

DR/13/21**Report to:** DEVELOPMENT & REGULATION (23 July 2021)

Proposal: COUNTY COUNCIL DEVELOPMENT - Demolition of existing building and the construction of a new three storey building providing a new library (Use Class F1d) and commercial unit (flexible use within Use Classes Ea, Eb, Ec, Ee, Ef, F1b, F1d, F1e, F2b) on the ground floor and 9 new residential units over alongside associated access, parking, servicing, utilities and landscaping

Ref: CC/BRW/30/21**Applicant:** Essex County Council**Location:** Shenfield Library, Hutton Road, Shenfield, CM15 8NJ**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom McCarthy Tel: 03330 320943The full application can be viewed at <https://planning.essex.gov.uk>

1. SITE

This application relates to an area of land measuring approximately 1,443m², currently occupied by Shenfield Library. The area in question is located on Hutton Road, on the junction with Friars Avenue.

As existing the site is occupied by a single 1960's brick building, with a pitched roof, currently operated as a library. The building is effectively made up of two wings or parts: one a typical single storey scale element which houses the main building entrance; and then a double height element which comprises the main library space. Inside the building is split level, with a few steps within the main Library space to account for the site topography.

To the front of the building are two green areas inclusive of a number of trees, most notably three silver birch trees and a large cherry. To the rear of the building is a car park, accessed via Friars Avenue.

Photo taken on Hutton Road looking towards Shenfield Library



The site is designated for community use within the existing Brentwood Replacement Local Plan (2005). With the main commercial part of Hutton Road or the High Street to the north-east towards Shenfield rail station. Residential properties are located to the immediate west on Hutton Road and to the south on Friars Avenue.

2. PROPOSAL

This application seeks planning permission to demolish the existing building and construct a new three storey building. The ground floor of the proposed building would house a replacement library; a new commercial unit proposed to be used for the display or retail sale of goods, sale of food and drink for consumption (mostly on the premises), financial services, professional services or other appropriate services in a commercial, business or service locality, medical or health services, creche, day

nursery or day centre, display of works of art, public library or public reading room, public hall or exhibition hall or as a hall or as a meeting place for the local community; and a lobby for the residential units. Floors one and two comprise would comprise five and four residential apartments respectively, each with a private balcony.

As shown on the below visualisations, the building is proposed to be constructed from three shades of buff/grey brick with the intention of creating a 'geometric sense of an interlocking puzzle', with a high proportion of glazing on the ground floor. Window frames would be dark and recessive, with balconies on the front and side elevations proposed as projecting (metal railings). To the rear the balconies would be inset and bricked.

Visualisation of the proposed development from Hutton Road



Visualisation of the rear elevation of the proposed development (elevated view)



To the front of the site, to account for the larger building footprint, the existing cherry tree together with a few other minor, less mature trees are proposed to be removed/felled. The three silver birch trees would however be retained as part of the proposals with a publicly open landscaped area retained in front of the library.

To the rear of the site, the car parking area is proposed to be retained in a form similar to existing. This would provide 10 car parking spaces (one for each residential unit and one for the library) together with a space which would double-up as a servicing and disabled bay.

3. POLICIES

The following policies of the Brentwood Replacement Local Plan (2005) provide the development plan framework for this application. The following policies are of relevance to this application:

Brentwood Replacement Local Plan (2005)

CP1 – General Development Criteria
CP2 – New Development and Sustainable Transport Choices
CP3 – Transport Assessments
CP4 – The Provision of Infrastructure and Community Facilities
H4 – Mixed Use Development
H6 – Small Unit Accommodation
H9 – Affordable Housing on Larger Sites
H14 – Housing Density
T2 – New Development and Highway Considerations
T5 – Parking
T10 – Access for Persons with Disabilities
T14 - Cycling
T15 – Pedestrian Facilities
LT8 – Use of Redundant Institutional, Recreational and Community Building
LT11 – Retention of Existing Local Community Facilities
C5 – Retention and Provision of Landscaping and Natural Features in Development
IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development
PC1 – Land Contamination
PC4 – Noise
PC6 – Transport Pollution

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Brentwood Borough Council has undertaken a compatibility assessment with the NPPF and the conclusions of this will be taken on board as part of the policy appraisal of this application.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

Brentwood Borough Council submitted a 'new' Local Plan to the Secretary of State for independent examination on 14 February 2020. Hearing sessions commenced on 1 December 2020 and are still on-going (week 6 hearing sessions scheduled between 27-29 July 2021). At the current time, as the Plan has not been found sound, the emerging policies are considered to hold limited weight in the determination of applications.

4. CONSULTATIONS

Summarised as follows:

BRENTWOOD BOROUGH COUNCIL (PLANNING)

Relationship with neighbouring properties

The removal of the proposed roof terrace with railings adjacent to 61 Hutton Road is an improvement. There remains no indication that this area, or the main roof, would be utilised for PV panels, behind an appropriate parapet. Unfortunately, the step down isn't accompanied by articulation or setting back of the remaining ground and first floor element in this area, which need not be more than a brick or two, though such an alteration would make the change in scale of this lowered section look less of an afterthought.

There is a large side (west) window to unit 1.05 and a small window to 1.03, that are marked on the floor plan (P012 Rev A) but not the elevation (P016 Rev A). The same issue exists with regard to units 2.03 and 2.05 (P013 Rev A). If not omitted, these should be obscure glazed and non opening or otherwise altered to avoid overlooking.

The rear facing windows are mostly in excess of the 15 metre window to boundary dimension given in the Brentwood Replacement Local Plan 2005 (The Development Plan) and Essex Design Guide. However, to reduce overlooking of neighbours, as well as the perception of it, the applicant should be encouraged to use methods of reducing overlooking, e.g. directional windows, high level windows and obscure glazing, particularly with regard to the bedroom window and kitchen diner window to units 1.05 and 2.05. I would suggest assessment of those methods in that order, as for example obscure glazing bedroom windows is generally a poor alternative. The balcony to 1.03 and 2.04, is contained by the building constraining overlooking of number 61 and measures over 19 metres to the boundary with 2 Friars Avenue.

The greater scale of the building in comparison to the existing building would be clearly perceptible from Friars Avenue, though this has been kept away from the outlook from 2 Friars Avenue and is to the north of that property thereby avoiding loss of sunlight. Due to the relative position of the buildings and orientation of 2 Friars Avenue, it appears that the rear elevation windows to the latter would not suffer a loss of daylight, assessed using the '25 degree rule'.

Affordable housing provision

It is noted that the proposal is now for nine dwellings and therefore falls below the threshold set out in paragraph 64 of the National Planning Policy Framework (NPPF) for the provision of affordable housing in urban areas.

Sustainability

The form of the building appears to be particularly suitable for inclusion of solar PVs, maybe in conjunction with a green roof, as part of addressing its own needs for energy and power. Meeting the aspirations and direction given in the LDP for energy and water efficiency and low carbon generation, is the right direction to go and am pleased that this the route the applicant is following. Little information has been provided on plant, rainwater goods and safety equipment which can disfigure otherwise well designed buildings. The Energy Statement refers to PVs and air source heat pumps though details indicating how they, or related infrastructure (vents etc), would affect the appearance of the building have not been provided. The section drawing does not show how the PVs would be placed on the roof.

Flat roof buildings should have parapets of sufficient height, or use 'Mansafe' systems, to avoid unsightly protective fencing and plant should be designed in to avoid later design or amenity problems. Furthermore, given the unknown occupier of the commercial unit and the flexibility within the amended use classes order, appropriate provision should be designed in to avoid unsightly alterations due to the requirements of different potential uses in due course. It is noted that the range of uses in Class E has been limited, to reduce the potential to affect the amenity of neighbours.

Design

The Urban Design consultee advising Brentwood, attended the pre application discussions and gave advice (included in the planning statement (page 29)). While the redevelopment of the library site presents an opportunity for mixed use development and meaningful public realm for local residents, having assessed the submitted scheme, she advises that it has not fully addressed those aspects regarded and advised by her as being deficient; the relationship to the neighbouring property remains unresolved and the façade treatment has not progressed. In terms of the fabric first approach and incorporation of renewables, these remain vague and lacking in terms of the development principles. This has resulted in a proposal that is not an exemplar Public Building. As previously advised she directs the applicant to Essex Quality Review Panel to enable further design development and specialist support.

Brentwood requires proposals of this type to go through the Essex Quality Panel, overseen by Place Services at Essex County Council. This should also be the case for this proposal, particularly given that it is a County Council proposal to be determined by the County Council. It has not been confirmed that County officers will require this to happen. Not having the proposal considered by the design review panel would be a matter of concern as it is a common requirement for other applicants, and it is not clear why the County should or wish to avoid such a review. It would also miss out on the advice and guidance the panel would provide to achieving a quality development.

Parking

Parking provision is at 1:1 for the flats, one unspecified space plus a delivery space but no provision for the commercial unit. This does not comply with the requirements set out in the 2009 parking standards. However, given the location of the site, the level of provision of residential parking appears appropriate. The provision of no parking for the commercial unit is acceptable given the small size of the unit, the access to local car parks and choice of modes of transport for staff travel.

ECC Officer Comment

Since the above comments were received, revised drawings have been submitted to show a single brick course step back in the building projection closest to 61 Hutton Road. The elevation drawings were also updated to correctly show all windows proposed.

BRENTWOOD BOROUGH COUNCIL (ENVIRONMENTAL HEALTH) – No objection subject to conditions.

THE COUNCIL'S URBAN DESIGN, LANDSCAPE, ECOLOGY AND TREE CONSULTANTS

Urban Design

Some concerns around the approach to the elevations, with it considered that there could be an imbalance between the glazing ratio and brick finish. This is due to the small window units being proposed where large expanses of brick dominate the build. The existing built form to the east comprises more glazing and uses this to create

horizontal banding/focus.

The key corners/elevation are mainly blank brick detailing or small set window units. There is a clear opportunity missed in the design and approach to the upper storeys to create a well-balanced and considered approach. The use of window units, recessed brick detail and add on balconies create a flat approach.

The southern elevation provides nothing to southern views or the approach to the High Street from this direction. The rationale around the use of climbers being integrated here is more lip services than anything tangible. There is not a suitable growing space/volume to accommodate a suitable climber system.

In addition, reservations are raised around the hierarchy of residential access from the car park. Accessing homes through a service yard is not welcoming or practical.

Lastly, there is little information on the sustainability credentials of the build. Given the launch of the Essex Climate Action Commission in the coming weeks it would be important to ensure that the build goes above and beyond the approach of sustainability for this location. Given the ground floor use as a library/community use, we would expect to see commitment in reducing running costs and striving for a fully sustainable build.

Landscape

No objection subject to conditions. That said, the following are made as recommendations:

- Given the urban context, we would recommend incorporating SuDS into the library grounds. For instance, the use of rain gardens and bioretention beds where appropriate would help reduce surface water runoff but also reduce watering as part of the maintenance schedule.
- Given the proposed building has two flat roofs, we would recommend green roofs are explored, especially given as some areas will be visible from many of the residential properties proposed.

Ecology

No objection subject to a condition seeking to secure reasonable biodiversity enhancements, as part of the development, to ensure that measurable net gains are provided for biodiversity.

Trees

No objection subject to conditions. A total of six trees would be removed to facilitate the development, five of these trees are of low quality (Category C) but one is of moderate value (Category B). Acceptable replacement planting is however proposed as part of the landscaping proposals to mitigate this loss.

HIGHWAY AUTHORITY – No objection subject to conditions. The proposals entail a widening of the existing site access onto Friars Avenue to comply with up-to-date Essex Design Guide standards. The existing barrier will be retained to allow residents, staff, disabled and delivery access only. This will ensure that there will be no increase

in vehicle trips to and from the site.

In terms of car parking, each dwelling will be provided with a single parking space with two additional spaces for library staff / deliveries / disabled use. This is considered reasonable given the site's location in the centre of Shenfield with all its facilities including public car parks and excellent public transport links.

Therefore, from a highway and transportation perspective, the proposals are acceptable to the Highway Authority.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to a condition requiring submission of finalised modelling of the pipe network.

ESSEX FIRE & RESCUE – No objection. Further observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

ESSEX POLICE – No comments received.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

LOCAL MEMBER – BRENTWOOD NORTH – Any comments received will be reported.

5. REPRESENTATIONS

59 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. 16 letters of representation have been received. These relate to planning issues summarised as follows:

<u>Observation</u>	<u>Comment</u>
Do not oppose the modernisation of the library. However, oppose the design put forward. The building is immensely imposing and not in keeping with the properties on Friars Avenue.	See appraisal.
The orientation of the proposed building and the adjacent properties means people within the flats would be able to see directly into bedrooms, living rooms and gardens.	See appraisal.
Do not want to look out of our window and see residents sitting on balconies.	Noted.
The meeting room within the library is proposed for hire. This is reducing space for the library use so can it be used by the	The internal layout of the library is largely for the Essex Library Services to determine and consider. It would be

public when not booked? A more flexible arrangement i.e. this room being able to be created when required through folding/moveable walls would be preferable. The meeting room as a fixed entity should be removed from the proposals.

inappropriate for a planning permission to control or restrict the internal layout of a building in such manner, without due reason/justification. Internal alternations and to how spaces are used are likely to be changeable and subject to the use of the building not changing this is not something the planning regime would normally engage in.

The library should be able to be used for events but to do so appropriate facilities should be secured and considered as part of the design i.e. appropriate flexibility in layout to hold such events and provision to store excess chairs, tables, blinds etc...

Noted. Albeit, to confirm licensing for events is a different regulatory regime to planning.

No disabled parking provision.

The proposals incorporate one space which is proposed for dual use as a servicing bay and disabled bay. Public use of this space would be managed by Essex Library Services, in a similar manner to existing.

The outside space in front of the library is important as we lack green spaces in Shenfield. Concern is raised that this may be locked and not accessible to the public at all times.

Whilst the proposals incorporate a fence and gate to this area, the applicant does not propose to lock this when for example the library is closed. This is intended as publicly accessible space and not just private open space for occupiers of the flats. That said, the area may be closed off to the public if for example the library were using it as part of an event or club.

Concerns about the disruptive nature of the (construction) project.

See appraisal.

Concerns about impacts on privacy. The balconies and windows open up intrusive over-views.

See appraisal.

This is a residential-led project, and the mix of uses puts the scheme outside those where the County can properly decide its own applications. This application should be determined by Brentwood Borough Council.

Regulation 3 of the Town & Country Planning General Regulations 1992 allows for an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, to be determined

by the authority concerned.

The proposed building is excessive in profile, would extend the ugly Sixties block-scape across Friars Avenue into an all-residential townscape of two storey houses with pitched and tiled roofs.

See appraisal.

Concerns about the proposed roof terrace to unit 2.02.

The roof terrace to this unit is no longer part of the proposals.

To the extent that Essex County Council added a roof terrace to the plans so that it can simply 'concede it' in order to retain its plans for balconies, is highly transparent and in poor taste.

Noted.

The development would encroach on, loom over and de-grade central Shenfield's only green focal point.

See appraisal.

The scheme should at the very least reflect the mansard design of the development opposite.

Noted.

Blatant disregard to involve us (neighbouring occupiers) in the project. The applicant proclaims to have consulted prior to submitting this application but posting a pre-printed letter to "the occupiers" is not actively consulting. The results presented of the engagement undertaken are also misleading.

Noted. The submitted Statement of Community Involvement has been considered by officers in context of this criticism.

The height of the development is inappropriate. The development towers above the adjacent properties and it is completely unnecessary. It would ruin one of the nicest focal points in central Shenfield.

See appraisal.

I am all for development and modernising this space, but it should remain in keeping with both sides adjoining it. The argument that the proposals would be equivalent to the building opposite on the High Street and the building over the road is farcical. The High Street is commercial in nature and extremely ugly by design. The same can be said opposite the road.

See appraisal.

Why would you want to copy something that is an eyesore?

Shenfield is a beautiful location and coming off the train into the High Street you would be losing our identity as a green village if we continue to build out more and more three storey developments.

See appraisal.

The design comments from pre-applications discussions with ECC and BBC about 'book ending' are not valid as the High Street doesn't finish at the Friars Avenue entrance.

See appraisal.

Comments raised by BBC at pre-app have not been addressed and remain valid: Why would I want to live there? Would I be happy to be a neighbour to the development?

See appraisal.

This proposal is all about maximising monies for ECC.

Noted.

Impact on property prices.

Property prices alone are not a material planning consideration.

Concerns around precedent.

See appraisal.

No staff parking. Do ECC honestly expect that library staff should pay for their own parking to attend work?

See appraisal.

This whole project smarts of money first over community happiness. The development is too big and doesn't achieve what the community wants which is a commitment from ECC and BCC that the library will remain forever.

Noted.

The Essex Future Library Services Strategy 2019-2024 (as amended) does not envisage the closure of any library during the life of the strategy.

Accept that public opinion in Shenfield is heavily in favour of retaining the library and we do appreciate that, to safeguard its future, the Council has to find a way to fund it.

Noted.

We are confident that should we, as owners of a private residential property on Shenfield High Street, submit a proposal to build an extra storey onto our

Each application is considered on its own merits in context of relevant development plan, policies and guidance.

house and create a terrace/balcony viewing into neighbouring gardens, this would be flatly refused. Please confirm why different standards should apply to the redevelopment of the library site.

Green initiatives should be on all of our agendas right now. Please confirm what consideration the Council has given, if any, to the fact that the proposals will encroach upon one of Shenfield's very few remaining green spaces.

Comments raised at the public engagement event have not been taken on-board. This is not an over developed 'urban' area and those putting together the application and designing the development should at least visit it to understand its context.

Is a flat roof building appropriate?

Concerns about the visual appearance of plant (heat pumps) on the roof.

How tall is the building?

Concerns about the subsequent impact on the installation of satellite dishes.

Lack of parking for visitors and delivery vehicles

Additional signage is needed on Friars Avenue, warning of the car park entrance/exit

See appraisal.

Noted. See appraisal re: overdevelopment comment.

See appraisal.

See appraisal.

The building height varies given the varying topography and the point of reference. From the finished floor level of the main library entrance to the top of the roof parapet is 11.365m.

In the event that planning permission is granted, a condition would be attached to prevent the installation of satellite dishes on the building elevations.

See appraisal.

The car park access is proposed to be widened to 5.5m. All work within or affecting the highway would be required to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority. The access point at this stage would be subject to road safety audit which would duly identify the need for any signage.

Sufficient resource must be allocated to facilities to enable community groups to make the fullest possible use of the building; and the use of such facilities should be at cost price, rather than on a commercial basis.	Not considered to be a planning consideration per-se, with this viewed more as a comment/request to Essex Library Services in terms of the potential management of the site/use.
Views in the vicinity would be dominated by the proposed building.	See appraisal.
The building is unattractive and a vast expanse of brickwork to the rear. The proposals lack attractive architectural features. A design more in keeping with Clune Court would be more appropriate.	Noted. See appraisal.
Overlooking and loss of amenity. There is no view from many of the flats but of the private gardens of the neighbouring properties.	See appraisal.
Balconies to units 1.03, 1.05, 2.03 and 2.05 should be removed.	See appraisal.
Preferred option would be for the existing Shenfield Library to be renovated; however, I can see that there are economic arguments in favour of developing the site, particularly if it means that we keep an Essex County Council-run library in Shenfield	Noted.
The proposed building is uninspiring, and an opportunity has been missed to create something more exciting in this key, central location.	See appraisal.
Concerns about shadows. The newly created landscaping areas in front of the building will also be in shade virtually all of the day.	See appraisal.
Concerns about the validity of the submitted Transport Assessment. How can there be a net reduction in vehicle movements when nine additional dwellings are being introduced to the site. Uses mentioned and considered in the Assessment, for example Barnardos have not been based at the Library for a number of years.	See appraisal.

Assumption is made in the Transport Assessment that the three bays in front of the library could be used by delivery drivers but those bays are almost always fully occupied.	Noted. See appraisal.
Concerns about the safety/visibility of the car park entrance/exit.	See appraisal.
The large Cherry tree currently on the site will be greatly missed and I would have liked to have seen it retained.	See appraisal.
Additional seating/benches should be provided outside the library.	See appraisal.
There was no ability to submit comments via the Council's website.	This comment was received after the formal consultation period had ended. The ability to submit representations via the website is only 'live' during the 21 day consultation period.
I would ask that ECC takes account of the provisions of the Equality Act 2010, and even in situations where the Council is not required to comply with the law, it makes such reasonable adjustments as to make it a leading exemplar in compliance with the Act. This would, I suggest, require at least one disabled parking space be provided.	Noted. The proposals incorporate a parking space which is proposed for dual use as a servicing bay and disabled bay.
There is no demand for another coffee shop in Shenfield.	Noted.
Concerns about the proposed library layout and in-particular the small area allocated for the children's library in comparison to the adjacent meeting room.	The internal layout of the library is largely for the Essex Library Services to determine and consider. It would be inappropriate for a planning permission to control or restrict the internal use of a building in such manner. Internal alternations and to how spaces are used are likely to be changeable and subject to the use of the building not changing this is not a material planning consideration.
I would argue that the library is not adjacent to existing commercial buildings. It is adjacent to two storey homes, roads and a small green area. There are three	Noted.

storey buildings on the other side of the road, but I don't feel this has any bearing on the immediate context as none of these are as close as the neighbouring two storey homes.

It is suggested that new residents should have a good standard of living but as an existing resident, I would also like that same level of respect and consideration.

There have been studies conducted on the unhealthiest places to live in Essex and I noticed Shenfield featured highly in two that have been conducted by good UK universities stating bad air quality, lack of green space and notably poor access to dentists and hospitals. There have been many additional flats either built or given permission and I haven't seen anything yet about how this increase demand for health care and dentists is proposed to be dealt with.

Works are suggested to likely be completed by 2024, if planning permission is granted, which is also the date we have been given as a guarantee by Essex County Council that Shenfield will have a library until. Surely if the library only moves back into this building in 2024 there should be a guarantee for far longer as the building will have been built with the library and its new facilities in mind.

Agreed. See appraisal.

Planning obligations can be used to mitigate the impact of unacceptable development and make it acceptable in planning terms. Planning obligations can however only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

This proposal has been submitted post adoption of the Essex Future Library Services Strategy 2019-2024. As detailed in respect of another comment received, this Strategy seeks to identify various ways to transform the existing library service in a bid to change the decline in usage which has been witnessed. The Strategy does only cover a period until 2024. However, as this is a project evolving from the Strategy it has to be acknowledged that this is not a short-term answer and it is highly unlikely, should planning permission be granted, that the library use would be closed shortly after completion or occupation. That said, this would remain a landowner decision. In planning terms, the use has nevertheless been explicitly detailed (Use Class F1(d)) so, in the event planning permission is granted, any potential proposed change of use would require planning permission. At which point the justification for this

development and the loss of the library as a community asset would be fully considered.

6. APPRAISAL

The key issues for consideration are considered to be:

- A. Principle of Development
- B. Schedule of Accommodation/Library Space, Density and Housing Mix
- C. Design and Landscaping
- D. Amenity
- E. Highways
- F. Sustainability and Flood Risk/Drainage

A PRINCIPLE OF DEVELOPMENT

This site is allocated for community use within the Replacement Brentwood Local Plan (2005) and policy LT8 applies. Policy LT8 states other than those sites identified as major housing sites on the proposals map, permission for the change of use or redevelopment of existing schools, hospitals or buildings of a similar institutional character, or existing recreational, cultural, leisure or other community facilities, shall only be granted where the proposed use addresses local community needs and, where these needs are met or where the existing community use can be suitably adequately relocated on an appropriate alternative site, housing needs.

Essex County Council's Cabinet in July 2019 approved the Essex Future Library Services Strategy 2019-2024. The Strategy approved was amended following public consultation on an earlier version or draft which had originally identified the potential closure of several libraries across the County. Shenfield Library was originally identified as a Tier 3 library and a library which ECC did not consider necessary to meet its statutory duty, but where it could support the provision of library services run by a community or partner organisation. The Strategy eventually approved nevertheless amended this tier approach and seeks to strive by working with communities to retain a library service in every current location through the Strategy period. However, it is stated that *'doing nothing is not an option. If we did not transform the service, within five years it is highly likely that the decline in usage would continue; the service and buildings would not be modernised or be fit for purpose and communities would have less opportunity to be involved in shaping local services to suit their needs, as less resources would be available to them. Efficiencies and greater convenience associated with sharing space, embracing digital technology and other planned improvements would not be achieved.'*

Regarding this, and the existing library property portfolio, this Strategy principally concerns the library service or offer, not the buildings. But it is acknowledged that library buildings are often seen as valuable community assets and many people will be concerned about their future use. The Strategy states that ECC *'will work to make the most efficient use of public buildings, whether owned by the council, other public bodies or community organisations. Most library services will be in shared spaces by 2024. We will review running costs and the condition of library buildings in council-run libraries, with a view to bringing all services up to a consistent, modern standard and finding the most effective ways to respond to local needs. This includes considering*

the most appropriate location for the service. In the future, library services could be provided from a range of outlets, such as shared locations with other services, new spaces provided as part of housing or retail developments or co-located in community centres, shops, leisure centres or other locations. In most cases, we would expect library services to be provided in alternative, better locations. We would expect community libraries would be run from premises owned or paid for by the community groups. Buildings that are no longer required by the library service because the community has opened a library in other premises will be considered under the Council's usual way for dealing with properties no longer required for their current use.'

Although this site is not allocated as a development site within the Replacement Brentwood Local Plan, it is noted that the allocation for a community use is not restrictive and a mixed-use re-development could potentially be considered compliant. Policy H4 confirms that within areas allocated for residential/offices/shops or shops/residential and in other applications involving commercial development within the main district shopping areas of Shenfield, Ingatestone High Street or Warley Hill, the opportunity should be taken to provide new residential accommodation as part of mixed-use development.

The above position is also portrayed in the NPPF with paragraph 92 in respect of social, recreational and cultural facilities and services the community needs, outlining that planning policies and decisions should d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

With regard to the proposed introduction of residential development to this site, Brentwood Borough Council cannot currently demonstrate a five year supply of housing land. Whilst the contribution of this application (9 units) is only minor, paragraph 59 of the NPPF confirms the Government's objective of significantly boosting the supply of homes. Paragraph 68 expands that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often build-out relatively quickly with c) explicitly confirming support should be given to the development of windfall sites through policies and decisions.

Turning to the proposed commercial unit, this would be a modestly sized unit. Whilst this again would be a new use for the site, no in-principle objections are raised in context of the extent of the existing Shenfield shopping area and the actual uses proposed for this unit.

Overall, no in-principle policy objection is considered to exist to the re-development of this site for mixed use purposes. The existing library (community) use is proposed to be retained and the proposed introduction of residential is general supported given the current housing supply issues in Brentwood and that policies and the NPPF seek to promote making the most effective use of land. This is nevertheless subject to the re-development proposals complying with relevant other considerations, noting as detailed at paragraph 117 of the NPPF, that whilst planning policies and decisions should promote an effective use of land, in meeting the need for homes and other uses, policies and decisions should also safeguard and improve the environment and ensure safe and healthy living conditions.

B SCHEDULE OF ACCOMMODATION/LIBRARY SPACE, DENSITY AND HOUSING MIX

As existing the library building has a gross internal area of 434m² and is utilised as per the below breakdown (provided as part of the submitted 'Proposed Site Ground Floor Plan'). As shown in the adjacent table/column titled 'Proposed GF Areas' the proposed development would result in an overall reduction size of the library. However, in terms of useable/publicly accessible parts of the building (main library, children's library, entrance hall) the replacement provision would actually provide a greater amount of floorspace. This has been achieved by optimising the layout of the library and for example reducing the size of the stock/storage room and providing one public toilet rather than a separate male and female provision.

Existing vs Proposed GIA

<u>EXISTING LIBRARY</u>		<u>PROPOSED GF AREAS</u>	
Main Library	199.0 m ²	Main Library	288.5 m ²
Heating Chamber	17.4 m ²	Lobby	11.3 m ²
Oil tank	10.7 m ²	Meeting Room	19.6 m ²
Children's Library	55.8 m ²	Library Storage	9.0 m ²
Stock Room	67.8 m ²	Library WC	3.9 m ²
Entrance Hall	28.6 m ²	Staff Room	7.3 m ²
Store	21.1m ²	Staff Office	17.0 m ²
Staff Room	13.0 m ²	Staff WC	3.9 m ²
M Cloaks	4.1 m ²	Commercial Unit	61.8 m ²
F Cloaks	4.1 m ²	Resi Lobby	40.2 m ²
		Bike Store	15.0 m ²
Total Room GIA:	421.6 m²	Bin Store	14.9 m ²
BUILDING GIA:	434.0 m²	Library GIA:	368.5 m²

No objections are therefore raised to the development proposals in context of policy LT11.

Turning to the residential units, the below table seeks to confirm the Gross Internal Area of each of these, their proposed occupation capacity and the size of balcony (open space) proposed.

Unit	GIA (m ²)	Bed Spaces	Balcony Size (m ²)
1.01	75	2 bed / 4 person	7.3
1.02	70.3	2 bed / 4 person	6.5
1.03	55.7	1 bed / 2 person	6.9
1.04	64	2 bed / 3 person	6.5
1.05	69.3	2 bed / 3 person	6.5
2.02	82.9	2 bed / 4 person	6.5
2.03	77.7	2 bed / 4 person	6.9
2.04	64	2 bed / 3 person	6.5
2.05	69.3	2 bed / 3 person	6.5

Policy H6 of the Replacement Brentwood Local Plan states that a mix of units is expected, with at least 50% of the total units being 1 and 2 bedroom properties, except where it can be demonstrated that such a mix of units would be inconsistent with the character of the existing development in the area.

Eight out of the nine flats proposed as part of these scheme would be 2 bed units, with one proposed as a one bed. The mix proposed, furthermore noting the sub-breakdown between 2 bed, 3 person and 4 person units is considered acceptable and compliant with policy. The size of the units also conforms with the Technical Housing Standards – Nationally Described Space Standard (2015).

Regarding densities, with nine units the proposed development density equates to 62.3 units per hectare. Factoring in the non-residential space (at a rate of 75m² as an allowance for one dwelling) the total development density increases to 96.4 units per hectare. Policy H14 of the Replacement Brentwood Local Plan expects residential densities to be no less than 30 dwellings per hectare, unless the special character of the surrounding area determines such densities inappropriate. Densities greater than 65 dwelling per hectare would be expected in town and district centres or locations with good public transport accessibility as is the case here. No objection in respect of the proposed development density is therefore raised.

Lastly, for confirmation, all nine units as part of this development are proposed for private ownership. Nine units is below the threshold for consideration to be given to affordable housing and as such no issues or concerns are raised in terms of proposed tenure/ownership.

C DESIGN AND LANDSCAPING

Policy CP1 of the Replacement Brentwood Local Plan details a range of criteria which any development coming forward needs to satisfy. Included as part of this list is that the proposal would not have an unacceptable detrimental impact on visual amenity or the character and appearance of the surrounding area; the proposals would be of a high standard of design and layout and should be compatible with its location and any surrounding development; and the means of access to the site for vehicles and pedestrians and parking and servicing arrangements are satisfactory.

As detailed previously in this report, the design rationale put forward by the applicant to support this development is a simple design, with minimal detailing, with a taut skin and large punctured openings. A palette of three contemporary bricks is proposed to support the simple, clean approach and create a geometric sense of an interlocking puzzle. The building is proposed with a high parapet to hide the solar array and other plant and equipment proposed on the main flat roof of the building.

As has been outlined in a few the letters of public representations received, Shenfield Library currently represents a transition site from the main commercial high street to residential (further along Hutton Road and into Friars Avenue). The junction with Friars Avenue whilst representing the end of the commercial activity on the southern side of Hutton Road, does not however represent the end of the high street with this continuing on the northern side of Hutton Road with further parades also existing further to the west.

In terms of the existing library building, this is considered a typical 1960's style building. The building is largely utilitarian and unoffensive but does not specifically add to the quality of the streetscene, locality or sense of place. Albeit the value of the green in-front and the trees in-front of the library do positively contribute to the character of the high street providing a soft element to an otherwise predominately hard landscaped street.

The Hutton Road streetscene itself, to the east of the site and junction with Friars Avenue is similar i.e. utilitarian in design. Buildings on southern side of the Road are predominately three storey and flat roofed, decreasing to single storey towards Shenfield Railway Station. On the north side of the road, there is a little more variation in building design with some buildings with pitched roofs and bay windows, albeit a similar three storey flat roofed building occupies the corner location with Crossways. Across the junction with Crossways, so opposite the library site, development is again three storeys, with Hunter House comprising commercial on the ground floor and offices on the two floors above.

At three storeys the proposed re-development of this site is more in-keeping with the scale of development to the east of the site, rather than the residential to the west and south. The applicant has however sought to suggest that the proposed use of the building in-part as a library and the design of the development means that such scale and mass can be incorporated without the site appearing cramped or over-developed. With regard to this, no objection in-principle is raised to a three storey development coming forward. It is considered that development at this scale is prevalent in the locality and as such would not appear unduly dominant or out of place. However, maintaining an acceptable relationship with 61 Hutton Road and the residential properties on Friars Avenue is fundamental to this and ensure a precedent for further development at the scale is made.

In terms of to these relationships, as shown below in elevational form, the building is proposed to be stepped in on the second storey to create a more substantial gap to 61 Hutton Road at this level. Furthermore, this projection has been stepped back by a single brick course to further aid and define the change in scale.

Hutton Road Elevation from Proposed Elevations Sheet 1 of 2



To the rear, in contrast to that proposed on the Hutton Road elevation, windows in the majority are not proposed as full length and generally more of a traditional residential scale. The two rear balconies are also inset instead of being projecting, to limit the potential for overlooking and activity on these appearing overbearing to neighbouring

properties.

Rear Elevation from Proposed Elevations Sheet 2 of 2

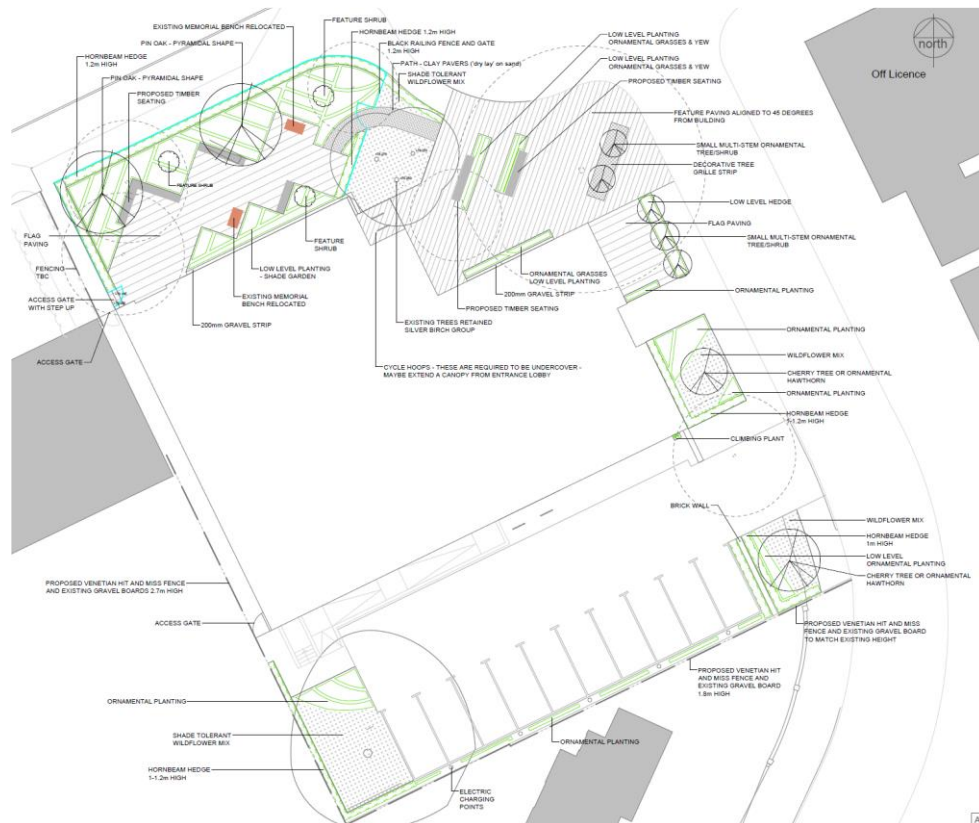


In terms of comments received from the Council's urban design consultant, the small windows on the rear elevation it is agreed do not create a significant amount of interest. However, the variation in brick does add some interest and views of the building on this aspect would be deflected by planting adjacent to and within the car park. It is considered that a balance needs to be struck, particularly on the rear elevation, in terms of the extent of glazing and the potential for overlooking or at least the perception of overlooking, given the scale of the development.

With regard to the access to the residential lobby adjacent to the library service/disabled parking bay, this is not proposed as the main access and the elevational treatment of it this supports this. This is proposed as a secondary access and a more convenient 'service access' for residents in respect of the bin store. Whilst the comments raised by the Council's consultant are therefore acknowledged, in context that this is not being proposed as the primary entrance to the residential lobby/core it is not considered that this represents a reason to refuse the application. It is considered that there are more benefits to having this secondary access than requiring this be removed to avoid the slightly awkward nature of it.

Moving on to landscaping, to facilitate this development the applicant is proposing to remove/fell the Cherry tree in-front of the library building as existing. The three silver birch trees would nevertheless be retained, as would the Beech within the car park area. The area in-front of the proposed building is proposed to be landscaped with the installation of a 1.2m fence and gate to aid more formal use by the library during operational hours. The area in-front of the new library entrance/lobby on the corner with the Friars Avenue junction would similarly be landscaping albeit the area would have a more manicured appearance, in comparison to the largely grassed appearance as existing, as is shown on the below plan.

Extract from the submitted 'Proposed Landscape Plan'



The Council's landscape consultant has raised no objections to the proposed landscaping scheme. It is considered that the area in front of the library would have a different feel to existing and would be seen more as an active part of the library. However, whilst the area would be fenced and gated it would still be publicly accessible, when not in formal use by the library. In addition, benches are proposed in the area immediately in front of the newly proposed library entrance which would always be available for use. No objection in context of policy C5 is raised to the development coming forward.

Essex Quality Review Panel

Within the representation received from Brentwood Borough Council it will be noted that concern has been raised that this proposal has not been presented to the Essex Quality Review Panel. The applicant, as part of pre-application discussions with the Council, was asked to consider presenting this proposal to the Panel but declined to do so. The County Planning Authority, whilst endorsing the value and benefit the EQRP provides, unlike Brentwood Borough Council, has no policy which seeks to outline when a development is required to go before the Essex Quality Review Panel. Whilst it is disappointing that the applicant decline to do this, it is not considered that this could form a reason to delay determination or refuse planning permission.

D AMENITY

Policy CP1 in addition to covering unacceptable detrimental impact on visual amenity, also seeks to ensure development would not have an unacceptable impact on the general amenities of nearby occupiers or the occupiers of the proposed development by way of overlooking, lack of privacy, overbearing effect or general disturbance.

The proposed building would be set 1.5m away from the common boundary with 61 Hutton Road and at its closet point 14.5m from the boundary with 2 Friars Avenue. With regard to this, the Essex Design Guide states that where the rears of neighbouring properties face each other at an angle of more than 30°, the minimum spacing between buildings should be 15m from the nearest corner. From edge of the proposed building to edge of the building at 2 Friars Avenue is 15.5m (at its closest point). That said, it is considered that a condition could be attached to any planning permission granted to secure that the window to units 1.05 and 2.05 are directionally installed, non or only partially opening and/or potentially glazed given the additional height of the development in comparison to 2 Friars Avenue and the potential perception of overlooking. A suitable worded condition could for example require confirmation of the window layout together with proposed measures to reduce such a feeling.

The distance between the windows and balconies associated with units 1.01, 1.03 and 2.03 is such that it is not considered that that these would unduly give rise to overlooking. The Essex Design Guide does however note that upper storey flats can cause problems due to overlooking from living rooms and accordingly it is suggested that rear-facing upper storey living rooms should be no closer than 35m from any other dwelling. The windows to units 1.03 and 2.03 would be 24m from the rear of 2 Friars Avenue. However, the development would not be directly to the rear of this property and the orientation of the 2 Friars Avenue effectively means any window to window views would be oblique.

As noted by Brentwood Borough Council, the greater scale of the building in comparison to the existing building would nevertheless be clearly perceptible from Friars Avenue. The development has however been kept away from the outlook from 2 Friars Avenue and is to the north of that property thereby avoiding loss of sunlight.

Regarding noise and air quality issues, it is accepted that the intensity of use of the site would increase because of this development and furthermore the use of the car park area is likely to be a lot less routine as this would not just be used by library staff and in association with the library. That said, the site is located on Hutton Road and the junction with Friars Avenue is a busy junction. Accordingly, it is not considered that impacts associated with the introduction of a residential use would be wholly unacceptable or out of character in terms of the existing acoustic environment. The balconies for all units are of a useable but modest size and it is not considered that these are of a size where large groups of people would likely to be able to congregate for a substantial period.

In terms of the amenity of potential occupiers, given the site location it is acknowledged that balcony areas would likely experience road noise. The balconies are however set back from the immediate road and similar features do exist elsewhere along Hutton Road. Albeit not ideal for a private open space when buying a flat or

house in an area like this there must be an understanding or acceptance that a degree of background road noise and activity will exist.

Construction Phase

If planning permission is granted, a construction management plan would be secured by condition which would seek to confirm construction working practices including hours and measures proposed to limit nuisance to nearby sensitive uses. Whilst noise and dust nuisance may result from the construction period, it is not considered any such nuisance or impacts given these would only be temporary would in any event form a reason to refuse planning permission in isolation.

E HIGHWAYS

This application has been submitted with a Transport Statement. This seeks to confirm the widths of both Hutton Road and Friars Avenue, the priority junction arrangement and one-way horseshoe section between the two roads and where existing pedestrian crossing points are located. With regard to parking/waiting restrictions the Transport Statement confirms Friars Avenue has a mix of double yellow (no waiting at any time) and single yellow line (Monday-Friday 9am-6pm) restrictions. With Hutton Road providing free short stay (1 hour) car parking (Monday to Saturday 9am to 6pm) including three spaces within a lay-by directly in front of the existing library building. In terms of parking provision, for context, the Statement also confirms that there is a short stay public car parking opposite on Friars Avenue which permits free parking for 30 minutes with longer periods up to three hours subject to a charge. Albeit blue badge holders are permitted to park for the full three hours for free.

To facilitate the development, from a transport perspective, the proposals seek to widen the existing access to the car park area off Friars Avenue to 5.5m. Each residential unit would be provided with one car parking space, with one space proposed for the library and an additional space which would double-up as a servicing and disabled bay. No parking provision is proposed for the commercial unit. The above represent an under provision in terms of adopted standards. However, standards and guidance do acknowledge that in highly accessible locations a lower standard may be acceptable and in this case the Highway Authority has raised no objection to the proposed parking ratios.

With regard to trip attraction/generation, it is noted that as exiting the library car park is only used by staff, community groups, blue badge holders and for deliveries. Data provided in terms of the predicted level of activity of the car parking as existing is therefore considered to likely represent an exaggeration as this is based on a generic library use of an equivalent size, rather than actual survey. From personal experience/knowledge of this site, the estimated trips from the predicted library use (12 movements over a 12 hour period) is considered to be more realistic reflection of current trip generation. However, it is accepted that in terms of a theoretical assessment, if the library was using the car park in a different manner, and it could be at any point as currently this is just a management decision, then the number of vehicle movements suggested (97) could be realised.

The Transport Statement in terms of the residential units predicts 19 movements over a 12 hour period (effectively each unit undertaking one car journey a day), with the commercial unit in isolation not considered to be a significant trip generator. The Highway Authority has raised no objection to the development from a highway safety or efficiency perspective in context of the predicted level of trips and as such overall no objections are raised in terms of policies CP2, CP3, T2, T5, T10, T14 and/or T15 of the Brentwood Replacement Local Plan.

F SUSTAINABILITY AND FLOOD RISK/DRAINAGE

Sustainability

Policy IR5 of the Brentwood Replacement Local Plan states that new development proposals should:

- incorporate the principles of energy conservation and efficiency in the design, massing, siting, orientation, layout and use of materials;
- encourage the use of renewable sources of energy; and
- encourage water conservation

The applicant is seeking to be lean, be clean and be green in terms of the energy performance of the building proposed. To deliver this the development is proposed to use high specification fabrics (material palette and windows), air source heat pumps and install solar panels on the main roof of the building. Only indicative details of this have been provided with the application but the assessment submitted has sought to suggest the aforementioned measures would deliver a 54% regulated Carbon savings above the standard required by Building Regulations. Subject to a condition seeking to confirm details of this, no objections from a sustainability perspective are raised.

Flood Risk and Drainage

This site is located within Flood Zone 1, at a low probability of fluvial and/or tidal flooding. No in-principle flood risk objections are therefore raised to this development coming forward.

With regard to drainage, surface water is proposed to be attenuated at a limited flow to the existing drainage network. The attenuation capacity to control the discharge rate is proposed as a deepened sub-base to the paved areas across the site.

In terms of foul water, an indirect connection is again proposed to be made to the existing system/network. The Lead Local Flood Authority has raised no objection to the proposed drainage design subject to a condition confirming the finalised modelling of the pipe network.

7. CONCLUSION

Whilst this proposal seeks to re-develop this site to a greater scale than existing and introduce new land uses (residential and commercial), it is clear from the Essex Future Library Services Strategy 2019-2024 that in the long term it is unlikely that Essex County Council will be able to maintain a library (community use) on the site without some form of change.

The building on-site, as existing, is a typical 1960's building, which it has been suggested is not efficient to run and incorporates a lot of spaces/areas which are not easily useable in terms of offering library services. No objection in principle is therefore raised to the concept of re-developing this site to provide a more modern, energy efficiency building for community use.

With regard to the introduction of residential flats above the replaced library provision, the Government has a strategic objective to significantly boost the supply of homes and it is noted that Brentwood Borough Council does not currently have a five year housing land supply. As a concept, the addition of residential accommodation is in-principle also therefore supported.

In terms of design and layout, it is accepted that the proposals would by virtue of the scale of the development give rise to a change in the character of the site. However, it is considered that the design rationale has been well thought through and once built it is considered that the building and re-landscaped green/open areas in front of the building would positively contribute to the streetscene and community. It is furthermore not considered that the development would give rise to any amenity impacts at a level to warrant refusal and/or impacts to highway safety and efficiency subject to the imposition of appropriate conditions. The proposals are considered policy compliant and accordingly representative of sustainable development as per the NPPF definition.

8. RECOMMENDED

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 18/03/2021 and shown on drawings titled: 'Location Plan', drawing number: 001, dated 01/03/2021; 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21; 'Proposed First Floor Plan', drawing number: 012 (Rev B), dated 07/07/21; 'Proposed Second Floor Plan', drawing number: 013 (Rev B), dated 07/07/21; 'Proposed Roof Plan', drawing number: 014 (Rev B), dated 07/07/21; 'Proposed Elevations – Sheet 1 of 2', drawing number: 015 (Rev C), dated 08/07/21; 'Proposed Elevations – Sheet 2 of 2', drawing number: 016 (Rev B), dated 07/07/21; 'Proposed Section AA & Section BB', drawing number: 017 (Rev B), dated 07/07/21; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with

the minimum harm to the local environment and in accordance with policies CP1 – General Development Criteria, CP2 – New Development and Sustainable Transport Choices, CP3 – Transport Assessments, CP4 – The Provision of Infrastructure and Community Facilities, H4 – Mixed Use Development, H6 – Small Unit Accommodation, H9 – Affordable Housing on Larger Sites, H14 – Housing Density, T2 – New Development and Highway Considerations, T5 – Parking, T10 – Access for Persons with Disabilities, T14 – Cycling, T15 – Pedestrian Facilities, LT8 – Use of Redundant Institutional, Recreational and Community Building, LT11 – Retention of Existing Local Community Facilities, C5 – Retention and Provision of Landscaping and Natural Features in Development, IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development, PC1 – Land Contamination, PC4 – Noise and PC6 – Transport Pollution of the Brentwood Replacement Local Plan (2005).

3. No development shall take place until exact details of the materials to be used for the external appearance (including all windows, doors, balconies, roof coverings and rain goods) of the development hereby permitted have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure the proposed material palette is of a high quality and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

4. No development shall take place until a finalised schedule of fenestration design has been submitted to and approved in writing by the County Planning Authority. The schedule shall seek to confirm window design/layout together with details about installation angle/direction, glazing and whether the window would be fully, partially or non-opening. The development shall subsequently be implemented in accordance with the approved details.

Reason: In the interest of residential amenity, to reduce the potential for overlooking within the development and to nearby properties and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

5. No development until exact details and specification of all plant and apparatus proposed to be installed on the roof of any part of the building hereby permitted has been submitted the County Planning Authority and approved in writing. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional aerials, antennas, satellite dishes or electronic communications apparatus to that potentially shown on the aforementioned shall be installed or erected on any part of the building without the benefit of express planning permission.

Reason: In the interest of visual amenity, to ensure the design rationale for the building is not subsequently compromised by urban paraphernalia and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

6. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting design shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

7. No development beyond damp proof membrane on building hereby permitted shall take place until exact details of the carbon/energy saving measures outlined in the submitted 'Energy Statement', document reference: 0120/IW/ES01 (Issue 2), dated April 2021 have been submitted to the County Planning Authority for review and approval in writing. Such detail shall, for the avoidance of doubt, include but not be limited to the glazing specification of windows and doors to be installed, building insulation, the proposed air source heat pump system, the location of the electric vehicle charging points proposed within the car park and the exact layout of the solar arrays proposed on the building roof, as shown in principle on drawing titled 'Proposed Roof Plan', drawing number: 014 (Rev B), dated 07/07/21. The development shall subsequently be implemented in accordance with the approved details.

Reason: In the interests of energy efficiency, delivering the carbon savings suggested as part of the proposals and to comply with policies CP1 – General Development Criteria and IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development of the Brentwood Replacement Local Plan (2005).

8. No development or any preliminary groundworks shall take place until:
 - a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
 - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

9. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted, a finalised hard and soft landscaping scheme (inclusive of boundary treatments, fencing and gates and landscape features such as benches) shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of doubt, it is expected that this scheme will follow the landscaping principles detailed on drawing titled 'Proposed Landscape Plan', drawing number: F1470/200 (Rev A), dated 16/06/2021. However, the scheme submitted shall confirm the exact tree species proposed to be planted and the sizing of all plants and shrubs upon planting. The approved landscaping scheme shall subsequently be implemented within the first available planting season (October to March inclusive) and maintained thereafter in accordance with condition 10 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

10. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted a Biodiversity Enhancement and Landscape Management Scheme shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall detail any and all biodiversity enhancement measures proposed to be incorporated as part of the development and landscaping proposals and, for the avoidance of doubt, in terms of management seek to confirm that any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years after the completion of the development (operations) shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: To conserve and enhance Protected and Priority species, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority Habitats and Species), in the interest of the environment and the amenity of the local area, to ensure the landscaping proposals are effectively managed following implementation and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

11. Prior to beneficial occupation of the building hereby permitted, a management scheme for the open space in-front of the development (fronting Hutton Road) shall be submitted to the County Planning Authority for review and approval and writing. The development shall subsequently be managed in accordance with the approved scheme.

Reason: Concern has been raised that the proposals incorporate a fence and gate to this area and as such this area could visually appear private open space for example the residential units, incongruous to the otherwise publicly open frontage of the site. The management scheme to be submitted pursuant to this condition, to confirm, is expected to generally allow unrestricted use of this area by the public. However, it is acknowledged that should issues arise in terms of use the applicant has to be afforded a mechanism to control or restrict the use or access afforded.

12. Prior to beneficial occupation of the proposed development, the site access off Friars Avenue shall be widened to a minimum of 5.5 metres, as shown in principle on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21. In addition to this the access barrier shown on the same drawing shall, at no time, be installed no closer than 6 meters back from the carriageway edge.

Reason: To ensure the access accords with relevant standards, to allow vehicles to enter and leave the highway in a controlled manner, in the interest of highway safety and to comply with policies CP1 – General Development Criteria and T2 – New Development and Highway Considerations of the Brentwood Replacement Local Plan (2005).

13. Prior to beneficial occupation of the development hereby permitted, the car parking area, as shown on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21, shall be hard surfaced, sealed and marked out in parking bays. In addition to this, the enclosed bike store and external cycle hoops, as shown on the same drawing, shall be installed. The car parking areas, bike store and cycle hoops shall be permanently retained for the lifetime of the development and shall not be used for any other purpose.

Reason: To provide a suitable level of parking on-site, to provide appropriate facilities to store cycles, in the interest of highway safety and to comply with policies CP1 – General Development Criteria, CP2 – New Development and Sustainable Transport Choices, T2 – New Development and Highway

Considerations, T5 – Parking, T10 – Access for Persons with Disabilities, T14 – Cycling of the Brentwood Replacement Local Plan (2005).

14. Prior to occupation of the any of the residential units hereby approved, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies CP2 – New Development and Sustainable Transport Choices and T2 – New Development and Highway Considerations of the Brentwood Replacement Local Plan (2005).

15. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved Plan shall be adhered to throughout the construction period and provide for:

- a) the proposed layout of the construction compound inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and machinery used in constructing the development;
- b) wheel and underbody cleaning facilities;
- c) routing of vehicles;
- d) measures proposed to reduce the potential for amenity impacts or nuisance (with specific reference to that requested by Brentwood Borough Council's Environmental Health Officer as part of their consultation response to this application); and
- e) measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater;

The development shall be implemented in accordance with the approved Plan/strategy.

Reason: In the interests of highway safety, nearby amenity, that construction works may lead to excess water being discharged from the site and to comply with policy CP1 – General Development Criteria.

16. No development shall take place until a detailed surface water drainage scheme and management plan for the site has been submitted to and approved in writing by the County Planning Authority. The drainage strategy subsequently approved shall be fully implemented prior to beneficial occupation of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of any SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment, failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site and to comply with policy CP1 – General

Development Criteria of the Brentwood Replacement Local Plan (2005).

17. The development shall be implemented in accordance with recommendations outlined within the submitted 'Phase I & II Geo-Environmental Assessment', produced by EPS, report reference: UK20.5245 (Issue 1), dated 26/02/2021. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy, in such an event, shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources in line with paragraph 170 of the NPPF and to comply with policy PC1 – Land Contamination of the Brentwood Replacement Local Plan (2005).

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, the commercial unit as shown on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21 shall only be occupied by the following use classes: Ea, Eb, Ec, Ee, Ef, F1b, F1d, F1e, F2b of the Town and Country Planning Use Classes Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification.

Reason: An alternative use of this unit has not been considered as part of this application and a different use could give rise to unacceptable amenity and highway impacts.

Informative(s):

- 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.
- 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 applicant in this regard is advised to contact the Development Management Team by email at: development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood, Essex CM13 3HD.
- Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this and provided with the contact details of a relevant ecological consultant. If a bat is found during the works the ecological consultant or National Bat Helpline should be contacted for advice on: 0345 1300 228.
- The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild

bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

BRENTWOOD – Brentwood North