



**Rochford District
Council**

DEVELOPMENT COMMITTEE

20 JULY 2023

APPLICATION NO.	23/00033/FUL
ADDRESS	Land East of Ashingdon Road and North of Garden Way, Rochford
APPLICATION DETAILS	Variation of Condition 4 (Approved Plans) attached to planning permission reference 20/00363/OUT (PINS Reference: APP/B1550/W/21/3283646) - Outline application for the demolition of Nos 148 and 150 Ashingdon Road, removal of highway tree and form access onto Ashingdon Road, form secondary access onto Percy Cottis Road to serve residential development of 662 dwellings and community building with associated infrastructure. Details of Phase 1 of 233 dwellings to consider Access, Layout, Appearance, Scale and Landscaping. Details of Phases 2 and 3 to consider Access and Layout only.
APPLICANT	Bloor Homes Eastern
ZONING	SER8, MGB
PARISH	Rochford Parish Council
WARD	Roche North and Rural

REPORT SUMMARY

The application seeks to vary condition 4 of the planning consent (ref: 20/00363/OUT) which was allowed at appeal in 2022 (ref: APP/B1550/W/21/3283646). The variation seeks to substitute some of the approved plans to allow for an alternative layout to the landscaping within phase 1 and for changes to the layout of phases 2 and 3. The proposed amendments have been considered against the relevant material considerations.

RECOMMENDATIONS

It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the following conditions

Conditions

- (1) No development shall commence within any phase (except phase 1 as annotated on the approved phasing plan reference P18-2109_63-02E) until plans and particulars showing precise details of the scale, appearance and landscaping, (hereinafter called the 'Reserved Matters'), within the phase

have been submitted to and approved in writing by the Local Planning Authority. All development at the site shall be carried out in accordance with the Reserved Matters details approved.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- (2) In the case of the Reserved Matters, application for the first reserved matters application for approval shall be made no later than the expiration of 2 years beginning with the date that permission was granted for application ref: 20/00363/OUT (8th March 2022). Application for the approval of the remaining 'Reserved Matters' referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of 5 years from the date that permission was granted for application ref: 20/00363/OUT (8th March 2022). The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the first of the Reserved Matters to be approved.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- (3) The development to which this permission relates in respect of Phase 1 as shown on the approved phasing plan reference P18-2109_63-02E, shall be commenced before the expiration of 3 years from the date that permission was granted for application ref: 20/00363/OUT (8th March 2022).

REASON: To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended).

- (4) The development hereby approved shall be constructed in accordance (save for any revised details as agreed in respect of the discharge of any landscaping condition) with the following approved plans:

- Play Space Concept Masterplan P18-2009_56A
- Phase 1 Layout P18-2109_62K
- Phase 1 Parking Strategy P18-2109_62-01C
- Phase 1 Garden Sizing Plan P18-2109_62-02B
- Phase 1 Materials Layout P18-2109_62-03C
- Phase 1 Storey Heights Plan P18-2109_62-05B
- Phase 1 Tenure Plan P18-2109_62-06E
- Phase 1 Refuse Strategy Plan P18-2109_62-07B
- Phase 1 Enclosures Layout P18-2109_62-09D
- Enclosure Details P18-2109_67
- Site Section over Southern Ditch P18-2109_84
- Phase 1 House Type Pack P18-2109_70C
- Entrance Avenue Landscape Proposals P18-2109_54D
- Phase 1 Concept On Plot Proposals P18-2109_57D
- Phase 1 Part M P18-2109_62-04B
- Phase 1 Street Scenes P18-2109_65-01C
- Phase 1 Bin Store P18-2109_72-01
- Phase 1 Bike Store P18-2109_72-02
- Proposed Access from Percy Cottis Way 185180-002A
- Proposed Emergency Access 185180-021B

- Proposed Pedestrian access to Ashingdon Road 185180-005
- Proposed Access from Ashingdon Road 185180-004F
- Proposed access from Oxford Road 185180-003A
- Phasing Plan P18-2109_63-02 Rev E
- Landscape Masterplan P18-2109_59 REV L
- Landscape Masterplan P18-2109_83-1 REV L
- Landscape Masterplan P18-2109_83-2 REV L
- Phases 2 and 3 Layout P18-2109_63-03 REV AK
- Parameter Plan Development Platforms 185180-036A
- Parameter Plan Land Use and Access P18-2109_39E
- Parameter Plan Trees Hedgerows/Buildings P18-2109_53B
- Parameter Plan Location Plan PA604-210B

REASON: To ensure that the development is carried out in accordance with the provisions of the development plan.

- (5) External facing materials to be used in the construction of the dwellings within Phase 1 shall be those as detailed on pages 30, 34 and 38 of the Design Code (P18-2019_66B September 2020) unless alternatives are proposed in which case details shall have been submitted to and approved in writing by the Local Planning Authority prior to their use in construction on site.

REASON: To ensure the external appearance of the development is appropriate to the locality.

- (6) Concurrently with the submission of Reserved Matters containing any non-residential buildings at the site, details to demonstrate that the building(s) would meet the BREAAAM very good rating as a minimum (unless it can be demonstrated that this is not viable or practical (in which case details of viability/practicality shall also be submitted to and agreed in writing with the Local Planning Authority) shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the building(s) shall be built in accordance with the agreed details to achieve the BREAAAM very good rating as a minimum or otherwise agreed and details submitted in writing to the Council to demonstrate that this rating has been achieved within 3 months of completion.

REASON: In the interests of environmental sustainability and to accord with Policy ENV10 of the Core Strategy.

- (7) No works including ground works within 20 metres of the badger setts on site or including the creation of trenches or culverts or the presence of pipes shall commence until a licence to interfere with a badger sett for the purpose of development has been obtained from Natural England and a copy of the licence has been provided to the Local Planning Authority. The existing badger setts on site to be retained shall be protected during construction in accordance with the licence or as otherwise agreed in writing by the Local Planning Authority. Prior to commencement of any development including ground works at the site, measures to protect badgers from being trapped in open excavations and/or pipe and culverts must be implemented in accordance with the details contained in the Ecological Impact Assessment Final Rev E by Southern Ecological Solutions, date of issue 10 December 2019 and retained throughout the construction works. The measures shall

include: (a) the creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and (b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

REASON: In the interests of ensuring no harm to protected species occurs as a result of the development and to comply with the submitted Ecological Impact Assessment.

- (8) Existing hedgerows and trees indicated to remain on the Trees/Hedgerow and Building Parameter Plan (Reference P-18-2109_53B) shall remain and not be felled or removed. Those sections of existing hedgerow and trees indicated to be felled/removed on this same plan (subject to any change in terms of retention of more existing hedgerow/trees as agreed in relation to any landscaping condition) shall only be felled/removed/managed outside of the bird nesting season (March to August inclusive) unless otherwise agreed in writing with the Local Planning Authority in which case details justifying works outside these times shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the protection of nesting birds, in accordance with Policy DM26 and DM27 of the Development Management Plan.

- (9) The development hereby approved shall be implemented throughout construction in accordance with the tree protection details agreed in the decision issued in respect of application reference 22/00862/DOC, unless alternative details for the protection of trees to be retained are subsequently submitted to and agreed in writing by the Local Planning Authority, in which case construction of the development hereby approved shall be carried out at all times in accordance with the revised details as agreed.

REASON: To preserve trees on the site in the interests of visual amenity and the character of the area, in accordance with Policy DM1 and DM25 of the Development Management Plan.

- (10) The development hereby approved shall be carried out in accordance with the details as agreed in the decision issued in respect of application reference 22/00892/DOC in the decision letter dated 13th October 2022 in respect of those bird and bat boxes to be installed within Phase 1 (or as subsequently amended by submission to and approval in writing by the local planning authority). The boxes as agreed shall be installed during the construction of the relevant dwelling, or in accordance with the time frame as set out in the decision letter referred to above.

REASON: In the interests of enhancement for bats and nesting birds, in accordance with Policy DM26 and DM27 of the Development Management Plan.

- (11) Details including plans showing the location of proposed bat and bird boxes to be provided within phases 2 and 3 and a time frame for installation within the relevant phase shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development within each of

these phases. Boxes could be integrated within new residential properties or attached externally to properties or existing trees. A minimum of 20 bat boxes shall be provided across the site and a proportion should be proposed close to the eastern boundary of the development and main Public Open Space. Bird boxes shall be proposed as follows (or similar) 2 x 1G Schwegler Generalist Bird Box and 30 x specialised Manthorpe swift bricks with bricks installed in numbers no less than two per household. A total of 30 bricks should be installed (as per details provided in the submitted report titled Ecological Impact Assessment Final Rev E by Southern Ecological Solutions, date of issue 10 December 2019).

REASON: In the interests of enhancement for bats and nesting birds, in accordance with Policy DM26 and DM27 of the Development Management Plan.

- (12) The development hereby approved, shall be implemented in strict accordance with the reptile mitigation strategy as agreed in the decision issued in respect of application reference 22/00472/DOC (or as subsequently amended by submission to and approval in writing by the local planning authority).

REASON: To ensure that reptiles are not harmed during the construction of the approved development, in accordance with Policy DM26 and DM27 of the Development Management Plan.

- (13) The surface water drainage scheme as agreed in the decision issued in respect of application 22/00863/DOC as set out in the decision letter dated 6th June 2023 (or as subsequently amended by submission to and approval in writing by the local planning authority) shall be implemented, in full, in accordance with the agreed details. Additionally, prior to first occupation within Phase 1, all relevant permissions to discharge from the site into any outfall should be demonstrated by submission to and approval in writing of the relevant details by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. Requirement to provide all relevant permissions to discharge from the site required as this formed part of the original condition 14 requirement in respect of 20/00363/OUT but these details were not provided as part of the discharge of condition application 22/00863/DOC.

- (14) No construction works shall take place within phases 2 and 3 until a detailed surface water drainage scheme for each of these phases, 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. The scheme should include but not be limited to:

- a. Limiting combined discharge rates for all phases to 55.7litres/second for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- b. Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- c. Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- d. Final modelling and calculations for all areas of the drainage system.
- e. Detailed engineering drawings of each component of the drainage scheme.
- f. A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels and location and sizing of any drainage features.
- g. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme as agreed for each phase shall subsequently be implemented in accordance with the agreed details prior to first occupation within that phase (or in accordance with an alternative timetable as agreed by the Local Planning Authority).

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- (15) The scheme to minimise the risk of off-site flooding caused by surface water run-off and ground water during construction works carried out in relation to the development hereby approved and to prevent pollution, as agreed in the decision issued in respect of application 22/00893/DOC (or as subsequently amended by submission and approval in writing of alternative details by the local planning authority) shall be implemented as approved throughout construction on site in relation to the development hereby approved.

REASON: The National Planning Policy Framework paragraph 167 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below ground water level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased run off rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and ground water which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- (16) Prior to first occupation within each phase a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system within each phase and the maintenance activities/frequencies shall have been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided in writing.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- (17) Details of the foul water pumping station including boundary treatment and landscaping shall be submitted to and agreed in writing by the Local Planning Authority prior to construction relating to the delivery of this. The pumping station shall be delivered in accordance with the agreed details.

REASON: In order to secure a satisfactory standard of development and in the interests of visual amenity.

- (18) Prior to first occupation within phase 1 a detailed on-site flood alleviation scheme, based on an assessment of the hydrological and hydro-geological context of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- a. Provide sufficient storage to ensure a reduction in off-site flooding as a result of existing surface water flows during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - b. Final modelling and calculations for all areas of the flood alleviation scheme.
 - c. A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels and location and sizing of any flood alleviation features.
 - d. A written report summarising the final strategy, including total number of off-site receptors benefitting and highlighting any minor changes to the previously approved flood alleviation strategy.
 - e. Construction tender documents including but not limited to drawings, specifications, health and safety information and cost estimates.
 - f. A project delivery and grant funding management plan.
 - g. Maintenance schedules and arrangements in a Maintenance Plan.

The scheme shall subsequently be implemented in full prior to occupation of the 150th dwelling.

REASON: To reduce existing off site flood risk by ensuring the satisfactory storage/disposal of surface water from the site. To ensure the effective operation of the flood alleviation scheme over the lifetime of the development. To ensure the flood alleviation scheme can be delivered on time, to budget and in accordance with design, safety and environmental requirements. Failure to provide the above required information before commencement of

works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk from the site.

- (19) The strategic open green spaces within Phase 1 (Phase 1 being identified in approved phasing plan reference P18-2109_63-02E) including the west-east green corridor, centrally positioned northern green space and the eastern parkland shall be implemented in accordance with details as shown on the approved plans P18-2109_83-1 REV L; P18-2109_83-2 REV L; P18-2109_63-03 REV AK and planting schedules as detailed in the Design Code (P18-2019_66B September 2020), and delivered in accordance with recommendations in the Ecological Impact Assessment Final Rev E by Southern Ecological Solutions, dated 10 December 2019, unless as revised by details agreed in relation to the submission of additional landscaping details which shall relate to the following as listed below, details of which shall have been submitted to and agreed in writing by the Local Planning Authority prior to implementation of the strategic open green spaces:
- a. details of planting, method statements (to be as per pages 46 and 47 of the Design Code as appropriate) and after-care plans;
 - b. details of replacement hedgerows and shrub planting including to naturally buffer the badger setts on site and provide new connecting hedgerow planting to ensure connectivity along the eastern edge of the site to improve foraging;
 - c. signage boards to explain the provision of suitable alternative natural green spaces (SANGS) and the importance of this provision in the interests of mitigation to the coastal recreational disturbance avoidance and mitigation strategy (RAMS);
 - d. details of existing trees to be retained including reconsideration to retain a greater proportion of existing trees within the central tree belt along the east-west ditch;
 - e. details of land levels and changes proposed to existing ground levels by site sections (to accord with the details approved in respect of the areas being part of the flood alleviation scheme at the site).;
 - f. details of naturalistic cladding treatment to naturalistic headwalls to SUDS features including detailed section drawings, details of headwalls/inlets, outlets and any guard rails/fencing required;
 - g. a long-term maintenance schedule and specifications including a timetable for monitoring and maintenance;
 - h. details of materials to be used in hard-surfaced areas/paths/cycleways including, in relation to the open space adjacent to the northern boundary, details of informal play features;
 - i. means of enclosure and other boundary treatment including materials to be used and location of these shown on a plan;
 - j. minor artefacts and structures (e.g. benches, bins, signs etc);
 - k. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities, weed control protection and maintenance; and
 - l. Implementation timetable for delivery of agreed hard and soft landscaping of the strategic open green spaces. No existing trees within the central tree belt along the east-west ditch shall be removed prior to the above details being agreed.

The hard and soft landscaping as agreed shall be planted/provided in accordance with the agreed implementation timetable. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site and ensure ecological value in the interests of amenity in accordance with Policy DM1 and to ensure that compensatory tree/hedge planting is provided to compensate for loss of existing as required by policy DM25.

- (20) The hard and soft landscaping forming part of the entrance avenue planting and landscaped square as shown on approved plan reference P18-2109_54D within Phase 1, shall be fully implemented in accordance with the agreed timetable for implementation (that shall have been submitted to and agreed in writing by the Local Planning Authority prior to any construction above damp proof course within Phase 1 at the site) and in accordance with the approved details as shown on the aforementioned plan and including tree planting method as detailed at pages 46 and 47 of the Design Code (P18-2019_66B September 2020).

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site and ensure ecological value in the interests of amenity in accordance with Policy DM1 and to ensure that compensatory tree/hedge planting is provided to compensate for loss of existing as required by policy DM25.

- (21) Trees shown adjacent to the highway between car parking spaces and or areas of grass verge as shown on approved plan reference P18-2109_62K shall be planted in accordance with details of species, size and planting method (which shall be as per pages 46 and 47 of the Design Code (P18-2019_66B September 2020)) which shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation at the site;

these details shall include clear plans showing any tree planting proposed within the highway and confirmation from Essex County Council Highways that this has been agreed with respect to trees being sited clear of all underground services and visibility splays and sympathetic to any street lighting scheme. Details should also include a time frame for delivery. All of the trees shown on the aforementioned approved layout plan shall be planted in accordance with the agreed details and time frame.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site and ensure ecological value in the interests of amenity in accordance with Policy DM1 and to ensure that compensatory tree/hedge planting is provided to compensate for loss of existing as required by policy DM25.

- (22) Prior to first occupation at the site, details of the tree planting, including species and size, planting method (which shall accord with details as per pages 46 and 47 of the Design Code (P18-2019_66B September 2020)) and time frame for implementation within the highway verge as indicatively shown on approved plan reference P18-2019_62K shall be submitted to and approved in writing by the Local Planning Authority. The trees shall all be planted in accordance with the agreed details and time frame.

Any replacement tree removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To mitigate the loss of the highway tree resulting from the provision of the proposed site access and to comply with policy DM25.

- (23) Details of the hard and soft landscaping forming part of on-plot amenity space/landscaping within Phase 1 including the living courtyards to flatted blocks shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Details shall include:
- a. in relation to the living courtyards to flatted blocks details in accordance with those shown in principle on pages 14 and 15 of the Design Code (P18-2019_66B September 2020);

- b. details of planting method statement to include tree planting method as per pages 46 and 47 of the Design Code (P18-2019_66B September 2020) as appropriate and after-care plan;
- c. a long-term maintenance schedule and specifications including timetable for monitoring and maintenance;
- d. details of materials to be used in hard surfaced areas/driveways/paths/cycleways;
- e. details of refuse stores and cycle stores;
- f. minor artefacts and structures (e.g. benches, signs etc);
- g. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities, weed control protection and maintenance.

The hard and soft landscaping as agreed shall be planted/provided prior to the first occupation of the flatted block served by the relevant landscaping at the site unless an alternative phased timetable has been submitted to and agreed in writing by the Local Planning Authority.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site and ensure ecological value in the interests of amenity in accordance with Policy DM1 and to ensure that compensatory tree/hedge planting is provided to compensate for loss of existing as required by policy DM25.

- (24) Details of the hard and soft landscaping of the amenity open green space at the corner of Street 5 and Avenue 01 within Phase 1 as shown on approved plan reference P18-2109_62K, shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Details shall include:
- a. details of planting method statement and after-care plan;
 - b. a long-term maintenance schedule and specifications including a timetable for monitoring and maintenance;
 - c. details of materials to be used in hard surfaced areas/paths/cycleways;
 - d. means of enclosure and other boundary treatment including materials to be used and location of these shown on a plan;
 - e. minor artefacts and structures (e.g. benches, bins, signs etc);
 - f. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers/densities, weed control protection and maintenance.

The hard and soft landscaping as agreed shall be planted/provided prior to the first occupation at the site unless an alternative phased timetable has been submitted to and agreed in writing by the Local Planning Authority.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site and ensure ecological value in the interests of amenity in accordance with Policy DM1 and to ensure that compensatory tree/hedge planting is provided to compensate for loss of existing as required by policy DM25.

- (25) The informal play space to be provided within the area of northern open space as shown on approved plans reference P18-2109_59 REV L and P18-2109_83-2 REV L shall be delivered in accordance with the details of surfacing materials, equipment and timeframe for implementation that shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation at the site in accordance with those details shown in principle on plan reference P18-2109_56A. The surfacing and equipment shall be maintained in the agreed form.

REASON: To ensure delivery of play space to accord with policy SER8.

- (26) Prior to the installation of any boundary treatment around the Allotment Land, details shall be submitted to and agreed in writing by the Local Planning Authority. The approved boundary treatment (fencing/hedging) shall be installed in accordance with a timeframe that shall have been submitted to and agreed in writing by the Local Planning Authority prior to the allotments being laid out.

REASON: In the interests of visual amenity.

- (27) Prior to the occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10 per cent of the energy from the development within the phase would be provided from renewable or low carbon sources (taking into account a fabric first approach as set out in the submitted Energy and Sustainability Statement by White Peak Planning dated December 2019 Ref 2019.001.003). The measures, as agreed, shall be implemented prior to the occupation of the dwellings to which the measures relate.

REASON: To achieve compliance with policy ENV8 of the Core Strategy.

- (28) Within Phase 1 at least 2 dwellings shall be built to full wheelchair accessibility standards (i.e. comply with optional building regulation requirement Part M4(3)) and at least 21 dwellings shall be built to wheelchair adaptable standards (i.e. comply with optional building regulation requirement Part M4(2)). Evidence of the relevant dwellings having met the required building regulations requirements as above shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant dwellings.

REASON: To comply with policy H6 of the Core Strategy and policy SER8 of the Allocations Plan.

- (29) Within Phases 2 and 3 (taken as a whole) a minimum of 13 dwellings shall be built to full wheelchair accessibility standards (i.e. comply with optional building regulation requirement Part M4(3)) and 26 dwellings shall be built to wheelchair adaptable standards (i.e. comply with optional building regulation requirement Part M4(2) (unless a lesser number has been compensated for by an increase in this provision within Phase 1) unless a minimum of 20 dwellings would meet the Part M4(3) standard within Phase 2/3 in which case the requirement relating to Part M4(2) would fall away. Evidence of the relevant dwellings having met the required building regulations requirements as above shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant dwellings.

REASON: To comply with policy H6 of the Core Strategy and policy SER8 of the Allocations Plan.

- (30) All dwellings shall meet the optional building regulations requirement relating to water efficiency (Part G) of 110 litres/person/day (unless this would not be viable in which case details to demonstrate this shall have been submitted to and agreed in writing by the Local Planning Authority prior to completion of the relevant dwelling where this standard would not be met) and evidence to confirm that this would be achieved shall have been submitted to and agreed in writing by the Local Planning Authority prior to completion of the relevant dwellings on site.

REASON: To comply with policy ENV9 of the Core Strategy.

- (31) If, during development of the site hereby approved, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the construction of the development is safe and sustainable, in accordance with Policy ENV11 of the Core Strategy.

- (32) Prior to first occupation of the development, the main vehicular access to the site onto Ashingdon Road shall be provided as shown in principle on Drawing No. 185180-004F.

REASON: In the interest of highway safety to accord with the NPPF.

- (33) Prior to last occupation within Phase 1 hereby approved, the emergency vehicle access and associated pedestrian/cycleway onto Ashingdon Road shall be provided as shown in principle on Drawing No. 185180-021B; this shall include appropriate lighting to accord with a scheme that shall have been submitted to and agreed by the Local Planning Authority. Details of the retractable bollards and chicane gates to the emergency vehicle access shall also be submitted to and agreed in writing by the Local Planning Authority. The bollards and gates shall be installed as agreed prior to first occupation alongside the provision of the emergency access and thereafter retained in the approved form.

REASON: In the interests of ensuring connectivity for pedestrians and cyclists to and from the locality and the support of sustainable forms of transport.

- (34) Prior to the first occupation within Phases 2 and 3 at the development hereby approved (unless otherwise agreed in writing by the Local Planning Authority), the vehicle access onto Percy Cottis Road shall be provided as shown in principle on Drawing No. 185180-002A in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of ensuring connectivity for pedestrians and cyclists to and from the locality and the support of sustainable forms of transport.

- (35) The development within Phase 1 shall be carried out in accordance with the details as shown on plans agreed in the decision issued in respect of application 23/00227/DOC (or as subsequently amended by submission and approval in writing of alternative details by the local planning authority) which show the means to prevent the discharge of surface water from the development onto the highway. The drainage infrastructure as agreed shall be thereafter retained in the approved form.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- (36) Prior to the formation of any hard surfaces within the developable areas within phases 2 and 3, details showing the means to prevent the discharge of surface water from the development onto the highway shall have been submitted to and approved in writing by the Local Planning Authority. The development within each phase shall be carried out in accordance with the agreed details and shall thereafter be retained in the approved form.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- (37) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

- (38) Prior to first occupation at the site details of provision of visitor electric vehicle charging points (minimum 2 across the site) to serve visitor parking (or as otherwise agreed in writing by the Local Planning Authority) including a timeframe for implementation, shall have been submitted to and agreed in writing by the Local Planning Authority. The equipment shall be installed and maintained as operational as agreed.

REASON: In the interests of environmental sustainability and to accord with paragraph 110 of the National Planning Policy Framework.

- (39) Notwithstanding any part of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) vehicle parking including on driveways and within parking courts to serve the residential properties and all visitor parking across the site hereby approved shall be provided in accordance with the approved layout plans prior to first occupation of the residential property it would serve (or prior to first use of the highway immediately adjacent) and shall be used solely for the parking of vehicles and the vehicle parking shall be retained thereafter in the approved form.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety and amenity in accordance with Policy DM30 of the Development Management Plan.

- (40) Prior to first occupation within Phase 1, details of a segregated footpath/cycleway within the eastern parkland at the site linking Oxford Road to The Drive with additional markings and signage along both Oxford Road and The Drive and timeframe for implementation, shall have been submitted to and agreed in writing by the Local Planning Authority. The footpath/cycleway shall be implemented in accordance with the agreed details and timeframe.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport to provide connectivity from the site to access to the King Edmund School, north of the site, and Waterman Primary School, to the south, and Rochford town centre beyond in accordance with policy T6 of the Core strategy and policy SER8 of the Allocations Plan.

- (41) Prior to first occupation at the site within Phases 1 and 3 (respectively), unless an alternative timeframe for implementation has been submitted to and agreed in writing by the Local Planning Authority, 2 metre wide footpath connections to Ashingdon Road shall have been provided between Nos 168 and 170 Ashingdon Road and south of Sapwoods DIY shop, as shown in principle on Drawing Nos 185180-001C and 185180-005 respectively.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T6 of the Core strategy and policy SER8 of the Allocations Plan.

- (42) Prior to the first occupation at the site, details of the lighting scheme for all lighting within the strategic open spaces including the west-east green corridor, central northern open space and the eastern parkland as shown within Phase 1 on the approved phasing plan Drawing No P18-2109_63-02E shall have been submitted to and approved in writing by the Local Planning Authority with this including a programme for implementation. The lighting as agreed shall be implemented in accordance with the agreed timeframe for implementation and shall remain operational thereafter in the approved form. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

REASON: In the interests of the protection of habitat for bats and in order to provide a safe environment for pedestrians.

- (43) A lighting scheme for lighting along the pedestrian footpaths from the site connecting to Ashingdon Road as shown on approved layout plans, Drawing Nos P18-2109_62K and P18-2109_63-03 Rev AK shall have been submitted to and approved in writing by the Local Planning Authority prior to delivery of the relevant footpath. Lighting shall be provided as agreed in conjunction with works to deliver the footpaths and be retained thereafter in the approved form.

REASON: In order to provide a safe environment for pedestrians, in accordance with the NPPF.

- (44) Prior to first occupation of the flatted blocks within Phase 1, cycle stores and refuse stores in accordance with the approved plans Drawing Nos P18-2109_72 (sheet 02) and P18-2109_72 (sheet 01) shall have been provided and shall be maintained thereafter in the approved form.

REASON: In the interests of residential amenity for future residents and to accord with Policy DM1 and Policy DM30 of the Development Management Plan and Policy T6 of the Core Strategy.

- (45) No windows at first floor level shall be installed in the western facing elevation of the flatted dwellings to plots 38 and 39 within Phase 1 hereby approved.

REASON: In the interests of clarity given the two different layouts provided for the dwelling type to these plots and in order to protect the residential amenity of nearby properties to accord with Policy DM1 of the Development Management Plan.

- (46) The site-wide Construction Environment Management Plan (CEMP) (July 2022) and Construction Traffic Management Plan Revision 3 (dated 12th July

2022) as agreed in the decision issued in respect of application ref: 22/00547/DOC (or as subsequently amended following submission and approval in writing by the Local Planning Authority) shall be complied with throughout the construction period at the site. The site-wide CEMP shall include but not be limited to:

- a. Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- b. Details of any construction and delivery traffic haul routes and management measures including the timing of deliveries;
- c. A plan specifying the area and siting of land to be provided for parking, turning, loading and unloading of all vehicles visiting the relevant parts of the site and siting of the contractor's compound during the construction period to be agreed on a phased basis;
- d. Dust management during the construction period and wheel washing or other suitable mitigation measures such as lorry sheeting, including the consideration of construction/engineering related emissions to air, to include dust and particulate monitoring and review and the use of low emissions vehicles and plant/equipment;
- e. Noise and vibration (including piling) impact/prediction assessment, monitoring and recording protocols/statements and consideration of mitigation measures in accordance with the provisions of BS5228 (2009): Code of Practice for Noise and Vibration Control on Construction and Open Site -Parts 1 and 2 (or as superseded);
- f. Details of best practice measures to be applied to prevent contamination of the water environment during construction;
- g. Measures for soil handling and management including soil that is potentially contaminated;
- h. Details of concrete crusher if required or alternative procedure;
- i. Details of odour control systems including maintenance and manufacture specifications;
- j. Maximum noise mitigation levels for construction equipment, plant and vehicles;
- k. Site lighting for the relevant part of the site;
- l. Screening and hoarding details;
- m. Liaison, consultation and publicity arrangements, including dedicated points of contact;
- n. Complaints procedures, including complaints response procedures;
- o. Membership of the considerate contractors' scheme; and
- p. Any archaeological protection and mitigation measures to be implemented during the construction process.

REASON: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers.

- (47) The visibility splay across the south-western corner of the central northern green space as shown on Drawing No. P18-2109_83-2 REV L shall be soft landscaped and maintained as such in perpetuity. Any soft landscaping shall be maintained at a maximum height from ground level of 600mm. Prior to the formation of this soft landscaped area or any part of the carriageway (whichever is delivered first) immediately adjacent to it, evidence that a

section 142 licence has been obtained from Essex County Council Highway Authority (unless otherwise agreed in writing with the local planning authority) to allow the management company at the site to undertake maintenance of this area shall have been submitted to and agreed in writing by the local planning authority.

REASON: To ensure that a suitable visibility splay is maintained, in the interest of highway safety but also that the area can be soft landscaped in the interest of visual amenity.

- (48) Prior to the construction of roads within Phase 1, including shared surface streets and private drives, details of the surfacing materials as indicated on drawing no. P18-2109_62K (save for the road parallel to part of the southern boundary of the site which would provide access to the foul drainage pumping station which shall be a shared surface street as shown on drawing no. P18-2109_63-03 Rev AK and shall be surfaced consistently as such), shall have been submitted to and approved in writing by the local planning authority. Those details as agreed shall be those used in the construction of the development hereby approved.

REASON: In the interests of visual amenity and pedestrian and highway safety.

If this section 73 application were approved, the new planning permission would also be bound by the terms of the s106 agreement dated 10th March 2022 which related to the original planning consent (20/00363/OUT), as the definition of the planning permission in this agreement includes any variation resulting from a s73 variation of condition application. The s106 contains the following heads of terms;

Heads of Terms

- (1) Affordable Housing at 35% and 80/20 split.
- (2) Financial contributions towards Early Years and Childcare, Primary and Secondary education provision with final figures to be calculated according to standard formula based on approved dwelling mix delivered and total net maximum dwelling number of 660 (662 minus 2 dwellings to be demolished).
- (3) Delivery and maintenance in perpetuity of strategic open space and play space, Sustainable Urban Drainage (SUDs) features and Flood Alleviation Scheme (FAS) features on site, including details of management company and management plan to be provided. In respect of SUDs and FAS features the applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved maintenance plan (as agreed by condition). These must be available for inspection upon request by the Local Planning Authority.
- (4) Allotment provision including provision of water supply infrastructure to the site, boundary treatment and vehicular access and transfer to a Management Company or an Alternative Body.

- (5) A financial contribution to Essex County Council of £100,000 towards upgrades to the Southend Road/Sutton Road “Anne Boleyn” Roundabout.
- (6) The delivery of off site highway works, to be included in a section 278 agreement and to include a timetable for implementation and completion (to be agreed by Essex County Council/Rochford District Council) for:
 - a. Improvements at the Ashingdon Road/Rectory Road roundabout to provide widening on the approaches of Rectory Road and Ashingdon Road south to provide two-lane entries and changes made to road markings on the Ashingdon Road north approach to provide a wider entry lane. The proposed improvement scheme is shown in principle on ACE drawing no. 185180-015A.
 - b. Improvements at Ashingdon Road/Dalys Road/Roche Avenue roundabout to provide widening at both Ashingdon Road approaches to provide two-lane entries and also modify road markings on Dalys Road to provide a two-lane entry. The proposed junction arrangement is shown in principle on ACE drawing no. 185180-016A.
 - c. Provision of improvement measures in the vicinity of Holt Farm Junior/Infant Schools to include upgraded Toucan facility (and financial contribution of between £50,000 and £65,000 payable to ECC towards maintenance of this upgraded toucan crossing), widening of Ashingdon Road to accommodate new ghost right turn junction for the site access with associated signage/markings and speed restrictions as part of School Zone measures;
 - d. Improvement of 2 existing bus stops on Ashingdon Road immediately to the north and south of the approved main vehicular site access to be upgraded to provide raised herbs/shelter/timetable flagpole and real time passenger information as deemed necessary and as approved by Essex County Council; and
 - e. Improvements and localised widening to Percy Cottis Road.
- (7) A financial contribution of up to £100,000 payable to ECC in the event that further off-site highway works are required by ECC involving improvements along Dalys Road and/or Ashingdon Road.
- (8) Financial contributions to Essex County Council for the maintenance of trees within the highway at the site and in relation to off site mitigation tree planting within the highway. Trees in soft landscaping £356.02 (per tree) and tree with grills, pit or watering system, generally in hard landscaping £538.47 (per tree).
- (9) Provision and implementation of a Residential Travel Plan including payment of a Travel Plan Monitoring fee to Essex County Council of £2555 per annum (index linked) from first occupation until 1 year after the first occupation of the final dwelling.
- (10) Provision of a Sustainable Transport Fund to the initial sum of £101,286 from which a Travel Voucher (3-month bus pass or £150 cycle voucher) shall be provided to each household that first occupies each dwelling alongside a Residential Travel Information Pack.
- (11) Prior to first occupation at the site a financial contribution of £700,000 to Essex County Council towards bus service enhancements along the

Ashingdon Road corridor to upgrade existing services/creation of new service routes or the provision of Bus Priority measures as deemed necessary and approved by Essex County Council.

- (12) Prior to first occupation at the site a financial contribution to Essex County Council of £250,000 towards cycling infrastructure upgrades from the site to connect with Rochford town centre and employment sites on Cherry Orchard Way, as identified in the Rochford Cycling Plan as Flagship routes 1 and 2.
- (13) Financial contribution of £50,000 to ECC towards the provision of a pedestrian crossing of Brays Lane or other location within the vicinity of the development.
- (14) Community land to be offered to a Healthcare Provider (at the sum of £1) for healthcare use for a period of 2 years following commencement of the development and a financial contribution of £262,300 to be paid to Rochford District Council prior to first occupation. Land to be transferred with service infrastructure provided by the developer. In the event that the land is not transferred in relation to the construction of a healthcare facility, then the owners are released from the transfer obligation.
- (15) Prior to occupation of any of the dwellings, a financial contribution of £50,000 shall be made payable to Rochford District Council for landscaping improvements along the Ashingdon Road frontage and within Holt Farm Junior School.
- (16) Financial contribution of £75,630 for Waste Services Infrastructure payable to Essex County Council.
- (17) Financial contribution to be paid to Essex County Council prior to commencement for provision or improvement of Library Services to Rochford Library. Contribution to be calculated based on number of dwellings delivered at a total cost of £322.72 per dwelling (made up of two separate contributions of £77.80 and £244.92 per dwelling).
- (18) Prior to occupation of the 50th Dwelling, payment of a financial contribution of £75,000 to Rochford District Council towards the provision and enhancement of youth-based facilities in the District of Rochford.
- (19) Financial contribution of £127.30 per dwelling (i.e. total maximum contribution of £84,018 relating to maximum total of 660 dwellings (net additional dwellings)) to Rochford District Council prior to occupation of the dwelling to which the payment would relate, to mitigate cumulative impact from increased recreational activity on international sites of ecological importance along the district's coastline.
- (20) Financial contribution of £67,560 to Rochford District Council (calculated based on the Capital Asset Value for Amenity Trees (CAVAT)) for compensatory tree planting in the district to be paid prior to commencement of the development.

- (21) Financial contribution of £75,000 to Rochford District Council to be paid prior to commencement of development, to be used for compensatory tree stock planting.
- (22) Prior to commencement, the owners shall submit to the Council the School Drop off and Pick up Parking Spaces Management Plan which shall set out the measures to be put in place to ensure the parking spaces are only used for these purposes during relevant times and for no other purpose. Prior to first occupation of the 50th dwelling, the owners shall provide these parking spaces. Prior to first occupation of the 100th dwelling, the owners shall transfer the parking spaces to the management company.

REASONS FOR RECOMMENDATION

The amendments sought to the approved scheme have been assessed in relation to relevant material planning considerations. It is considered that the changes proposed are acceptable and would result in a scheme that would continue to deliver a high standard of design, and which would be compliant with the Development Plan and relevant national planning policy.

SUPPORT ING INFORMATION

1.0 PLANNING APPLICATION DETAILS

<p>DRAWING NOS. FOR APPROVAL</p>	<p>Layout Plan Phase 2 and 3 - P18-2109_63-03 REV AK</p> <p>Landscape Masterplan Green Corridor - P18-2109_83-1 REV L</p> <p>Landscape Masterplan Northern Open Space - P18-2109_83-2 REV L</p> <p>Landscape Masterplan - P18-2109_59 REV L</p> <p>Phasing Plan – P18-2109_63-02 Rev E</p> <p>Parameter Plan Development Platforms 185180-036A</p> <p>Parameter Plan Land Use and Access P18-2109_39E</p>
<p>SUBMITTED PLANS FOR INFORMATION ONLY</p>	<p>Phase 2 and 3 Refuse Strategy Plan – P18-2109_93-05 REV C</p> <p>Swept Path Analysis of Refuse Vehicle – P18-2109-SK01 REV B</p> <p>Indicative CGIs</p> <p>Visibility Splays - P18-2109-SK03 REV A</p> <p>Swept Path Analysis of a Fire Appliance – P18-2109-SK04 REV A</p> <p>Character Areas Plan – P18-2109_64-03 REV H</p> <p>Regulatory Plan (keynote buildings) – P18-2109_64-04 REV H</p> <p>Phase 2 & 3 Garden Sizes Plan – P18-2109_93-01 REV F</p> <p>Phase 2 & 3 Parking Strategy Plan – P18-2109_93-04 REV D</p>

1.1 This application is made under section 73 of the Town and Country Planning Act 1990 which allows Local Planning Authorities to consider proposed changes to

planning conditions imposed on a planning consent. This Section 73 application [‘the application’] seeks to vary condition 4 of planning consent 20/00363/OUT [known hereafter as the ‘approved application’] for 662 dwellings, a community building, two accesses and other associated infrastructure. Condition 4 lists the approved plans, and this application seeks to substitute several of the originally approved plans with revised plans which propose various amendments to the layout of the strategic landscaping within phase 1 and of the residential parcels within phases 2 and 3 [‘the proposal’].

1.2 As the application is seeking to vary a condition in relation to an approved application, the scope of this application relates solely to whether the amendments sought are acceptable following consideration in relation to relevant policy within the adopted Development Plan taking account of other material considerations. The principle of the development including the number of dwellings (net 660) and both vehicular accesses to the site have already been accepted and it is not for this application to revisit these matters.

1.3 The table below summarises some of the key changes proposed:

	Amendment
Phase 1 (Strategic open space)	Re-configuration of the shape and size of the central northern open space including the re-routing of a road through the space.
	Alterations to the flood alleviation scheme including the shape of the basin in the central northern open space.
	Relocation of play space/seating opportunities within the northern open space.
	Amendments to the positioning of trees and bridges along the east-west ditch/green space.
Phase 2	Amendments to the layout of some residential plots including for example change from semi-detached to detached, altered siting of dwellings, altered position of parking spaces, garden shape/size etc.
	Amendments to the location and mix (bed number) of affordable homes.
	Dwelling mix (bed number) amendments.
	Alterations to positioning of visitor parking.
	Alteration to road types to include more shared surface drives.
	Re-positioning of and additional street trees.
	Extension of shared pedestrian/cycle path to provide additional connection to the eastern open space.
Phase 3	Amendments to the layout of some residential plots including for example change from semi-detached to detached, re-design of pattern of development in certain locations, addition of new flatted block, altered siting of dwellings, altered position of parking spaces, garden shape/size etc.

	Amendments to location and mix (bed number) of affordable units.
	Dwelling mix (bed number) amendments.
	Positioning of visitor parking.
	Internal road layout.
	Alteration to road types to include more shared surface drives.
	Re-positioning of and additional street trees.
	Addition of a sub-station adjacent to the northern open space.

1.4 During the course of the application revised plans and additional information have been received following comments by Rochford District Council officers, Essex County Council Highways Authority officers and the Urban Design officer at ECC. The nature and scale of the revisions are such that it was not necessary to undertake further public consultation. The revisions and additional information submitted includes the following: -

- Additional trees added into the strategic landscaping eastern parkland.
- One native shrub species substituted for an alternative native shrub species.
- Refuse stores added to plans.
- Section plans/CGIs relating to northern open space.
- Introduction of benches into the northern open space.
- Forward visibility details.
- Revisions to keynote building and character areas plans.
- Removal of culverted bridges through the east-west ditch and re-introduction of bridge crossings (as per the approved application).
- Amendments to visitor parking layout.
- Swept path analysis for proposed new 'S' bend in Phase 3.
- Introduction of footway around proposed new 'S' bend in Phase 3.
- Pedestrian footway extended along western side of northern open space.
- Re-positioning of two of the bridges across the east-west ditch in line with highway comments.
- Replace three semi-detached pairs of Dekker house-type (2 beds) with Buxton house type (3 beds) and consequent change to garden shape/size.

- Adjustments to the layout of dwellings/parking spaces and house types on one side of a shared surface street, affecting plot numbers 416-423.

2.0 MATERIAL PLANNING CONSIDERATIONS

Site and Context

- 2.1 The site is located to the north of Rochford town centre and to the east of Ashingdon Road, between Oxford Road to the north and Rochford Garden Way, Percy Cottis Road and The Drive to the south.
- 2.2 The site as outlined in red [hereafter known as the ‘application site’] is some 26 hectares in area and was previously largely in agricultural use. Following commencement of development pursuant to the approved application (20/00363/OUT), the two properties, No.148 and No. 150 Ashingdon Road have now been demolished. The application site also includes two narrow strips of land which run between the main site (previous agricultural field) and Ashingdon Road, one along the boundary of No. 200 Ashingdon Road and one between Nos. 168 and 170 Ashingdon Road. The site also includes a wider strip of land between the main site and Ashingdon Road between Nos. 130 and 136 Ashingdon Road. Part of the highway along Ashingdon Road is also included within the application site.
- 2.3 Situated opposite the site, to the west of Ashingdon Road, are Holt Farm Infant and Junior Schools. The boundaries of the site are predominantly defined by existing residential development along Oxford Road to the north, Ashingdon Road to the west and Rochford Garden Way, Percy Cottis Road and The Drive to the south. Part of the eastern site boundary is defined by tree and hedgerow planting, with arable farmland beyond whilst part of the eastern boundary would bisect an existing field and run along no existing demarcated boundary. The site is relatively flat, sloping down gently from the high point in the north-west corner towards the south-eastern corner. The site is bisected by a ditch running approximately west to east.
- 2.4 The application site largely falls within the residential site allocation identified as SER8 – South East Ashingdon in the Rochford District Council Local Development Framework Allocations Document. Whilst part of the proposed open green space to the eastern boundary would be provided within the site allocation a portion of this open space, including the allotments, would be provided on land designated as green belt.

Relevant Planning History

- 2.5 Application No. 20/00363/OUT - Outline application for the demolition of Nos 148 and 150 Ashingdon Road, removal of highway tree and form access onto Ashingdon Road, form secondary access onto Percy Cottis Road to serve residential development of 662 dwellings and community building with associated infrastructure. Details of Phase 1 of 233 dwellings to consider Access, Layout, Appearance, Scale and Landscaping. Details of Phases 2 and 3 to consider Access and Layout only – Refused, allowed at appeal (appeal ref: APP/B1550/W/21/3283646)
- 2.6 Application No. 22/00472/DOC - Discharge of Condition 13 (Reptile Mitigation Strategy) of Planning Consent Ref. 20/00363/OUT – Discharged

- 2.7 Application No. 22/00547/DOC - Discharge of Condition(s) Condition 45 - Construction Environmental Management Plan of Planning Consent Ref. 20/00363/OUT – Discharged
- 2.8 Application No. 22/00665/DOC - Discharge of Condition 18 (Flood alleviation scheme) of Appealed Planning Consent Ref. 20/00363/OUT – Pending consideration.
- 2.9 Application No. 22/00860/DOC - Discharge of Condition 31 (Contamination) of Appealed Planning Consent Ref. 20/00363/OUT – Discharged
- 2.10 Application No. 22/00861/DOC - Discharge of Condition 6 (Archaeological Trial Trenching) of Appealed Planning Consent Ref. 20/00363/OUT – Discharged
- 2.11 Application No. 22/00862/DOC - Discharge of Condition 11 (Tree Protection) of Appealed Planning Consent Ref. 20/00363/OUT – Discharged
- 2.12 Application No. 22/00863/DOC - Discharge of Condition 14 (Detailed Surface Water Drainage - PHASE 1 ONLY) of Appealed Planning Consent Ref. 20/00363/OUT – Discharged
- 2.13 Application No. 22/00892/DOC - Discharge of Condition 12 (Bird and Bat Boxes) of Appealed Planning Consent Ref. 20/00363/OUT – Discharged
- 2.14 Application No. 22/00893/DOC - Discharge of Condition 15 (Construction Surface Water Management) of appealed planning consent ref. 20/00363/OUT – Discharged
- 2.15 Application No. 22/01101/DOC - Discharge of Condition 6 (Archaeology) pursuant to appealed decision reference 20/00363/OUT – Discharged
- 2.16 Application No. 23/00107/DOC - Discharge of Condition 19 (Strategic Open Green Spaces within Phase 1) of Planning Consent Ref. 20/00363/OUT, Granted under appeal Ref. APP/B1550/W/21/3283646 – Pending consideration
- 2.17 Application No. 23/00108/DOC - Discharge of Conditions; 21 (Highway Trees, Part discharge to Phase 1 only) 22 (Tree Planting, Part discharge to Phase 1 only) & 23 (On-plot amenity space/landscaping in Phase 1) of Planning Consent Ref. 20/00363/OUT Granted under Appeal Ref. APP/B1550/W/21/3283646 – Pending consideration.
- 2.18 Application No. 23/00109/DOC - Discharge of Condition 24 (Open green space at the corner of Street 5 and Avenue 01) of Planning Consent Ref. 20/00363/OUT – Pending consideration.
- 2.19 Application No. 23/00110/DOC - Discharge of Condition 25 (Play space) of Planning Consent Ref. 20/00363/OUT Granted under Appeal Ref. APP/B1550/W/21/3283646 – Pending consideration.

- 2.20 Application No. 23/00136/DOC - Discharge of Condition 7 (Post Excavation Assessment) of Planning Consent Ref 20/00363/OUT granted under appeal Ref APP/B1550/W/21/3283646 – Discharged
- 2.21 Application No. 23/00227/DOC - Discharge of Condition 35 (Surface Water) of Planning Consent Ref. (20/00363/OUT) – Discharged
- 2.22 Application No. 23/00267/DOC - Discharge of Condition 20 (Hard and soft landscaping forming part of the entrance avenue planting and landscaped square) of application ref: 20/00363/OUT – Pending consideration.
- 2.23 Application No. 23/00272/DOC - Discharge of Condition 16 (Maintenance plan, Phase 1 only) of Planning Consent Ref. 20/00363/OUT granted under appeal Reference APP/B1550/W/21/3283646 – Pending consideration.
- 2.24 Application No. 23/00349/DOC - Discharge of condition 18 (Flood alleviation scheme) of planning 20/00363/OUT - granted under appeal B1550/W/21/3283646 dated 08/03/2022 – Pending consideration.
- 2.25 Application No. 23/00459/DOC - Discharge of Condition 27 (Renewable Energy Sources) of Planning Consent Ref. 20/00363/OUT – Pending consideration.
- 2.26 Application No. 23/00472/DOC - Discharge of Condition 33 (Pedestrian/cycleway onto Ashingdon Road) of Planning Consent Ref. 20/00363/OUT – Pending consideration.
- 2.27 Bloor Homes ['the applicant'] and Pegasus Group ['the agent'] entered into pre-application discussions with the local planning authority ['LPA'] and ECC Place Services Urban Design prior to the submission of this application. This enabled officers to advise on the proposed amendments that they considered may be acceptable.

Principle of Development

- 2.28 The proposal must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.29 The adopted Development Plan comprises the Rochford District Core Strategy adopted in December 2011, the Allocations Plan adopted in February 2014 and the Development Management Plan adopted in December 2014.
- 2.30 The Allocations Plan was formally adopted following confirmation from the Planning Inspectorate conducting the examination that the Plan was sound and legally compliant. The Allocations Plan allocates specific sites and sets out detailed policies for a range of uses, including residential, employment, education and open spaces, and has been prepared in accordance with the general locations and policies set out

in the adopted Rochford Core Strategy to accommodate the current housing and other development needs in the District.

- 2.31 The application site is ‘South East Ashingdon’ referred to in Policy H3 of the Core Strategy as one of the locations in the District where the residential envelope of an existing settlement has been extended to provide land to deliver housing to contribute towards meeting the Local Planning Authority’s five year housing land supply.
- 2.32 The application seeks to vary a condition of an extant planning consent to allow for amended plans to be substituted which propose various changes to the layout of the development. It is not for this application to re-consider the acceptability of the development approved as a whole, but rather to consider the acceptability of the amendments sought to the already approved scheme.

Key Considerations

- 2.33 The consideration will be split in two parts; the acceptability of the amendments proposed within phase 1 and the acceptability of the amendments proposed within phases 2 and 3. This is due to the approved application (planning consent 20/00363/OUT) having granted full permission for phase 1 and outline permission with all matters reserved apart from layout and access for phases 2 and 3. In respect of phases 2 and 3, appearance, scale and landscaping are matters reserved for determination at a later date. The considerations of the proposed amendments within phase 1 are therefore different to those proposed within phases 2 and 3.

Reserved matters are defined as follows:

- ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
 - ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
 - ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.
- 2.34 The key considerations are set out below.

Phase 1 – landscaping amendments:

- Design and impact on character of the area, including layout and landscape quality.
- Green Infrastructure
- Trees
- Flood Risk and SuDS
- Ecology

Phases 2 and 3 – amendment to layout of the residential development:

- Layout
- Impact on residential amenity
- Refuse and recycling.
- Amenity space
- Car parking
- Highways (within the site)
- Trees
- Wheelchair Accessible and Adaptable Dwellings
- Dwelling Mix and Affordable Housing

- 2.35 The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development, the importance of which is reflected in paragraph 126 of the National Planning Policy Framework [‘NPPF’].
- 2.36 Policy CP1 of the Core Strategy also promotes good, high-quality design consistent with the NPPF. Similarly, Policy SER8 of the Allocations Plan confirms that development of this site “should be sensitive to the character and setting of the surrounding area and whilst it should not be of an overly uniform design, it should be of high quality. The principles of the Essex Design Guide should be taken into account”. Policy DM1 of the Development Management is also of relevance.
- 2.37 As this application seeks to amend an already approved scheme, paragraph 135 of the NPPF is relevant. This paragraph stipulates that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme. This requirement is a material consideration in the consideration of the acceptability of the proposed changes.

PHASE 1

Access, Layout and Landscaping

- 2.38 The approved application included three main strategic areas of open space; the eastern parkland, the East-West ditch forming a green corridor and the central northern green space. The approved plans relating to these three areas were the landscape masterplan (drg no. P18-2109_59 REV D), the landscape masterplan of the green corridor (drg no. P18-2109_83 Sheet No. 1 REV B) and the landscape master plan of the central/northern parcel (P18-2109_83 Sheet No. 2 REV B). This application seeks to substitute the aforementioned approved plans with the following plans; P18-2109_59 REV L; P18-2109_83 Sheet 1 REV L and P18-2109_83 Sheet 2 REV L. The proposed amendments to the strategic landscaped areas are discussed below.

Central/Northern Green Space

- 2.39 One of the main amendments proposed relates to the shape of the central northern green space. As originally approved, this space was formed of an elongated narrow strip immediately adjacent the northern boundary of the site and two wider, roughly rectangular parcels, bisected approximately equally by a road running east-west. It is still proposed that the central northern greenspace be bisected by a road running east-west, but this road would now be sited further south resulting in the northern parcel of the green space being made larger than originally approved and the southern parcel of this green space being made smaller. The larger northern parcel would now be L-shaped, made wider at the southern end.
- 2.40 The central northern greenspace was approved with a dual function, as both an area to form part of the flood alleviation scheme to be delivered on site and as a public amenity space. The proposed amendments would still deliver this dual function, but it is the larger northern parcel which is now proposed to have the dual functionality whilst the southern parcel would now solely have a public amenity function.
- 2.41 Tree planting around the edge of this green space would enhance the visual amenity of the space and would provide benefits in terms of providing shade which would benefit the health and well-being of the users of this space. Feature trees have been included to define key views. Whilst the position of trees is proposed to change, the total number of trees to be planted within the central northern green space would not decrease compared to the approved scheme. The approved scheme showed a total of 31 trees within this space which included 3 feature trees. The tree planting scheme now proposed in this area shows that 34 trees would be planted in total, with 7 feature trees now proposed. Tree species to be planted are proposed to remain as per the originally approved scheme.
- 2.42 A mown pathway through this green space and a footpath around most of the perimeter would create good connectivity for residents of the site and encourage use of the space for recreation. A bridge to enable crossing of the shallow ditch to feature along the western edge of the green space would be provided. The arrangement of these pedestrian footpaths would remain similar to the provision originally approved. A footpath would continue to be provided along the southern boundary of the

'hammerhead', which would be considered important to ensure that this narrow part of the open space contain active use by pedestrians to discourage anti-social behaviour which may otherwise result in a dead-end space.

- 2.43 This green space would continue to offer informal play opportunities as was the case with the approved scheme with the revised scheme still including the provision of play boulders. Benches would also continue to be provided here. The design and positioning of the benches would be agreed by condition.

East-West ditch (green corridor)

- 2.44 The green corridor which runs east to west is still proposed and would continue to form the connection between phases 2 and 3 and the eastern parkland landscape area. This area of landscaping would continue to provide a strong avenue of trees and drifts of native shrub planting, hedgerows and meadow grassland. The approved scheme showed a total of 59 trees within and close to the E-W ditch green corridor which included 1 feature tree towards the western site boundary. The tree planting scheme now proposed in this area shows that 53 trees would be planted in total including 2 feature trees, one remaining to the western boundary and one at the eastern most end of the ditch. The tree species to be planted are proposed to remain as per the originally approved scheme and it is considered that the E-W ditch would remain strongly tree-lined to the benefit of visual amenity.
- 2.45 The amendments proposed to the E-W ditch green corridor include the re-positioning of part of the pedestrian/cycle path which would run along the full length of the E-W ditch connecting the eastern parkland through to Ashingdon Road. As originally approved the pedestrian/cycle path switched between being sited along part of the northern side of the ditch and along parts of the southern side. The proposed amended plans show that this pedestrian/cycle path would now run consistently along the northern side of the E-W ditch. It is considered that this change is positive and would increase legibility for users.
- 2.46 Three pedestrian-only crossings of the E-W ditch would still be maintained, as per the number originally approved, but the position of two of the pedestrian bridge crossings over the E-W ditch are proposed to change. The eastern most crossing is proposed to shift eastward by some 8.6 metres and the central crossing is proposed to shift westward by some 14 metres. The change to the eastern crossing is considered positive as it would ensure that pedestrians would exit/enter the bridge crossing from/to a clearly demarcated part of the carriageway. The position of the central bridge crossing as now proposed would be equally acceptable as the position on the approved scheme, given that the exit/entry to the bridge from the south being from a shared surface street.
- 2.47 The E-W ditch would continue to function as part of the flood alleviation scheme as was the case with the approved development. It would therefore continue to feature engineering works relating to this purpose. The initial revised plans submitted showed sections of the E-W ditch to be culverted to allow for the formation of the pedestrian crossings. The originally approved plans showed no such culverting, but instead pedestrian crossings provided by bridges. Planning practice guidance advises that the introduction of new culverting is likely to have adverse impacts

including in relation to flood risk and ecology and as a consequence officers advised the applicant that the originally approved bridge crossings should be re-instated to avoid the need for culverting sections of the ditch in the interests of both hydrology, ecology and design. Bridge crossings are therefore now proposed as per the originally approved scheme. The appearance of the bridges has been indicatively shown on the submitted masterplan, the exact details of which would be agreed by condition.

Eastern Parkland

- 2.48 The eastern parkland would remain largely as per the originally approved plans. This application does however propose the inclusion of some visitor parking along the western edge of the space which would be finished in a sympathetic material such as block paving. The proposed visitor spaces would not however result in an overall net loss in the total provision of open green space taking the three areas of strategic open green space into account, as is discussed in the green infrastructure section below.
- 2.49 In terms of tree planting in the eastern parkland (including that part of the site where the attenuation basins would be delivered), more trees are now shown to be proposed. 6 additional trees are shown proposed within the eastern parkland close to the eastern end of the E-W ditch including 1 additional feature tree. 4 additional trees are also shown proposed close to the western boundary of the attenuation basins at the end of the shared surface street.
- 2.50 The approved pedestrian and cycle routes within the eastern parkland which would link the new development to the existing residential areas of Oxford Road, Percy Cottis Road and The Drive would be maintained as approved. The play space and BMX track to be provided in this part of the site would also be retained. A revised parameter plan relating to development platforms which shows proposed changes to ground levels has been submitted. Largely, ground levels proposed remain consistent with those shown on the originally approved development platform parameters plan. However, changes are now proposed which result from the proposed change of the shape of the central northern green space and slight changes to the shape of the flood storage areas to be provided as part of the flood alleviation scheme in the eastern parkland. The shape of the area which will provide land for the play space in the eastern parkland is now shown on the development platform parameters plan to be consistent with the shape of the play space as shown on the originally approved landscape masterplan.
- 2.51 ECC Place Services Urban Design have been consulted on the application and have highlighted that they are largely pleased with the proposed amendments to the landscaping layout and do not raise any objections.
- 2.52 Taking into account the above, it is on this basis that the proposed amendments to the layout of the landscaping scheme are considered compliant with Policy DM1 of the Development Management Plan and the NPPF.

Green Infrastructure

- 2.53 The Council's adopted Allocations Plan Policy SER8 required at least 3.6ha of natural/semi-natural greenspace provision for 500 dwellings. This requirement had to be increased proportionately as a greater number of dwellings were approved than the 500 dwellings the above requirement was based on. Due to the uplift of 162 dwellings resulting from the approval of the scheme for 662 dwellings, an area of 4.77ha of natural/semi-natural greenspace was required. The approved development provided some 4.85ha of natural/semi-natural green space. The proposed revised scheme would increase the size of the central northern open space by approximately 0.24ha compared to the approved scheme. The proposed revised scheme would also include the provision of several visitor bays along the western edge of part of the eastern parkland open space. Overall, however, the proposed revised scheme would not result in a reduction in the amount of natural/semi-natural greenspace provision compared to the approved scheme.

Trees

- 2.54 Paragraph 174 of the NPPF requires that decisions on planning applications recognise the wider benefit from natural capital including trees. In addition, paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree lined and that opportunities are taken to incorporate trees elsewhere in developments.
- 2.55 Policy DM25 of the Council's Development Management Plan states that development should seek to conserve and enhance existing trees and that development which would adversely affect existing trees will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.
- 2.56 The amendments sought to the strategic landscaping provision would not reduce the number of trees that would be provided on-site in these areas. The proposed scheme now shows 7 additional trees in total within the strategic green spaces. The proposed development would therefore be compliant with Policy DM25 of the Development Management Plan.

Flood Risk and Sustainable Urban Drainage

- 2.57 Paragraph 167 of the NPPF sets out that developments should ensure that flood risk is not increased elsewhere. Paragraph 169 of the NPPF and Policy DM28 of the Development Management Plan require major development to incorporate sustainable drainage systems. The proposed development would continue to deliver a sustainable urban drainage scheme consisting of a piped network discharging to attenuation ponds in the south-east corner of the site before final discharge off-site.
- 2.58 The originally approved scheme required the delivery of a flood alleviation scheme as parts of the site are subject to increased surface water flood risk. As already discussed earlier in this report, the central northern greenspace, the E-W ditch and the eastern parkland were to have a dual function including to transfer surface water

as part of the flood alleviation scheme. The proposed scheme would continue to deliver the required flood alleviation scheme at the site, and the central northern greenspace, the E-W ditch and the eastern parkland would continue to form this drainage scheme. The key change now proposed is that the central northern greenspace would now consist of one larger basin as part of the flood alleviation scheme as opposed to two smaller basins as in the originally approved scheme.

- 2.59 The Lead Local Flood Authority raise no objection to the proposed amendments sought to the approved scheme and it is considered that the revised scheme would continue to appropriately address the existing surface water flood risk.

Ecology

- 2.60 The application site does not fall within but is situated near to a Local Wildlife Site identified as Doggetts Pond. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 2.61 Similarly, Policy ENV1 of the Core Strategy promotes maintenance, restoration and enhancements of natural landscape and habitats. Policy DM27 of the Development Management Plan requires consideration of the impact of development on the natural landscaping, including protected habitat and species.
- 2.62 The original scheme was considered in respect of relevant policy relating to ecology and planning conditions were imposed by the Inspector in the appeal decision relating to the protection of badgers, bats, breeding birds, and reptiles. The proposed amended scheme would not be considered to have a greater impact upon ecological considerations than the approved scheme. Planning conditions were also imposed on the appeal decision to require mitigation in respect of ecological considerations including a requirement for the provision of bat and bird boxes. The requirements of the original conditions would continue to apply.
- 2.63 The proposed development would provide the same mixture of native, semi-native and non-native shrubs and plants, with the exception of a native shrub species which was replaced following Rochford Council Arboricultural Officers consultation response (see below). Additionally, the open space provision would be largely sown with wildflower grassland. The proposed amendments would therefore be considered to provide an equal provision of biodiversity opportunities.
- 2.64 Comments have been received as part of the public consultation stating there would be a reduction in the 'wildlife corridor' (assumed to be the east-west ditch), however, there is no proposed reduction in the provision of this part of the strategic open space.
- 2.65 The proposed development would not be considered to have a detrimental impact upon biodiversity, habitats and protected species. The amended scheme would therefore be in accordance with the NPPF, Policy ENV1 and Policy DM27.

PHASES 2 AND 3

Layout and Access

- 2.66 Layout and access are matters for determination in relation to phases 2 and 3. The proposed amendments to the approved scheme in so far as the changes relate to matters of layout and access, are therefore considerations in assessing the acceptability of the revised scheme. Layout relates to the way in which buildings, routes and open spaces are provided within the development and their relationships to buildings and spaces outside of the development. Access relates to the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 2.67 Officers have considered the proposed revised scheme against the Design Code submitted as part of the original application and are satisfied that the revised scheme would be consistent with the principles as set out in this. Updated keynote buildings and character area plans have been submitted and these are considered to reflect the aims of the agreed Design Code. The submitted keynote buildings plan provides evidence that the proposed amended layout can work effectively in terms of delivering visual interest at key points within the layout as would have been the case in the approved scheme. It is considered that the proposed revised scheme can deliver the same quality of development as approved.
- 2.68 Some areas of the proposed layout have been improved to better reflect the character area in which they are located; this is particularly noticeable in relation to plots 565 to 573 where a more informal layout has been introduced. The detached houses here are now proposed to be sited in a less rigid building line with some houses now sited at slight angles to one another. Some of these houses have also been provided with deeper front gardens as a result of the introduction of a shared surface street. These changes would result in the buildings and landscaping of this street, better reflecting the intention of the green fringe character area as set out in the Design Code.
- 2.69 Changes are also proposed to the area immediately east of the central northern green space. Here a mix of maisonettes and apartment blocks is now proposed. The previously approved layout here featured three apartment blocks and a terrace of houses. The proposed amended layout would provide greater legibility with a new clear route via a shared surface street through this part of the site running east-west where wider views through to the central northern green space would be achieved. Parking which would be provided on either side of this street would be broken up with tree and other planting as well as by the provision of pergolas. The central street would have the ability to be overlooked by windows both within the two flatted blocks to the south and the maisonettes to the north which would ensure opportunities for passive surveillance in the interests of public safety. The siting of buildings as now proposed would result in an improved active frontage to all the streets that they front.
- 2.70 The amended layout includes a new apartment block (plots 486-494) which would be located on the corner to the west of the central northern green space. Officers highlighted that the western side elevation of this building may be prominent within the street scene when viewed from the west. In light of this, an indicative CGI image has been submitted with the application which demonstrates the relationship this

building would share with the street. The CGI demonstrates that despite its angle and forward siting of the building line, the prominence of the new apartment block could be minimised by a treated gable end elevation and the provision of landscaping, both of which can be considered in a later Reserved Matters application. Considering both of these elements, the addition of this apartment block would be acceptable.

- 2.71 Whilst landscaping is not a matter for determination in respect of phases 2 and 3, the layout is required to demonstrate that adequate landscaping could be provided at the later reserved matters stage. The proposed amended layout plan shows a greater provision of street trees and trees within residential gardens. The approved layout provided 256 trees within phases 2 and 3 whereas the proposed development shows provision in the layout plan for 273 trees within phases 2 and 3.
- 2.72 The proposed layout would result in the loss of a few of the green verges which had previously separated the residential garden boundaries from the adjacent road/footpath. In some areas grass verges are now proposed to be slightly narrowed compared to as approved, however in some instances proposed changes to the layout would result in greater soft landscaping between the garden boundary and the adjacent footway. For example, the garden boundary of plot 292 has been brought out to be flush with the footpath whereas the soft landscaping has increased to plot 505. Whilst the loss of soft landscaped verges is not generally favourable, in this case some verges would be maintained and in other cases where the boundary treatment would be sited immediately adjacent the footway, this could be sensitively designed to ensure a high standard of design and visual amenity. The treatment of these boundaries would be a matter for consideration in a later reserved matters application.
- 2.73 Phases 2 and 3 include part of the primary access loop road within the site, with secondary roads leading off this. A number of the secondary roads would have areas of shared surface and private drives. The amended layout has introduced a number of additional shared surface streets. This is particularly noticeable to the streets serving plots 564-573 and plots 416-447.
- 2.74 The approved scheme included a cycle link which ran along the entrance avenue in phase 1 and then branched northward to the E-W ditch to join the eastern parkland and branched southward to link to the southern site boundary. This cycle way is now proposed to be extended off the southern branch, to also run eastward to join to the cycle way through the eastern parkland at a point further south. The introduction of this extended cycle link is considered to be a positive improvement to the approved scheme, of benefit to the promotion of sustainable transport.
- 2.75 The amended layout proposes change to the positioning of visitor parking, noticeably the relocation of some of the spaces to the western edge of the eastern parkland. These spaces would be finished with a sympathetic material that would be subject to agreement by condition. As there would be no loss of overall open space provision to facilitate these spaces, officers consider this a good location for visitor spaces as it would provide visitors with parking in closer proximity to the eastern open space and the allotments. The re-positioning of some of the visitor parking spaces would continue to offer visitor parking in locations dispersed throughout the layout and in locations convenient to use.

- 2.76 The proposed amended layout within phases 2 and 3 would largely see on-plot parking sited to the side of properties which is the preference of the Essex Design Guide to prevent car dominated frontages. The development would also provide garages for approximately 110 of the dwellings within phases 2 and 3. Some parking courts and frontage parking has been included, as was the case in the approved layout. In almost all instances soft landscaping including tree planting would feature between at least every four parking spaces to soften the otherwise dominant feel of plot frontage and court parking. Where this would not be achieved along part of the shared surface street (which would serve the two flatted blocks and maisonettes to the east of the central northern greenspace), this parking area would feature other soft landscaping including tree planting and pergolas which would add interest to the street scene.
- 2.77 The proposed amendments sought in relation to the layout of phases 2 and 3 are considered compliant with Policy DM1, DM2 and DM3 of the Development Management Plan, Policy CP1 of the Core Strategy and the NPPF.

Refuse and Recycling

- 2.78 Policy DM1 of the Development Management Plan requires consideration of the Council's Waste Management and Recycling Scheme. Appendix 1 of the Development Management Plan provides advice on the design of waste and recyclables storage and collection requirements. The Council's Waste Management and Recycling Scheme currently provides one black 240 litre wheeled bin for recycling, one green 140 litre wheeled bin for kitchen and garden waste and one black (purple lidded) 180 litre wheeled bin for non-recyclable waste per dwelling. For flats, communal bin stores should be provided capable of accommodating either 1100-litre capacity euro bins or wheelie bins for recycling and non-recycling. For flats the number of bins required is calculated according to the size of flats as set out in Appendix 1 of the Development Management Plan.
- 2.79 The Design Code (ref: P18-2109_66B) submitted with the original application included a section on the Refuse and Waste Strategy. All proposed houses would continue, as per the approved layout, to have rear garden access to enable residents to store waste bins away from dwelling frontages and within the dwelling curtilage. There is no increase proposed in the extent of alleyway accesses compared to the approved layout. There are 18 instances where alleys to the rear/side of private gardens would be required in the proposed amended layout which is the same number that were previously part of the approved scheme. In addition, a refuse strategy has been submitted (drg no. P18-2109_93 REV A) which indicates that refuse vehicles would be capable of accessing all necessary streets and where this would not be possible, all refuse drag distances would be compliant with the Development Management Plan.
- 2.80 The proposed layout plan shows the proposed refuse and recycling storage provision for the flats and maisonettes which would be provided within communal bin stores to accord with Policy DM1 and Appendix 1 of the Development Management Plan. The table below sets out the provision as required by Appendix 1 and the storage that would be provided by the proposed layout:

Plots	Total refuse and recycling storage requirement (litres)	Recycling storage requirement (40% of total capacity required) (litres)	Refuse (general waste) storage provision (litres)	Recycling storage provision (litres)	Kitchen/garden provision (counts within recycling provision) (litres)	Total refuse and recycling storage provision (litres)
239-240	350	140	480 litre	240 litre	140 litre	860
241-249	1600	640	1100 litre	480 litre	240 litre	1820
452-453	350	140	240 litre	240 litre	140 litre	620
458-461	700	280	480 litre	240 litre	140 litre	860
462-465	700	280	480 litre	240 litre	140 litre	860
476-479	700	280	480 litre	240 litre	140 litre	860
480-485	950	380	1100 litre	240 litre	140 litre	1580
486-494	1600	640	1100 litre	480 litre	240 litre	1820
632-637	1050	420	1100 litre	240 litre	240 litre	1580
638-643	1050	420	1100 litre	240 litre	240 litre	1580
644-649	1050	420	1100 litre	240 litre	240 litre	1580
654 – 662	1600	640	1100 litre	480 litre	240 litre	1820

2.81 The proposed amendments would therefore sufficiently provide for the refuse and recycling storage required by Appendix 1 in relation to the flatted and maisonette blocks. For the most part, the delivery of this storage would be over the provision. Therefore, the proposal would be considered to accord with Policy DM1 of the Development Management Plan.

Impact on Residential Amenity

2.82 The application site is enveloped to the north, west and south by the residential streets of Oxford Road, Ashingdon Road and Rochford Garden Way/Percy Cottis Way/The Drive. For the most part the site is adjoined by the rear garden boundaries of existing dwellings, and it is the rear elevation of the existing dwelling which faces the application site boundary. However, there are a few exceptions. Nos. 183 and 185 Percy Cottis Way for instance are sited such that the northern side elevation of the existing dwelling faces the application site boundary, running parallel to part of the phase 2 residential parcel. Again, Nos. 99 and 112 The Drive are sited such that

the northern side elevation of the dwellings face the application site boundary, running parallel to part of the eastern parkland.

- 2.83 In some instances, the relationship of proposed dwellings with existing residential boundaries would remain as per the approved layout. Where changes are now proposed to the siting of dwellings adjacent to existing boundaries the impact on residential amenity is discussed below.
- 2.84 As layout and access are the only matters for determination in respect of phases 2 and 3, the appearance, in particular the positioning of fenestration treatments, cannot be considered in detail at this point. However, it is acknowledged that given their proximity, orientation, and relationship with the existing dwellings along the adjoining streets, first floor fenestration to the dwellings to be provided to the following plots may need to be required to be obscure glazed and fixed shut below 1.7 metres from finished floor level to protect existing residential amenity: - plots 256, 415, 440, 448, 565, 589. In addition, in any reserved matters application consideration would need to be given to the impact of proposed fenestration at first-floor level on the following plots given that they are indicated to be maisonettes and would include accommodation at first floor; 239-240, 452-453, 458-461, 462-465, 478-479, 484-485, 632-633, 633-634, 638-639, 640-641.
- 2.85 The layout of phases 2 and 3 would include dwellings which border the existing residential boundaries. The layout proposes that in most instances rear elevations would face existing rear elevations but in some instances side elevations would face the common boundaries. The Essex Design Guide stipulates that where habitable rooms are located to the rear of neighbouring properties where the rear facades would face each other, a minimum spacing of 25m between the rear elevations is required. Where the rear elevations of neighbouring properties would face each other at an angle of more than 30 degrees, the minimum spacing may be reduced to 15m from the nearest corner. Upper storey flats can cause problems due to overlooking from living rooms. Any rear-facing upper storey living rooms should therefore be no closer than 35m from the rear elevation of any other dwelling.
- 2.86 For the most part, all properties would adhere to the guidance laid out within the Essex Design Guide and therefore the relationship they would share with the existing dwellings would be acceptable, subject to detailed elevation plans (outlining appearance and scale) that would be considered in a Reserved Matters application.
- 2.87 The plots which have been amended and that would not adhere to this guidance are plots 458-459 (maisonettes some 27.5m to No. 210) and 632-633 (maisonettes some 31.86m to No. 56 Oxford Road). With regard to plots 458-459, the proposed siting is similar to that of the approved application, however, it is now a rear elevation which would face the rear elevation of No. 210 Ashingdon Road. As such, any reserved matters application will need to ensure that any upper-floor rear facing windows would serve rooms capable of allowing the windows to be obscure glazed and non-opening below 1.7m to ensure an unreasonable loss of privacy does not occur.
- 2.88 In relation to plots 632-633 these maisonettes would be sited 31.86m from the rear elevation of No. 56 Oxford Road. It is considered that as this distance is only some 3.14m less than the Essex Design Guide recommended distance of 35m, the

proposed maisonettes would not result in an unreasonable loss of privacy that would be to the detriment of residential amenity to the occupants of No. 56 Oxford Road as obscure glazing can be required as necessary in the elevation facing the rear of No. 56 as part of the consideration at the reserved matters stage.

- 2.89 The approved layout proposed a detached house to what is now plot 256 bordering the rear garden boundary of No. 192 and No. 190 Ashingdon Road. The side elevation of the dwelling to this plot would as approved have run parallel to the rear garden of the existing dwellings. The amended layout now proposes a pair of semi-detached houses bordering this rear garden with the rear elevations set at an angle of approximately 75 degrees to the rear garden of No. 192. The Essex Design Guide advises that where new dwellings would be sited with the rear elevation at an angle of 30 degrees or more in relation to existing dwellings, the separation distance of the new dwelling from the boundary can be reduced to a minimum of 1 metre. In this case the proposed dwelling would be sited in excess of 1 metre from the boundary and it is considered that the relationship between the proposed dwelling and the existing would be acceptable.
- 2.90 Plot 446 on the approved layout contained a dwelling with a rear elevation facing the rear elevation of the existing neighbouring dwelling at No. 213 Rochford Garden Way. As a result of proposed amendments to this area of the site, Plot 448 would now contain a dwelling sited at 90 degrees to the rear garden boundaries of No's 209 and 211 Rochford Garden Way. The side wall of the proposed dwelling to Plot 448 would be sited some 4 metres off the rear garden boundary of No. 209 and No. 211, and it is considered that the relationship between the dwelling now proposed here, and the existing houses would be acceptable.
- 2.91 In the proposed scheme, the dwellings now proposed to plots 619-621, 628-631 and 650-653 would be sited such that the rear elevation would be closer to the northern boundary of the site which forms the existing rear garden boundary to properties on Oxford Road than was the case in the approved scheme. However, the separation distance now proposed would be no less than the separation distance which featured to other parts of the street on the approved layout.
- 2.92 Based on the submitted layout, it is considered that the degree of separation between proposed and existing dwellings would ensure that the proposed development would be unlikely to have an unreasonable impact by way of being overbearing or causing excessive overshadowing, subject to the appearance and scale of the proposed dwellings. The Reserved Matters application would consider the requirement of any windows that would need to be obscure glazed in relation to existing dwellings and also between those proposed.
- 2.93 It is considered that the proposed amendments would not have a greater impact upon the amenity of existing or future occupiers of residential dwellings than that of the approved layout which would result in unreasonable harm to residential amenity and therefore the proposal would be considered compliant with Policies DM1 and DM3 of the Development Management Plan.

Amenity Space

- 2.94 Supplementary Planning Document 2 requires that all dwellings achieve a minimum private amenity space of 100m² unless one of the following exceptions applies:
- Dwellings adjacent to a substantial area of well landscaped and properly maintained open space.
 - One and two bedroom dwellings – a minimum private garden area of 50m² will be required provided that the second bedroom is not of a size that would allow sub-division into two rooms.
 - Three-bed terraced dwellings – private gardens shall be a minimum depth of 2.5 x the width of the house (except where the provision exceeds 100m²) to a minimum private garden area of 50m².
- 2.95 For flats the following standards shall be adhered to (and can be combined):
- Minimum balcony area of 5m² with the ground floor dwelling having a minimum patio garden of 50m²; or
 - The provision of a useable communal resident's garden on the basis of a minimum area of 25m² per flat.
- 2.96 The proposed layout indicates that the residential dwellings within phases 2 and 3 would largely be capable of accommodating the minimum amenity spaces to serve the dwellings proposed. This is on the basis that the 2-bed/terraced plots (258, 259, 260, 261, 296, 297, 336, 341, 342, 345, 346, 348, 349, 358, 359, 363, 364, 365, 366, 367, 373, 374, 376, 377, 378, 379, 380, 381, 382, 384, 392, 394, 398, 416, 417, 422, 423, 431, 449, 450, 451, 454, 467, 468, 473, 474, 475, 495, 506, 507, 555, 556, 557, 575, 578, 579, 581, 582, 586, 585, 587, 608, 609, 614, 615, 619, 620, 621, 629, 630, 651, 652) that would be provided with gardens measuring the 50m² would be maintained as 2-beds/terraced properties. As layout and access are the only matters for determination, floor plans of the 2-bed dwellings have not been provided. It is therefore unknown whether the 2-bed dwellings could be sub-divided to form an additional bedroom. Any reserved matters application would need to ensure that the above listed plots are maintained as 2-bed/terraced dwellings unless additional garden space is provided.
- 2.97 It is noted that plot 596 would be under the provision required for a 3-bed plus dwelling (100m²). Plot 596 is however located adjacent to an area of open space that would be well landscaped and maintained. It is considered that the under provision of some 5.4m² of garden area would be acceptable as a result. On the basis that the majority of dwellings would be provided with adequate garden areas, the minor shortfall in garden area serving this one plot is considered acceptable.
- 2.98 The proposed layout would be capable of accommodating adequate amenity space for the proposed maisonettes and flats. This is on the basis that the first and second floor flats in each flatted block would be served by balconies measuring at least 5m² as indicated by the proposed layout and this would need to be secured by a Reserved Matters application.
- 2.99 The maisonette block serving plots 480-485 would have an amenity space measuring some 143.8m². A maisonette block serving six units would be required to provide 150m² of amenity space. However, these plots are immediately adjacent to the

northern area of open space and therefore the minor under provision of amenity space would be considered acceptable in this instance.

- 2.100 The proposed amenity spaces would be considered acceptable and compliant with SPD2 and Policy DM1 of the Development Management Plan.

Car Parking

- 2.101 The adopted parking standard requires that a minimum of 2 car parking spaces per dwelling be provided, save for 1-bed dwellings where the requirement is for 1 car parking space per dwelling. In addition, unallocated visitor parking at a minimum of 0.25 spaces per dwelling is required.
- 2.102 The proposed layout indicates that all the residential dwellings within phases 2 and 3 would be provided with two on plot parking spaces that would each measure to the dimensions of the preferred bay size as required by the Essex Planning Officers Association ['EPOA'] Parking Standards (2.9m x 5.5m). In addition, some properties (110) would be served by an additional on plot garage space. Garages are required to have internal dimensions of a minimum of 3m x 7m to qualify as a parking space. The proposed garages would not meet this minimum size, falling short of the depth requirement. Nevertheless, they would still of a size capable of accommodating a vehicle. In any case, the garages proposed are additional to the minimum parking provision that would be achieved on plot driveways.
- 2.103 The flatted blocks and maisonettes would also be provided with the minimum on plot requirement in terms of parking bays according to the mix of 1 and 2 bed flats proposed. The parking bays would meet the dimensions of the preferred bay size as required by the parking standards.
- 2.104 In addition to the on-plot parking, the EPOA Parking Standard requires visitor parking. 0.25 visitor parking spaces per dwelling for this scale of development are required. Where under 200 visitor parking bays are proposed, 3 no. disabled bays and 1 cycle space per 8 dwelling for visitors are required.
- 2.105 Across phases 2 and 3, 429 dwellings are proposed resulting in a requirement for 108 unallocated visitor parking spaces. The proposed layout would provide 108 unallocated visitor parking spaces, comprising both on-street and bay parking (46 of which would be on-street and 62 which would be within bays). While the approved development provided 119 visitor parking bays, this was above the requirement and therefore the proposed layout would remain policy compliant. In addition, the amendments have resulted in some of the visitor bays being relocated adjacent to the eastern parkland. It is considered that this location would be more convenient for visitors visiting the site to use the allotments and the open space. Visitor parking spaces would also be dispersed throughout phases 2 and 3, allowing for each parcel of development to have access to a nearby provision of visitor parking.
- 2.106 The proposed development would provide 7 cycle parking stands compared to the approved layout which proposed 6. The provision of cycle parking would be compliant with the requirements for visitor cycle spaces and would promote sustainable transport options.

- 2.107 The proposed amended layout now does not include the provision of disabled visitor parking bays that the approved plan had provided. This is on the basis that unless the visitor parking is located within a car park (i.e., in the case of a block of flats), the location of the disabled bays may be unlikely to be in a location desired for use by the disabled persons. Therefore, the use of visitor/unallocated bays is considered more appropriate for a development of this scale. Essex County Council Highway Authority have concurred on this matter with the LPA.
- 2.108 Taking into account those matters discussed above, the proposed development would be considered compliant with Policy DM30 of the Development Management Plan and Policy T8 of the Core Strategy.

Highways

- 2.109 As layout and access are matters for determination in respect of phases 2 and 3, it is necessary to consider whether the proposed amendments to the internal road layout are acceptable. Essex County Council Highway Authority ['ECC HA'] have been consulted on the application and initially raised the following points:
- Some of the visitor parking spaces would obstruct highway movements within the site.
 - Need swept path analysis of the new 'S' bend.
 - Footway to the west of the northern open space is off the desire line for pedestrians and they are likely to enter the carriageway to cut across the 90-degree angle. A pedestrian crossing will be required where this footway terminates.
 - Due to the alignment shown a large section of the northern open space will need to be offered for adoption so that the HA can maintain the visibility splay.
 - The footway should extend around the perimeter of the turning heads which connect with the bridges over the east-west ditch.
 - Forward visibility plan required as all forward visibility splays should be constructed in hardstanding and offered to the HA for adoption.
 - Between the highway and the 1:3 slope serving the northern open space flood basin, 1 metre of flat ground needs to be provided to ensure stability of the highway.
- 2.110 The submitted layout plan has been amended to overcome the initial points of concern raised by the highway authority and plans demonstrating forward visibility splays and swept path analysis have also been submitted (drg no. P18-2109_SK01 REV B and P18-2109_SK03 REV A). The revised layout plan for phases 2 and 3 has; re-positioned those visitor parking spaces highlighted as obstructing the highway; extended the footway further along the eastern side of the central northern open space; extended the footway further along the western side of the central northern green space to enable a pedestrian crossing point in an appropriate position; moved the bridges serving the east-west ditch to either the side of the turning heads; introduced a footpath around the turning head abutting the E-W ditch where this had not been shown and included a 1 metre strip of flat ground around the perimeter of the central northern green space where it would directly abut part of the highway in order to comply with highway construction standards where adjacent land (in this

case the flood alleviation scheme basin in the central northern green space) would be sloped (in this case at 1 in 3).

- 2.111 With regard to the forward visibility splays to roads within phases 2 and 3, it would be for a future reserved matters application to consider the treatment of these splays in terms of surfacing materials (landscaping) and whether these could be maintained as soft landscaped areas. For the most part, the forward visibility splays indicated on the submitted plan would not interfere with the nearby soft landscaped areas and would rather be contained within the hard surfaced pedestrian footways shown.
- 2.112 The largest forward visibility splay covers the south-west corner of the central northern open space. As the land within this visibility splay involves land within phase 1 (the central northern green space) the surfacing of this area is a matter for consideration in this application. ECC Highway Authority had initially indicated that this visibility splay would be required to be adopted and hard surfaced to ensure that visibility was maintained in perpetuity and at no ongoing maintenance cost to the highway authority. However, in design terms it is considered that this corner visibility splay would be better maintained as a soft landscaped area. ECC Highways Authority confirmed that maintaining this area as soft landscaped space would be possible as the area could be maintained as such by the applicant's management company. A new planning condition to ensure this visibility splay be maintained as a soft landscaped space in perpetuity is recommended.

Trees

- 2.113 Paragraph 131 of the NPPF discusses that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree lined (unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate) and that appropriate measures are in place to second the long-term maintenance of newly planted trees. Applicants and local planning authorities should work with highway officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 2.114 Whilst layout and access are the only matters for determination in relation to phases 2 and 3, the proposed amended layout must demonstrate that it is capable of accommodating appropriate landscaping; the details of which would come forward as part of a Reserved Matters application.
- 2.115 The proposed amended layout has resulted in changes to the siting and orientation of buildings and the relationship with landscaping provision within the residential areas. Some streets are now proposed with increased frontage parking (e.g., to the front of plots 293-298). Discussions have therefore taken place around maintaining the number of street trees, ensuring their success, and ensuring that frontage parking does not dominate the street scene.
- 2.116 On the whole, the residential parcels of phases 2 and 3 would have tree lined streets. The proposed amended plans also show an increased number of trees within the residential parcels of phases 2 and 3, from 256 on the approved layout (112 of which

would be directly on the street) to 273 now proposed (132 of which would be directly on the street). The maintenance of street trees within the highway would be covered by the financial contribution to the highway authority as set out in the S106 legal agreement.

- 2.117 The proposed development would be considered to provide a good proportion of tree lined streets/street trees that would improve the quality of the development, particularly where large proportions of frontage parking are proposed. The proposed amendments would therefore be compliant with the requirements of the NPPF.

Wheelchair Accessible and Adaptable Dwellings

- 2.118 Policy H6 of the Core Strategy requires that 3% of all dwellings on the application site built to full wheelchair accessible standards and this is reiterated by Policy SER8 of the Allocations Plan which requires that a minimum of 15 dwellings should be built to full wheelchair accessibility standards (equating to 3% of the 500 dwellings the site was allocated for). The Ministerial Statement of 2015 introduced a new optional building regulation requirements Part M4(2) and M4(3). Part M4(2) requires a dwelling to make reasonable provision for most people to access the dwelling and incorporate features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users. Part M4(3) will be met where a new dwelling makes reasonable provision, either at completion or at a point following completion, for a wheelchair user to live in the dwelling and use any associated private outdoor space, parking and communal facilities that may be provided for use of the occupants.
- 2.119 The applicant has indicated that the proposed dwelling mix in phases 2/3 could deliver 19 dwellings built to full wheelchair accessible standards (Part M4(3)) and 43 dwellings built to the accessible and adaptable standards (Part M4(2)). This would be in comparison to the approved plans which showed 15 Part M4(3) dwellings and 21 Part M4(2) dwellings. The proposed amended scheme would continue to be subject to the original condition which requires the delivery of category M4(3) and M4(2) dwellings.

Affordable Housing and Dwelling Mix

- 2.120 The Core Strategy promotes a mix of housing types and tenures. Policy H5 of the Core Strategy sets out the district's housing mix and requires that any new development must contain a mix of dwelling types to ensure they cater for all people within the community, whatever their housing needs. The development of both affordable and market housing should have regard to local need.
- 2.121 The Council is also encouraged by the NPPF to deliver a wide choice of high-quality homes and plan for a mix of housing based on current and future demographic trends, market trends and the needs of the communities and identifies that the type, tenure and range of housing should reflect local demand.

	Number of open market dwellings within phases 2 and 3
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Size	Approved	Proposed	Difference
1-bed dwelling	0	0	-
2-bed dwelling	43	44	+1
3-bed dwelling	106	118	+12
4-bed dwelling	132	119	-13
Total	281	281	

2.122 It is considered that the proposal would achieve an appropriate mix of dwellings on site. The officer report for the approved application identified that there would be a higher proportion of three and four bed dwellings. The provision of 4-bed dwellings has been reduced (by 13) by the proposed amendments and instead there has been an increased (by 13) in 3-beds. The proposed dwelling mix would be considered to have the potential to provide a type of accommodation that caters of a balanced community and would help to meet the diverse needs of residents of the district, particularly with regard to the inclusion of the provision of affordable homes as detailed below. It is considered that the mix of dwellings proposed for this scheme would enable a mix of potential occupiers as required by Policy H5 of the Core Strategy and the NPPF.

2.123 With regard to affordable housing, Policy H4 requires that for developments of this scale, 35% of the dwellings are affordable. The split across the site would be expected to be in line with the 80:20 split between social housing and intermediate housing. Policy H5 requires a proportion of the affordable housing provision within developments to be in the form of three-bedroom or larger dwellings. Whilst Policy H5 of the Core Strategy forms part of the Development Plan and is currently in situ, affordable housing evidence has been provided by the Council’s Housing Department which shows how many applicants are on the Council’s register and what type of housing is required. The Council’s Housing Team requires affordable housing in the form of one, two and three-bedroom properties.

Size	Number of affordable homes within phases 2 and 3		
	Approved	Proposed	Difference
1-bed dwelling	32	32	-
2-bed dwelling	83	81	-2
3-bed dwelling	31	33	+2
4-bed dwelling	2	2	-
Total	148	148	

2.124 It is considered that the proposed mix of affordable homes would remain compliant with the requirements of the Council’s Housing Team and would accord with Policy H5 of the Core Strategy. Further, as the number of affordable units would not be reduced the development would remain compliant with Policy H4 of the Core Strategy.

2.125 In phase 2, three clusters of affordable homes are still proposed in the same general locations within the site as originally approved. In phase 3, four clusters of affordable homes were originally approved, and the proposed amended layout still proposes four clusters in the same general locations within the site. As a result of changes to the proposed to the layout, some of the affordable homes within the clusters would be in different positions. However, officers are satisfied that affordable homes would be spread across the site and integrated between market housing to a degree that would not be materially different to that originally approved.

2.126 The delivery of affordable housing would continue to be secured through the S106 agreement.

Amendments to other planning conditions

2.127 This s73 application only seeks specifically to amend the wording of condition 4 in order that this condition can refer to amended plans which alter the layout from that originally approved. It is however necessary to consider the wording of all conditions and make amendments as required. The recommended conditions as set out in this report have been amended as required. In some instances, changes are required because the original condition referenced an approved plan which is now proposed to be revised, in these cases the plan reference has simply been updated for accuracy.

2.128 In some instances, more substantial change to the wording of the original condition is recommended. Specifically, this relates to the following conditions now recommended; 9, 10, 11, 12, 13, 14, 15, 18, 31, 35, 36 and 46. In some instances, these conditions have been amended because details relating to the corresponding condition imposed on the original consent have been agreed by the local planning authority under a discharge of condition application, but the agreed details not yet completed. In such instances the condition has been reworded to require that the details as have been agreed are delivered. Where details have been agreed but only in respect of phase 1, an additional condition is now recommended to require the same details to be agreed as per the original requirements of the condition but now only in respect of phases 2 and 3.

2.129 In relation to condition 18, it is recommended that the original wording as set out in the appeal decision is amended so that details of the flood alleviation scheme are required to be submitted and agreed prior to first occupation (as oppose to prior to commencement of development) and that the scheme is required to be delivered in accordance with the agreed details prior to 150th occupation (as opposed to prior to first occupation). The recommended change to the timeframe for implementation is to bring this conditional requirement in line with the timing for implementation of the flood alleviation scheme as set out in the s106 agreement; the lead local flood authority have confirmed that they are satisfied with this.

2.130 Conditions 6 and 7 of the original consent which related to archaeological work having to be agreed and carried out have been removed as these works have been agreed and completed. There is also an additional condition (condition 47) now proposed in relation to the maintenance of the visibility splay within the central northern open space.

3.0 CONSULTATIONS AND REPRESENTATIONS (summarised)

Anglian Water

3.1 No comments to make.

Environment Agency

3.2 No comments to make.

Essex County Council Highway Authority (first response)

3.3 Comments on the proposed amended layout as below:

- Some of the visitor parking spaces would obstruct highway movements within the site
- Need swept path analysis of the new 'S' bend
- Footway to the west of the northern open space is off the desire line for pedestrians and they are likely to enter the carriageway to cut across the 90-degree angle. A pedestrian crossing will be required where this footway terminates.
- Due to the alignment shown a large section of the northern open space will need to be offered for adoption so that the HA can maintain the visibility splay.
- The footway should extend around the perimeter of the turning heads which connect with the bridges over the east-west ditch.
- Forward visibility plan required as all forward visibility splays should be constructed in hardstanding and offered to the HA for adoption.
- Between the highway and the 1:3 slope serving the northern open space flood basin, 1m of flat ground needs to be provided to ensure stability of the highway.

Essex County Council Highway Authority (second response)

3.4 No objection subject to all junction and forward visibility splays being offered to the Highway Authority for adoption and hardened so that they may be kept free of obstruction in perpetuity with minimal maintenance liability. In locations where this would require the removal of significant areas of landscaping the visibility splays may be left unhardened if the developer can demonstrate that the maintenance of the visibility splays can be undertaken by the management company via a Section 142 Licence.

Essex County Fire and Rescue Service

3.5 The applicant should consider the access, building regulations, water supplies and sprinkler systems. No objection has been raised.

Essex Police Designing Out Crime

- 3.6 Essex Police would welcome the opportunity to discuss the application with the applicant but offer no specific comments which require amendments.

Lead Local Flood Authority (first response)

- 3.7 No comments to make.

Lead Local Flood Authority (follow-up advice)

- 3.8 I'm not sure that we'd have specified that the FAS needs to be delivered prior to the first occupation. While we're keen to see the scheme delivered, we try to take a practical approach to that delivery. There is a separate SuDS scheme for the site, so we are not reliant on the FAS to provide this functionality. It's reasonable to expect that the occupation of some of the property on the development would be an enabler for the delivery of the FAS too.

Place Services (Essex County Council) Urban Design

- 3.9 No objection. Would recommend amendments to the keynote building and character area plans.

Rochford District Council Arboricultural Officer

- 3.10 No objection. I would suggest that blackthorn is left from the native shrub planting and perhaps add another species, this particular species is likely to naturally succeed in this area and I suspect will need controlling in the future as it will sucker throughout the planting areas.

Neighbour Representations

- 3.11 12 comments have been received from the following addresses:

Ashingdon Road; No. 139, 209, 211

Ashworths; No. 5

Cotswold Road; No. 13

Malting Villas Road; No. 30

No address (6 letters)

- 3.12 In the main, the comments received can be summarised as follows:

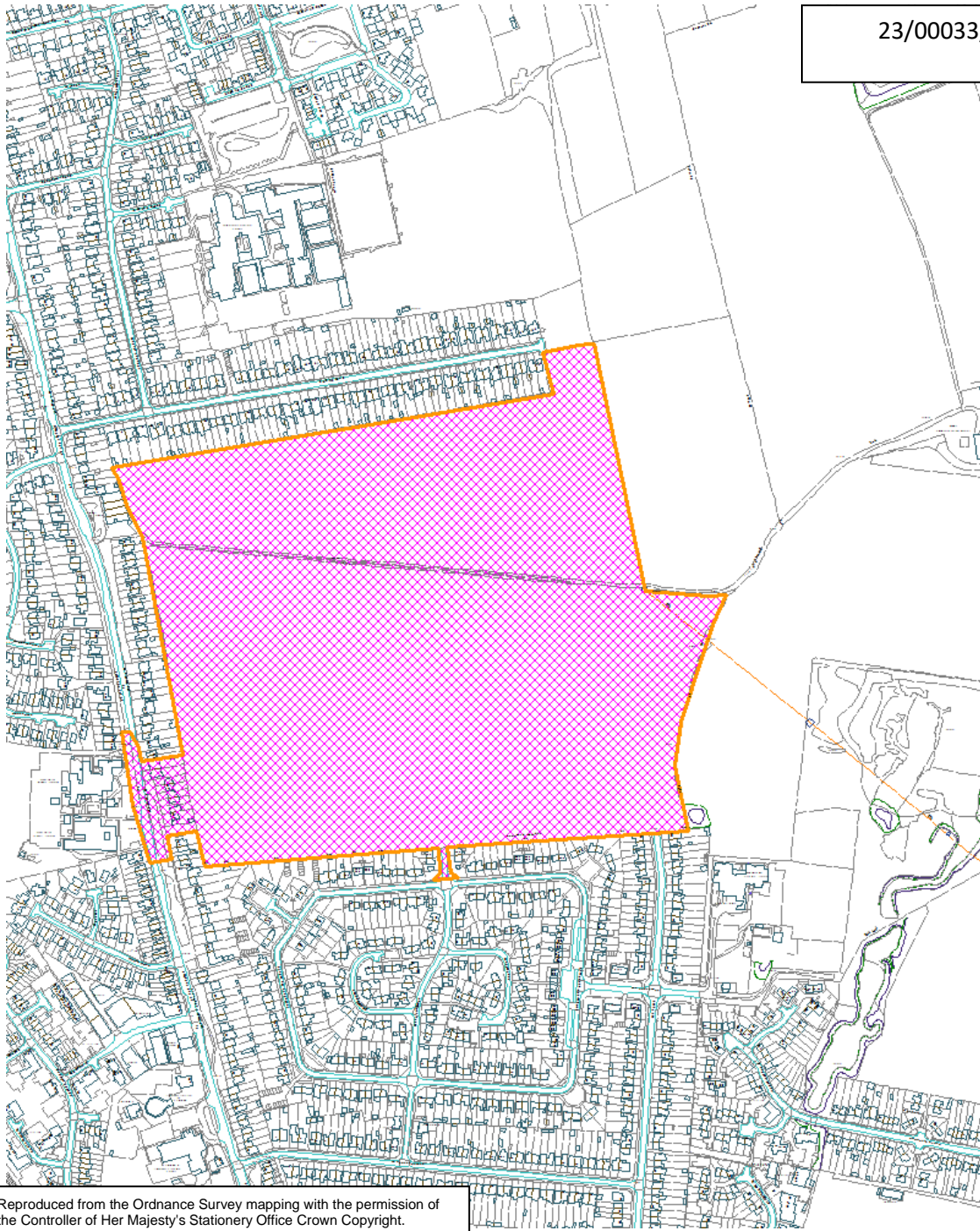
- Not enough open space provision on the west side of the site
- Flood alleviation does not seem sufficient
- Site access is not acceptable and is dangerous
- Object to the removal of the tree on Ashingdon Road
- Loss of green wildlife corridor and impact on wildlife
- Increased air pollution and noise pollution
- Not enough infrastructure for the development
- Dangerous to school children
- Detrimental impact on Percy Cottis Road

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Development Committee – application ref: 20/00363/OUT was presented to Members of the Development Committee. The application was deferred by Members on the grounds that further clarity around the over-development of the site was required from officers.	26 th November 2020
Development Committee – application ref: 20/00363/OUT was presented to Members of the Development Committee. The application was refused by Members on the grounds that it would have a severe impact upon the highway.	24 th June 2021

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23/00033/FUL



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