



Appeal Decision

Site visit made on 10 December 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

Appeal Ref: APP/H1515/W/24/3339413

Former Ewing House Car Park, King Edward Road, Brentwood CM14 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Bar Stone Developments Ltd against the decision of Brentwood Borough Council.
 - The application Ref is 23/01157/FUL.
 - The development proposed is the demolition of existing two tier car park and proposed residential development comprising 35 residential units in a part 6, part 7 storey building, together with associated ancillary facilities including plant enclosure, cycle parking and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing two tier car park and proposed residential development comprising 35 residential units in a part 6, part 7 storey building, together with associated ancillary facilities including plant enclosure, cycle parking and refuse storage at Former Ewing House Car Park, King Edward Road, Brentwood CM14 4HL in accordance with the terms of the application, Ref 23/01157/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Bar Stone Developments Ltd against Brentwood Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A revised National Planning Policy Framework was published on 12 December 2024. The main parties have been given the opportunity to make comments on this revision and I have paid regard to those in my determination of the appeal.

Main Issues

4. The main issues are:
 - (i) The effect of the proposal on the character and appearance of the area;
 - (ii) The effect of the proposal on the living conditions of the occupants of nearby dwellings with particular regard to overlooking and light;
 - (iii) The effect of the proposal on parking provision in the area; and,

- (iv) Whether the proposal makes adequate provision for affordable housing.

Reasons

Character and appearance

5. There is a clear distinction in the height of development found along Kings Road (B186) in comparison to that along King Edward Road and Gresham Road. Along Kings Road high buildings of considerable bulk and massing are found, whereas King Edward Road and Gresham Road are predominately characterised by two storey terraced dwellinghouses and other lower scale development. The existing car park, whilst not of a visual merit, is not a high structure either and it sits immediately alongside the commercial building at 12 King Edward Road which too is of a limited height. In that context, the height and general scale of what is proposed would be out of keeping with the existing development on both King Edward Road and Gresham Road but in keeping with that along Kings Road.
6. The proposed building is, taken in isolation, a well-designed building that would use appropriate materials in its construction. Indeed, the Committee Report sets out an earlier iteration was subject to review by the Design South East Design Review Panel leading to subsequent amendments before the planning application was submitted. The Council's Design Officer concluded that the scheme as a whole will be a positive contribution to the Brentwood Town Centre Townscape. I broadly concur in this regard. In existing views taken looking west along King Edward Road, Ewing House already looms large and dominates views, in particular in its relationship with 12 King Edward Road. The addition of the appeal proposal to those views would not have a significant impact, especially as the road bends in its alignment which places Ewing House more in view. However, there would be greater impact in views taken looking east from close to the junction with Kings Road, given the clear differences in height and massing that would exist between the appeal proposal and 12 King Edward Road.
7. There would be no significant impact with respect to the other buildings along King Edward Road because of the separation between them and the appeal site, which means that the difference in height and scale would not be materially different to the great variation that is already present in the locality. From Gresham Road the primary impact would be when viewed from the rear elevations and the gardens of the properties which back onto the appeal site. However, this is in the context of the aforementioned Ewing House and also Station Place, which itself is a building of notable height and massing. There would not be any significant impact on the traditional character of the Gresham Road street scene.
8. The appeal site lies in a transition zone, partly in the Brentwood Station character area and partly in the residential character area, as defined in the Brentwood Town Centre Design Guide 2019 (TCDG). The TCDG sets out differing expectations on matters such as the density, scale and height of new buildings in each character area. Where there is an overlap between two character areas, the TCDG advises that the design guidelines for both character area should be taken into account. In this instance, this creates a clear conflict, given the substantive difference in the character and appearance of these two areas.

9. The TCDG is permissive of taller buildings in the Brentwood Station character area along the railway and around the station, but where new development is adjacent to low rise buildings, the proposed heights should respect this scale. There is however a clear aspiration to increase the density of this area. In the residential character area new development should respect the scale, proportions and style of adjacent and surrounding buildings. Taller buildings are only permitted in certain areas and again the appeal site straddles two of these, the high density and the low to medium density zones. There are distinct differences in the encouraged densities in each area too.
10. The TCDG could therefore be interpreted to either offer support to the appeal proposal in terms of its density, scale and height or to oppose it. The impacts in this case are very site specific, and this lessens the usefulness of the TCDG to provide a more definitive guide on the density, scale and height of development that may be acceptable on it. The overarching aim of the TCDG to encourage high quality, sustainable development which is appropriate to context and compatible with the urban grain and materiality of the surroundings is the key objective in this instance.
11. In conclusion, the proposal would meet high design standards. It would have some impact on the character and appearance of the area in terms of its height and massing, mainly limited to views taken looking east along King Edward Road and especially where its direct visual relationship with No 12 would be most evident. This would be mitigated to a large extent by the presence of the existing tall development along Kings Road. When considered as a whole, the proposal would accord with criteria a) and e) of the Brentwood Local Plan 2019 (LP) which require a comprehensive design approach that delivers a high-quality place and for development to respond sympathetically to its context. There would also be no conflict with the aims of the TCDG in the same regard.

Living conditions

12. The reason for refusal refers to the impact of the proposed development in terms of overlooking onto adjacent properties and a resultant loss of privacy, and to the loss of light towards the dwelling at 17 Gresham Road and the residential units within Ewing House. In addition, a number of representations from interested parties raise concerns as to the impact that would arise upon the occupiers of other nearby properties. I shall consider each of these matters in turn.

Overlooking

13. The windows in the rear elevation on floors 1 to 6 of the proposed development would face towards the residential properties on Gresham Road. However, these would be secured by a planning condition agreed by the main parties as obscured glazed and non-opening below 1.7 in height above the floor of the room in which they were located. Subject to that restriction they would not allow vision towards these adjacent properties. Whilst interested parties have raised concern about the perception of overlooking, the absence of actually being able to look out from the windows and the adequate separation distance between the existing dwellings on Gresham Road would ensure that intervisibility would not be possible. The gardens of the existing dwellings would be closer, but again the measures put in place would ensure that there would not be any unacceptable overlooking.

14. Harmful overlooking from the balconies on the side elevations of the proposed building towards the properties on Gresham Road could be prevented by screening to the north side of those balconies and this could be subject to a planning condition. The seventh floor of the proposal would be set back and whilst the windows in the rear elevation would not be restricted in the same way, their setback and height would ensure that there would not be adverse overlooking towards the dwellings on Gresham Road.
15. The proposed windows immediately adjacent to the boundaries with Ewing House and 12 King Edward Road would similarly be obscurely glazed and fixed to their lower sections on the floors where direct overlooking might be possible between the properties. All other windows and balconies in the two side and the rear elevations would be a reasonable distance and/or be so positioned relative to the windows of the adjacent properties to ensure that there would be no harmful overlooking. The width of King Edward Road would provide a reasonable separation distance between existing properties and any future property built on the vacant land opposite.
16. As a whole, the proposal would therefore not result in harmful overlooking onto adjacent properties and would accord with criterion i) of Policy BE14 of the LP in this regard.

17 Gresham Road – Light

17. A Daylight and Sunlight Report (DSR) undertaken in accordance with the BRE Guide 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' 3rd Edition 2022 was provided with the planning application. Whilst this is not an adopted planning policy document, it nonetheless provides a useful guide for assessing the potential impact of a development and its submission is encouraged by the TCDG.
18. The BRE guidance would not be met for one room at 17 Gresham Road in terms of both daylight distribution and sunlight. This room is notable in length and the guidance allows for reductions in rooms that are long. Furthermore, the sunlight winter hours value would be 4% in comparison to the 5% set out in the guidance. In terms of the impact on the garden of No 17, 47% of the area would have the ability to receive 2 hours or more of sunlight on 21 March against the BRE guidance of 50%.
19. In terms of daylight distribution and sunlight, this would affect one room of No 17, which is noted as being a long room. The other rooms of this property would meet the guidance. The rear garden of No 17 is unusual in the locality as it is L shaped, meaning it is of a larger size and has a greater area closest to the boundary with the appeal site. Notwithstanding this, there would be a minor degree of harm and a conflict with criterion j) of Policy BE14 of the LP where it seeks to safeguard the living conditions of adjacent residents.

Ewing House – Light

20. Ten rooms of dwellings in Ewing House would not meet the BRE default target criteria for Daylight Vertical Sky Component (VSC). However, if a reduced VSC of 20% were considered to be acceptable, then all but 5 rooms would be in compliance. The VSC would have to be reduced further to allow all of the rooms to comply and whilst my attention has been drawn to a previous appeal decision, that was a scheme in central London and it would seem that the VSC

in some of the rooms in Ewing House would have values in the 'low-teens' as opposed to the 'mid-teens'.

21. The DSR further considers the impact of the proposal on a 'self-test' basis, that is if the rooms in question were in a new build and whether expectations for daylight provision would be met. All rooms would meet that expectation. In mitigation it is also presented that the dwellings in Ewing House, which are under the ownership of the appellant, are let on a short-term basis. Therefore, it is likely that there would be a higher turnover of occupants and that the impact of the reduction in VSC would be less acute over the long term, with new occupants experiencing lighting levels that would be expected for a new build.
22. The appeal has been designed to take much of its bulk away from Ewing House, albeit there would be elements of its full height that would be in relative close proximity to the windows of this existing building. However, when balancing the impact on the living conditions of Ewing House it must be noted that any development on the appeal site, including one of a much smaller scale, would be likely to have an impact on the light reaching the existing windows. Those windows rely on the absence of any substantial development on the appeal site to allow for the levels of daylight they currently enjoy.
23. With ten rooms not meeting the BRE default for Daylight VSC the impact on Ewing House as a whole would not be substantial. There is also some merit in the appellant's argument that assessment on a 'self-test' basis demonstrates that expectations for daylight would be met if Ewing House were a new build, and that because of the nature of the tenure, over time the initial reduction in the VSC would have much less of an impact on the living conditions of the occupants of that building.
24. On balance, whilst there would be some harm to the living conditions of the occupiers of some of the dwellings in Ewing House at the time the proposed development was built, this harm would be limited. In the longer term, acceptable light levels would be available to future occupants. Nonetheless, there would be a short-term conflict with criterion j) in terms of the impact upon the living conditions of adjacent occupants.

Other properties

25. The BRE defaults are met with respect to all of the other residential properties assessed. I am satisfied that this means that the impact upon the living conditions of their occupiers with respect to light would be acceptable. The commercial property at 12 King Edward Avenue has not been tested. Whilst the impact on this property would be more acute, it is not in residential use and the impact on those windows which face the site would not be likely to cause harm to those who use it in terms of overlooking or loss of light, to the extent that would render the adjacent commercial premises as an unviable entity going forward. It is unlikely that sensitive information would be compromised by overlooking from the distances that would be maintained.
26. Whilst it is suggested that this adjacent site may also be redeveloped in the future, it does not appear that any formal or informal steps have been made with this in mind. Furthermore, those windows which are directly on the boundary serve rooms that have another window facing towards King Edward

Road, with all other windows facing No 12 being set off the boundary. Without any firm indication as to what form the redevelopment of the adjacent site may take the steps taken in the appeal scheme appear reasonable in terms of the relationship that would be created with this adjacent land.

27. The width of the proposed apartment block would not extend across the full site and it would be set well away from the rear boundary shared with those properties on Gresham Road, substantially so with respect to the parts of the proposal which would sit directly on the side boundaries. This would ensure that the proposal would not be overbearing owing to its scale and massing. Whilst no shadowing plan has been provided, there would be general compliance with the BRE guidelines with respect to both daylight and sunlight.
28. With respect to these other properties, for the reasons I have set out the objectives of criteria i) and j) of Policy BE14 would be achieved.

Parking

29. No car parking would be provided within the proposed development. Based on calculations set out in the Essex Parking Standards – Design and Good Practice 2009 (EPS), the Council consider that there should be 49 on-site spaces accommodated. However, the EPS also advises that for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Policy BE13 of the LP supports, in principle, a provision below the EPS standards but requires that this be supported by evidence detailing the local circumstances that justify deviation from the standard. There was no objection from the Highway Authority (HA) to the zero-parking provision.
30. Given that the appeal site is located within a town centre and in very close proximity to Brentwood railway station, future residents would have excellent access to services and facilities and to public transport, including into central London. Furthermore, the Controlled Parking Zone (CPZ) which includes King Edward Road and Gresham Road applies resident permit parking restrictions between 9:00am and 5:00pm on Mondays to Fridays. Alongside the alternative transport options, this would be a considerable deterrent to the future occupants of the proposed development with respect to car ownership, as they would not be likely to have access to free parking in close proximity to their home for a prolonged period on weekdays.
31. This is however predicated on future residents not being able to apply for a resident's parking permit. Both the Transport Statement (TS) submitted at planning application stage and the Transport Appeal Statement Technical Note (TN) set out that the proposed development would be car free, and that future residents of the site would not be permitted to purchase car parking permits. Although only a snapshot in time, from what I observed at my site visit on-street parking spaces are at a premium and this situation is referred to by a great number of interested parties in their representations.
32. There is nothing substantive provided by the appellant to evidence that the area does not suffer from a high level of parking stress arising from the demand for local resident parking. The potential for the residents of 35 new residential units to obtain parking permits would considerably add to this stress. Furthermore, the ability to purchase permits would not deliver the car free development which is envisaged by both the TS and the TN and would

increase the likelihood that people would be tempted to park inappropriately and in a way that may cause harm to highway safety. Therefore, in the event that planning permission were to be granted, it would be both reasonable and necessary to include a mechanism to prevent future residents of the proposed development from being able to obtain parking permits.

33. In that respect the planning obligation submitted includes a reference to CPZs and parking permits. However, this is based on a restriction of title and a restrictive covenant in the lease of future tenants or owners not to apply for a resident's parking permit. It would not secure amendments to the Traffic Regulation Order and if a future resident were to apply for a permit there would be no legal impediment to prevent one from being issued. The matter would then have to be addressed as a breach of covenant, but it is not clear from the submissions made as to what exact provisions the planning obligation puts in place for the Council or the Highway Authority to enforce this.
34. Therefore, I am not persuaded that the provision in the planning obligation would be a satisfactory way of addressing the matter of resident's parking permits. In accordance with the 'blue pencil' provision in the planning obligation, Schedule 1 Part 4 of the obligation should be deleted in its entirety. However, I am satisfied that this matter could instead be addressed by way of a planning condition. Such a condition would prevent occupation of the proposed new units until such time as the units had been removed from the list of units for which residential parking permits can be issued.
35. As a car free development, it is not likely that the proposal would significantly increase traffic in the area or affect parking for local businesses and disabled people, and there was no objection from the HA on those grounds. The absence of space for delivery vehicles to park is not unusual in town centre locations such as this and the proposed development does not contain any commercial uses that would require regular servicing and deliveries by larger vehicles. There is nothing before me to suggest that the loss of the existing car park would give rise to highway safety concerns. For these reasons, the proposal would accord with Policy BE13 of the LP where it refers to parking standards.

Affordable Housing

36. There was much discussion around the viability of providing affordable housing before the planning application was determined. The appellant's Viability Assessment was reviewed on behalf of the Council who concluded that it was sound in its finding that affordable housing provision would not be viable. This is on the basis that the proposed residential units would be constructed as build to rent rather than for sale. There is nothing before me to suggest that the position on affordable housing and viability as a build to rent scheme has changed.
37. The Council instead considers that the scheme should have been reviewed as a build to sell development to allow comparison of the relative viability of the two options. However, that is not what is proposed as being built out, and the planning obligation sets out a mechanism to ensure that it would be retained as build to rent with provisions set out if that changed. Furthermore, the planning obligation sets out an affordable housing review mechanism which would address a scenario where the viability of the proposal would differ and would allow for the affordable housing requirement to be met. I have not been

made aware of any planning policy provision that requires an alternative assessment of a build to sell development as the Council suggest.

38. Concern has been raised by an interested party that the viability assessment is flawed because of its reference to rents achieved at the adjacent building and that these are not a fair reflection. However, the viability report has been independently assessed by a chartered surveyor and I see no reasons to disagree with its conclusions. Furthermore, as noted above, the planning obligation requires a review, by way of a clawback, if the scheme could ultimately contribute to affordable housing provision.
39. Therefore, I am satisfied that the approach taken by the appellant is reasonable and has been robustly assessed, and consequently that the proposal would accord with Policy HP05 of the LP which specifically requires that robust viability evidence be provided to demonstrate that the full amount of affordable housing cannot be delivered.

Other Considerations

40. The proposal would deliver 35 new residential units in a town centre location which has excellent access to services and facilities and to public transport. It would do so on a small, previously developed, site and make more effective and efficient use of the land, which is an aim of both criterion b) of Policy BE14 of the LP and the Framework. The Framework in particular sets out at paragraph 124c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
41. It would also facilitate the regeneration of what is a site that currently detracts from the character and appearance of the area. There would also be a time limited benefit to the local economy during the construction phase, and thereafter through spending by the future residents of the dwellings and through employment related to its running and maintenance.
42. It is intended that the dwellings would be energy efficient and use renewable energy such as air source heat pumps and PV panels. This would allow Building Regulations target CO2 emissions to be exceeded. There would also be biodiversity net gain on the site. Owing to the quantum of development that is proposed, these economic, social and environmental benefits carry significant weight in favour of the appeal proposal.

Other Matters

43. The need for the development has been questioned, and interested parties point to the Strategic Housing Market Assessment which sets out a need for 3 and 4 bedroom homes in the borough. Reference is also made to the apparent availability of a number of similar sized flats to rent in the area. The appeal site does not however lend itself to larger homes, given its town centre location and relatively constrained footprint, and to provide these would not make an efficient use of land. No details have been provided as to the other flats that are available to rent, including in terms of how long they have been available, but this is not a matter that in itself would preclude the provision of such new development.

44. The retention of the existing structure would prevent the associated environmental impact from its removal, however this would impede the effective and efficient re-use of the site. An Ecological Impact Assessment has been submitted and this finds that the proposal would not cause harm to ecological interests. On consideration of the findings with respect to light, there is nothing to suggest that the proposal would have a materially harmful impact on biodiversity in the gardens of adjacent dwellings. Matters relating to drainage have been addressed in the Flood Risk Assessment and there is no objection raised by the Lead Local Flood Authority.
45. The proposal is a residential scheme located within a town centre. Noise and disturbance generated by its future occupants would be in association with its residential use, and this would not be a reason to resist the scheme. There is no substantive evidence that the proposal would result in anti-social behaviour, increase crime or reduce the security and safety of adjacent car parks, and there was no objection from the Police on those grounds. Likewise, there is nothing to suggest that there would be an increase in litter in the area. The access to the Station Place car park is not within the red line site area and movement along it would be unaffected by the appeal proposal.

Planning Obligation

46. The parties have completed a Section 106 Agreement which includes a number of obligations to come into effect if planning permission is granted. This requires consideration against Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. In addition to providing an affordable housing contribution if the profit margin means this is ultimately viable and a build to rent clawback if the units were to be sold as market housing, the obligations relate to the following matters.
47. NHS contribution: This is the sum of £12,700 to mitigate the impact of the development upon local GP services and to increase capacity for the benefit of patients of the Primary Care Network operating in the area. It is stated that this may be achieved through any combination of extension, reconfiguration or relocation of premises. This would ensure compliance with Policy MG05 of the LP. On that basis, I am satisfied that the statutory tests are met.
48. Open Space Contribution: This would provide a sum of £8,727 towards the provision of open space in the area of the development and a sum of £1,745.40 towards its maintenance, in accordance with Policy NE05 of the LP and the Council's Open Space calculator in the Draft Planning Obligations SPD. I am therefore satisfied that the statutory tests are met.
49. Recreation Contribution: This would provide £27,261 towards the provision of a new playing pitch and changing rooms in the area of the development based on Sport England's Playing Pitch Calculator and the sum of £7,879 towards sports hall provision/improvement and the sum of £8,686 towards the provision/improvement of swimming pools in the area of the development based on Sport England's Sports Facility Calculator. This would comply with Policy NE05 of the LP and I am therefore satisfied that these contributions meet the statutory tests.
50. Library contribution: this would provide the sum of £2,723 towards the upgrading of existing facilities at local libraries to include, but not limited to,

additional furniture, technology and stock. This would ensure compliance with Policy MG05 of the LP and this contribution too meets the statutory tests.

Planning Balance

51. The proposed development would accord with the objectives of criteria a) and e) of Policy BE14 of the LP. There would be no harm caused with regard to parking and highway safety and thus no conflict with Policy BE13 of the LP, and the submissions reasonably demonstrate that the proposal would accord with Policy HP05 of the LP where it refers to the provision of affordable housing. There would be some limited harm to the living conditions of the occupiers of 17 Gresham Road and with respect to some of the dwellings in Ewing House, meaning there would be a conflict with criteria j) of Policy BE14.
52. However, the harm to living conditions would be minor as set out above and the benefits of delivering 35 new residential dwellings on a sustainably located brownfield town centre site carries significant weight in favour of the proposal. In conclusion, the benefits that would arise in this instance outweigh the limited conflict with the development plan that would result.

Conditions

53. Conditions setting out the period of time to commence development and the approved plans are required to provide certainty. Conditions requiring the approval of external facing materials, a brickwork sample panel and other aspects of the detailing and fenestration of the development are needed to ensure that the development has an acceptable visual appearance. To further advance that aim a condition requiring that boxes, vents and piping are located internally within the building is required.
54. A construction and environmental management plan is needed in the interests of highway safety and to protect the living conditions of the occupiers of the nearby dwellings during the construction phase. That condition can contain a provision to require a badger method statement to ensure the protection of animals whilst construction is taking place. A condition requiring the windows shown on the submitted floor plans as obscurely glazed to be both glazed to a minimum of level 3 of the Pilkington scale of obscuration and to be non-opening below a height of 1.7 metres above room floor level is needed to prevent harmful overlooking, and details of screening of the north elevations of the proposed balconies are needed for the same reason.
55. Details of hard and soft landscaping are needed to ensure that appropriate materials and soft landscaping are utilised, conditions relating to a phase 2 contamination survey, remediation and validation if needed alongside a condition addressing any unexpected contamination that is found are needed to ensure that the development progresses safely with regard to land contamination matters. It is necessary for details of glazing and ventilation measures to ensure adequate internal noise levels and details of plant noise levels and attenuation measures be provided to ensure that acceptable living conditions are provided for existing and future residents. Details of external lighting is required to protect living conditions and ecological interests.
56. Existing and proposed ground levels and finished floor levels are required to ensure that the development has an acceptable visual appearance and to safeguard living conditions, a condition relating to the stopping up of the

existing access onto King Edward Road is imposed in the interests of highway safety, and conditions relating to cycle storage and a Residential Travel Information Pack are needed to promote sustainable transport options.

57. A condition requiring compliance with the Sustainable Design and Construction Statement submitted is needed in the interests of sustainability and energy efficiency, a Secure by Design statement is needed to ensure that a safe development is delivered, conditions relating to water consumption and digital infrastructure are required to accord with policies BE02 and BE07 of the LP and a condition requiring the provision of the bin store shown on the submitted plans is necessary to ensure that appropriate facilities are in place to serve the development.
58. It is necessary for further drainage details to be submitted in accordance with the recommendations set out in the Flood Risk Assessment and Drainage Strategy together with conditions relating to the maintenance of the surface water system and the clearance of any existing pipes before their use to serve the appeal development. For the reasons set out above, a condition to secure the development as car free is also needed.
59. I have amended the wording of the Council's suggested conditions where appropriate, in the interests of precision.

Conclusion

60. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the approved plans listed below: (20) 107/P3; (20) 000/P3; (20) 100/P6; (20) 101-103/P6; (20) 104/P5; (20) 105/P2; (20) 106/P4; (20) 300/P3; (20) 301/P1; (20) 400/P3; (20) 401/P5; (20) 402/P4; (20) 403/P4; (00) 000/P3; (00) and (20) 404/P1.
- 3) No development works above slab level, excluding demolition works, shall take place until a full specification of materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby permitted has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development works above slab level, excluding demolition works, shall take place until panels of no less than 1 metre x 1 metre of any brickwork within the development including brick type, bond, mortar and joint profile have been erected on site for assessment and thereafter approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.
- 5) A document pack that shows typical details of:

windows – to include the depth of reveal;
doors and thresholds;
balustrading, railings and gates;
cills and coping stones;
ironmongery;

shall be submitted to and approved by the Local Planning Authority in writing prior to any development above slab level, excluding demolition works, taking place. The development shall be carried out in accordance with the approved details.
- 6) No electricity, gas, water meter boxes, antennae (roof level) or extraction vents shall be fixed to the façade of the buildings unless otherwise agreed in writing with the Local Planning Authority. All rainwater goods, soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing with the Local Planning Authority.
- 7) Notwithstanding the details submitted in support of the application no development shall take place, including any ground works or demolition, until a Construction and Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
 - ii. a waste management plan
 - iii. details of measures to minimise noise and vibration during construction and ground works
 - iv. measures to control the emission of dust and dirt during construction including an Air Quality and Dust Management plan (AQDMP) to propose measures to control emissions during the construction and demolition phase.
 - v. route to be used by construction vehicles to and from the site
 - vi. loading and unloading of plant and materials
 - vii. site set-up including arrangements for the storage of plant and materials used in constructing the development
 - viii. wheel and underbody washing facilities
 - ix. hours of works
 - x. A badger method statement to ensure that no animals traversing the site are impacted during construction.
- 8) Notwithstanding the details shown, prior to the occupation of the development hereby permitted all windows shown as opaque glazing (O/G) on approved drawings (20) 101 – 103 rev P6, (20) 104 rev P5, (20) 105 rev P2 and (20) 106 rev P4 shall be:-
- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and
 - b) non-opening below a height of 1.7 metres above the floor of the room in which the window is installed
- and shall be retained as such thereafter.
- 9) Prior to the occupation of the development hereby permitted full details of screening to the northern elevation of the balconies within both the east and western elevations of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be in place prior to occupation of these units and shall be retained as such thereafter.
- 10) Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works, excluding demolition works, occurring above slab level at the application site. These details shall include:
- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities

(including for the green roofs).

2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.

3) Details of the aftercare and maintenance programme.

4) Schedule of implementation of soft landscape works.

The soft landscape works shall be carried out as per the approved schedule. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, it is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works

5) Details of any walls with brick types, construction design and dimensions

6) Details of paved surfacing, with materials finishing and edgings

7) Details of any fencing with full specification

8) Schedule of implementation of hard landscape works.

The hard landscape works shall be carried out as per the approved schedule and retained and maintained as such thereafter.

- 11) Notwithstanding the details submitted, no development shall commence which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment (Phase 2 Contamination Report) has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's guidance on land contamination risk management (LCRM).

- 12) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 14) Details of the glazing and ventilation measures proposed to ensure adequate internal noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The proposals shall provide a specification at least in accordance with Table 5.2 of the Acoustic Report by Auricl acoustic consulting included with the application. The development shall then be implemented in accordance with the approved details.
- 15) No plant or equipment shall be installed onto any part of the hereby approved development (including within the ASHP enclosure and plant store) until details are submitted to and approved in writing by the local planning authority that demonstrate that external plant and emergency plant operational noise limits are compliant with the recommended levels set out in Tables 6.1 and 6.2 of the submitted Acoustic Report by Auricl acoustic consulting when measured at a distance of 1m from the nearest noise sensitive property. The development shall then be implemented in accordance with the approved details.
- 16) Prior to its installation full details of the attenuation measures to the ground floor plant shall be submitted to and approved in writing by the local planning authority. The details submitted shall include details of the acoustic louvre design and specification together with details of the lining materials for this area. The approved attenuation measures shall then be installed in full prior to the occupation of the development and retained as approved.

- 17) Prior to the occupation of the development hereby permitted, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be installed and retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.
- 18) No works related to the alteration of ground levels at the site and no works above ground level other than demolition of the existing car park shall occur until details of existing and proposed ground levels and proposed finished floor levels, and their relationship to the adjoining land have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 19) Prior to the occupation of the development hereby permitted, the redundant part of the existing shared access up to the east site boundary on King Edward Road shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing. (Ensuring that the dropped kerb access remains in place for the immediate adjacent site; Adelaide House, 12 King Edward Road).
- 20) Prior to the occupation of the development hereby permitted the cycle parking shall be provided in accordance with the Essex Planning Officers Association Parking Standards 2024. The approved facility shall be secure, convenient, covered and retained at all times.
- 21) Prior to the occupation of the development hereby permitted, a Residential Travel Information Pack for sustainable transport (as per Essex County Council guidance), to include six one day travel vouchers for use with the relevant local public transport operator shall be provided to each dwelling free of charge.
- 22) The development shall be carried out in accordance with the Sustainable Design and Construction Statement by Carbonplan Engineering dated August 2023 updated 13th September 2023 Rev B.
- 23) Prior to the occupation of the development hereby permitted a Secure by Design Statement shall be submitted to and approved in writing by the Local Planning Authority, detailing how the design of the development adheres to the principles of Secure by Design accreditation, Secured by Design Homes 2019 Version 2, March 2019. The development shall not be occupied until the approved measures applied to the development have been implemented and they shall be permanently retained thereafter.
- 24) Each dwelling shall be constructed and fitted out so that the potential consumption of water by persons occupying the dwelling will not exceed 110 litres per person per day.
- 25) No dwelling pursuant to this permission shall be occupied until an FFTP Statement has been submitted to and approved in writing by the Local Planning Authority detailing a scheme for the installation of a high speed wholly FFTP connection to each dwelling within the approved development OR supplying evidence detailing reasonable endeavours to secure the

provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP. The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out at the same time as other services during the construction process and be available for use on the first occupation of any dwelling, or such other date agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that have been made in the absence of FTTP).

- 26) Prior to the occupation of the development hereby permitted the bin store shown on approved drawing (20) 404 rev P1 shall be erected on site and made available for use by the development. The bin store shall be retained as such thereafter.
- 27) The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy and the following mitigation measures, details of which along with timing/phasing arrangements shall first have been submitted to and approved in writing by the local planning authority:
- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 1 l/s.
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.
 - Provide a full detailed survey of the retaining wall and how offsite overland flows will be managed. Flow routes must be detailed and how offsite flows will be stored on site.
 - Provide a detailed drainage plan showing surface water and foul water pipe networks.
 - Provide water quality indices showing that adequate water treatment is provided.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 28) Prior to the occupation of the development hereby permitted a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided. The development shall then be carried out in accordance with the agreed details.
- 29) The applicant or any successor in title must maintain yearly logs of the maintenance of the surface water system which shall be carried out in accordance with the approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- 30) The development hereby permitted shall not be commenced (excluding demolition where necessary to access the pipes) until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.
- 31) Within 12 weeks from the commencement of the development hereby permitted the local planning authority shall be informed in writing of the properties' full postal addresses and the dwellings hereby permitted shall not be occupied until the Traffic Regulation Order has been amended by removing the dwellings from the list of dwellings for which Residents Parking Permits can be issued.

-----End of Conditions-----