



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

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 weight¹ whilst the Council suggest some weight can be afforded to it². 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

¹ Proof of Evidence of Richard Gee paragraph 4.27.

² 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 3rd 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 15th 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 19th 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	'Planning Matters' Litchfield publication 29 October 2018 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.

END