

ET Planning

Design and Access Statement

Client:

Mr Tony Chen

141-147 High Street, Brentwood, CM14 4AP

*Variation of Condition 19 of consent 18/00859/FUL
(Section 73)*

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1. Introduction

- 1.1 This design and access statement is produced to support a Section 73 to vary Condition 19 of consent 18/00859/FUL at 141-147 High Street, Brentwood, CM14 4AP.
- 1.2 This design and access statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.
- 1.3 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following documents prepared by 2-4c architects and Eecovision:
 - 1:1250 Site Location Plan
 - 1:200 Site Plan
 - Sound Insulation Test Report (02/10/2023)
- 1.4 The relevant application fee will be submitted by the applicant separately.

2. Site Location and Description

- 2.1 The site is located on the western end of the Brentwood Town Centre Conservation Area. This area has been identified as a key 'gateway' location for the rejuvenation of the town centre.

3. Relevant Planning History

- 3.1 18/00859/FUL - Mixed use development comprising of commercial unit(s), for Class A1 retail, Class A2 services, Class A3 restaurant, Class D1 non-residential institution of Class D2 assembly and leisure use, together with 19 x one and two bed flats (Approved - 06/09/2018)
- 3.2 15/00258/FUL - Variation of condition 22 (Development to be carried out in accordance with approved plans) of application 14/00608/FUL (Construction of part four/part five storey building comprising of 17 no. one bedroom flats and A3 restaurant on ground floor) to allow a basement to be constructed (Approved - 01/06/15)
- 3.3 14/00608/FUL - Construction of part four/part five storey building comprising of 17 no. one bedroom flats and A3 restaurant on ground floor (Approved - 23/10/14)

4. Development Proposals

- 4.1 The National Design Guide (2019) identifies that "well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them. They meet the needs of a diverse range of users,

taking into account factors such as the ageing population and cultural differences. They are adequate in size, fit for purpose and are adaptable to the changing needs of their occupants over time” (para 120-121).

- 4.2 Regarding the requirements of NPPG Paragraph: 029 Reference ID: 14-029-20140306 in respect of Design and Access Statements, the proposal is described as follows:
- 4.3 **Use and Amount:** The proposed use is to extend the opening hours. There is no additional built form proposed.
- 4.4 **Layout and Scale:** The scale and layout is unchanged, as this variation relates solely to increasing hours of opening to 24hrs.
- 4.5 **Landscaping:** There is no additional landscaping proposed.
- 4.6 **Appearance:** The appearance of the building is unaltered.
- 4.7 **Access & Parking:** This ‘car-free’ development is to remain as existing.

5. Policy Assessment

- 5.1 **National Guidance:** The National Planning Policy Framework (NPPF) is a relevant material consideration to the application.
- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 38 of the NPPF states that “Local planning authorities should approach decision on proposed development in a positive and creative way” and “at every level should seek to approve applications

for sustainable development where possible". Paragraph 123 of the NPPF comments that planning should "make effective use of land" in "meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions".

- 5.3 Paragraph 60 confirms the Government's objective to boost the supply of housing, and paragraph 8 identifies the three objectives of sustainable development, as economic, environmental and social.
- 5.4 Paragraph 131 identifies that "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities", whilst paragraph 139 states that significant weight should be given to "outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."
- 5.5 The National Design Guide builds on the above and clarifies that "well-designed neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand. They are designed to be inclusive and to meet the changing needs of people of different ages and abilities. New development reinforces existing places by enhancing local transport, facilities and community services, and maximising their potential use" (para 109).
- 5.6 **Principle of Development:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.7 Condition 19 attached to consent 18/00859/FUL, states that:

“The commercial use of the ground and lower floor areas shall not be open for customers outside the hours: 09:00 – 00:00 Mondays to Fridays, 09:00-00:00 Saturdays and 09-23:00 Sundays.

Reason: To safeguard the living conditions of nearby residents”

- 5.8 It is proposed that Condition 19 be varied, to allow for a 24hr use for the commercial ground and lower floor elements. This is considered acceptable in principle, as will be explored below.
- 5.9 Paragraph 96 of the National Planning Policy Framework identifies that planning decisions should aim to achieve healthy, inclusive and safe spaces, that promote social interaction, accessibility and to enable healthy lifestyles “especially where this would address identified local health and well-being needs”.
- 5.10 The Brentwood Local Plan 2016-2033 was formally adopted on 23rd March 2022, therefore, will hold substantial weight in the determination of all planning applications.
- 5.11 Policy BE15 (Planning for Inclusive Communities) highlights that buildings and places should be designed in a way that:
- d. everyone regardless of their ability, age, income, ethnicity, gender, faith, sexual orientation can use confidently, independently, with dignity and without engendering a sense of separation or segregation; and
 - e. ensure that new buildings and spaces are designed to reinforce inclusivity of neighbourhoods and are resilient and adaptable to changing community requirements.
- 5.12 In the post-pandemic world, hybrid-working models that allow for a greater degree of flexibility have become more commonplace, with

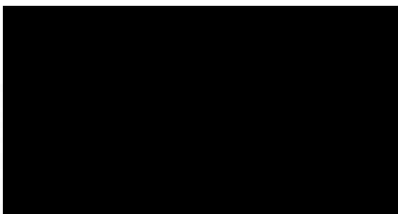
job roles adapting and the introduction of 4-day working weeks in some cases. Therefore, increasing the opening hours for a 24hr use, will allow the existing gym to cater towards a broader demographic, such as those who work to different schedules than the standard 9-5pm. This is in line with the specific aims of national and local policy.

- 5.13 Thus, the proposed increase of opening hours is supported by Policy BE15, which strives to create inclusive spaces that are “resilient and adaptable to changing community requirements”. With this considered, the variation of condition is in accordance with national and local policy.
- 5.14 **Character and Appearance of the Conservation Area:** The Town Centre Conservation Area includes buildings dating from C14 - C20 and modern day, with the majority of significant buildings dating back to C19 and C20.
- 5.15 A Planning, Heritage and Transport statement submitted with application 18/00859/FUL illustrated that the proposed scheme was a considerable improvement on the former, vacant site, which was dominated by hoardings and in turn, visually detracted from the surrounding Conservation Area. The scheme presented an opportunity to revitalise the site, whilst enhancing the Conservation Area through its sensitive design.
- 5.16 The enclosed Section 73 application proposes no external changes or visible alterations to the accepted scheme. As the nature of this variation application relates strictly to hours of use, it does not have any material bearing on the character of the heritage asset.
- 5.17 Therefore, in line with the associated Heritage Statement, the proposed increase in opening hours will have no material impact on the surrounding Conservation Area. Thus, the development results in less than substantial harm to the heritage asset.

- 5.18 **Residential Amenity:** Policy BE14 (Creating successful places) identifies that development should safeguard the living conditions of future occupants of the development and adjacent residents.
- 5.19 The Sound Insulation Test report by Eecobuild, has been provided in accordance with contemporary standard practice, to demonstrate that the test objects meet the requirements and are therefore fit to measure the impact of sound transmission.
- 5.20 The test seeks to assess how much noise a building element, typically a wall or a floor, prevents from travelling through to a neighbouring property. It is clearly illustrated on pg.4, that the test results indicate a Pass, for every source room. This indicates that 24-hour usage of the commercial element, will be in compliance with Policy BE14 and result in no harm to the residential amenity of the above flats.
- 5.21 Further to this, an Environmental Noise Assessment was provided by Ian Sharland Ltd, attached to the original consent. It concluded that by incorporating appropriate glazing and façade construction alongside acoustically treated means of ventilation, that an acceptable internal environment will be created.
- 5.22 On balance, this indicates that the proposed 24-hour use, would be in accordance with Policy BE14 and therefore, it is respectfully requested that Condition 19 be varied to reflect this.
- 5.23 **Transport and Parking:** The arrangements are to remain as existing and are in accordance with the local standards. The development is 'car-free' and therefore, promotes sustainable modes of transport.

6. Conclusion

- 6.1 This statement has demonstrated that the proposed development is acceptable in principle and makes an efficient use of land.
- 6.2 Material planning considerations have been carefully considered and analysed, as evidenced in section 5 of this statement and the supporting plans and documents. It is considered the proposed variation of condition would be without adverse effect on the character of the Conservation area or the amenity of neighbouring residents.
- 6.3 On balance, as discussed above, the proposed 24-hour use is in accordance with national and local policy and therefore, it is respectfully requested that Condition 19 attached to **18/00859/FUL** should be varied to reflect this.
- 6.4 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.



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