

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	23/07/2020
Planning Development Manager authorisation:	SCE	24.07.2020
Admin checks / despatch completed	CC	27.07.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	27.07.2020

Application: 19/00787/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Jacqui Mortlock

Address: Weltons Dedham Road Ardleigh

Development: Demolition of existing retail unit and construction of 1 No. 3 bed and 1 No. 2 bed detached bungalows.

1. Town / Parish Council

Ardleigh Parish Council
11.07.2019

Ardleigh Parish Council object to this application as the site is currently industrial/employment and this would remove all employment opportunity and convert to residential. The site is next to a run of industrial units and be out of keeping. Mixing residential and commercial should be avoided. Conversion of the land allocation to residential would set an unwelcome precedence.

The Council supported the original (approved) application 18/00764 as the plan included a cycle cafe proving employment opportunity and services to the village that are not currently provided.

2. Consultation Responses

ECC Highways Dept
19.06.2019

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

3. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1.

4. Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m from the highway boundary.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety and in accordance with Policy DM 1.

5. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles, as per Drawing. No. 676/1.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

8. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative1: The public's rights and ease of passage over Rookery Chase, Bridleway No.2 (Ardleigh) shall be maintained free and unobstructed at all times.

Informative 2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

Informative 3: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 4: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Essex County Council
Heritage
17.06.2019

The application is for demolition of existing retail unit and construction of 1 No. 3 bed and 1 No. 2 bed detached bungalows.

There is no objection to this application. I recommend conditions are attached pertaining to materials and a landscaping scheme to ensure this is a high quality development.

3. Planning History

94/00353/FUL	(Weltons of Ardleigh, Dedham Road, Ardleigh) First floor residential extension over shop and rooms in roof (renewal of planning permission TEN/762/89)	Approved	17.05.1994
03/02199/FUL	Demolition of existing workshops rebuild new retail shop with residential accommodation over.	Refused	11.10.2004
05/01476/FUL	To rebuild existing shop and workshop with residential flat above after demolition of the existing building	Refused	09.12.2005
18/00764/FUL	Proposed erection of a dwelling and attached cycle cafe, following demolition of existing retail unit.	Approved	11.07.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN17 Conservation Areas

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Development

ER3 Protection of Employment Land

COM19 Contaminated Land

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

SP1	Presumption in Favour of Sustainable Development
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PP6	Employment Sites

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local Plan, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to the site known as Weltons located to the northern side of Dedham Road on the corner with Rookery Close within the Parish of Ardleigh. The site was developed in the 1970's and has permission as a retail unit; most recently serving as a DIY store. Although the site bounds open fields to the north and east, to the south of the site is well built up with a recently completed development of housing directly opposite. The site is located within the Settlement Development Boundary for Ardleigh within both the Tendring District Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. Adjacent to the south of the site is the Ardleigh Conservation Area, whilst a Public Right of Way is sited to the east, running south to north.

Description of Proposal

This application seeks full planning permission for the erection two detached bungalows following the demolition of the existing single storey A1 retail unit.

Plot 1 is located to the rear of the site with a southerly orientation and will accommodate 3 bedrooms served by parking bays to the front and a rear garden area of 102 sqm to the north.

Plot 2 is located to the front of the site with a westerly orientation (fronting the shared access road) and will accommodate 2 bedrooms served by 2 parking pays to the side (adjacent to Dedham Road) and a private garden area of 93 sqm (adjacent to Rookery Close).

Assessment

The main considerations in this instance are;

- Planning History;
- Principle of Development;
- Loss of Employment;
- Design, Layout and Appearance;
- Heritage Impact;
- Residential Amenities;
- Trees and Landscaping;
- Highway Considerations;
- Legal Obligations – Open Space and Play Space;
- Legal Obligations – Recreational Disturbance; and,
- Representations.

Planning History

Under planning reference 18/00764/FUL, planning permission was granted for the construction of a single detached residential dwelling and a detached cycle café (Class A3), following the demolition of the existing A1 retail unit.

Principle of Development

The site is situated within the Ardleigh Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017), and is not allocated for employment use. Having regard to the aims of Saved Policy HG3 of the adopted Local Plan (2007) and Draft Policy SPL2 of the emerging Local Plan (2017), the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

Loss of Employment

Policy ER3 of the adopted Tendring District Local Plan (2007) states that land in, or allocated for employment use will normally be retained for that purpose, and its change of use will only be permitted if the applicant can demonstrate that it is no longer viable or suitable for any form of employment use. Within this, the applicant should either submit evidence of a sustained but ultimately unsuccessful marketing exercise, undertaken at a realistic asking price or demonstrate that the land is inherently unsuitable and/or not viable or suitable for any form of employment use.

The site contains a single, small unit which has remained vacant for many years. The building is totally dilapidated and inherently unsuitable for any commercial or employment use. The building has been empty since 1986 and over the last 34 years has obviously fallen into disrepair with the roof virtually all gone which has left the internal area open to the elements. There is also large excavated holes in the floor. Additional information and photographs have been provided by the agent to demonstrate the poor state of the building. The applicant has provided additional information in regard to records of an unsuccessful sales of the site dating back to in 2008.

The previous permission sought to replace the commercial unit with a live work arrangement comprising a detached bungalow and a separate café ensuring the same level of employment was retained. The previous application did not require the consideration of the scheme against the loss of employment policy criteria.

The particulars of a marketing campaign for the sale of the site with the approved development for a period of 6 months was agreed with officers. The 6 months have now passed and the evidence of the sustained but ultimately unsuccessful marketing campaign has been provided.

The history of the site demonstrates that the site in its original was unsellable. The current state of the building is inherently unsuitable for any commercial or employment use. The recent marketing campaign further demonstrates the lack of demand for a commercial use on the site.

Overall, the evidence provided is considered sufficient and complies with the requirements and aims of the above-mentioned policy.

Design, Layout and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed layout will see Plot 1 in a similar location to the existing A1 retail unit, with Plot 2 sited further forward in approximately the same location as the approved dwelling from previous permission 18/00764/FUL. The layout therefore is broadly in accordance with that previously approved, although Plot 2 is not sited so close to the eastern boundary, thereby reducing the impacts on the adjacent Public Right of Way. Given this, and that there is not a set pattern of development in this section of Dedham Road to adhere to, the layout is considered acceptable.

With regards to the design of the dwellings, both are single storey bungalows. Given the single storey nature of development adjacent to the west there is no principle objection to the proposed height. The dwellings have been designed to incorporate features including front gables, canopies and brick plinths. These features help to break up the bulk of the dwellings and ensure they are an acceptable addition within the surrounding area. Further, a condition will be attached to this decision to ensure full details of external materials are provided, particularly given its siting adjacent to the Ardleigh Conservation Area.

Heritage Impact

Policy EN17 of the Tendring Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

The site lies adjacent to the Ardleigh Conservation Area. As such a Heritage Statement is not required on this occasion, however the site is clearly within a sensitive location and the impacts of the proposal to the Ardleigh Conservation Area are still a consideration of this application.

As highlighted above the design is considered to be acceptable, particularly in the context of the permission previously granted under reference 18/00764/FUL. The Council's Historic Environment consultant has offered no objections. Therefore, subject to a condition to request details of proposed materials to ensure they are of a good quality befitting of an edge of conservation area siting, the impact to the Ardleigh Conservation Area is not considered harmful.

The submitted plans also show that the site will be enclosed with 1.8m high close boarded fencing to the northern, eastern and western boundaries. A 1m high post and rail fence is proposed with mixed species to part of the eastern boundary and to the south-eastern corner. While the 1.8m high fencing is not encouraged in this edge of conservation area setting, it is acknowledged that efforts have been made to reduce this impact with the inclusion of post and rail fencing. Given this, that soft landscaping is included throughout the site, and that permission for a similar level of development is extant, on balance the harm to the setting of the conservation area is not considered excessive enough to warrant a reason for refusal. A condition will however be attached to this decision to request details of a full soft landscaping scheme.

Therefore, on balance, there is not significant visual harm identified as a result of the proposed works.

Residential Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other

amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling with three bedrooms or more should be a minimum of 100 square metres. The submitted plans show that Plot 1, which is served by three bedrooms will have just in excess of 100 square metres, while Plot 2 which is served by two bedrooms, will have just short of 100 square metres. Therefore the proposal meets the requirements of the above policy.

The proposed dwelling for Plot 1 is to be sited 1.8m to the east of the existing building line, which ensures a greater separation than the existing arrangement. Further, its single storey nature is less than the previous 1.5 storey design approved within 18/00764/FUL. Given the above, and that the neighbouring buildings serve as a car workshop and garage, there is not considered to be significant harm in respect of loss of light, the dwelling appearing imposing, or any degree of overlooking. Plot 2 is located approximately 15m apart from this neighbouring building, and will therefore also not have any significant impacts for the same reasons.

The neighbouring light industrial car garage use is likely to result in a degree of impact to the future occupants of the proposed dwellings in respect of noise and disturbance. However, given that these future occupants would be aware of the surrounding circumstances prior to occupation, that the noise generated from a light industrial use would not be excessive and that the surrounding area sees a number of other residential properties, the harm identified is not significant enough to warrant a refusal reason.

Trees and Landscaping

No trees or other vegetation will be affected by the development proposal.

Details of soft landscaping will be secured by a planning condition.

Highway Considerations

Essex County Council as the Highways Authority have been consulted and raise no objections subject to conditions relating to a vehicular turning facility, the width of the private drive, the use of no unbound materials and any gates being inward opening. A further condition relating to the submission of a Residential Travel Information Pack was requested, however given the scheme is not a major development it would not be reasonable to include this as a condition.

Furthermore, Essex County Council Parking Standards 2009 state that for a dwelling of two bedroom or more, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. The submitted plans show there is sufficient space to accommodate this to the sides of both dwellings.

The originally submitted red lined site plan included an area at the front of the site subject of 'highway rights'. The applicant has now secured a 'stopping up' order removing highway rights from that land, a copy of which has been provided. In addition to this a new land registry plan showing ownership of the entire application site which was edged in red has also been provided.

Legal Obligations – Open Space and Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of -1.70 hectares of equipped play in Ardleigh. However due to the remote location of the development site to the play and open space it is unlikely that these facilities will see a significant impact. Therefore no contribution is being requested on this occasion.

Legal Obligations – Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 5,500 metres from the Stour and Orwell Estuaries Ramsar and SPA. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has been secured through a completed unilateral undertaking in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements and the application therefore complies with Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Representations

Ardleigh Parish Council object to the proposal for the following reasons:

1. The site is industrial/employment and this would remove all employment opportunities; and
2. Not in-keeping with the adjacent industrial units.

The site is not allocated for an employment use. The surrounding area includes a mixed use of commercial and residential properties. Sufficient marketing information and evidence demonstrating that the site is no longer viable for employment use has been provided. Therefore the principle of residential development is acceptable in this location.

There has been one letter of objection received, with the following comments:

1. Concerns for amenities of future occupants of the dwelling; and
2. The highlighted boundaries are incorrect.

These have been addressed in the main report above.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Full - Approval

7. Conditions

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans; drawing numbers 676/1, 676/2, 676/3.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 4 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway.

- 5 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 6 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 7 No above ground works shall commence until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The site lies adjacent to the Ardleigh Conservation Area and therefore good quality materials are essential.

- 8 No development hereby permitted shall commence until the specific requirements of paragraphs numbered 1 to 3 below have been satisfied.

1) A site investigation, based on the Phase 1 Desk Study and Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 9 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 10 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

The public's rights and ease of passage over Rookery Chase, Bridleway No.2 (Ardleigh) shall be maintained free and unobstructed at all times.

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Landscaping Informative

Soft landscaping should include tree planting and aim to soften, enhance and partially screen the proposed development.