

SITE PLAN ATTACHED

05. 59 CROWN STREET BRENTWOOD ESSEX CM14 4BD

DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF APARTMENT BLOCK COMPRISING 10 UNITS AND UNDERCROFT CAR PARKING.

APPLICATION NO: 15/01430/FUL

WARD	Brentwood South	8/13 WEEK DATE	25.01.2016
PARISH		POLICIES	CP1 CP2 CP3 CP4 H14 T2 T14 LT4 LT11 C5 PC1 TC1 TC2 TC5 NPPF NPPG
CASE OFFICER	Kathryn Mathews		01277 312500
Drawing no(s) relevant to this decision:	REV A; A01; A02; A04 C; A05 A; A06 A; A07; A08 A; A09 A; A10; A11; A12 A; A13 A; A14 A; A15 A; A17 A; A03 B;		

This application was referred by Cllr Wiles for consideration by the Committee. The reason(s) are as follows:

Feel that this is not contrary to aims of Policy LT11 of BRLP and NPPF. Height may be a factor but not at this stage consideration for refusal CP1. Also, it may go into the LPP. The size bearing in mind the buildings in lower part of Crown Street is not inconsistency.

1. Proposals

Demolition of existing two storey house (around 8m in height).

Construction of 4 storey (plus semi basement) apartment block comprising 10 two bedroom units: a maximum of 22.5m in depth and 15.5m in width, and a maximum of approximately 13m in height, mansard roof.

Undercroft car parking with a total of 10 parking spaces and 10 cycle parking spaces are proposed, accessed via the site's Crown Street frontage. There is a fall in levels across the site north to south of approximately 1.3 metres.

A garden area would be provided to the south and south west of the proposed building which extends to around 165sq.m.. Four of the proposed flats would be provided with balconies on the southern elevation of the building (two at second floor level each measuring around 9sq.m., and two at third floor level each measuring around 7sq.m.)

The materials proposed to construct the external surfaces of the building are brick and artificial stone detailing for the walls, vertical ribbed metal sheets for the roof and metal framed double glazed windows. Stone walls and hedges would be used as boundary treatments.

The existing use of the site is described as being residential and that it is not vacant.

The site measures a maximum of 31.5m in depth and around 19m in width (Crown Street frontage). The site currently accommodates a two storey dwelling (the church manse) and a car park which occupies the full depth of the site and around 8m of its width.

Applicant's case (precis):

The application is accompanied by a Design and Access Statement which refers to the following:-

- the church manse is currently unoccupied [Officers understand this not to be the case]
- the current premises are too small for the Breakthru Church and are not DDA compliant. Sunday meetings are held at the Nightingale Centre. The cooking and toilet facilities are inadequate.
- the proposal would allow a new church building to be constructed, on a suitable site, in the local area which will enable existing activities to be continued and increased
- the existing site is not of sufficient size to re-develop it for a new church building with adequate parking, and without causing disturbance to neighbours with longer occupancy hours
- the existing church building is used for events such as prayer meetings and a food bank which will continue
- there is a change in levels across the site (approximately 0.8m from south west to north east and approximately 0.35m from south east to north west) [Ground levels significantly reduce further beyond the south-western corner of the site down towards Queens Road.]
- the total area of the site is 588sq.m. - the building footprint occupies 52%
- the gross internal floor areas of the new apartments range from 77.5sq.m. to 94.7sq.m.
- boundary treatment would consist of 1.8m timber fencing (south west boundary), natural vegetation (north-west boundary with Primrose Hill), 2m fencing and existing trees (southeast boundary) and natural vegetation (Crown Street boundary)

- the flats would comply with Lifetime Home Standards (Policy H16) and Policy H11 Supported Accommodation
- the scheme has been designed to prevent undue harm to the occupiers of neighbouring properties
- the building is of Georgian style, the mansard roof is typical of the local area and maximises the use of the roof space.
- the mass of the building has been broken down with stepped facades
- reference is made to a Transport Statement Document submitted as part of the previous application
- the level of parking proposed is acceptable given the sustainable location of the site
- the design takes into account access, the Equality Act 2010, security and crime prevention (Secured By Design), and sustainability
- construction would take around one year but would be carefully managed

The previous application (13/01076/FUL) for 17 apartments was accompanied by a Transport Statement which provided the following information:-

- there is parking for 8-10 cars currently within the site with direct access to Crown Street and four car parking spaces accessed via Primrose Hill
- the proposal would include 17 car parking spaces within an undercroft along with 18 cycle parking spaces and refuse storage area; the undercroft would be accessed via a 6m wide ramp from Crown Street. In terms of driver visibility, the proposal is no worse than existing (approximately 2m x 43m splay in both directions is achievable).
- the Statement concludes that, compared the existing vehicle movements into/out of the site, there will not be a perceptible traffic impact arising from the level of vehicle movements generated by the proposed development
- there are parking restrictions along Crown Street and Primrose Hill in the vicinity of the site; the site is located within a Residential Parking Zone but the applicant accepts that residents of the proposed development will not be eligible for residents parking permits.

The previous application was also accompanied by a Report on a Geo-Technical Investigation at the site. This report concluded that, given the make-up of the ground on the site, it would be necessary to either employ ground improvement techniques or piled foundations given the loads a four storey apartment block is likely to impose. Some contamination was evident within the made ground and, as a result, a number of remediation measures were recommended including protection of the site operatives, protection of the end users of the site including use of clean, inert granular sub-base beneath buildings, pavements and hardstandings, installation of a proprietary vapour resistant membrane and a capping layer beneath proposed gardens and landscaped areas.

2. Policy Context

National Planning Policy
National Planning Policy Framework (NPPF) and National Planning Practice
Guidance (NPPG)

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria
CP2 - New Development and Sustainable Transport Choices
CP3 - Transport Assessments
CP4 - The Provision of Infrastructure and Community Facilities
H14 - Housing density
T2 - New development and Highway Considerations
T14 - Cycling
C5 - Retention and Provision of Landscaping and Natural Features in Development.
LT4 -Provision of Open Space in New Development
LT11 - Retention of Existing Local Community Facilities
PC1 - Land Contaminated by Hazardous Substances
TC1 - Vacant and Redevelopment Sites within Residentially Allocated Areas
TC2 - Residential Replacement
TC5 - Type of Accommodation

3. Relevant History

- 13/01076/FUL: Demolition of existing church building and manse, and the construction of 17 apartments with onsite underground parking -Application Refused, Appeal dismissed.

4. Neighbour Responses

24 letters of objection have been received raising the following concerns:-

- very unattractive, would overwhelm and dominate the surrounding area
- building is too high, two stories would be less overpowering
- has not addressed the reasons previous appeal was dismissed
- inadequate parking - increase in on-street parking which add to existing
- significant loss of light to neighbouring 67-71 Crown Street
- harm to highway safety with increase traffic pulling onto Crown Street

- object to destruction of another attractive and historic property
- would be overbearing and unsympathetic in this location
- building work would cause danger and disruption to buildings nearby
- contaminated land
- ground disturbance during construction could cause damage to properties
- far too large for location
- potential disruption and disturbance to neighbouring Spiritualist Church
- overlooking and overshadowing issues not resolved
- a density of 170 dwellings per hectare nearly the same as the previous application and unprecedented in the area
- adverse impact significantly and demonstrably outweighs the positive benefits of the scheme related to additional housing
- insufficient communal garden space proposed
- construction of basement raises contamination and potential structural/property/infrastructure damage issues - health and safety issue and would affect property value
- consideration of impact on Sycamore tree located adjacent to the site needed
- concern regarding ground stability
- increased traffic on narrow lane (Primrose Hill)
- pollution during construction
- could not be constructed safely as so close to boundary with Primrose Hill
- existing church manse has been occupied since December 2014
- necessary refurbishment of church should be conditioned
- leaving church very little outside space
- construction of underground car park could cause damage to buildings in close proximity
- would block out sunlight to nearby residents
- add to traffic in a congested area which would create highway dangers
- adverse impact on privacy and outlook from 65-71 Crown Street
- concern regarding height, density and mass of the development
- demolition of church would have a negative impact on the community
- would put strain on existing parking, infrastructure and other key services
- overbearing effect and general disturbance to neighbours
- not family homes so residents likely to be younger with younger habits (parties etc).
- would take away their view
- over development and town cramming

Petition from the Brentwood Spiritualist Church against the proposed development with 12 signatures which have been completed correctly.

26 letters of support have been received. The main reasons for support are as follows:-

- would be great benefit for new and existing residents
- existing house in need of repair
- would provide much needed accommodation close to town centre and tidy-up site

- will keep the existing community facility although it is also in need of repair
- well designed scheme and fits into street really well
- significant improvement on previous scheme
- would respect the privacy of nearby residents
- would provide off-road parking for new residents
- would provide much needed affordable apartments
- would make better use of site
- would provide funding to maintain the existing community facility at the site

5. Consultation Responses

- **Highway Authority:**

Although the proposed vehicle parking provision would not fully comply with Brentwood Borough Council's adopted parking standards, the Highway Authority would not wish to raise an objection to the above application, subject to the following conditions being attached to any approval, given the existence and use of the site and its access, the layout of the existing site in relation to Crown Street and Primrose Hill, the scale of the development, the location with good access to frequent and extensive public transport, town centre facilities and car parks, the existence and present use of the access onto Crown Street, the existing on-street waiting restrictions outside the site, and Brentwood Borough Council's adopted parking standards.

1. The development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be complied with during the construction period. The Statement shall include the following information:

- Details of a wheel cleaning facility which shall be used to remove mud and debris from the

wheels of all vehicles leaving the site before they enter the public highway.

- Details of areas for loading and unloading of plant and materials.

- Details of areas for the storage of plant and materials used in constructing the development.

Reason: In order to maintain the free and safe flow of vehicles on the public highway in the interests of highway safety.

2. The vehicle access shall be widened at right angles to carriageway in Crown Street in accordance with Drawing No. A/04 and the terms, conditions and specification of the Highway Authority, Essex County Council. Reason: To ensure that vehicles can leave the highway in a controlled manner in the interest of highway safety.

3. The development shall not be occupied until the proposed vehicle parking area has been constructed and marked in bays in accordance with Drawing No. A/04 Rev.C. The vehicle parking area shall be retained in this form at all times. The vehicle parking area shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that vehicles can enter and leave the site in a controlled manner and appropriate parking is provided in the interest of highway safety.

4. The development shall not be occupied until the cycle parking facilities shown on Drawing No. A/04 has been provided and thereafter shall be retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

5. No part of the proposed boundary wall or its foundation shall encroach onto the highway. Reason: To avoid encroachment onto and obstruction of the highway in the interest of highway safety.

6. The gates on the pedestrian access from Primrose Hill shall be inward opening only. Reason: To avoid obstruction of the highway in the interest of highway safety.

7. No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit. Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

- **Environmental Health & Enforcement Manager:**

With regard to the above I confirm the following matters that require attention.

- o With regard to building activities in general under the Control of Pollution Act 1974 and the Environmental Protection Act 1990 such activities must be carried out within agreed time periods. These are as follows:

Monday - Friday: -	08:00hrs to
18:00hrs	
Saturday: -	08:00hrs to
13:00hrs	
Sunday/Bank Holidays: -	No noisy work at all

In addition to the above, contractors must take due care not to make any unnecessary noise during their work and in particular, time particular noisy activities such as angle grinding/pile driving/hammering etc. for periods after 09:00hrs and before 17:00hrs.

- o All deliveries to site should occur within the 'Building activities' time frame.
- o Management control shall be carried out to ensure that:
 - No loud abusive or inappropriate language be used
 - No loud radio/amplified music be carried out whilst staff are on site
 - All site sub-contractors should nominate or appoint a suitable team member responsible for liaison with the lead contractor's representative and to ensure that sub-contractor construction activities are managed effectively.

For information, a summary of 'best practice' site management measures is provided within the guidance Kukadia et al, BRE/dti, February 2003. Here the Minerals Policy Statement 2, Annex 1 Dust provides guidance on dust control and mitigation measures.

- o The Applicant and contractors must ensure that artificial lighting does not materially interfere with nearby residents comfort, convenience and amenity.

- **Essex & Suffolk Water:**

No response at the time of writing report.

- **Anglian Water Services Ltd:**

No response at the time of writing report.

- **Arboriculturalist:**

No response at the time of writing report.

- **Schools, Children Families Directorate:**

ECC will not be seeking an Education financial contribution from the above proposed development.

- **Design Officer:**

Significance

59 Crown Street is situated immediately to the South of the Brentwood Town Centre Conservation Area at the junction of Primrose Hill. The manse house which is currently occupied by private tenants (contrary to the DAS which states it is unoccupied) is cited for demolition within these proposals to facilitate the development of 10 apartments.

The existing Victorian building is of architectural merit and significance, evident on early OS Mapping data, it is one of a decreasing number of traditional unlisted buildings within the Brentwood Town Centre which were developed at the time of industrial evolution of the town; these larger detached dwellings lead from the Railway station at the south of the town centre up through Queens Road to the Cathedral. They offer an important established quality in their larger scale domestic Villa style form.

Looking at the building of 59 Crown Street specifically and its contribution to the locality; the principal gabled frontage has pleasing manner on route to the Conservation Area and contributes to the immediate and wider character and appearance of the location. The roof scape leading up through Primrose Hill into Crown Street is of a distinct character with a positive contribution to the townscape.

In my consultee response for the refused application 13/01076/FUL I did not support the demolition of this building in principle and this remains the case. Since the dismissed Appeal no preapplication advice has been sought prior to this submission and no condition survey evidences the building is at risk and requires demolition.

Summary of Principle of development

I see no reason why this building cannot be extended and retrofitted to improve its thermal performance and internal configuration to create individual units, this approach would negate the loss of a quality historic building many of which are diminishing within the Town Centre partly for their undesignated status. I also note the plan form of the existing dwelling (Drawing A03) is incorrect and does not reflect the built form as inspected on site and as evidenced on OS data.

Discussion:

Should the principle of demolition be accepted in Planning Terms I advise this current design is to a degree improved from the previously refused scheme in its design intent. The plan form proposed is largely orthogonal although there is some articulation in the placement of the volume at the southern aspect at the junction with the east elevation, to create a stepped in balcony; however the fundamental issue of a contextually appropriate scale remains unresolved.

The proposal for a four storey form at this location I advise has not been developed by a thorough contextual appraisal or led by massing studies; these would have concluded that of the Inspector's Report of the recently dismissed appeal who found 'The scale and bulk of the building would be fully exposed at the junction of Crown Street and Primrose Hill and evident from views from the north. This would appear at a higher level than the properties further to the south and hold a dominant and imposing position. When viewed in the context of the entrance to and character of Primrose Hill it would jar with the more subdued domestic scale of the buildings and the intimate nature of this narrow lane'.

Even though the wider context of the site on the northern approach to the town centre evidences buildings of an increased scale e.g. the Multi Storey Car Park, the context of the development site remains at a domestic scale, the character of which would be harmed by these proposals.

In terms of the design narrative itself, the DAS refers to the proposed form as being typical of the local context in its roof design and respectful of the local vernacular; however this is not the case and as stated earlier in this response the immediate context evidences Victorian/Edwardian buildings - perhaps with a few domestic scale late Georgian buildings, but overall there are insufficient true Georgian buildings present within this location to advise the selected narrative is of the local vernacular. The design has possibly been developed to relate to the Knight Court at No. 47 Crown Street, a modern development in a mock neo classical style.

Despite the selected architectural style and my comments above, the design intent upon the elevations is well proportioned and has been designed with a good level of detail intent. It is clear attention has been paid to the hierarchy of fenestration which provides interest in the façade. In another context this may well be an appropriate form.

Recommendation

It is unfortunate in the first instance a scheme has not been developed with a view for the existing dwelling to be extended and modified to negate a total demolition.

Should this be acceptable in planning terms I advise there are fundamental concerns in respect of the scale and what is contextually appropriate here.

The design in isolation has clearly been more considered than the previous application, however based on the demolition of a quality historic building in close proximity to the historic town centre I am unable to support this application.

- **Building Control:**

Refers to previous advice which was as follows:-

I've had a look at the attached geotechnical discussion apart from a 'shallow excavations' approach (which would not be suitable for the potential loads involved, and even then relates mainly to the extent of open trenching possible) there appears to be no overall stability issues in relation to the sub soils. What is present however is low ground bearing pressures, which is what is driving all the talk about ground consolidation (one method of improving the load bearing situation) and deep driven piles (suggested in relation to the potential for the loose nature of the ground, sands, silts etc, collapsing into open drilled pile bore holes, but again no overall general ground, or site instability as such). Again also the same effect is present in relation to the piling mat discussion for the piling equipment. These would be dealt with by the Building Control Body involved from the perspective of getting suitable design in relation to the new structure, and would also be the prime concern of the designing engineers.

[In response to the engineers report submitted by a local resident]

I think I indicated that previous report talked in general terms of the risks of (and probable unsuitability of) open excavations, and discussed again, in general terms, the suggested initial approach of considering driven piled foundations as a method of avoiding the those risks. As is clear from that report, no detailed or indeed detailed outline, designs were available at that time. I seem to remember this is acknowledged by the authors.

This latest report refers to the construction of a deep basement, which I assume you are currently looking at in detail or outline? If this is indeed accurate, then the structural design issues noted in the 1st report remain valid, but only in as far as they were developed against the above background. A large basement being a considerable open excavation (at least at some stage), would require detailed consideration not envisaged in this first report . The new report is therefore quite right in highlighting the gap between this initial report and the more detailed design approach required for a 'more developed' design, let alone a final design involving a basement. The reports, are in fact, not in conflict, merely evolving in structural design consideration terms.

The wider issue of considering what extent of information needs to be provided and at what time, to enable to you process your application, is clearly Planning orientated upon which I am not able to comment. However this report, again based solely on the information available at this time, speculates in clauses 23 to 25 on the circumstances and indicates potential design solutions.

- **Open Space Strategy Coordinator:**

With reference to the above planning application and the request for comments in response to it, I am now in a position to offer the following comments:

15/01430/FUL - In terms of the overall style of the development this is outside of my field of remit and so I have no comments to make on this. Looking at the site itself an attempt has been made to provide some private formal open space in the form of a private courtyard garden to the rear of the properties and communal open space for the flats along with private balconies for certain individual properties. However details on any landscaping and plantings is limited and further information about species and quantities and scope of the plantings will be needed before a substantive opinion can be made.

I also note that as the development consists of more than 10 individual dwellings that it will trigger a contribution of funds via a Section 106 agreement to existing open space provision under current local planning obligations. I would anticipate this contribution being in the region of £60,000.

At this stage there is no initial objection from an open spaces perspective, however, further comment will be retained until more details of the planting specifics is released by the developer.

At this stage there is no initial objection from an open spaces perspective.

6. Summary of Issues

The site is located south of the Brentwood Town Centre Conservation Area at the junction of Primrose Hill and Crown Street. The site is located in a mixed use area within which there are residential houses and flats, as well as a multistorey car park, offices, shops, and a church, and is around 100m from Brentwood town centre. On Crown Street there is a mix of two, three and four storey buildings including more modern flat blocks. Beyond the multistorey car park, Crown Street and Primrose Hill is of domestic scale of two storeys and bungalows. The site is located within an area allocated for residential purposes in the Local Plan.

Planning permission was refused, at appeal, for the 'Demolition of existing church building and manse, and the construction of 17 apartments with onsite underground parking' (reference 13/01076/FUL) on a larger site (but which included the current application site) on 24 September 2014 for the following reasons:-

- the development would have resulted in the loss of an existing community facility which would undermine the community's ability to meet its day-to-day need, contrary to Policy LT11 and the NPPF (in particular paragraph 70)
- in terms of character and appearance, the Inspector considered that the proposal was unacceptable as a result of the scale, bulk, height and depth of the building and as well as its proportions and massing would be significantly larger than the surrounding buildings, in a dominant and imposing position, contrary to Policy CP1 and the NPPF (paragraphs 56, 58, 60 and 64)
- the Inspector also raised concerns regarding the impact of the proposal on the existing sycamore tree on neighbouring land which makes a significant contribution to the character and appearance of the area
- the development would have provided significant opportunities for overlooking of the rear of 24 Queens Road as a result of the proximity to this dwelling and the building proposed, the elevated location of the proposal building and the use of balconies. The development would have also allowed for a significant degree of inter-visibility between the windows proposed (which would be on higher ground) and the neighbouring building 65-71 Crown Street which has its main elevation facing towards the proposed building. The building would also have appeared domineering and overbearing from these windows exacerbated by the length and height of the elevation. The development would have an unnecessarily unneighbourly relationship with no.4 Primrose Hill as a result of the orientation, scale and height of the proposed new building, associated with the changing ground level - this added to his concerns regarding the development. The proposal would, therefore, be contrary to Policy CP1 and the NPPF (paragraph 17 bullet point 4)
- the Inspector concluded that the requirements and justification for an obligation to secure financial contributions to provide education and maintenance of public open space in the area had not been fully met and there was no evidence to ensure that such an obligation would meet the test in paragraph 204 of the Framework
- the Inspector concluded that the development would not have resulted in sustainable development given the significant demonstrable harm arising from the proposal which did not outweigh the limited benefit of the net increase of 16 units of housing the development would have provided.

The agent explains that the current application aims to overcome these issues as it excludes the existing church building from the application site, proposes a smaller building and number of residential units (a net increase of 9 from the existing dwelling on the site), and any new windows that could overlook any existing property have been reduced (previous balconys have been removed).

The previous application related to a site which measured a maximum of 40m in width and 54.5m in depth, had a road frontage with Crown Street of around 18.5m and a frontage with Primrose Hill of around 40m. The site accommodated a church building, a dwelling house, a portacabin and a car park, and had a site area stated as being 0.95ha. The previous proposal consisted of 17 apartments (2no. one bedrooms, 12no. two bedrooms and 3no. three bedroom). The building would have been up to four storeys in height above ground level and would have measured 36.5m in length x 23.7m in width (maximum dimensions) and a maximum of 13m in height.

The main issues which require consideration as part of the determination of the current application are the principle of the development, the impact of the proposal on the character and appearance of the area, the impact of the development on the amenity of the occupiers of neighbouring properties, the quality of life for the occupiers of the proposed flats, highway safety and parking issues, contamination, land stability and planning obligations.

Principle

The application site is within an area identified as being for residential purposes in the adopted Local Plan (Policy TC1) and would replace the existing dwelling on the site (Policy TC2). However, part of the site currently provides car parking for the existing church (reference is made in the previously submitted Transport Statement to there being parking for 8-10 cars) which would be lost as part of the proposed development and only leave space for parking of a maximum of two vehicles within the curtilage of the church (accessed off Primrose Hill). The adopted parking standard for places of worship is a minimum of 3 bays for disabled and a maximum of 1 space per 10sq.m (which would equate to a requirement for a maximum of around 17 parking spaces in this case). The applicant has not submitted any information to demonstrate that the significant loss of off-street parking spaces accessed from Crown Street and reduction in the extent of the curtilage of the building proposed would not threaten the continued beneficial use of the church. Furthermore, if the Breakthru Church vacate the site (as they intend to do), the significant loss of the parking area and reduction in the extent of the curtilage of the building proposed is likely to reduce the viability for continued or re-use of the building as a community facility, contrary to the aims of Policy LT11 and the NPPF (paragraph 70) to retain existing local community facilities and services. Therefore the effect of granting planning permission for this development would be to lose part of the community asset and make it more likely that the rest of the community facility would be lost. It is recommended below that planning permission is refused on this basis.

The applicant has stated their intention to replace and increase the community services which they provide on another site. However, the applicant has not identified any alternative site and, therefore, the Council would not currently be able to ensure that the existing community facility provided at the application site would be replaced. This claim cannot be given weight in determining this application.

The proposal would comply with Policy TC5 which states that all new housing within the town centre inset plan area should be in the form of one or two person units.

Character and Appearance

The Design Officer raises concerns regarding the demolition of the existing dwellinghouse, providing the following advice:-

'The existing Victorian building is of architectural merit and significance, evident on early OS Mapping data, it is one of a decreasing number of traditional unlisted buildings within the Brentwood Town Centre which were developed at the time of industrial evolution of the town; these larger detached dwellings lead from the Railway station at the south of the town centre up through Queens Road to the Cathedral. They offer an important established quality in their larger scale domestic Villa style form.

Looking at the building of 59 Crown Street specifically and its contribution to the locality; the principal gabled frontage has pleasing manner on route to the Conservation Area and contributes to the immediate and wider character and appearance of the location. The roof scape leading up through Primrose Hill into Crown Street is of a distinct character with a positive contribution to the townscape.

In the Design Officers consultee response for the refused application 13/01076/FUL the demolition of this building was not supported in principle and this remains the case. Since the dismissed Appeal no preapplication advice has been sought prior to this submission and no condition survey demonstrates the building is at risk and requires demolition.....

No evidence has been provided to show why this building cannot be extended and retrofitted to improve its thermal performance and internal configuration to create individual units, this approach would negate the loss of a quality historic building many of which are diminishing within the Town Centre partly for their undesignated status. It is noted that the plan form of the existing dwelling (Drawing A03) is incorrect and does not reflect the built form as inspected on site and as shown on OS data.'

However, the loss of the existing dwelling was not a reason the previous appeal (reference 13/01076/FUL) was dismissed, the building is not a Listed Building and is not located within a Conservation Area. Therefore, an objection to the current proposal on this basis could not be substantiated.

The Design Officer also raises concerns regarding the new building proposed. Whilst the design of the new building is considered to be an improvement on the previous scheme and some articulation on the elevations is included with stepped in balconies, the design is not typical of its local context and the plan form proposed is largely orthogonal and it remains a contextually appropriate scale. A four storey form is not appropriate for this site and its surroundings. As part of the previous appeal decision which also related to a four storey building in this location, the Inspector considered that 'The scale and bulk of the building would be fully exposed at the junction of Crown Street and Primrose Hill and evident from views from the north. This would appear at a higher level than the properties further to the south and hold a dominant and imposing position. When viewed in the context of the entrance to and character of Primrose Hill it would jar with the more subdued domestic scale of the buildings and the intimate nature of this narrow lane'.

This remains the case and therefore it is considered that the proposal would also be an incongruous element in the street scene and so harm the character and appearance of the area, contrary to the NPPF (section 7) and Policy CP1 (criteria i and iii), and it is recommended below that planning permission is refused on this basis.

A mature sycamore tree was located adjacent to the southern boundary of the previous application site (reference 13/01076/FUL) but the extent of the site has now been reduced and so this tree is now at a sufficient distance from the application site not to be adversely affected by the development currently proposed, in compliance with Policy C5.

Residential Amenity

The proposal has been assessed in terms of its impact on the amenity of the occupiers of neighbouring residential properties with respect to overlooking, dominance, loss of outlook, loss of sunlight and loss of daylight.

Privacy

It is considered that the majority of the development would not create unreasonable levels of overlooking (as a result of the location and orientation of habitable rooms windows and balconies proposed and their distances away from neighbours' habitable windows and private gardens), or such could be reduced to an acceptable level through, for example, the introduction of obscure glazing or privacy screens along the sides of external balconies proposed. However, part of the scheme would lead to an unreasonable level of overlooking of some existing, neighbouring residential properties.

The current scheme would not provide opportunities for overlooking of 24 Queens Road, unlike the previously refused scheme (13/01076/FUL) as the new building would be at least 20m from their rear garden boundary with an intervening garage block.

There would be no windows proposed on the south-western elevation of the new building facing 4 Primrose Hill and the balconies proposed on the southern elevation of the building would be at a sufficient distance away (at least 18.5m) to prevent an unreasonable level of overlooking of this neighbouring property's rear garden.

However, as part of the previous appeal, the Inspector noted that the 'building 65-71 [Crown Street] has its main elevation facing towards the proposed building and it contains a number of windows serving habitable rooms. The flank elevation of the proposed building would accommodate windows to habitable rooms and these elevations would be separated by a distance in the region of 6m. Whether or not the windows are directly aligned the immediate proximity of the windows would allow for a significant degree of intervisibility between the windows. With the proposed building being on higher ground and a more elevated position this would allow for greater views down into the rooms which would significantly compromise the living conditions of the occupants of 65-71'.

There are habitable room windows proposed on the southern elevation of the building at first and second floor levels but none of these would be directly opposite any of the windows within the side elevation of neighbouring 65-71 Crown Street. As a result of the distance between the habitable (lounge) windows proposed and the windows at 65-71 Crown Street which face the site (around 12m) combined with the angle of views which could be obtained, it is considered that any overlooking would not result in a material loss of privacy for the occupiers of this adjoining property. However, there are balconies proposed on the southern elevation of the new building at second and third floor levels which would face 65-71 Crown Street. These balconies would be at a higher level than the windows at 65-71 Crown Street which face the site and the distance between the balconies and 65-71 would be around 8m, compared to the 6m distance referred to above as part of the previous appeal decision. However, at a distance of only 8m, it is considered that the balcony proposed for unit 10 at second floor level would provide opportunities for overlooking of these neighbouring habitable room windows which would result in a material loss of privacy to the occupiers of this neighbouring property.

Part of the building proposed would face the front elevation of 1 Primrose Hill which contains two bedroom windows at first floor level and a lounge window at ground floor level. One of these bedroom windows would be only 9m from bedroom windows proposed at first floor level. Whilst the windows would be at a slight angle to one another, it is considered that the proposed development would create opportunities for overlooking of this neighbouring residential property which would result in a material loss of privacy for the occupiers of the dwelling.

In all of these situations, the overlooking could not be reduced to a reasonable level through the imposition of conditions without having an adverse impact on the quality of life of the occupiers of some of the proposed flats e.g. obscure glazing bedroom windows, screening around the balconies proposed.

Dominance and Loss of Outlook

As part of the previous appeal, the Inspector noted that the "building 65-71 [Crown Street] has its main elevation facing towards the proposed building and it contains a number of windows serving habitable rooms. This relationship with 65-71 would ... result in the significant bulk and mass of the proposed building being situated in such close proximity to that property such that it would appear domineering and overbearing from these windows. A situation exacerbated by the length and height of the elevation".

At its closest point, the proposed building would be located around 6m directly in front of the side elevation of 65-71 Crown Street which contains habitable room windows but would only be at single storey (up to 5.1m) in height at this point. However, there would be a three storey, around 11m high, section around 5m in length within 8m of this neighbouring side elevation and a four storey section, up to 13m in height, of around 10m in length around 10m from this neighbouring side elevation. It is considered that, as a result of this height and proximity, and the length of the side elevation proposed, the proposed development would adversely affect the outlook from these neighbouring habitable room windows to the detriment of the occupiers of this residential property.

The proposed building would be within a 45 degree angle of sight from existing habitable room windows on the front elevation of 1 Primrose Hill (a living room at ground floor level and two bedrooms at first floor level) and the proposed building would be located to the south of this existing property. However, the building would be 8m away at its closest point and the outlook from these windows would not be reduced to a degree which would result in material harm to the occupiers of this dwelling being caused especially as two of the habitable rooms affected have at least one secondary window on the dwelling's western side elevation. Hence, it is considered that the proposal would not cause material harm by virtue of dominance, loss of outlook, loss of sunlight or loss of daylight to the occupiers of 1 Primrose Hill.

With respect to the other neighbouring properties (including the office building at the junction of Primrose Hill and Crown Street, the Spiritualist and Breakthru Churches on Primrose Hill, Fielders Court flats on the opposite side of Crown Street and 24 Queens Street), it is considered that the proposed building would be a sufficient distance away from the site boundaries so as not to cause demonstrable harm to the occupiers of these neighbouring properties with respect to loss of outlook, dominance, loss of sunlight or loss of daylight.

To summarise the impact on the amenity of neighbouring occupiers, it is considered that the development would cause material harm to the occupiers of 65-71 Crown Street by reason of loss of privacy, loss of outlook and dominance, and to the occupiers of 1 Primrose Hill by reason of a loss of privacy, contrary to the NPPF (paragraph 17) and Policy CP1.

Quality of Life for the Occupiers of the Proposed Flats

All of the flats proposed would exceed the recommended minimum floorspace of 52sq.m. for two bedroom flats (Appendix 1 of Local Plan) and the recommended minimum floorspaces within the 'Technical housing standards - nationally described space standards' (i.e. a minimum of 70sq.m. for one storey, two bedroom, four person units and a minimum of 79sq.m. for two storey, two bedroom, four person units).

With regard to amenity space, the development would provide a garden area extending to around 165sq.m. with four of the proposed flats to be provided with balconies of at least 5sq.m. in area. Taking into account the minimum standards usually expected (a communal area of at least 25sq.m. per flat or a balcony of at least 5sq.m. per flat) and the edge of town centre location of the site, it is considered that the proposal would make adequate provision for amenity space for the occupiers of the proposed flats. The proposal also makes adequate provision for off-street parking and cycle parking (see below) and provision for bin storage is made.

Highway Safety and Parking

With respect to off-street parking, the proposal would accommodate 10 parking spaces in an underground parking area and 6 cycle parking spaces. This would equate to at least one car parking space for each flat proposed.

The adopted parking standards would require two car parking spaces for each flat with two or more bedrooms, and one cycle parking space per flat. This would equate to a requirement for 20 car parking spaces plus visitor spaces of 0.25 per flat and 10 cycle parking spaces. The proposal would be slightly below the minimum requirement for cycle parking and the car parking provision would be below the car parking standard normally required. However, the site is located within an urban area. The adopted parking standard states that, 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 cycle and walking links, accessing education, healthcare, food shopping and employment. It is considered that, given the location of the site at the edge of the town centre where there is good access to frequent and extensive public transport, town centre facilities and car parks, a reduction in the off street parking requirement is appropriate in this case and that the provision of one parking space per flat would be an adequate provision. This is in line with other recent permissions near the station. The Highways Officer does not raise objection to the

proposal subject to conditions being imposed, also making reference to the existing on-street waiting restrictions outside the site.

The Highways Officer also raises no objection to the proposed vehicular access to the site on highway safety grounds making reference to the existence and use of the site and its access, the layout of the existing site in relation to Crown Street and Primrose Hill, and the scale of the development.

On the basis of the above, it is considered that the proposal complies with the NPPF (paragraph 17), Policy T2, Policy CP1 (criteria iv and v), Policy T14, and Policies CP2 and CP3, subject to the imposition of conditions including a requirement for a Construction Method Statement, provision of the proposed cycle parking, and the provision of a sustainable transport mitigation package.

Education and Public Open Space

Essex County Council has not advised that the proposal would generate the need to provide any school provision but the proposal would generate a commuted sum payment (in the region of £60,000) for existing open space provision. The applicant previously advised that they are aware that such payments would be requested. On the basis that the applicant is willing to enter into a Section 106 Agreement to secure the payment of a commuted sum towards public open space, the proposal would comply with Policy CP4 and Policy LT4.

Contamination

As part of the Geo-Technical Investigation report submitted as part of the previous application, contaminants were found at the site. However, based on the advice of the Environmental Health Officer, it is considered that the proposed development would not pose an unacceptable risk to local occupiers or the occupiers of the proposed flats as a result of this contamination provided that the recommendations within the report are carried out and the conditions recommended by the Environmental Health Officer are imposed. As a result, the proposal complies with the NPPF (section 11), Policy PC1, and Policy CP1 (criteria vii).

Ground stability

A number of the representations received refer to concerns regarding the stability of the site. However, based on the advice of the Building Control Officer, it is considered that this can adequately be dealt with as part of the approval of Building Regulations for the development and, as result, the proposal complies with the NPPF (section 11).

Representations

Most of the matters raised through the representations received have been addressed above. With respect to those matters which have not, the following comments are made:-

- Reference is made to the proposal contributing towards the provision of housing within the Borough and that the site would deteriorate if it were not developed, but it is not considered that these matters outweigh the harm the development would cause (see below)
- the proposal would accord with the minimum density requirements referred to in Policy H14 of 65 dwellings per hectare in town and district centres but this requirement no longer accords with national planning policy and so has not been afforded any weight in the assessment of the proposed development
- The method of construction would be a matter for Building Control; damage to neighbouring properties would be a civil matter to be resolved privately between the relevant parties.
- antisocial behaviour would be a matter for the police and there is no evidence that the proposal would directly lead to an increase in antisocial problems or significant disturbance
- The increased demand on infrastructure and drainage are technical matters which would need to be addressed as part of other legislation and regulations.
- Noise and disruption during construction would be temporary and not sufficient reason to refuse planning permission for the development, and could be minimised through the imposition of a condition limiting working hours etc.
- Loss of property value and view are not material planning considerations
- Other matters raised, such as reduced light to Primrose Hill inhibiting melting of ice on road are not material planning considerations
- imposing a condition requiring the refurbishment of the existing church would not meet the relevant tests for reasonable conditions

Framework Balance

The proposal would make a contribution to housing supply and the Council acknowledges that the provision of 9 additional residential units would be a benefit and would also represent a small boost to local building and supplies businesses. The Council acknowledges that it is unable to identify a full five years supply of housing. Therefore, in accordance with paragraph 49 of the National Planning Policy Framework, the Council's current adopted policy relevant to the supply of housing is not considered to be up-to-date. The effect of this shortfall in identified housing land is that the provisions of paragraph 14 of the Framework come into play. For decision taking this means that applications for residential development should be granted permission unless any adverse impacts of granting permission would significantly and demonstratively outweigh the benefits of the development when considered against the policies of the Framework as a whole. However, the deficit in housing land is small and takes no account of windfall sites that have made up 21% of the dwellings built in the Borough over the past five years. In light of the above, it is considered that a five year land supply for housing will easily be made and, therefore, that the matter of housing supply should be afforded little

weight in the determination of this application. Brentwood Replacement Local Plan (2005) Policy CP1 and Policy LT11 are referred to in the reasons for refusal. These policies are not concerned with land allocation or development restraint. The objectives of Policy CP1 as regards safeguarding character and appearance and the promotion of high standards of design and layout and Policy LT11 as regards the retention of existing community facilities are consistent with the objectives of the Framework and in this respect Policy CP1 and Policy LT11 should be given full weight. As a result, it is not considered that the presumption in favour of development exists in this case. However, even if it did, the development would cause significant adverse impacts which would significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole. Therefore, the presumption in favour of granting planning permission does not apply in this case.

Conclusion

On the basis of the above assessment, it is considered that planning permission should be refused for the proposal development for the following reasons:-

The existing Breakthru Church is a valued community facility. The significant loss of off-street parking spaces and reduction in the extent of the curtilage of the building proposed could threaten the continued beneficial use of the church and, if the Breakthru Church vacates the site, could reduce the viability for continued or re-use of the building as a community facility, contrary to the aims of Policy LT11 of the Brentwood Replacement Local Plan and the NPPF (paragraph 70).

The proposed development would, as a result of the size, height, scale, massing and design of the building proposed, be an incongruous element in the street scene to the detriment of the character and appearance of the area, contrary to the NPPF (section 7) and Policies CP1 (criteria i and iii) of the Brentwood Replacement Local Plan.

The development proposed, as a result of the height, position, design and bulk of the building proposed, would harm the amenity of the occupiers of neighbouring residential properties by reason of loss of privacy (1 Primrose Hill and 65-71 Crown Street) and loss of outlook and dominance (65-71 Crown Street), contrary to the NPPF (paragraph 17) and Policy CP1 (criterion ii) of the Brentwood Replacement Local Plan.

It is acknowledged that the currently proposed scheme would be less harmful overall than the scheme the subject of the previous appeal (reference 13/01076/FUL) but the development would still cause significant adverse impacts which would significantly and demonstrably outweigh the benefits of the development.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U12115

The existing Breakthru Church is a valued community facility. The significant loss of off-street parking spaces and reduction in the extent of the curtilage of the building proposed could threaten the continued beneficial use of the church and, if the Breakthru Church vacate the site, could reduce the viability for continued or re-use of the building as a community facility, contrary to the aims of Policy LT11 of the Brentwood Replacement Local Plan and the NPPF (paragraph 70).

R2 U12130

The proposed development would, as a result of the size, height, scale, massing and design of the building proposed, be an incongruous element in the street scene to the detriment of the character and appearance of the area, contrary to the NPPF (section 7) and Policies CP1 (criteria i and iii) of the Brentwood Replacement Local Plan.

R3 U12131

The development proposed, as a result of the height, position, design and bulk of the building proposed, would harm the amenity of the occupiers of neighbouring residential properties by reason of loss of privacy (1 Primrose Hill and 65-71 Crown Street) and loss of outlook and dominance (65-71 Crown Street), contrary to the NPPF (paragraph 17) and Policy CP1 (criterion ii) of the Brentwood Replacement Local Plan.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1-4, H14, T2, T14, LT4, LT11, C5, PC1, TC1-2, TC5 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED: