INTRODUCTION

This appeal statement relates to an appeal against the Council’s decision to refuse planning application for the development of six detached dwellings with associated garage & parking and access road (formerly consented for four detached dwellings - consent has been implemented). The planning application was refused on 5 October 2016 for the following reason:-
1 ‘The proposed level of development and the cul-de-sac layout of the development proposal would represent a poor visual and physical relationship to other properties nearby resulting in a contrived form of development that would not complement the positive qualities of the locality, and would significantly detract from its surroundings. In addition, the design, scale, bulk and height of the dwellings would undermine the spacious character of the surrounding area. The proposed development is therefore contrary to policies BE1, BE13, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policies S1, S8, D1, D3 and H4 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework’.

2 ‘The development proposal would result in a housing mix which would fail to accord with the Strategic Housing Market Assessment. As such, the proposal would fail to provide a sustainable, mixed community as contained within policies S1 and H2 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework’.

3 ‘The Langford and Ulting Neighbourhood Plan is making good progress and therefore is a material consideration when determining a planning application. The proposed development, due to its size, scale, location and remoteness from the village centre, would prejudice the forthcoming Langford and Ulting Neighbourhood Plan and would be contrary to Policies S1 and S8 of the Maldon District Local Development Plan and Government guidance contained within The National Planning Policy Framework’.

1.3 A description of the site and the proposal, the planning history and the general planning policy context (applied to the planning application) is contained within the Committee Report submitted with the Local Authority’s questionnaire.

2 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan enforce in the area is the adopted Maldon District Replacement Local Plan (RLP). The RLP policies identified in this appeal statement are all ‘saved policies’.
2.2 With regard to the Maldon District Local Development Plan (LDP) the Council is currently progressing its Local Development Plan (LDP) which will replace the current adopted Maldon District Replacement Local Plan (RLP). The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect to matters not Examined at the first Examination, and matters that arose from the Main Modifications Consultation in September 2016.

2.3 Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28th April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his Report. His Report is due to be submitted to the Secretary of State in Spring/Summer 2017 and the Council aims to have the Plan adopted in the early Autumn 2017.

2.4 There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focussed consultation and no new matters previously not examined or matters already examined will be considered by the Inspector.

2.5 At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.

2.6 Policy S2 of the adopted local plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. The Proposals Maps Inset 10 for Langford shows that the appeal site is outside of any defined settlement boundary and is hatched in purple shown on inset map. A copy of this is attached as Appendix 1. In the
Local Development Plan Proposals Map (1 of 4), the appeal site also lies outside of any defined settlement boundary. A copy of this map is attached as Appendix 2. Policy S2 only permits development within defined development boundary to the west of the site. The defined development boundary forms the western site boundary for this appeal site.

2.7 Policy CC6 of the adopted local plan ‘Landscape Protection’ seeks to protect the natural beauty, tranquillity, amenity and traditional quality of the District’s landscaping ensuring no harm is caused to the landscape character in the locality; the location, siting, design and materials for proposals are appropriate for the landscape; and to ensure development is landscaped to enhance the locality. Further to policy CC6, policy CC7 ‘Special Landscape Areas’ states that permission will not be given for development unless its location, siting, design, materials and landscaping conserve or restore the character of the area. The appeal site falls within the Lower Chelmer River Valley (A7) as identified in the Landscape Character Assessment prepared by Chris Blandford Associates 2006. A copy of this Landscape Character Assessment is attached as Appendix 3.

2.8 The Landscape Character Assessment defines the area as the Lower Chelmer River Valley which is recognised for its overall strong sense of place and tranquillity throughout the character area with several quiet rural lanes winding through the landscape.

2.9 Policy BE1 of the adopted local plan applies a number of criterions and relevant to this appeal the policy requires development proposals to be compatible with their surroundings or improve the surrounding location in terms of layout, site coverage, scale and the relationship to the landscape; and make a positive contribution to the landscape and open countryside when outside of defined development boundaries.

2.10 Policy H1 does not permit new housing ‘outside of defined development boundaries unless it complies with other policies in the Local Plan’ in the District as identified in the Maldon District Replacement Local Plan Proposals Map’.

2.11 It is considered that all adopted local plan policies as referred to in the refusal decision notice are broadly compatible with the NPPF. Whilst the Council, at the present time, can demonstrate a five year housing land supply, Paragraphs 14
and 49 of the NPPF are still relevant, which means that sites outside of the defined development boundaries can be considered for residential development providing all material consideration are acceptable and that they meet the sustainability requirements of the NPPF.

2.12 Policy S8 of the LDP ‘Settlement boundaries and the Countryside’ identifies the countryside will be protected for ‘its landscape……as well as its intrinsic character and beauty’ to reflect the NPPF requirements as stated in Paragraph 17 of the NPPF. Policy D1 of the LDP requires *inter alia* that all development must ‘1) respect and enhance the character and local context and make a positive contribution in terms of c) landscape setting……’.

2.13 The NPPF core planning principles in paragraph 17 advise *inter alia* that planning should recognise ‘the intrinsic character and beauty of the countryside’ and through Paragraph 109 that ‘the planning system should contribute to and enhance the natural and local environment by – protecting and enhancing valued landscapes’. Moreover, the NPPF, Paragraph 114, requires Local Planning Authorities (LPA) to protect and enhance distinctive landscapes.

2.14 Policy H2 of the LDP ‘Housing Mix’ stipulates that all development should meet the needs and aspirations of people requiring market and affordable housing. Providing an appropriate mix of housing types and tenures is a vital part of creating sustainable communities and meeting the diverse needs of all people within the District.

3 **THE CASE FOR THE COUNCIL**

3.1 The Council’s case is based on the reason of refusal stated in Section 1 of this statement. This section expands upon the reason and demonstrates why planning permission has been refused and should be dismissed on appeal.

3.2 The main issues to consider in this appeal are:
• The impact on the character and appearance of the area;
• Whether sufficient housing mix is provided; and
• The weight the Langford and Ulting Neighbourhood Plan should be given when determining the application

**Impact on the character and appearance of the area**

3.3 The NPPF advises at Paragraph 56 states that ‘the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people’. Such design principles are encapsulated by Local Plan policy BE1 that seeks to ensure new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and harmonises with the character of the area in which it is located. It should be noted that design is not just about how buildings will appear visually but how buildings function and relate to their surroundings, and with regard to sustainable development.

3.4 Hatfield Road is predominately characterised by roadside development in an irregular layout. The existing dwellings along Hatfield Road are of varying design, appearance, scale, bulk and height and layout on spacious plots fronting the highway. Prior to the approval of planning applications FUL/MAL/10/00260, FUL/MAL/10/00261 and FUL/MAL/10/00981, the pattern of development in the vicinity was in a linear form. The granting of the above applications had introduced 11 dwellings in a cul-de-sac arrangement the area with Plots 1-5 to the west of the access road and Plots 6-11 to the east of the access road. FUL/MAL/10/00981 is the approval for the 6 dwellings east of the access road. Two of the six plots are constructed i.e. Plots 6 and 7 - highlighted in the red rectangle below. The four remaining to be constructed as approved via FUL/MAL/10/00981 are laid out as detailed in the following plan to that application:
Plan A: Previously approved site plan 10/00981/FUL

3.5 The Council considers that to allow two additional dwellings, in the formation of a cul-de-sac arrangement on this appeal site, would result in the loss of existing and proposed tree planting (circled in green of the above plan).
3.6 The consequences of two further large dwellings within the appeal site would result in the loss of a significant area of woodland planting on the south side of Hatfield Road and the loss of the openess to the site with the removal of the long rear gardens and their replacement with built form and the introduction of additional roofscapes which would be visible when viewed in the street scene. The 10/00981/FUL application where the landscape buffer was proposed would have mitigated the impact of the development proposal as shown on Plan A.

3.7 The height of the proposed dwellings as shown on the elevational plans submitted would range from 8.5 metres and 9.6 metres, similar to that previously approved on the site and adjacent site to the north west (planning applications: FUL/MAL/10/00260, FUL/MAL/10/00261 and FUL/MAL/10/00981. These dwellings which were approved, with some subsequently built, were also between 8.3 metres and 9.5 metres in height.

3.8 The position of the proposed dwellings would be closer to Hatfield Road. It is considered that the loss of the natural screening and significant landscape buffer of
approximately between 10-15 metres in depth as shown on Plan B to the south of Hatfield Road would effectively expose the built form proposed, plus the domestic paraphernalia associated with the development proposal i.e. boundary treatment, access road and lighting closer to Hatfield Road, would intensify the use of the site resulting a much greater and demonstrable impact, on the character of the area thus eroding the rural nature of the area. The increase the level of built form and hard standing within the site, reduce the level of soft landscaping and bring the built form closer to Hatfield Road would also result in a highly conspicuous development when viewed in the streetscene impacting on existing landscape character and appearance of the rural locality.

3.9 Whilst it is noted that there is now a cul-de-sac within the vicinity of the appeal site (formed by Plots 1-5), it is not considered to be the prevailing character of the area and is a weak architectural feature to the detriment of the character and appearance of the area. Irrespective of this, the proposed layout is considered to be more intensive in nature and appear more urbanised than within the adjoining cul-de-sac. The development proposal would result in a very urban enclave of development that would be in sharp contrast to the level of built form, layout, overall character and appearance of the area. In this respect, the Council considers that the development proposal, if allowed, would result in demonstrable harm to the character and appearance of the area, contrary to policies BE1, CC6 and CC7 of the adopted local plan, policies S1, S8 and D1 of the Local Development Plan. Therefore the benefits of the development would not outweigh the environmental role of sustainable development as contained within the NPPF when the Framework is viewed as a whole.

**Housing Mix**

3.10 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer an address the increasing need for smaller properties due to demographic and household formation change.

3.11 Policy H2 of the Local Development Plan (LDP) and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council is therefore
encouraged, in accordance with policy H2 of the LDP, to provide a greater proportion of smaller units to meet the identified needs and demands of the District. A copy of the Executive Summary of the SHMA is attached as Appendix 4.

3.12 The provision of new housing on this site would be considered as a social benefit. However, the development proposes two additional, four or more bedroom open market houses would fail to meet the local need and mix as set out in the SHMA for the District, contrary to Policy H2 of the Local Development Plan and the NPPF where it seeks to deliver a wide choice of quality homes, widen opportunities for home ownership and identify the size, type, tenure and range of housing that is required in particularly locations, reflecting local demand. It is considered that the development proposal would not meet the local need and mix as set out in the SHMA and therefore conflicts with the aforementioned policies.

3.13 Further, the Council can now demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council’s identified housing requirements, the provision of two additional dwellings which is not aligned with the Council’s needs and is considered to make a negligible contribution in respect of social sustainability.

3.14 In terms of affordable housing, Policy H1 of the Local Development Plan requires Affordable Housing provision on "All housing developments that provide a gross of five or more homes, or comprise an area of 0.5 hectares or larger will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council’s strategic objectives on affordable housing".

3.15 The LDP requires 40% affordable social housing provision. Paragraph 216 of the NPPF states that decision takers may give weight to emerging plans according to the stage of preparation of the emerging plan, the more advanced the preparation, the greater the weight that may be given. As a submitted Plan currently being considered by the Secretary of State, the LDP is at an advanced stage of preparation.

3.16 In order for the development proposal to comply with the aforementioned policy, 40% affordable social housing provision was sought by the Council. In addition to this policy with regards to affordable housing provisions, the Council had noted the recent Court of Appeal decision dated 11 May 2016 which had restored a government policy
which means affordable housing contributions would only affect large residential development schemes, while smaller sites of ten homes or fewer would be able to start work on sites without facing charges that could prevent developers from building at all. The national threshold of ten units or fewer (and a maximum combined gross floor space of no more than 1,000 square metres) means that affordable contribution should not be sought. It has been calculated that the total floor area for the houses in this current scheme is approximately 1,927 square metres. As such, a financial contribution was sought as it was agreed the provision of on-site affordable housing would not be feasible as a Registered Provider would not accept the type of units in a scheme like this proposed. It has been provisionally agreed between the Appellant and the Council that a financial contribution of £173,500 would be acceptable to provide off-site affordable housing to meet policy requirement. This element is not disputed by the Council. However, it is a clear indication that the scheme is not a cohesive and reasonable development.

3.17 The Council, however, has concerns with regard to Paragraph 6.5 of the Appellant’s Grounds of Appeal stating that ‘the rural location of the site is not best suited to the creation of smaller properties and higher density development’ … ‘the site has limited access to services and facilities and is less appropriate location for smaller properties’ …

3.18 The Appellant appear to be putting forward an argument the smaller dwellings should only be provided in Maldon and Burnham and hat more rural areas should be used to provide larger dwellings. It is considered that this argument is perverse as Government guidance and the Council’s policies require mixed communities. There is still a need for mixed residential dwellings within villages to provide a wide range of housing opportunities for the residents of the entire District not just in most urban areas of the District. There is a need for smaller dwellings for the residents, people who wish to down size or just more affordable dwellings in the village, people who do not need or cannot afford a large dwelling should not be required to relocate to other parts of the District.

3.19 Paragraphs 54 and 55 of the NPPF explains that housing development should reflect local needs, and be located where it will enhance or maintain the vitality of rural communities. Policy S8 of the LDP refers to Langford as being a smaller village with few or no services and facilities, with limited or no access to public transport or employment opportunities albeit it is noted that there are two other notable employers
within the Parish including CML Microsystems in close proximity to the appeal site. The part time, volunteer-run shop based in the Langford village church only sells basic goods and there is a village hall, nursery school (within the village hall) a hotel, museum and tea room. It is possible that the new residents would make use of them. However, these immediate facilities are extremely small scale in nature and the shop is a ‘not for profit’ venture and therefore the contribution the future occupiers would make would be very limited in this regard.

**Langford and Ulting Neighbourhood Plan**

3.20 The Langford and Ulting Parish Neighbourhood Plan was Examined in April 2016. However, the progress of the Plan to referendum has been delayed due to issues with one particular policy (Policy 9 on New Housing in the parish for local people). With modifications, the Examiner found that the plan as a whole met the basic conditions, except Policy 9 which would not apply in this case. Therefore, the plan is a material considering the determining of planning applications, despite the delay in moving on from the Examination.

3.21 Valid planning applications have to be determined - the Local Planning Authority cannot refuse to consider, or delay a decision on a planning application because a community is preparing a neighbourhood plan. However, planning law requires that planning applications are decided in accordance with the local plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be considered as a material consideration; like all planning policy documents, neighbourhood plans will gather increasing weight as a material consideration, the further they get through the process. It is for the decision maker to determine the weight to give to these considerations.

3.22 In the National Planning Policy Guidance, it states that:

> ‘An emerging neighbourhood plan may be a material consideration ..... Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies....Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan ....It is for the decision maker in each case to determine what a material consideration is and what weight to give it.’ (NPPG Neighbourhood Planning para 07)
3.23 A Written Ministerial Statement of 10 July 2014, is considered to have reinforced the NPPG to make it clear that, once a neighbourhood plan has been submitted formally to the local authority for examination, it (and its policies) represent a material consideration to which weight can be given in considering the planning balance when determining any particular planning application or appeal.

3.24 Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force subject to the decision of the Council, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals (NPPG Neighbourhood Planning – paragraph 07).

3.25 The Secretary of State has been generally supportive, recovering appeals where neighbourhood plans have reached submission stage, and attaching significant weight to their policies even when they are out of date by reference to paragraph 49 of the NPPF.

3.26 Crane v. Secretary of State for Communities and Local Government [2015] EWHC 425 (Admin) was an unsuccessful challenge to a decision by the Secretary of State to dismiss an appeal for housing based on conflict with a neighbourhood plan. There was no five year housing land supply, and so the housing policies in the plan were out of date. The main implications were:

- A proposal on an unallocated site can be in conflict with a neighbourhood plan which allocates land for housing, even if it does not contain explicit policies to restrict housing elsewhere, such as a settlement boundary.

- Conflict with a plan that is out of date can be given very substantial negative weight in the planning balance. Neither the NPPF nor case law prescribe the weight that attaches to such a plan - it is a matter of planning judgment.

3.27 In Policy 3 (Design and Character) of the Langford and Ulting Parish Neighbourhood Plan states:
“Proposals must plan positively for the achievement of high quality and inclusive design reinforcing the locally distinctive and aesthetic qualities of the buildings and landscape in the Parish. This means that:

a) new buildings will be individually designed but take their cue from the scale and character, form and materials of existing buildings; and

b) traditional boundary treatments will be respected and reinforced and high walls and fences will be discouraged; and

c) plot sizes and widths and gardens will reflect the existing grain and pattern of development in the locality; and

d) good quality materials will be used; and e) new development will respect the historic nature of our Parish.”

3.28 This policy is based around generally accepted principles of good planning and is consistent with the Council’s adopted and submitted design policies as well as the guidance contained within the NPPF. The Council’s concerns with the appearance, layout, reference to the character of the area and the subsequent detrimental impact on the area have been discussed and is considered that the proposal would conflict with the Council’s policies is consistent with the conflict with the policy above; predominately that a cul-de-sac arrangement of an estate style development does not accord with the vision of the Langford and Ulting Parish Neighbourhood Plan. A copy of the Langford and Ulting Parish Neighbourhood Plan is attached as Appendix 5.

3.29 It is important to note that the Langford and Ulting Parish Neighbourhood Plan was given ‘moderate weight’ by an Inspector in a recent appeal decision at Oval Park, Hatfield Road (APP/X1545/W/15/3053104 dated 29 July 2016) which is in close proximity to this appeal site. The Inspector considered “whether the proposal would accord with the emerging Neighbourhood Plan” as a “main issue” – pages 2 and 3 of the Appeal Decision.

3.30 Paragraph 31 of that appeal decision states: “In terms of the environmental role, Policy 3 of the submission L&UNP refers to proposals reinforcing the locally distinctive and aesthetic qualities of the buildings and landscape in the Parish”. Paragraph 41 of that appeal decision refers to the “Vision” of the L&UNP “retaining the special qualities of the countryside and waterway setting” and “the historically dispersed nature of the Parish” and “describes the housing in the Parish as being characterised by small-scale incremental growth of individual plots dispersed across the area.”
3.31 Therefore, the Langford and Ulting Parish Neighbourhood Plan is considered to be a material consideration of moderate weight and the proposed development is considered to be in conflict with Policy 3 of this document. A copy of this appeal decision is attached as Appendix 6.

3.32 Based on the above, the Planning Inspector is therefore respectfully requested to dismiss this appeal. Further, no legal agreement has been submitted in support of the application and therefore should be refused on this basis.

3.33 In the event of Planning Inspector allow the appeal and grant planning permission then it is respectfully requested that the following planning conditions stated below are imposed. Planning obligations are also considered necessary if the Inspector considers the development acceptable. A summary of the planning obligation requirements are also stated below. The Council has requested the Appellant to produce a unilateral undertaking for all these planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

**CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application (Material Schedule - Plot 8 to 13 - LP-P2-008).

4. All rainwater goods shall be of cast iron style with a black painted finish and retained as such thereafter.

5. Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
6 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

7 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
   - Human health,
   - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
   - Adjoining land,
   - Groundwaters and surface waters,
   - Ecological systems
   - Archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.
No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition [7], and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition [8]. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [9].

11 No works or development shall take place until full details of soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme’s implementation and maintenance programme. The landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

12 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
13 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer windows, or other form of additions or openings shall be constructed in the roofs or gable walls of the dwellings hereby permitted without planning permission having been obtained from the Local Planning Authority.

14 The dwellings hereby permitted shall not be occupied until the measures relating to the management of flood risk contained within the Flood Risk Assessment submitted with the application have been fully implemented. The measures, which shall include a Flood Warning and Evacuation Plan, shall be retained as such thereafter.

15 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by Richard Jackson Engineering Consultants (MJG/JF/47296) dated June 2016.

16 The detached garages for Plots 8, 9, 10, 11, 12 and 13 as shown on the Site Layout Plan dated 6 April 2016 hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annexe accommodation.

4 PLANNING OBLIGATIONS

4.1 If the Planning Inspector is minded to allow the appeal and grant planning permission then it is respectfully requested that the planning obligations stated below are imposed. The Council are working with the appellant to produce a legal agreement to be submitted to demonstrate these obligations can be secured.

- The completion of a S106 legal agreement to provide the commuted sum of £173,500 to fund the provision of affordable housing