The Planning Inspectorate

Appeal Decision

Hearing held on 4 January 2017

Site visit made on 4 January 2017

by Nick Palmer BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 February 2017

Appeal Ref: APP/X1545/W/16/3152640
Land at and to the rear of 9 Church Road, Wickham Bishops, Essex CM8 3LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by MAZ Dev Ltd against the decision of Maldon District Council.
- The application Ref OUT/MAL/15/01342, dated 23 December 2015, was refused by notice dated 13 April 2016.
- The development proposed is demolition of an existing dwelling and erection of up to 52 residential dwellings with associated vehicular access.

Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing dwelling and erection of up to 52 residential dwellings with associated vehicular access at land at and to the rear of 9 Church Road, Wickham Bishops, Essex CM8 3LA in accordance with the terms of the application, Ref OUT/MAL/15/01342, dated 23 December 2015, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application is for outline permission with all matters except means of access reserved. An illustrative layout plan was submitted with the application and an amended version of that plan was submitted with the appeal. The latter was not before the Council when it made its decision and was not subject to consultation. However because it is merely illustrative of a possible scheme rather than forming part of the proposal I am satisfied that no party would be prejudiced by my considering the amended plan on this basis.

Main Issues

3. The Council's reasons for refusal make reference to the absence of a signed legal agreement for the provision of affordable housing and school transport. Since the Council's refusal a Unilateral Undertaking (UU) has been provided regarding these matters. The Council agreed at the Hearing that its second and third reasons for refusal which concern the principle of affordable housing and infrastructure provision have been addressed. However a matter that remains in dispute is the amount of affordable housing required to be provided. Accordingly the main issues in the appeal are:

   i) the effect of the proposed development on the character and appearance of the area;

ii) the accessibility of the proposed dwellings to services and facilities by sustainable means of transport; and

iii) the amount of affordable housing to be provided.

Reasons

Planning Policies

4. The development plan consists of the saved policies of the Maldon District Replacement Local Plan (RLP) (2005). The majority of the site is outside the development boundary as defined in the RLP but its policies for the provision of housing covered the period up to 2011 and have expired.

5. The Council's Local Development Plan (LDP)[1] has been submitted for examination and is at an advanced stage. The previous Local Plan Inspector had concluded that policy H6 (provision for travellers) was unsound. Subsequently the LDP was called in for consideration by the Secretary of State who has advised that the Plan as a whole is not unsound and that examination may proceed. Paragraph 216 of the National Planning Policy Framework (the Framework) advises that weight may be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency of the relevant policies to the policies in the Framework.

Character and Appearance

6. The built up area of Wickham Bishops at its western edge comprises 20th century residential estate development off Wellands Close and Leigh Drive. There is also residential development along Church Road as far as the grade II listed church of Saint Bartholomew. Church Road adjoins Mope Lane and Station Road which are rural in character but there are several large detached houses in large gardens along Mope Lane. The appeal site comprises grass land which is to the rear of frontage development on Church Road. It lies between the residential properties on Leigh Drive/Wellands Close and Mope Lane but there is open land between the site and the rear gardens of the Wellands Close properties.

7. To the immediate north of the site there is woodland and there are trees along parts of the site boundaries. Part of the eastern boundary is a watercourse. I saw on my visit that the site is elevated in relation to Wellands Close and Leigh Drive. The woodland to the north would screen the proposed development from view from that direction. The development would extend the built up area into the countryside but it would be contained to some extent by existing built development including that along Mope Lane.

8. The site forms part of a Special Landscape Area as defined in the RLP. This forms part of the Totham Wooded Farmland Landscape Character Area as identified in the Landscape Character Assessment (LCA).[2] The Character Area has wooded ridges and hillsides with agricultural fields enclosed by trees although the area becomes more open towards the fringes of Wickham Bishops. The LCA notes that Wickham Bishops is a modern settlement which largely dates from the 20th century. The enclosed nature of the site would

[1] Maldon District Pre-Submission Local Development Plan 2014-2029
[2] Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (2006)

seem to be typical of the landscape character but its close proximity to the built up area also influences its character. The existing adjacent built development and the woodland enclose the site so that it is not readily visible across the wider landscape.

9. For these reasons the impact of the proposal on the landscape would be limited. Although designated in the RLP as a Special Landscape Area the Council confirmed at the Hearing that the site has no particular landscape value and I concur with this view.

10. Saved policy CC7 of the RLP presumes against development in Special Landscape Areas unless the character of the area is conserved. The proposal would clearly alter the character of the site and would not conserve its character. However saved policy CC7 is not consistent with paragraph 113 of the Framework which requires that policies for development on protected landscape areas should be criteria-based. This limits the weight that can be given to that policy.

11. The Maldon District Characterisation Assessment (2012) identifies an Arcadian character to villages in the district, including Wickham Bishops. This is a result of low density residential areas that were laid out in the 19th and 20th centuries whereby landscape features were retained and houses set within spacious plots. Whereas this forms a clear part of the defined character of the area it is also evident from what I saw on my visit that there is extensive 20th century residential estate development at higher densities. Indeed the predominant character in the immediate area of the site is of such higher density development. The proposed density of about 21 dwellings per hectare would not be particularly high or out of character in this context.

12. The Council and interested parties have expressed concern about the layout and scale of the proposed development in terms of the number of dwellings proposed and the single means of access onto Church Road. I saw that there are a number of housing developments in the area which have access via culs-de-sac. The number of proposed dwellings would not be out of scale with the layout or size of the village.

13. The trees around the boundaries of the site could be retained and the appellants' Aboricultural Impact Assessment and illustrative layout plan demonstrate that trees within the site could be retained. Additional planting could be required by condition. Thus the structure of the existing landscape features could be retained and reinforced and these features would help to ensure that elements of the existing character are retained.

14. There are two nearby grade II listed buildings, namely 3 Church Road whose rear garden adjoins the site and the Church of Saint Bartholomew which is on the opposite side of Church Road. 3 Church Road is separated from the site by its garden and the trees that grow along its rear boundary. That building is sufficiently separate from the site to ensure that the development would not harm its setting. The church is some distance away from the site and the trees along the boundary with the graveyard provide a good degree of visual separation. For these reasons I concur with the Council's view that there would be no harmful effect on the settings of the listed buildings.

15. The proposed development would change the character of the site by extending built development into the rural area. However for the reasons given the

extent of that change would be limited by the contained nature of the site and the existing landscape features. I have found that in other respects the development would be in keeping with the adjacent built up areas of the village. For these reasons I conclude on this issue that the proposed development would result in some harm to the character and appearance of the area. The overall harm in this respect would however be limited and for these reasons I give moderate to significant weight to that harm.

16. Saved policy CC6 of the RLP only permits development in the countryside which would not harm landscape character. Saved policy BE1 requires that development in general is compatible with its surroundings. Policy D1 of the LDP has a similar requirement. For the reasons given the proposal would not accord with saved policy CC6. Because it would retain existing landscape features and would be in keeping with the adjacent residential areas I find that the proposal would largely accord with saved policy BE1 of the RLP and policy D1 of the LDP. Policy H4 of the LDP requires optimisation of the use of land consistent with the character and density of the surrounding area. The proposal would accord with those requirements.

Housing Supply

17. Paragraph 47 of the Framework requires that the supply of housing is significantly boosted and that local planning authorities should ensure that their Local Plan meets the full objectively assessed needs for housing. The Council has provided evidence that it has more than a 5 year supply of deliverable housing sites[3] and there is no substantive evidence before me to the contrary. While the Council may be able to demonstrate a 5 year supply, the objectively assessed need is a matter to be examined as part of the LDP process and therefore there is some uncertainty in this respect. The policies for housing provision in the RLP are time expired and do not make adequate provision for housing supply. For these reasons the policies for the supply of housing in the RLP are out-of-date and the stated existence of a 5 year land supply does not alter this.

18. This position has been confirmed by Inspectors in two appeals which have been brought to my attention[4] who found that the housing supply policies are out-of-date notwithstanding the existence of a 5 year supply. In another appeal[5] the Inspector noted that the RLP policies are time expired but that they have a degree of consistency with the Framework in terms of protecting the countryside. In that appeal the Inspector concluded that the RLP policies are not out-of-date but I take the contrary view in this appeal for the reasons given.

19. The housing policies of the LDP have yet to be fully examined taking into account the economic strategy of the LDP. Given also that there are outstanding objections I cannot give more than limited weight to its housing supply policies. In this context policies restricting development outside the development boundaries restrict the supply of housing and carry limited weight.

[3] Maldon District Council Five Year Housing Land Supply Statement (August 2016)
[4] APP/X1545/W/15/3003795 and APP/X1545/W/15/3133309
[5] APP/X1545/W/15/3139154

20. Saved policy H1 of the RLP restricts housing development outside settlement boundaries and saved policy S2 of the RLP requires protection of the countryside. Those policies together with the restrictive wording of saved policy CC6 of the RLP constrain the supply of new housing. The proposal would not accord with those saved policies but I give limited weight in this respect because the housing supply policies of the RLP are out-of-date. Paragraph 14 of the Framework states that where relevant policies are out-of-date, 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 as a whole.

21. Draft policy S2 of the LDP provides for housing growth in villages and Wickham Bishops is identified in policy S8 as a larger village. The proposal would not accord with those draft policies in as much as it would extend outside the development boundary but that boundary is yet to be reviewed as part of the LDP and this further limits the weight that can be given to them.

22. The Council's decision cites policies N1 and N2 of the LDP. Policy N1concerns green infrastructure. While I have taken into account the value of the existing landscape features it has not been demonstrated that the site forms part of a network of green space or that it has particular public value as an open space. Policy N2 concerns biodiversity and geodiversity. The Council has agreed that there would be no harm in these respects. For these reasons the proposal would not conflict with those policies.

Accessibility

23. The village has a number of local facilities, notably a large village hall, two public houses and shops. It is served by frequent bus services to Maldon and Whitham where there is a railway station. There is a church in close proximity to the site. It seems to me that the village is a sustainable location for new development given that it has local facilities and good public transport connections. The designation in the LDP as a larger village indicates that further development there would be sustainable in principle.

24. The Council and interested parties however have concern about the distance that residents of the proposed development would have to walk to services and facilities and the lack of footpaths along the roads. Mr Munson on behalf of the Parish Council said that the site is 700m from the nearest bus stop and 750m from the nearest shop. Manual for Streets[6] states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance. Although dwellings at the far end of the development may exceed this distance this does not mean that the services and facilities in the village would be an unacceptable walking distance for the occupants of those dwellings.

25. I saw on my visit that although there are parts of Church Road and Blacksmiths Lane without footpaths, for the most part there are footpaths along the roads into the centre of the village. The roads are subject to a 30 mph speed limit. The appellant proposes to widen the existing footpaths on the opposite side of Church Road close to the site using parts of the highway verges. The Highway Authority has no objection to the proposal in terms of highway or pedestrian safety. I note that there is a lack of street lighting along the roads but the

[6] Manual for Streets paragraph 4.4.1

standard of footpath provision is reasonable and the appellants would improve that provision. Given that vehicle speeds are restricted I find that the pedestrian routes into the village are reasonably safe and attractive. While future residents would undoubtedly use the private car to a significant extent the availability of a choice of sustainable means of transport including cycling would be consistent with the Framework's core planning principle of making the fullest use of those means. For the reasons given I find that the proposed dwellings would have a reasonably good degree of accessibility to services and facilities by sustainable means of transport.

26. In reaching this conclusion I have taken into account the lack of capacity of the local doctor's surgery to accept new patients and the lack of capacity in the nearest primary school at Great Totham. With respect to the latter the County Council provides school transport services and travel to schools would be possible by sustainable means.

27. A number of LDP policies require new development to be well connected to local services and facilities and that there are safe and attractive routes for walking and cycling. Policies D1, H4, T1 and T2 have these requirements. For the reasons given the proposal would accord with those draft policies.

Affordable Housing

28. The UU makes provision for either 30% or 40% affordable housing provision depending on my findings. Saved policy H9 of the RLP requires 30% provision but policy H1 of the LDP requires 40% in the Northern Rural Area in which the site is located. The out of date nature of the RLP and the evidence on which it was based limits the weight that can be given to saved policy H9 and the weight that can be given to emerging policy H1 is also limited given that it has not been examined.

29. In the absence of an up-to-date policy, the Framework requires that the evidence base is used to ensure the full objectively assessed need for affordable housing is met. The Strategic Housing Market Assessment (SHMA) (2012) identifies a significant shortage in affordable housing in the district and this supports the higher percentage required in policy H1 of the LDP.

30. Furthermore some weight albeit limited can be given to emerging policy H1. I note that the Inspector examining the LDP has asked for a number of points of clarification regarding that policy but those points do not relate directly to the percentage requirement.

31. There is no information before me to cast doubt on the viability of 40% affordable housing provision as part of the development proposal. For the reasons given I conclude that 40% affordable housing provision as required by emerging policy H1 of the LDP would be justified.

32. I note local residents' views that there is no need for more affordable housing in the village but the evidence referred to by the Council notably the SHMA indicates a general need in the district as a whole.

The Unilateral Undertaking

33. Because the local primary school is near capacity pupils would need to be transported to another primary school. Secondary school pupils would also need transport. The County Council has identified the need for a developer

contribution towards school transport services of £204,459 and the UU would secure this contribution. The amount of the contribution has been calculated according to a standard methodology used by the County Council. Because there would be no local school facilities the contribution would be necessary in order to make effective use of available schools infrastructure and to use sustainable means of transport.

34. The proposal would make provision for public open space within the development for the recreational needs of the occupants. The UU would secure that provision and arrangements for its future maintenance. These provisions accord with the tests set out in paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations). The proposal would accord with saved policy PU1 of the RLP and policy I1 of the LDP which require contributions towards education facilities and necessary infrastructure.

35. Regulation 123 of the CIL Regulations restricts the pooling of infrastructure contributions. The public open space would only relate to the proposed development rather than the wider area. School transport is an existing service and the contributions would not therefore be towards infrastructure. For these reasons I am satisfied that the pooling restrictions do not apply to the provisions of the UU.

Other Matters

36. Local residents have pointed out that the local doctor's surgery is at capacity. The NHS was consulted on the application but did not make any request for a contribution towards upgrading the facility taking into account the pooling restriction.

37. The indicative mix of housing sizes would accord with the identified requirement for smaller homes. The Council says that the mix would not address an identified imbalance in the housing stock but the details given in this respect are indicative only and matters of layout and scale are not for my consideration.

38. The Parish Council and local residents have expressed concerns about extra traffic and potential congestion. However the Transport Assessment demonstrates that the development would have no adverse effect on the highway network, the Highway Authority has no objection to the proposal and this matter did not form a reason for refusal by the District Council.

39. Concern has also been expressed about the potential for flooding but the County Council as Lead Local Flood Authority has no objection subject to the imposition of suitable conditions.

40. I have taken into account all other matters raised including concern about light pollution, broadband speed, water and electricity supplies and effects on the living conditions of adjacent residents but those matters do not alter my conclusions on the main issues.

Overall Balance

41. The proposal would provide a significant number of new homes in a generally accessible location. Although the Council can demonstrate a greater than 5 year supply of housing land, the Framework requires local authorities to boost

significantly the supply of housing. For this reason I give significant weight in favour of the proposal on this basis. I give further significant weight to the benefit from the provision of 40% affordable housing.

42. I have found that the proposed development would have reasonably good accessibility to services and facilities by sustainable means but that nevertheless residents would still use the car to a significant extent. For these reasons this matter is neutral in the overall balance. The public open space to be provided would be required for the occupiers of the development and so would not be of general public benefit.

43. On the other hand I have found there to be harm in terms of the character and appearance of the area and I have attached moderate to significant weight to that harm. The proposal would conflict with development plan policies which restrict development outside settlement boundaries and I give limited weight to those conflicts because the policies are either out-of-date or have not been subject to examination.

44. The weights that I have given to the identified harms are not sufficient to significantly and demonstrably outweigh the weights that I have given to the benefits of the proposal.

45. Policy S1 of the LDP reflects the Framework in presuming in favour of sustainable development. The proposal would address general and affordable housing need and would support the local economy. In these respects the proposal would accord with the social and economic dimensions of sustainable development. The accessibility of the site to services and facilities by sustainable means would also accord with those dimensions as well as the environmental dimension by limiting emissions.

46. The harm to the character and appearance of the area that I have identified would weigh against the environmental dimension but for the reasons given when considered overall the proposal would be a sustainable form of development.

Conditions

47. The original illustrative layout shows 52 dwellings but that number is reduced to 49 on the amended illustrative plan in order to accommodate a drainage facility. Because the application is for up to 52 dwellings and there is no other evidence before me to justify a limit on the maximum number I have not imposed a condition in this respect.

48. I have imposed the conditions suggested by the Council and as agreed by the appellant with one exception. In doing so I have had regard to the tests set out in paragraph 206 of the Framework.

49. Details of external facing materials, boundary treatments and landscaping are required to be approved in order to ensure the appearance of the development is acceptable. The Arboricultural Impact Assessment proposes measures to protect trees but because details of layout are not part of the application it is necessary to require tree protection measures by condition.

50. Details of foul and surface water drainage are required in order to ensure that sustainable measures are used and that flooding elsewhere is prevented. I have also imposed the requested conditions regarding surface water run-off

during construction and the maintenance of the surface water drainage system. The main parties agreed at the Hearing that a condition regarding foul water drainage as recommended by Anglian Water would be necessary.

51. A Construction Method Statement would be necessary in order to ensure that construction operations do not have undue impact on highway safety and the living conditions of residents. I have included conditions requiring provision of the access including drainage requirements, car parking in accordance with adopted standards and a Residential Travel Information Pack to future occupants in order to ensure that the relevant highway standards are met and that use of sustainable means of transport is encouraged.

52. The Phase1 Geo-Environmental Desk Study Report recommends a proportionate programme of intrusive investigation for contamination and I have imposed conditions accordingly. Finally I have imposed a condition requiring archaeological investigation because the site is identified as potentially being of archaeological interest.

53. I have not imposed the suggested condition 20 which would require mitigation measures for air quality. Although the Council has explained that this would be required in order to reduce traffic emissions in other parts of the district there is no substantive evidence before me to justify the need for such a condition.

54. The Fire Service requested the provision of further fire hydrants to serve the development but this would be covered by the Building Regulations and so it would not be necessary to impose a condition.

Conclusion

55. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Schedule of Conditions

1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) No development shall take place until written details or samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

5) No development shall take place until details of the siting, height, design and materials of all boundary treatments have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be provided before the part(s) of the development to which they relate are occupied.

6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas, the materials and finishes to be used together with the car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of a programme for implementation, aftercare and maintenance. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

   The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7) All the trees and hedges which are to be retained shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

8) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the local planning authority. This shall include but not be limited to:

   i) a restriction on surface water run-off to the existing greenfield 1 in 1 year rate for all storm events up to the 1 in 100 year event taking into account climate change;

   ii) provision of sufficient storage to manage surface water on site during a 1 in 100 year storm event taking into account climate change; and

   iii) provision of water treatment in accordance with the CIRIA SuDS manual (C753).

   No dwelling shall be occupied until the works have been carried out in accordance with the approved details.

9) No development shall take place until a detailed foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved details.

10) No development shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction work has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved.

11) No development shall take place until a Maintenance Plan for the surface water drainage system has been submitted to and approved in writing by the local planning authority. The Maintenance Plan shall include details of maintenance activities and frequencies and the organisation responsible for maintenance. The system shall be maintained in accordance with the approved Plan. Maintenance activities shall be recorded in annual logs which shall be made available for inspection by the local planning authority upon request.

12) No development shall take place, including any ground works or demolition until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. Works shall take place in accordance with the approved details. The Construction Method Statement shall provide for:

   i) parking of vehicles of site operatives and visitors;

   ii) loading and unloading of plant and materials;

   iii) storage of plant and materials used in constructing the development; and

   iv) wheel and underbody washing facilities.

13) Before the development is occupied the access and highway works including the visibility splays shown on drawing number 1471L-01 shall be provided.

14) Before the development is occupied the footpath improvement works shown on drawing number 1471-02A shall be provided.

15) Before the development is occupied details of a Residential Travel Information Pack for sustainable transport, which shall include six one

day travel vouchers for use with the relevant local public transport operator shall be submitted to and approved in writing by the local planning authority. The approved Residential Travel Information Packs shall be provided to each dwelling upon its occupation.

16) There shall be no discharge of surface water onto the highway.

17) All off-street parking provision shall be in accordance with the applicable Maldon District Council parking standards.

18) No development shall commence until an intrusive investigation has been carried out and an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

i) a survey of the extent, scale and nature of contamination;

ii) the potential risks to:
- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- ground waters and surface waters;
- ecological systems; and
- archaeological sites and ancient monuments.

19) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development or relevant phase of development is occupied. The local planning authority shall be given 2 weeks written notification of the commencement of any remediation works.

20) No development including any site clearance or ground works shall take place until an assessment of archaeological significance of the site and a scheme of investigation including details of the programme and methodology of investigation and recording to be used have been submitted to and approved in writing by the local planning authority. The

assessment and scheme of investigation shall be undertaken by a suitably qualified archaeologist. Development shall take place in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Mark Schmull MRTPI	Associate Director, Nathaniel Lichfield & Partners
Ben Wright CMLI	Director, Aspect Landscape Planning Ltd
Mark Tentori	MAZ Dev Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Yee Cheung MRTPI	Planning Officer, Maldon District Council
Matthew Leigh MRTPI	Group Manager, Planning, Maldon District Council

INTERESTED PERSONS:

Barry Sayers	Chair of Planning Committee, Wickham Bishops Parish Council
Paul Munson MRTPI	Representing Wickham Bishops Parish Council
Henry Bass	Ward Member
Jane Williams	Local resident
John Richardson	Local resident
Mr T Dayes	Local resident
Bryan Wearmouth	Local resident
Kevin Walter	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

SUBMITTED BY THE APPELLANT:

1 Signed Unilateral Undertaking and copies of title

SUBMITTED BY THE LOCAL PLANNING AUTHORITY:

2 Policy H9 of the Maldon District Replacement Local Plan

SUBMITTED BY MR MUNSON:

3 Extracts from *Manual for Streets, Policy, Planning and Design for Walking and Cycling* and *Providing for Journeys on Foot*