



Appeal Decision

Hearing held on 13 June 2023

Site visit made on 13 June 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/P1560/W/23/3314642

Land adjacent Cliphedge Farm, Harwich Road, Little Bentley CO7 8SZ

- 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 Mr Neil Naphine (BrandArt Ltd) against the decision of Tendring District Council.
- The application Ref 21/01523/FUL, dated 24 August 2021, was refused by notice dated 12 July 2022.
- The development proposed is construction of buildings to serve a class E use (including offices; financial professional, and medical services) plus ancillary site works (car parking, landscaping, new vehicular access points off Harwich Road and stopping up of existing access).

Decision

1. The appeal is allowed and planning permission is granted for Proposed construction of buildings to serve a class E use (including offices; financial professional, and medical services) plus ancillary site works (car parking, landscaping, new vehicular access points off Harwich Road and stopping up of existing access) at Land adjacent Cliphedge Farm, Harwich Road, Little Bentley CO7 8SZ in accordance with the terms of the application, Ref 21/01523/FUL , dated 24 August 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. Prior to the Hearing the appellant provided updated evidence dated 07 June 2023, produced by Morley Riches Chartered Surveyors. The evidence sought to update information already submitted as part of the planning application. This information does not materially alter the proposal as consulted on by the Council at planning application stage. As such, I have accepted it and the other appeal parties had sufficient opportunity to make representations in response at the Hearing.
3. The appeal site has a relatively extensive planning history including two appeal decisions. In 2009 an appeal¹ was dismissed for a proposal for the alteration and change of use of a redundant agricultural building to storage and distribution (B8) and alteration of the existing access to highway. An Inspector allowed a subsequent appeal in 2020² (hereafter referred to as the Previous Appeal), granting planning permission for 'construction of office buildings, including ancillary site works (car parking, landscaping, surface water management pond, new vehicular access points off Harwich Road and stopping

¹ PINS Reference APP/P1560/A/09/2097421

² PINS Reference APP/P1560/W/19/3226387

up of existing access)'. Development has commenced and this planning permission therefore remains extant.

Main Issues

4. The main issues are:

- Whether the site is a suitable location for the proposed development, with particular regard to the Council's strategy for the location of employment development.
- The effect of the proposed development on the character and appearance of the area.
- The effect of the proposed development on the living conditions of the occupiers of the dwelling known as 'Cliphedge Farm'.

Reasons

Location

5. The appeal site is located to the south east of Harwich Road, within 200 metres of an upgraded access onto the A120. An adjacent dwelling, known as Cliphedge Farm, is located beyond a relatively dense band of existing planting to the north east of the appeal site. Whilst not within a built-up area, the appeal site is close to several villages, with Elmstead Market, Great Bromley and Great Bentley all within approximately 5km.
6. TDLP Section 2³ Policy SPL2 sets out the Council's approach to the location of new development with regard to the Settlement Development Boundaries (SDBs). The appeal site is located in the countryside for planning purposes because it is outside of the development plan defined SDBs. In such locations, Policy SPL2 states that the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in TDLP Section 2 Policy SPL1 and any other relevant policies in the Local Plan.
7. In terms of the scales of growth for employment development in relation to the settlement hierarchy, Policy SPL1 is silent. The Local Plan text (TDLP Section 2 paragraphs 3.3.1 to 3.3.2) does refer to scales of growth which might be appropriate in different locations but this is largely focused on residential development. However, it also refers (para 3.3.1.1.3) to the use of employment allocations to deliver economic growth in settlements at the top of the hierarchy.
8. Notwithstanding the lack of detail on the location of new employment development in relation to the settlement hierarchy, Policy SPL1 also outlines that regard may be paid to any other policies in the Local Plan. TDLP Section 2 Policy PP7 is one such 'other policy'. It sets out the sites which are allocated for employment development within the district. In relation to sites outside of these allocations, such as the appeal site, it states that proposals for new employment-related development will be considered having regard to their potential to support economic growth in the district and the requirements of other policies in the Local Plan. On that basis, in considering the suitability of

³ Tendring District Local Plan 2013-2033 and Beyond: Section 2 – Adopted 25 January 2022

the site for the proposed development, it is necessary to establish the extent to which the proposal would support economic growth.

9. Policy PP7 does not provide any objective measures for what might constitute an acceptable level of economic growth. On that basis, such a consideration is subjective and is a matter of planning judgement, having regard to the evidence.
10. The Appellant's business, BrandArt, provides branded merchandise to major visitor attractions in the UK and Europe. Some of its business includes merchandising for well-known leisure companies and tourist attractions. The business is currently based in Colchester. The aim of the proposal is to allow the business to expand successfully, with the initial intention being that there would be an increase in employment (equivalent to ten employees). BrandArt would initially occupy Unit 1, with the remaining units providing floorspace for other end-users, some of which have been preliminarily identified, whilst others have not. In addition, the proposal would allow the prospect of further expansion of the business depending on future success, as discussed in more detail below.
11. The Council's Economic Growth Team 'strongly support' the proposal. Indeed, its planning application consultation response emphasises the lack of suitable office floorspace within the District. The team also considers that the proposal would help support established local supply chain businesses, those which would service businesses within the proposed development and those which would maintain the buildings and the estate.
12. Furthermore, whilst I accept that there is no identified end-user for a large proportion of the proposed employment floorspace, there is no development plan or national policy requirement for an end-user to be identified. Taking a reasonable approach, it is unlikely that the appellant would pursue such a proposal if there was not confidence that the floorspace would be occupied by sufficient users. Furthermore, whilst not definitive, there is clear evidence of ongoing discussions with potential end-users.
13. In any case, to the extent that part of the proposal might provide speculative employment floorspace, the Council's Economic Growth Team considers that this too is a positive aspect of the proposal. Their response states in part that *'this application promotes the development of commercial space on (in part) a speculative basis (supported by an identified demand/need) and it is this approach that will assist in growing the district's economy and broadening Tendring's business base.'* I concur with this view, given that National Planning Policy Framework (Framework) Paragraph 84 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through provision of well-designed new buildings.
14. During the hearing, the appellant alluded to growth in emerging markets, particularly in relation to the production of sustainably sourced products. The proposed development would provide the prospect for physical expansion of the existing business to meet the demands of future growth, in a way which the fallback proposal would not (given its more limited floorspace). This too demonstrates that the proposal would support the future economic growth of BrandArt as a bare minimum (consistent with the requirements of Policy PP7).

15. The Council has also referred to policies which were not included within the reasons for refusal, including TDLP Section 2 Policy PP4 (on Local Impact Thresholds). I consider that this policy feeds into the test for establishing whether the proposal results in 'economic growth' within the terms of Policy PP7. This is because, if it can be established that there would not be economic harm to existing centres and locations for employment then the economic benefits of the proposal are not diminished.
16. The appellant submitted an Impact Assessment Report⁴ with the planning application. This report considers the impact of the proposal on the vitality of the nearest town centres⁵ of Manningtree and Brightlingsea. The Council and interested parties have suggested that this impact assessment should include a wider geographical area with other town centres considered. However, such an approach would render the geographical thresholds set out under Policy PP4 redundant. Furthermore, there is no substantive evidence before me to indicate that any other local centre would suffer as a result of the proposed employment floorspace offering. Indeed, in considering both Manningtree and Brightlingsea (other than solely the nearest town centre), the appellant has provided more information than is required by Policy PP4.
17. In summary, the Impact Assessment Report and updated evidence on the availability of commercial property⁶ together demonstrate that there is no suitable equivalent availability in terms of the type, quality and size of commercial floorspace within Brightlingsea or Manningtree. The impact assessment also shows that demand for office space in these centres is limited, with other town centre uses taking precedence. Incidentally, unlike earlier versions of the Framework, the revised Framework no longer requires impact assessments for office development⁷. Notwithstanding this, the evidence provided by the appellant clearly demonstrates that there would not be a harmful economic impact on local centres as a result of the proposal. As such, the proposal would comply with TDLP Section 2 Policy PP4.
18. Framework Paragraph 87 states that Local planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Office uses are defined as a main town centre use within the Framework Glossary.
19. Indeed, the appellant submitted a sequential test with the planning application. Notwithstanding this, I have not been directed to any development plan policies which require a sequential test to be applied for office or other employment development. Given that the principle of development is supported by the development plan (Policy PP7), a sequential test is not therefore required. Furthermore, the proviso within Framework Paragraph 87 - that the test only applies where development would not comply with an up-to-date plan - is consistent with the emphasis elsewhere in the Framework (para 84 for example) on supporting economic growth and development in rural areas.
20. Notwithstanding my conclusion that a sequential test is not required, the appellants sequential assessment⁸ demonstrates that there are no suitable

⁴ Whybrow Chartered Surveyors – dated December 2021

⁵ Town Centres as identified under Policy PP4

⁶ Update from Morley Riches Surveyors - dated 07 June 2023

⁷ See Framework Paragraph 90

⁸ Morely Riches and Ablewhite Supporting Statement and subsequent update dated 07 June 2023

alternative sites in town (Manningtree or Brightlingsea) or edge-of-centre locations which meet the requirements of the proposed development. Whilst I note that only one building will initially be occupied by BrandArt, I consider it a reasonable requirement in the site selection process to search for an amount of floorspace which would facilitate future business expansion of BrandArt on a single site, particularly given that this is a fundamental aspect of the proposal. An interested party has highlighted various alternative sites but the analysis provided predominantly focuses on the fact that certain sites benefit from planning permission. It does not therefore reflect the suitability or the availability of those alternative sites.

21. Overall, there would be significant economic benefits associated with the proposal. Indeed, it would support a local business and provide the opportunity for that business to expand in the future. It would, in the interim, also provide additional floorspace for other end-users, some of which have been identified, whilst others have not. The evidence also demonstrates that the proposal would not be harmful to existing local centres. As such, it would result in significant economic growth and it would accord with TDLP Section 2 Policies PP7 and PP4. Given that the development plan should be taken as a whole, the principle of development is acceptable and there would be no conflict with the Council's wider strategy for the location of employment development as enshrined in TDLP Section 2 Policies SPL1 and SPL2.

Character and Appearance

22. The appeal site comprises a former agricultural field which is now an area of unmanaged grassland. The surrounding boundaries are relatively thick with existing planting and vegetation. Indeed, other than from the adjacent highway, views into the appeal site are extremely limited. Despite the fact that the site is located within the countryside, it is visually divorced from the more agricultural (arable) and open plateaued appearance of the wider landscape. The Council has referred to the Tendring Landscape Character Assessment (2001), within which the appeal site falls in the Bromley Heaths Character Area. However, this document is dated from 2001 and the landscape may well have changed significantly in that time.
23. The observations made during my site visit provide a more up-to-date reflection of the existing character and appearance of the appeal site and surrounding area. The appeal site is located in close proximity to the A120, which is a dominant feature within the immediate context of the appeal site and wider surrounding area. Furthermore, there are small clusters of non-residential development located along Harwich Road and roads within the nearby area. These typically form pockets of more industrial character than one might expect in countryside locations.
24. The appellant submitted a Landscape and Visual Impact Assessment (LVIA) with the planning application. The LVIA concludes that the proposed development will lead to a moderate adverse landscape effect when viewed from four locations, including a Public Right of Way to the south-east (PRoW 171-3), from the main road immediately to the front of the site and from the junction of Harwich Road and the lane leading to Raven's Green.
25. The development would include more buildings than the Fallback scheme, some of which would be larger in terms of scale and bulk. The proposal incorporates six buildings, with those proposed on the perimeter of the appeal site typically

- comprising of single or 1.5 storey development. The modest scale and traditional building materials proposed are such that the development would have a rural character. Furthermore, there is nothing particularly dominant about the proposals. The tallest building would be 2.5 storeys and would form a focal point within the site. The remaining buildings would assimilate well around it.
26. Taking into account the prevailing characteristics of the surrounding area, the site's visually contained nature and the sympathetic design of the buildings, the proposed development would not be harmful to the character and appearance of the area. I accept that the appeal site itself would experience a significant change in character, but for the reasons outlined above, this would not be harmful, particularly when existing planting is taken into account. In addition, the appellant has submitted landscaping proposals and these details could be finalised through the imposition of an appropriately worded planning condition.
27. The use of the site by employees and visitors – including the associated vehicle movements and the parking of vehicles – would also alter the character of the area. But the proposal is not of such a large scale that these effects would be any different to other employment, industrial and highway uses within the surrounding area. Indeed, the appeal site, whilst rural, does not have an overtly tranquil character at present, given its proximity to the adjacent highway.
28. Furthermore, given the visual containment of the appeal site, it does little to contribute to the broader Bromley Heaths Character Area and its development would not therefore be contrary to the aims of the Landscape Character Assessment.
29. As such, the proposal would comply with TDLP Section 2 Policies PPL3 and SPL3, which seek to ensure that development is of a high-quality design and that it respects local character.
30. The proposal would also comply with Framework Paragraphs 130, which requires in part that new development is sympathetic to local character.

Living conditions

31. Units 2 and 3 would be the closest of the proposed buildings to the existing dwelling at Cliphedge Farm. These buildings would be located approximately 50 metres from the southern elevation of the neighbouring dwelling and approximately 10 and 20 metres from the neighbouring garden, respectively. Unit 3 would be two-storey but would be orientated such that its gable-end faces towards Cliphedge Farm. This means that the majority of its mass would not be visible from the neighbouring dwelling's first floor windows. Unit 2 is single storey and would not be dominant when viewed from Cliphedge Farm. Taking the separation distance, scale and orientation of these two buildings into account, they would not have an overbearing impact on the occupiers of the Cliphedge Farm. The other proposed units are even further from the neighbouring property and for this reason, whilst the overall development may be partially visible from Cliphedge Farm, it would not be overbearing.
32. In terms of privacy, the existing planting, proposed planting (to be controlled by condition) and the separation distances outlined above are all sufficient to ensure that there would be no actual or perceived loss of privacy to the occupiers of the neighbouring dwelling. This is further re-enforced by the fact that there are no first-floor windows proposed in the north facing elevation of unit 3.

33. All of the proposed buildings, particularly those that are two storeys or more, are located sufficiently far from the neighbouring boundary to the north that there would be no significant loss of light to the neighbouring garden. Indeed, the garden is very large and even if I were to accept that there would be some overshadowing, as indicated in the Appellant's Design and Access Statement, a substantial proportion of the garden would remain unaffected. Furthermore, any effects in terms of overshadowing are likely to be limited in duration rather than permanent given that they depend on the time of day and time of year (with wide variations). For these reasons, in terms of access to natural light, the proposal would not result in an unacceptable impact on the living conditions of occupiers of the neighbouring dwelling.
34. The appellant submitted a Noise Impact Assessment (NIA)⁹ with the planning application which includes and assessment of the noise impact of the proposal on the occupiers of Cliphedge Farm. The assessment outlines that noise levels at the site were dominated by constant traffic flow on Harwich Road, and noise from the A120 was clearly audible in the background during lulls of traffic. The NIA determined that the lowest background noise levels were 47 dBA LAeq and 37 dB LA90 (recorded at 11:30 on a Saturday during lockdown). In a scenario where 116 cars arrive at the site within a half hour duration, the NIA concludes that noise levels at Cliphedge Farm would be 37dba and as such largely inaudible given the existing background noise levels. Similarly, the NIA concluded that noise levels from fixed plant would be lower than daytime and night-time background levels (of 40 dB LA90 and 33 dB LA90, respectively). These effects are so limited that they would not adversely impact upon the living conditions of the occupiers of Cliphedge Farm.
35. In terms of 'noise break out' from the units themselves, the NIA used an internal noise level of 80dBA, which is equivalent to that of a busy chain restaurant. Given that the uses proposed are likely to be less intensive than a chain restaurant I consider that this is a worst-case scenario. The NIA concludes that the resultant noise level at the boundary of Cliphedge Farm would be 30 dBA which is lower than the existing background noise level. An interested party has indicated that noise attenuation from 80dBA to 30dBA over such a distance is implausible. However, the 80dBA figure is an internal figure (as opposed to external) and this explains the significant drop in the noise level at the boundary with Cliphedge Farm. As such, noise associated with 'break out' would not adversely impact on the living conditions of neighbouring occupiers.
36. An interested party has also raised concerns with regard to noise arising from car doors slamming. However, there would be a significant distance between the dwelling at Cliphedge Farm and the nearest part of the proposed parking areas (in excess of 30 metres). There is also relatively dense tree planting on the boundary which would likely reduce noise disturbance. Finally, instances of door slamming are likely to be infrequent and very short in duration. Taking these factors into account I do not consider that the use of the car parks would have an adverse impact on the living conditions of the occupiers of Cliphedge Farm.
37. There would be additional lighting associated with the proposed development. However, a condition could be imposed on any permission granted requiring a lighting design scheme to be submitted to the Council for approval in writing, this would sufficiently control any potential adverse impact from external

⁹ Produced by SRL and dated 30 June 2021

lighting. The effect of internal lighting would be limited to the daytime hours of operation and there are very few windows facing north towards the neighbouring property. Finally, lighting from car headlights would also likely be limited to the hours of operation and the existing planting and proposed planting would eliminate any adverse effect on the living conditions of neighbouring residents.

38. In summary, the proposed development would not result in any unacceptable harm to the living conditions of occupiers of Cliphedge Farm. For these reasons the proposed development complies with TDLP Section 1¹⁰ Policy SP7 and TDLP Section 2 Policy SPL3, which together seek to safeguard the existing living conditions of neighbouring residents. The proposal would also comply with Framework Paragraph 130 insofar as it too seeks to protect living conditions.

Other Matters

Fallback

39. There is an extant permission granted under the Previous Appeal for construction of office buildings, including ancillary site works. It is clear, as evidenced by this appeal and the submissions made by the appellant in relation to the need to expand the business, that there is a realistic prospect of the Previous Appeal being implemented in the event that this current appeal is dismissed.
40. Both the Council and interested parties have drawn many comparisons between the fallback scheme and the proposed development. However, I have not found that there would be any harm arising from the proposal in its own right, regardless of comparisons with the fallback scheme. Neither have I found there to be any conflict with the relevant development plan policies. For these reasons, whilst I recognise that the proposed development is of a greater size and quantum than that allowed under the fallback, it is not necessary to determine which proposal would have a lower impact. Interested parties have suggested that there is no additional tangible economic benefit compared to the fallback scheme. However, I do not accept this and my conclusions on the economic benefits of this proposal are very clear. The increase in floorspace, regardless of whether all end-users have been identified, represents a significant additional economic benefit when compared to the fallback, for reasons already given.

Highway Safety

41. 116 Car parking spaces would be provided including 12 disabled bays. There would be a further 54 cycle spaces and 4 motorcycle parking facilities. The Essex Parking Standards set out maximum parking standards for vehicles based on the now replaced Use Classes (including but not limited to Former Use Classes A2, D1 and B1). Given that planning permission is sought for Use Class E (including offices; financial professional, and medical services) it is necessary to consider the range of maximum standards which apply.
42. Taking into account the guidance contained within the Essex Parking Standards¹¹, the proposed development sets out maximum standards ranging between 150 (With 100% of floorspace assumed allocated to financial professional services) and 100 (with 100% assumed allocated to offices). The figures provided for medical centres would be much higher, albeit it would be unreasonable to impose this requirement given that the evidence strongly

¹⁰ Tendring District Local Plan 2013-2033 and Beyond: Section 1 – Adopted January 2021

¹¹ Parking Standards Design and Good Practice (September 2009)

indicates that the use of all units as a medical centre is extremely unlikely. As such, based on the parking standards, a range of between 100 and 150 spaces would accommodate the needs of staff and visitors.

43. I note that the parking standards are based on the now revoked 'Planning Policy Guidance 3'. However, the Framework also encourages the use of sustainable modes of transport. Indeed, the SPD is consistent with the Framework in this regard. At a national level, policy has generally not changed to require greater provision of vehicle parking spaces. I accept that car parking requirements may vary between urban and rural areas. However, the parking standards recognise this and state that the maximum figures set out may be lower in urban areas (as opposed to higher in rural areas).
44. I consider it highly unlikely that every member of staff would drive to work on any given day. As such, even if accepting the interested party's FTE prediction of 325 employees, a significant proportion of those would likely travel by modes other than the private motor vehicle or alternatively they might car-share. Indeed, a one space per employee allocation would not be appropriate and would not be consistent with the emphasis in the Framework on encouraging the use of sustainable modes of transport.
45. Whilst there is only modest access to bus services, the appeal site is within 5km of several settlements including Elmstead Market, Great Bromley and Great Bentley. 5km is a short cycling distance. As such, the 54 cycle spaces proposed would help facilitate a realistic alternative means of sustainable transport to and from the development. Furthermore, a condition requiring the submission, approval and implementation of a Travel Plan would further encourage car-sharing.
46. In summary, the evidence before me demonstrates that the development makes more than adequate provision for vehicle parking. Theoretically, the Essex parking standards indicate a maximum provision of 150 spaces. However, in reality the evidence suggests a split in uses between the units, which would lead to a lower maximum requirement (of 100 spaces). In any case, the parking standards are only one material consideration and the prevalence of other more transport options (cycling and car-sharing) would further reduce the demand for vehicle parking spaces. The development would therefore be highly unlikely to lead to vehicles parking on the highway and there would not be any associated adverse impact on highway safety in this regard.

Biodiversity Net Gain

47. The Planning Practice Guidance outlines that DEFRA's biodiversity metric can be used as a means to demonstrate whether or not a proposal will result in biodiversity net gain. The appellant used this metric and submitted the results as part of the planning application. Whilst I note that an interested party has reached differing conclusions, the method which he utilised to calculate the alternative figures has not been referenced and there appears to be a subjective element to the inputs made on the baseline calculation. Having visited the site and reviewed the evidence before me, I concur with the appellants assessment that the existing baseline condition of the appeal site is poor. I also note neither the Essex County Council Ecology Officer, nor the Council, disputed the appellant's findings.

Other interested party concerns

48. Interested parties also have concerns over an increase in traffic in the area due to the proposal. Whilst there would be a modest increase in traffic, there is no substantive evidence to suggest that this would be an increase that would lead to a severe impact on the highway network. Indeed, it is likely that employees would be travelling along different routes in order to reach the site and whilst the proposals are for flexible use under Class E, there is no substantive evidence to suggest that they would involve significant freight movements. As such, the proposals would not conflict with Framework Paragraph 111.
49. I note the concerns raised with regard to the loss of agricultural land. However, the evidence before me indicates that the site has not been in agricultural use for several years. Even if that were not the case, the existence of the fallback position would outweigh any harm in this regard, as the appeal site is already likely to change to a non-agricultural use, regardless of the outcome of this appeal.

Conditions

50. I have considered the Council's suggested conditions in light of advice contained in the Planning Practice Guidance and the tests within the Framework. As a result, I have amended some of the conditions so that they are enforceable, precise, relevant, necessary and reasonable in all other respects. I have also combined some of the recommended conditions where they seek to meet the same aims or are overly repetitive.
51. Conditions relating to timeliness [1] and the identification of plans [2] are necessary to provide certainty. After the Hearing, the appellant indicated that the landscape proposals indicated on plan references 6793-1120-P4 and 6793-1113- P5 had been updated and included within the Statement of Case. However, at the Hearing I asked the appellant to confirm the plan list for which permission was sought. This list did not include the revised landscape proposals. In the interest of ensuring that the Council has sufficient oversight of any revised proposals a separate planning condition is therefore necessary requiring the submission and approval of landscape proposals prior to commencement of development [3].
52. In the interests of preserving any archaeological remains, a condition requiring submission and approval of a written scheme of investigation is necessary [4]. A construction management plan is necessary in the interests of neighbouring living conditions, highway safety and in order to protect trees during construction [5]. A landscape and ecological management plan [6] is required in the interests of character and appearance and biodiversity. Conditions pertaining to the approved vehicular access and parking [7 – 10] are necessary in the interest of highway safety. In order to encourage the use of sustainable modes of transport I have imposed a condition requiring the submission, approval and implementation of a Travel Plan [11]. Conditions pertaining to lighting [12] and hours of operation [13] are required in the interest of neighbouring living conditions. A condition requiring implementation and management of drainage is required to prevent an increase in risk from flooding [14]. Finally, a condition [15] restricting the use of the units is necessary as this proposal has been assessed on the basis of specific effects relating to the uses proposed and other uses under Class E may have different effects which haven't been considered or consulted on.

Conclusion

53. The proposed development complies with the development plan taken as a whole. There are no material considerations raised which indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore allowed.

Luke Simpson BSc MSc MRTPI

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6793-1111-P3 - Location Plan, 6793-1112-P2 - Existing Site Plan, 6793-1113-P5 - Proposed Site Plan (with the exception of landscaping details which are subject to a separate planning condition), 6793-1120-P4 - Proposed Site Plan 1:250 (with the exception of landscaping details which are subject to a separate planning condition), 6793-1211-P1 - Unit 1 Proposed Plans, 6793-1311-P2 - Unit 1 Proposed Elevations, 6793-1212-P3 - Unit 2 Proposed Plans & Elevations, 6793-1213-P2 - Unit 3 Proposed Plans, 6793-1313-P3 - Unit 3 Proposed Elevations, 6793-1214-P2 - Unit 4 Proposed Plans, 6793-1314-P3 - Unit 4 Proposed Elevations, 6793-1215-P2 - Unit 5 Proposed Plans and Elevations, 6793-1216-P2 - Unit 6 Proposed Plans and Elevations, 6793-1401-P3 - Site Sections, 6793-1601-P2 - Aerial View, 6793-1602-P2 - Site Entrance View and 6793-1612-P2 - PV Array Layout. 2075-WWA-ZZ-XX-DR-L-0300 PL05 - Outline Planting Plan, 2075-WWA-ZZXX-DR-L-0100 PL05 - Landscape Layout, 6793-1122-P3 - Vehicle Tracking Plan, 3225.101 1.0 - Site Plan Proposed Amendments to Electricity Infrastructure, IT2199/DE/01 Rev B - Easement Plan for Site Drainage, IT2199/DS/002 Rev B - Proposed Foul Water Drainage Strategy, EDS 07-3102.01 Rev C - Unit or Padmount Substation in a GRP Enclosure Civil Layout - Sheet 1 of 3, EDS 07-3102.01 Rev A - Unit or Padmount Substation in a GRP Enclosure Earthing Layout - Sheet 2 of 3, EDS 07-3102.01 Rev A - Unit or Padmount Substation in a GRP Enclosure Small Power and Lighting - Sheet 3 of 3, EDS 07-3102.15 Rev B - Freestanding brick-built substation for a transformer up to 1000kVA Earth Ring, EDS 07-3102.BE Rev A - Earthing arrangements for freestanding substations with brick enclosures', and EDS 07-3102.BP Rev B - Small power and lighting for brick-built, integral and basement secondary substations, Flood Risk Assessment and Drainage Strategy' dated March 2022.
- 3) No development shall commence until details of both hard and soft landscape works, including a timetable for their implementation, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and retained in accordance with the approved details.
- 4) No development shall take place until a Written Scheme of archaeological Investigation (WSI) has been submitted to, and approved in writing by, the local planning authority. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the approved WSI. Within six months of the completion of the fieldwork, a post excavation assessment shall be submitted to the Local Planning Authority.
- 5) No development shall take place, including any ground works, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan as may be agreed

shall be adhered to throughout the construction period. As a minimum the Plan shall provide details for:

- a) vehicle routing
 - b) the parking of vehicles of site operatives and visitors
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials used in constructing the development
 - e) wheel and underbody washing facilities
 - f) hours of construction to be agreed
 - g) mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms
 - h) details of piling to be carried out
 - i) details of all construction waste management, including recycling
 - j) details of dust prevention measures
 - k) a Tree Protection Plan and measures
 - l) details of measures to protect biodiversity during construction
- 6) Prior to development above slab level, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of biodiversity enhancement measures, a detailed planting specification and a timetable for the implementation of ecological measures. The approved hard and soft landscaping (condition 3) and ecological enhancement measures shall thereafter be implemented and managed in accordance with the approved details.
- 7) Prior to development above slab level, a detailed design drawing of the approved access, including details of measures to prevent drainage onto the public highway, shall be submitted to and approved in writing by the local planning authority. The access shall be constructed in accordance with the approved details, with the existing access permanently closed and re-instated to the full height of the highway verge prior to first use of the development. The access shall thereafter be retained in accordance with the approved details.
- 8) Prior to first use of the development hereby approved, the new road junction/access at its centre line shall be provided with minimum clear to ground visibility splay dimensions of 2.4 metres by 185 metres in both directions, as measured from and along the nearside edge of the carriageway and shall be retained free of any obstruction at all times thereafter.
- 9) Prior to first use of the development hereby approved, the internal roads, car parking and cycle parking shall be laid out in accordance with the approved plans and shall thereafter be retained for that purpose.
- 10) Prior to first use of the development hereby approved, details of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to first use of the development hereby approved and shall thereafter be retained as such.

- 11) Prior to first use of the development hereby approved, a Travel Plan - in accordance with the details contained in the Travel Plan Framework dated July 2021 and including details of monitoring provisions, travel arrangements to/from the site for employees and a timetable for implementation of the measures - shall be submitted to and approved in writing by the local planning authority. The approved Travel Plan shall be implemented in accordance with the approved timetable and the measures shall be retained/carried out thereafter in accordance with the approved details.
- 12) Prior to first use of the development hereby approved, a lighting design scheme shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the approved details and maintained as such thereafter.
- 13) Operational use of the development as hereby permitted shall be confined to the following hours:

Mondays to Fridays – 0700 – 1800
Saturdays – 0900 – 1600
Sundays and Bank Holidays – Closed
- 14) The surface water drainage strategy (Flood Risk Assessment Drawing IT2199/DS/001) and the foul drainage strategy (IT2199/DS/002 Rev B) shall be implemented prior to first use of the development hereby approved and shall thereafter be retained in accordance with the approved plans and managed in accordance with the Management and Maintenance Plan in Section 7 of the approved Flood Risk Assessment.
- 15) Units 1 to 6 (as shown on plan reference 2075-WWA-ZZ-XX-DR-L-0100 PL05) hereby approved shall only be used for Class E(c), E(e) or E(g)(i) and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

APPEARANCES

FOR THE APPELLANT:

Matthew Green	Green Planning Studio
Neil Napthine	Appellant (BrandArt Ltd)
Billy Napthine	BrandArt Ltd
Peter Riches	Morley Riches Chartered Surveyors
Graham Rowe	Stanley Bragg Architects
Vesal Tebyanian	Stanley Bragg Architects
Stephen Elsey	BrandArt Ltd

FOR THE LOCAL PLANNING AUTHORITY

Jacob Jaarsma	Planning Team Leader
Amy Lang	Planning Officer
Michael Pingram	Planning Officer

INRERESTED PARTIES:

Mr Mark Rogers	Neighbouring Resident
Mrs Rogers	Neighbouring Resident