



Appeal Decision

Inquiry held on 7 - 14 July 2020

Site visit made on 13 July 2020

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/H1515/W/20/3247990

Brentwood Blood Centre, Crescent Drive, Shenfield, Brentwood CM15 8DN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss F Wilders on behalf of Fairview New Homes (London) No. 2 Limited against the decision of Brentwood Borough Council.
- The application Ref 19/00937/FUL, dated 28 June 2019, was refused by notice dated 20 December 2019.
- The development proposed is redevelopment of the site to provide 86 apartments in 4 separate residential blocks ranging from 2 to 5 storeys, 106 car parking spaces, secure cycle parking, communal landscape provision and other associated development.

Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site to provide 86 apartments in 4 separate residential blocks ranging from 2 to 5 storeys, 106 car parking spaces, secure cycle parking, communal landscape provision and other associated development at Brentwood Blood Centre, Crescent Drive, Shenfield, Brentwood CM15 8DN in accordance with the terms of the application, Ref 19/00937/FUL, dated 28 June 2019, subject to the attached schedule of 23 conditions.

Procedural Matters

2. The postcode is different on the application and appeal forms. The appellant has confirmed in writing that the appeal form's postcode is correct and I have used this postcode in the banner heading above.
3. The date of application provided on the application form is 10 December 2019, just prior to the Council's date of determination. The appellant has confirmed in writing that the application was submitted on 28 June 2019 and validated by the Council on 1 July 2019. I have therefore used the submission date above.
4. The Council has submitted the Brentwood Local Plan Pre-Submission Document (February 2019) (the emerging Local Plan or ELP) for examination. It has not yet been adopted and it is not clear as to the extent of unresolved objections to relevant policies, including the allocation of the site for housing development. As such, I afford these policies limited weight at this time.
5. A signed and executed planning obligation under Section 106 of the Town and Country Planning Act 1990 dated 10 July 2020 was submitted on 14 July 2020. I have had regard to it in reaching my decision.

Main Issues

6. The Council's decision notice sets out four reasons for refusal relating to character and appearance, highway safety, parking, and flood risk. Prior to submitting its statement of case, the Council confirmed it would not defend its second, third and fourth reasons for refusal. Accordingly, the Council did not give evidence on these matters. The Council and the Crescent Drive Residents Association (CDRA), acting as a Rule 6 Party, contested only the first reason for refusal on character and appearance. As highway safety, parking, and flood risk are of concern to local residents, they remain main issues.
7. Following receipt of the Council's and the CDRA's statements of case and their respective statements of common ground with the appellant, there was dispute with regard to the development's effect on the living conditions of neighbouring occupiers with particular regard to outlook, privacy, noise and disturbance; provision for amenity space including children's playspace; and whether its gated design would provide safe and suitable access. Gated design is dealt with under highway safety and parking, while amenity space is dealt with under character and appearance, planning obligations, and conditions.
8. It was confirmed at the Inquiry that the Council no longer had concerns with regard to noise and disturbance. I have maintained the main issue on living conditions as drafted in order to address local residents' concerns. In summary, the main issues are the effect of the proposed development on:
 - i) the character and appearance of the area;
 - ii) highway safety and parking;
 - iii) flood risk; and
 - iv) the living conditions of neighbouring occupiers with particular regard to privacy, outlook, noise and disturbance.

Reasons

- i) *Character and appearance*
9. Located on Crescent Drive's southern side, the site slopes from west to east and to the south. The undulating road is predominantly occupied by mid-20th century houses on its northern side, while its southern side contains mid-20th century houses, the Brentwood Community Hospital (BCH) and its car park, and the site itself. Though a hospital has been present on the BCH site for over 80 years on land originally part of the Middleton Hall estate, BCH is a substantial, modern, rendered and timber-clad building of two and three storeys in height. BCH is set back from the road at a slightly higher level.
10. Houses along Crescent Drive are generally large, detached, two-storey dwellings of varied design, form and height. The houses' main front elevations are wide, commonly taking up much of their plot width. Most face the road at varying distances, set behind established front gardens with mature trees and hedging. Vegetation obscures views of the houses from the road. There are two areas of woodland. The larger and more densely wooded area lies south of BCH and the site, while the other is between 24 and 26 Crescent Drive. The trees within the larger wooded area can presently be seen to the site's eastern and western sides and above the roofs of the existing buildings on site.

11. By reason of the numerous trees, hedges and generous plots, Crescent Drive has a particular landscape and townscape character of its own. As evident on historic mapping, it has developed in a distinct and less formal way than neighbouring suburban Middleton Road and Worrin Road, which have a tighter grain of development with less trees and vegetation than Crescent Drive.
12. Materials along Crescent Drive are varied, with different brick colours and render, and some tile hanging. Rooflines are diverse, with a mixture of pitches, eaves heights, front gables and hipped roofs, and roof tiles. Although pitched roofs dominate, there are also flat roofs to BCH and one of the houses.
13. The existing vacant Blood Centre on the site comprises a number of buildings of different designs and heights. As the site's levels drop away to the south, views from Crescent Drive are mostly of the apparently two-storey frontage with the lower ground floor obscured. Taller four-storey parts of the buildings on the eastern side are visible from close views near the site's entrance, across neighbouring gardens and the woodland. From within the site, the existing buildings appear large, bulky and monolithic, with a strong horizontal emphasis to their fenestration on the long northern and eastern elevations. Built predominantly of buff brick with a mixture of pitched and flat roofs, the main building's northern front is some 50 metres in width. It is a matter of general agreement between the main parties and interested parties that it would be appropriate to redevelop the site for residential use.
14. The development would remove the existing buildings from the site and provide four residential blocks, with a long, three-storey Block 1 close to the site's northern frontage, smaller four-storey Blocks 2 and 3 on the western side adjacent to BCH and the wooded area, and a long, L-shaped four and five-storey Block 4 close to the site's southern edge. It would be the only residential development of this type or size within Crescent Drive and the immediate area.
15. Policy CP1 of the Brentwood Replacement Local Plan 2005 (BRLP) states, amongst other things, that development will need to ensure that it would not have an unacceptable detrimental impact on the character and appearance of the area, and that the proposal should be of a high standard of design and layout, compatible with its location and surrounding development. Paragraph 2.5 of the supporting text to BRLP Policy CP1 confirms that good design and layout can help to achieve the Government's objectives of making best use of previously developed land and improving an area's quality and attractiveness. Consideration should be given to context, effect on the amenities of adjacent occupiers or the occupiers of the proposed development, and development briefs should be prepared for major or sensitive sites.
16. The previous landowner, Homes England, produced the Former Blood Centre, Brentwood Planning Brief (March 2018) following discussion with the Council. The brief sets out illustrative layout options for approximately 55 dwellings, with a mixed scheme of houses and flats preferred. The brief has not been adopted by the Council as a Supplementary Planning Document or in any other form. While the Council has opined that there is no suggestion that the brief received negative feedback or that the density figure was inappropriate, the focussed changes to the Council's ELP allocation R18 seek far fewer homes on the site than the brief envisages. As an indicative document produced to assist in the sale of the site, I afford the brief no more than moderate weight.

17. Chapter 12 of the National Planning Policy Framework (the Framework) deals with achieving well-designed places. Particular reference was made at the Inquiry to paragraph 127 a), c), d) and e) which state that planning decisions should ensure that developments will function well and add to an area's overall quality, not just for the short term but over the development's lifetime, and that developments are sympathetic to local character and history, including the built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Furthermore, establishing or maintaining a strong sense of place and optimising development are important. Paragraph 130 of the Framework also requires development to take the opportunities available for improving the character and quality of an area and the way it functions.
18. The Planning Practice Guidance (PPG)¹ sets out the importance of well-designed places and refers to the ten characteristics of good design set out in the National Design Guide (2019) (NDG), including context, identity and built form. The NDG also highlights the Framework's role in achieving high quality places. The prominence of high-quality design is also evident in the report² from the Building Better, Building Beautiful Commission.
19. The Council and the CDRA are in agreement that their main concerns about the development's height, scale and form relate to Blocks 1 and 4, as Blocks 2 and 3 would be located on the site's less sensitive western side.
20. Both the Blood Centre and BCH have been present as part of the site's context for a long time. As the NDG notes at paragraph 47, well-designed places and buildings are influenced positively by a site's history, its surroundings and wider area. It is also important to consider how people experience spaces and buildings (paragraph 49, NDG). The area's pattern and grain of development is not simply of family homes in their plots, but includes large institutional buildings at BCH and the Blood Centre.
21. The development would undoubtedly form a number of large buildings, which would be taller than parts of the existing buildings and their immediate residential neighbours. Block 1 would occupy much of the site's frontage to Crescent Drive. However, given the topography, Blocks 1 and 4 would be of a lesser height, scale and massing than BCH and would not be inappropriate in their context. They would not dominate the streetscene or the pedestrian viewpoints from the road or the larger woodland due to the change in site levels and landscaping. While Block 1's approximately 45 metre frontage and the similar width of Block 4 would be almost twice the width of Crescent Drive's largest houses, they would represent a reduction in comparison to the width of the Blood Centre's northern frontage.
22. The development would have articulated roofs which would step up and down in height, with roofs for bays and windows providing visual relief. While there may be other design approaches which could have been employed to address the roof heights and pitches, the development would provide an appropriate transition from BCH to the houses on its eastern side. Although the development's roofscape would reduce the limited views of the woodland's tree canopy presently visible over the existing building's rooftops from No 26, these reduced views would be mitigated by maintenance of the woodland views from

¹ Paragraph: 26-001-20191001.

² Living with Beauty – Promoting health, well-being and sustainable growth, January 2020.

the eastern access and an enhancement in the permeability of woodland views from the retained western access due to removal of existing buildings. I consider that this would not be harmful, discordant, or overly dominant.

23. Although the Council contends that there is over-composition of elements to form a Neo-Edwardian development, the development would not appear overly fussy, contrived, or overbearing, particularly when viewed in light of the vernacular of nearby properties on Crescent Drive and Middleton Road. The development's massing would not replicate the existing building's overall bulk and institutional nature and it would introduce a more coherent collection of buildings with visual and physical landscaped breaks between buildings. It would be of sufficient quality over its lifetime to contribute to the area's character and appearance and to maintain Crescent Drive's sense of place.
24. Turning to the issue of density, Chapter 11 of the Framework addresses the efficient use of land. Within that chapter, paragraph 123 asserts that where there is an existing or anticipated land shortage for meeting identified housing needs, it is especially important to avoid homes being built at low densities, and to ensure that developments make optimal use of each site. Paragraph 122 d) acknowledges that efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change. The NDG confirms that the appropriate density will result from the context, accessibility, proposed building types, form and character of the development (paragraph 65).
25. BRLP Policy H14 confirms the need for an appropriate density that makes efficient use of land and at no less than 30 dwellings per hectare (dph) net unless the surrounding area's special character renders it inappropriate. In locations with good public transport accessibility, densities greater than 65dph net will be expected. BRLP paragraph 3.55 confirms that special character can include well-landscaped character. ELP Policy HP03 follows a similar approach. ELP Site Allocation R18 provided an indicative figure of 55 dwellings for this site, which the Council seeks to reduce to around 35 homes.
26. The Essex Design Guide 2018 (EDG) was discussed at some length during the Inquiry, with the main parties taking different views of the representation of Crescent Drive. The EDG has had various editions over the years, and an earlier edition is referred to as informal planning guidance in the BRLP. The Council and the CDRA respectively espoused the Arcadia and Boulevard layouts in the EDG. Both layouts are low density, with trees and landscaping a dominant feature. However, the layouts are not to be imposed on an area without consideration of context.
27. At the Inquiry, the Council submitted a document on density (Document 1), which finds that there is a current density of 5.5dph³ on Crescent Drive, and that neighbouring Worrin Close's density is 15.7dph⁴. The Council's committee report confirms that, discounting Green Belt within the site, the site's housing density would be 86dph. The Brentwood Housing and Economic Land Availability Assessment (October 2018) indicates that the 55 dwelling indicative capacity from the ELP was based on a net developable area of 1.39ha in the 'Shenfield suburbs' where a range of 40-80dph was considered appropriate. It

³ For 29 dwellings, the smaller area of woodland and the adjacent highway, but excluding BCH and the site.

⁴ For 22 houses and the highway.

is evident that discrepancies in measurements can be present in documents produced at different times for different purposes.

28. It is common ground between the main parties that the site lies in a location with good public transport accessibility and that density is a product of the design process. While part of the site's context is that of an attractive, densely landscaped, low density, residential area, it is also a site which is currently occupied by a large, institutional building and it adjoins a similar, if more modern, development at BCH.
29. Optimising a site's potential is not identical to maximising the site's content and should not be purely numeric. My consideration of the site's context and its actual characteristics, including the existing buildings on site and BCH as well as the detached houses and wider streetscene on Crescent Drive, leads me to find that the overall density would be appropriate and would not give rise to overdevelopment. Instead, it would balance an efficient use of land with respecting the surrounding character and appearance of the area.
30. Open space provision on site exceeds the external amenity space requirements of BRLP Appendix 1, with provision of 2,640m². The development's landscaping will be an important feature. The site contains a number of trees, particularly on its south-western corner. The majority of the trees on site would be retained, which would support the integration of the development with its context. Further suitable replacement trees and hard and soft landscaping provision will be addressed by means of condition.
31. The Council put forward illustrative sketch options⁵ to indicate that alternative layouts could be provided on site. Notwithstanding that they seek to reduce the ridge height and scale of Blocks 1 and 4 and to introduce gaps through which the woodland may be viewed, the illustrative options all appear to create other design challenges as a result of not being fully worked up. While I do not doubt that there are alternative ways of developing the site, I give the illustrative options little weight in my decision.
32. There has been a high level of public interest during the pre-application, application and appeal process, including at the Inquiry itself. Following numerous representations, the proposal was determined by members of the Council's Planning Committee unanimously, against officer recommendation.
33. Paragraph 128 of the Framework confirms that applicants should work closely with those affected by their proposals to evolve designs that take account of the community's views and that early, proactive and effective community engagement should be looked on more favourably.
34. Early engagement is not defined in the Framework, but it is clear that the appellant discussed their proposal with the Council for almost a year prior to submission and that the scheme altered in form during its development as evidenced by Section 2.6 of the Design and Access Statement. I consider the community engagement undertaken by the appellant in the form of a public exhibition to have been adequate. It is not possible to be certain that earlier community engagement would have prevented delay in delivering housing. While alterations may be made to a proposal at pre-application, application or

⁵ Options 1, 2 and 3 in Appendix 6, B, C and D of Mr Martin's proof of evidence.

appeal stage, the appellant has chosen not to make any further amendments after modest alterations at pre-application stage.

35. Concluding on this main issue, I consider that the proposed development would not harm the character and appearance of the area. Consequently, it would be compliant with BRLP Policies CP1 and H14, the NDG, the PPG and paragraphs 122, 123, 127 and 130 of the Framework, as set out above.
- ii) *Highway safety and parking*
36. Crescent Drive connects the A1023 Shenfield Road and Middleton Road. It is a relatively narrow, winding road for two-way traffic with a 30mph speed limit. The tightest bend is west of the site beyond BCH. The road curves outward around BCH and then curves inward past the site towards Middleton Road. There is tree cover from the westernmost bend to Middleton Road. Streetlights on the road are switched off between midnight and 0500. No parking and waiting restrictions prevent parking from Monday to Saturday 0900 – 1700, while parking on neighbouring streets is restricted from Monday to Friday between 1000 and 1100. There is no designated cycle route on Crescent Drive.
37. Crescent Drive is close to a number of schools. It is evident from local residents' information, including photographic evidence, that Crescent Drive is a frequently used cut-through with queues of vehicles at peak times.
38. BRLP Policy CP1, amongst other things, expects that the transport network can satisfactorily accommodate travel demand and traffic generation would not cause adverse highway conditions or safety concerns. BRLP Policy CP2 requires development to consider reducing the need to travel, particularly by car. BRLP Policy CP3 sets out requirements for transport assessments. BRLP Policy T2 does not permit development which would have an unacceptable impact which cannot be resolved by mitigation. The ELP has similar transport policies.
39. Paragraph 102 of the Framework requires, amongst other things, transport to be considered from the earliest stage, in order to understand and address the impacts of development on transport networks; to consider that patterns of movement, streets, parking and other considerations are integral to scheme design; and to contribute to making high quality places. Paragraph 108 of the Framework seeks to ensure that appropriate opportunities to promote sustainable transport are taken up; safe and suitable access can be achieved for all users; and any significant impacts on the transport network, or on highway safety, can be cost effectively and acceptably mitigated. Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 of the Framework, amongst other things, prioritises pedestrian and cycle movements. Paragraph 111 of the Framework confirms that all developments generating significant movement should be required to provide a travel plan and be supported by a transport statement/assessment.
40. I have also been referred to guidance on travel plans⁶ and statistics on UK car ownership⁷, the Highway Code, the Road Traffic Act 1988, the Offences Against the Persons Act 1861, court judgments⁸, the Essex Transport Strategy: The

⁶ <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>

⁷ <https://www.statista.com/statistics/314912/average-number-of-cars-per-household-in-england>

⁸ DPP v Smith [1960] 3 WLR 546; Golding [2014] EWCA Crim 889; JJC (A Minor) v Eisenhower [1983] 3 WLR 537.

Local Transport Plan for Essex (June 2011), the Essex County Council Development Management Policies (February 2011), UK Road Traffic Surveys⁹, and the RAC document on The Implications of Internet Shopping Growth on the Van Fleet and Traffic Activity. Reference has been made to a Taunton appeal decision¹⁰, which refers to further appeals¹¹, with regard to severe traffic effects and cumulative impact on the highway network. While I note these appeals, this appeal should be dealt with on its own merits.

41. Concern has been raised about traffic surveys having been undertaken during the school Easter holidays, thereby potentially skewing the number of vehicles using Crescent Drive. Three different forms of data were used to build a baseline picture of traffic flows along Crescent Drive. These comprised Automatic Traffic Count (ATC) surveys to assess fluctuations in flow between 3 and 10 April 2019, Manual Classified Count (MCC) surveys of junction capacity and Queue Length (QL) data collected on 3 April 2019. While the ATC surveys were undertaken on days which fell both outside and within the school holidays, the MCC and QL data was collected outside the school holidays. All the data corroborated that the data from Wednesday 3 April 2019 indicated the highest flows, which informed the Transport Assessment (TA).
42. The traffic survey work also included consideration of AM and PM peak hour flow MCC data, with the methodology agreed in advance with the Highway Authority. The observed peaks were between 0730 and 0830 and 1645 and 1745, using quarter hour increments to ensure that the peaks could be captured appropriately. With regard to assessment of nearby roads, the TA confirms that MCC and QL data was collected at points on the A1023 from Wilson's Corner double mini-roundabout to Middleton Road. Furthermore, ATC data was collected on Crescent Drive and at different points on the A1023. The TA's approach in respect of survey data is appropriate.
43. In terms of the previous use's trip generation, the Blood Centre closed in 2015. At its peak, it attracted around 200 staff working mainly between 0800 and 1800 and provided 120 – 150 parking spaces. Although the appellant has forecast likely trip generation for comparable healthcare development at 62 two-way trips in the AM peak and 29 two-way trips in the PM peak for information, the TA confirms that the site has been treated as vacant and as not generating any trips. This is a suitable approach.
44. With regard to the development's trip generation, there is concern that it would be higher than identified in the TA. There is a difference of approach between the appellant and interested parties in relation to assessment of trips for 55 dwellings indicated in the Council's transport survey work by Peter Brett Associates (PBA) which underpins the ELP and expected trips for the 86 flats within the development. It is likely that PBA's trip generation is based on a mixture of houses and flats as per the Homes England brief. As trip generation for different kinds of dwellings can vary due to car ownership levels and occupancy, it is not possible to extrapolate a likely peak number of journeys for the development based on PBA's work. In any event, the TA's trip generation confirms that the development's PM peak would only differ very slightly by an additional four two-way vehicle movements from the PBA scheme's PM peak.

⁹ www.roadtraffic.dft.gov.uk/local-authorities/123

¹⁰ APP/D3315/W/16/3157862, decision issued 22 March 2018.

¹¹ APP/U1105/A/13/2208393, decision issued 20 March 2015; and APP/Y1138/W/17/3172380, decision issued 3 November 2017.

45. Doubt has been cast on the TA's trip generation rates due to comparability of the TRICS database locations. These were chosen on the basis of a number of selection criteria to represent the development and its context. Some locations were close together, though it was confirmed during the Inquiry that the TRICS surveys were undertaken on different days. TRICS is a nationally recognised database for quantifying trip generation and provides the most recent data generally available. In order to ensure ongoing quality and accuracy, TRICS data is sifted and monitored and sites are re-surveyed regularly. The Highway Authority did not raise concerns about the trip generation or the locations chosen, and I see no reason to disagree with their findings.
46. Local residents have also raised concerns about the effect increased traffic flows would have on safety on Crescent Drive, with regard to the road's bends. Reference was made to blind bends, but I note from my site visit that the tight westernmost bend has a generally open aspect with a large front garden on the bend's inner corner. This allows for reasonable visibility. Beyond the bend closer to the A1023, there is a taller, recently repaired timber fence screening the rear garden of the same residential property. It was also evident from my site visit and from photographs provided by local residents that, despite tree cover and planting on verges, it is generally possible to see hazards such as parked vehicles, refuse vehicles, or queuing traffic for some distance in advance on the more sweeping bends. Stopping sight distances would be consistent with Table 7.1 of Manual for Streets. Additionally, vehicles should not be travelling at speeds greater than 30mph.
47. There was a road traffic incident on 20 November 2019 shortly after another multiple vehicle collision at the A1023/Crescent Drive junction. I have limited information on the multiple vehicle collision. However, having seen the repaired fence where the vehicle left the road and the fence's relationship with the bend, there is insufficient evidence to conclude that the sightlines around the bend caused the smaller incident.
48. Notwithstanding the road's bends and its vegetated verges, I noted during my site visit that it is possible for pedestrians to cross the road safely at numerous locations. Although there was a near miss between a refuse vehicle and young cyclist close to No 26 on 25 May 2020, no information was available in respect of reportable injury accidents after May 2019 when proofs of evidence were submitted. In the absence of detailed reporting on accidents involving pedestrians and cyclists, I give little weight to this matter.
49. Common with other existing gated accesses along Crescent Drive, the gates would be set back from the highway allowing space for a delivery vehicle to wait for entry without impeding the movement of traffic. Not only are delivery trips factored into general TRICS data, but deliveries can be made to multiple properties on the same road consecutively or to workplaces. While working patterns have changed during the Covid-19 pandemic, this allows for customers to work at home and accept deliveries quickly, preventing queues developing at the site's gates. In addition, most delivery companies allow a neighbour to be nominated to ensure the delivery is made. While it may be possible that a number of delivery vehicles could attempt to gain entry to the site at the same time, I have little evidence that this would be the case.
50. With regard to parking, criterion iv of BRLP Policy CP1 requires, amongst other things, satisfactory parking and servicing arrangements, while BRLP Policy T5

expects compliance with Essex County Council's parking standards. The Essex Planning Officers Association and Essex County Council document on Parking Standards: Design and Good Practice 2009 (EPOA/ECC Parking Standards) provides guidelines on parking provision for residential development at a minimum level of 1 space per 1 bedroom dwelling and 2 spaces per two or more bedroom dwelling with 0.25 spaces per dwelling for visitor spaces.

51. When applied to the proposal, the EPOA/ECC Parking Standards indicate that 167 spaces should be provided, including 22 visitor spaces. However, the EPOA/ECC Parking Standards also confirm that parking reductions for residential development may be considered if it would be within a main urban area that has frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.
52. Shenfield and Brentwood railway stations lie some 1.4km and 2.2km respectively from the site on foot via continuous and safe pedestrian routes or by bike. Shenfield provides faster journey times to London than Brentwood. Bus stops serving six bus services between Shenfield, Brentwood, Chelmsford and Ingatestone are sited on the A1023. There is also a community transport 15-seater bus service which links BCH with Shenfield and Brentwood stations and Brentwood High Street. This operates from 0815 to 1615. Notwithstanding the community bus service's limited availability, the site is in a location with good access to public transport.
53. Interested parties' preferred parking space provision ranged between 156 and 181 spaces. The development would include provision for 106 parking spaces, including ten visitor spaces and one space for servicing the sub-station and provision for electric vehicle charging.
54. Concern has been expressed that the development would lead to increased pressure for on-street parking in the surrounding area and parking at BCH, with consequential effects on highway safety and on the movement of large vehicles such as fire engines and refuse vehicles. Attention has been drawn to parking along Crescent Drive during Brentwood Half Marathon and recent parking on the road and verge outside the site. Vehicles visiting the site are currently prevented from parking on the site itself. This would cease once development had taken place, with any other unauthorised parking not related to the site outside the control of the development.
55. The TA indicates the likely level of car trips and car/van ownership. Overall, the evidence provided does not suggest that the development would lead to a demand for on-street parking in the evenings or at other times. The Highway Authority has not objected to this evidence. I can see no reason why there would be overspill parking on Crescent Drive and other local roads either at daytime or in hours of darkness, and at BCH as a result of the development.
56. Concluding on this main issue, I find that the proposed development would not have an unacceptable effect on highway safety and parking and would not have a severe residual cumulative impact on the road network. It would therefore accord with BRLP Policies CP1, CP2, CP3, T2 and T5, EPOA/ECC Parking Standards, and with paragraphs 102, 108, 109, 110 and 111 of the Framework, as set out above.

iii) Flood risk

57. The site lies in Flood Zone 1, which is land with a less than 1 in 1,000 annual probability of flooding from rivers or the sea, the lowest level of flood risk. However, there is a partially culverted and unmodelled watercourse on the site's southern boundary. Environment Agency mapping indicates that there is a high risk of surface water flooding at the site's centre and along its southern boundary, consistent with the neighbouring watercourse.
58. There have been flooding incidents in Worrin Close and Worrin Road, which have occurred over a number of years including during otherwise dry summer months after high intensity rainfall episodes of short duration. Residents have had to move out and/or renovate their homes and gardens extensively due to the flooding and associated build-up of mud and debris.
59. Paragraph 163 of the Framework confirms that when determining any planning application, flood risk should not be increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where it can be demonstrated that a range of criteria are met, including the incorporation of sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and that any residual risk can be safely managed.
60. A site-specific flood risk assessment and a report on foul and surface water drainage and sustainable drainage have been provided, including allowance for the likely increase in surface water flooding due to climate change. The development would reduce the extent of existing impermeable areas on site and would introduce mitigation measures to address flood risk. Permeable paving would absorb runoff from roads and parking spaces. Cellular attenuation tanks under the central and eastern parking areas would hold the water prior to final discharge into the overflow culvert on the eastern part of the site flowing northwards. This discharge would be at a significantly reduced speed of a maximum of 18 litres/sec in comparison to a rate of discharge of over 122 litres/sec from the existing development on site.
61. There is recognition of the need to improve debris collection in the watercourse, with the replacement of trash screens and enhanced maintenance. The management and maintenance of the surface water drainage system would be dealt with by condition.
62. Essex County Council, the Lead Local Flood Authority, and Anglian Water have not objected subject to conditions to ensure that drainage measures would be adequate to prevent surface water flooding on the site itself and off-site. While interested parties have expressed understandable concern, I have not seen any detailed technical evidence which would lead me to conclude that mitigation measures are unacceptable and that the scheme proposed would not provide betterment on and off-site.
63. A local resident has suggested an alternative scheme which would involve a new water body at the site's south-eastern corner. Notwithstanding any merits of alternative proposals, I am required to determine the appeal before me.
64. In conclusion, I find that the proposed development would have an acceptable effect on flood risk. Accordingly, it would not conflict with paragraph 163 of the Framework, as set out above.

iv) Living conditions

65. The site is bounded by the road to the north, a two-storey detached house at 17 Crescent Drive to the east, woodland to the south with Worrin Close beyond, and BCH and woodland to the west. No 17 has two first floor non-habitable room windows and a single-storey pitched roofed projection on its western side. The projection wraps around one side of the house's private sitting out area. East of No 17, 17A Crescent Drive is a two-storey detached house with a long rear garden similar in length to that of No 17.
66. The existing three and four-storey main building on site has numerous windows which face towards No 17's side elevation and Nos 17 and 17A's rear gardens. Between the main building and No 17, there are single-storey buildings, grassed areas, parking, two large Oak trees, a fence and a Beech hedge.
67. Amongst other things, BRLP Policy CP1 states that proposals must not have an unacceptable detrimental impact on nearby occupiers or the occupiers of the proposed development by way of overlooking, lack of privacy, overbearing effect or general disturbance. The EDG confirms that residents have a higher expectation of privacy from dwellings' private or garden sides and observes that at normal urban densities of above 20dph, some overlooking is inevitable.
68. The EDG also acknowledges at paragraph 1.99 that upper-storey flats can cause problems due to overlooking from living rooms and that any rear-facing upper-storey living room should therefore be no closer than 35 metres from the rear of any other dwelling. The EDG states at paragraph 1.104 that upper-storey living rooms of flats should be no closer than 35 metres to a private sitting-out area unless it is effectively screened from view.
69. The CDRA has indicated that its concerns regarding the effect of the proposed development on living conditions of neighbouring occupiers relate primarily to the properties at Nos 17 and 17A. The easternmost elevations of Blocks 1 and 4 would be approximately 21 metres and 20 metres respectively from the boundary of No 17, closer to No 17 than the existing main three and four-storey building at around 35 metres.
70. Despite their height, the six proposed windows at the eastern end of Block 1, which would serve either bedrooms or kitchen/living rooms, would not have meaningful views into the interiors of Nos 17 and 17A or their rear gardens given the positioning of Block 1 relative to the house at No 17 and the siting of the houses' habitable room windows on front and rear elevations.
71. Block 4's first and second floors on its east elevation would include five windows facing the end of Nos 17 and 17A's gardens and a second floor balcony on Block 4's northern side. The windows would serve three bedrooms, a kitchen and a bathroom. The balcony would be some 34 metres from the private sitting out area at No 17, which is effectively screened by the single-storey rear projection. The nearest gable of Block 4 would be approximately 10.5 metres to the ridge, with the gable behind at approximately 13.5 metres high in comparison to the existing building of 14 – 15 metres in height.
72. While there would be some overlooking of the end of Nos 17 and 17A's gardens, the windows and balcony in Block 4 would be set a substantial distance from Nos 17 and 17A's main rear elevations and private sitting out areas and there would be scope for screening through boundary planting as

part of the landscaping scheme to mitigate any limited effect on the end of the gardens. Furthermore, the Beech hedge is within No 17's ownership and could be maintained in such a way to provide continuing screening. As such, I find that there would not be undue effects on privacy for occupiers of Nos 17 and 17A, even in the winter months when the retained Oak trees are not in leaf.

73. In terms of outlook, the development would be between two and five storeys in height. This would undoubtedly provide some change in outlook for the occupiers of Nos 17 and 17A, as Block 4 would be closer than the existing main building. However, Block 4's height at its eastern end would represent a slight decrease in comparison to the existing eastern elevation and the development's bulk would be more effectively broken up across the site than the existing buildings. The effect of the change in outlook would be further mitigated by the increase in landscaping surrounding the development. It would not therefore have an unacceptable detrimental effect on outlook for the occupiers of Nos 17 and 17A.
74. With regard to noise and disturbance, as the site is currently vacant and has been for some time, it is likely that neighbouring occupiers would experience a change in levels of noise with people walking in and out of the site and cars moving to and fro. However, the site has previously been used as a Blood Centre with numerous vehicle movements daily. There is nothing preventing the site's ongoing use for this purpose, including the use of the parking area adjacent to the boundary with No 17. Furthermore, in respect of light pollution resulting from the development, this would be addressed by means of condition. As such, I consider that the development would not cause unacceptable levels of noise and disturbance to neighbouring occupiers.
75. Concluding on this main issue, the proposed development would not have an unacceptable detrimental effect on the living conditions of neighbouring occupiers with regard to privacy, outlook, noise and disturbance. It would be compliant with BRLP Policy CP1, the EDG, and with paragraphs 127 and 180 of the Framework. Paragraph 127 of the Framework requires the creation of 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. Paragraph 180 of the Framework seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

Planning Obligation

76. The relevant parties have entered into a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes a number of obligations which would come into effect if planning permission were to be granted. I have considered these in light of the three statutory tests contained in Regulation 122 of The Community Infrastructure Levy Regulations 2010 and as set out in paragraph 56 of the Framework.
77. The first obligation relates to on-site provision of eight shared ownership affordable housing units. This is less than the Council's target of 35% affordable housing within larger housing sites as set out in BRLP Policy H9, as a result of Vacant Building Credit. This figure has been agreed between the Council and the appellant. There is an unmet need for affordable housing which has been identified in the Council's Strategic Housing Market Assessment Part 2 – Objectively Assessed Need for Affordable Housing (June 2016) (SHMA) and

the Council's Monitoring Report 2018/19 (January 2020). Furthermore, the provision of affordable homes would accord with the Framework which seeks to ensure a sufficient supply of homes to reflect identified needs. This obligation meets the tests and is necessary. I give this obligation significant weight.

78. The second obligation contributes £32,499 towards additional primary healthcare provision in the site's vicinity. The Basildon and Brentwood NHS Clinical Commissioning Group (CCG) has confirmed that the development is likely to affect five GP Practices and one branch surgery and that there is insufficient capacity for the additional population. In order to improve capacity, the CCG has provided an indication of the additional floorspace requirement and associated cost. This is a reasonable approach. This obligation meets the tests and is necessary. As it would meet the development's future residents' needs, it is a neutral factor that carries no weight.
79. The third obligation provides £83,000 towards open space improvements and outdoor sports at Courage Playing Fields, a scheme costed at £225,000. The costs are split with two other proposed ELP residential allocations. This obligation would meet the tests and be necessary. As it would meet the development's future residents' needs, it is neutral and carries no weight.

Other Matters

80. Interested parties have raised concerns about a wide range of issues in respect of this appeal. Although I acknowledge local disquiet about additional demand on local healthcare services, schools, and community facilities, there is no substantive evidence that the additional demands on local infrastructure and services could not be adequately accommodated or mitigated.
81. Part of the site lies within the Metropolitan Green Belt. As all the buildings would lie outside the Green Belt and the parking within the Green Belt would represent a reduction compared to the existing hardstanding, the main parties are in agreement that it would not constitute inappropriate development within the Green Belt. I concur with this view.
82. Though there may be noise and disruption during construction, this would be for a relatively short time and working practices would be restricted by condition. In terms of air quality, the appellant's Air Quality Assessment (June 2019) indicates the development would not have a significant impact, providing that mitigation measures are followed during construction. Any hazardous substances found during demolition and construction would be addressed by means of conditions on contamination and drainage.
83. Mention has been made of the local need for flatted development and for housing for older people and family housing. The development would be in keeping with BRLP Policy H6 which states that new housing development of greater than 6 units or 0.2ha should provide at least 50% 1 and 2 bedroom properties, except where it would not be in keeping with the area's character or could not be accommodated on site. There is no specific local policy basis for provision of housing for older people or families. Indeed, as the development would adhere to Building Regulations in respect of accessible and adaptable homes and there would be a range of unit sizes, there is nothing preventing the flats from being inhabited by older people or families. While I note the reference by interested parties to interest from people downsizing their housing in nearby Clune Court, this does not alter my findings.

84. The energy and sustainability measures would include energy efficient boilers, water conservation measures, local and low environmental impact materials, increased permeable surfacing, refuse and waste recycling. These would meet BRLP Policy IR5 which encourages energy and water conservation. Water pressure and leakages are a matter to be addressed by the local water company in the first instance. Broadband capacity is, similarly, a matter for BT to ensure that there is sufficient capacity in the local network.
85. With regard to the effect of the development on property values, the PPG¹² confirms that the courts have generally taken the view that planning is concerned with land use in the public interest, so that protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration. Mention has been made of restrictive covenants and land having been provided for the purposes of health services. While the development would be residential in nature, such legal restrictions are outside the scope of planning.
86. Based on survey work, the site's woodland appears to support foraging and commuting corridors for a range of bats, though the buildings on site provide negligible suitability for roosting bats and no evidence of roosts was recorded in the buildings. However, a number of the trees provide moderate potential for roosting. Notwithstanding this, no evidence was found of actual roosts on site. The majority of trees with potential for roosting would be retained together with potential foraging corridors. Although bat activity would be likely to reduce during construction, there seems no reason why bat commuting and foraging patterns could not be resumed after construction, provided that any external lighting is sensitively designed. The development also offers some scope for landscaping with appropriate planting to support further bat populations.
87. Additionally, the site includes a large badger sett which extends into the neighbouring woodland outside the site. A number of the sett's accesses and associated tunnels within the site would be removed to allow for the development to be constructed.
88. This would require a derogation licence to avoid an offence under the Conservation of Species and Habitats Regulations 2010. There is no requirement for a derogation licence to be provided prior to grant of planning permission, but the decision-maker must be assured that there would be a reasonable prospect of the licence being granted by Natural England.
89. The provision of housing is in the public interest and there is no alternative but to close some existing accesses to the sett given its location. Other mitigation measures during construction would reduce risk to badgers, including timing of works and construction safeguards. These measures should maintain the species at a favourable conservation status. Based on these considerations, there is a reasonable prospect of a licence being granted. Consequently, the development would not have an unacceptable effect on protected species.

Planning Balance

90. Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. In respect of paragraph 11 d) of the Framework with regard to decision-making, this means that where

¹² Paragraph 21b-008-20140306.

there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including applications involving housing where the Council cannot demonstrate a five year housing land supply), permission should be granted unless one of two criteria apply.

91. Criterion 11 d) i is not applicable in this instance as there are no policies in the Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development. Criterion 11 d) ii requires the decision-maker to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
92. It is agreed by the main parties that there is no five year housing land supply, which stands at 2.36 years. This acceptance and confirmation of the extent of the shortfall accords with the Hallam Land judgment¹³. Therefore, paragraph 11 d) ii is engaged. The policies which are most important for determining the application are BRLP Policies CP1, CP2, CP3, H14, T2 and T5. Although they are not out-of-date in terms of their consistency with the Framework, they are out-of-date in respect of the housing land supply situation.
93. The proposed development would comply with BRLP Policies CP1, CP2, CP3, H14, T2 and T5, EDG, EPOA/ECC Parking Standards and the requirements of the NPG, PPG and the Framework with regard to its effect on the character and appearance of the area; highway safety and parking, flood risk, and on the living conditions of neighbouring occupiers.
94. Additionally, with regard to other material considerations, the development would contribute to the provision of affordable housing. There remains an acknowledged unmet need for such housing as identified in the Council's SHMA and the Council's Monitoring Report 2018/19. The development would support meeting this need. This represents a significant benefit.
95. While the Council has questioned the temporal importance of the delivery of housing in terms of the benefits that housing would bring, paragraph 59 of the Framework highlights the importance of providing a sufficient amount and variety of land and that land with permission is developed without unnecessary delay to support the Government's objective of significantly boosting the supply of homes. Based on my findings above, there is no good reason to delay development on this site. The provision of affordable housing and the provision of 86 flats of mixed tenure and size are significant material considerations supporting the development.
96. The development would remediate and reuse a vacant brownfield site and would optimise the level of development. It would have good access to services and facilities by sustainable modes of transport, supporting the local economy. Provision is made for open space both on and off-site and enhanced landscaping would provide for biodiversity and visual amenity. Given that any development on this site would be likely to bring about these benefits, I consider that these are very modest material considerations. While it may be possible that another scheme could deliver these benefits, no such fully worked up proposal is before me.

¹³ Hallam Land Management Ltd vs Secretary of State for Communities and Local Government and Eastleigh Borough Council [2018] EWCA Civ 1808

97. Overall, I give significant weight to the benefits. For the reasons set out above, there are no adverse impacts which would significantly and demonstrably outweigh the benefits. Therefore, the proposal benefits from the presumption in favour of sustainable development and should be allowed.

Conditions

98. A final conditions schedule and the appellant's agreement to pre-commencement conditions were submitted before the Inquiry closed. I have altered wording for consistency and for compliance with the Framework's paragraph 55. Numbers in brackets refer to condition numbers.
99. It is necessary to specify conditions confirming the time limit for development (1) and approved plans (2) to ensure clarity and certainty. I have removed reference to 'Site plan with existing overlay' as it is not listed on the Council's decision notice and it was not part of the list of plans discussed at the Inquiry.
100. Conditions 3 – 8 are pre-commencement conditions to be addressed before construction begins. It is necessary to ensure that an Arboriculture Method Statement is submitted and agreed prior to any works, in order to safeguard trees (3). The condition requiring a Construction Environmental Management Plan would ensure that protected species are safeguarded during construction and that the effects of development are mitigated (4). The condition requiring a Construction Management Plan is necessary to maintain highway safety (5). Given the known flood risk, it is necessary to impose a condition to require a scheme to minimise flood risk and associated pollution during construction (6). Conditions 7, 8 and 21 are necessary to ensure that any contaminated land is identified and remediated appropriately.
101. A condition is necessary to ensure provision of a detailed surface water drainage scheme, including maintenance and management, to mitigate flood risk over time (9). In order to maintain the character and appearance of the area and neighbouring residents' living conditions, a condition is imposed to verify site levels (10). It is also necessary to require approval of hard and soft landscaping (11) and materials (12) in the interests of visual amenity. A condition on lighting is necessary in the interests of biodiversity (13), while a condition on communal satellite and television reception equipment is necessary to maintain visual amenity (17).
102. In order to promote sustainable transport, conditions are imposed in relation to cycle parking, upgrading of the nearest bus stop on the A1023, and provision of residential travel information packs (14, 15 and 16). Concerns regarding the bus stop's condition and management are outside the scope of this appeal. Conditions on blocking up of the redundant westernmost access, the provision of car parking, and on the position and opening direction of gates are necessary in ensuring highway safety is maintained (18, 19 and 23).
103. During construction, a condition is necessary to maintain noise from equipment at reasonable levels in the interests of neighbouring living conditions (20). Condition 22 deals with tree retention and management and their replacement in the event of removal, damage or disease. I have amended the timing of the condition as discussed during the Inquiry. As trees are fundamental to local character, this condition is necessary. Two mature diseased Red Oak trees on the site frontage and adjacent to No 17 have already been removed by request of the Highway Authority. This occurred as

the trees presented a hazard to pedestrian and highway safety. Replacement trees can be addressed through condition 11 on hard and soft landscaping.

104. I have not included a condition for on-site provision of playspace for young children in the form of a Local Area for Play (LAP), as the development's child yield is anticipated to be low and the development would be gated, preventing non-resident children from accessing the LAP unless visiting a resident. While the NDG places importance on informal playspace, there are play facilities located a short distance away in North Road, Courage Playing Fields and King George's Playing Fields.

Conclusion

105. For the reasons set out above, the appeal is allowed.

Joanna Gilbert

INSPECTOR

APPEARANCES

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Instructed by Solicitor to Brentwood Borough Council

He called:

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Development Management Team Leader, Brentwood Borough Council

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He called:

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Stewart Rivers MA MBA MCGI GCGI FInstLM CMgr FCMI Pol.Ed (Fellow) ASET CTLLS	Interested Person
Mike Rutherford	Local Resident
Patrick Tessier HEC (Paris) ACSI	Local Resident
Barry Tydeman	Local Resident
Michael Wand BSc (Est Man) FRICS	Local Resident
Paul Webb	Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- Document 1: Density Calculation Area – Crescent Drive and Worrin Close
- Document 2: Start to Finish: What factors affect the build-out rates of large scale housing sites? Second Edition, February 2020
- Document 3a: Drawing Number Blood Centre.01 dated 27 November 2017
- Document 3b: 18/00677/TPO Decision Notice dated 15 June 2018
- Document 4a: Section 154 Highways Act 1980, Dangerous Trees Crescent Drive, Shenfield Letter from Essex County Council to Homes England dated 31 October 2018
- Document 4b: Detailed Tree Investigation – Red Oaks on Crescent Drive, Brentwood Blood Centre Letter from MacIntyre Trees to RSK Group dated 25 November 2018
- Document 5: Hallam Land Management Ltd vs Secretary of State for Communities and Local Government and Eastleigh Borough Council [2018] EWCA Civ 1808
- Document 6: Email dated 7 July 2020 from Dr Randall in respect of matters including highway safety and parking and level of public concern
- Document 7: Email dated 9 July 2020 from Mr Tydeman in respect of the target market for the development
- Document 8: Email dated 9 July 2020 from Mr Wand in respect of flats versus housing development
- Document 9: Email dated 10 July 2020 from Mr Wand in respect of Clune Court
- Document 10: Email dated 10 July 2020 from Dr Randall in respect of matters including public engagement, density, housing mix
- Document 11: Email dated 10 July from Ms McCaffrey in respect of trees removed from the site frontage

- Document 12: Six emails from Mr and Mrs Rockett dated 12 July 2020, comprising one written statement about the bus stop at corner of Crescent Drive and A1023 and five associated photographs
- Document 13: Signed and executed planning obligation dated 10 July 2020
- Document 14: Final schedule of conditions
- Document 15: Appellant's email dated 14 July 2020 regarding agreement to conditions, including pre-commencement conditions

SCHEDULE OF 23 CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the approved drawings: 2019-01 PL.001 Location Plan; 2019-01 PL.002 Existing Site Plan; 2019-01 PL.003 Proposed Site Plan; 2019-01 PL.004 Proposed Lower Ground & Ground Floor Plans; 2019-01 PL.005 Proposed First Floor Plan; 2019-01 PL.006 Proposed Second Floor Plan; 2019-01 PL.007 Proposed Third Floor Plan; 2019-01 PL.101 Core AB (Block 1) Proposed Lower Ground & Ground Floor Plans; 2019-01 PL.102 Core AB (Block 1) Proposed First Floor Plan; 2019-01 PL.103 Core C (Block 2) Proposed Floor Plans; 2019-01 PL.104 Core D (Block 3) Proposed Floor Plans; 2019-01 PL.105 Core EF (Block 4) Proposed Lower Ground Floor Plan; 2019-01 PL.106 Core EF (Block 4) Proposed Ground Floor Plan; 2019-01 PL.107 Core EF (Block 4) Proposed First Floor Plan; 2019-01 PL.108 Core EF (Block 4) Proposed Second Floor Plan; 2019-01 PL.109 Core EF (Block 4) Proposed Third Floor Plan; 2019-01 PL.120 Proposed Refuse & Cycle Stores; 2019-01 PL.121 Proposed Entrance Gates; 2019-01 PL.200 Existing Elevations; 2019-01 PL.201 Core AB (Block 1) Proposed Elevations; 2019-01 PL.202 Core C (Block 2) Proposed Elevations; 2019-01 PL.203 Core D (Block 3) Proposed Elevations; 2019-01 PL.204 Core EF (Block 4) Proposed North & West Elevations; 2019-01 PL.205 Core EF (Block 4) Proposed South Elevations; 2019-01 PL.206 Core EF (Block 4) Proposed East Elevations; 2019-01 PL.207 Proposed and Existing Street Elevation; 2019-01 PL.210 Core AB (Block 1) Material Details; 2019-01 PL.211 Core C (Block 2) Materials Details; 2019-01 PL.212 Core D (Block 3) Material Details; 2019-01 PL.213 Core E & F (Block 4) Material Details; 2019-01 PL.214 Core E & F (Block 4) Material Details; 2019-01 PL.300 Site Section A-A; 2019-01 PL.301 Site Section B-B; 2019-01 PL.302 Site Section C-C; C0097 L110 Landscape Masterplan; 1087-KC-XX-YTREE-TCP01Rev0 Tree Constraints Plan; 1087-KC-XX-YTREE-TPP01RevA Tree Protection Plan.
- 3) Prior to the commencement of development hereby approved, an Arboriculture Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include details of specialist construction techniques as well as protection measures and facilitation works for those trees where work is carried out under or near to the canopy. The AMS shall set out the intended method by which the future management and maintenance of trees along the southern boundary is to be undertaken. The measures, techniques and works set out in the approved AMS shall be implemented in accordance with the approved AMS.
- 4) Prior to the commencement of development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include how the specific mitigation measures identified in the Aspect Ecological Appraisal (June 2019) and Dormouse Survey Results (October 2019) shall be achieved and implemented for the scope of the construction works, both temporary and permanent, and thereafter. All the environmental measures identified within this document shall apply to all contractor organisations, their sub-contractors, and employees. The measures shall be implemented as per the agreed timetable.

- 5) Prior to the commencement of development hereby approved, including any ground works or demolition, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development; and
 - iv) wheel and underbody washing facilities.
- 6) Prior to the commencement of development hereby approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and ground water during construction works and to prevent pollution shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved.
- 7) No development shall take place until an intrusive site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be provided to the Local Planning Authority before any development commences.
- 8) a. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be implemented in accordance with the approved timetable of works.

b. Within three months of the completion of measures identified in the approved remediation scheme, a validation report must be submitted to the Local Planning Authority for its written approval.
- 9) With the exception of demolition, no development 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 hydrogeological context of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a maintenance plan detailing who is responsible for different elements of the surface water drainage system and the maintenance activities/frequency. Specifically, the culverts, chambers and trash screens will need a detailed maintenance plan in order to remove all blockages and to ensure they are in perfect working condition. The maintenance plan should include regular inspections to ensure that the drainage scheme is working efficiently. Should any part be maintained 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 request by the Local Planning Authority. The scheme must include:

- i) A schedule for clearance of any blockages of pipes within the extent of the site, which will be used to convey surface water, and demonstration that they are restored to full working condition;
- ii) Limiting discharge rates to 4.8l/s for the 1 in 1 year storm event, 12.8l/s for the 1 in 30 year storm event, and 18l/s for the 1 in 100 plus 40% allowance for climate change storm event;
- iii) Demonstration that all storage features should half empty within 24 hours for critical storm event 1:100 plus 40% climate change, in order to meet Lead Local Flood Authority half drain time requirement;
- iv) Final modelling and calculations for all areas of the drainage system;
- v) Detailed engineering drawings of each component of the drainage scheme;
- vi) A final drainage plan which details exceedance and conveyance routes, first floor and ground levels, and location and sizing of any drainage features; and
- vii) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall be implemented prior to first occupation and retained thereafter.

- 10) With the exception of demolition, no development shall take place until details of existing and proposed site levels and the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Construction shall be in strict accordance with the approved details.
- 11) With the exception of demolition, no development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the existing trees, shrubs and hedgerows to be retained; the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted; and those areas to be grassed and/or paved.

The landscaping scheme shall include details of all surfacing materials including those of the shared access and parking areas, and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the Local Planning Authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation. The scheme shall include a landscape and ecology management plan to include management operations for the woodland on the south boundary as well as the establishment and long-term maintenance of the wildflower areas.

- 12) Notwithstanding the details indicated in the application, with the exception of demolition, no development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by

the Local Planning Authority. Window and door frames shall be timber. Windows should be set back at least 75mm into the brickwork. A brick sample panel shall be made available for inspection on site along with a sample of clay roof tiles. Development shall be carried out in accordance with the approved details.

- 13) No development shall take place above ground level until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the measures outlined in the mitigation strategy paragraph 6.1.8 of the Aspect Ecological Appraisal (June 2019). The scheme shall demonstrate how it will comply with the Institution of Lighting Professionals Guidance Note on Reduction of Obtrusive Light 2011 and be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage. The scheme shall be implemented as per the approved details and retained thereafter.
- 14) Prior to first occupation, details of cycle parking in accordance with the Essex Planning Officers Association Parking Standards shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be secure, convenient, always covered and provided prior to occupation of the relevant block and retained thereafter.
- 15) Prior to first occupation, the existing southwestern-bound bus stop on the A1023 Shenfield Road (adjacent to the junction with Crescent Drive) shall be improved to include a new bus stop flag and pole to Essex County Council specifications.
- 16) Prior to first occupation, a Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The Residential Travel Pack will include six one day travel vouchers for use with the relevant local public transport operator for each of the units, free of charge, and will be issued to each residential unit prior to its occupation.
- 17) Prior to first occupation, a scheme for the provision of communal/centralised satellite/cable and television reception equipment to be installed within the development (including any external or rooftop installations required) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the equipment shall thereafter be permanently retained and made available for use by all occupiers of the development.
- 18) Prior to first occupation, the redundant access furthest to the west of the site frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the footway/kerbing.
- 19) No block within the proposed development shall be occupied until such time as the vehicle parking area relevant to that block and indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. Each parking space shall have minimum dimensions of 2.5 metres x 5 metres or 2 metres x 6 metres for parallel parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

- 20) During the entire construction phase, noise emitted from any air handling/mechanical equipment and ducting shall be lower than the existing background noise level, expressed as LA90, by at least 5dB at any time measured at the facade of the nearest residential dwelling. All measurements shall be made according to British Standard BS4142: 2014.
- 21) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified in writing the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 7 (site investigation), and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority before work recommences on that part of the site on which development has been halted.
- 22) All existing trees and hedgerows on the site indicated for retention on the approved plan 1087-KC-XX-YTREE-TPP01RevA Tree Protection Plan shall be retained and shall not be felled, lopped or topped without the prior written consent of the Local Planning Authority. If prior to the commencement of the development, during the construction phase, or within five years of the completion of the development, any such trees or hedges are removed without such consent, or become severely damaged or diseased, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the Local Planning Authority. The replacement shall be carried out within the first planting season after the Local Planning Authority's written agreement. Any works to existing trees and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be approved in writing with the Local Planning Authority prior to the carrying out of those works.
- 23) Gates provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.