



Appeal Decision

Inquiry Held on 11-21 January 2022

Site Visit made on 20 January 2022

by R Barrett BSc (Hons) MSc MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/V1505/W/21/3281212 Basildon Town Square North, Basildon SS14 1BA

- 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 planning permission.
- The appeal is made by Basildon Estates Limited against Basildon Borough Council.
- The application Ref 20/01350/FULL, is dated 22 December 2020.
- The development proposed is described as 'hybrid planning application seeking detailed planning permission for Plot 1 and outline planning permission for Plot 2:
Plot 1 (West Wing) comprising detailed planning permission for the full and partial demolition of existing floorspace, erection of new buildings up to 23 storeys to provide 265 residential dwellings (Class C3) and new Class E and Flexible Class E/F1/F2 floorspace, external alterations, along with associated landscaping, amenity space, car and cycle parking, new pedestrian accesses and circulation, plant and storage, and associated works; and
Plot 2 (East Wing) comprising outline planning permission (all matters reserved) for the full and partial demolition of existing floorspace, erection of new buildings to provide up to 230 residential dwellings (Class C3) and new Class E floorspace, external alterations, along with associated landscaping, amenity space, car and cycle parking, new pedestrian accesses and circulation, plant and storage, and associated works.'

Decision

1. The appeal is allowed and planning permission is granted for 'hybrid planning application seeking detailed planning permission for Plot 1 and outline planning permission for Plot 2:

Plot 1 (West Wing) comprising detailed planning permission for the full and partial demolition of existing floorspace, erection of new buildings up to 23 storeys to provide 265 residential dwellings (Class C3) and new Class E and Flexible Class E/F1/F2 floorspace, external alterations, along with associated landscaping, amenity space, car and cycle parking, new pedestrian accesses and circulation, plant and storage, and associated works; and

Plot 2 (East Wing) comprising outline planning permission (all matters reserved) for the full and partial demolition of existing floorspace, erection of new buildings to provide up to 230 residential dwellings (Class C3) and new Class E floorspace, external alterations, along with associated landscaping, amenity space, car and cycle parking, new pedestrian accesses and circulation, plant and storage, and associated works' at Basildon Town Square North, Basildon SS14 1BA, in accordance with the terms of application, Ref

20/01350/FULL, dated 22 December 2020, and the plans submitted with it, subject to the conditions set out in annex 3 to this decision.

Preliminary Matters

2. The appeal includes a hybrid application which seeks full planning permission for plot one (west wing), and outline planning permission, with all matters reserved, for plot two (east wing). In relation to plot two, approval of the details of the access, appearance, landscaping, layout and scale of the proposed development are to be determined at a later date. However, the appeal application includes an illustrative design for Plot 2 and parameter plans. A condition could secure development in accordance with those parameter plans. I have had regard to these matters in determining this appeal.
3. The Inquiry was attended by a Rule 6(6) party (R6) with an interest in its own development proposal in Basildon Town Centre. This was InfraRed UK Lion Nominee 1 Limited (in administration) and InfraRed UK Lion Nominee 2 Limited (in administration).¹
4. Prior to opening this Inquiry an appeal decision² relating to development at Market Square was issued. That involved tall building development close to the appeal site within the Town Centre. I have had regard to that decision letter in the determination of this appeal.
5. During the course of this application and appeal, the description of development was amended. Those amendments reflect changes to the proposed development. As the revised description of development was agreed between the two main parties during pre-Inquiry engagement, I have used this in the banner heading above and in my formal decision.
6. Prior to opening the Inquiry, I undertook an unaccompanied site visit, following an itinerary agreed between the main parties. In addition, I carried out an accompanied site visit, which took place towards the end of the Inquiry.
7. Shortly before the Inquiry opened the 2021 Housing Delivery Test (HDT) results were published. This confirmed that Basildon Borough Council (the Council) had a HDT score of 41%. I have made my decision in light of this.
8. In pre-Inquiry engagement the main parties agreed a number of statements of common ground, in relation to general matters, each of my main issues, housing land supply (HLS) and extant and emerging Council planning policy. My decision is made accordingly.
9. At the start of the Inquiry the Basildon Borough Local Plan 2014-2034 (eLocal Plan) was at Examination. As part of that Examination, prior to the Inquiry opening, the Council published a number of evidence based documents along with some modifications to the eLocal Plan. That included the Basildon Town Centre Urban Capacity Study (September 2021), and the Basildon Town Centre Development Appraisal Results (November 2021). A statement of common ground set out the main parties' position on the weight to be attached to each document.

¹ Hereafter referred to as InfraRed

² APP/V1505/W/21/3279154 hereafter referred to as 'the Orwell appeal'

10. However, prior to issuing my decision, on 3 March 2022, the Council took the decision to withdraw the eLocal Plan from Examination. The views of the main parties were sought regarding the implications for this appeal. Those have been taken into consideration in my deliberations. In this regard, the consequence is I attach no weight to the eLocal Plan and very limited weight to the evidence base documents referred to. In addition, I have taken the matter into account in considering the appeal, including the Council's HLS position and in assessing the s106 Agreement.
11. The Council advised, that had it determined the appeal application within the prescribed period, it would have refused permission. The Council provided three putative reasons for refusal, which included those relating to my main issues below. However, those reasons also included objection on the basis of inequal access to private amenity space. Prior to the start of the Inquiry, in light of the approach taken and conclusions in the Orwell appeal, the Council confirmed that it did not wish to defend that matter. Given the amount and quality of private amenity space provided as part of this appeal development, I have no reason to take an alternative view on this matter.
12. The third reason for refusal relates to the absence of a legal Obligation to secure financial contributions, and matters including the proposed build to rent use, housing unit mix, site wide accommodation and its management, monitoring, and historic building recording. A draft s106 Agreement was submitted at Inquiry. A final completed version was submitted after its close, in accordance with an agreed timetable. The Council confirmed that its provisions address its concerns in this regard. I make my decision on that basis.
13. In relation to HLS, it was agreed that the Council could not demonstrate a five year supply, although there was dispute as to the extent of the shortfall. Irrespective of the exact figure, and given the HDT results, it was agreed that the tilted balance in the National Planning Policy Framework (the Framework) paragraph 11(d) was engaged. Accordingly, the policies most important for determining this appeal were deemed to be out of date. This means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Main issues

14. On the basis of the above considerations, my remaining main issues in this appeal are:
 - The effect of the appeal proposal on the character and appearance of the Basildon Town Centre, with particular regard to the height, scale, massing and architectural treatment of the proposal.
 - The effect of the appeal proposal on the special architectural or historic interest of Brooke House, a grade II listed building and designated heritage asset, with particular regard to its setting.

Reasons

Character and Appearance

Site and surroundings

15. Basildon Town Centre is strongly influenced by its New Town origins. It has a strong modern movement idiom and architectural character. As an example of post war modernist urban design, it comprises a dominant Ring Road which encircles the Town Centre car parks and pedestrianised precincts. It is laid out on a roughly rectangular grid arranged on an east-west axis, with large and generally open precincts, including East Square, Town Square and St Martin's Square, all close to the appeal site.
16. Buildings that line pedestrianised precincts are generally low rise and of simple rectilinear form, with a strong horizontal emphasis and permeable ground floors, often under cantilevered canopies. The use of modern materials, including concrete, glazed curtain walling and stone and aggregate cladding panels provides a simplicity to their appearance. Almost uniformly two storeys in its outer suburban edges, the Town Centre is generally 2 to 5 storeys with some uniformity in the height, age, style, materials and detailing of the core Town Centre buildings. It includes a limited number of tall buildings, which provide contrast in scale to the generally low level character of the Town Centre.
17. Today, the Town Centre has a generally run down feel evidenced by its fading physical fabric, a plethora of empty retail units and generally underused public spaces. It is agreed between all main parties that the Town Centre is in need of regeneration.

The appeal site

18. The appeal site sits in the core of the Town Centre fronting two sides of Town Square. It is in a highly prominent location. It includes a series of buildings forming a discrete urban block framing Town Square, St Martin's Square, East Square and 'low pavement'. That pavement runs along the rear of the site adjacent to the car park block. Another pedestrian route, known as 'high pavement' runs at third floor level from Town Square to the same car park.
19. The appeal site includes a number of typical Basildon Town Centre buildings. Eastern Parade, is a two and three storey building adjoining Brooke House. It is horizontal in emphasis, with a retail arcade supported by concrete columns. Brooke House oversails the lower most part of Eastern Parade.
20. Northgate House sits beyond as an L shaped three storey element including residential accommodation, sitting above a low level continuous parade. It has recently been refaced with colourful cladding. A glass enclosed lift and stair connects Town Square to high pavement. The former Marks and Spencer building is a three storey mainly red brick element, with generally blank elevations, which steps forward to partially enclose Town Square and St Martin's Square.
21. The appeal site, which includes the Town Centre central core, emulates the generally low level, distinctive development seen throughout the Town Centre and thereby contributes to the wider character and appearance of the Town Centre.

Brooke House

22. Brooke House sits close to the appeal site. It is a 14 storey residential tower block, raised roughly eight metres above the ground, on reinforced concrete V shaped pilotis. Of remarkable Brutalist design, the main bulk of the building is of simple rectilinear form. The principal east and west elevations have uniformly spaced projecting V shaped windows, with much plainer brick north and south elevations with a single central vertical opening.
23. Brooke House was the first tall building in Basildon Town Centre, introduced as a later addition to the New Town masterplan. Built in the early 1960s, its purpose was to counterbalance the previous low level development, add height and drama to the townscape and introduce residential activity into the Town Centre. It is a grade II listed building.
24. The Council refers to Brooke House as a 'Stadtkrone', a 'City Crown', a term applied to a type of civic building of indeterminate use proposed by a number of German Brutalist architects in the early 20th century. Regardless of the appropriateness of that description, Brooke House is a standout building and a local landmark, due to a combination of factors. Those include its height, mass, bulk and slender form, distinctive architectural design and detailing, its siting in the Town Centre core at the junction of two main pedestrian squares (East and Town Squares), along with its planned contrast with the surrounding generally low level development. Those elements, together with its visibility in longer range views, ensure it is a prominent and even dominant feature in the local area.
25. I find the historic commentaries on the history of Brooke House and the original masterplan referred to by all main parties to assist little as to whether Brooke House was intended to be the only tall building in the Town Centre or indeed the tallest building. However, I agree that this is rather academic, as other tall buildings are part of the Town Centre today³, and a taller building has been permitted within the Orwell scheme. Further, no substantive evidence is before me to indicate that Brooke House should serve as a cap on future height within the Town Centre.
26. All in all, being a prominent and in some views dominant feature in the Town Centre, Brooke House significantly contributes to the character and appearance of the locality.

Impact of proposed development

27. The appeal development would introduce a number of new tower blocks, which would be significantly higher than Brooke House. At Inquiry, its impact was assessed through examination of a number of key views within and beyond the Town Centre. Whilst these are mainly static views, my conclusions in relation to each is reinforced by my on-site assessment.

Local views

28. From the sunken level of East Square, as the towers would be some distance from Brooke House, with intervening low level development, the dominating

³ Accorn House (7storeys), Ketling House (9 storeys) abutting the inner cordon Ring Road, the Icon (10 storeys) and Trafford House 8 storeys with approval for another three storeys) to the south of the Ring Road. Approval also exists for the redevelopment of the Great Oaks GS8 'island' site (8-11 storeys), within the arterial road but physically detached from the main Town Centre.

impact of Brooke House and planned contrast in height and scale with the low level buildings beyond would be retained.

29. From within Town Square, the podium and tower arrangement would ensure a human scale to the space and respond appropriately to the architectural arrangement of Brooke House. The additional height and scale would help to improve the enclosure of Town Square and would relate to the scale of the space and the height of development permitted in the Orwell development. Tower A, the highest tower, marking the entrance and junction with Market Square would act as a counterbalance to the height and scale of Brooke House. By respecting the hierarchy of the spaces and built form, it would enhance the landmarking role of Brooke House. Within Town Square, looking towards Brooke House, due to the separation distance from the proposed towers and intervening retained low level development, the listed building would retain its separation and dominating impact. This would be the case, even though the proposed towers would be sited within the same city block as Brooke House.
30. From East Walk, part of the main east-west pedestrian spine, the proposed development would be partially seen as a backdrop to the low level development on either side. Views of Brooke House with Towers C and D sited behind would be significantly obscured by the recently developed new cinema. Tower A would be seen as a terminating building, marking Market Square. There would be a significant skyline gap between it and Brooke House. The effect of distance would render the height and scale of the proposed towers roughly in line with Brooke House. The increased height and scale of development, progressing along East Walk towards East Square, would reinforce the Town Centre's role. Overall, Brooke House would remain the dominant building in this view, albeit as one of a number of tall buildings.
31. In relation to Market Square, the proposed development would introduce appropriate Town Centre scale and height to its built edges. That would improve the relationship of built edge to open space, helping to enclose the vast space with proportionate built form. The lower level podium would introduce a strong horizontal element which would give the edge a human scale. The towers rising from the podium would read as a secondary element viewed from within the Square. Due to the staggered plan with offset towers, a significant skyline gap would be appreciable between the vertical elements. Given the separation distance, human scale and horizontal emphasis of the podium, it would relate well to the Church and Bell Tower. In particular, its New Town architecture, with urban loggia, vertical columns and lattice screen would establish a visual link with the church. It would introduce active frontages which would animate the edge.
32. Overall, in relation to St Martin's Square, the proposal would relate well to the scale of the space, help to enclose it, improve its proportions and enhance its edge. As Brooke House is currently mostly obscured by existing development fronting Market Square, no material impact on its pre-eminence would result in views from that Square.

Longer range views

33. In views on the pedestrian route from Gloucester Park, the towers would be visible as four distinct elements. There would be a clear distance between the pairs and skyline gaps would open up between the individual volumes as one

progresses along the path. Distinct elevational treatments in the New Town tradition would help to differentiate the volumes and refer to Brooke House. In some views the collection would obscure Brooke House. However, those would be transient views and Brooke House would open up as a separate element in the view as one progresses nearer the Town Centre.

34. From the railway station forecourt, the proposed towers A and D would be in the view as separate volumes marking the Town Centre. Brooke House, some distance away, would sit in the view and due to the separation distance from the proposed towers no material impact on its prominence would result.
35. Following the pedestrian route from the station, at Fodderwick the full scale of the proposed development would be obscured to a great extent by the height and mass of the Orwell development and from Market Pavement, it would be partly obscured. However, where visible, the towers would read as separate volumes, differentiated by their elevational articulation and colour. There would be a significant gap between the proposed towers and Brooke House, preserving its separate dominating appearance.
36. In views from Broadmayne, on the Ring Road, the proposed development would be seen as a distinct group sat behind Great Oaks. Brooke House would remain clearly legible as a separate volume. The proposal would read as buildings of scale and interest landmarking the Town Centre. From Southernhay, the top of Brooke House is clearly visible above the horizontal volumes of the Toys R Us retail units. The proposed towers C and D would be visible beyond, and together with Brooke House would form a cluster, within which, Brooke House, due to its distinctive form and architectural detailing would be distinct.
37. In some views from beyond the Ring Road, the appeal towers would be seen to form an attractive group. They would mark the Town Centre location filling the gap between Great Oaks and Brooke House to form an attractive and lively skyline. Brooke House, although forming part of that group, due to variations in height, form and materiality, would be clearly identifiable. From Clayhill Road/Southernhay junction, Brooke House would be set apart, terminating the view. The proposed towers would read as separate paired elements, with clear differences in height and materiality, allowing Brooke House to remain as distinct.
38. In long distance views from Gloucester Park, one of the town's main public parks, the proposed towers would be seen as the tallest cluster on the skyline, albeit in scale with Great Oaks and Brooke House which would sit separately. Their form and massing would be simple and they would read as separate volumes, with a significant skyline gap between the two pairs.

Elevational treatment

39. Plot 2, including towers C and D, are the subject of an outline application. Design is a reserved matter and elevational treatment will be assessed at that stage. However, illustrative drawings indicate clear horizontal bands with relief and depth which could successfully moderate the towers' verticality.
40. In tower A, the use of vertical piers arranged over twin floors group storeys together, which helps to reduce the sense of height. A crowning detail at the top brings an end to the grouping and successfully terminates the building. The

offset, alternating and irregular rhythms of angled piers, subdivided windows and balconies, provide interest, depth and relief.

41. Tower B, with single height horizontal divisions, regular and offset vertical columns, balconies, some of which are protruding, recessed windows and contrasting materials, successfully draws the eye to its horizontal elements, even on its north elevation.
42. Generally, the elevational treatments reinterpret the distinctive character of Basildon's New Town architecture, without slavishly copying it. Generally, they combine elegant verticals and strong horizontals to successfully mediate their verticality and horizontality.

Design code

43. It is understood that the scale parameters in the Design and Access Statement (DAS) are legal requirements and are not a design code. However, a planning condition could ensure that design development of the outline scheme adhered to those requirements. That could fix the location, height and massing of the outline scheme. Together with the other design principles set out in the DAS, which could also be subject of a planning condition, they could provide appropriate assurance of the design principles of a detailed scheme. At the end of the day, the Council would have control over the detailed design of the outline scheme through determination of reserved matters applications.
44. It may well have been preferable to produce a design code at this stage. However, the parameter plans, along with the other principles set out in the DAS, provide an appropriate basis to inform the development of a design code, in accordance with the National Design Guide. As high level design principles are set down in the DAS, and could be conditioned, whether the current designers and appellant deliver any future scheme or not is of no material consequence.

Design development

45. Evidence was provided to assure me that the appeal development has evolved with a full and deep understanding of the distinctive history, character and appearance of the locality. Design development included extensive dialogue with the Council. It tested low, medium and high rise options, the composition and siting of different elements and relationships with Brooke House.
46. The design was tested against the imperatives of maximising the potential of a brownfield Town Centre site, achieving density, ensuring viability, townscape impact and landmark identity. Reasons for discounting the low and medium rise options and favouring a podium and tower option are provided. Together, they provide a clear rationale for the high rise option promoted in the appeal scheme, given the appeal site's sensitive location and relationship with Brooke House.

Conclusion

47. In close range and local, mainly planned, views, the primacy of Brooke House would be preserved, including, its contrast with surrounding low level development and its distinctive architecture. Its townscape role in landmarking the junction of Town Square and East Square would be enhanced by the positioning of tower A to bookend the junction of Town Square and St Martin's

- Square. The proposal would respect the existing urban hierarchy and scale of spaces. The elevational treatment would contribute to a visually attractive group of buildings, which would be sympathetic to local character and history.
48. In longer range views, Brooke House would be seen as part of a group of tall buildings, rather than one of a few disparate tall forms, resulting in a lively and attractive skyline. That would enhance the wider landmarking role of Brooke House in some regards. Due to a significant skyline gap between the new elements and the listed building, and its distinctive form, its pre-eminence and wider landmarking role would still be appreciable, both in the day and at night. However, in some views, the focus on Brooke House would be eroded and in a few it would be obscured. Overall, however, for all the reasons given, Brooke House would remain legible and distinct.
49. I appreciate that neither the original masterplan concept nor subsequent evolution of the Town Centre envisages Brooke House as part of a group of tall buildings. However, that does not indicate that it would not be acceptable in townscape terms today. As Brooke House is generally seen along with other tall buildings, no material impact on its singularity would be a consequence of this development.
50. It is agreed between all main parties that the Town Centre is in need of regeneration. The appeal development would deliver that, bringing about transformative change. However, for the reasons given, that transformation would deliver a visually attractive development that would have an acceptable relationship with Brooke House and the locality generally.
51. I conclude that the appeal proposal would not adversely impact the character and appearance of Basildon Town Centre, with particular regard to the height, scale, massing and architectural treatment of the proposal. Overall, it would be visually attractive, sympathetic to local character and history, including the surrounding built environment and would establish or maintain a strong sense of place. In that regard it would generally accord with Framework paragraph 130.
52. In addition, it would accord with policies BE12 and TC1 of Basildon District Local Plan Saved Policies September 2007. Those, together, require development to be sympathetic and appropriate to the area and avoid harm to the character of the surrounding area. It would also generally accord with the National Design Guide, which advises that proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration.

Heritage

53. Basildon Town Centre and its surroundings include a number of heritage assets. The main parties agreed that a number of heritage assets and non-designated heritage assets would not be impacted by the appeal development.⁴ On the basis of the separation distance, the characteristics of the appeal proposal and the significance of those heritage assets, I have no reason to take an alternative view. However, it is common ground that the appeal site falls within the setting of Brooke House.

⁴ Church of St Nicholas (grade I); Church of Holy Cross (grade II*); scheduled moat at Basildon Hall; raised pool and sculpture and retaining walls, ramps, steps staircase, bench and raised paving (all grade II) Church of St Martin of Tours and Basildon Fire Station as non-designated heritage assets.

54. Brooke House forms part of a group of listed structures including the Raised Pool, and Sculpture at Town Square and retaining walls, ramps, steps, staircases, bench and raised paving at East Square. The main parties agree that the relationship between these elements would not be materially impacted by the appeal development. Given the separation distance and the nature of the appeal scheme, I agree with that position.
55. The primary significance of Brooke House as a heritage asset is drawn from its distinctive bold architectural form and features. This is not materially diminished by issues related to its internal design or condition. Its historic interest includes its development as the first tall building in Basildon, reflecting post World War II, social, economic and political change. It also has historic associations with Sir Basil Spence and Henry Brooke, the Minister for Housing and Local Government of the time. It is rare, as one of the best examples of point blocks in the New Town movement. All of these matters add to its significance as a listed building.

Setting

56. The listed building derives some lesser significance from its setting, particularly its local setting. That includes the sunken East Square and Raised Pool and Sculpture, along with a number of planned views from East Square, and Town Square and the main east-west pedestrian route. From those locations, one can appreciate the dramatic and dominant form of the main bulk of the building and through the pilotis the contrast with the lower level development beyond. This is despite recent changes to East Square and development of a new cinema nearby.
57. The appeal site falls within the local setting of Brooke House. The low level development immediately adjacent forms part of the podium from which Brooke House springs upwards. It is part of the same architectural composition and therefore contributes to its architectural significance. Northgate House and the former Marks and Spencer building, being in a different architectural style detract from Brooke House. In line with my previous conclusions the townscape within the immediate setting is generally degraded.
58. Whilst not included in the listing description, the listed building derives some smaller significance from its wider setting, from which I have limited evidence of any longer range planned views. This includes the rest of the Town Centre and suburban areas from which Brooke House can be appreciated as a landmark building.

Impact of proposed development

59. The proposed development would bring about change within the setting of Brooke House. I have explored its impact in local planned views from East Square, Town Square and the main east-west pedestrian spine. Generally, for the reasons given, it would still read as a standout building.
60. In longer range views Brooke House would form part of a group of tall buildings on the skyline. The interplay of different heights and materiality would enable Brooke House to read as visually separate, often with a significant skyline gap between the proposed towers and Brooke House. However, by being part of a cluster of tall buildings, in some views the focus on Brooke House and therefore its prominence would inevitably be diminished.

61. Given the lack of evidence that Brooke House was ever intended as a singular tall building, I am not convinced that any reduction in singularity would harmfully impact significance. In any event as it is generally seen along with other tall buildings today, no material impact in this regard would result.
62. I acknowledge that some elements of the proposal, such as the placement of block A to bookend Town Square, would enhance the significance of Brooke House. In general, the local setting would be upgraded with improved appearance, more active frontages, improved arrival experience from high and low pavement and improved outlook from the listed building itself. It would introduce new view points from which the listed building could be appreciated, including the new pedestrian cut through from St Martin's Square and the new podium and roof open spaces. However, overall those heritage benefits, when taken together, would not outweigh the harm that I have identified to the listed building. Less than substantial harm would result, therefore.

Heritage balance

63. I have identified some harm to the listed building due to the erosion of the focus on Brooke House. In accordance with Framework paragraph 199, I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the heritage asset identified would, be less than substantial. Mindful of my statutory duties⁵, this is a matter to which I attach considerable importance and weight. In this case, however, public benefits, as identified in Framework paragraph 202, are before me. Taking them as a package, including the regenerative benefits and provision of homes and jobs, they would outweigh the harm that I have identified.

Conclusion

64. I conclude for the above reasons, that the appeal development would result in less than substantial harm to the significance of the listed building. However, that harm would be outweighed by the public benefits of the appeal development. In this regard, it would accord with Framework paragraphs 199 and 202, which aim to conserve heritage assets balancing public benefits against any harms identified.

HLS

65. It was agreed between the main parties that the Council cannot demonstrate a five year housing land supply. The nub of the difference between the parties is the extent of the shortfall and the consequent weight to be attached to the delivery of housing in relation to this appeal. Given the very recent findings of my colleague in the Orwell appeal, and the agreed matters above, the main parties agreed that in order to carry out that exercise, a forensic examination of the Council's HLS position would not be necessary. All agreed that the identification of a precise figure was not required and a range would be sufficient in the circumstances of this appeal.
66. If I were to agree with the Council's more optimistic picture, of a 2.88 year HLS, that indicates a very serious shortfall. If I were to take the appellant's position of 1.3 year HLS, a chronic shortfall is identified. The consequence of the lack of a five year HLS are generally agreed; at the two ends of the

⁵ sections 16(2), 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

spectrum the appellant attaching very substantial weight to the provision of housing as a consequence of this appeal; the Council attaching substantial weight.

67. On this issue, my deliberations are confined to assessing the weight to be attached to the provision of housing for the purposes of this appeal alone. In that regard, given my findings on the substantive matters in this appeal, the weight I attach to the provision of housing to meet the unmet need would not influence the outcome of this appeal. I therefore do not have any reason to pursue this matter any further.

Other Matters

68. In relation to the Orwell appeal, I acknowledge that dealt with a scheme which would not be as tall as the appeal development. It would also be further away from Brooke House. However, where relevant to this appeal, my views generally accord with those of my colleague.
69. A key concern of local residents is the development of tower blocks and the impact on the skyline and Town Centre generally, along with the loss of Town Centre buildings. I have addressed those matters in my main issues.
70. The appeal proposal would provide active ground floor uses and residential accommodation in the Town Centre. This would help to enliven the area around the clock and enhance its vitality and viability. Measures to design out crime have been employed in proposed plot 1 and in relation to plot 2 safety and security of future users could be secured through the submission of reserved matters. In addition, a condition would ensure that the development as a whole, is informed by the Secured By Design principles. The means by which the proposed development is policed is not a matter that falls within my remit.
71. The proposed development is intended to meet national space standards. Given the appeal development is built to rent accommodation, which generally comprises bedrooms, en-suite facilities, shared living spaces, and communal spaces, the unit sizes would provide adequate living conditions. Unit and accommodation mix, aimed to meet local identified need, would be controlled through the s106 Agreement for both plots 1 and 2.
72. In terms of access to open space, the development would include roof and podium level gardens, each within a defined minimum distance of each unit of accommodation. In terms of private outdoor space, each unit of accommodation would have a Juliet, half or full balcony. In combination with communal indoor space, overall it would result in acceptable living conditions. I have no substantive evidence to indicate that the living conditions would result in negative health impacts for prospective residents.
73. The appeal development would be in the Town Centre close to a range of facilities and services and public transport options, hence is mainly car free. This would accord with the Government aim to reduce reliance on private modes of transport and promote sustainable forms. Therefore, the amount and quality of car parking, confined to disabled parking, is acceptable.
74. The proposed development would provide financial contributions to complement local infrastructure and facilities in relation to its impacts. That would ensure that adverse impacts on local infrastructure would be mitigated.

75. There is an identified need for housing in Basildon. The appeal development would contribute to meeting that need, even though it would not provide affordable housing. Viability evidence suggests that the development would not be viable if affordable homes were forthcoming. However, review mechanisms would be secured through the s 106 Agreement, which would trigger affordable housing should viability change. The s106 Agreement also includes mechanisms to prioritise local people for the purchase of private sale homes and optimise owner occupation.
76. Supporting studies indicate that unacceptable overshadowing, loss of light, or impacts on privacy would not be a consequence of the appeal development. I have no substantive evidence to indicate that it would adversely impact air quality. Local disruption in terms of construction traffic, noise and disturbance would be an inevitable consequence. However, that would be for a limited period of time, and planning conditions would be able to control such impacts.
77. Concern is raised that consultation during consideration of the appeal application has not been effective or sufficient. Whilst I note that consultation did take place both during design development and during consideration of the application, this is principally a matter for the Council.

Legal Agreement

78. An executed s106 Agreement is before me. Whilst the Council has confirmed that it is satisfied with its contents, for its provisions to be given weight in the determination of this appeal, I am required to assess whether they are necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind.
79. The requirement for a marketing strategy for any private for sale residential units will ensure that local people are prioritised and that owner occupation is maximised. Given the identified housing need in the borough, the provisions meet the relevant tests.
80. Build to rent provisions secure the residential units in single ownership for at least 15 years, with clawback arrangements for the provision of affordable housing should that covenant be broken. Management arrangements would secure the appeal scheme as build for rent in accordance with the Government's definition.
81. A two stage affordable housing viability review mechanism is included. Such provisions ensure a mix of housing to meet the needs of the community if proved viable. If a contribution were to come forward, mechanisms ensure it would be directly proportionate to the overall scale of development. Given identified need, this is necessary.
82. Given the hybrid nature of the appeal scheme, the planning Obligation includes provisions to secure the target residential unit mix and accommodation schedule for plot 2, prior to submission of reserved matters, together with an accommodation schedule for plot 1. This is intended to secure a unit mix to meet identified local needs.
83. Highway condition surveys pre and post construction, along with a mechanism to rectify any damage caused by construction traffic is necessary in the

interests of highway safety. The submission of residential and workplace travel plans will ensure that sustainable forms of travel are available to prospective residents of the appeal scheme and minimise single occupancy trips associated with it.

84. Monitoring existing off street parking controls within the vicinity of the proposed development would enable targeted improvement. As the proposed blue badge and drop off parking spaces fall outside the appeal site in Great Oaks car park, the Obligation secures their provision to ensure an inclusive development. Arrangements would be secured, using reasonable endeavours, to provide car club parking spaces with electric vehicle charging points. This would promote sustainable forms of transport.
85. Associated provisions also secure arrangements for a Quality Review Panel for development proposals on plot 2, provisions to secure the public access elements of the appeal scheme (the pedestrian route known as The Cut linking St Martin's Square to Town Square and the public galleries on first and second floors) and historic building recording.
86. Financial contributions towards healthcare provision, open space, culture, play and sports provision, high quality Town Centre highway improvements and pedestrian access, along with sustainable transport infrastructure are necessary to mitigate the impacts of development. An employment and skills contribution, including funding for an employment and skills plan co-ordinator for the construction and operational phases, along with submission of an employment and skills plan are also included.
87. Additionally, the Obligation includes provisions for education contributions towards early years and childcare provision, secured either as a facility within the proposed development, which would accommodate the needs arising from the appeal development in association with nearby development, or an off-site contribution for need arising from this development alone. Contributions towards the provision of primary and secondary school places in the locality are also provided for.
88. There is also a contribution towards the Essex Coast Recreation Disturbance Avoidance Strategy (RAMS), based on the mitigation measures set out in the Habitats Regulations Assessment Stage 2 Appropriate Assessment. That would address increased recreational disturbance arising from the proposed development. Natural England has confirmed that the proposed mitigation accords with its strategic level advice and should rule out any 'adverse effect on the integrity' of European designated sites.
89. Monitoring and planning service fees in connection with the above provisions, as appropriate, have been calculated on the basis of the previous experience of Essex County Council and the Council. They are evidence based and justified.
90. Essex County Council and the Council both produced CIL compliance statements. Those set out justification related to underpinning tests set out in Regulation 122(2). In each case local or national planning policy justifies the requirements, coupled with a clear formula or other means for the calculation of any financial contributions and a clear indication of how and where the contribution would be spent. Overall, I consider that the Obligations meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).

Benefits of the appeal proposal

91. The appeal proposal would provide housing, in the Town Centre, close to facilities and services and public transport. The Council cannot demonstrate a five year HLS and its past delivery has not met expectations of National policy. Given the recent withdrawal of the eLocal Plan from Examination, there is further uncertainty regarding a strategy to meet local identified housing need. Even if I were to take the Council's more optimistic five year HLS assessment, the housing benefit weighs very heavily in favour of the appeal.
92. The proposal would reuse a Town Centre brownfield site and seeks adaptive reuse, utilising some existing buildings. That would impact on the need to accommodate growth on greenfield sites, which could include greenbelt land. Overall, the approach would accord with Framework paragraphs 119 and 120 and is a benefit which also weighs heavily in the appeal's favour.
93. The development would help to regenerate the Town Centre, contribute to a night time economy, help to attract further investment and generate employment during the construction period. It would help support local businesses and tradespeople. Those economic benefits also weigh in favour of the appeal.
94. The appeal development could deliver an on-site early years childcare facility, with capacity beyond the demand arising from the appeal development. By increasing residents in the Town Centre and footfall, the appeal scheme would improve on street surveillance. To those benefits, together I accord some weight.
95. Communal outdoor and indoor space would be used, generally, by residents of the scheme only. The development would be car free. However, it would provide a small number of car club spaces available to existing residents, as well as those from the appeal development, which could encourage car sharing in the locality. To those benefits I accord little weight.
96. Financial contributions generally relate to mitigating the impacts of development and do not add weight in favour of the appeal. Neither do wider infrastructure improvements for the same reason. In a similar way, straight forward policy requirements dealing with demand arising from the appeal proposals, such as cycle parking do not add weight. High quality development, sustainability measures and public realm improvements are a fundamental expectation of local and national policy. They do not weigh in favour of the appeal.
97. The Council argued that many of the benefits would be delivered by any policy compliant alternative development. This may be the case. However, I consider the benefits as unique to this scheme and that the weight to be given to them should be attributed accordingly. Whilst I accept that similar benefits may come forward with an alternative scheme, I have no alternative scheme before me.
98. On the basis of my conclusions on the appellant's approach to design development, I am content that it involved a careful examination of alternative means of delivering the public benefits cited, in accordance with Historic England Advice Note 4.

Planning Balance

99. I have found that there would be less than substantial harm to Brooke House. However, in my judgement the public benefits that I have outlined would be of sufficient importance to outweigh the harm that would arise to the significance of Brooke House. In reaching this conclusion I have applied the balancing exercise so as to give great weight and importance to the conservation of the heritage assets, understanding that they are an irreplaceable resource.
100. The proposal would not have a harmful effect on the character and appearance of the locality. There are no other matters that count against the appeal development.
101. The statement of common ground identifies a range of Local Plan policies which would not be offended by the appeal development. In terms of those most relevant to the appeal, I have found no material conflict. I therefore conclude that the proposal would be in accordance with the development plan when read as a whole. It would also accord with the Framework when read as a whole.
102. There is no doubt that the appeal scheme would offer very weighty benefits as I have outlined above. My judgement is that the adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against Framework policy as a whole. This would be the case, even if I were to accept the Council's five year HLS assessment.
103. I have taken account of all other matters that have been raised, but have found nothing to alter my conclusion that the appeal should succeed.

Conditions

104. A list of suggested planning conditions was discussed at the Inquiry and an agreed list produced by the two main parties. Those conditions generally accord with national policy and guidance⁶. A list of planning conditions to be imposed is set out in Annex 3.
105. Conditions are necessary to identify the period within which development is to commence, ensure that reserved matters are submitted, confirm the time scale for submission of reserved matters, specify approved plans and ensure that the Council has sufficient information, in discharging the planning conditions, to discharge its duties under the Environmental Impact Assessment Regulations. A condition to ensure development is carried out in accordance with the phasing plan is also necessary. All of those conditions will provide certainty in the development process.
106. A number of pre-commencement conditions are necessary. Those are agreed between the Council and appellant for the purposes of section 100ZA and regulation 2 of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
107. A condition to ensure access is available through the different phases of the development is necessary. To reduce the environmental impact of the construction phase and preserve and enhance biodiversity, a Construction Environmental Management Plan, Construction Environmental Management

⁶ Paragraphs 55 and 56 of the Framework and PPG including paragraph 21a-003-20190723

- Plan (Biodiversity) and Site Waste Management Plan are necessary. To minimise the impact of the construction phase on the local highway network and to ensure highway safety, a condition requiring a Construction Logistics Plan is necessary. As the site has been previously developed, measures are needed to identify any sources of contamination and ensure appropriate working methods and remediation. As part of the site includes historic and New Town development, conditions to secure archaeological investigation and building recording are necessary. A condition is also required to ensure that retained trees are protected. All that information is required before development commences to ensure that the conditions are effective.
108. In respect of the reserved matters submissions for plot 2 of the appeal development, to ensure design excellence a design code informed by the appeal DAS should be drawn up and adhered to, along with a fire statement to ensure a safe and secure development. Given the scale of development in plot 2 and the inclusion of tall buildings, a wind microclimate assessment indicating any mitigation is required to ensure a pleasant pedestrian environment. On the same basis, a daylight, sunlight and overshadowing assessment is required to protect the living conditions of existing residents and ensure those of future residents.
109. To safeguard the environment an energy and sustainability statement, informed by the appeal energy strategy is necessary. To assess the health impacts of the plot 2 development, a condition requiring an update to the appeal Health Impact Assessment is necessary to ensure sustainable development.
110. It is necessary to agree and implement key components of the scheme, including external materials, to ensure design excellence, any ground floor frontage glazing, to protect public safety, surface water drainage, to ensure no off-site flooding, and accessibility details for both the residential and non-residential elements of the appeal scheme to ensure an inclusive development. Bird nesting and bat roost provision, along with biodiversity enhancement more generally should be conditioned to enhance the natural environment. Details of any brown, blue or green roofs should be controlled to ensure design excellence, contribute to sustainable drainage and enhance the natural environment. Site levels are necessary to ensure a development that enhances the character and appearance of the Town Centre.
111. Noise insulation measures for the residential parts of the appeal scheme are necessary to ensure adequate living conditions. Details of the internal layout of plot 2 are necessary for the same reason. Details of cycle parking is necessary to promote sustainable forms of transport.
112. Fire safety and wind mitigation measures for plot 1 are necessary to secure a safe development and ensure a comfortable pedestrian environment. It is also necessary to control the plot 1 hard and soft landscape and energy and sustainability measures to ensure a high quality development that contributes to safeguarding the environment.
113. Details of external lighting is necessary to ensure public safety and a quality development. A communal television and satellite system is necessary to ensure design excellence. The provision of details of delivery, servicing, refuse

and recycling is necessary to ensure environmental protection along with details of drainage system maintenance.

114. It is necessary to control commercial kitchen extract ventilation to ensure it blends in and odours are minimised. Details of blue badge parking measures are necessary to ensure an inclusive development, a residential welcome pack to promote sustainable forms of transport and support community cohesion, public art to ensure a high quality scheme, and a meanwhile uses strategy to promote economic prosperity. To control on-street parking by new residents, details of a marketing strategy which outlines existing on-street parking restrictions is necessary.
115. A condition to secure a safe development that accords with Secured By Design principles will help to ensure a safe and secure development. Conditions controlling boundary treatments and amenity space in plot 2 are necessary to promote high quality living conditions and design.
116. Compliance conditions are imposed to ensure ecological mitigation and enhancement measures are effective, to restrict commercial operating hours and noise from plant and ensure the provision and retention of broadband within the appeal development. The provision of wheelchair accessible and adaptable homes is controlled to ensure an inclusive development. Conditions to secure water efficiency, and compliance with the appeal flood risk assessment are necessary to ensure a sustainable development. Replacement of failed soft landscape in plot 2 is controlled to ensure design quality and public safety.

Conclusion

117. For the reasons given above, I conclude that the appeal should be allowed and the planning permission should be granted.

R Barrett

INSPECTOR

ANNEX 1 APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Douglas Edwards QC	Instructed by Ms Charlotte McKay Senior Planning Lawyer (Locum) the Council
Mr Tim Murphy BA (Hons) PGC, PG Dip IHBC MCIfA	Historic Environment Manager Place Services Essex County Council
Mr Michael Lowndes BA (Hons) Dip TP MSc Dip Cons (AA) MRTPI	Senior Director Lichfields
Ms Lisa Richardson BSc (Hons) MA*	Senior Planner the Council
Ms Christine Lyons BSc (Hons) Dip TP MRTPI*	Head of Planning the Council
Ms Charlotte McKay FCILEx LLB*	Senior Planning Lawyer (Locum) the Council
Ms Adele Lawrence BA MPlanPrac MRTPI*	Principal Planner the Council

FOR THE APPELLANT:

Mr Thomas Hill QC	Instructed by Asserson LLP
Mr Timothy Makower MA Dip Arch RIBA	Principal Makower Architects
Ms Lucy Markham IHBC MRTPI	Partner Planning Historic Environment and Townscape Montagu Evans
Mr Cameron Austin Fell BA (Hons) MSc MRTPI	Planning Director RPS
Ms Karen Jones BA (Hons) MSc MRTPI	Operational Director RPS

FOR INFRARED (R6):

Miss Stephanie Hall of Counsel	Instructed by Ms Rebecca Roffe Partner CMS
Mr Laurie Handcock MA (Cantab) MSc IHBC	Director Icen Projects
Mr Nick Ireland BA (Hons) MRTPI	Director Icen Projects
Mr John Mumby BA (Hons) MRTPI	Director Icen Projects

* Participation in HLS, s106 and conditions Round Table Discussions (RTD)

ANNEX 2 INQUIRY DOCUMENTS

- IQ1 Appellant opening and list of appearances
- IQ2 Council opening and list of appearances
- IQ3 R6 opening and list of appearances
- IQ4 Confirmation of Council contacts for running of virtual Inquiry
- IQ5 Mr Makower's presentation of appeal proposal
- IQ6 CIL compliance statement V1
- IQ7 Amendment to paragraph 5.13 of Mr Lowndes' proof
- IQ8 Email trail confirming parties' position on HLS RTD
- IQ9 Email with amendment to Ms Markham's proof
- IQ10 Visuals referred to in paragraph 40 of Orwell decision letter
- IQ11 Email containing freehold title documents relating to s106 Agreement (dated 13/1/22 15.22)
- IQ12 Council heritage position statement following RTD
- IQ13 Appellant and R6 heritage position statement following RTD
- IQ14 Extract from proof of Mr Lowndes to Orwell appeal (paragraphs 7.6 - 7.19)
- IQ15 Updated CIL compliance statement and bundle of supporting documentation (the Council)
- IQ16 Updated CIL compliance statement and bundle of supporting documentation (Essex County Council)
- IQ17 Council's CIL compliance summary table
- IQ18 Forest of Dean DC V SSCLG & Gladman Developments Ltd [2016] EWHC421(Admin)
- IQ19 Final CIL compliance statement and supporting documentation (Essex County Council)
- IQ20 Site visit itinerary for Thursday 20/1/22
- IQ21 Final CIL compliance statement and supporting documentation (Basildon Borough Council)
- IQ22 Revised agreed conditions (20/1/22)
- IQ23 Final version of s106 Agreement
- IQ24 Final list of agreed conditions
- IQ25 Council closing
- IQ26 R6 closing
- IQ27 Appellant closing

DOCUMENTS RECEIVED AFTER THE CLOSE OF THE INQUIRY

- IQ28 Completed s106 Agreement
- IQ29 R6 comments on the Council's intention to withdraw the eLocal Plan from Examination (received 23/2/22)
- IQ30 Appellant comments on the Council's intention to withdraw the eLocal Plan from Examination (received 25/2/22)
- IQ31 Council comments on the withdrawal of the eLocal Plan from Examination (received 16/3/22)

ANNEX 3 CONDITIONS

1. Full Planning Permission (Phases 1A and 1B)

The development hereby permitted in respect of Phases 1A and 1B shall be begun before the expiration of three years from the date of this permission.

2. Reserved Matters to be Submitted (Phase 2)

Approval of the details of the access, appearance, landscaping, layout and scale of the proposed development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development begins in Phase 2 and the development shall not be carried out except in accordance with the details so approved.

3. Timing of Reserved Matters Submission (Phase 2)

Application for approval of the reserved matters for Phase 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. Timing of Reserved Matters Commencement (Phase 2)

The development permitted in respect of Phase 2 shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

5. Approved Plans and EIA

A. The development hereby permitted shall be completed in accordance with the following approved plans, unless otherwise agreed in writing with the Local Planning Authority:

- 1918_GA_01 P1 - General arrangement 1st floor amenity
- 1918_GA_02 P1 - General arrangement 2nd floor amenity
- 1918_GA_02_TSE P1 - TSE 2nd floor amenity space
- 1918_GA_03 (A) P1 - General arrangement 3rd floor amenity (1 of 2)
- 1918_GA_03 (B) P1 - General arrangement 3rd floor amenity (2 of 2)
- 1918_GA_03_TSE P1 - TSE 3rd floor amenity space
- 1918_GA_06_TSE P1 - TSE 6th floor amenity space
- 1918_GA_17_TSE P1 - TSE 17th floor amenity space
- 1918_GA_18 P1 - General arrangement 18th floor amenity
- 1918_GA_21_TSE P1 - TSE 21st floor amenity space
- 1918_GA_26 P1 - General arrangement 26th floor amenity
- 1918_HL_00 (A) P1 - Hard landscape, public realm (1 of 2)
- 1918_HL_00 (B) P1 - Hard landscape, public realm (2 of 2)
- 1918_HL_01 P1 - Hard landscape, 1st floor amenity
- 1918_HL_02 P1 - Hard landscape, 2nd floor amenity
- 1918_HL_03 (A) P1 - Hard landscape, 3rd floor amenity
- 1918_HL_03 (B) P1 - Hard landscape 3rd floor amenity (2 of 2)
- 1918_HL_18 P1 - Hard landscape, 18th floor amenity
- 1918_HL_26 P1 - Hard landscape, 26th floor amenity
- 1918_SL_01 P1 - Soft landscape, 1st floor amenity

1918_SL_02 P1 - Soft landscape, 2nd floor amenity
1918_SL_03 (A) P1 - Soft landscape, 3rd floor amenity (1 of 2)
1918_SL_03 (B) P1 - Soft landscape, 3rd floor amenity (2 of 2)
1918_SL_18 P1 - Soft landscape, 18th floor amenity
1918_SL_26 P1 - Soft landscape, 26th floor amenity
1918_X_01 P1 - Planting schedule, 1st floor amenity
1918_X_02 P1 - Planting schedule, 2nd floor amenity
1918_X_03a P1 - Planting schedule, 3rd floor amenity (1 of 2)
1918_X_03b P1 - Planting schedule, 3rd floor amenity (2 of 2)
1918_X_18 P1 - Planting schedule, 18th floor amenity
1918_X_26 P1 - Planting schedule, 26th floor amenity
1918-GA-00 (A) P01 - General arrangement public realm (1 of 2)
1918-GA-00 (B) P01 - General arrangement public realm (2 of 2)
BTC A MAK TSE DR 07 600 P01 - Site boundary
BTC A MAK TSE DR 07 601 P02 - Density plan
BTC A MAK TSE DR 07 604 P01 - Phasing plan
BTC A MAK TSE DR 07 605 P02 - Building heights and limits of deviation plan
BTC A MAK TSE DR 07 606 P02 - Building heights section
BTC A MAK TSE DR 07 607 P01 - Land use – level 00
BTC A MAK TSE DR 07 608 P01 - Land use – level 01
BTC A MAK TSE DR 07 609 P01 - Land use – level 02
BTC A MAK TSE DR 07 610 P01 - Land use – typical residential floor
BTC A MAK TSE DR 07 611 P01 - Access points – level 00
BTC A MAK TSE DR 07 612 P01 - Access points – level 01
BTC A MAK TSE DR 07 613 P01 - Proposed open space
BTC A MAK TSN DR 07 650 P01 - Demolition plan – level 00
BTC A MAK TSN DR 07 651 P01 - Demolition plan – level 01
BTC A MAK TSN DR 07 652 P01 - Demolition plan – level 02
BTC A MAK TSN DR 07 653 P01 - Demolition plan – roof
BTC A MAK TSN DR 07 654 P01 - Demolition plan – existing elevation
BTC A MAK TSN DR 07 500 P01 - Unit layouts – type A
BTC A MAK TSN DR 07 501 P01 - Unit layouts – type B
BTC A MAK TSN DR 07 502 P01 - Unit layouts – type C
BTC A MAK TSN DR 07 503 P01 - Unit layouts – type D
BTC A MAK TSN DR 07 504 P01 - Unit layouts – type E
BTC A MAK TSN DR 07 508 P01 - Unit layouts – type J
BTC A MAK TSN DR 07 509 P01 - Unit layouts – type K
BTC A MAK TSN DR 07 511 P01 - Unit layouts – type M
BTC A MAK TSN DR 07 512 P01 - Unit layouts – type N
BTC A MAK TSN XX 07 415 P01 - Unit mix summary
BTC A MAK TSN XX DR 957 P02 - Unit mix diagram
BTC A MAK TSN XX DR 958 P02 - Unit type diagram
BTC-A-MAK-DR-07-127 P01 - West Wing level 07 (Tower A & B alternate layout)
BTC-A-MAK-TSN-DR-07-000 P01 - Level – 01 plan
BTC-A-MAK-TSN-DR-07-010 P02 - Site location plan
BTC-A-MAK-TSN-DR-07-015 P02 - Proposed context elevations
BTC-A-MAK-TSN-DR-07-016 P02 - Proposed and emerging context elevations
BTC-A-MAK-TSN-DR-07-017 P02 - Existing site plan
BTC-A-MAK-TSN-DR-07-018 P02 - Proposed site plan
BTC-A-MAK-TSN-DR-07-100 P01 - Level 00
BTC-A-MAK-TSN-DR-07-101 P01 - Level 01
BTC-A-MAK-TSN-DR-07-103 P01 - Level 02
BTC-A-MAK-TSN-DR-07-105 P03 - Level 03

BTC-A-MAK-TSN-DR-07-106 P03 - Level 04-05
BTC-A-MAK-TSN-DR-07-107 P02 - Level 06-07
BTC-A-MAK-TSN-DR-07-108 P02 - Level 08-15
BTC-A-MAK-TSN-DR-07-109 P02 - Level 16
BTC-A-MAK-TSN-DR-07-110 P02 - Level 17
BTC-A-MAK-TSN-DR-07-111 P02 - Level 20 -21
BTC-A-MAK-TSN-DR-07-112 P02 - Roof plan
BTC-A-MAK-TSW-DR-07-120 P01 - West wing – level 00
BTC-A-MAK-TSW-DR-07-121 P01 - West wing – level 01
BTC-A-MAK-TSW-DR-07-122 P01 - West wing – level 02
BTC-A-MAK-TSW-DR-07-123 P03 - West wing – level 03
BTC-A-MAK-TSW-DR-07-124 P03 - West wing – level 04
BTC-A-MAK-TSW-DR-07-125 P02 - West wing – level 05
BTC-A-MAK-TSW-DR-07-126 P02 - West wing – level 6-16
BTC-A-MAK-DR-07-127 P02 - West wing – level 7 (Tower A&B alternate layout)
BTC-A-MAK-TSW-DR-07-128 P02 - West wing – level 17-21
BTC-A-MAK-TSW-DR-07-129 P02 - West wing – roof plan
BTC-A-MAK-TSN-DR-07-200 P02 - Proposed sections 01
BTC-A-MAK-TSN-DR-07-201 P02 - Proposed sections 02
BTC-A-MAK-TSN-DR-07-202 P02 - Proposed sections 03
BTC-A-MAK-TSW-DR-07-210 P02 - Section AA
BTC-A-MAK-TSW-DR-07-211 P02 - Section BB
BTC-A-MAK-TSW-DR-07-212 P02 - Section CC
BTC-A-MAK-TSW-DR-07-213 P02 - Section DD
BTC-A-MAK-TSW-DR-07-214 P02 - Section EE
BTC-A-MAK-TSW-DR-07-215 P02 - Section FF
BTC-A-MAK-TSW-DR-07-216 P02 - Section GG
BTC-A-MAK-TSN-DR-07-300 P02 - Proposed elevations
BTC-A-MAK-TSN-DR-07-301 P02 - Proposed elevations
BTC-A-MAK-TSW-DR-07-310 P02 - West elevation St. Martin’s Square
BTC-A-MAK-TSW-DR-07-311 P02 - South elevation Town Square
BTC-A-MAK-TSW-DR-07-312 P02 - North elevation West Wing
BTC-A-MAK-TSW-DR-07-313 P02 - Tower A elevation
BTC-A-MAK-TSW-DR-07-314 P02 - Tower B elevation
BTC-A-MAK-TSN-DR-07-001 P01 - Existing level 00 plan
BTC-A-MAK-TSN-DR-07-002 P01 - Existing level 01 plan
BTC-A-MAK-TSN-DR-07-003 P01 - Existing level 02 plan
BTC-A-MAK-TSN-DR-07-004 P01 - Existing level 03 plan
BTC-A-MAK-TSN-DR-07-011 P01 - Existing roof plan
BTC-A-MAK-TSN-DR-07-012 P01 - Proposed with existing context
BTC-A-MAK-TSN-DR-07-013 P01 - Proposed with emerging context
BTC-A-MAK-TSN-DR-07-014 P01 - Existing content elevations
BTC-A-MAK-TSN-DR-07-030 P01 – Existing sections
BTC-A-MAK-TSN-DR-07-000 P01 – Existing level basement
BTC-A-MAK-TSN-DR-07-020 P01 – Existing elevations

B. No approval of reserved matters (or other matters submitted for approval pursuant to the planning conditions), which would entail any material deviation from the Parameter Plans, shall be granted unless it is demonstrated as part of the associated application that any such deviation is either unlikely to give rise to any environmental effects which would have required different mitigation measures to ameliorate their effects in the context of the Environmental Impact Assessment (EIA) in comparison with the development as approved (and as assessed in the

Environmental Impact Assessment, Volumes 1, 2 and 4 and Non-Technical Summary (October 2020), Volume 3 (July 2021) and the Further Environmental Information (14 July 2021) for the application or, where such environmental effects are considered to exist, sufficient information is provided to the Local Planning Authority to enable it to discharge its Obligations under the Environmental Impact Assessment Regulations as part of the consideration or grant of the relevant application.

6. Phasing Plan

The development shall be implemented only in accordance with the approved phasing plan BTC-A-MAK-TSE-DR-07-604 Rev P01.

PRIOR TO COMMENCEMENT CONDITIONS

7. Access to Phases

A. No development shall commence in a Phase (pursuant to the phasing approved in condition 6) until detailed drawings showing the following in respect of the relevant Phase have been submitted to and approved in writing by the Local Planning Authority:

(a) access through the site during works and upon completion of works in relation to any phasing, including the connections with any completed phases, and connections to the surrounding area and its network of cycle paths and footpaths; and

(b) any temporary works, including any boundary treatment around later phases.

B. Provisions for pedestrians shall be fully accessible to all including people with disabilities.

8. Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP)

A. No development shall commence in a Phase, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The Plans shall incorporate details of:

- i. construction traffic management;
- ii. the parking of vehicles of site operatives and visitors;
- iii. details of access to the site;
- iv. loading and unloading and the storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- vi. wheel washing facilities;
- vii. measures to control the emission of noise, dust and dirt during construction;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works; and

ix. details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives or the developer of the relevant Phase has provided evidence of the site being registered with the Considerate Constructors Scheme.

B. The approved CEMP and SWMP shall be implemented for the entire period of the construction works in the relevant Phase.

C. No materials produced as a result of the site development or clearance shall be burned on site.

9. Construction Logistics Plan

A. No development shall commence in a Phase, including any works of demolition, until a Construction Logistics Plan for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority.

B. The approved Plan shall be implemented for the entire period of the construction works in the relevant Phase.

10. Land Contamination (Site Characterisation)

No development shall commence in a Phase, including any works of demolition, until a desk-top study has been carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the Phase. Without delay upon completion the desk-top study and a non-technical summary for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority.

11. Land Contamination (Site Investigation)

If identified as being required following the completion of the desk-top study, a site investigation shall be carried out prior to commencement of development in the relevant Phase to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. The site investigation and findings for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority without delay upon completion.

12. Land Contamination (Submission of Remediation Scheme)

A written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development in the relevant Phase and all requirements shall be implemented and completed in accordance with the approved method statement. If during redevelopment of the relevant Phase contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out in the relevant Phase until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority and all requirements shall be implemented and completed in accordance with the approved method statement.

13. Land Contamination (Implementation of Approved Remediation Scheme)

Following completion of measures identified in the remediation scheme for the relevant Phase, a full closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination for the relevant Phase have been carried out in accordance with the approved method statement(s).

14. Archaeological Investigation

No demolition or development (including conversion and alterations) shall commence in a Phase until:

A. A programme of archaeological investigation for the relevant Phase has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority; and

B. The satisfactory completion of any fieldwork required in accordance with the submitted WSI approved at A above.

C. The developer shall submit a Final Archaeological Report for the relevant Phase to the Local Planning Authority for approval in writing and deposition of a digital archive with the Archaeological Data Service (ADS) within 6 months of the completion of any fieldwork required for the relevant Phase.

15. Historic Building Recording

No demolition or development (including conversion and alterations) shall commence in a Phase until:

A. A programme of historic building recording has been secured for the relevant Phase in accordance with a WSI which has been submitted to and approved in writing by the Local Planning Authority; and

B. The satisfactory completion of fieldwork in accordance with the submitted WSI approved at A. above.

C. The developer shall submit a Historic Buildings Report for the relevant Phase to the Local Planning Authority and deposition of a digital archive with the ADS within 6 months of the completion of the fieldwork for the relevant Phase.

16. Tree Protection

No development shall commence in a Phase, including any works of demolition, until:

a) all trees to be retained in the relevant Phase have been protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations; and

b) any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi-mature trees of the same or similar species in the next planting season, if not sooner.

17. Construction Environmental Management Plan (Biodiversity)

A. No development shall commence in a Phase until a Construction Environmental Management Plan (CEMP) Biodiversity has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

B. The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period for the relevant Phase strictly in accordance with the approved details.

PHASE 2 RESERVED MATTERS SUBMISSIONS

18. Design Code (Phase 2)

A. Prior to submission of any reserved matters applications for Phase 2 a detailed Design Code for Phase 2 shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall have regard to the key principles of the Basildon Town Square North Design and Access Statement dated October 2020 and the Basildon Town Square North Design and Access Statement Addendum dated July 2021.

B. Phase 2 of the development shall only be implemented in accordance with the approved Design Code.

19. Fire Statement (Phase 2)

A. Each application for reserved matters consent in Phase 2 must be accompanied by a Fire Statement for the relevant part of the Phase produced by an independent third party suitably qualified assessor.

B. The approved details shall be implemented prior to occupation of the relevant part of Phase 2 and shall be maintained at all times thereafter.

20. Wind Microclimate Assessment and Mitigation (Phase 2)

A. Each application for reserved matters consent in Phase 2 must be accompanied by a wind microclimate assessment for the relevant part of the Phase and shall include details of any wind mitigation needed to serve the relevant part of the Phase. The details shall have regard to ES Chapter 11: Wind (October 2020).

B. The approved details shall be implemented prior to occupation of the relevant part of Phase 2 and shall be maintained at all times thereafter.

21. Daylight, Sunlight and Overshadowing (Phase 2)

A. Each application for reserved matters consent in Phase 2 must be accompanied by a daylight, sunlight and overshadowing assessment for the relevant part of the Phase which assesses the proposed residential units and amenity spaces within the relevant part of the Phase, as well as the impact on surrounding properties and amenity spaces.

B. The relevant part of Phase 2 shall be carried out in accordance with the approved details.

22. Energy and Sustainability (Phase 2)

A. Each application for reserved matters consent in Phase 2 must be accompanied by an Energy Strategy and Sustainability Statement for the relevant part of the Phase. The details shall have regard to the Energy Strategy (V3) dated 26 October 2020 prepared by Hilson Moran and the Sustainability Statement (V3) dated 26 October 2020 prepared by Hilson Moran.

B. The Energy Strategy and Sustainability Statement for the relevant part of the Phase shall also include details of the location and quantum of any photovoltaic panels, Water Source Heat Pumps, Air Source Heat Pumps, or such other relevant infrastructure.

C. The relevant part of Phase 2 shall not be occupied until the approved details have been implemented.

D. Phase 2 shall be future proofed for connection to a district energy centre in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant part of Phase 2.

E. The commercial units in Phase 2 shall achieve a minimum Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'Very Good'.

23. Health Impact Assessment (HIA) Update Statement (Phase 2)

A. Each application for reserved matters consent in Phase 2 must be accompanied by a Health Impact Assessment (HIA) Update Statement. The HIA Update Statement shall have regard to the Health Impact Assessment which accompanied the Environmental Statement (October 2020).

B. The development shall be carried out in accordance with the approved details.

NO ABOVE GROUND NEW DEVELOPMENT CONDITIONS

24. External Materials

A. Prior to installation of external façade surfaces in a Phase, full details, including samples and on-site sample boards, specifications, annotated plans and fire safety ratings, of all materials to be used in the construction of the external surfaces in the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority.

B. The external façade surfaces in the relevant Phase shall only be implemented in accordance with the approved details and retained.

25. Ground Floor Frontage Glazing

A. No development comprising external elevational treatments in a Phase shall take place until details of the standard of glazing proposed to the ground floor frontages in the relevant Phase have been submitted to and approved in writing by the Local Planning Authority.

B. The approved details shall be implemented prior to occupation of the relevant Phase and shall be maintained at all times thereafter.

26. Fire Statement (Phases 1A and 1B)

A. No above ground new development shall commence in Phase 1A and 1B until a Fire Statement for the relevant Phase produced by an independent third party suitably qualified assessor has been submitted to and approved in writing by the Local Planning Authority.

B. The approved details shall be implemented prior to occupation of the relevant Phase and shall be maintained at all times thereafter.

27. Wind Mitigation Measures (Phases 1A and 1B)

A. No above ground new development shall commence in Phase 1A and 1B until a detailed scheme of wind mitigation measures for the relevant Phase, accompanied by wind testing, has been submitted to and approved in writing by the Local Planning Authority.

B. The approved details shall be implemented prior to occupation of the relevant Phase of the development and shall be maintained at all times thereafter.

28. Surface Water Drainage Scheme

A. No above ground new development shall commence in a Phase, until a detailed surface water drainage scheme for the relevant Phase, 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.

B. The approved details shall be implemented prior to occupation of the relevant Phase and shall be retained at all times thereafter.

29. Residential Accessibility Statement and Management Plan

A. No above ground new residential development shall take place in a Phase until a detailed Residential Accessibility Statement and Management Plan (including a programme for implementation) for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. This should outline the measures proposed to ensure an accessible and inclusive environment, both internally and externally, including, but not limited to, pedestrian routes, lift specifications, accessible toilet provision, access points and Blue Badge spaces.

B. The approved details shall be implemented prior to occupation of the relevant Phase and shall be maintained at all times thereafter.

30. Non-residential Accessibility Statement and Management Plan

A. No above ground new non-residential development shall take place in a Phase until a detailed Non-residential Accessibility Statement and Management Plan (including a programme for implementation) for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. This should outline the measures proposed to ensure an accessible and inclusive environment, both internally and externally, including, but not limited to, pedestrian routes, lift specifications, accessible toilet provision, access points and Blue Badge spaces.

B. The approved details shall be implemented prior to occupation of the relevant Phase and shall be maintained at all times thereafter.

31. Bird Nesting and Bat Roosts

A. No above ground new development shall commence in a Phase until details of bird nesting and bat roosting bricks/boxes to be incorporated into the relevant Phase, in accordance with the recommendations in the Preliminary Ecological Appraisal prepared by Waterman (October 2020), have been submitted to and approved in writing by the Local Planning Authority.

B. The bird nesting and bat roosting bricks/boxes shall be installed on the building(s) or in any trees within the relevant Phase prior to occupation in accordance with the approved details and shall be permanently retained thereafter.

32. Green / Brown / Blue Roofs

A. No above ground new development shall commence in a Phase until a detailed scheme for any green / brown / blue roofs for the relevant Phase, including maintenance and management arrangements, has been submitted to and approved in writing by the Local Planning Authority.

B. The approved details shall be implemented prior to occupation of the relevant Phase and shall be maintained at all times thereafter.

33. Site Levels

Unless details are provided and approved as part of the reserved matters submission(s), no above ground new development shall take place within a Phase until details of the existing and finished site levels, the finished floor and ridge levels and the finished external surface levels for the relevant Phase have been submitted to and approved in writing by the Local Planning Authority.

B. The relevant Phase of the development shall be carried out in accordance with the approved details.

34. Biodiversity Enhancement Strategy

A. No above ground new development shall commence in a Phase until a Biodiversity Enhancement Strategy for protected and priority species within the relevant Phase, following the recommendations made within the Preliminary Ecological Appraisal prepared by Waterman (October 2020), has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, any such strategy for each Phase shall only require actions and works to be undertaken within the relevant Phase and not elsewhere.

B. The works shall be implemented prior to occupation of the relevant Phase in accordance with the approved details and shall be retained in that manner thereafter.

35. Noise Protection Scheme (Residential Units)

A. No above ground new development shall commence in a Phase until a scheme of noise insulation for any residential units within the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The insulation provided shall ensure that the noise levels within the residential units (with windows partially open) does not exceed:

35-40 dB LAeq for living rooms (07.00 hours - 23.00 hours);
30-35 dB LAeq for bedrooms (23.00 hours - 07.00 hours);
45 dB L_{Amax} for individual noise events in bedrooms (23.00 hours - 07.00 hours);
50-55 dB LAeq for outdoor living area (07.00 hours - 23.00 hours).

B. The approved scheme shall be fully implemented before the first occupation of the residential unit to which it relates and shall be maintained at all times thereafter.

36. Cycle Parking

A. No above ground new development shall commence in a Phase until details of cycle parking for the relevant Phase have been submitted to and approved in writing by the Local Planning Authority. The submission shall accord with the requirements of the Essex Planning Officer's Association parking standards and should include details of the appearance, location, layout, security, monitoring and access arrangements for the cycle parking facilities.

B. The approved cycle parking for a Phase shall be implemented prior to the occupation of the relevant Phase and shall be permanently retained thereafter and used for no other purpose.

37. Internal Layout (Phase 2)

A. No above ground new development shall commence in Phase 2 until full details of the internal layout of the residential units for the relevant part of the Phase have been submitted to and approved in writing by the Local Planning Authority.

B. All residential units shall be designed to comply with the Technical Housing Standards - Nationally Described Space Standard (2015), or such updated guidance.

C. The approved details shall be implemented prior to occupation of the relevant part of Phase 2 and shall be maintained at all times thereafter.

PRIOR TO OCCUPATION CONDITIONS

38. Hard Landscaping (Phases 1A and 1B)

A. Prior to occupation of each of Phases 1A and 1B of the development full details of the hard landscaping for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include, but not be limited to, details of the following:

- a) surface materials;
- b) communal amenity spaces and play spaces and any related play equipment;
- c) details of all boundary treatments, including fences, walls, railings and gates and boundary treatment to roof terraces;
- d) hostile vehicle mitigation; and
- e) management and maintenance.

B. The hard landscaping scheme shall be implemented prior to occupation of the relevant Phase of the development in accordance with the approved details and thereafter permanently maintained.

39. Soft Landscaping (Phases 1A and 1B)

A. Prior to occupation of each of Phases 1A and 1B of the development a detailed scheme of soft landscaping for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme, which shall incorporate local sourced and drought tolerant plants, shall be designed with the aim of improving and increasing biodiversity and demonstrating a net gain for pollinators in line with the Council's Pollinator Action Plan.

B. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the relevant Phase of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the relevant Phase die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

40. Energy and Sustainability (Phases 1A and 1B)

A. Prior to occupation of Phases 1A and 1B details of the location and quantum of any photovoltaic panels, Water Source Heat Pumps, Air Source Heat Pumps, or such other relevant infrastructure, shall be submitted to and approved in writing by the Local Planning Authority.

B. The relevant Phase of the development shall not be occupied until the approved details at A. above have been implemented.

C. Phases 1A and 1B of the development shall be carried out in accordance with the submitted Energy Strategy (V3) dated 26 October 2020 prepared by Hilson Moran and the Sustainability Statement (V3) dated 26 October 2020 prepared by Hilson Moran.

D. Phases 1A and 1B of the development shall be future proofed for connection to a district energy centre in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant Phase of the development.

E. The new commercial units in Phases 1A and 1B shall achieve a Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'Very Good'.

41. External Lighting Scheme

A. Prior to occupation of a Phase, an external lighting scheme for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme should also demonstrate that all lighting fully complies with the figures and advice specified in the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

B. The approved scheme shall be implemented prior to occupation of the relevant Phase and shall thereafter be maintained in working order as approved.

42. Communal Television and Satellite System

A. Prior to occupation of a Phase, details of any communal television and/or satellite system for the residential dwellings within the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority.

B. The approved system shall be implemented prior to occupation of the residential units within the relevant Phase, maintained in working order and be made available to each residential unit.

C. No antennae or satellite dishes may be installed on the exterior of buildings within the relevant Phase, with the exception of a single antennae or satellite dish per block to support the communal television and satellite system. The proposed antennae or satellite dishes shall be designed to minimise their visual impact and shall not be mounted on any publicly visible façade.

43. Delivery and Servicing Plan

A. Prior to occupation of a Phase, a Delivery and Servicing Plan for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall identify efficiencies and sustainability measures to be undertaken once the development is operational and should incorporate details of deliveries to the site and servicing arrangements, including the size of vehicles, routing and tracking of vehicles and times of deliveries and servicing.

B. The approved Plan shall be implemented on occupation of the relevant Phase and adhered to thereafter.

44. Drainage Maintenance

A. Prior to occupation of a Phase, 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, for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should also be provided.

B. Drainage maintenance for the relevant Phase shall be carried out thereafter in accordance with the approved details.

C. The applicant(s) or any successor(s) in title for a Phase must maintain yearly Drainage logs of maintenance for the relevant Phase 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.

45. Refuse and Recycling Strategy

A. Prior to occupation of a Phase, a detailed residential and commercial refuse and recycling strategy for the relevant Phase, including the design and location of the refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority.

B. The approved refuse and recycling stores shall be provided before the occupation of the relevant Phase and thereafter permanently retained.

C. The Phase shall also make provision for any future connection to a centralised waste scheme in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant Phase.

46. Details of Any Commercial Kitchen Extract Ventilation System and Carbon Filtration

A. Prior to occupation of any commercial unit with a commercial kitchen, details of any ventilation system for the removal and treatment of cooking odours, which include the location and appearance of external ducting and measures to mitigate system noise, shall be submitted to and approved in writing by the Local Planning Authority.

B. The approved details shall be fully implemented prior to the commencement of the relevant commercial use and shall be maintained as approved at all times

thereafter. The external ducting shall be removed when the authorised use of the premises for the sale of hot food ceases.

C. Where a commercial kitchen is installed in a commercial unit a high efficiency activated carbon filtration unit shall be installed for that premises which shall ensure a maximum capture of odour producing chemicals and incorporate 100kg of carbon granules per 1,000 cubic feet per minute air flow. The extract system shall be isolated from the building structure with suitable mountings and shall terminate at a point at least 1 metre above the eaves. If this cannot be complied with for planning reasons, then a higher level of odour control will be required in line with EMAQ Guidance – Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

47. Car Parking – Blue Badge Parking Spaces Management Plan

A. Prior to occupation of a Phase, a Car Parking Management Plan for the Blue Badge parking spaces for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority.

B. The approved details shall be implemented prior to occupation of the relevant Phase and retained thereafter.

48. Residential Welcome Pack

A. Prior to occupation of any residential unit in a Phase, the developer shall submit to the Local Planning Authority for approval in writing a Residential Welcome Pack for the relevant Phase which includes details relating to the non-availability of on-street parking permits, details of Travel Plan measures to encourage the use of sustainable modes of transport, the availability of the car club scheme and health, well-being (including the promotion of local areas of natural green space) and community support information.

B. The Residential Welcome Pack as approved should be provided to all new residents in the relevant Phase on occupation.

49. Public Art

A. Prior to occupation of Phase 1 (comprising Phases 1A and 1B) and Phase 2 a Public Art Strategy for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority.

B. The Public Art Strategy shall be implemented in accordance with the approved details and the approved artwork(s) shall be installed prior to occupation of the relevant Phase and retained thereafter.

50. Meanwhile Uses

A. Prior to occupation of a Phase, a strategy for providing meanwhile uses for any new commercial units within the relevant Phase, upon their completion as part of a wider phasing programme, shall be submitted to and approved in writing by the Local Planning Authority.

B. For a period of 3 years post-completion of the relevant Phase meanwhile uses shall be secured and implemented for any vacant commercial units in accordance with the approved strategy.

51. Controlled Parking Zone Restrictions

A. Prior to occupation of each Phase of the development a marketing scheme for the residential units within the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority containing measures for notifying prospective owners or occupiers of the permitted residential units from time to time of:

(a) existing on-street parking restrictions and penalties for breach of these restrictions; and

(b) the effect of The Essex County Council (Basildon Borough) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) Consolidation Order 2019 (as amended) and how Schedule 5 to the Order restricts eligibility for parking permits for properties built after 1 November 2019.

B. Notification of prospective owners or occupiers of the permitted residential units shall be carried out in accordance with the approved scheme.

52. Secured By Design

A. The development hereby permitted shall use reasonable endeavours to achieve a Gold award of the Secured by Design for Homes (2019 Guide) and Commercial (2015 Guide) (as relevant), or any equivalent document superseding these Guides.

B. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of each Phase confirming that the agreed standards at A have been met.

C. In the event that the agreed standards at A. are not achievable then prior to completion of the relevant Phase of the development the applicant shall submit to the Local Planning Authority for approval in writing justification for this and details of the highest award of the Secured by Design for Homes (2019 Guide) and Commercial (2015 Guide) or any equivalent document superseding these Guides which is achievable for the relevant Phase of the development.

D. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the relevant Phase of the development, confirming that the agreed standards at C., as relevant, have been met.

53. Provision of Amenity Space (Phase 2)

A. Prior to occupation of any residential unit within Phase 2 of the development (pursuant to the phasing plan approved at condition 6), full details of the private amenity and communal amenity spaces, including any children's play space, for the relevant part of the Phase shall be submitted to and approved in writing by the Local Planning Authority.

B. The approved details shall be implemented prior to occupation of the relevant part of Phase 2 and shall be retained at all times thereafter.

54. Boundary Treatment (Phase 2)

A. Prior to occupation of Phase 2, details of all fences, walls, railings, gates, and other boundary treatment, including to roof terraces, for the relevant part of the Phase shall be submitted to and approved in writing by the Local Planning Authority.

B. The approved details shall be implemented prior to occupation of the relevant part of Phase 2 and thereafter permanently retained.

COMPLIANCE CONDITIONS

55. In Accordance with Ecological Appraisal Recommendations

All ecological mitigation and enhancement measures and/or works in a Phase shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal prepared by Waterman (October 2020).

56. Restriction on Operating Hours of Commercial Uses

The commercial uses hereby permitted shall only be permitted to open to customers between the hours of 07:00 and 23:00 on any day and at no other time.

57. Noise Protection Measures

A. The combined rating level of the noise from any plant installed within a Phase (other than plant which is only to be operated in emergency circumstances) shall not exceed the existing background sound level at any time at the outside of noise-sensitive buildings. Any assessment of compliance with this condition shall be made according to the methodology and procedures presented in BS4142:2014.

B. The building structure (residential units directly above commercial units) in each Phase shall incorporate insulation measures as necessary to meet the standard of Part E of the Building Regulations Approved Document for Impact Sound.

58. Superfast Broadband

Prior to occupation of the development all residential and non-residential units within a Phase shall be fitted with superfast broadband capability and shall be retained at all times thereafter.

59. Accessibility and Adaptability

10% of dwellings in Block B of Phase 1A and 10% of dwellings in Block D of Phase 2 shall comply with Building Regulations Optional Requirement Approved Document M4(3) Category 3: wheelchair accessible or easily adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the relevant Phase in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

60. Water Efficiency

All residential units within a Phase shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the relevant Phase in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

61. Flood Risk

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Revision P3) prepared by Whitby Wood dated 23 October 2020.

62. Landscape Replacement (Phase 2)

Any plants, shrubs or trees required as part of the implementation of the landscaping reserved matters for Phase 2 of the development (pursuant to the phasing approved in condition 6) that die or are removed, damaged or become diseased within a period of FIVE years from the substantial completion of the relevant part of Phase 2 of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species.

End of conditions schedule