. To the north of the site are the two

storey residential dwellings within Gresham Road and to the north west is Station Place which is a 5 storey block of flats. There is a change in levels between the application site and the properties to the north of around 1.3 metres with the boundary defined by a retaining wall. The existing rear garden boundary wall of the properties in Gresham Road will be retained and a new 3m high brick built retaining wall built adjacent to the existing. The new 3m high brick retaining wall will be approximately 20cm lower than the retained wall to the Gresham Road gardens. There are overall building to building distances of around 22 to 26 metres at ground floor level.

At ground floor level all windows would have views over amenity space within the development and would not result in any materially harmful impacts to neighbouring residents. On the first to fifth floor of the proposal three windows are proposed within the north facing elevation all of which would be obscure glazed (none are the sole window to a habitable room). At sixth floor level (top floor set further from site boundary) three windows are proposed, two which would serve bedrooms (clear glazing) and one serving a bathroom which would be obscure glazed. Given the building to building distance at this location of around 30 metres it is considered that this is acceptable. There are balconies proposed on the flank elevations which could potentially allow views over the private amenity space associated with the properties in Gresham Road and to ensure no material loss of privacy would occur privacy screens are required to the northern elevations which can be dealt with via a condition.

In relation to the daylight and sunlight report this indicates that all of the windows within Gresham Road properties would meet the BRE Vertical Sky Component (VSC) default target. In relation to daylight distribution all but one window would meet BRE Guide default target criteria. The one window that would not meet the criteria relates to a set of patio doors to a rear single storey extension which has a depth of around 5.7 metres. Daylight distribution on this opening would drop to just over 50% which is still considered to be reasonably good given the urban location. Furthermore given the nature of the existing site with the car park there is limited massing and this property therefore benefits from very high daylight distribution. Due to the current limited massing on site it is not unusual to see a larger shift in change beyond the BRE guide target criteria. Paragraph 2.2.10 of the BRE guide states that *“if an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable.”* The room would still maintain approximately just over half the room area with the ability to see direct skylight at the working plane and also as already highlighted, the reduction to the separate consideration of daylight VSC does meet BRE Guide default target.

In terms of sunlight to amenity spaces only one amenity space to the north would not comply with the BRE default target which is No. 17 Gresham Road. The BRE guide default criteria is at least half of a garden or amenity area should receive 2 hours sunlight on the ground on the 21st March Equinox. No. 17 Gresham Road

has a L shaped amenity space and the retained value for the overall amenity space is that 47% of the amenity area will meet the criteria which is only marginally below the default criteria.

Overall, it is considered that the retained sunlight and daylight values are satisfactory and no unreasonable harm would result as a consequence of the proposed development.

In relation to Station Place this block of flats is located between 17.5 and 19 metres to the north west of the application site and would be located between 28 and 32 metres from the north western edge of the proposed development. Station Place does have some windows angled towards the application site, however given the distances between the built forms it is considered that the proposal would not result in any material loss of privacy or overbearing impact. The submitted daylight and sunlight report details that all windows within Station Place will comply with the BRE guide default targets and the proposal will not result in any material loss of light or outlook.

Internally

For the proposed new-build habitable rooms all habitable rooms reviewed would achieve the daylighting target considered. Equally, for sunlight provision to the new dwellings, good provision is available, including also to the communal amenity area where 63% would have the ability to receive 2 hours or more sunlight on 21 March. The development has also been carefully designed to minimise any inter-overlooking.

It is noted that letters of representation have also 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.

Highways Considerations and Parking

This application has been supported by a Transport Statement as well as a Framework Construction Logistics Report.

The Transport Statement details that the development will be car free and that cycle parking will be provided in line with the adopted standards. It is proposed that access to the property will be from two locations, with primary access retained as per the existing arrangement from King Edwards Road, with additional access from the private road located to the west of the site where the site benefits from a right of access. The cycle parking will be provided within a secure store to the rear of the property accessed from both the site internally as well as from the private road to

the west of the site. In relation to trip generation the statement details that the existing car park use attracts approximately 56 trips on a typical mid-weekday, with around 6 trips in the traditional AM peak and 7 trips in the traditional PM peak with the development forecast to generate a total of 14 two way trips per day by vehicle (primarily taxi and servicing trips), a reduction in the existing use and therefore the proposal is considered to not have a material impact on the operation of the local transport network.

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 120m from the application site and the High Street is approximately 750 metres from the application site.

ECC Highways have raised no objections to the proposed development subject to conditions. They further advise that the local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Brentwood's facilities and car parks.

The proposal also includes a Construction Logistics Plan which provides details of the expected vehicle trips, routes and types of construction vehicles to be used during the construction phase. The report also includes mitigation measures to ensure that the construction traffic is managed to reduce the impact on the local highway network.

It is noted that a significant number of representations have been received which raise concerns regarding parking, however given the highly sustainable location of the site, the type of housing proposed, and the parking restrictions in place there is no objection to the proposal being car free and other developments within the immediate vicinity of the site have been permitted on a car free basis (80-99 Kings Road (21/01138/FUL) and Ewing House (17/01971/FUL).

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 hardstanding forming a car park with concrete and brick retaining walls to boundaries. The application has been supported by a Ecological Impact Assessment which concludes that: "*Overall the study site provides no nature conservation value. The habitats onsite comprise hardstanding, which is of negligible ecological value. There are no onsite trees or 'green' habitats.*"

A small number of ruderal plant species were noted at the edges of the tarmac.”

The report goes on to highlight that the proposed development has the opportunity to deliver long-term enhancements for biodiversity on site. The development will reduce the amount of built habitat (buildings and hardstanding) on site from 971m² to 414m² (reduction of nearly 58%) with replacement by soft landscaping and gardens, green roofs and tree planting.

It is noted that The Essex Badger Protection Group have issued a holding objection on the application requesting that a formal badger survey is carried out to support the application. The Council's consultant arboriculturalist and ecologist has been consulted on this application, has visited the site, and advises that they agree with the submitted report conclusions that the site does not contain features for supporting protected species, including badgers, as there is no habitat features present. There is therefore no requirement for a badger survey to be undertaken.

However, the consultee advises that while there is no scope for badgers to dig setts on the site, there are records of badgers within the vicinity. It is therefore recommended that a precautionary badger method statement be incorporated into a CEMP to ensure that no animals traversing the site are impacted during construction. A condition is recommended to this effect.

The application has also been supported by a arboricultural report which advises that there are no trees located within the site itself, and all are located within the neighbouring gardens beyond the retaining wall on the northern boundary. The report goes on to confirm that no trees will be affected by the proposal as all trees can be fully protected by the retention of the northern boundary wall and its foundations. The report highlights that the arboricultural impact associated with the development will be positive as there are no trees on site at present and the creating of the new amenity space will give opportunity for amenity tree planting to be provided.

the Council's consultant arboriculturalist confirms that there are no trees within the site boundaries and that those beyond the boundary (mainly Category C - Low Value) would not be affected by the proposal. The consultee advises that the scheme would provide opportunities to improve boundaries treatments, undertake new planting, particularly to the rear of the site (indicated towards the rear northern boundary) and to achieve a significant biodiversity enhancement through the use of green roofs. No detail has been provided with the application; therefore landscaping conditions are recommended to agree full details and timing.

Overall the development has the ability to bring about biodiversity net gain on the site in line with policy NE01 as well as guidance contained within the NPPF.

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.

The application has been supported by a Air Quality Impact Assessment which notes that the application site is not within an Air Quality Management Area (AQMA), the nearest AQMA being 0.8km to the north-east of the site. The report then assessed the potential impacts on Air Quality both from construction and operational phases of the development.

A construction dust impact assessment was undertaken in accordance with Institute of Air Quality Management (IAQM) guidance. It was concluded that without appropriate mitigation measures, medium risks were posed overall by demolition, earthworks, construction and trackout activities. During construction, receptors within 350m of the construction boundary could be susceptible to dust effects. However, with appropriate mitigation measures implemented, it was concluded that the construction effects of the Proposed Development would be not significant. In terms of the operational phase the development is car free and the report concludes that it is anticipated that the impact of the operation phase on future site users is likely to be negligible, and therefore no off-site mitigation measures are required.

Environmental Health have been consulted on this application and have advised that the issues relating to dust from construction and demolition activities can be dealt with by a CEMP which can contain an Air Quality and Dust Management Plan (AQDMP) to address dust emissions from construction activities. A planning condition is recommended in this regard.

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 states that internal noise standards should be achievable using suitable glazing and ventilation strategies. In addition, an assessment of internal noise levels has been considered where windows may be open for ventilation. It was concluded that “*use of opening windows as a primary means of mitigating overheating is not likely to result in adverse effect*” for the proposed development.

Environmental Health have advised that noise emissions from proposed plant (both normally operating and emergency plant) have also been assessed at the nearest noise sensitive properties and the noise levels are predicted to comply with noise limits during daytime and night-time periods. Full details can be controlled via planning condition.

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.

The application has been supported by a Phase 1 Desk Study which advises that there is a potential for contamination to be present on site in a circumstance which could lead to unacceptable risks to identified receptors (future site residents and visitors). This reflects the historical demolition works associated with the former brickfield and residential dwellings and the use of the site as a car park since the late 1970s, which may have resulted in contamination of the shallow soils underlying the site. However, it is noted that hardstanding, across the lower level car park will likely afford some protection to the underlying ground from any such small-scale hydrocarbon releases from parked cars and that the construction of the car park itself may have resulted in the removal of some historical Made Ground due to the fact that the car park is situated at a lower elevation when compared to the surrounding area.

The report recommends that a phase 2 site investigation report is undertaken and an on-site specialist watching brief be in place during groundworks. Environmental Health have been consulted on this application and have confirmed their agreement to this approach. These matters can be adequately dealt with through the use of planning conditions which are recommended.

Fire Service Access

The proposed development seeks a residential building of a maximum of seven storeys which is deemed to be a 'higher-risk building' under the Building Safety Act 2022 and whilst Building Control matters are not generally planning considerations the government introduced Planning gateway one which came into force on 1st August 2021 as a result of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 and requires submission of a fire statement for any residential buildings of 7 or more storeys as well as sets out the Health and Safety Executive as a statutory consultee for such planning applications.

As required this application has been supported by a fire statement form. The Health and Safety Executive have been consulted on this and have advised that following a review of the information provided in the planning application, HSE is content with the fire safety design, to the extent that it affects land use planning.

Essex County Fire and Rescue Service have also been consulted on this application and have advised that provided the road serving the East elevation of Ewing House and rear access to its ground floor commercial units and beyond is made no worse than as existing then the proposal will be seen not to affect Fire Service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of the Essex Act 1987. The agent has confirmed that access to the service road servicing Ewing House will remain unaffected.

On the basis of the above there is no objection to the proposal in relation to fire service access or fire safety.

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 low, moderate and high risk surface water zones as well as within a critical drainage area and has therefore been supported by a Flood Risk Assessment and Sustainable Drainage Assessment.

The site at present is completely hardstanding and the proposal will introduce landscaped amenity areas as well as green roofs reducing the amount of hardstanding on site and improving the surface water run off situation.

The Lead Local Flood Authority have advised that they have no objection to the proposal subject to appropriate conditions which are recommended.

Refuse and Recycling

A separate refuse and recycling store is proposed along the eastern elevation of Ewing House (which is under the same ownership as the application site). The refuse and recycling store would measure 7.5 metres wide by 1.9 metres deep with a flat roof reaching up to 2.5 metres and would be timber clad to all sides.

The proposed refuse store is within 12 metres of the rear door within Ewing House which is considered to be an acceptable distance, as well as being within the 25 metre guidance of an adopted road as set out within the Essex Design Guide.

Infrastructure Requirements

Policy MG05 sets out that new development will be expected to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, as set out in the Infrastructure Delivery Plan and other policies in the Plan.

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 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:

- Brentwood Town Centre Public Realm Enhancement (IDP Ref T7)
- Brentwood and Shenfield Railway Station Public Realm Improvement (IDP Ref T8)
- Quietway Cycle Routes in Brentwood Urban Area (IDP Ref T10)
- Railway Station Cycle Infrastructure (IDP Ref T12)
- M25 Junction 28 (IDP Ref T28)
- M25 Junction 29 (IDP Ref T29)
- Signalised Junctions Improvements, A1023 High Street / B185 Kings Road/ A1023 London Road/Weald Road (IDP Ref T30)

The Planning Policy team have been consulted on this proposal and have advised that 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 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 Transport Assessment, it concludes *‘the site would generate a total of 14 two-way trips per day by vehicle, primarily taxi and servicing trips... When compared to the existing use as a car park, this is a significant reduction’.*

It’s understood the proposals will be a car free development to help encourage travel by modes other than private car. Essex County Council as the Highways Authority are satisfied with the forecast trip generation and conclusions of the Transport Assessment having raised no objection to the proposed development.

Its further noted, the application is supported by a Viability Assessment which has been scrutinised independently and it has been established the scheme cannot viably contribute affordable market rent housing. In such circumstances its necessary to consider Policy MG05 Developer Contributions, Item 6. Which sets out exceptions to MG05 Policy requirements; one being the demonstration that the full mitigation cannot be afforded through a Viability Assessment.

From a balanced view of the above circumstances, planning policy advise that in this case it is not considered contributions towards the relevant infrastructure requiring contributions are required from this development.

Through the consultation of this application consultation responses have also been received from Essex County Council Infrastructure Planning as well as Mid & South Essex Health Care (NHS), both of which request financial contributions.

Essex County Council Infrastructure Planning request the sum of £2,723, index linked to April 2020, to improve, enhance and extend the facilities and services provided by Essex Libraries which is a statutory duty under the 1964 Public Libraries and Museums Act.

Mid & South Essex Health Care have requested the sum of £12,700 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

Planning Policy have also advised that a total of £27,261 towards the provision of new playing pitch and changing rooms is required in line with Sport England's Playing Pitch Calculator and £8,686 towards Swimming Pool provision/improvement in line with Sport England's Sports Facility Calculator (SFC). The open space contribution in line with policy NE05 would be £8,727 for provision of all relevant open space and a further £1,745.40 towards maintenance.

The agent has confirmed agreement to the above referenced planning obligations and these meets the social and community needs of the development. As previously advised no provision or contribution for affordable housing is required given the viability issues.

CIL 122 Regulations

As financial contributions are sought it is therefore necessary to ensure that these requests meets with the CIL 122 regulations.

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a)necessary to make the development acceptable in planning terms;
- (b)directly related to the development; and
- (c)fairly and reasonably related in scale and kind to the development.

In relation to the Mid & South Essex Health Care request it is considered that the contribution is necessary to make the development acceptable in planning terms. Capacity of GP practices (space vs patients lists) in the vicinity of the development

site have been assessed against adopted standards and a contribution is sought as the capacity of primary healthcare facilities in the area of the proposed development is already below the recognised standards of provision for the existing population. Additional population growth in the area resulting from new development would add to the deficit and so would be unsustainable if unmitigated.

The contribution is directly related to the development as the contribution would be used for a purpose that will add capacity to be used for the patients arising from the development, the NHS advises that this is achieved by the use of contributions being tied to use at the practice or primary care network that serves the site and is shown to lack capacity.

The proposal is fairly and reasonably related in scale and kind to the development as the means of calculating the size of the contribution is based on Department for Health guidance and the cost of providing the additional space is based on Building Cost Information Service data.

In relation to the Essex library contribution it is considered that the contribution is necessary to make the development acceptable in planning terms. The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications. The suggested population increase brought about by the proposed development is expected to create additional usage of the nearest library and provision will need to be in place for this.

The contribution is directly related to the development as the contribution will be used to improve, enhance and extend the facilities and services provided and to expand the outreach and mobile library offer that would service this development.

The proposal is fairly and reasonably related in scale and kind to the development as the means of calculating the size of the contribution is based on dwelling mix and population that would be generated by the development.

In relation to the outdoor sports provision, indoor sports provision and open space provision it is considered that the contributions are necessary to make the development acceptable in planning terms. The development will increase the demand for these services/facilities within the catchment of the development and it is considered that a proportionate contribution towards quality improvements, provision and maintenance is required.

The contributions are directly related to the development as the contribution will be used towards quality improvements, provision and maintenance of outdoor sports provision, indoor sports provision and open space provision within the catchment of the development.

The proposal is fairly and reasonably related in scale and kind to the development as the means of calculating the size of the contribution is based on dwelling mix and population that would be generated by the development.

Introduction of the Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a locally set charge on new development that will be introduced in Brentwood Borough on 15 January 2024. It is a charge based on the size and type of development. If a development is liable to pay CIL, the payment is mandatory to pay and non-negotiable. Should this application be determined on or after 15th January 2024 then it will be CIL liable.

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.”

The application site is considered to be located within a sustainable location close to the Train Station and High Street with excellent access to local services and facilities as well as public transport.

In terms of the economic objective the proposal would result in additional employment during construction, and during the lifetime of the development the additional residents would help support the local economy.

The agent has supplied an economic benefits summary which advises of the following:

- during construction the development is likely to generate the equivalent of 29 permanent on site full-time jobs and 11 on and off site construction jobs for residents of Brentwood.
- During the operational phase (once built and residents move in) it is estimated that 4 additional jobs for residents of Brentwood will be generated on site (maintenance/operation workers) and 18 on and off site jobs (estimated 10 working from home and 8 off site).
- Residential expenditure generated through new residential spending in Brentwood is estimated to be £240,00 per annum.
- Gross Value added of £740,000 net per annum upon completion (including public sector revenues generated from Council tax, new homes Bonus (CIL – if liable) and S106 payments.

The economic objective is therefore considered to be met.

In social terms the proposal would provide 35 additional homes within the Borough within a highly sustainable location whilst making best use of a brownfield site. Furthermore, this proposal is for a purpose built BtR scheme and it is considered that the provision of BtR housing will widen the choice of available housing within Brentwood and provide a high quality flexible form of housing, distinct from traditional (non-purpose built) private sector rental accommodation and owner-occupied housing. 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 of high quality and acceptable as detailed above. The application has also been supported by a sustainable design and construction statement as well as a energy and CO2 reduction strategy. The sustainable design and construction statement details that the development has been designed to surpass the current Building Regulations for carbon emissions by achieving a 66.04% reduction which is in excess of the 10% reduction required under policy BE01. The energy and CO2 reduction strategy details how the installation of solar PV panels and inclusion of air source heat pumps will ensure that 17.89% of predicted energy needs of the development will be from renewable energy (again in excess of the 10% required through policy BE01). The environmental objective is therefore considered to be met.

Other Considerations

It was noted that a number of letters of representation were received advising that some letters of support came from people who did not reside near the scheme and their views should not be given as much weight as immediate neighbours. This is noted however all letters of representation are logged (where they relate to planning matters and names/addresses are provided) and the points raised considered as far as they relate to planning matters. It has also been raised that a significant number of the letters of support have consistent writing. This is because they have been submitted via the just build homes campaign (with relevant names and addresses for each individual). This in itself is not a planning matter and only points related to the application and/or planning are taken into consideration.

It was also raised within some letters of representation that a couple of letters of support came from residents who currently have leased car parking spaces within the application site. It should be noted that the correct land ownership certificate was served which gave notice that all those individuals with leased car parking spaces had been served notice.

In relation to a concern raised regarding the public consultation of this application this was done in accordance with The Town and Country Planning (Development

Management Procedure) (England) Order 2015 (as amended) with neighbour notification, a site notice and a press advert. Any letters of representation received have been taken into consideration (as far as they relate to planning matters) up until the date of this report being written. Any further letters received will be verbally reported.

Conclusion

As detailed above it is considered that the development meets the policy guidance within the NPPF in relation to sustainable development. Any adverse impacts associated with the development would not significantly and demonstrably outweigh the benefits.

The proposal represents a high-quality development including materials, detailing and architectural design benefiting this site. The impact of the proposals height and massing have been carefully assessed and it is considered that it provides an appropriate response to the site and its surroundings.

The proposal would provide excellent quality of living standards for future occupiers with all units benefiting from private amenity space as well as a useable and secure private communal space. The development has been designed to ensure that it would not result in any material loss of privacy towards neighbouring occupiers and impact upon daylight and sunlight towards neighbouring occupiers is deemed acceptable as detailed above.

No affordable housing is proposed as part of the development (as justified through submission of viability report) however other social and community infrastructure needs from the development are offered.

Overall, the proposed redevelopment of this site will secure the development of this underutilised highly sustainable brownfield site and provide additional high quality housing of a tenure that will widen the choice of available housing within Brentwood.

7. Recommendation

APPROVED the application subject to the completion of a S106 agreement and conditions.

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT (final wording delegated to officers to agree with legal services)

- Payment of £12,700 to mitigate impact of development upon local GP Services.
- Payment of £2,723 to improve, enhance and extend the facilities and services provided by Essex Libraries
- Payment of £27,261 towards the provision of new playing pitch and changing rooms

- Payment of £8,686 towards Swimming Pool provision/improvement
- Payment of £8,727 for provision of all relevant open space and a further £1,745.40 towards maintenance.
- Clause subjecting to the development to a later viability review to reassess whether the development can support any AH contribution.
- A restriction that should the tenure of the development change from BtR within a set time period (to be agreed) a further review on whether an appropriate commuted sum in relation to AH should be paid.

CONDITIONS

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

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

2. 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 specification of materials to be used in the construction of the external surfaces, including windows and doors, of the development 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 of the adopted Brentwood Local Plan.

4. Prior to any works above slab level panels of no less than 1m x 1m of any brickwork within the development including brick type, bond, mortar and joint profile shall be erected on site for assessment and thereafter approved in writing by the local planning authority. 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 policy BE14 of the adopted Brentwood Local Plan.

5. A document pack that shows typical details of:
windows – to include the depth of reveal;

doors and thresholds;
balustrading, railings and gates;
cills and coping stones;
ironmongery;
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 policy BE14 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 rainwater goods, 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. Notwithstanding the details submitted in support of this application no development shall take place, including any ground works or demolition, until a Construction and Environmental 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. a waste management plan
 - iii. details of measures to minimise noise and vibration during construction and ground works
 - iv. measures to control the emission of dust and dirt during construction including an Air Quality and Dust Management plan (AQDMP) to propose measures to control emissions during the construction and demolition phase.
 - v. route to be used by construction vehicles to and from the site
 - vi. loading and unloading of plant and materials
 - vii. site set-up including arrangements for the storage of plant and materials used in constructing the development
 - viii. wheel and underbody washing facilities
 - ix. hours of works
 - x. A badger method statement to ensure that no animals traversing the site are impacted during construction.

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 the environment.

8. All windows shown as obscure glazed on approved drawings ((20) 101 – 103 rev P6, (20) 104 rev P5, (20) 105 rev P2, (20) 106 rev P4) shall be:-
- a) glazed using obscured glass to a minimum of level 3 of the " Pilkington " scale of obscuration and
 - b) non-opening below a height of 1.7m above the floor of the room in which the window is installed.
- and shall be retained as such thereafter.
(Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties in accordance with policy BE14 of the adopted Brentwood Local Plan.

9. Prior to occupation of the development hereby permitted full details of screening to the northern elevation of the balconies within both the east and western elevations of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be in place prior to occupation of these units and shall be retained as such thereafter.

Reason: To ensure that no material loss of privacy would occur to neighbouring residents to the north in accordance with policy BE14 of the adopted Brentwood Local Plan.

10. 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.
 - 4) Schedule of implementation of soft landscape works.

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

- 5) Details of any walls with brick types, construction design and dimensions
- 6) Details of paved surfacing, with materials finishing and edgings
- 7) Details of any fencing with full specification
- 8) Schedule of implementation of hard landscape works.

The hard landscape works shall be carried out as per the approved schedule and retained and maintained as such thereafter.

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

11. Notwithstanding the details submitted with this application 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.

12. 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.

13. 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.

14. 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.

15. Details of the glazing and ventilation measures proposed to ensure adequate internal noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The proposals shall provide a specification at least in accordance with Table 5.2 of the Acoustic Report submitted by Auricl acoustic consulting included with the application. The development shall then be implemented in accordance with the approved details.

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

16. No plant or equipment shall be installed onto any part of the hereby approved development (including within the ASHP and plant store) until details are submitted to and approved in writing by the local planning authority that demonstrate that external plant and emergency plant operational noise limits are compliant with the recommended levels set out in Tables 6.1 and 6.2 of the submitted Acoustic Report (submitted by Auricl acoustic consulting) when measured at a distance of 1m from the nearest noise sensitive property. The development shall then be implemented in accordance with the approved details.

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

17. Prior to its installation full details of the attenuation measures to the ground floor plant shall be submitted to and agreed in writing with the local planning authority. The details submitted shall include details of the acoustic louvre design and specification together with details of the lining materials for this area. The attenuation measures shall then be installed in full prior to the first occupation of the development and retained as agreed.

18. Prior to the first occupation of the development hereby approved, 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.

Reason: To ensure the lighting strategy is appropriate for the site and wider environment in the interests of ecology as well as residential amenity.

19. No works related to the alteration of ground levels at the site and no works above ground level other than demolition of the existing car park shall occur until details of existing and proposed ground levels and proposed finished floor levels, and their relationship to the adjoining land 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 safeguard the character and appearance of the area and the living conditions of nearby residents.

20. Prior to first occupation of the development, the redundant part of the existing shared access up to the east site boundary on King Edward Road shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing. (Ensuring that the dropped kerb access remains in place for the immediate adjacent site; Adelaide House, 12 King Edward Road). Details to be agreed with the Highway Authority.

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.

21. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with policy BE13 of the adopted Brentwood Local Plan.

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

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

23. The development shall be carried out in accordance with the Sustainable Design and Construction Statement by Carbonplan Engineering dated August 2023 updated 13th September 2023 Rev B.

Reason: In the interests of sustainability and energy efficiency in accordance with policies BE01, BE02, BE04, and BE05 of the Brentwood Local Plan

24. Prior to the first occupation of the development hereby permitted a Secure by Design Statement shall be submitted to and approved in writing by the Local Planning Authority, detailing how the design of the development adheres to the principles of Secure by Design accreditation, Secured by Design Homes 2019 Version 2, March 2019. 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.

25. Each dwelling shall be constructed and fitted out so that the potential consumption of water by persons occupying the dwelling will not exceed 110 litres per person per day.

Reason: To minimise the consumption of mains water in accordance with policy BE02 of the Brentwood Local Plan.

26. No dwelling pursuant to this permission shall be occupied until an FTTP 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 premiss 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 that new developments are connected to digital infrastructure in accordance with Local Plan Policy BE07.

27. Prior to occupation of the development hereby permitted the bin store shown on approved drawing (20) 404 rev P1 shall be erected on site and made available for use by the development. The bin store shall be retained as such thereafter.

Reason: To ensure appropriate refuse and recycling storage is available to meet the needs of the development.

28. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:
- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 1 l/s.
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.
 - Provide a full detailed survey of the retaining wall, how offsite overland flows will be managed. Flow routes must be detailed and how offsite flows will be stored on site.
 - Provide a detailed drainage plan showing surface water and foul water pipe networks.
 - Provide water quality indices showing that adequate water treatment is provided.

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

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

29. 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 on each parcel 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. The development shall then be carried out in accordance with the agreed details.

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.

30. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

31. The development hereby permitted shall not be commenced (excluding demolition where necessary to access the pipes) until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Informative(s)

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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.

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

Lead Local Flood Authority Informatives

- o 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.
- o Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- o Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- o 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.
- o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

Thames Water Informatives

The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

ECC Highways Informatives:

- o Any temporary road closures/ diversions/ rolling roadblocks to be agreed with the

Highway Authority.

o 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.

o The applicant should be made aware of the potential relocation of highway signs and/or utility apparatus in the highway and any other associated utilities that may be underground. Any relocation shall be fully at the applicant's expense.

o 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.

o The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

BACKGROUND DOCUMENTS

DECIDED: