

13/00719/FUL**LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND
CLEMENTS HALL WAY, HAWKWELL, ESSEX****APPLICATION TO VARY CONDITION 24 TO PERMISSION
GRANTED ON 17 DECEMBER 2012 UNDER APPLICATION
REFERENCE 12/00381/FUL TO ALLOW UP TO 22
DWELLINGS TO BE OCCUPIED BEFORE JUNCTION
IMPROVEMENTS TO HALL ROAD/RECTORY ROAD
ROUNABOUT ARE TO BE PROVIDED****APPLICANT: DAVID WILSON HOMES****ZONING: METROPOLITAN GREEN BELT****PARISH: HAWKWELL****WARD: HAWKWELL WEST****1 PLANNING APPLICATION DETAILS**

- 1.1 This application is to a site extending from Clements Hall Way to both sides of Thorpe Road and north of Rectory Road, Hawkwell.
- 1.2 A development of 176 dwellings (175 net) is currently being implemented on the site under a permission granted on 17 December under application reference 12/00381/FUL. Condition 24 of that consent requires that works be undertaken to the roundabout at the junction of Hall Road/ Main Road and Rectory Road to achieve an additional lane from the Rectory Road approach towards Rochford before any of the dwellings approved are occupied and which reads as follows:-

Condition 24:

None of the dwellings hereby approved shall be occupied until such time as the junction improvements works at the Main Road, Hall Road and Rectory Road roundabout have been provided entirely at the developer's expense. Such junction improvement works shall include the widening of the Rectory Road arm to provide two lanes on approach (as shown in principle on Ardent CE drg. No. D540-004) submitted as part of the application particulars.

REASON: To make adequate provision within the highway for the traffic generated by the development to be satisfactorily accommodated.

- 1.3 The current application seeks to vary that condition to allow for up to 22 dwellings to be occupied before the necessary works to the roundabout are completed.. Accordingly the applicants submit for consideration a revised condition 24 as follows:

Proposed Condition 24:

Prior to the occupation of the 22nd dwelling hereby approved the junction improvements works at the Main Road, Hall Road and Rectory Road roundabout have been provided entirely at the Developer's expense. Such junction improvement works shall include the widening of the Rectory Road arm to provide two lanes on approach (as shown in principle on Ardent CE drawing No. D540-004) submitted as part of the application particulars.

REASON: To make adequate provision within the highway for the traffic generated by the development to be satisfactorily accommodated.

- 1.4 The applicants state that the amendment is required as the applicants have been unable to complete the junction works stated within the existing condition due to the delays in acquiring technical approval of the section 278 works from Essex County Council.

2 RELEVANT PLANNING HISTORY

- 2.1 The site has an extensive planning history. The most relevant applications comprise that for the greater development being implemented and the subsequent variation to obscure glazing of certain windows throughout the development as set out below.

Application No. 12/00381/FUL

- 2.2 Demolish Existing Dwelling And Construct Development Of 176 Houses With Access Off Thorpe Road, Access Off Clements Hall Way, Access For One Plot Off Rectory Road, Road Network, Cycle Way And Footpath Network, Public Open Space, Landscaping And Location Of High Pressure Gas Main

Permission granted 17 December 2012.

- 2.3 This permission is now being implemented and to which the current application relates.

Application No.13/00035/FUL

- 2.4 Application to vary condition No. 4 to application No. 12/00281/FUL for development of 176 dwellings approved on 17 December 2012 and (summarised) to vary those plots to which obscure glazing of side windows would otherwise be required in favour of two alternative conditions 4 and 4A.

- 2.5 Permission granted 30 April 2013, subject to alternative variation Condition 4R, which adds to existing condition 4, a further 18 No. plots with outward facing side windows that need not be obscure glazed.

3 CONSULTATIONS AND REPRESENTATIONS

- 3.1 **Hawkwell Parish Council:** Vehemently object to this application due to trying to vary a major condition, which would set a dangerous precedent. Also, concerned that no timescale had been given for the start of the road improvements.
- 3.2 **Essex County Council Highways:** No objection to raise. Advise that the works have commenced and are expected to be completed by early March. The delay has been partly due to the legal process involved with both parties agreeing and the sealing of the section 278 agreement. With this in mind the Highway Authority is satisfied that some of the dwellings may be occupied.
- 3.3 It is clear that the works will be completed very soon.

Neighbour Consultations

- 3.4 7 letters have been received from the following addresses:-

Ashworths: 4,

Belchamps Way: 25b,

Rectory Road: 252,

Thorpe Close: 4,

Thorpe Gardens: 1,

Thorpe Road: 34,

Victor Gardens: 18,

- 3.5 And which in the main make the following comments and objections:-
- Object to this application on the grounds that at certain times of day I have difficulty driving out of my road because of traffic backed up along Rectory Road. If this application is granted the situation will be made worse.
 - The agreement was that the road improvements would be completed before any further cars resided in the area; this should be adhered to. I fear this will not stop here and DWH will just keep wanting dwellings occupied and there will be no urgency to complete the road improvements.

- As a regular user of the Rectory Road /Hall Road junction there has been a substantial increase in traffic. Cannot see how a junction improvement will assist in this respect as the existing roads/infrastructure cannot cope.
- Rochford and Hawkwell have seen an increase in flooding. Concerned that drainage will be insufficient. Trust the Council has undertaken sufficient research into this aspect and has made adequate provision to ensure all drainage for this area has been taken into consideration. New drainage should not just be linked into the existing system, which is imperative, given the number of new houses being built on land that would normally help to drain excess water.
- Refer to recent article in the Echo relating to the Council's decision to remove a fund set aside for the clearing of ditches and drains. This doesn't really show the Council in a good light or as caring for the community it should be serving.
- To allow these to be built and not to have completed the work on the already congested junction will cause disruption.
- David Wilson Homes (DWH) has had a poor record with this development so far. They have closed Thorpe Road without sufficient notice to local residents, causing pedestrian, cyclist and horse riders to make a half mile detour. This has been particularly bad for school children walking to school and horses having to use and hold the traffic up in Main Road. Before DWH were granted planning permission they kept the Hawkwell Resident Association and local residents informed of their plans. Now DWH have planning permission, residents are being ignored or being told information at the last moment. 22 homes could mean 100 to 200 additional vehicles passing through this junction per day. I believe DWH should keep to their original plans for the roundabout, which I understand is already behind schedule.
- Application should be declined. In view of this over-development of land and population increase the infrastructure, in this particular case the improvements to the Hall Road/Rectory Road Junction, must be completed before the 22 dwellings are inhabited, along with any other essential infrastructure requirements. Rochford District Council must remember that the majority of Hawkwell residents did not want this new development and as this was overruled Wilson Homes should comply with its promises for road improvement prior to occupancy or any new development.

- I object to the application based on unacceptable traffic congestion traversing Thorpe Road - 22 Dwellings (3/4-Bedroom type) will produce circa 40 cars extra on the already busy junction of Thorpe/Main Road. The timing of the improvement of Hall Road/Rectory Road roundabout should have been taken into account when proposing the whole development.
- Whoever is responsible for the roundabout improvement needs to take heed.
- I would suspect that the majority of local residents, including myself, used the poor junction access at Rectory Road/Hall Road as one reason among others for objecting to the development in the first instance and I cannot see that anything has changed.
- There has recently been a revised application to alter the method of removing the surface water from the site, which is continually under water. The residents' gardens (Nos. 4/5/6/7/8) that back onto the site are now continually flooded as never was in the past. Why not improve that situation?
- The site is still unsecured as could be seen during the summer when children were seen to be playing on the site and by the surface drain at their leisure. The local residents are very concerned about security but the wire fences are little worse than useless. Why not improve that situation?
- It would seem that all the developers are concerned about is getting people to buy the houses; money in the bank at the expense of any consideration for the local residents.

4 MATERIAL PLANNING CONSIDERATIONS

Principles of the Development

- 4.1 The site is within an area allocated Metropolitan Green Belt in the Council's saved Local Plan. However, the site is identified in the Allocations Document, which has been subject to examination and with the benefit of a permission being implemented. These material considerations outweigh the harm to the Green Belt.
- 4.2 The approved development has commenced and a number of houses are nearing completion. The quantum of development has not changed. Whilst a number of issues have been raised such as flooding and site security, the current application is a single issue concerning the timing of the required roundabout alterations the subject of condition 24. That said, in law it is required that the decision notice for the whole development be re-issued to reflect any changes so far and the need for previous conditions.

- 4.3 Whilst some conditions on the original permission have been discharged, the requirements for other conditions have been formally submitted and are awaiting consideration. The recommendation reflects the current interim position adjusting those conditions as necessary.

Highway Issues

- 4.4 Condition 24 to the current decision notice was at the recommendation of the County Highway Authority.
- 4.5 Works for the alterations to the roundabout commenced on 3 February and are due to be completed in early March. There is therefore a commitment to the provision of this part of the infrastructure required.
- 4.6 The applicants advise that the overall process commenced in November 2012. Technical approval has taken four months delaying the applicant such that the amended condition is required. At the time of submitting the application (November 2013) the draft agreement had been commented upon and the applicants did not anticipate further delay. The applicants state that once the agreement is signed, the applicants will commence work.
- 4.7 In support of the application, the transport consultants for the applicants state that the current highway network provides an adequate provision for traffic generated by 21 units and the flows from the first 21 units can be accommodated without detrimental effect upon the highway network. This is based upon the Transport Assessment dated March 2011 in which they identified that the development of 175 dwellings would result in an increase of 54 vehicle movements (two way) through the roundabout in the weekday morning peak hour and 59 in the evening peak hour equivalent to an increase of around 3% over the base case flows in the future assessment year of 2016.
- 4.8 The predicted increase in traffic on the Rectory Road approach to the junction, which is to be improved in conjunction with the wider development, was 31 vehicles in the morning peak hour and 14 in the evening peak hour. These figures were accepted by the County Highway Authority. The improvements to the Rectory Road approach were to mitigate the impact of the traffic associated with the whole development.
- 4.9 The applicants conclude that a development of 21 dwellings would therefore be expected to result in an increase of 6 vehicles in the morning peak hour and 7 vehicles in the evening peak hour, giving an increase of 1%, which is negligible and would not be perceptible. The predicted increase on the Rectory Road approach would be even lower at 4 movements in the morning and 2 in the evening peak hour.

- 4.10 The applicants state that the normal day to day variation in flows is taken as +/- 10%. Guidance on transport assessments published by the Department for Communities and Local Government in 2007 suggests an increase of 30 movements during peak hours as the starting point for assessing the traffic impact of a development. The applicants conclude the proposed variation to be acceptable as the expected increase in traffic arising from 21 dwellings does not require any improvements to be implemented.
- 4.11 The County Highway Authority has considered the details in support of the application. The Highway Authority confirms there has been some delay due to the legal process involved. It is, however, clear that the works will be completed very soon having already commenced at the junction. The County Highway Authority is therefore satisfied that some of the dwellings may be occupied whilst those works are undertaken.

Other Issues

- 4.12 There have been no policy changes that affect the principles on which the permission granted on 17 December 2012 under application 12/00381/FUL is based and which would now lead to a different decision for the scheme as a whole. Planning permission can therefore be granted on the same basis other than the changes outlined in this report.

5 CONCLUSION

- 5.1 The provision of the widening of the Rectory Road approach to the existing roundabout at the junction of Hall Road with Main Road/Rectory Road is necessary to improve the junction capacity in light of the increased traffic arising from the development approved under application 12/00381/FUL. Those works are in hand at the time of writing giving certainty that they will be provided. The modest number of dwellings forming part of the development the applicants seek to be occupied prior to the completion of those junction works will not have a perceptible effect on local traffic conditions. Consequently condition 24 of the consent can be varied as proposed.

6 RECOMMENDATION

- 6.1 Members will be aware that the Government has placed increased pressure upon Councils to determine major applications within the due timescale. Whilst the application is for a single issue relating to only one condition it is, however, classified as a major application with the decision required on or before 19 March 2014..

- 6.2 Because of the nature of the application, despite the single issue relating to one condition, it is necessary to re-issue a decision notice for the whole development and include the new decision as part of the existing legal agreements to the application being implemented under application 12/00381/FUL. Officers anticipate this legal process will take time to complete and is to some extent outside of the Council's control, thereby increasing the risk of failing to issue the decision within the 13 week period.
- 6.3 At the time of writing the applicants are believed to be preparing a letter confirming an extension of time to allow matters to be concluded and the decision issued within the extended time period. This method is generally endorsed by Government as good practice.
- 6.4 However, should the written extension of time not be forthcoming and/or that the completion of the legal matters prove likely to overrun the 13 week period/extended time, officers recommend a **FALL BACK RECOMMENDATION** effective from 17 March 2014 that the Committee **DELEGATE TO THE HEAD OF PLANNING AND TRANSPORTATION TO REFUSE PERMISSION FOR THE FOLLOWING REASON:-**
1. The proposal, if allowed without the necessary legal agreement completed, would result in the development proposed providing an alternative development consent without commitment to the need to provide the necessary infrastructure associated with the quantum of development to which the application relates contrary to policy H2 and Appendix H1 to the Rochford District Council Local Development Framework Core Strategy (2011) and would prove contrary to the proper planning of the district.
- 6.5 Officers anticipate that a written extension of time confirmation will be received to extend the timescale for determination of this application so allowing the legal matters to be concluded and the decision issued. On this basis and the analysis and conclusions set out in the report above, **It is proposed that the Committee RESOLVES**
- 6.6 **To APPROVE planning permission**, subject to the application being incorporated into a legal agreement to the same effect as the existing legal agreements relating to application 12/00381/FUL and to the following conditions:-
- (1) The development hereby permitted shall commence on or before 16 December 2015.
 - (2) The development shall be implemented in accordance with the schedule for external materials H4606 Revision S for the dwellings as approved. Any further variation shall be submitted to and agreed in writing by the Local Planning Authority and the development implemented in accordance with such variation as agreed.

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- (3) Prior to the commencement of any phase of the development hereby approved, plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected within the development phase and serving the paddocks and open space areas when part of that phase shall be submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority shall be erected prior to that part of the site to which they relate first being occupied and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).
- (4R) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) all first floor side windows shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level and no alteration is to be made to that arrangement thereafter. The exception shall be windows to the outward facing elevations of dwellings not facing the elevations of neighbouring housing to plots 1, 10, 12, 13, 14, 16, 17, 23, 29, 30, 36, 43, 44, 46, 47, 52, 54, 60, 61, 62, 73, 75, 77, 78, 81, 86, 89, 91, 94, 98, 99, 102, 103, 104, 106, 107, 111, 112, 117, 121, 128, 129, 132, 136, 150, 153, 155, 159, 160, 161, 165, 168, 169, 172, 173, 175 and 176, which can be clear glazed.
- (5) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) order 1995 (including any Order revoking or re-enacting that Order , with or without modification, no enlargement of or provision of additional windows, doors or other means of opening shall be inserted in the side or rear elevations of the dwellings hereby permitted.
- (6) No development shall commence until details of the lighting height and luminance for the play areas and pathways through the public open space within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.
- (7) No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);
- a programme for the implementation of both hard and soft landscaping features.

The landscaping scheme shall be implemented in its entirety in accordance with the agreed programme for implementation, or other such programme subsequently agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree, shrub or hedge plant that item or any item planted in replacement for it is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another of the same species and size as that originally planted, shall be planted at the same place in the first available planting season following removal, unless the Local Planning Authority gives its written approval to any variation.

- (8) The development hereby approved shall be implemented in accordance with the measures for the retention and protection of trees retained as set out in the Arboricultural Impact Assessment accompanying the application and Drg. No. 280502-P-13 dated June 2012 BY Messrs. Tim Moya Associates.
- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order with or without modification) the garages hereby permitted shall be retained for the parking of vehicles and shall not be converted to habitable accommodation.

- (10) Prior to the commencement of the development, the road junction at its centre line on Clements Hall Way shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the junction to the south and 2.4 metres by 43 metres to the north, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and shall be retained free of any obstruction at all times. The junction on Rectory Road shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres x 90m in both directions, as measured from and along the nearside edge of the carriageway.
- (11) The designated access for construction site traffic shall be implemented in accordance with that specified at parts b) and c) to Appendix B to the Construction Management Project Plan Project No. H4606 and dated January 2013.
- (12) The proposed private drive accesses from Clements Hall Way shall be constructed and provided with an appropriate dropped kerb crossing of the footway prior to the occupation of the dwellings proposed to take access therefrom.
- (13) Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The details as may be approved shall be carried out in their entirety prior to the access so drained becoming operational and shall be retained thereafter.
- (14) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
- (15) The development shall be implemented in accordance with the details for the mechanical wheel cleaning of construction vehicles before their exiting the site comprising of not less than one ramped wheel spinning facility together with jet wash hoses and as specified at Appendix C to the Construction Management Project Plan Project No. H4606 and dated January 2013.
- (16) Prior to the commencement of the development details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.

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- (17) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
- (18) The proposed bell mouth junction with Clements Hall Way, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development, including the delivery of materials.
- (19) Prior to the commencement of the development details of all independent paths, including their lighting and drainage shall be submitted to and agreed in writing by the Local Planning Authority. Paths shall be a minimum of 2 metres wide. The development shall be implemented in accordance with such details as may be agreed.
- (20) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd Job No. 43929 and dated June 2012 and the following mitigation measures detailed in the FRA:-
1. Surface water run-off generated on site shall be restricted to a maximum of 65.5 l/s.
 2. Storage shall be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change, and shall be designed to incorporate sustainable drainage techniques and consider flow routes/pathways across the site.
 3. Prior to first habitation, details of who shall be responsible for the maintenance of the surface water scheme in perpetuity shall be agreed in writing with the Local Planning Authority.
 4. No dwellings shall be placed within flood zones two and three as confirmed within the submitted FRA.
 5. General ground levels within the flood plain shall not be raised as a result of this development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the Local Planning Authority.

- (21) No part of the development shall be occupied until a system of operational street lighting serving that part of the development has been provided and the system shall be maintained operational and in good repair until adopted.
- (22) Prior to the commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and agreed in writing by the Local Planning Authority:-
 - i) Preliminary risk assessment which has identified all previous uses. Potential contaminants associated with those uses. A conceptual model of the site indicating sources, pathways and receptors. Potentially unacceptable risks arising from contamination of the site.
 - ii) A site investigation scheme based on i) above to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.
 - iii) The site investigation results and the detailed risk assessment in ii) and, based on these, an options appraisal and remediation strategy giving details of the remediation measures required for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any change to these components require the express consent of the Local Planning Authority

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- (23) A Written Scheme of Investigation for the archaeological watching brief shall be submitted to and approved by the Local Planning Authority for the works required. Such a scheme shall set out the scope of the archaeological works required, the measures to be employed should significant archaeological remains be encountered (and cover all phases of the development in a single document) and shall ensure the appropriate identification, recording, reporting and duration of any archaeological remains encountered. The scheme shall also form the basis for the appointment of an appropriate archaeological organisation to conduct the works that would be procured through an appropriate tender process. Such a scheme shall negate the need to agree subsequent mitigation strategies with the Local Planning Authority during the course of the works, as an appropriate mechanism to signal and agree variations to recording procedures, should significant remains be exposed, will be appropriately set out and agreed in the Written Scheme of Investigation. Further, appointment of a single approved archaeological contractor to conduct the full works will ensure the integrity of the final site archive. The development shall be implemented in accordance with such Written Scheme of Investigation as may be approved.
- (24) Prior to the occupation of the 22nd dwelling hereby approved the junction improvements works at the Main Road, Hall Road and Rectory Road roundabout have been provided entirely at the developer's expense. Such junction improvement works shall include widening the Rectory Road arm to provide two lanes on approach (as shown in principle on Ardent CE drg. No. D540-004) submitted as part of the application particulars.
- (25) None of the dwellings hereby approved shall be occupied until such time as the passenger transport infrastructure along Rectory Road adjacent to the site is relocated and upgraded where appropriate. All works shall be provided entirely at the developer's expense and include new shelter and footway facilities comprising of lighting, seating and timetable information, together with raised kerbs where necessary and the relocation of telegraph poles and lighting along Rectory Road in the vicinity of the site
- (26) Construction traffic shall access the site in accordance with the details of the construction management of the site, as set out in section 14.8 to the Planning Statement by Messrs. Kember Loudon Williams LLP reference: 12/016 submitted in support of the application.

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- (27) Notwithstanding the requirements of condition 7 above, details of any tree planting proposed within the highway together with a programme for implementation, shall be submitted to and agreed in writing by the Local Planning Authority prior to planting. Such trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. If within a period of five years from the date of planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or does or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place, in the first available planting season following removal, unless the Local Planning Authority, in consultation with the Highway Authority, gives written approval to any variation.
- (28) The development hereby approved shall be implemented in accordance with the advice, recommendations and mitigation measures set out in the Ecology Strategy by Messrs. Liz Lake Associates dated June 2012 File Name 1079A5 Rev. A. accompanying the application.
- (29) Prior to the first occupation of the development comprising Plots 1 – 56 located west of Thorpe Road, the applicants shall submit details to the Local Planning Authority for the insulation of those dwellings against noise generated by the industrial premises to the north west of the site. Such details shall comprise an assessment of the pre-existing background noise levels at the site, taking into account the permitted hours of operation of the adjoining industrial premises fronting Main Road, Hawkwell and the layout, location and height of the residential properties. Such details as may be agreed shall be fully implemented prior to the first occupation of the dwellings on Plots 1 – 56 and shall be maintained in the approved form thereafter.

REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and 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. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

H1, H5, H6, CP1, ENV8, ENV9 Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

HP1, HP6 Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

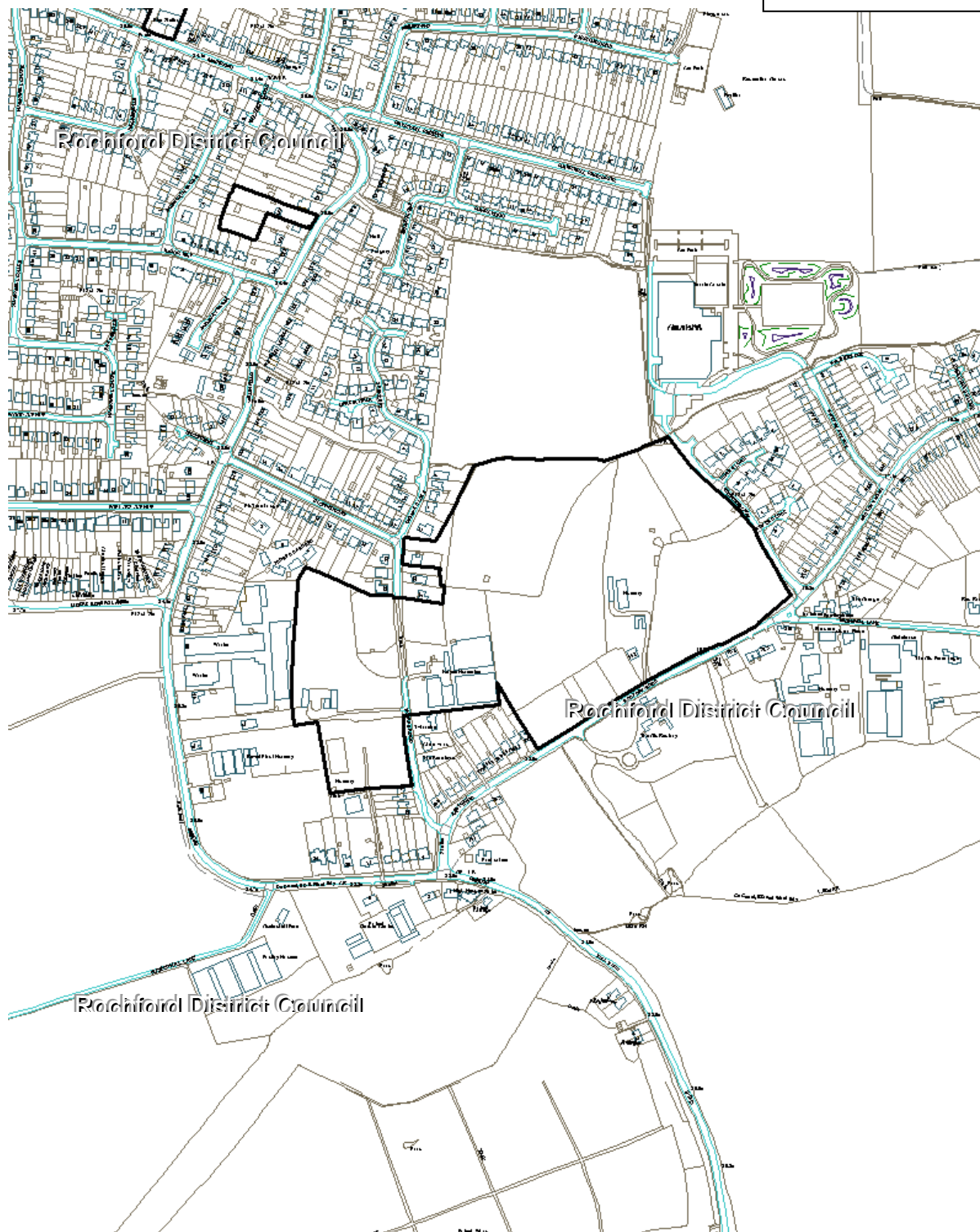
Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 Standard C3

For further information please contact Mike Stranks on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.

13/00719/FUL



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