

# PLANNING COMMITTEE AGENDA

**Tuesday 25th May 2021 at 7.15pm**

**Council Chamber, Braintree District Council, Causeway House, Bocking  
End, Braintree, CM7 9HB**

**THIS MEETING IS OPEN TO THE PUBLIC**

*(Please note this meeting will be broadcast via the Councils YouTube Channel,  
webcast and audio recorded) [www.braintree.gov.uk](http://www.braintree.gov.uk)*

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**Members of the Planning Committee are requested to attend this meeting to transact  
the business set out in the Agenda.**

**Membership:-**

Councillor J Abbott	Councillor F Ricci
Councillor K Bowers	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor P Schwier
Councillor H Johnson	Councillor Mrs G Spray
Councillor D Mann	Councillor N Unsworth
Councillor A Munday	Councillor J Wrench
Councillor Mrs I Parker (Vice Chairman)	

**Substitutes:** Councillors T Cunningham, A Hensman, D Hume, P Thorogood,  
Mrs S Wilson, Vacancy (*Substitutes who wish to observe the  
meeting will be required to do so via the Council YouTube  
Channel*).

**Apologies:** Members unable to attend the meeting are requested to forward their  
apologies for absence to the Governance and Members Team on 01376  
552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the  
meeting.

Any Member who is unable to attend a meeting is able to appoint a  
Substitute. Written notice must be given to the Governance and Members  
Team no later than one hour before the start of the meeting.

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

### **Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)**

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

### **Public Question Time – Registration and Speaking on a Planning Application/Agenda Item**

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday).

The Council reserves the right to decline any requests to register to speak if they are received after this time.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, and then Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Substitute Members:** Only the named Substitutes on this agenda can be appointed by a Member of the Committee to attend in their absence. The appointed substitute becomes a full member of the Committee with participation and voting rights.

**WiFi:** Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

**Public Attendance at Meeting:** Public attendance is welcomed but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors' safe.

Public attendance is limited and will be on first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The Public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Councils YouTube Channel and can be viewed by the public as a live broadcast or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast or to contact the Governance and Members team to reserve a seat within the public gallery.

### **Health and Safety/COVID:**

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

**Mobile Phones:** Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The Meeting will also be broadcast via the Council YouTube Channel.

**Comments and Suggestions:** We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

**1 Apologies for Absence****2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 11th May 2021 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

To consider the following planning applications and to agree whether any of the more minor applications listed under Part B should be determined “en bloc” without debate.

Where it has been agreed that applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before those applications listed under Part A.

**PART A Planning Applications**

**5a App. No. 20 01754 FUL – 14 Freebournes Road, WITHAM, 6-29**

**5b App No. 20 02238 REM – Land West of Mount Hill, HALSTEAD 30-71**

**PART B Minor Planning Applications**

There are no applications in Part B

**6 Urgent Business - Public Session**

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

**7 Exclusion of the Public and Press**

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

*At the time of compiling this Agenda there were none.*

**PRIVATE SESSION**

**Page**

**8 Urgent Business - Private Session**

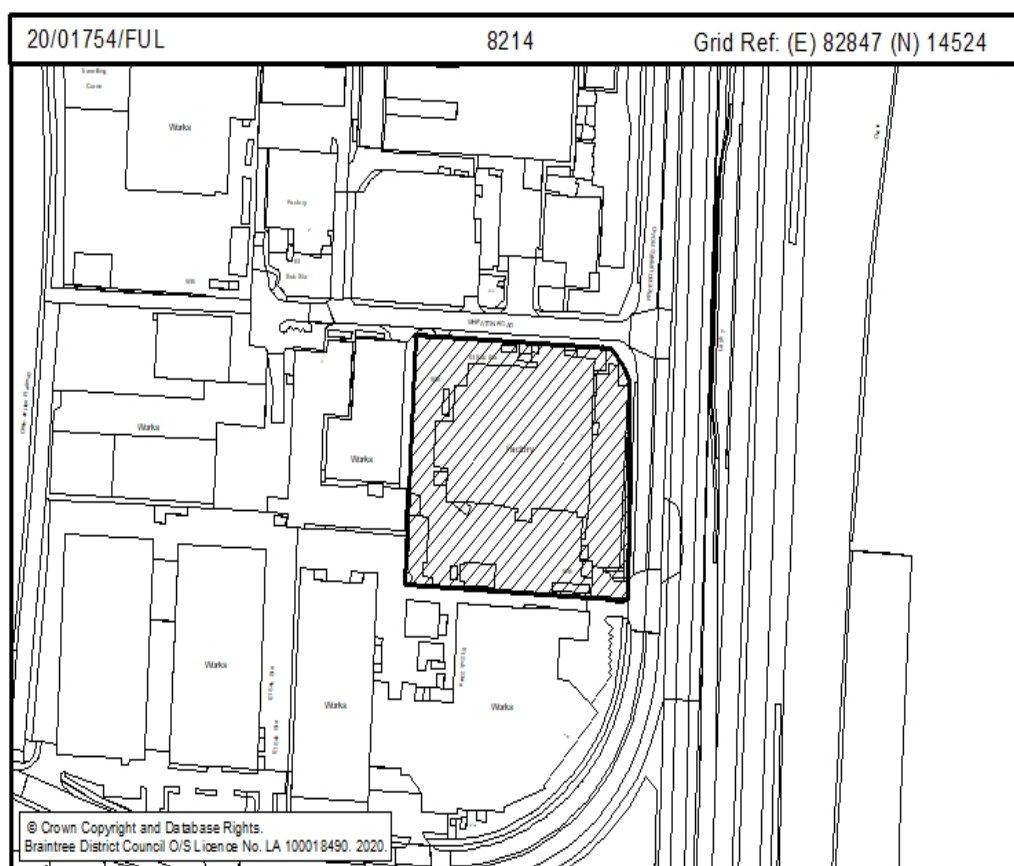
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

## PART A

## AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/01754/FUL DATE: 23.11.20  
VALID:  
APPLICANT: GHIL (Witham) Developments Ltd  
Mr Chris Duffy, Sterling House, Langston Road, Loughton, IG10 3TS  
AGENT: Galliard Homes Ltd Phil Clark  
3rd Floor Sterling House, Langston Road, Loughton, IG10 3TS  
DESCRIPTION: Demolition of existing buildings and erection of two warehouse buildings to provide multiple industrial units, with ancillary mezzanines, of flexible use (Use Class B2, B8, E(g)), retention of existing vehicular accesses off Freebournes Road and Wheaton Road with reconfigured car parking, service yards and associated landscaping.  
LOCATION: 14 Freebournes Road, Witham, Essex, CM8 3DG

For more information about this Application please contact:  
Andrew Martin on:- 01376 551414 Ext. 2591  
or by e-mail to: [andrew.martin@braintree.gov.uk](mailto:andrew.martin@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QILZ2PBFHBM00>

## SITE HISTORY

02/00865/FUL	Removal of existing tank and enclosure and replacement with new tanks and screen enclosure	Granted	09.08.02
82/01841/P	Extension to existing factory premises to provide tray washing facilities.	Granted	29.03.82
83/00873/P	Erection of 2 storey extension to factory, comprising defeathering and evisceration area and store.	Granted	26.09.83
87/00863/P	Erection of extension for housing bird handling equipment and detached gatehouse.	Granted	13.07.87
85/01029/P	Erection of live bird welfare building	Granted	10.10.85
81/00706/P	Additions to factory premises viz, extensions to cold store, chill room and loading bay, and alterations to vehicular access.	Granted	16.06.81
88/00444/P	Erection Of Extension To Canteen And Tray Wash Areas	Granted	22.04.88
96/01496/FUL	Erection of new fence	Granted	13.02.97
97/00075/FUL	Erection of extension to production area	Granted	25.02.97
97/00784/FUL	Erection of extension to canteen	Granted	12.08.97
97/01694/FUL	Erection of engineers store	Granted	10.02.98
11/00309/FUL	Erection of a chiller extension and a nitrogen storage tank	Granted	26.05.11
11/01605/FUL	Installation of photovoltaic panels and associated infrastructure on existing agricultural building roofs	Granted	18.01.12

## POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

*"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

Accordingly the Council affords some weight to the Section 2 Plan.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP27	Location of Employment Land
RLP28	Employment Land Provision
RLP30	Diversity of Industrial and Commercial Premises
RLP31	Design and Layout of Business Parks
RLP33	Employment Policy Areas
RLP36	Industrial and Environmental Standards
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking

RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

#### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP7	Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

LPP81 External Lighting  
LPP82 Infrastructure Delivery and Impact Mitigation

### Other Material Considerations

Essex Design Guide – Design and Good Practice  
Essex Parking Standards

### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

### DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is a parcel of land, approximately 1 hectare in area, within the Freebournes Industrial Estate, Witham. It is currently occupied by a disused factory, formerly in use as a meat packing and processing facility, which comprises of a large two-storey building and a small number of lesser-scale ancillary buildings. These buildings are rather unsightly and do not contribute positively towards to the character or appearance of the locality.

There are two existing accesses to the site. One is located off of Wheaton Road and the other is located off of Freebournes Road.

### PROPOSAL

The application seeks full planning permission for the demolition of the existing factory buildings and the construction of two new warehouse buildings to provide 4,725sq.m of employment floor space across multiple industrial and commercial units. Specifically, the warehouse building proposed to the site's frontage onto Freebournes Road would be divided into five units, Units 1 to 5, whilst the building to the rear of the site would be a single unit, Unit 6. Units 1 to 5 would be served by the existing access off of Freebournes Road and Unit 6 would be served by the existing access off of Wheaton Road. The site would therefore essentially be separated into two parts.

A flexible planning permission is sought in order to allow the units to operate under Use Classes B2, B8, and E(g). These uses would enable general industry (Class B2); storage and distribution (Class B8); offices (Class E(g)(i)); research and development (Class E(g)(ii)); and industrial processes (Class E(g)(iii)). The Agent has clarified that the intention of the development is to facilitate industrial and logistics orientated businesses, rather than being focussed toward the provision of new office floor space, albeit there would be provision for ancillary office floor space.

It was originally proposed to incorporate a Sui Generis Use into the flexible mix of uses sought, however, upon further clarification, it transpired that this

was in an endeavour to facilitate the repair and maintenance of cars, despite such operations falling under Use Class B2. As such, it was agreed with the Applicant via the Agent to omit the Sui Generis Use from the description of the development, on the basis that it was not necessary in order to facilitate the range and flexibility of uses envisaged.

The proposed development would result in a reduction of employment floor space when compared to the 8,880sq.m of existing floor space provided within the factory to be demolished. Nevertheless, it is recognised that the proposed development would bring back into use a vacant site for employment purposes, by redeveloping the site to provide more modern, efficient, flexible, and fit for purpose industrial and commercial units.

During the course of the application, the proposed design and layout of the development has evolved to address concerns raised by Officers. Notable improvements secured relate to the concealment of the service yard to Unit 6, so that it is located to the rear of the site, rather than to its frontage; enhanced appearance to the elevational designs of the units proposed; additional soft landscaping to the sites frontage with Freebournes Road; and a significant increase in electric vehicle charging point provision.

### SUMMARY OF CONSULTATION RESPONSES

Three rounds of consultation have been completed during the course of the planning application to reflect revisions made to the proposed development.

#### Anglian Water

No objections raised, albeit a condition has been recommended which duplicates the content of a condition recommended by ECC as the Lead Local Flood Authority.

#### BDC Ecology

No objections raised subject to conditions.

#### BDC Environmental Health

No objections raised subject to conditions.

#### ECC Archaeology

No objections raised.

#### ECC Highways

No objections raised.

ECC Lead Local Flood Authority

No objections raised subject to conditions.

Environment Agency

No response received.

Essex Fire and Rescue

No objections raised.

Highways England

No comments to make on the application, given it is unlikely to have a severe impact on the strategic road network.

TOWN COUNCIL

Witham Town Council

No objections raised.

REPRESENTATIONS

The application was publicised by way of an advertisement in the Braintree & Witham Times. A site notice was also displayed to the front of the application site and neighbour notification letters were sent to properties immediately adjacent to the site.

No letters of representation have been received.

REPORT

The Development Plan & Principle of Development

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).

The application site is located within a defined Employment Policy Area. Policy RLP33 of the Adopted Local Plan states that within defined Employment Policy Areas proposals for uses other than those within Use Classes B1, B2, and B8 will be refused. This is reflected in emerging Policy LPP3 of the Section 2 Plan. Policy LPP2 of the Section 2 Local Plan states that all employment sites, including sites or buildings in current or recent use as an employment site, will be retained for such uses where they continue to offer a viable and sustainable location for such employment uses.

Notwithstanding the above, it is a material consideration that on the 1st September 2020 an amendment to The Town and Country Planning (Use Classes) Order 1987 came into effect which, amongst other matters, revoked the previous Use Class B1 and consolidated it into a new Use Class E alongside other commercial, business and service uses. As such, whilst the application seeks planning permission for Use Classes B2, B8, and E(g), the proposed development is considered to be in accordance with the objectives of Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Section 2 Local Plan. This is because it seeks to provide uses consistent with the Employment Policy Area designation. In essence, Use Class E(g) replicates the provisions of the revoked Use Class B1.

Furthermore, turning aside from the Development Plan, Paragraph 80 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Additionally, it asserts that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

To summarise, the principle of the proposed development would be in accordance with the provisions of the Development Plan, in addition to the emerging Section 2 Plan. However, to prevent the proposed development from changing operation within Use Class E to a non-conforming Employment Policy Area use, a condition is recommended for the purpose of preventing such a change from occurring. Such conditions, that restrict changes within a use class, are commonly referred to as 'Camden' conditions following the judgement of *Camden LBC v SSE & PSP Nominees [1989]*.

The outcome of the above judgement is that a condition can exclude the operation of s.55(2)(f) of The Town and Country Planning Act 1990 (as amended) and Article 3(1) of The Town and Country Planning (Use Classes) Order 1987 (as amended) in order to fulfil a planning policy purpose. In this case the condition would serve a planning policy purpose by maintaining the integrity of the defined Employment Policy Area for the provision of employment uses appropriate to it.

The principle of the proposed development also accords with the economic objectives set out within the NPPF.

## SITE ASSESSMENT

### Design, Layout, and Landscaping

Paragraph 124 of the NPPF sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments function well and add to the overall quality of the area. To achieve this developments must be visually attractive as a result of good architecture, layout, and effective landscaping. Moreover, developments must establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

The above principles have more recently been elaborated upon within the National Design Guide (NDG) with a shift in emphasis towards the promotion of beauty. Paragraph 1 of the NDG explains that well-designed places influence the quality of our experiences as occupants or users but also as passers-by and visitors. Paragraph 4 of the NDG establishes that the long-standing, fundamental principles of good design are that it is; fit for purpose; durable; and brings delight.

Policy SP6 of the Section 1 Plan, Policies RLP3, RLP10, and RLP90 of the Adopted Local Plan, and Policies LPP37, LPP50 and LPP55 of the Section 2 Plan all reflect the NPPF and NDG by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings, layouts and landscaping to reflect or enhance the area's local distinctiveness. Additionally, Policy RLP31 of the Adopted Plan and Policy LPP7 of the Section 2 Plan both specifically address the need for such requirements to be instilled into new employment developments, including within Employment Policy Areas.

Two new buildings of a two-storey scale are sought under the proposed development which would provide for six separate units with associated landscaping; parking; and turning areas. The larger of the two buildings would provide a single unit, Unit 6, allowing it to function and cater effectively for a wide range of modern commercial and industrial uses, particularly logistic operations falling under Use Class B8. This larger building would be located to the rear of the site and would utilise the existing access off of Wheaton Road. The smaller building would provide five units, Units 1 to 5, and would address Freebournes Road from which an existing access would be utilised. These smaller units would be well-suited for small to medium enterprises that can operate under the range of flexible uses sought.

During the course of the planning application, the design and layout of the proposed development has been revised in order to address concerns raised by Officers. For instance, the layout for Unit 6 has been re-configured, so that the service yard would be located towards the rear of the building rather than defining the frontage onto Wheaton Road. This change would prevent the storage of materials from dominating the street scene, whilst simultaneously facilitating a more active frontage to Unit 6, as well as minimising the potential for any conflict between manoeuvring HGVs and any other vehicles entering, exiting, or parking within the site.

In addition to the above, the architectural interest of the two buildings has been enhanced, providing for a greater variation in the palette of material

finishes than that original proposed. Specifically, a more liberal use of coloured cladding has been put forward and this breaks up the visual monotony of the built form and its massing, especially when compared to the original scheme which comprised primarily of two shades of grey. A strip of additional glazing has also been incorporated into the north-facing elevation of Unit 1, which faces onto Wheaton Road, to create some additional passive surveillance and a more active frontage within that street scene.

With regards to soft landscaping, this would be provided in locations where it would have the most desirable impact, namely around the edges of the site, softening the appearance of the development from public vantages. Some interspersed planting between parking spaces is also proposed within the parking area for Units 1 to 5. It should also be noted that during the course of the application, at the request of Officers, the soft landscaping buffer along the site's frontage onto Freebournes Road has been augmented with additional tree and shrub planting. It is therefore considered that the proposed soft landscaping, alongside the hard landscaping, is acceptable in principle subject to the recommended condition for securing a detailed landscaping scheme.

To summarise, the overall design, layout and appearance of the proposed development would be of a high-quality, representing a notable improvement over the original submission. The proposed development would equally represent a significant betterment over the existing site, which comprises of an unattractive conglomeration of built form with harsh perimeter fencing and very few instances of soft landscaping.

#### Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policies LPP37 and LPP55 of the Section 2 Plan, all emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact. Likewise, the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

There are no residential properties within the locality of the site and the nearest residential properties would be sufficiently distanced from it to prevent any harm to their amenity. Furthermore, having regard to the detail of the proposed layout and the buildings sought, there would be no adverse impacts upon the amenity of neighbouring commercial premises.

#### Highway Considerations & Parking

Paragraphs 102 of the NPPF is explicit that development proposals should identify and pursue opportunities to promote walking, cycling and modes of public transport. Paragraph 103 of the NPPF goes on to cite how focussing development on sustainable locations, by limiting the need to travel and offering a genuine choice of transport modes, can help to reduce congestion and emissions, and improve air quality and public health.

Paragraph 108 of the NPPF explains that, when assessing specific applications for development, it is important to consider whether safe and suitable access to the site can be achieved for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.

Similarly, amongst other matters, Policy RLP10 of the Adopted Local Plan, in addition to Policies LPP37 and Policy LPP55 of the Section 2 Plan, require new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users. Policy LPP44 of the Section 2 Local Plan requires that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

Policy RLP27 of the Adopted Local Plan sets out that new development for business, commercial and industrial uses shall be located to minimise the length and number trips by motor vehicles. It concludes that development for employment uses will not be permitted where it would be likely to add unacceptably to traffic congestion.

The proposed development would utilise two existing accesses, one off of Freebournes Road, and another off of Wheaton Road. The former would serve Units 1 to 5, whereas the latter would serve Unit 6. This arrangement in combination with the proposed uses has been reviewed by the Highway Authority, Essex County Council Highways (ECC Highways), who have returned no objections to the application on highway safety grounds or otherwise.

A Transport Assessment has also been submitted with the application and concludes that the impact of the proposed development on the local highway network would be negligible. In particular, when comparing the existing situation against the proposed operation it concludes that an additional 18 two-way vehicular trips would be generated during the AM peak hour, whilst there would be a reduction of approximately 20 two-way vehicular trips during the PM peak hour. There is no reason to dispute these findings, given ECC Highways and Highways England have both been consulted on the application and have returned no objections.

Turning to the matter of parking, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards (VPS). Based upon the proposed floor space for Unit 6, the standards prescribe a maximum of 85 spaces for the former Use Class B1, now Use Class E(g); a maximum of 51 spaces for Use Class B2; and a maximum of 17 spaces for Use Class B8. For Units 1 to 6, the standards prescribe a maximum of 72 spaces for the

former Use Class B1, now Use Class E(g); a maximum of 43 spaces for Use Class B2; and a maximum of 14 spaces for Use Class B8. For all the aforementioned uses the VPS also prescribe a minimum of 2 accessible spaces for disabled users.

Paragraph 105 of the NPPF details that, amongst other matters, local parking standards for non-residential uses should take into account the accessibility of the development; the availability of and opportunities for public transport; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Policy LPP44 of the Section 2 Plan reflects the requirement for new developments to provide facilities for charging plug-in and other ultra-low emission vehicles.

The layout submitted proposes a total of 47 spaces. Seven of these spaces would be provided with EV charging points, a significant increase over the two spaces originally proposed, and four would be accessible parking spaces. For Unit 6 the proposed layout reflects what is typical for a Use Class B8 development, insofar as it incorporates a large service yard, with fewer parking spaces than a conventional Use Class E(g) or Use Class B2 development. In total 10 parking spaces are indicated to serve Unit 6 on the proposed site layout. With regards to Units 1 to 5, the proposed site layout indicates a higher rate of parking, totalling in 37 spaces between them.

On the face of it, the standard parking provision proposed appears to fall short against the VPS, however, it is important to note that the VPS prescribe maximum standards for the range of uses proposed. Moreover, the sustainability of the location needs to be taken into account when assessing the acceptability of the parking strategy proposed, with the site being highly accessible for the purpose of promoting sustainable modes of transport, including walking, cycling, and public transport. For example, Witham Train Station, as well as bus stops providing regular services to and from larger centres such as Colchester and Chelmsford, are within walking distance of the site. It is also pertinent that the proposed development is focussed more towards facilitating Use Class B8 and Use Class B2 operations, with Unit 6 in particular tailored towards the needs of logistic operations, albeit with provision for ancillary office space, meaning that the proposed development as a whole is highly unlikely to be occupied solely for Use Class E(g) purposes.

The parking provision put forward for the proposed development is therefore considered to be justifiable and acceptable when taking into account the individual merits of the proposal. Nonetheless, to mitigate against any potential for inappropriate parking practices, a condition is recommended requiring the submission and approval of an alternate parking layout prior to any future occupation of Unit 6 for the purpose of Use Class B2 or Use Class E(g), with the exception of ancillary office space, should such a scenario arise. Within that context additional parking could be provided to the rear of Unit 6, where the full extent of service yard indicated on the proposed site layout would no longer be required for the more space consuming activities associated with storage and distribution. These conclusions on the parking

provision proposed also have regard to the fact that the proposed development would re-purpose a redundant site within a sustainable location, with the amount of development proposed representing an effective use of previously developed land, in accordance with national and local planning policy.

The VPS also detail the rate at which cycle parking should be provided for new developments. For the proposed development these equate to a range between 47 staff cycle spaces and 23 visitor spaces through to 10 staff spaces and 5 visitor spaces. Precise details of the cycle parking to be provided and their locations do not form part of the application submission, albeit the Transport Assessment, Design & Access Statement, and the Planning Statement, all refer to 15 proposed cycle spaces. Upon clarification with the Agent it was confirmed that staff cycle parking would be provided internally within the units, whilst visitor cycle parking could readily be accommodated within the external layout. Given that it is not intended for the site to be occupied solely for Use Class E(g) purposes, this is an agreeable approach and there is sufficient space within the external layout to provide for an acceptable amount of visitor cycle parking. Officers are therefore content that the final detail of the cycle parking to be provided can be satisfactorily resolved by condition.

To summarise, there are no objections to the application from the Highway Authority or Highways England. The application site is also considered to be sustainably located, facilitating a genuine choice of sustainable modes of transport, in accordance with the objectives of national and local planning policy. In addition, it is recognised that the adopted VPS set maximum standards rather than minimum standards, with the amount of parking proposed considered to be acceptable and appropriate when having regard to the range of uses proposed; the site layout; the sustainable location; and the recommended conditions.

### Ecology & Trees

Paragraph 170 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on, and providing net gains for, biodiversity, whilst also recognising more generally the benefits of trees.

Policy CS8 of the Core Strategy establishes that all development proposals will, amongst other matters, ensure the protection and enhancement of the natural environment, habitats and biodiversity, and geodiversity of the District. Additionally, Policy RLP81 of the Adopted Local Plan sets out that the Council will seek to protect established trees of local amenity value, whilst Policy RLP84 of the Adopted Local Plan states that planning permission will be refused for developments that would have an adverse impact on protected species. Furthermore, where a proposed development may have an impact on protected species, Policy RL84 goes on to explain that the developer will be required to undertake and submit an ecological survey, to demonstrate that an adequate mitigation plan in place to ensure there is no harm to protected

species and no net loss of priority species. These objectives are reflected under Policies LPP68 and LPP69 of the Section 2 Plan.

With regards to ecology, the application is supported by a Preliminary Ecological Appraisal, prepared by Greengage and dated 22nd November 2020, relating to the likely impacts of the development on Protected and Priority Habitats and species, as well the identification of proportionate mitigation measures, compensation, and enhancements. The Council's Biodiversity Checklist has also been completed and submitted with the application. Both of these documents confirm that the site provides negligible habitat for protected, priority and other species, aside from a single horse-chestnut tree towards the north-east corner of the site, adjacent to the junction of Wheaton Road and Freebournes Road. This habitat would be retained as part of the proposed development.

The Council's ecologist has reviewed the ecological information and is satisfied that sufficient ecological information has been submitted with the application for determination. They have also raised no objections to the application, subject to the imposition of conditions securing the proposed mitigation measures, a wildlife sensitive lighting design scheme, and a biodiversity enhancement strategy in alignment with the submitted Preliminary Ecological Appraisal.

In terms of trees, as already outlined, there is only one tree present within the application site, a horse-chestnut tree towards its north-east corner. This tree would be retained and integrated into the soft landscaping scheme to be delivered as part of the site's redevelopment. As discussed within the above section on design, the precise detailing of the soft landscaping scheme would be secured through the recommended condition for a detailed landscaping scheme.

#### Flood Risk and Sustainable Drainage

The application site is located with Flood Zone 1 where the risk of flooding is low.

Notwithstanding the above, Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems (SUDS) unless there is clear evidence that this would be inappropriate. It goes on to cite that when considering the SUDS used, regard should be given to the advice received from the lead local flood authority (LLFA).

Policy RLP69 of the Adopted Local Plan, Policy CS8 of the Core Strategy, and Policies LPP78, LPP79 and LPP80 of the Section 2 Plan reflect the above objective of the NPPF and require new major developments to incorporate SUDS as appropriate to the nature of the site.

A Flood Risk Assessment & Drainage Strategy, produced by Cole Easdon Consultants Limited and dated October 2020, has been submitted in support of the planning application. Essex County Council, as the LLFA, has been

consulted upon the application and returned no objections subject to the imposition of recommended conditions. Anglian Water also responded to the application raising no objection to the proposed development subject to a recommended condition, related to a surface water management strategy, which essentially duplicates one of the conditions already recommended by the LLFA.

Therefore, subject to conditions, the proposed development is considered to be acceptable with regards to flood risk and sustainable urban drainage.

### Contamination

Policy RLP64 of the Adopted Local Plan requires that an applicant proposing development on, or near, land where contamination may exist should carry out a thorough investigation, so as to establish the nature and extent of any contamination. This same objective is reflected in Policy LPP75 of the Section 2 Plan and within the NPPF.

A Phase 1 Land Contamination Assessment and the findings of a Phase 2 Ground Investigation have been submitted in support of the application. These investigations have concluded that the risks to on-site and off-site receptors and controlled waters would be low. Environmental Health have been consulted on the application and returned no objections subject to suitably worded conditions.

### Sustainability

Policies RLP76 and RLP77 of the Adopted Local Plan, in addition to Policies LPP75 and LPP77 of the Section 2 Plan, encourage the incorporation of renewable energy and energy efficiency measures into new developments. Policy LPP74 of the Section 2 Plan highlights the importance of such matters in meeting the challenges posed by climate change.

An Energy and Sustainability Strategy, produced by Greengage, has been submitted with the planning application. This document explains how energy efficiency will be integrated into the design of the built form, commonly referred to as a fabric first approach, through passive solar gain; efficient building forms to reduce thermal losses; insulated panel systems; installation of high-performance glazing and roof lights; low energy LED lighting; and natural ventilation.

Renewable energy is also proposed as part of the strategy, namely the installation of photovoltaic panels on the roofs of the proposed buildings, with the document suggesting an array of 18kWp solar panels to cover an area of approximately 100 to 120 square metres. In the absence of further details, in terms of the appearance of the solar panels and their precise locations, a condition is recommended requiring the approval of these details prior to the installation of the solar panels which shall thereafter be installed in accordance with the approved details prior to the occupation of the development.

The above measures, in combination with other measures such as water consumption and management measures, EV charging, and sustainably sourced construction materials, are predicted to reduce site-wide CO<sub>2</sub> emissions by 40.4% when compared to the notional building baseline provided within Approved Building Regulations Document L2A.

### Open Space

Policy CS10 of the Core Strategy, Policy SP5 of the Section 1 Plan, and Policies LPP53 and LPP82 of the Section 2 Plan, all require new developments to provide, or contribute towards the cost of, improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. The Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the District.

Whilst a major commercial development might ordinarily be expected to make a financial contribution towards off-site provision of casual or informal open space and outdoor sports provision, the Open Space SPD provides a formula for calculating such a contribution based upon the net increase in commercial floor space. In this case, there would be no net increase in commercial floor space, as the existing site has an existing floor space of approximately 8,880sq.m, whereas the proposed employment floor space equates to 4,725sq.m.

In light of the above, there is no requirement for the proposed development to make a financial contributions towards open space.

### PLANNING BALANCE & CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which in this case is considered to be applicable given that Policies RLP27 and RLP28 of the Adopted Local Plan, which relates to employment land provision and site allocation, is based on a now outdated employment land needs assessment for the District) granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In terms of benefits, the proposed development would provide a significant economic and social benefit through the redevelopment of a redundant site within an Employment Policy Area, making effective use of previously developed land to provide new buildings for flexible employment uses, creating new jobs within the District and providing a stimulus in expenditure within the local economy, through both the construction and occupation phases of the development. In this regard the proposal would accord with Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Section 2 Plan, although this emerging policy can only be afforded limited weight at the current time. Furthermore, both policies are considered to be in general conformity with the NPPF.

Social and environmental benefits would also arise from the high-quality design, layout and landscaping of the proposed development, as well as the sustainable location of the site which allows for the promotion of active and sustainable modes of transport. Additional environmental benefits would materialise from the numerous other sustainability measures that would be integrated into the design of the proposed development, including EV charging, renewable energy, and ecological enhancements.

No harms have been identified with regards to the proposed development.

When considering the planning balance and having regard to the identified benefits and harms, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal would significantly and demonstrably outweigh the harms, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Proposed Site Plan	Plan Ref: 6758/1104	Version: P3
Proposed Sections	Plan Ref: 6758/1402	Version: P2
Proposed Roof Plan	Plan Ref: 6758/1201	Version: P1
Location Plan	Plan Ref: 6758/1101	Version: P1
Demolition Plan	Plan Ref: 6758/1103	Version: P1
Proposed Elevations	Plan Ref: 6758/1302	Version: A
Proposed Elevations	Plan Ref: 6758/1303	Version: A

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

### Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

### Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for:
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - Site access to / from the site including the routing of construction traffic;
  - The storage of plant and materials to be used in the construction of the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing and underbody washing facilities;

- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours;
- Details of how the approved Construction Method Statement will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

#### Reason

To ensure that appropriate measures are in place in the interests of highway safety and the amenities of the locality.

- 4 No development except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
  - o Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - o Limiting discharge via infiltration or to 3.1l/s if infiltration is found to be unviable for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - o If infiltration is proposed there needs to be a 1m gap between the base of the infiltration feature and the highest recorded groundwater level.
  - o Final modelling and calculations for all areas of the drainage system.
  - o Detailed engineering drawings of each component of the drainage scheme.
  - o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

#### Reason

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused

to the local water environment

o 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

- 5 Prior to occupation 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Yearly logs of maintenance must be maintained, and carried out in accordance with any approved Maintenance Plan, by the applicant or any successor in title. These must be available for inspection upon request by the Local Planning Authority.

#### Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Yearly logs of maintenance are required to ensure that the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 6 No above ground development shall commence in relation to each building to be erected on the site unless and until a schedule of the materials to be used on the external finishes of the relevant building have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in full accordance with the approved details and shall thereafter be permanently retained as such.

#### Reason

To ensure that the development does not prejudice the appearance of the locality.

- 7 Prior to above ground development, the location and design of the storage area for refuse and recycling bins, including collection points, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of each respective unit of the development and shall thereafter be permanently retained as such.

Reason

To ensure that the development provides suitable facilities and to prevent the unsightly storage of refuse containers.

- 8 Prior to above ground development, the location and design of the secure cycle parking to be provided for employees and visitors shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of each respective unit of the development and shall thereafter be permanently retained as such.

Reason

To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Vehicle Parking Standards.

- 9 Notwithstanding the parking layout shown for Unit 6 on approved drawing 6758/1104 P3, prior to any future occupation of Unit 6 for the purpose of Use Class B2 or Use Class E(g), with the exception of ancillary office space, an alternate parking layout shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that sufficient parking is made available for the intended use.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

- 10 Prior to the occupation of the development hereby approved, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority, in line with the recommendations contained within the Preliminary Ecological Appraisal (Greengage Ltd, November 2020).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall thereafter be permanently retained as such.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under NPPF and the s40 of the NERC Act 2006 (Priority habitats & species).

- 11 Prior to the occupation of the development hereby approved, details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development and shall thereafter be permanently retained as such.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity.

- 12 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

To enhance the appearance of the development and in the interests of amenity.

- 13 Prior to the occupation of the development hereby approved, details of the seven electric vehicle charging points indicated on approved drawing 6758/1104 P3 shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in full accordance with the approved details prior to the occupation of each building to which they relate. The electric vehicle charging points shall thereafter be permanently retained as such.

Reason

In the interests of facilitating and promoting sustainable transport.

- 14 Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 15 Prior to the installation of the proposed photovoltaic roof panels, their proposed locations and detailing shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic roof panels shall be installed in accordance with the approved details prior to the occupation of the development and shall thereafter be permanently retained as such.

Reason

For the avoidance of doubt and in the interests of visual amenity and sustainability.

- 16 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greengage Ltd, November 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order), the development hereby approved shall not be used for any other purpose within Use Class E other than Use Class E(g).

Reason

To ensure that the only uses appropriate to the Employment Policy Area designation can be operated from the site.

- 18 The development hereby approved shall be carried out in accordance with the recommendations of the Phase 2 Ground Investigation Report, dated October 2020, carried out by GB Card & Partners Limited.

In the event that unexpected contamination is found at any time when carrying out the development it shall be made safe and reported in writing immediately to the Local Planning Authority. An investigation and risk assessment would subsequently need to be under and, where necessary, a remediation scheme would need to be submitted to the Local Planning Authority for approval. Any agreed remediation shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors.

INFORMATION TO APPLICANT

- 1 The permission hereby granted should not be construed as authorising the erection of advertisements for which a separate grant of advertisement consent is required.

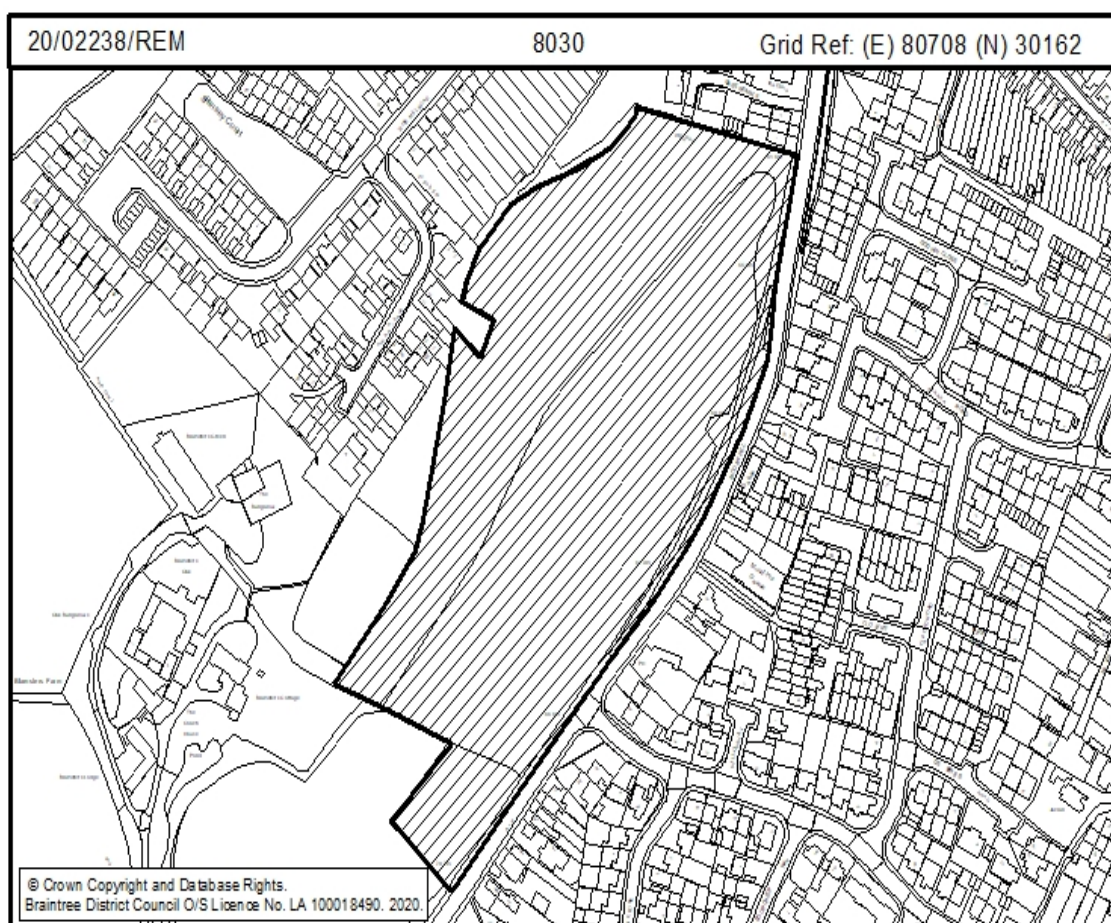
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/02238/REM  
DATE VALID: 18.01.21  
APPLICANT: C/o Agent  
AGENT: Pegasus Group  
Ms Nicky Parsons, Pegasus Group, Suite 4, Pioneer House, Vision Park, Histon, Cambridge, CB24 9NL  
DESCRIPTION: Reserved matters (appearance and landscaping) pursuant to outline planning application ref: 18/00774/OUT for the erection of 71 dwellings with associated garages, garden curtilages, a Sustainable Urban Drainage System (SUDS), public open space, hard and soft landscaping.  
LOCATION: Land West Of, Mount Hill, Halstead, Essex

For more information about this Application please contact:  
Melanie Corbishley on:- 01376 551414 Ext. 2527  
or by e-mail to: [melanie.corbishley@braintree.gov.uk](mailto:melanie.corbishley@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QLUPYFBFIHZ00>

## SITE HISTORY

18/00076/NONDET	Application for Outline Planning Permission with Some Matters Reserved except Access, Layout and Scale - Erection of 71 dwellings with associated garages, garden curtilages, a Sustainable Urban Drainage system (SUDS), public open space, hard and soft landscaping.		11.07.19
18/00001/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Proposed outline planning application to promote housing development with associated access and associated works at the above site	Screening/ Scoping Opinion Adopted	18.01.18
18/00774/OUT	Application for Outline Planning Permission with Some Matters Reserved except Access, Layout and Scale - Erection of 71 dwellings with associated garages, garden curtilages, a Sustainable Urban Drainage system (SUDS), public open space, hard and soft landscaping.	Refused then allowed on appeal	11.07.19
20/02101/DAC	Application for approval of details reserved by condition 13 of approval 18/00774/OUT	Granted	14.01.21

## POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

*"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

Accordingly the Council affords some weight to the Section 2 Plan.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development

- RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings
- RLP138 Provision of Open Space in New Housing Developments

#### Braintree District Local Development Framework Core Strategy 2011

- CS2 Affordable Housing
- CS8 Natural Environment and Biodiversity
- CS10 Provision for Open Space, Sport and Recreation

#### Braintree District Shared Strategic Section 1 Local Plan (2021)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP4 Meeting Housing Needs
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

- LPP1 Development Boundaries
- LPP17 Housing Provision and Delivery
- LPP33 Affordable Housing
- LPP37 Housing Type and Density
- LPP45 Parking Provision
- LPP53 Provision of Open Space, Sport and Recreation
- LPP55 Layout and Design of Development
- LPP60 Heritage Assets and their Settings
- LPP69 Tree Protection
- LPP70 Protection, Enhancement, Management and Monitoring of Biodiversity
- LPP78 Flooding Risk and Surface Water Drainage
- LPP79 Surface Water Management Plan
- LPP80 Sustainable Urban Drainage Systems
- LPP81 External Lighting

#### Neighbourhood Plan

None

#### Other Material Considerations

Affordable Housing Supplementary Planning Document  
 Essex Design Guide 2005  
 External Lighting Supplementary Planning Document  
 Open Spaces Supplementary Planning Document  
 Essex Parking Standards Design and Good Practice 2009

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

## DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site comprises an agricultural field with an area of 3.9 hectares. The site is located adjacent to the town boundary of Halstead and is enclosed on all side by mature trees and hedging. There is a significant change in levels across the site, with the land being higher in the southern corner of the site and over 18m lower in the northern corner of the site.

The site has an existing vehicular access onto Mount Hill.

Mount Hill runs along the eastern boundary of the site and to the north are the residential dwellings in Greenbanks. Part of the western boundary abuts residential dwellings in Windmill Road and Acorn Avenue. The remainder of the boundary adjoins countryside which includes the Grade 2 listed Blamsters Farmhouse and an allocated site for specialist housing.

The site is located in close proximity to the Halstead Conservation Area and Grade II\* listed Holy Trinity Church.

## PROPOSAL

This application seeks approval for Reserved Matters, namely appearance and landscaping, for a residential development of 71no. dwellings, pursuant to outline planning permission reference 18/00774/OUT that was granted planning permission at appeal. The appeal decision is appended to this report for reference.

The outline planning permission was granted with some matters reserved, apart from access, scale and layout, meaning that whilst the principle of development has been established, along with the point of access, scale and layout, approval is still required for details of the appearance and landscaping of the development. This Reserved Matters application seeks permission for the matters reserved at the outline permission stage.

The proposed dwellings would be a mixture of detached, semi-detached houses (25no. 2 bedroomed, 31no. 3 bedroomed and 12no. 4 bedroomed) 1no. three bedroom bungalow and 2no. one bedroom maisonettes.

The layout of the proposed dwellings are in accordance with the layout approved pursuant to application reference 18/00774/OUT.

The application is also supported by a suite of documents which include:

- Planning Statement
- Design Statement
- Affordable Housing Tenure Plan
- Landscape Masterplan
- Full set of layout and elevational drawings

## SUMMARY OF CONSULTATION RESPONSES

### ECC Highways

In terms of the current REM application, I would just comment that any landscaping must ensure the visibility splays required from the outline application are not obstructed.

### BDC Landscape Services

No further comments to make following the submission of the revised Landscape Masterplan Pr199-01 rev D.

### BDC Housing and Research

No objection.

### Historic Buildings Consultant

No objection. Conditions suggested in respect of materials and landscaping.

### BDC Environmental Health

No objections in principle to the proposed development on Environmental Health grounds.

Further applications for discharge of the following conditions in the Inspectors Appeal Decision (APP/Z 1510/W/18/3214136) are anticipated:

- Condition 4 - Contaminated Land Phase 2 Assessment
- Condition 6 – Construction Management Plan
- Condition 14 – Lighting Design Strategy
- Condition 16 – Noise Assessment (Traffic on A131 & Mounts Garage)

### BDC Waste Services

Waste collection points must be no further than 20 metres from where the rear of the waste collection vehicle stops. The turning heads appear small, they need to be at least a size 3 turning head.

### BDC Ecology

No objection subject to securing:

- a) A financial contribution towards the Blackwater Estuary SPA & Ramsar site and the Essex Estuaries SAC in line with the Essex Coast RAMS; and
- b) Ecological mitigation and enhancement measures

#### Essex Police

Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, and physical security measures.

#### Anglian Water

No comments received.

#### ECC Suds

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, no objections to the granting of planning permission based on the following:

The surface water drainage conditions imposed on application reference 18/00774/OUT should be discharged as part of a discharge of conditions application.

#### ECC Independent Care

No comments received.

#### NHS

No comments received.

#### Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations<sup>2</sup>, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a

package of strategic measures to address such effects, which will be costed and funded through developer contributions.

Advised that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

### ECC Education

No comments received.

### ECC Archaeology

An archaeological condition has been recommended for application reference 18/00774/OUT, no further conditions are required on this application. The programme of archaeological evaluation has not yet been completed and will need to be discharged prior to development commencing.

### Essex Fire and Rescue

Comments made with regards fire hydrants and compliance with the Building Regulations.

## PARISH / TOWN COUNCIL

### Halstead Town Council

Councillors repeated their very strong objection, already made at the 15/2/21 meeting, for the following reasons:

- The SUDs scheme is inadequate to cope with the existing runoff let alone what will be caused after the building.
- The flood water running off will damage the existing houses at Greenbanks and Monklands.
- The new houses will overlook Greenbanks.
- A meeting had been called with the residents but the developer called it off.
- The houses are to be built over a sewer, which is illegal.
- There is no screening between the houses on several plots.
- The materials and appearance of the new buildings are inappropriate when adjacent to the historic building at Blamsters Farm, as mentioned by the Historic Adviser.
- A more detailed landscape plan is needed to take into account the historic buildings report.
- These plans will destroy all existing trees and hedges whereas attempts should be made to preserve them.

- The planned ponds appear to be on the wrong side of the development.
- Ecology condition to be applied as per objection letter.
- Traffic incidents including fatal on the A131 since approval was given.
- They also emphasised that the very real risk of flooding to the existing houses at Greenbanks is not something to be ignored by planners.
- The fencing is inadequate and there are inaccuracies in some of the documentation.
- HTC would like to request that a 2nd independent report is undertaken regarding the flooding as local knowledge expresses grave concerns and it is a bit late when the houses are built and the people living in Greenbanks are flooded out.

## REPRESENTATIONS

10 representations received from 6 addresses making the following comments:

- Concerns about the additional traffic movements on Mount Hill, which could cause accidents.
- Concerns about how the surface water from the site will be dealt with.
- Loss of privacy to properties in Monklands and Greenbanks.
- Concern about the length of time the development may take and disturbance it would cause local residents.
- Concerns regarding sewerage disposal from the site.
- Loss of trees from the site.
- Due to the soil type, any new trees will need additional watering.
- Request for a permanent traffic control system to be installed.
- Concern about noise pollution.
- Disturbance from air and dust pollution.
- Concern about the future management of the site.
- No mention of the boundary treatments to be used.
- Concerns that houses will be built over a main sewer.
- Halstead already has its fair share of large housing developments.
- Insufficient infrastructure in the town to cope with new residents.
- Suggest evergreen planting along the boundary with Greenbanks to protect privacy.

## REPORT

### Principle of Development

The principle of developing this site for 71 dwellings has been established through the grant of outline planning permission following an appeal (Application Reference 18/00774/OUT).

This proposal considers matters reserved for consideration at the outline planning application stage, namely; Appearance and Landscaping. These particulars are explored below.

## Design and Appearance

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states 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. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The National Design Guide 'illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice'. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

Policies RLP3 and RLP90 of the Adopted Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The NPPF states that planning decisions should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. This is replicated in Policy RLP90 of the Adopted Local Plan.

The applicant proposes a development of 71 dwellings – the maximum permitted by the Outline planning permission. The layout of the dwellings was fixed at the outline stage.

Following the grant of outline planning permission, the design of the proposed dwellings have been revised following discussions during the application process. These discussions sought to improve the overall quality of the design of the dwellings. The current proposals are therefore a reflection of negotiations between Officers and the Developer, who have implemented the changes that have been requested.

The dwellings now have a simple, but contemporary appearance and some of the semi-detached dwellings have chimneys. The dwellings have a variety of roof styles, along with a mixed palette of exterior materials including render, red and buff bricks. The style and design of the new dwellings are considered acceptable and comply with the policies and guidance outlined above. A

suitably worded condition will be imposed to secure finalised details of the materials.

1.8m high brick walls are proposed to enclose private gardens where the boundary is visible from the street. Along the southern and western boundary of the site the private rear garden are proposed to be enclosed by chain link fencing and a holly hedgerow, and this will ensure that a softer boundary treatment in relation to the adjacent listed building, Blamsters.

These proposed boundary treatments are considered appropriate and acceptable for this site.

To ensure that the new properties retain sufficient sized gardens and also maintain acceptable relationship between them, it is considered necessary to impose a planning condition removing permitted development rights for alterations, extensions and the building of outbuildings in rear gardens.

#### Impact on Neighbour Amenity

Paragraph 127 of the NPPF states that planning policies and decisions should create places with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. Similar sentiment is reflected in Policy LPP55 of the Section 2 Plan.

A number of concerns have been raised with regards the relationship between the new development and the existing properties in Greenbanks to the north. As mentioned earlier in the report, the layout and scale of the proposed dwelling has been established by the outline permission and therefore the siting of the dwellings closest to Greenbanks (Plots 60-64) is fixed. The Planning Inspector made the following comments on the relationship between the new dwellings and the existing houses in Greenbanks:

*'To the North the site abuts a small cul-de-sac Greenbanks and the site layout shows plots 61 to 64 have their rear facades facing towards these properties. No 1 Greenbanks is an end of terrace property set at right angles to the rear of plots 63 and 64. It has a blank side elevation save for a door and there are no significant windows to habitable accommodation. The only area overlooked would be the rear garden space which is already overlooked by the remainder of the terrace of which it forms a part. Plots 61 and 62 back onto a purpose built block of garages and No.4 Green banks is somewhat offset to these plots. There is an existing group of trees along this boundary some of which could be retained in the landscaping scheme or which could be replaced. I do not agree with the Council that the retention or inclusion of a landscape tree screen along this boundary would unreasonably impinge on the living conditions of the future occupants of these plots given the garden lengths, orientation and level changes. I am therefore satisfied that there would be no material harm to the privacy of the occupiers of properties in Greenbanks.'*

Accordingly, while the concerns that have been raised as part of the public consultation on this application area noted, it is considered that the proposed development has an acceptable in this regard and would not have a detrimental impact upon neighbouring residential amenity.

### Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Policy RLP95 of the Adopted Local Plan states that built or other development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that: the proposal does not detract from the character, appearance and essential features of the Conservation Area and is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings. Policy LPP56 of the Draft Section 2 Plan states that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas.

The latest revision of the landscape plans show the retention of the existing hedgerow and the planting of a Holly hedgerow along the southern boundary of the site. This replaces the fence or wall proposed in earlier versions and will reduce the visual impact of the development within the setting of the nearby

Listed Blamsters Farmhouse. Therefore, the Historic Buildings Consultant has raised no objections to this aspect of the scheme.

Paragraph 192c of the NPPF highlights the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 185d states that a positive strategy for the conservation and enjoyment of the historic environment, will look for opportunities to draw on the contribution made by the historic environment to the character of a place. Furthermore, Paragraph 200 states that planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

It is necessary to ensure that the final scheme fully draws on the contribution made by the historic environment, to instil the character of place for the new development. It will need to be demonstrated that the development seeks to preserve those elements of the setting that make a positive contribution to the Listed Building, in this case, the use of suitable materials. Therefore, it is recommended conditions be attached to any grant of consent in relation to material samples and window details.

### Landscape

Policy CS8 of the Core Strategy states that ‘development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment’. New residential developments are also required to provide an appropriate level of Public Open Space to meet future resident’s needs.

During the life planning application, the landscape proposals have been amended and now reflect the advice and comments made by the Council’s Landscape Officer.

Two areas of public open space are proposed to the West and North West of the new housing. Within one of these areas is the SuDS feature, which would include aquatic and marginal planting and be surrounded by a meadow mix for wetlands.

Throughout the development specimen trees and grass verges are proposed, which will soften the proposals and are considered acceptable.

To conclude, Officers are of the view that the street scene planting and public open space planting, would mitigate against the landscape impacts of the development, which would be suitably assimilated into its surroundings. Furthermore, the high-quality design of the soft landscaping strategy proposed will create an attractive, green, tree-lined development, which will have a very pleasant feel for future residents, visitors and passers-by.

The proposal satisfies the abovementioned policies and a suitably worded condition is recommended to ensure the landscaping scheme is implemented.

### Access and Highway Considerations

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development on the road network would be severe.

Having regard to the National Planning Policy Framework, particularly Paragraph 109, the Highway Authority has reviewed the planning application against its own Development Management Policies and they raise no objections to the scheme in highway terms.

A number of comments have been received regarding the vehicular access on Mount Hill and the increased traffic resulting from the development. Matters regarding access were dealt with at the outline stage, and ECC Highways did not raise any objection to the use of the existing access onto Mount Hill to serve the new housing development.

When outline planning permission was granted, following the appeal being allowed, the principle of using the site for residential purposes and the vehicular access was established. There are no new highway matters which need to be considered as part of this Reserved Matters application, and therefore the proposal is considered to be satisfactory in this regard.

### Affordable Housing

Policy CS2 of the Core Strategy states that for a development of this size, affordable housing will be directly provided on site with a target of 30%. The application proposes the following tenure split:

- 2no. affordable rent 1 bedroom, 2 person flats;
- 7no. affordable rent 2 bedroom, 4 person houses;
- 6no. shared ownership 2 bedroom, 4 person houses;
- 2no. affordable rent 3 bedroom, 5 person houses;
- 2no. shared ownership 3 bedroom, 5 person houses;
- 2no. affordable rent 3 bedroom, 6 person houses; and
- 1no. affordable rent 3 bedroom, 5 person bungalow.

The Council's Housing Enabling Officer is satisfied with the mix of type and tenure of housing proposed and therefore the proposal complies with Policy CS2 of the Core Strategy. The proposal is considered to be satisfactory in this regard.

### Flood Risk and Drainage

The application site is located within Flood Zone 1 where there is a low probability risk of flooding. Concerns have been raised by a number nearby residents and by Halstead Town Council with regards flooding and surface

water treatment. Conditions 10, 11 and 12 of the outline permission require details of the detailed drainage scheme to be submitted prior to any development commencing on site and are therefore not required at this reserved matters stage.

Therefore, on the basis that this application relates solely to the approval of the reserved matters (Appearance and Landscaping), and given that the drainage strategy is to be submitted and determined under a separate application for the discharge of Conditions 10, 11 and 12 of the outline planning permission, the proposal is considered to be satisfactory in this regard.

#### Habitat Regulations Assessment (HRA)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£125.58 per dwelling). In accordance with s.111 of the 1972 Local Government Act, the Developer has agreed to pay this contribution (£8,916.18) up-front prior to any decision on the application being issued opposed to entering into a separate unilateral undertaking. As such, it is considered the development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar site.

#### PLANNING OBLIGATIONS

The Section 106 Agreement was completed at the outline stage and secures the following:

- Healthcare Contribution
- 30% Affordable Housing
- The on-site provision of open space and amenity areas, including a equipped area of play, together with the management of these areas
- A financial contribution to outdoor sport
- A financial contribution to allotments

No amendments or variations to the Section 106 Agreement are proposed or required at this time.

#### CONCLUSION

The principle of residential development at the site has been established following the grant of outline planning permission at appeal. The applicant seeks approval only for reserved matters pursuant to this outline consent consisting of appearance and landscaping.

Officers consider that the detailed proposals for the appearance and landscaping of the development are acceptable in planning terms, subject to

the further conditions recommended. Consequently, it is therefore recommended that the Reserved Matters are approved.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:

- Subject to the upfront HRA payment of £8,916.18 being received;

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:

## APPROVED PLANS

Location Plan	Plan Ref: SB005-LP-01	Version: B
Site Plan	Plan Ref: SB005-001	Version: E
Public Open Space Details	Plan Ref: SB005-002	Version: C
Materials Details	Plan Ref: SB005-003	Version: C
Garden Study	Plan Ref: SB005-004	Version: C
Parking Strategy	Plan Ref: SB005-005	Version: C
Refuse Information	Plan Ref: SB005-007	Version: C
Height Parameters Plan	Plan Ref: SB005-008	Version: C
Tenure Plan	Plan Ref: SB005-009	Version: C
Landscape Masterplan	Plan Ref: PR199-01	Version: E
Proposed Plans	Plan Ref: SB005-HT-01	Version: D
Proposed Plans	Plan Ref: SB005-HT-02	Version: F
Proposed Plans	Plan Ref: SB005-HT-03	Version: D
House Types	Plan Ref: SB005-HT-06	Version: D
Proposed Plans	Plan Ref: SB005-HT-04	Version: C
House Types	Plan Ref: SB005-HT-05	Version: D
House Types	Plan Ref: SB005-HT-08	Version: D
House Types	Plan Ref: SB005-HT-09	Version: B
House Types	Plan Ref: SB005-HT-10	Version: C
House Types	Plan Ref: SB005-HT-11	Version: D
House Types	Plan Ref: SB005-HT-12	Version: C
House Types	Plan Ref: SB005-HT-13	Version: C
House Types	Plan Ref: SB005-HT-14	Version: C
House Types	Plan Ref: SB005-HT-15	Version: D
House Types	Plan Ref: SB005-HT-16	Version: C
House Types	Plan Ref: SB005-HT-17	Version: D
House Types	Plan Ref: SB005-HT-18	Version: A
House Types	Plan Ref: SB005-HT-19	Version: A
House Types	Plan Ref: SB005-HT-20	Version: A
House Types	Plan Ref: SB005-HT-17b	Version: 00
House Types	Plan Ref: SB005-HT-21	Version: 00
House Types	Plan Ref: SB005-HT-22	Version: 00
House Types	Plan Ref: SB005-HT-23	Version: 00
Garage Details	Plan Ref: SB005-GR0-02	Version: 00
Additional Plan	Plan Ref: PR199-03	
Garage Details	Plan Ref: SB005-GR0-01	Version: 00

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 2 No above ground development shall commence unless samples and a schedule of the materials and finishes to be used on the external surfaces of the dwellings, and details of all windows frames, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and shall thereafter be permanently retained as such.

Reason

To ensure that the development does not prejudice the appearance of the locality.

- 3 All of the hard surface areas and parking spaces shall be completed prior to the first occupation of the dwelling to which the hard surfacing and parking relates and shall thereafter be permanently retained as such. The car parking spaces shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

In order to secure the satisfactory development of the site and to ensure that adequate parking provided in accordance with the standards adopted by the local planning authority.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house, provision of any building within the curtilage of the dwelling-house and alteration of the dwelling-house, as permitted by Class A, AA, B, C and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To protect the amenities of the occupiers of nearby residential properties and to ensure that the private gardens are maintained to a suitable size.

- 5 The scheme of landscaping hereby approved shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

To enhance the appearance of the development.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER



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## Appeal Decision

Inquiry Held on 4 – 7 June and 11 June 2019

Site visit made on 11 June 2019

by Kenneth Stone BSC Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2019

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Appeal Ref: APP/Z1510/W/18/3214136

Land off Mount Hill, Halstead, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Tesni Properties Ltd and Messrs S.H.Cooke, J.S.Cooke and A.N.Cooke against Braintree District Council.
  - The application Ref 18/00774/OUT, is dated 27 April 2018.
  - The development proposed is the erection of 71 dwellings with associated garages, garden curtilages, a Sustainable Urban Drainage system (SUDS), public open space, hard and soft landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 71 dwellings with associated garages, garden curtilages, a Sustainable Urban Drainage system (SUDS), public open space, hard and soft landscaping at Land off Mount Hill, Halstead, Essex in accordance with the terms of the application, Ref 18/00774/OUT, dated 27 April 2018, subject to the conditions contained in the schedule at the end of this decision.

### Application for costs

2. At the Inquiry an application for costs was made by Tesni Properties Ltd and Messrs S. H. Cooke, J. S. Cooke and A. N. Cooke against Essex County Council. This application is the subject of a separate Decision.

### Procedural matters

3. The appeal is **made following the Council's** failure to give notice within the prescribed period of a decision on an application for outline planning permission. Approval is sought for the matters of access, layout and scale with landscaping and appearance being reserved matters for which approval is not sought at this time.
4. After the appeal was lodged the Council considered the application at its Planning Committee which resolved that had the Committee been able to determine the application it would have refused it for six reasons. The putative reasons for refusal identified harm to the character and appearance of the area and surrounding landscape, harm to Blamsters (a grade II listed building) and Halstead Conservation Area by virtue of development in their setting, poor design with the development having an urbanising effect in the rural entrance

- to Halstead, poor living conditions for existing and future occupiers, no method to secure necessary infrastructure and insufficient information in respect of a sustainable drainage system.
5. Upon submission of the Council's heritage evidence harm was also identified to the Holy Trinity Church, a Grade II\* listed building, by virtue of development within its setting.
  6. The Council and appellant reached agreement that the issue related to the Sustainable Urban Drainage could be addressed by condition and was therefore not a matter that would be contested at the appeal.
  7. In respect of securing contributions towards necessary infrastructure and the provision of affordable homes it was agreed that these matters could be addressed through securing a planning obligation. An executed agreement under section 106 of the Town and Country Planning Act 1990 as amended was submitted at the end of the Inquiry and I deal with its provisions further below.
  8. Essex County Council had requested a financial contribution towards education provision resultant from the additional pressure that would arise from the development as part of the necessary infrastructure. However, just preceding the opening of the Inquiry, the County Council withdrew its evidence and request for the contribution and this matter was no longer contested at the Inquiry.
  9. The Council contend that they can demonstrate a five year supply of housing land but this is a matter contested by the appellant.

### Main Issues

10. On the basis of the above the main issues in this appeal are:
  - Whether the Council are able to demonstrate a five year supply of housing land.
  - The effect of the proposed development on the character and **appearance of the area, including having regard to the Council's spatial strategy**;
  - Whether the proposed development would preserve the Grade II listed Blamsters Farmhouse, Grade II\* listed Holy Trinity Church or their setting or the Halstead Conservation Area; and
  - Whether the layout of the proposed development provides reasonable living conditions for future occupiers and the effect of the proposed development on the living conditions of occupiers of surrounding properties.

### Reasons

#### *Planning Policy*

11. The development plan for the area, for the purposes of this appeal, comprises the Braintree District Local Plan Review, adopted 2005 (1996-2001) (Saved policies) (the Local Plan Review) and the Braintree District Core Strategy (2011-2026) adopted 2011 (Core Strategy).

12. The parties are reasonably in agreement on the policies that are engaged in the determination of the appeal, albeit they vary with regard the weight to be applied to the policies and any conflict with them should it arise.
13. Policy RLP2 in the Local Plan Review and Policy CS5 from the Core Strategy, amongst other matters, work together to set out the separation of land in the district that is either within a settlement or within the countryside and the nature of development that would be appropriate within the countryside. RLP2 advises new development will be confined to areas within Town Development Boundaries and Village Envelopes and that outside these areas countryside policies will apply. CS5 is entitled the Countryside and indicates that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside. Without the settlement boundaries as defined through policy RLP2 there is no policy identification of the demarcation between countryside and the settlements and therefore which policies apply where. They are therefore relevant and amongst the most important policies for determining the appeal.
14. Policy CS5 goes on to detail that the policy is set to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside and has therefore a wide remit.
15. The appellant acknowledges that the appeal site is located outside the settlement boundary identified in the plan and is therefore located, in policy terms, in the countryside. The proposal does not provide for uses appropriate to the countryside and as such the scheme therefore conflicts with these policies.
16. Policy CS5 is also a matter related to the assessment of the effect on the character and appearance of the area as it seeks to protect landscape character along with policy RLP80 which advises that development that would not successfully integrate into the local landscape will not be permitted. Furthermore, policy CS8 of the Core Strategy which requires development to have regard to the character of the landscape and its sensitivity to change having regard to the Landscape Character Assessment is relevant. Whilst these policies individually may not include an internal balancing mechanism, that is not of itself necessary, they are policies which together recognise the intrinsic character and beauty of the countryside and are generally consistent with the Framework, taken in the round. Again, they are amongst the policies most relevant for determining this appeal as they engage directly with landscape issues.
17. Policies related to or that include heritage matters are identified as RLP100 and CS9. They are consistent with the national policy position and statutory requirement to protect such assets and are generally consistent with the Framework. Policy RLP100 is however poorly worded and given its plain reading would only apply to development affecting listed buildings directly and changes of use. Albeit that in the second bullet point reference to appropriate control over the development, design and use of adjoining land does not fit easily into the main part of the policy. It is therefore ambiguous as to whether the policy is directly applicable however given this matter is also addressed in policy CS9, in part, which is also a relevant policy in the development plan any finding of

harm would be relevant to that policy and therefore the development plan as a whole.

18. Policy RLP90 is a catch all design policy and is consistent with the Framework's advice to achieve well designed places and to seek to ensure development creates places with a high standard of amenity for existing and future users.
19. The weight to be attached to these policies, and any conflict with them, is a matter I turn to below in my planning balance.
20. The North Essex Authorities (Braintree District Council, Colchester Borough Council and Tendring District Council) are working together to produce a new local plan to address cross boundary issues. A publication Draft Local Plan sections 1 and 2 has been submitted to the Secretary of State for examination. The examination of section 1, strategic policies, has commenced but been suspended pending further work requested by the examining Inspector. The appellant suggests that the emerging local plan can only carry very limited weight<sup>1</sup> whilst the Council suggest some weight can be afforded to it<sup>2</sup>. In accordance with paragraph 48 of the Framework given the stage of production and the significant unresolved issues I attach only limited weight to the emerging local plan.

#### *Housing Land Supply*

21. Paragraph 73 of the National Planning Policy Framework (the Framework) advises local planning authorities should identify and update annually a supply **of specific deliverable sites sufficient to provide a minimum of five years' worth** of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Footnote 37 advises that where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.
22. The parties agree that the correct approach in this appeal is for the use of local housing need based on the standard methodology as the strategic policies are more than 5 years old.
23. Paragraph 73 also advises that the supply of specific deliverable sites should in addition include a buffer. The housing delivery test result published in February 2019 for Braintree identified under delivery but not at a level requiring the higher buffer level, a buffer requirement of 5% is therefore appropriate. This is a matter of agreement between the parties. Indeed the parties are in agreement that **five years' worth of** requirement for the borough with the buffer applied is 4,598, or, as the Council describe it, a five year supply target; producing an annualised figure of 920.
24. The appellant introduces an alternative housing requirement by reference to the emerging local plan. However, whilst it may be that this could be a material consideration, given the weight they attach to the emerging local plan and the weight I attach to it as I have explained at paragraph 19 above, I give this position limited weight. I have therefore assessed the five-year land supply position on the basis of local housing need calculated using the standard

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<sup>1</sup> Proof of Evidence of Richard Gee paragraph 4.27.

<sup>2</sup> Proof of Evidence of Melanie Corbishley paragraph 4.11.

- method, as advocated in the Framework in the circumstances prevailing in the district.
25. By the Conclusion of the Inquiry the position of the parties in respect of supply was such that the Council contended that it could identify 4,868 dwellings or 5.29 years supply with the appellant contending some 4,321 dwellings could be identified as deliverable equating to some 4.7 years supply. The identification and calculation of supply is not an exact science and is subject to the application of judgement in respect of matters related to build out rates, lead in times, lapse rates, the inclusion of a windfall allowance, slippage etc.
26. Taking the supply side of **the Council's case** which identifies 4,868 dwellings to be provided, the appellant does not contest some 2,055 which it describes as a strict interpretation of supply as defined by clause a) of the definition of deliverable in the Framework. The issue therefore focuses around those sites that would fall within the clause b) deliverable dwellings in the definition. Those being where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle or is identified on a brownfield register. These should only be considered deliverable where there is clear evidence that the housing completions will begin on the site within five years. Not accounting for windfall and lapse rates the Council's position identifies 2,605 units whereas the appellant's revised position identified 2,133; a difference of some 472 units. In all at the start of the Inquiry there were some 15 disputed sites, this narrowed a little during the Inquiry such that there were 12 disputed sites by the close. The positions on a number of those sites narrowed such that the dispute was of an order that would only have a marginal effect on the overall supply position.
27. Included in the clause b) group of deliverable sites where a number of sites that did not have planning permission at the base date but which were subsequently granted permission a short time thereafter and before the Inquiry commenced. Whether or not these should be included or not the appellant has taken account of them in its assessment and therefore I have had regard to them.
28. Of the remaining disputed sites they fell into those within the A12 corridor and those beyond. Of those outside the A12 corridor the Braintree Growth location accounted for a difference of some 100 units between the parties however with no planning permission, section 106 agreement, and the potential for further **decisions and discharge of conditions the Council's optimism is somewhat** misplaced given past performance. The 80 units difference between the parties from land rear of Halstead is also somewhat optimistic given the lack of an identified house builder. Whilst I accept that as a property agent the site controller will wish to move the site on quickly there is no firm evidence of an identified builder or programme for the submission of reserved matters. I do not totally discount all of the delivery from these sites but question the confidence with which the Council asserts its position and therefore the level of units that would be delivered within the period.
29. In terms of the A12 corridor in combination these sites account for a difference of 244 units between the parties. I accept that many of the sites are green field sites, have affordable housing (including some at a 40% higher rate) and that there may be advantages of competition that would drive sales. But that has to be considered in the context of potential saturation and the identification of

some high rates of delivery to be required to be sustained across the period. Again this leads me to conclude that the Council are being somewhat optimistic in its assumptions on delivery.

30. In this case the difference between the parties with the Council identifying some 270 dwellings in excess of the five-year requirement and the appellant identifying, with its benevolent approach, some 277 units beneath that requirement these create a band where strict confidence in the top or bottom figures would be misplaced. Minor alterations in either direction could have implications for the overall conclusion as to whether or not the five-year target was met. I have identified that I have a degree of scepticism around a number **of sites where the Council's** position needs to be fully realised in order to achieve the five year requirement. However, in the context of the advice at paragraph 59 to support the Governments objective of significantly boosting the supply of homes and that the requirement at paragraph 73 is a minimum I am not satisfied that the Council has demonstrated a supply of specific deliverable sites, with the required clear evidence, sufficient to provide a minimum **of five years' worth of housing against the local housing need**. Although I also accept that in the circumstances where there is a shortfall, that the shortfall would be limited.
31. This conclusion has implications for the decision-making process which I return to in my planning balance below.

#### *Character and appearance*

32. The appeal site extends to an area of some 3.9 hectares of undeveloped land on the edge of the village of Halstead, a sustainable location for growth in the Core Strategy. The site consists of an undulating agricultural field, along with a parcel of scrub to the west, and is enclosed on all sides by established hedgerows and hedgerow trees. There is a break in the hedge row along the boundary with the A131 Mount Hill where a field access gate is located. These are matters agreed in the statement of common ground and which accurately describe the site.
33. The SOCG description however refers to the Mount Hill boundary as the southern boundary. From the site location plan and other references, the site, which crudely is rectangular in shape, falls from a high point in the south towards the town centre in a northerly direction. Its long sides are formed by Mount Hill to the east and Blamsters to the south west, and Acorn Avenue and Windmill Road to the west. To avoid confusion and maintain consistency I shall use these broad orientations in my decision.
34. Policies RLP2 and CS5 confirm the extent of the settlement boundary and indicate that outside of these boundaries countryside policies apply. CS5 also seeks to restrict development to uses appropriate to the countryside in order to protect and enhance the landscape character of the countryside amongst other matters. The site is located outside the settlement in the countryside for policy purposes.
35. Policy CS8 requires that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. Policy RLP80 requires

new development should not be detrimental to the distinctive landscape features and habitats of the area.

36. The site is located within the Natural England National Character Area 86 – South Suffolk and North Essex Claylands which is identified as a clay plateau dissected by small scale river valley topography. It is an agricultural landscape which is predominantly arable with a wooded appearance. There is a dispersed settlement pattern and it contains well-preserved medieval towns, large villages and isolated farmsteads.
37. The local landscape character assessment is contained in the Landscape Character Assessment for Braintree, Brentwood, Chelmsford, Maldon and Uttlesford (2006). Within the Braintree LCA the site is located within the Gosfield Wooded Farmland Character Area, F1. The key characteristics of which include a strong pattern of large and small woods, arable fields are generally medium to large bounded by thick hedgerows with mature hedgerow trees, open character and many small farmsteads and occasional villages. The overall sense of tranquillity and strong pattern of woodland blocks and thick hedge rows are identified as sensitivity characteristics.
38. Two further landscape capacity assessments have been undertaken; firstly in 2007 Chris Blandford Associates undertook the Braintree District Settlement Fringes Landscape Capacity Analysis which was updated in 2015 by a finer grained analysis by The Landscape Partnership as part of the evidence base for the local plan, the Braintree District Settlement Fringes Evaluation of Landscape Capacity Analysis. The site falls within area H6 and H6g respectively in these reports. These sought to assess the capacity of sites at locations around specified settlements in the district and included Halstead. The H6 area identified the locations as having a high sensitivity to change. The 2015 analysis was at a finer grain and subdivided the larger areas from the previous analysis and identified the site in a location which would not be an area of such sensitivity to change and therefore had a greater capacity to accommodate change.
39. The proposed development would result in change as an existing undeveloped agricultural field with scrub would be developed and new housing built. The development of 71 units would in effect develop the whole of the site albeit there would be some open space, play facilities and amenity space. The layout is fixed and the extent of these areas is therefore identifiable. The site boundaries' strong hedgerows and hedgerow trees would, for the most part be retained around the periphery of the site and an important landscape feature would therefore be retained. Similarly, although there would be some remodelling the general topography of the site would retain its undulating form and general northward slope down to the town. Some of the existing stream valley could be retained in the landscaped open area and balancing pond.
40. The site is located directly opposite housing on Mount Hill to the east, there is relatively modern housing at Greenbanks, which abuts the northern boundary and much of the eastern boundary is contained by housing in Acorn Avenue and Windmill Road. To the south west the site is contained by the complex of buildings associated with Blamsters, a former farmstead. In this regard the site is surrounded on three sides by built development. It is argued by the Council that the site is part of a finger of countryside extending into the town and this is an important characteristic. However, the Council has recently

resolved to grant planning permission for development at Blamsters which would in effect dislocate the site from any connection with the countryside beyond. Whilst it was suggested that the proposed S106 included details of an open area to protect the setting of Blamsters, a Grade II listed building it would also function to create a linkage between the site and the countryside beyond. From the information presented to me I was not convinced this would be the case. The area of open land to be retained was limited and it would be seen and accessed through development fronting close to Mount Hill, it would do little to maintain a sense of countryside linkage for those passing using the A131 and Mount Hill as it would be to the rear of the new development.

41. On this basis, and whilst I accept planning permission has not yet been granted, the Council has accepted that development at this location is acceptable and more than that has resolved to approve a development subject to a S106 agreement. I was presented with nothing to suggest that this development would not be forth-coming or that the Council was reviewing its position.
42. Overall I viewed the site as well contained within thick hedgerows with hedgerow trees, the general topography would be retained and some retention of the stream feature could be retained in the landscape scheme these are representative of the Landscape character area. These are to be retained and supplemented. The site was mostly contained by the expanding settlement and further development would further surround the field and cut it off from the countryside beyond. The development of the field would not result in significant harm to the important landscape characteristics of the site or the wider area which would be maintained.
43. In terms of visual effects the site is well screened by the thick hedgerow and this would be maintained and enhanced. There are some glimpsed views through and across the site from gaps in the hedges but these are minor discreet views that would be closed off by landscaping to reinforce the landscape boundary. The views from public locations are primarily by pedestrians or motorists on Mount Hill or the occupants of properties surrounding the site. The sensitivity of the receptors there would be limited and heavily influenced by the existing environment and built development in the immediate surroundings.
44. Longer views from the higher ground across the town looking back towards the site do include views of the site. But it is seen in the context of the expansion of the town and the strong tree cover which is a representative feature of the area. The addition of a developed site which would include tree planting and strong boundaries would be reasonably assimilated into that wider view over time and would not significantly detract from it. I deal separately with the effect of these matters on the setting of the heritage assets below but they do not change my view on the wider effects on the landscape and visual effects.
45. The Framework at paragraph 170a indicates that planning decisions should contribute to enhancing the natural and local environment by amongst other matters protecting and enhancing valued landscapes. There is no definition of valued landscapes in the Framework and the parties have undertaken an assessment of the value of the site in accordance with box 5.1 in Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> edition. Reference was also made to **Mr Justice Ousley's comments** in Stroud District Council v Secretary of State

2015 where he commented that valued meant something more than popular such that a landscape was only valued if it had physical attributes which took it out of the ordinary or above mere countryside.

46. The site is reasonably typical of the landscape character area and retains field boundaries and includes an agricultural field with some overgrown semi natural vegetation. It is in my view in moderate condition. The scenic quality is reduced by the limitations to visibility by the thick hedgerow and well contained nature of the site. It is reasonably divorced from the wider countryside and heavily influenced by the settlement edge which surrounds it. There are some heritage assets visible which raise the profile of the area but in general it is of moderate scenic quality. The site is not rare or does not represent a rare landscape character for the area. It is reasonably representative of the topography of the area and adds a green element to an urban location. The site is not designated for any special landscape designations and there is limited conservation interest of the site itself. The proximity to other heritage assets and the effect on setting is discussed below. There are no public rights or access to the site. The site has no cultural associations but the site could be perceived as extending the countryside into the town.
47. On the basis of the foregoing I conclude that the site is not a valued landscape and that it does not benefit from having physical attributes that take it out of the ordinary and above mere countryside. The close association with the urban fabric of the town and the dislocation from the countryside, including through the potential development at Blamsters, means the site is not part of a valued landscape.
48. For the reasons given above I conclude that the proposed development would not result in material harm to the character and appearance of the area and that the proposal would not conflict with policies CS8 or RLP80. I have previously concluded that the site is in the open countryside and there would therefore be a breach of Policy RLP2 and CS5 and I address this in my planning balance below.

### *Heritage Assets*

49. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. S72(1) of the LBA requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
50. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the **asset's conservation and that any harm** to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
51. There are three designated heritage assets that are the cause of concern for the local planning authority albeit that only two of these, Blamsters, a Grade II listed farm house, and The Halstead Conservation Area were identified in the relevant putative reason for refusal. The third, the Grade II\* listed Holy Trinity Church, cannot be discounted simply because it was not originally referenced.

It has now been drawn to my attention and the parties have had the opportunity to consider the effects on all these assets.

52. The issues raised do not seek to identify or suggest that the proposals would harm the fabric of the listed buildings or the physical attributes of the conservation area. Indeed the appeal site is physically separated from all of the assets. It is in the context of the fact that the development would be within the setting of the assets and therefore the question is rather how the setting contributes to the significance of the asset and whether the development would result in change that would affect the contribution the setting makes to the significance of the asset.
53. In this regard the Glossary to the Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. **The Framework's definition of significance also confirms that significance derives not only from a heritage asset's physical presence, but also from its setting.**
54. I will deal with each asset in turn.

#### Holy Trinity Church

55. Holy Trinity Church is a Grade II\* listed building, thus its importance to the nation as one of such a limited number of such buildings is therefore of great value. The building derives its significance as an example of early English gothic style. I agree with Inspector Fleming it is a tall imposing building with attractive Victorian detailing. Its architectural and aesthetic values are high and make a strong contribution to its overall significance. The design of the church is attributed to Sir George Gilbert Scott one of the leading nineteenth century architects and a master of Gothic Revival style. The association adds further to the historic value. Communal value is derived from its nature and purpose.
56. Views of the Church spire are available from within the site. They are also available from the top of Mount Hill and as one travels down the road. These are however, more glimpsed views through the gaps in the hedges. Longer views of the spire are also available from the opposite side of the valley looking back towards the Church with the appeal site in the back ground. It is evident therefore that the site would be within that area in which the asset could be experienced and therefore is within its setting. However, whilst the site is an open agricultural field, which references the rural hinterland and past development of the urban area, views of the church would be seen across roof tops in the context of its existing urban location. Although there is strong tree cover in the area and the Church Spire is a highly visible feature the architectural detailing, materials and finer design are not readily discernible in those longer views, even from within the appeal site. They are best appreciated in reasonably close proximity to the building and where intervening buildings do not disrupt views. The development of the site would introduce housing into the backdrop views from across the valley and the foreground of views from Mount Hill; however this would be little different from existing views. The Church Spire would be viewed in an urban environment across roof tops softened by trees. That view would prevail with the development of the appeal site. There is no direct link between the field and the Church, no

association and the proposed development would thereby have a neutral effect on the significance of the heritage asset by virtue of development within its setting.

#### Blamsters

57. Blamsters is a Grade II listed farmhouse with 15<sup>th</sup> century origins. It derives its significance from its age, the timber framed structure and historic typology of a hall with a good surviving cross wing. The listing draws special attention to the evidential value of the joinery within the building that allows for an appreciation of its construction and form. As a farmhouse the associated surrounding landscape and any associations are of relevance to understand the significance of the building and its contribution to the surrounding area. It is clear that the appeal site was owned and farmed as part of Blamsters Farm, this is seen in the 1838 tithe apportionment.
58. Blamsters is not readily visible it is set within a wooded landscape and agricultural fields. It is not positioned to dominate the landscape or have significant views of it or be seen across it. There are some views of the farmhouse from Mount Hill, through gaps in the hedge but these are limited. There are views from within the site but in summer months with trees in leaf these are extremely reduced. Even in winter months the photographs demonstrate that such views are heavily filtered.
59. The appreciation and understanding of the significance of the aesthetic and architectural value are best undertaken from within the Blamsters site itself. There are limited views from the appeal site and from where the main timber frame and main window feature could be viewed.
60. As a farmstead an agrarian landscape and isolation from the town could add to the historic understanding of the building. The gradual reduction in isolation with the expansion of the town and the piecemeal removal of more and more of the agrarian landscape that separated the farm from the town undermines the historic setting and pattern in the landscape. However, this is a landscape which has been evolving and is already significantly altered. The proposed development of this field with its historic association would result in a further undermining of that connection and as such would be a negative contribution to the setting of the building.
61. Overall for Blamsters I consider that the development of the site would have little effect on views of the detail of the farmstead and would therefore be neutral and not affect the significance of the farmstead in that regard. However, the development of the field and undermining of the agrarian landscape would be a negative contribution and would result in some limited harm to understanding the significance of the farmstead. This harm would be less than substantial and in my view its very limited nature would be at the lower end of that range.

#### Halstead Conservation Area

62. The Conservation Area derives its significance from the street pattern, and the age and quality of buildings. It includes the 19<sup>th</sup> century expansion of the town and together with the High Street and from St Andrews Church down to Holy Trinity contains the historic core of the town.

63. Views of the appeal site from within the Conservation Area are very limited if available. There would be no direct inter-visibility that would undermine or harm the significance of the Conservation Area. From the site itself the church spire of Holy Trinity and the tower of St Andrew are visible and mark either end of the Conservation Area however little of the detail or street pattern is visible or available and little understanding of the development of the town is available from this location. The effect of the development of this field on the significance of the Conservation Area would be neutral and there would be no harm to the character and appearance of the Conservation Area.

#### Heritage conclusions

64. The development of the appeal site would have a neutral effect on the significance of the Grade II\* listed Holy Trinity Church and on the Halstead Conservation Area. There would therefore be no harm to these heritage assets. There would be limited less than substantial harm to Blamsters by virtue of development in the setting undermining the historic agrarian landscape with which it was associated.
65. Given that I have found harm to a heritage asset this needs to be considered in the context of the Framework advice and weighed against the public benefits of the proposal. I turn to this as the first stage of my planning balance below as it has potential consequences on the overall planning balance and my approach to decision making.

#### *Living conditions*

66. Policy RLP90 of the Local Plan review and Policy CS9 of the Core Strategy require a high standard of design and seek to ensure there is no undue or unacceptable impact on the amenity of nearby residents. This is consistent with the Framework which requires a high standard of amenity for existing and future users.
67. The appeal site is reasonably separated in amenity terms from Blamsters and bounds Mount Hill to the east. To the west properties in Acorn Avenue and Windmill Road are reasonably separated from the site; there are no significant issues with regard to privacy, outlook or overbearing issues. To the North the site abuts a small cul-de-sac Greenbanks and the site layout shows plots 61 to 64 have their rear facades facing towards these properties. No 1 Greenbanks is an end of terrace property set at right angles to the rear of plots 63 and 64. It has a blank side elevation save for a door and there are no significant windows to habitable accommodation. The only area overlooked would be the rear garden space which is already overlooked by the remainder of the terrace of which it forms a part. Plots 61 and 62 back onto a purpose built block of garages and No.4 Green banks is somewhat offset to these plots. There is an existing group of trees along this boundary some of which could be retained in the landscaping scheme or which could be replaced. I do not agree with the Council that the retention or inclusion of a landscape tree screen along this boundary would unreasonably impinge on the living conditions of the future occupants of these plots given the garden lengths, orientation and level changes. I am therefore satisfied that there would be no material harm to the privacy of the occupiers of properties in Greenbanks.
68. As to the internal layout of the site which is a matter for which consent is sought the Council raised concerns regarding the relationship of properties

giving rise to undue overlooking, giving the example of plots 9 and 37. The concern primarily relates to the relationship between properties fronting the upper road running parallel to Mount Hill and the lower road running parallel to the upper road but at a lower level. The layout provides for separation distances which are close to or above those identified in the Essex Design Guide. There are variations in levels across the site such that the properties on the upper road are higher than those below and therefore potentially allow for greater views into the gardens. However, the Design Guide is guidance and the separation distances are not inconsistent with it. There are distances in excess of 25m between properties and in a sub urban layout of this nature this is not an unusual or rare occurrence. This is not something which demonstrates a poor layout or design and the layout is not excessively dense or overly cramped. In my view the separation distances are acceptable and the scheme would not result in poor living conditions for future occupiers.

69. Overall the proposed development would provide reasonable living conditions for future occupiers and would not materially harm the living conditions of occupiers of surrounding properties. Consequently, the proposed development would be a high standard of design and would not conflict with policies RLP90 or CS9.

#### Other matters

70. Mr Pleasance was concerned with regard to subsidence and run off. The area adjacent to No.5 Greenbanks would include a Public Open Space, Pond and large detached house with a large garden. There is sufficient space and opportunity to address matters related to landslip and runoff in the drainage strategy and further design details of the scheme given this layout. No substantive evidence has been presented to demonstrate that the scheme would suffer from or not be able to address matters related to subsidence on or adjacent or water runoff from the site.

#### Planning Obligation

71. A planning obligation in the form of an agreement under section 106 of the Town and Country Planning Act 1990 was submitted at the end of the Inquiry. The agreement includes provisions to secure 30% of the dwellings on the site as affordable dwellings, various contributions including for health care, outdoor sports and allotments as well as provision to secure open space and amenity areas.
72. The Council confirmed that none of the contribution requirements were for schemes that had previously had five or more other contributions secured. In general the matters addressed were based on formulae adopted by the Council and were consistent with policy and addressed the additional pressure that would result from the additional population from the development.
73. The appellant was concerned with regard to the health care contribution in that there was little clarity or visibility on what purposes the money would be put to. The health authority calculation and amount was not necessarily disputed but the clarity of purpose. In this regard the Council relied upon the NHS consultation response which identified that the money would be put to the internal reconfiguration of the Elizabeth Courtald Surgery and this is secured in the agreement. The NHS consultation response sets out the effect of the additional population that would arise and the lack of available surgery

accommodation in the vicinity of the site. It calculates a required contribution based on a cost ratio and indicates this would be put to internal reconfiguration. But there is no certainty of what that scheme may be, when it may come forward or how much it may cost. There is no certainty whether the contribution would meet all or part of the works and where any other necessary funding if required may come from. On this basis the lack of a credible plan of works where the funding would be directly targeted undermines any justification for the contribution. For this reason I do not take this contribution into account.

74. I am satisfied that the other requirements and contributions are required to meet the additional demands that arise from the development or to support the proposed development and meet the relevant tests.

#### Benefits of the scheme

75. The benefits of the scheme were outlined by the appellant and include a build spend of approximately £7m producing the equivalent of 100 FTE over the two-year period. Moreover, on completion, occupation would result in the availability of annual expenditure in the region of £1.6m from future residents. These economic benefits are substantial and I attribute them significant weight.
76. The development would result in the provision of market and affordable housing which I give substantial weight. The provision of affordable homes where need is well in excess of planned increases at the time of the Core Strategy is an important factor as is my finding that the Council cannot demonstrate a five-year housing supply which adds to the general housing benefit.
77. The environmental benefits that arise from the scheme related to hedgerow, tree planting and the SUDs scheme are primarily compensatory or required as a result of the development and are therefore only neutral or limited weight.

#### Planning balance

78. Sec 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of a planning application and appeal to be in accordance with the development plan unless material considerations indicate otherwise.
79. The Framework is a significant material consideration and at paragraph 11(d) advises that where the policies which are most important for determining the application are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This has become known as the tilted balance.
80. In this case I have found that the Council cannot demonstrate a five year supply of deliverable housing sites and therefore under footnote 7 such policies are out of date. In this regard these include policy RLP2, CS5 in part which define the settlement boundary and the demarcation of the countryside and which act to restrict or constrain development. These policies are predicated on out of date housing requirements based on historic information and even if there was a 5 year supply of deliverable housing sites, would be out of date.
81. However 11(d)i advises that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of

particular importance provide clear reason for refusing the development proposed. This in effect has the potential to disengage the tilted balance or preclude it from being engaged.

82. In this case I have found that there is harm to one of three designated heritage assets that were identified as potentially being affected. In this regard I concluded that the harm to Blamsters would be less than substantial and that within that range there would be limited harm. However, the Framework, and court cases, have confirmed that any harm to a heritage asset has to be given great weight and importance.
83. Paragraph 196 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a heritage asset this harm should be weighed against the public benefits of the proposal. This is to be undertaken as a straight balance. Giving great weight and importance to the limited less than substantial harm to Blamsters I consider that this harm is outweighed by the substantial benefits of additional housing and affordable housing and the significant economic benefits associated with the scheme.
84. Given that I have concluded that the harm to the heritage asset does not provide a clear reason for refusing the development I conclude that the tilted balance is properly engaged.
85. Undertaking the tilted balance the adverse impacts of the scheme include the limited less than substantial harm to the listed Blamsters. I have found that there would be no material harm to the landscape or negative visual effects and that the scheme would be well designed and not materially harm the living conditions of adjoining neighbours and provide reasonable living conditions for future residents. These matters therefore do not add to the adverse impacts of the scheme. Against that the benefits of the scheme are identified above, added to this I take account of the fact that Halstead is a Main Town in the Core Strategy recognised as having a good level of services and sustainable transport links to employment, retail and leisure matters where no such issues have been taken against the scheme by the Council.
86. Taking these factors into account the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
87. I have found that the scheme does not conflict with development plan policies in respect of landscape, living conditions of occupants of surrounding properties or those proposed for future residents. Whilst there is conflict with the settlement boundary policies and in particular RLP2 and that part of CS5 these are out of date. I recognise the shortfall is limited and there is potential for this to be addressed in the near future, but that this would likely be through permissions which breached the settlement boundaries. I also note that the emerging development plan is not close to being adopted whereby the situation may be resolved by a new development plan. I therefore afford this conflict limited weight. Overall, I am satisfied that material considerations indicate otherwise than a determination of the appeal in accordance with the development plan is appropriate.

## Overall conclusion and conditions

88. A list of potential conditions was discussed at the Inquiry. I have had regard to the advice in the Planning Practice Guidance and have amended, amalgamated or deleted where necessary to ensure clarity and to avoid duplication.
89. Standard conditions are required on the approval of reserved matters amended to address the terms of the application and reflect those matters which are reserved for future consideration. An approved plans condition is required in respect of those matters that are detailed in the proposal and to provide clarity.
90. A condition to address contamination given the results of the preliminary investigation is required. In respect of access details for which consent was sought additional details are required to ensure highway and pedestrian safety and a number of conditions are directed towards this end. A Construction Traffic Management Plan is also required for these reasons and in the interests of the living conditions of surrounding residents. A condition requiring provision of a residential Travel Pack is required to inform future residents of alternative travel options and to ensure the development takes best advantage of sustainable travel modes.
91. Conditions are required to ensure the provision, agreement and securing of a surface water drainage scheme and to prevent off site flooding as such details have not been provided, including its future maintenance.
92. A condition is required to assess and safeguard any archaeological interests that may exist on site.
93. A condition to secure a lighting strategy is required to protect bats and ensure the development is appropriately lit. Other ecological conditions are required to protect badgers and other small animals, ensure the development is undertaken in accordance with the ecological information submitted with the application and ensure that the ecological enhancements are secured, including a landscape and ecological management plan.
94. Conditions are required to protect the living conditions of surrounding residents through the restriction of on-site activities and hours of working, and details of noise measures to be undertaken following assessment and details of piling.
95. A condition is required to ensure details of the play equipment and layout of the play area are provided to ensure adequate facilities are forth coming.
96. A number of landscaping conditions were put forward by the Council however landscaping is a reserved matter and these issues can be addressed in the consideration of the reserved matters or through the imposition of conditions on the reserved matters approval as they would relate to that matter.
97. For the reasons given above I conclude that the appeal should be allowed and planning permission granted.

*Kenneth Stone*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Ashley Bowes	Of Counsel instructed by Ian Hunt, Head of Law & Governance Braintree District Council
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He called:

Gill Wynne-Williams BA (Hons) Dip La, CMLI	Wynne-Williams Associates Ltd.
Maria Kitts BA (Hons) MA PGCert	Essex County Council - Senior Built Heritage Consultant.
Kathryn Carpenter BA (Hons) DipEP	Braintree District Council - Senior Planning Officer Planning Policy.
Melanie Corbishley BA (Hons) MA	Braintree District Council - Senior Planner.

### FOR THE APPELLANT:

Mr John Barrett	Of Counsel instructed by Richard Gee of Roman Summer Associated Ltd.
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He called:

Richard Purser BA(Hons), BP, MRTPI	DPP Planning.
Carl Taylor BA (Hons) Dip La/CMLI	TPM Landscape.
Graeme Ives BA, DipUD MRTPI	Heritage Planning.
Richard Gee	Roman Summer Associates Ltd.

### INTERESTED PERSONS:

Mr D Pleasance - Local Resident and Chairman of the Greenbanks (Halstead) Management Company

## DOCUMENTS SUBMITTED AT THE INQUIRY

APP1	Opening Statement on behalf of the appellant.
APP2	Updated site sections plan drawing 25 A submitted by appellant.
APP3	Updated Scott Schedule of housing land supply summary position including Mr Pursers comments submitted by appellant.
APP4	Latest draft section 106 agreement submitted by appellant.
APP5	Closing submissions on behalf of the appellant
APP6	Finalised executed and dated sec 106 agreement submitted by appellant.
LPA1	Opening statement on behalf of the Council.
LPA2	Table of completions on windfall sites 2015/16 submitted by Council.
LPA3	Revised Scott Schedule identifying summary areas of dispute submitted by Council.
LPA4	<b>'Planning Matters' Litchfield publication 29 October 2018</b> submitted by Council.
LPA5	Updated Scott Schedule with LPA and DPP summary positions detailed submitted by Council.
LPA6	Location Plan for Crowbridge Farm site submitted by Council following request by appellant.
LPA7	Proposed site visit route for accompanied site visit and viewing points for unaccompanied visit submitted by Council.
LPA8	Written rebuttal of costs claim by appellant on behalf of Essex County Council
LPA9	Closing submissions (including legal cases and appeal decision referenced in closing) on behalf of the Council.
TP1	Submissions made by Mr Pleasance

### Schedule of conditions for Appeal APP/Z1510/W/18/3214136

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission. The development must commence within one year of the final approval of the reserved matters or, in the case of approval at different dates, the final approval of the last such matter to be approved.
- 2) Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise required by this permission:  

Drawing Numbers

  - 001 A – Site Location Plan
  - 10 rev F – Site Layout
  - 20 rev A – Site Sections
- 4) Prior to the commencement of development a comprehensive survey (Phase Two) shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme (if necessary) to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local

Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

- 5) Notwithstanding the details on the approved plans prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:
  - a. A minimum 2 metre wide footway at the site access to the north (including the provision of dropped kerbs as required), to join with the existing footway provision.
  - b. A minimum 2 metre wide footway at the site access to the south (including the provision of dropped kerbs as required) to a point suitable for pedestrians to cross to the existing footway provision opposite. All details to be agreed with the Highway Authority.
  - c. Upgrade of the two bus stops which would best serve the proposal site to include flags, poles and timetable frames.

The development shall be carried out in accordance with the approved drawings and prior to the first occupation of the development.

- 6) Prior to the commencement of any works, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall contain:
  - (a) A photographic condition survey of the roads, footways and verges leading to the site,
  - (b) Details of construction access and associated traffic management to the site,
  - (c) Arrangements for the loading, unloading and turning of delivery, construction and service vehicles clear of the highway,
  - (d) Arrangements for the parking of contractor's vehicles,**
  - (e) Arrangements for wheel cleaning,
  - (f) Arrangement for the storage of materials,
  - (g) Arrangements for the control of dust, mud and emission from construction,
  - (h) Arrangements for the storage and removal of excavation material,
  - (i) Noise mitigation measures during construction and demolition, and
  - (k) Hours of construction.

For the duration of the development, works shall be carried out in accordance with the approved Construction Traffic Management Plan

- 7) No property shall be occupied until a Residential Travel Information Pack has been provided to the first occupants of that dwelling.
- 8) No occupation of the development shall take place until the site access as shown in principle on the planning application drawing 10 rev F – Site Layout has been provided. Access shall contain no obstruction above 600mm within the visibility splays which shall include but not be limited

to a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

- 9) No occupation of the development shall take place until the following have been provided or completed:
- a. Upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site to include flags, poles and timetable frames (details shall be agreed with the Local Planning Authority prior to commencement of the development)
  - b. The agreed details for a minimum 2 metre wide footway at the site access to the north (including the provision of dropped kerbs as required), to join with the existing footway provision.
  - c. The agreed details for a minimum 2 metre wide footway at the site access to the south (including the provision of dropped kerbs as required) to a point suitable for pedestrians to cross to the existing footway provision opposite. All details to be agreed with the Highway Authority.
- 10) No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
  - Limiting discharge rates to 2.7 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
  - Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

- 11) No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and

approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved and maintained during construction.

- 12) No works shall take place until 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- 13) No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in a mitigation strategy, and which has been signed off by the Local Planning Authority.

The applicant or any successor in title shall submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will include a complete post-excavation analysis, a full site archive and report ready for deposition at the local museum, and submission of a publication report.

- 14) Prior to development a lighting design strategy (pre and post construction) for bats shall be submitted to and approved in writing by the LPA. The Strategy shall;

- i. Identify areas/features on the site that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging; and
- ii. Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without prior written consent from the LPA.

- 15) An updated badger survey must be completed prior to development commencing and should be undertaken 6 weeks before any works commence on site. The results of the survey must be submitted to and approved in writing by the Local Planning Authority prior to any works

commencing on site. Any mitigation measures identified will be implemented in accordance with a timetable submitted to and approved in writing by the Local Planning Authority.

- 16) No development, including vegetation clearance and ground works, shall take place until a method statement for measures to protect badgers and other small mammals from becoming trapped or harmed on site in open excavations and/or pipe and culverts during construction has been submitted to and approved in writing by the Local Planning Authority. The measures may include:

- a) Creation of sloping escape ramps, which may be achieved by edge profiling of trenches /excavations or by using planks placed into them at the end of each working day; and
- b) Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

The development shall be carried out in accordance with the agreed method statement.

- 17) The development shall be carried out in accordance with the Extended Phase 1 Habitat Survey prepared by Atmos Consulting dated April 2018.
- 18) No development shall take place until a method statement for the protection of Great Crested Newts and a Method Statement for the protection of Reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statements should include provision for protective measures before, and during development the details of which are to be implemented as agreed in the statements.
- 19) No development shall take place until details of the proposed ecological enhancement of the site are submitted to and approved in writing by the LPA. It should include new habitat creation, particularly the proposed SUDs scheme which should be enhanced for biodiversity and scrub and marshy grassland creation/retention and wildflower planting/seeding. It must detail the proposed habitat improvement/retention on the site particularly of the trees and hedgerows for wildlife corridors (including treatment of gaps in hedging to allow continuous foraging commuting routes for bats and badgers and provision of dark areas). Specification of the design, type and location of bird nesting and bat roosting boxes which where appropriate should be integrated into the building design and should include integrated swift bricks/boxes. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats. The details should be implemented in accordance with a timetable to be agreed as part of the details of the ecological enhancements.
- 20) A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by, the local planning authority prior to the commencement of development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed
  - b) Ecological trends and constraints on site that might influence management

- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

- 21) No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following hours:
  - Monday to Friday - 08:00-18:00 hours
  - Saturday - 08:00-13:00 hours
  - Sunday - No work
  - Bank Holidays - No work
- 22) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.
- 23) Prior to the commencement of development the applicant or any successor in title must submit a noise assessment report which shall be agreed in writing by the Local Planning Authority, to assess the impact of noise levels from Mount Hill Garage and the A131 on the proposed development. This should include any mitigation found to be required.

Should mitigation be required, this shall be implemented prior to the first occupation of the affected dwellings.
- 24) Prior to the above ground works, details of the play space equipment and layout shall be submitted to and approved in writing by the Local Planning Authority. The play space shall be constructed in accordance with the approved details which shall also include a programme for implementation.

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