

HC/KM/EOM/P21-0146

18 March 2021

Planning Services
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

Dear Sir/Madam,

Ground Floor, Ewing House, 130 Kings Road, Brentwood, CM14 4EA
Application for Full Planning Permission
PP-09634980

Pegasus Group has been instructed by our client, Mr Lyons ('the Applicant'), to submit an application for planning permission at Ground Floor, Ewing House, 130 Kings Road (PP-09634980).

The description of development is:

"Change of use of ground floor commercial units to Class E and single storey front extension, along with the provision of paving adjacent to Kings Road".

In support of the application we enclose:

- Design and Access Statement
- Site Location Plan;
- Existing Site Plan (P-000);
- Existing East and North Elevations (E3-101);
- Existing West and South Elevations (E3-100);
- Proposed Ground Floor Plan and Kings Road Elevations (P-010 Rev C); and
- Proposed Kings Edward Road Elevation and Flank Elevation (P-011).

Site Description

The application site comprises the ground floor of 'Ewing House' which is a six storey building, located at 130 Kings Road, Brentwood. The building is being converted to residential accommodation (implementation of permission Ref. 17/01971/FUL), alongside the two storey upward extension secured under Ref. 20/00301/PNCOU.

Ewing House is set back from the pavement by c. 6m by a wide forecourt which is surfaced with concrete paving.

The ground floor comprises 3no. commercial units, which are currently vacant, having most recently been occupied as:

- Betting Shop (Sui Generis);
- Tanning Salon (Sui Generis); and

- Café (Class E, formerly Class A3).

There is also a ground floor lobby area and side access core that serves the former office / proposed residential accommodation on the upper floors of the building, however this floorspace is not subject of this application.

The site is located at the junction of Kings Road and King Edward Road. It is well located and in prominent location on Kings Road, which is serviced by numerous bus routes, and is 120m north of Brentwood railway station.

The building to the north comprises Station House, which is five storeys, and has a building line set much further to the west than that of Ewing House.

Planning History

A search of the Local Planning Authority's (LPA's) records has identified the below planning history for the site.

Reference	Description	Decision
20/01731/OUT	Outline application for the extension to ground floor commercial units and ancillary residential (plant and entrance lobby) spaces.	Refused 15.01.2021
20/00301/PNCOU	Prior Approval Notification Class O - Change of use of floors 1-5 from office space Class (B1(a)) to residential use to create 50 residential units Class (C3).	Prior Approval Not Required 28.04.2020
20/01126/PADCOT	Prior approval (Class M) for change of use for the existing shop unit on the ground floor, from offices (Class B1a) to residential use (Class C3) to include 4 self-contained dwellings.	Withdrawn 30.10.2020
19/00774/FUL	Change use of Hairdressers (Class A1) to retail and wellness clinic (Sui Generis).	Permitted 26.07.2019
18/00465/FUL	Retrospective - Change of use from clothes shop (A1 - Retail) to Tanning salon (Sui Generis).	Permitted 25.05.2018
17/01971/FUL	Two storey roof extension to existing six storey building to provide 10no. residential dwellings, external alterations, sub surface water storage tanks, plant room, refuse store, cycle parking, and construction of a single storey ground floor extension.	Refused 04.04.2018 Appeal Allowed (18/00063/REF)
17/00792/PNCOU	Prior Approval Notification Class O - Change of use of floors 1-5 from office space Class (B1(a)) to residential use to create 40 units Class (C3).	Prior Approval Not Required 19.07.2017

Ref. 20/01731/OUT

This application was refused in January 2021, for 2no. reasons:

1. The proposed development is of a design, layout and scale that is inappropriate with its surrounding context and represents an overdevelopment of the site that would promote poor placemaking and would serve to further detract from the public realm, pedestrian permeability and wayfinding and overall character and quality of the Brentwood Station Character Area, in conflict with local policy CP1 (i), (iii), the Brentwood Town Centre Design Guide, the National Design Guide and chapter 12 of the NPPF that states at paragraph 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions taking into account any local design standards or style guides in plans or supplementary planning documents.
2. The proposed development by way of its lack of defensible space and information to demonstrate that the issues raised in respect of functionality of the commercial units could be addressed, would amount to issues of pedestrian safety and obstruction of a service road to the detriment of occupiers in Station Place and the surrounding locality, contrary to policy CP1 (ii), T15 and paragraph 127 NPPF which seeks to secure a high standard of amenity for all existing and future users and is a further demonstration of the poor quality and overdevelopment of the site.

The Proposal

This application seeks planning permission for the below description of development.

"Change of use of ground floor commercial units to Class E and single storey front extension, along with the provision of paving adjacent to Kings Road".

It is proposed to change the use of the 2no. Sui Generis units to Class E¹.

A single storey front extension is proposed to Kings Road. This will accommodate an additional 79sqm of Class E floorspace. The extension will be glazed with aluminium frames, as well as brick piers, and a white rendered wall is proposed on the northern elevation. A stone/render stepped feature is proposed on the south western corner, which will accommodate planting.

The proposal also comprises replacement paving, of the area within the applicant's ownership, adjacent to Kings Road.

The scheme has been amended from that refused Ref. 20/01731/OUT, with the following amendments:

- This application seeks full planning permission (rather than outline as previously submitted).
- Omission of the 'rear' extension.
- Omission of the extension to ancillary residential lobby.
- Lowering of parapet fronting Kings Road.

- Reduction in depth of the front extension (from 5.1m from existing building line to 4.1m) and resultant increase in width between the proposal and the public footpath.
- Introduction of planting on the south western corner.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that planning applications are to be assessed against the adopted Development Plan, unless material considerations indicate otherwise. The planning policy and guidance relevant to the determination of this application are set out below.

The Development Plan comprises:

- Replacement Local Plan (2005)
- Saved Policies (2004);
- Brentwood Main Proposals Map.

The below comprise material considerations:

- Brentwood Town Centre Design Guide Supplementary Planning Document (SPD) (November 2019);
- Shopfront Guidance for Brentwood Town Centre SPD (2010)

The site is allocated in the Development Plan as within:

- Brentwood Station Area;
- Shops/Offices;
- Cycleway Proposals (King Edward Road).

The building is not the subject of any statutory or local Listed Building designation and is not within any designated Conservation Area. The site is located within Flood Risk Zone 1 with low probability of flooding.

Emerging Local Plan

Brentwood Council are currently preparing a new Local Plan for the Borough which, once adopted, will supersede saved policies in the current Replacement Local Plan (2005). The Brentwood Local Plan was submitted to the Secretary of State for examination on 14 February 2020.

No changes to the policy map are proposed which affect the application site.

In accordance with Paragraph 48 of the NPPF, Local Planning Authorities may give weight to relevant policies in Emerging Plans. Given the advanced stage of preparation, significant weight can be attributed to emerging policies.

Assessment

Principle of Change of Use and Additional Floorspace

The ground floor comprises 3no. commercial units, which are currently vacant, having most recently been occupied as:

- Betting Shop (Sui Generis);
- Tanning Salon (Sui Generis); and
- Café (Class E, formerly Class A3).

This application seeks for the 3no. ground floor commercial units to be used within Use Class E. Whilst one of the units was last in use as a café (Use Class E, formerly Class A3), the other two units were in Sui Generis use .

It is noted that there is no policy which seeks to 'protect' Sui Generis uses, particularly operations such as a tanning salon or betting shop.

The site is adjacent to the town centre boundary. Emerging Policy PC08 relates to the retail hierarchy and identifies Brentwood Town Centre as the first choice for retail, leisure and main town centre uses.

The Brentwood Town Centre Design Guide (BTCDG) states that the Brentwood Station area has the potential to provide a mix of uses including commercial. It states that existing uses should be promoted to enable them to capitalise on the increased footfall and that there is the potential to accommodate higher densities of development.

The proposal for Class E will allow for flexibility in the future marketing and occupation of the units, thus facilitating the site's contribution to the vitality and viability of the town centre, and thus contributing to the aims of the BTCDG. The additional floorspace proposed (79sqm GIA) is in accordance with the above aims to increase density of development.

This element of the proposal is therefore considered acceptable in principle.

Massing / Scale

The proposal comprises a single storey front extension to ground floor in order to make efficient use and maximise the commercial/retail floorspace, making this space attractive to future tenants.

The BTCDG states that new development should respect the scale, proportions and style of adjacent buildings and ensure that building height is in-keeping with the surrounding townscape. Similarly, Emerging Policy HP16 states that alterations and extensions to existing buildings will be permitted where they respond positively to existing built form.

The proposed ground floor, single storey, extension is modest especially when considered in the context of the host building. It will provide a suitable 'base' for the host building. The

external appearance of the proposed extension is intended to continue the materiality and detailing of Ewing House (following implementation of Ref. 17/01971/FUL) and the proposal is therefore considered to respond positively to the host building.

As per Emerging Policy HP16, the proposal will not result in any overlooking to neighbouring properties, and it will respect the space between existing buildings, including the existing separation between Ewing House and Station House.

The BTCDG sets out that commercial units should be at street level, fronting onto and activating the street. They should retain and promote an urban human scale. The height of the proposal is in accordance with this.

The site is identified in the BTCDG as a 'primary junction with potential to become a key gateway into the town centre'. It is therefore considered appropriate to introduce a high-quality extension, to facilitate wayfinding at the corner of Kings Road and King Edward Road.

Siting and Public Realm

The BTCDG states that the Brentwood Station character area lacks high quality public realm and there is no clear wayfinding strategy between the station and the town centre. New development should create safe and attractive pedestrian routes and improve the sense of place and arrival. The site is identified as an area for public realm improvements or interventions.

Emerging Policy PC09 seeks improvements to public realm and way finding around Brentwood Station, with Kings Road being the primary focus. Proposals should contribute to the enhancement of public realm on Kings Road.

The 45 degree angle of the proposed extension results in a more pronounced 'sense of arrival' and assists in wayfinding from the station to the town centre. This corner of 'public realm' also means there is more defensible space at pedestrian level at the entrance to the residential accommodation above.

The BTCDG states that proposals should consider the footpath width to ensure that it is able to accommodate the movement flows projected along the street. This is reflected in Emerging Policies BE13 and HP12.

Accordingly, the scheme has been amended to increase the width of the footpath, by over 1m (in comparison to the refused application). The pavement is therefore, at its minimum, 3.9m wide. The BTCDG seeks 'wide footpaths from 2-3m'. Therefore, the proposals significantly exceed this and allows for the safe passage of pedestrians to the front of the site.

The building line of Station House, to the north of the application site, is set further to the west than that of Ewing House. The proposals ensure that the new building line of the

extension to Ewing House will remain set further back from that of Station House. The proposal is therefore considered acceptable in this context.

Emerging Policy HP18 states that public realm must be designed as an integral part of new development proposals and should use high quality materials and finishes.

The proposals contribute to these policy requirements through the provision of an enhanced public realm on the junction of Kings Road and King Edward Road by creating an area paving, within the area owned by the applicant, adjoining the public highway (pavement). This will result in significant betterment from the existing concrete.

It is anticipated that the paving material will be conditioned, as the applicant welcomes the Council's feedback on this.

The BTCDG outlines that the key priorities are trees and planting and urban furniture and materiality. Similarly, Policy TC12 encourages new planting, particularly within visually prominent or public locations.

Given the residential use of the upper floors of Ewing House, it is not considered appropriate to provide for street furniture, as it could encourage anti-social behaviour which would adversely impact residential amenity. It is noted that the proposals retain fixed planting, which helps to meet the aspirations of BTCDG and Policy T12.

Thus, the proposal better utilises the opportunity for the external space at pedestrian level to offer a small quantum of public realm. This is in accordance with the aspirations of the BTCDG.

Materiality of Shopfront

The BTCDG states that careful consideration should be had to the materiality of the shop frontages in the area. It encourages contemporary approaches.

The materials proposed comprise white render with recessed panels and features in a black brick, and anthracite grey fenestration, sills, coping etc. This accords with that approved under Ref. 17/01971/FUL (which is currently being built out), to ensure that the proposal integrates well with the existing building.

Whilst the application was refused for other reasons, it is noted that the Officer's Report for Ref. 20/01731/OUT states:

"The appearance and elevational treatment of the scheme would replicate that of the remainder of the building to include the recently approved facade treatments that would improve and modernise the external appearance of the building, no objections are made in this regard."

The external appearance of the proposal is therefore considered acceptable.

Conclusion

The proposals have been amended to address the reasons for refusal of Ref. 20/01731/OUT through the reduction in the size of the extension and thus allowing for sufficient pavement width and for an area of public realm.

I trust the above and enclosed is sufficient for the validation of this application. In the meantime, should you have any queries in respect of the above please do not hesitate to contact me or my colleague Katy Mourant.

Yours faithfully

Pegasus Group

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