

SITE PLAN ATTACHED

BROOKES HOUSE 79-81 WESTERN ROAD BRENTWOOD ESSEX CM14 4ST

**DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT OF
BROOKES HOUSE TO PROVIDE FOR A 55 APARTMENT ASSISTED LIVING
SCHEME IN C2 USE WITH ASSOCIATED LANDSCAPING, CYCLE PARKING
AND LOWER GROUND LEVEL CAR PARK**

APPLICATION NO: 23/00888/FUL

WARD Brentwood North **8/13 WEEK DATE** 3 October 2023

PARISH **EOT DATE** TBC

CASE OFFICER Julia Sargeant

Drawing no(s) relevant to this decision: 419-ACG-XX-00-D-A-1100/P1; 419-ACG-XX-ZZ-D-A-1000/P2;
809-ALA-00-XX-DR-L-0005/P03;
809-ALA-00-XX-DR-L-0006/P03;
809-ALA-00-XX-DR-L-0007/P03; DESIGN & ACCESS
STATEMENT INCLUDING APPENDICES;
419-ACG-XX-ZZ-D-A-2000/P7; 419-ACG-XX-ZZ-D-A-2001/P11;
419-ACG-XX-ZZ-D-A-2002/P8; 419-ACG-XX-ZZ-D-A-2003/P8;
419-ACG-XX-ZZ-D-A-2004/P9; 419-ACG-XX-RF-D-A-2005/P6;
419-ACG-XX-ZZ-D-A-1001/P5; 419-ACG-XX-ZZ-D-A-1002/P5;
419-ACG-XX-ZZ-D-A-4000/P7; 419-ACG-XX-ZZ-D-A-4001/P9;
419-ACG-XX-ZZ-D-A-4002/P6; 809-ALA-00-XX-DR-L-0002/P03;
809-ALA-00-XX-DR-L-0003/P03;
809-ALA-00-XX-DR-L-0004/P03;
809-ALA-00-XX-DR-L-0001/P04; 419-ACG-XX-ZZ-D-A-3000/P7;

This application has been referred to Planning Committee by Councillor Alison Fulcher for the following reasons:

The documents for the South and West elevation and North and East elevation show a proposed increase in the size of the development that will impact on the privacy of properties nearby. The car parking planned for the development is a 14 space carpark which will not meet the demands for a care home of this size. Potentially creating parking issues on the roads surrounding Brookes House.

1. PROPOSALS

Planning permission is sought for the redevelopment of the existing Brookes House site on western Road to provide a new assisted living scheme. The proposal would involve the demolition of the existing Brookes House and erection of a new detached building which would accommodate 55 individual apartments as well as shared communal facilities. The proposal also includes the landscaping of the site and provision of lower ground level car parking.

The application site is located at the very northern edge of the geographic scope of the Brentwood Town Centre Design Plan and is subject to assessment in relation to the Brentwood Town Centre Design Guide.

The proposed new building would appear as 2 and a half storeys from the front east facing elevation and extend up to 4 storeys at the rear. It would be constructed out of a mixture of red and yellow buff facing brickwork with clay vertical hanging tiles to some elevations. The front elevation of the building would contain two tower features in reference to the existing building which contains two tower features to the front elevation and would measure a maximum of 9.5 metres to the ridge. The feature towers are to be built out of red and yellow buff brick reclaimed and reused from the existing building which will be rebuilt exactly as the existing complete with all stone features. The front elevation would also drop down in height at the southern elevation to 8.5 metres and the southern end of the building is lower in overall height than the northern end due to the sloping nature of the site.

As the proposed building extends west back into the site it rises in overall height. Along the southern elevation the building extends to 12 metres in height. Along the northern elevation the building extends to 13.4 metres in height and then up to a maximum of 15.8 metres in height due to the topography of the site in the northwest corner. Across the rear western elevation the building would extend up to 15.1 metres in height at the northern end and 12 metres in height at the southern end.

The building would take a rough 'H' shaped plan form with the built form in the centre of the site being pulled away from the site boundaries.

Internally the new building would contain 31 x1 bedroom apartments and 24 x2 bedrooms apartments with shared communal facilities including:

- Reception
- Care Suite
- Residents Lounge / Dining Area
- Wellness Centre / Gym
- Therapy / Treatment Room (Haircare / Chiropodist)
- Library and Activity Space
- Mobility Scooter Store

It should be noted that some rooms will be used for dual purposes. Uses may include but are not limited to activities and clubs such as cards, arts/crafts clubs and lessons, music and singing clubs, talks, performances and resident meetings.

Each individual apartment would have a kitchen and living area, a bathroom and one or two bedrooms. All apartments would be accessed through a main front door and a secure internal environment created.

2. SITE DESCRIPTION

The application site is a sloping site and slopes from east to west and from south to north along the northern boundary of the site, with the change in levels being most pronounced in the north western corner of the site. Along the frontage of the site it slopes from south to north with a decline of around 1 metre over the 55 metres. The rear western boundary declines around 4 metres from south to north and the northern boundary declines around 3.4 metres over the 66 metres culminating at the low point in the north west corner of the site. The site is located in an urban area that is predominantly residential in nature, with existing dwellings located to the north, south and west, as well as to the east on the opposite side of Western Road. There is a Fire Station located to the north east of the site on the opposite side of Western Road.

The application site currently contains the existing Brookes House which was last used as a care home.

3. 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
HP04 – Specialist Accommodation
HP06 – Standards for New Housing
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)

4. RELEVANT HISTORY

- 21/01734/FUL: Redevelopment of Brookes House site to provide for a 48 Apartment Assisted Living Scheme in C2 Use with associated landscaping and underground car parking - Permitted subject to S106 legal agreement and conditions on 16.06.2022
- 21/01734/COND/1: Discharge of conditions 3 (Construction Method Plan) of application 21/01734/FUL (Redevelopment of Brookes House site to provide for a 48 Apartment Assisted Living Scheme in C2 Use with associated landscaping and underground car parking) – Permitted on 09.12.2022

5. 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 on two occasions, site notice on two occasions and a press advert.

At the time of writing this report the application had received 10 letters of representation, nine objecting to the proposal and one in support over two rounds of consultation.

First Round of Consultation:

Main reasons for objections (summarised):

- Object on same grounds as before.
- Concern that previous application did not get considered at planning committee.
- Current application relies heavily on the previous build being consented when that is not the case with approx. 50 objections logged by local residents.
- Size and scale of build in residential area.
- Building is huge with the proposed elevations overbearing and imposing over the park road and vale gardens.
- The proposal is over bearing and has negative visual implications for adjoining houses including blocking light.
- Overlooking and loss of privacy.
- Loss of light.
- Concerns regarding drainage and impact of vibrations caused by the erection of the underground garage and increased plant utilising the entrance.
- Neighbouring property has previously been underpinned due to subsidence and the potential impact of the proposal structurally upon neighbouring property has not been mentioned.
- Potential increase in noise levels resulting from the development.
- The new building is too big/close to the adjoining residential housing.
- Parking proposal changes are an issue.
- Building noise and pollution has not been adequately addressed.
- If permitted, please ensure that all construction workers during the build and residents/staff do not have resident parkin permits.
- Would like to obscure the build and for extra trees and bushes to be added.
- Western Road is a very busy road for children walking to school and this needs to be taken into account during all times of the build.
- Traffic implications for Western Road.
- Potential issues for the fire station in terms of traffic and access.
- Concerned the building has moved closer to our property.
- Concern regarding potential impact of foundations to trees in garden which provide a large amount of screening.
- Feels like this is incremental planning submissions to push the boundary of what can be achieved.
- Relatively ok with northern elevation of building but have severe concerns about western elevation where windows/doors are not view restricted as before.

- Concerned over the water surface drainage solution and position of attenuation tank and impact upon tree roots.
- Consultation response from ECC Suds flags concerns about drainage planning.
- Drainage issues and subsidence to nearby housing.
- Proposal breaks density limits in BLP.
- BLP states in multiple places that creating private car parking should be avoided, and proposal stresses its sustainable location and proposes a private car park instead of using existing.
- Removing the car park from the design would give the developers the opportunity to reallocate shared services/utilities within the basement of the building and reduce its bulk.
- The proposed underground car park construction will have catastrophic impact on surrounding trees and gardens.
- The tree on the corner of the boundary has a TPO and the proposed new building is extremely close to this.
- No evidence how the build will take place without harming tree roots.
- Harming conservation of protected fauna and wildlife.
- Impact on already burdened healthcare system.
- Sets a precedent.
- Impact on value of people's homes.
- Proposal is unsuitable for this neighbourhood.
- The current proposal and amendment concerns have not been sufficiently addressed with local residents. Developer consultation/discussion promises not met.
- Some redevelopment of the site is agreeable to residents, but the precise nature is not.

Main Reasons for support (summarised):

- The application is far more attractive and of great use to the ageing public than more apartments and the trappings e.g. cars that go with that.
- Brentwood already has a surfeit of apartments/flats without any support infrastructure.

Second Round of Consultation (*following revision to address design consultee comments and case officer comments in relation to neighbour impacts*)

Main Reasons for objections (summarised):

- Note that the nearest windows to property on western flank have now been amended to prevent over-looking which is an improvement and well received. However still have concerns on where the rainfall water tank will be. Note that there are no apartments in the lower ground floor/basement area and urge that a condition is placed that the storage tank should be within the footprint of the building to prevent damage to the root system of neighbours tree which acts as screening.

- Do not think that just digging a trail trench is sufficient.
- Latest revision has added considerable height to the building and will forever change the neighbourhood to the negative.
- Proposal is wildly out of sync with the aesthetic and values of the community.
- Proposal encroaches so close it is almost in people's gardens.

6. CONSULTATION RESPONSES

AFFINITY WATER:

Affinity Water has no comments to make regarding planning application 23/00888/FUL.

ESSEX COUNTY COUNCIL (SUSTAINABLE URBAN DRAINAGE):

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions requiring submission of a detailed surface water drainage scheme, and management and maintenance details.

ESSEX POLICE:

The 'Essex Police – Designing out Crime Office (DOCO) once again welcomes the opportunity to make comment on the proposed development of Brookes House in Western Road, Brentwood.

As we have stressed in our previous responses, 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.

Upon inspection of the revised plans, we continue to seek engagement with the applicant for this application in order that the security arrangements for the development can be discussed.

Once again Essex Police would like to suggest that, if approved, this construction project is designed incorporating the maximum achievable benefit of CPTED for which Secured by Design (SBD) is the preferred enabler.

We strongly recommend that the developer seeks to achieve the relevant Secured by Design accreditation detailed within the current Secured by Design Homes guide for the development, (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

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 risk. Consequently, we are interested in the boundary treatment for this development, particularly in relation to the western perimeter which backs onto a garage block area to the rear of The Vale. The combination of a strong perimeter and effective access control through gates and doors will help mitigate against crime.

ARBORICULTURALIST:

A previous proposal to construct a 48-apartment assisted living scheme on the site (21/01734/FUL) was approved subject to s106. This revised scheme alters the footprint of the building which results in some changes to the landscape effects and proposed landscape scheme.

The revisions to the scheme will result in fewer existing trees being removed (4 rather than 12) which is welcomed. In addition, there is a slight increase in space to be retained around T7 the Lime covered by TPO08/1992.

The revised building footprint will reduce the space available for new tree planting; however the scheme would still result in a net increase in trees. Given the space between the building and site boundaries it is considered that the proposed numbers and species are realistic.

I have compared the landscape proposal for the previously permitted scheme with the most recent up to date scheme and am satisfied that it provides broadly similar amounts of amenity space and new planting. There would be some reduction in the amount of planting and lawn bounding Western Road; however this would not be significant.

An updated ecological assessment has been undertaken which confirms there have been no significant changes to the presence of protected species since the previous application. The Precautionary Method of Working (Ecology) is considered appropriate for the scheme. I would request a compliance condition for works to be undertaken in accordance with this document.

In conclusion, I am satisfied that the proposed changes will not significantly alter the landscape and visual effects of the scheme and will achieve useable amenity spaces. I have no objection to the proposals on landscape or ecology grounds.

BASILDON FIRE STATION (ESSEX FIRE AND RESCUE):

First Response

I refer to your correspondence and consultation regarding the demolition of the existing building and redevelopment of Brookes House to provide for a 55

apartment assisted living scheme in C2 use with associated landscaping, cycle parking and lower ground level car park; as a result the submission has been considered and the following observations are made.

Access

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 – Section 13 and the Building Regulations 2010. The proposal does not affect Fire Service access to existing premises in the vicinity and therefore in compliance with Section 13 (1)(b) of The Act.

Fire Service pumping appliance access to the development will be required to meet the requirements of the Building Regulations 2010 Approved Document “B” Fire Safety Volume 2 Section B5 (and so address Section 13 (1)(a) of The Act). One elevation drawing submitted indicates that the topmost floor level is in excess of 11 metres, with the total floor area exceeding 2000m² vehicular access to 50 % of the building’s perimeter will be required; if however confirmed less than 11 metres in height, 15% access will be required. In both scenarios it appears that such access will need to be re-assessed to meet / confirm B5 requirements. (Including suitable turning provision dependant on how proven). Alternatively dry riser installation(s) would be considered as a suitable alternative provided vehicular access is provided to within 18 metres of the externally mounted inlet cabinet(s) (with again where / if required appropriate pumping appliances turning provision provided).

Subject to the appropriate requirement referred to above being proven the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority will have no objection to the application.

Where any development includes flats, mixed use buildings or non-residential buildings as is proposed with this application further observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage should approval be given.

Building Regulations

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

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

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

Water Supplies

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

Flood Plain Risk

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. Nevertheless, 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 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 any 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 a development. With this proposal the requirements of ECC Sud's consultee response will require addressing along with adopting guidance given in the Drainage Strategy document submitted in support of this application.

Sprinkler Systems

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

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated

that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

Second Response

With reference to Dwg No's; 419-ACG-XX-00-SK-A-9818 Rev P2 'Fire Access Distances' & B1-SK-A-9819 'Lower Ground Fire Access', the suggested dead end fire appliance set down point is not considered acceptable as there appears to be insufficient working space around the appliance to suit operational needs, the need to negotiate and open gates to access the dry riser inlet cabinet for stair core 1 will impede / delay the initial attack on any developing fire within the premises; these concerns are also repeated with the inlet cabinet located further down the dead end at the entrance to the carpark serving stair core 2 which in addition to the concerns mentioned above would become unusable in the event of, for example a vehicle fire occurring within.

Therefore, ideally both dry riser installations will have inlet cabinets to the front elevation of the building both of which will need to be within 18 metres of a suitably located fire appliance set down point and be fully visible to the appliances pump operator.

Whilst not necessarily a planning issue, it is noted here as it may have a further bearing on the supply pipe orientation / inlet cabinet siting, a dry riser outlet valve cabinet is shown as being located behind the door within the ground floor entrance enclosure (assumed to be repeated on upper floors served by stair core 1) this location would not be acceptable. Further observations on all precautionary arrangements and facilities for the Fire Service will be made at Building Regulation consultation stage should approval be given.

Other observations / comments made in this Authority's previous consultation dated 23rd August 2023 remain valid and are re-submitted in response to this re-consultation.

HIGHWAY AUTHORITY:

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

The proposals entail the redevelopment of a 38 bed care home and updates a scheme to provide 48 assisted living apartments which was granted permission in 2022. The latest proposals maintain a closure of the substandard southern access to the site and an improvement to the northern access to enable two-way entry/exit movements. They also continue to include the provision of a layby outside the site for vehicles to service the development. Both the improved access and layby were the subject of a road safety audit as part of the permitted scheme.

Given both the previous use of the site and the 2022 consented scheme, the latest proposals are not expected to have a material impact on the performance of the local highway network. In terms of car parking arrangements, the provision of 29 spaces is below Brentwood Borough Council's adopted standards, but is considered reasonable as it is only a short distance to Brentwood High Street with all its facilities, car parks and access to frequent and extensive public transport services. Local parking restrictions should also ensure that there is no overspill onto surrounding roads.

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

- agreement of a construction management plan,
- provision of visibility splays shown on submission,
- closure of existing redundant access at southern end of the site,
- provision of layby on Western Road as shown on submission,
- payment of financial contribution to ECC of £5,000 to implement a Traffic Regulation Order to facilitate the proposed layby,
- provision of the parking area shown on the submission
- any boundary planting to be set a minimum of 2m back from highway boundary
- provision of cycle parking
- provision of residential travel information pack

ENVIRONMENTAL HEALTH & ENFORCEMENT MANAGER:

No objection to application and recommends that a Construction Environmental Management Plan (CEMP) should be submitted to the LPA for approval prior to works commencing.

ESSEX BADGER PROTECTION GROUP:

The consultation includes comments on matters relating to protected species and in accordance with current advice these detailed comments are not in the public domain. However, the group raises no objections to the proposal subject to conditions.

ESSEX & SUFFOLK WATER:

No response at time of report.

HOUSING SERVICES MANAGER:

I note that the proposal is in relation to the provision of an assisted living scheme which is proposed to fall under the C2 category which does not attract the requirement to provide Affordable Housing.

Therefore, subject to Planning accepting that this proposal does fall within the C2 category, Housing Services have no further comments at this time.

NATIONAL GRID:

No response at time of report.

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.

Review of Planning Application

The health impact assessment submitted in support of the planning application states that residents will be drawn mainly from the local area and the support they will receive in the proposed accommodation will reduce their need to call on health services. However, the HIA also states that a financial contribution will be secured to mitigate the impact of the development on local GP services.

Assessment of Development Impact on Existing Healthcare Provision

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 132 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 £27,100. The ICS therefore requests that the sum of £27,100 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.

THAMES WATER DEVELOPMENT PLANNING:

Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests a condition that no piling takes place until a piling method statement is agreed.

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.

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. An informative is recommended in relation to this.

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.

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.

Water Comments

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company.

CARE QUALITY COMMISSION:

Care Quality Commission (CQC) would expect that all providers plan services with regard to our document Guidance for providers on meeting the regulations.

We are unable to comment or provide advice on premises until a provider applies for registration and therefore we are unable to comment on planning applications.

OPERATIONAL SERVICES MANAGER:

No response at time of report.

DESIGN OFFICER:

First Response

Thank you for consulting on this application which pertains 'Demolition of existing building and redevelopment of Brookes House to provide for a 55-apartment assisted living scheme in C2 use with associated landscaping, cycle parking and lower ground level car park'.

Background

This application is made further to 21/01734/FUL, which pertained 'Redevelopment of Brookes House site to provide for a 48 Apartment Assisted Living Scheme in C2 Use with associated landscaping and underground car parking'.

As previously advised in my letter regarding application 21/01734/FUL, Brookes House is located within the geographic scope of the Brentwood Town Centre and is a prominent building upon a modest scaled residential thoroughfare.

Whilst not a building with statutory protection, part of the building dating from inception, has a significance in Brentwood's local history, this is predominantly concerning the principal façade which has features of merit and there is social history of the site which was examined at earlier stages of preapplication in 2021.

The rear and side ranges have extensive later accretions of little merit; my internal inspections concluded the internal areas of the principal range do not contain interior features worthy of Conservation, this building therefore would not be considered for adoption onto the adopted Local Heritage List, but elements of its architecture were encouraged to be drawn into a new scheme.

In design terms, there was a very fine balance in respect of the demolition of the existing building, that has been accepted by the LPA but on the basis any replacement architecture, space at the frontage and its boundary should be an enhancement to the street scene and of good design, with quality materials and landscaping to create a sense of Place and quality of life for future occupiers.

Discussion

This application proposes material changes to the extant permission which from my assessment of the proposals, are viewed as a retrograde step.

From an urban design perspective in relation to built form in context, amenity and landscaping, it is important reaffirm my baseline position to the LPA, which is that the extant scheme pushed the limits of what can be considered appropriate to context in terms of scale and intensification; it is my professional opinion this current proposal exasperates the site to its detriment whilst also diluting the original architectural intent; areas for scheme enhancement for example the removal of the basement (given the level of embodied carbon through the construction) remains albeit reduced.

Concerns regarding layout include but are not exclusively, the lessening of principal elevation activation, whilst the simplification of the central gabled element is acceptable in architectural terms, the introduction of a main entrance at the side of the site overly activates what should be a more silent range and in simple terms is not considered neighbourly given this residential context.

In terms of roof level alterations (which would be visible in the long views from outside of the site) roof top ASHP. Lift overruns and plant are not supported, the positioning of any plant or what is essentially a flat roof will be detrimental. Lowering sections within roofscapes can alleviate this to some degree but I fail to see how this can be achieved at this site under this current design; roof guarding (including mansafe systems) should also be shown clearly with no rails, guards or nets applied at roof level, I requested this within the previous permission.

In terms of bulk, shape of form, fenestration and detailing taking a comparison in the south and west elevations (extant to proposed) provides evidence of a concerning dilution of design and detail intent previously approved, I note poorly proportioned dormers set into the roof and some architectural elements being omitted, some extruded in height beyond what is appropriately shaped architecture.

Whilst I note the precedents submitted within the DAS and agree the buildings at Brentwood School are bespoke pieces of high-quality architecture, I am not in a position where I would advise the LPA this is the same calibre of design or the same context, as stated in the opening section of this advice letter, it is Town Centre but residential area in scale and character.

Conclusion

In summary, I do not support this as a scheme of good design. Should the LPA require an independent Design Review I recommend EQRP embark upon assessment.

There are no minor matters which could be addressed which would alter this advice offered. This concludes my advice.

Second Response

The background to this advice is contained within my letter dated 23rd September 2023 and there is no need to repeat in detail here my assessment, I concluded there were no minor matters which could be addressed which would alter advice offered and the revised scheme was in effect a retrograde step from that already approved by the LPA.

Some of the revisions submitted more recently seek to address matters in my initial letter and certainly aspects (as detailed in the DAS) I have reviewed are amended in line with LPA advice.

Despite the recent responses in the design, there are aspects here which remain tipping the balance of what I can advise is no worse than that which is extant.

To be clear, the roof level revisions are welcomed but there remains a vagueness around roof detailed information which is relevant in Urban Design terms; sections showing the 'drop' in the crown roof areas I am not furnished with, from the axonometric view (page 4 DAS) am not convinced the plant and other roof top paraphernalia would not be visible in long views. I have previously requested information on this.

In terms of the buildings bulk and shape of form, I can see a reduced in height but the south and north aspects retain bulky elements over 9m in height and in my opinion the extrusion of these as architectural elements is too much, a negative position in terms of massing articulation; the site arrangement, these will be only visible in oblique views and as such will be taken into the planning balance, the chimney on the south elevation also seems to have been removed, it is the attention to detail that is required and the orthogonal block needs such detail to add interest. In terms of fenestration dormers require focused revision, the scales remain too great and the central 'quad dormer' is heavy on an elevation which is highly visible.

I am not supportive of many aspects of this scheme and find it disappointing that much is being requested due to an alteration to the method of delivering the provision of car parking despite this being a sustainable and walkable neighbourhood. All such matters I recognise start from the point of the extant scheme and form part of the planning balance.

Should this application be recommended for approval I strongly advise conditions for materials, including no plasticised products for fenestration; windows to have concealed vent strips and set into a reveal of no less than 75mm. The dormer designs also subject to detailed conditions, particularly the scale and spread of the central principle quad dormer. In addition, the LPA should impose a condition for a detailed section and set levels for the crown roof areas, it should be set lower by at least 300mm of ridge lines.

HEALTH IMPACT ASSESSMENT (HIA) STEERING GROUP RESPONSE:

Public Health Officer and HIA Steering Group Response:

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

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

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

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

Health Determinants	HIA Steering Groups Comments
Access to education	This is not relevant to this application.
Access to work and training	The use of local supply chain during the construction phase has been noted. We would request that the applicant also make contact with SECTA, a government-funded training academy that is working to boost construction skills across multiple academies in South Essex. To encourage local labour within the borough, job opportunities should be promoted via the Brentwood Jobcentre to reach jobseekers who are the furthest from the market. We would strongly encourage the applicant to work alongside the Brentwood Chamber of Commerce, Brentwood

	<p>Business Partnership, Brentwood Connected BID and local secondary schools to highlight jobs, work experience, training and apprenticeship opportunities. We would encourage use of active and public travel by staff to Brookes House.</p>
<p>Access to health and social care services and other social infrastructure</p>	<p>Mentions a financial contribution to local GP services, and support services on site, what does this mean in practice? From the Council's perspective an appropriate level of contributions will need to be made in line with the Council's IDP and comments received from statutory bodies such as the NHS.</p>
<p>Access to open space and nature</p>	<p>There are three gardens within the scheme which are accessible for residents, seating areas, under-cover areas and accessible paths need to be included.</p>
<p>Accessibility and active travel</p>	<p>The site at western Road is close to Town Centre amenities and local bus routes. Cycle provision for staff and residents (I would question how many residents would cycle) as well as mobility scooter parking.</p>
<p>Housing and Home Design</p>	<p>The HIA addresses the policy requirement of M4(2) and M4(3). Although the application meets the policy requirements the HIA steering group does not agree that having those dwellings that are M4(2) to be converted to M4(3) at a later date as being a positive outcome. Given the nature of the development (assisted living) there is a higher probability that those who reside here will need access to wheelchair accessible living quarters. By designing dwellings that can be changed to meet these standards at a later date only leaves residents with the burden of undertaken renovations at a later date. It is suggested that additional M4(3) accommodation be delivered as part of this development as much as possible to avoid the additional cost and resources to retrofit the dwellings at a later date.</p> <p>Brentwood Borough Council, along with a number of other UK LPA's have declared a climate emergency. The application makes reference to high quality installation to meet the energy efficiency needs of the building. The proposal does not go far enough to assist with the climate emergency and energy efficiency needs for this type of development. The applicant is recommended to include the energy efficient measures as outlined within the Essex</p>

	County Council Design Guide on renewable energies for developments and the net zero tool kit.
Access to healthy food	Food and beverage offer is within the scheme and kitchens in each apartment.
Social cohesion and inclusive design	More detail of their proposed community engagement needed. Doorways and corridors that can provide accessible access for those in wheelchairs.
Crime reduction and community safety	Secure by design principles mentioned, but more detail on site security as vulnerable people? Site security would need to be provided during construction. Natural surveillance for frontage mentioned but what other considerations have been given to natural surveillance and CCTV? How are the gardens secure? What security is there for parking and visitors?
Environmental Sustainability	The construction impacts of the development from dust, noise, vibration and odours will be addressed through the Construction Management Plan which would be required as a planning condition. The proposed use of the development is likely to minimise any increase in the amount of additional vehicular traffic generated in the future use of the development. Noise from proposed plant and equipment will be identified through the Noise Impact Assessment and can be controlled by planning condition.

Conclusion:

In conclusion, the construction of an assisted living facility near to Brentwood High Street would be a positive benefit for local people who do not need the level of care provided by care homes, however, can no longer live completely independently.

7. ASSESSMENT

The main issues for consideration for this application are:

- i) The principle of the development including the planning history of the site;
- ii) The design and impact of the development upon the character of the area;
- iii) Residential amenity considerations;
- iv) Access, parking and highway safety;
- v) Flood risk and drainage;
- vi) Contamination;

- vii) Trees, landscaping and ecology;
- viii) Fire service access;
- ix) Sustainability, and
- x) Infrastructure considerations.

i. 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. Furthermore, the planning history and recent consented development is a material consideration with this submission.

Recent Planning History

Planning permission has recently been granted under application reference 21/01734/FUL for: "*Redevelopment of Brookes House site to provide for a 48 Apartment Assisted Living Scheme in C2 Use with associated landscaping and underground car parking.*" The principle of redevelopment of this site has therefore been established and it is well recognised in case law that previous planning decisions are capable of being material considerations.

This current application is similar in form and appearance to that previously approved. The main changes can be summarised as:

- Change in unit numbers from 48 to 55.
- Change in unit mix to incorporate more 1 bedroom units (now 31 x 1 bed units and 24 x 2 bed units and previous consent was for 6 x 1 bed units and 42 x 2 bed units).
- Reduction in basement level and excavation by around 500m² of floor area which represents around a 30% reduction in floor area on this level.
- Reduction in car parking spaces from 35 to 29.
- Design amendments to front elevation (reduction of three feature towers to two).
- Design amendments to elevations.
- Slight rotation of front elevation so it is largely parallel with the street.

- Removal of built form over the top of vehicular access point increasing distance of built form away from No. 1 Western Avenue at this point.
- Increase in overall depth of the development from 55.4m to 57.3m.
- Removal of summer house from scheme.
- Reduction in height of overall building by around 0.47m.
- Minor alterations to soft landscaping.
- Removal of one chimney stack to southern elevation
- Increase in residential accommodation in roof increasing height of certain projections and number of rooflights/openings.
- Introduction of substation.

The National Planning Practice Guidance (NPPG) advises that similar cases should be determined in a consistent manner and failing to do so may amount to unreasonable behaviour on behalf of the Local Planning Authority. There is a significant amount of case law in relation to this point with two recent cases being R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050 and Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057. Both of these cases emphasised the importance of consistency in planning decisions and the need for clear reasons to be given where inconsistencies arise. This is not so onerous so as to mean all previous decisions (at the site or nearby) must be considered. However, it is clear that there are instances where decisions are so similar that to fail to take them into account would be unreasonable.

It is also worth noting in this case that planning permission 21/01734/FUL remains an extant consent with a realistic prospect of being implemented. This therefore forms a fallback position on this site which is a material consideration.

Proposed Use

The principle of the proposed development as assisted living accommodation has already been established under 21/01734/FUL and the proposal would comply with policy HP04 of the adopted Brentwood Local Plan.

Use Class of Proposal and Affordable Housing

In assessing the previous consented scheme on this site (21/01734/FUL) it was considered that the proposal fell within a C2 use (Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres). This application seeks changes to the development that primarily relate to design, layout and massing changes and do not impact upon the overall use of the proposal. The application has also been supported by a Care and Wellbeing Support Operational Statement which details how the proposal falls within a C2 use rather than C3 residential use. Officers are content that the proposal remains as a C2 use and is not materially changed from the extant consent in this regard. This can also be secured through use of planning conditions restricting occupation to those aged

over 65 and who are, on admission, residents in need of assistance with normal activities of daily life. On the basis that the proposal constitutes C2 development no affordable housing provision is required.

ii. DESIGN AND IMPACT UPON CHARACTER AND APPEARANCE

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 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 outlines the illustrates the Government's priorities for well-designed places.

Policy BE14 seeks to ensure that all proposals meet high design standards and deliver safe, inclusive, attractive and accessible places whilst also making efficient use of land and taking environmental and climate conditions into account. The application site is also located on the edge of the area covered by the Brentwood Town Centre Design Guide and is located within a residential character area. This states that new developments within residential areas should be designed to respect the character and scale of the surrounding buildings and streets and that new development in this zone may range in density between 35 and 130 units per hectare. In terms of height the guide states buildings should not exceed 4 storeys in height with most ranging from 2 to 4 storeys.

Brookes House is located within the geographic scope of the Brentwood Town Centre. It is a prominent building upon the modest scaled residential thoroughfare of Western Road. The immediate surroundings are residential with residential dwellings located to all sides of the application site. The majority of the dwellings located along Western Road are Victorian and Edwardian. The nearest non residential built form is the fire station located to the north east of the site on the opposite side of Western Road.

The principle of redevelopment of this site has already been accepted through the granting of 21/01734/FUL. In considering the demolition of the existing Brookes House on site it was noted that: *"whilst not a building with statutory protection, part of the building dating from inception, has a significance in Brentwood's local history, however this is predominantly concerning the principal façade which has features of merit. The rear and side ranges have extensive later accretions of little merit; and the Conservation and Urban Design Consultee has advised that the internal areas of the principal range do not contain interior features worthy of Conservation, and therefore this building would not be considered for adoption onto the emerging Local List of historic buildings within the Borough."* There was no in principle objection to the loss of the building and this remains the case with this application.

The existing building's front façade contains two tower features that are characteristic of the area, with other buildings of local significance also incorporating tower features. This proposal retains the two tower features to the front elevation with red brick coining detailing. The traditional style of the design of the building is supported in this location and makes reference to the architecture of the front façade of the existing building. Furthermore, currently the frontage of the site is utilised for parking and provides a hard frontage with little room for soft landscaping. This proposal incorporates car parking to the lower ground floor level which allows for the soft landscaping of the frontage of the site which would result in an enhancement to the street scene.

In terms of density the development would be 153 units per hectare (an increase from 137 units per hectare and slightly over the maximum for residential areas set within the Brentwood Town Centre Design Guide of 35 to 130 units per hectare) but this is mostly created through the change in unit type (more one bedroom units) and it is most important that a design led approach is used rather than an arbitrary assessment based on figures alone.

In terms of scale and massing the proposed building would be of a greater scale than the existing built form, particularly the rear section of the building. This increase in built form would be visible from the surrounding road network, however the scale and massing of the built form to the frontage is comparable with the existing and would appear in keeping within the streetscene. Whilst the scale and bulk of the building increases towards the rear of the site, this increase is partially created through the lower ground level parking area as well as an additional level to create the appearance of a 4 storey building at the rear (now with rooflights as there is accommodation within the roof). Overall, it is considered that whilst the proposal would represent an increase in scale and massing when compared to the existing built form on site, the design and form of the building responds to the existing character of the area (in terms of design features and materials) and can be assimilated successfully into the streetscene, making best use of this brownfield site.

In relation to the extant consent this proposal is deeper in form at 57.3 metres deep with the extant consent at 55.4m deep. However, it has removed the built form over the vehicular access and is lower in overall height than the extant consented scheme by around half a metre. It is considered that the scale and massing changes will reduce its overall visual bulk.

In terms of external materials the proposal would be finished in yellow buff brickwork to match those existing on the site, with red brickwork detailing (again to match) with a projecting brick course detail every fourth course. Clay vertical hanging tiles in a red diagonal pattern would also feature on the elevations. The roof would be finished in brown roof tiles to pitched roof with EDPM (ethylene

propylene diene terpolymer which is a durable synthetic rubber) grey to dormers. Materials can be controlled via a planning condition.

It is noted that initially the Design consultee raised an objection to the scheme advising that it was a retrograde step in comparison to the extant permission on the site (comments in full above). The applicant team has sought to address the concerns raised during the lifetime of the application and comprehensively revised the proposal and design approach including the following:

- Creation of a more prominent entrance porch;
- Rooftop plant ASHP moved to third floor open topped plant room (in line with extant consent)
- Reintroduction of many façade treatments of the extant scheme such as hanging tiles
- Overall general height reduction of around 0.47m.
- Additional tree to front landscape buffer
- Removal of several dormer windows
- Removal of some rooflights and introduction of flat rooflights.
- 1.2m landscape buffer reintroduced to northern boundary.

The design consultee advises that whilst the roof level revisions are welcome there remains concerns regarding detailing, particularly roof detailing and the section drop required within the crown roof to ensure plant and any other roof top paraphernalia would not be visible within long views. Within the extant consent conditions were attached requiring further details of the crown roof and roof guarding and it is considered that the use of such conditions again would address these concerns.

The design consultee raises concerns over bulky elements to the north and south elevations, whilst acknowledging that they will only be visible in oblique views. It is also noted that the consultee considers the central 'quad dormer' to the front elevation is too heavy for this elevation which is highly visible. Whilst there was a quad dormer in the extant consent this was to one side of the front elevation and was not such a dominant feature with three tower features present in the design.

In relation to the bulky elements referred to by the design consultee these are in relation to projections to the flank elevations where some have increased in height compared to the previous extant scheme. For example, on the southern elevation a projection that previously measured 7.5 metres in height is now proposed at 9.2 metre in height to allow for accommodation within the roof and therefore results in a bulkier projection at this point.

Whilst the Design consultee still has concerns in relation to the proposal it is considered that some of these can be addressed through the use of conditions (front dormer windows and crown roof detailing) and the remainder, such as the bulky elements to the flank elevations, are not so significant to warrant refusal of the

scheme, especially bearing in mind that the current proposal is lower in overall height than the extant approval.

It is noted that the design consultee advised within the first response that “*the extant scheme pushed the limits of what can be considered appropriate to context in terms of scale and intensification*” and officers are in agreement that the extant permission is essentially the limit of what can be achieved on the site without material harm arising. It is considered that whilst the current proposal differs from the extant, it is not materially larger, than the extant scheme. It is deeper in plan form which has already been detailed, and some elements are taller, but it has an overall lower height with the first floor built form over the vehicular access removed. Taking all changes into account it is considered that the proposal is not materially larger.

Overall, it is considered that the design and appearance of the development, along with its impact upon the character and appearance of the area is acceptable and complies with policy and whilst the current proposal may not be as architecturally pleasing in relation to certain elements as the extant scheme these are not so significant to warrant refusal of the development.

iii. RESIDENTIAL AMENITY

The Council has received a number of objections from residents concerning the scale of the proposed building, 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.

The proposed new building would form a rough H shaped plan form with built form pulled away from the boundaries in the centre of the site. An assessment will be undertaken along each boundary in turn in terms of impact upon amenity in relation to the proposed changes when compared to the consented scheme:

East Facing Front Elevation

The front elevation of the proposed building would face east towards Western Road and would be positioned between 5.5 and 9.5 metres back from the highway boundary (previously 6.5 and 10.5 metres back). The building would be a similar form and scale to the existing building on site at present forming two and a half stories in height and would measure a maximum of 9.5 metres to the ridge (previously 10.4 metres to the ridge). There are windows serving habitable rooms within the front elevation.

Directly opposite the site on the other side of Western Road are No's 114, 116 and 120 Western Road which are set between 14.5 and 23 metres from the application site. Given the distances involved and the fact that the proposal is replacing existing built form of a similar scale along this boundary it is considered that the proposal would not result in any materially harmful impacts towards the occupiers of these dwellings in relation to scale, massing, loss of light or loss of privacy.

West Facing Rear Elevation

The rear elevation of the proposed building would face west towards garages associated with dwellings along The Vale, as well as the flank elevation and private amenity space associated with No's. 21 and 23 The Vale.

The rear elevation of the proposed building would contain 4 storeys and would extend up to 15.1 metres in height at the northern end (previously 15.5 metres in height) and 12.1 metres in height at the southern end (previously 12.9 metres in height) due to the sloping nature of the site. This elevation would be set between 5 and 6.3 metres from the rear boundary along its main section at ground floor level (previously 6.5 and 7.8 metres), although this distance increases at each end of the building where it steps down and back. It should be noted that under this application the lower ground level would move closer to this boundary at between 2.6 and 4.5 metres from the boundary, however this does not contain any habitable windows and the main bulk of the building is set back as above.

In terms of impacts towards the occupiers of the dwellings to the rear of the garages (fronting onto The Vale) there would be an overall back to back distance of between 42 and 47 metres (previously 44 and 49 metres) which is sufficient to ensure that no material loss of privacy would occur.

In relation to No's 21 and 23 The Vale the built form of the proposed building would be positioned between 6.3 and 14.3 metres from this boundary at ground floor level (previously 6.5 and 13.2 metres). All windows serving habitable rooms within this immediate corner of the building above lower ground level are angled south west away from No's 21 and 23 The Vale to ensure no material loss of privacy would occur. There is an outdoor terrace area associated with apartment No. 55 within

the north western corner of the building at third floor level, however only one viewing ledge is proposed looking north which would be 1 metre wide and set 1.1 metre high to control viewing to ensure no users could look down, only across. Privacy by design is therefore achieved.

Due to the distances of the proposed built form to neighbouring dwellings along this boundary and the orientation of the proposed development to the east of the existing dwellings and their gardens the proposal would not result in an overbearing impact or material loss of light towards these properties.

South Facing Flank Elevation

The south facing flank elevation faces towards No. 77 Western Road and the rear of No's 1 – 11 (odd) Park Road. This elevation would be positioned 4.2 metres from the shared boundary adjacent to the built form of No. 77 (same as previous consent), then setting back to 19.2 metres from the shared boundary (previously 20 metres), before moving back to between 6.4 and 9.9 metres from the shared boundary towards the rear of the site backing onto the dwellings along Park Road (previously 4.7 and 8.8 metres).

In relation to No. 77 Western Road the proposal would actually result in built form being moved further away from this dwelling and its associated amenity space. The proposal would result in a two storey element of the building (8.5 metres in height (previously 7.7 metres in height) extending for a depth of 14.4 metres (previously 11.6 metres) situated 4.2 metres from the boundary with only one window within this section of the south facing elevation which would be a in plane rooflight and positioned adjacent No. 77's flank wall to ensure no loss of privacy. At present the existing building extends a further 9 metres further west at two storey height and is 3.8 metres from the southern boundary with four windows at first floor level. The relationship between No. 77 and the built form on the site would therefore improve.

In relation to the dwellings located along Park Road which back onto the site there would be rear to flank distances of between 44 metres and 29.5 metres (previously 45 and 27.5 metres). At the point where the distance between built form is 44 metres, with 19.2 metres to the shared boundary from the proposal it is considered that this distance is sufficient to ensure that no material loss of privacy would occur or overbearing impact.

The section where the flank to rear distance is 29.5 metres relates to the western most corner of this elevation which reduces in height again to 9.2 metres (previously 7.5 metres) and also contains no windows within the flank elevation. It is therefore considered that the proposal would not result in any materially harmful impacts towards the occupiers of the dwellings in Park Road through loss of privacy or overbearing impact.

In terms of orientation the proposed built form would be positioned to the north of these dwellings and would therefore not result in any material loss of light.

North Facing Flank Elevation

The north facing flank elevation faces towards No. 1 Western Road and No. 23 The Vale. This elevation would be positioned a minimum of 5.8 metres from the shared boundary (previously 1 metre), but mostly ranging from 6.5 to 16 metres (previously 7 to 15 metres).

At present the south facing flank elevation of No. 1 Western Road is located on the shared boundary with the application site. As part of the proposal this section of the boundary would be bought further south by around a metre to allow for a rear access for the occupants of No. 1 Western Road. A new 1.6 metre high brick wall is proposed along the eastern most section of the new boundary for a distance of 10 metres which would then change to a 1.8 metre high close boarded fence.

The existing vehicular access point is to remain, which is set almost adjacent to this northern boundary, at present this leads to parking to the front of the site as well as to part of the side of the site. As part of this proposal the vehicular access would lead to access to the lower level car park which is the same as in the extant consent. However previously a two storey section of built form was proposed over the vehicular access 1 metre from the shared boundary and this element of the proposal has been removed under this application.

Further west along this northern elevation the built form is set further back from the shared boundary. The maximum set back is 16 metres (previously 15 metres) towards the centre of the site, however the application site is higher than No. 1 Western Road which increases the potential for loss of privacy and overbearing impact. Along this north facing flank elevation habitable room windows at ground floor and above (within the eastern most section of the building) have been designed to angle north west away from No. 1 Western Road, and although balconies are proposed they are set angled away from No. 1 with privacy screens along their eastern elevations and perforated balcony screening to the front instead of clear glazing. At the western end of this elevation the built form extends towards the shared boundary again, at a distance of between 5.6 and 7.2 metres (previously 5 and 7.5 metres). However, the height at this section drops down to between 10.2 and 11.7 metres (due to sloping nature of the site) and no windows are proposed within this section of the north facing flank elevation (previously windows at lower ground level were proposed). Whilst there are windows serving habitable rooms in the east facing return on the northern elevation these would be positioned approximately 33 metres from the rear elevation of No. 1 Western Road and would mainly offer views of the courtyard within the development itself, although some oblique views towards No. 1 are possible. Several of the windows and an internal terrace would feature privacy screens to the north which would reduce any potential for material loss of privacy.

As part of this proposal four additional rooflights are proposed within the roofscope, however each are set 1.1 metre high with 1m deep ledges for controlled viewing to ensure that no views are possible down towards neighbouring gardens. In terms of perceived loss of privacy the glazing of the rooflights would not be visible from the immediate neighbouring gardens due to their recessed position within the roof plane.

Overall based on the above analysis it is considered that the design of the building would ensure that no material loss of privacy would occur towards the occupiers of No. 1 Western Road and therefore privacy by design is achieved.

In relation to No. 23 The Vale an assessment has already been undertaken under the rear west facing elevation section of this report.

In terms of orientation, loss of light and overbearing impact the proposal has the potential to have the greatest impact upon the occupiers of No. 1 Western Road and dwellings to the north as it is located due south of these properties, and the site is higher than No. 1 Western Road. It is not considered that the changes proposed under this current application would materially impact upon the assessment already undertaken under that application in respect of this matter where the proposal was deemed acceptable.

In terms of overbearing impact it is also important to consider the visual impact of the built form. This proposal removes a summer house which was to be located close to the boundary line and retains the existing fence line with a new 1.8 metre high fencing to the northern courtyard garden set between 4.5 and 3.4 metres from the boundary to ensure no direct loss of privacy would occur from the ground floor terrace area (which will be raised from the existing ground levels to level the site as it currently slopes in this location). A retaining wall is also to be positioned alongside the access to the underground car park (1.4 metres from the shared boundary). New soft landscaping and planting is proposed along this northern boundary in the form of Ilex 'Nellie R Stevens' (evergreen shrub) and Acer palmatum 'Sango-Kaku' (deciduous tree) alongside other species which will assist in softening the appearance of the development. Full details of the soft landscaping can be controlled via a planning condition.

Again it is not considered that the changes proposed under this current application would materially impact upon the assessment already undertaken under the extant permission in respect of this matter where the proposal was deemed acceptable.

Other Considerations

Concerns have also been raised in relation to the intensification of the use of the site in relation to the previous C2 use. It is appreciated that the proposal would intensify the use of the site, however a C2 use is considered acceptable within a

predominantly residential setting and would not result in any unacceptable impacts through noise or disturbance. The Council also has to ensure the best use of brownfield land is made within sustainable locations.

Concerns have also been raised in relation to the impacts of construction of the proposal, and specifically the underground car park. Impacts from construction activity is acknowledged, however this is not a long term impact of the proposal and could be minimised through the use of a condition requiring a construction management plan to minimise impacts. Any structural concerns in relation to the construction of an underground carpark is not a material planning consideration and would be dealt with under separate building control legislation should planning permission be granted.

It is acknowledged that internally within the development there would be the potential for some overlooking between apartments, particularly within the return elevations of the courtyard setting where back to back distances of between 21 and 22 metres are achieved. Whilst this is below the recognised standard it is accepted that this has to be balanced against making best use of brownfield sites within sustainable locations, and the distance is considered acceptable in this case. Furthermore, all future residents would have access to the shared communal gardens as well as some benefiting from private terraces and balconies. Whilst the level of outdoor space per unit is below that which would be acceptable for a C3 use, it is considered appropriate for this C2 use which will not be occupied by families with children and will be occupied, by at least some residents, that are no longer able to care for or maintain their own private amenity space.

iv. ACCESS, PARKING AND HIGHWAY SAFETY

As part of any new development safe access to and from the Highway must be achievable to ECC Highway Standards as well as adequate parking provision to comply with the adopted vehicle Parking Standards.

The application site has a direct frontage to Western Road around 50m in length and has existing vehicle and pedestrian accesses at the southern and northern ends of the site. There are a total of 14 car parking spaces, including 2 disabled bays, along the eastern front boundary of the site.

The vehicular access arrangements remain as per the extant approved scheme. The only change from the extant permission to this current proposal is that the number of vehicular parking spaces proposed is reduced from 35 spaces to 29 spaces.

Access will still be taken from the northern most access via the mini roundabout which would be retained and improved to provide greater vehicle and pedestrian visibility. In addition to the vehicle access, there will be a pedestrian access to the

main entrance from Western Road and access to the servicing area (layby) from Western Road.

In terms of parking provision, the adopted vehicle parking standards state that for a C2 care home 1 parking space is required per full time equivalent of staff and 1 visitor space per 3 beds. 1 cycle space is required per 5 staff and disabled space provision is on individual merit. This would result in a requirement for 26 spaces for visitors and 7-8 spaces for staff, totalling 33-34 spaces. The proposal of 29 spaces would be a shortfall of between 4 – 5 spaces.

However, whilst the proposal is a C2 use it is not a care home and the adopted vehicle parking standards state that Parking Standards for retirement developments that are warden assisted yet provide independent living should fall under Class C3 in terms of parking space provision. The development is also not a warden assisted retirement development and the parking requirements are more likely to fall somewhere between the two. It must also be borne in mind that the adopted vehicle parking standards state: *“For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.”*

The proposal includes 29 car parking spaces which will be allocated as following:

- 5 spaces allocated for staff;
- 24 spaces allocated for residents (rented separately)

There will be approximately 7-8 staff members working at the site during peak times to provide the full range of services available to the residents. Therefore, staff parking is below the standard by 2-3 spaces.

There will be 24 spaces provided for 55 retirement flats at the rate of around 0.44 spaces per unit, which is below that required for retirement developments (1 space per dwelling) but around the requirements for a C2 care home with 79 beds (24 x 2 beds and 31 x 1 beds) which would be 26 spaces. However, ECC Highways have raised no objection to the parking provision advising that it is considered reasonable as it is only a short distance to Brentwood High Street with all its facilities, car parks and access to frequent and extensive public transport services. Local parking restrictions should also ensure that there is no overspill onto surrounding roads. The parking provision is not dissimilar to the previous scheme, although it is reduced. Secure cycle storage as well as mobility scooter storage is proposed and overall it is considered that the parking space provision is acceptable.

It is noted that one of the conditions requested by ECC Highways relates to payment of a financial contribution of £5,000 towards the costs of making and implementing a Traffic Regulation Order to facilitate the proposed service layby and necessary parking restriction. The most appropriate method of dealing with this is

via a legal agreement which the agent has agreed to. This is the same approach taken as under the extant permission.

V. 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.

It is proposed that a new network of surface water pipes will convey runoff from the building and other hardstanding areas to a new attenuation facility. Due to root protection areas and the site topography, it is not possible to locate the full attenuation facility in the external areas that will drain via gravity. It is therefore proposed that the site drainage will drop down to basement level, to store in an attenuation tank, which will pump up to ground level and connect to the public sewer via gravity. It may be possible that part of the attenuation can be located within the external areas, away from the root protection zones, with the rest at basement level, which will be confirmed at detailed design stage, once the building rainwater pipe positions have been finalised, and the basement foundation plan confirmed.

It is noted that a letter of representation has been received from a neighbour in relation to this matter and the positioning of the attenuation tank. Previously it was proposed that the attenuation tank for the development would be in the NW corner of the site in close proximity to a tree within a neighbours garden. This current proposal would move the attenuation tank to the basement level. The potential for any groundworks within this area can still be dealt with through conditions to ensure protection of the off site tree (as was the approach taken under the extant consent).

The Lead Local Flood Authority have been consulted on this application and have advised that have no objection to the proposal subject to conditions. Full details of the surface water drainage strategy and its long term management and maintenance can be controlled via planning condition

In terms of foul drainage the development would connect to the mains sewer which is the preferred method. Thames Water have also confirmed that with regard to the waste water network and sewage treatment works they have no objection. It is noted that they have requested a piling method statement due to the presence of a strategic sewer within 15 metres of the development. This was not a matter raised within their previous comment on the extant scheme, however this is a new material consideration that the local planning authority were not aware of when determining the previous application. It is therefore considered reasonable to attach a condition as suggested by Thames Water to ensure that the development does not result in any damage to or failure of the local underground sewerage utility infrastructure.

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

VI. CONTAMINATION

The application has been supported by a Preliminary Investigation Report which identifies that the application site itself was previously agricultural land before being developed for two dwellings, which were later extended and converted into a care home. The report advises that no potential sources of contamination have been identified and further intrusive investigation is therefore not considered necessary. However, subsequent investigation may reveal additional sources of contamination that were not identified in the preliminary Investigation. Should any additional sources of contamination or unexpected ground conditions be found then further investigation would be required. This can be adequately dealt with via a planning condition.

Environmental Health has not raised any concerns in relation to contamination. Nonetheless, a condition is recommended in line with the extant scheme relating to unexpected contamination.

VII. TREES, LANDSCAPING AND ECOLOGY

The application has been supported by an arboricultural report as well as a tree protection plan and arboricultural method statement.

The application site at present benefits from a number of trees within the existing gardens, including a lime tree (T7) which is protected by a Tree preservation Order (TPO) reference TPO 8/1992. The arboricultural report indicates that 3 low quality trees would need to be removed to facilitate the development (previously 12 were to be removed).

The arboricultural consultee advises that this revised scheme alters the footprint of the building which results in some changes to the landscape effects and proposed landscape scheme.

The revisions to the scheme will result in fewer existing trees being removed (4 rather than 12) which is welcomed. In addition there is a slight increase in space to be retained around T7 the Lime covered by TPO08/1992. The consultee advises that the development will result in a net increase in trees and that given the space between the building and site boundaries it is considered that the proposed numbers and species are realistic. In comparison to the extant scheme the consultee is satisfied that it provides broadly similar amounts of amenity space and new planting.

An updated ecological assessment has been undertaken which confirms there have

been no significant changes to the presence of protected species since the previous application. The Precautionary Method of Working (Ecology) is considered appropriate for the scheme. The consultee requests a compliance condition for works to be undertaken in accordance with this document and this is recommended.

Overall, it is considered that the proposed changes will not significantly alter the landscape and visual effects of the scheme and will achieve useable amenity spaces. There is therefore no objection to the proposals on landscape or ecology grounds.

VIII. FIRE SERVICE ACCESS

Essex County Fire and Rescue Service have been consulted on this application. They originally raised concerns regarding pumping appliance access to the development (this was not raised as a concern in the previous submission despite no material changes in this regard). In order to address this concern the agent submitted illustrative plans to demonstrate access compliance. Essex County Fire and Rescue were again consulted on the application and access plans and advised that the suggested dead end fire appliance set down point is not considered acceptable as there appears to be insufficient working space around the appliance to suit operational needs.

Essex County Fire and Rescue Service advise that dry riser installation(s) would be considered as a suitable alternative provided vehicular access is provided to within 18 metres of the externally mounted inlet cabinet(s). Following the second consultation where the access plans were not deemed acceptable Essex County Fire and Rescue Service advise that ideally both dry riser installations will have inlet cabinets to the front elevation of the building both of which will need to be within 18 metres of a suitably located fire appliance set down point and be fully visible to the appliances pump operator. They advise that further observations on all precautionary arrangements and facilities for the Fire Service will be made at Building Regulation consultation stage should approval be given.

Following further discussion with the agent they have confirmed that they can relocate or position the dry risers to the frontage of the site as requested by Essex County Fire and Rescue and this is a matter that would be dealt with through the building control process should planning permission be granted. All other observations and comments made by Essex County Fire and Rescue Service are noted and do not raise any material concerns with the application.

IX. 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 located within a highly sustainable location with access to a range of services and facilities as well as public transport.

The application has been supported by a Seniors Housing - Planning Needs Assessment dated June 2023. This document details how there is a shortfall in the number of private extra care units within the area as well as an ageing population. Furthermore, the Council’s own updated SHMA (2022) as well as the adopted Local Plan acknowledges the requirement for specialist residential accommodation, including independent living schemes for the elderly. This proposal would therefore fulfil a social objective by providing specialist accommodation in an accessible location.

The development also represents redevelopment of a brownfield site and would result in additional employment, both during construction, as well as when operational (supporting documentation indicates creation of around 15 full time equivalent jobs), within a accessible location. The proposal would therefore accord with the economic objective.

In terms of environmental sustainability, the location and accessibility to services and facilities has already been discussed. The proposal would also result in additional soft landscaping, and whilst some trees would have to be removed this is less than under the consented scheme and new trees will be planted which will mitigate this loss.

The application has also been supported by a sustainability statement as well as an Energy Statement detailing that the build will adopt a fabric first approach with the building envelope targeted to minimise the mechanical and electrical services loads associated with heating and cooling of the building, by focussing on U-values and air tightness as passive measures to reduce energy requirements to treat the occupied areas.

The development proposes an all-electric heating system using heat pumps to deliver a minimum of 10% reduction in Co2 to satisfy policy BE01. A photovoltaic (PV) array is also proposed on the roof to ensure a 10% of predicted energy needs will come from renewable energy as required by policy BE01. Full details can be controlled via a planning condition.

X. INFRASTRUCTURE CONSIDERATIONS

A consultation response has been received from as Mid & South Essex Health Care (NHS), which requested the sum of £27,100 be secured through a planning obligation in the form of a S106 agreement and 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. This is an updated figure of the contribution sought and secured under the extant permission.

ECC Highways have also requested payment of a financial contribution of £5,000 towards the costs of making and implementing a Traffic Regulation Order to facilitate the proposed service layby and necessary parking restriction. Again this is in line with the extant permission.

The agent has confirmed agreement to the above referenced planning obligations and has submitted a draft S106 legal agreement which is with legal services for review at the time of writing this report.

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 ECC Highways contribution it is considered that the contribution is necessary to make the development acceptable in planning terms. The development is only acceptable in its current form based upon the provision of the service layby and the financial contribution is required to facilitate this.

The contribution is directly related to the development as the contribution would be used towards the costs of making and implementing a Traffic Regulation Order (TRO) to facilitate the proposed service layby and necessary parking restriction and it is considered that the proposal is fairly and reasonably related in scale and kind to the development.

Introduction of the Community Infrastructure Levy

The Council recently introduced the Community Infrastructure Levy (CIL) which is a locally set charge on most types of new development. 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. This development will be CIL liable.

Other Considerations

It is noted that consultees have referred to Secure by Design principles and security for the development. This is a matter that can be adequately controlled via a planning condition as suggested.

Reference is also made within several letters of representation regarding the determination of the extant scheme under delegated powers. This is not a matter that is relevant to the consideration of this application and the previous application was determined in accordance with the Council's constitution.

XII. CONCLUSION

Following the submission of revised drawings, officers consider that the effect of the development upon neighbouring occupiers is acceptable and that the changes proposed under this current application would not materially impact upon the assessment already undertaken under the extant permission in respect of this matter where the proposal was deemed acceptable.

In terms of design, it is considered that the design and appearance of the development, along with its impact upon the character and appearance of the area is acceptable and complies with policy and whilst the current proposal may not be as architecturally pleasing in relation to certain elements as the extant scheme these are not so significant to warrant refusal of the development. The majority of the concerns raised by the design officer can be mitigated through the use of planning conditions.

All other matters remain as per the extant consented scheme in terms of material considerations. Therefore, having considered the relevant material considerations, the proposed development is considered to accord with the development plan as a whole and is recommended for approval subject to a S106 legal agreement and conditions.

8. RECOMMENDATION

APPROVE 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 £27,100 to mitigate impact of development upon local GP Services.
- Payment of £5,000 towards the costs of making and implementing a Traffic Regulation Order to facilitate the proposed service layby and necessary parking restriction.

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 shall take place, including any ground works or demolition, until a Construction Method 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:

- the parking of vehicles of site operatives and visitors
- a waste management plan
- details of measures to minimise noise and vibration during construction and demolition
- measures to control the emission of dust and dirt during construction
- route to be used by construction vehicles to and from the site

- loading and unloading of plant and materials
- site set-up including arrangements for the storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- hours of works

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

4. 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 policy BE14 of the adopted Brentwood Local Plan.

5. A document pack that shows typical details of:

- (i) windows – to include the depth of reveal (no less than 75mm) and concealed vent strips;
- (ii) crown roof detailing including a close-up detail (no less than 1:10)
- (iii) doors and thresholds including any doors to an underground car park;
- (iv) balconies;
- (v) brick detailing;

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

Reason: In order to secure a high-quality design in the interests of the character and appearance of the area in accordance with policy BE14 of the adopted Brentwood Local Plan.

6. No development above slab level, excluding demolition work, shall take place until full details of the positioning of any external plant (at both ground and roof level); and roof guarding for the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

Reason: In order to secure a high-quality design in the interests of the character and appearance of the area in accordance with policy BE14 of the adopted Brentwood Local Plan.

7. Notwithstanding the plans as submitted no development above slab level, excluding demolition works, shall take place until full details of the central front dormer windows within the east facing flank elevation of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: In order to secure high-quality design in the interests of the character and appearance of the area and to ensure a high quality development in accordance with policy BE14 of the adopted Brentwood Local Plan.

8. No external plant or machinery shall be used unless and until full details of the equipment including details of noise emitted have been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the plant being brought into use and retained and maintained as such thereafter.

Reason: To ensure that the use is appropriate for the locality and to safeguard the living conditions of nearby residents.

9. The development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

10. Other than the staff carrying out their duties the assisted living apartments hereby permitted shall not be occupied other than by a 'qualified person', defined as:
 - i). Persons of more than 65 years of age;
 - ii). Persons living as part of a single household with such a person or persons;
 - iii). Persons who were living as part of a single household with such a person or persons who have since died.
 - iv). Persons in need of personal care by reason of old age, illness or disablement.

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

11. The development shall not be occupied other than by persons who are, assessed on admission, as a qualified person in need of care. All potential residents of the assisted living units will be assessed as to their care needs before occupation by the onsite assisted living manager and on occupation agree to be contracted into a minimum care package. The applicant shall keep a record of all such contracts and make them available for inspection to the local planning authority on reasonable request.

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

12. 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 and 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 that any contamination on the land is remediated in the interests of future occupiers of the site as well as neighbouring land uses and the water environment.

13. Prior to any works occurring above ground level full details shall be submitted detailing how the development will achieve at least a 10% reduction in CO2 emissions as detailed within the submitted sustainability statement and Energy Statement. The development shall then be carried out in accordance with the agreed details.

Reason: To ensure a reduction in CO2 levels in the interests of sustainability and energy efficiency in accordance with policy BE01 of the Brentwood Local Plan.

14. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Limiting discharge rates to 2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with

the relevant third party/all relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- Treatment indices must be provided showing the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final detailed drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding and provide mitigation of any environmental harm by ensuring the satisfactory storage of/disposal of surface water from the site as well as ensuring the effective operation of SuDS features over the lifetime of the development.

15. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. A stringent maintenance regime is required for any pumps or proprietary treatment systems. 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.

16. 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

17. Prior to first occupation of the development the vehicular access shall be provided in accordance with the layout and visibility splays shown in Drawing 2039/02 Rev E in Appendix E of the Transport Statement, together with appropriate kerb radii and dropped kerb crossing of the footway.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway and to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

18. Prior to occupation of the proposed development, the redundant access at the southern end of the site shall be suitably and permanently closed with the footway reinstated to full height.

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.

19. Prior to first occupation of the development the developer shall provide a layby on Western Road as shown in Drawing 2039/04 RevD in Appendix F of the Transport Statement. The proposed layby shall be provided with alternative surfacing to the Western Road carriageway and be maintained in perpetuity for servicing / loading and unloading purposes only. Full details are to be agreed with the Highway Authority and submitted to the local planning authority.

Reason: To ensure that the layby is used as intended and does not attract unwanted parking, which is in the interests of highway safety.

20. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plan 419-ACG-XX-B1-D-A-2000/P7, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use or occupation of the development.

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

21. The parking area hereby approved to serve the development, as shown on plan reference 419-ACG-XX-B1-D-A-2000/P7 shall provide 7 spaces with live electric vehicle charging points with the remainder of the spaces provided with passive capacity for electric vehicle charging.

Reason: To ensure adequate provision for the charging of electric vehicles and also future proof the site to allow for the increase of charging of electric vehicles in the interest of sustainable transport.

22. Notwithstanding the details submitted with this application prior to any works occurring above ground level at the application site full details of the cycle parking as shown on plan reference 419-ACG-XX-B1-D-A-2000/P7 shall be submitted to and agreed in writing by the local planning authority. The cycle parking shall be provided as per the agreed details prior to the first occupation of the development.

Reason: To ensure adequate and appropriate cycle parking provision in the interests of reducing the need to travel by car and promoting sustainable development and transport.

23. Notwithstanding the Landscape Illustrative Masterplan, the proposed boundary planting shall be planted a minimum of 2 metres back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

24. Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per apartment, 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 apartment free of charge.

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

25. 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 that the external lighting of the development is appropriate for its setting and to protect the living conditions of nearby residents.

26. No works related to the alteration of ground levels at the site and no works above ground level other than demolition of the existing building 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.

27. 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.

28. The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan contained within the

Arboricultural Report dated 15th June 2023 and submitted in support of this application unless otherwise agreed in writing with the local planning authority. As part of the Arboricultural Method Statement a trial trench should be dug on the western edge of any proposed surface water tank outside of the basement level to confirm that there are no roots present before any further excavation commences. This should be undertaken under supervision of the arboricultural consultant.

Reason: To ensure that the trees to be retained are protected during the course of the development and in the interest of the character and appearance of the development.

29. The development hereby permitted shall be carried out in accordance with the Precautionary Method of Working (Ecology) dated June 2023 (prepared by ACJ ecology).

Reason: To ensure that the development does not result in any harm to the ecological interest of the application site.

30. Prior to occupation of the development hereby permitted full details of the screening proposed to the balconies and windows along the northern elevation (including return elevations) of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be in place prior to occupation and shall be retained as such thereafter.

Reason: To ensure that no material loss of privacy would occur to neighbouring residents to the north.

31. Each apartment shall be constructed and fitted out so that the potential consumption of water by persons occupying the apartment 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.

32. No apartment 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 premises within the approved development OR supplying evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP. The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out at the same time as other services during the construction process and be available for use on the first occupation of any apartment, 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.

33. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

34. 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 the relevant Secure by Design accreditation. 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.

INFORMATIVES:

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.

In relation to condition No. 6 and submission of roof guarding details the Council will expect to see a mansafe system used and no rails, guarding or nets applied at roof level.

In relation to condition No. 27 and the trial trench to the western edge of the proposed surface water tank it should be noted that if significant roots are found then the siting of the tank may need to be amended. If no roots are found then standard protection measures should be employed to minimise any effects on the adjacent trees.

Lead Local Flood Authority Informatives

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

ECC Highways Informatives:

- Any necessary relocation of the telegraph pole to facilitate the improved access shall be at the applicant's expense.
- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Thames Water Informatives:

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Please read our guide 'working near our assets' to ensure your workings will be 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.

BACKGROUND DOCUMENTS

The application documents and the appeal decisions are available to view on the Council's website at www.brentwood.gov.uk/planning and via Public Access.

DECIDED: