

## **Development Committee – 18 January 2012**

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Minutes of the meeting of the **Development Committee** held on **18 January 2012** when there were present:-

Chairman: Cllr P A Capon  
Vice-Chairman: Cllr D Merrick

Cllr Mrs P Aves	Cllr J R F Mason
Cllr C I Black	Cllr Mrs J E McPherson
Cllr Mrs T J Capon	Cllr Mrs J A Mockford
Cllr M R Carter	Cllr T E Mountain
Cllr J P Cottis	Cllr R A Oatham
Cllr T G Cutmore	Cllr A C Priest
Cllr K A Gibbs	Cllr Mrs C E Roe
Cllr K J Gordon	Cllr C G Seagers
Cllr J E Grey	Cllr S P Smith
Cllr Mrs A V Hale	Cllr M J Steptoe
Cllr Mrs D Hoy	Cllr J Thomass
Cllr M Hoy	Cllr I H Ward
Cllr K H Hudson	Cllr Mrs M J Webster
Cllr Mrs G A Lucas-Gill	Cllr P F A Webster
Cllr M Maddocks	Cllr Mrs B J Wilkins
Cllr Mrs C M Mason	

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs H L A Glynn, C J Lumley, Mrs J R Lumley and R D Pointer.

### **OFFICERS PRESENT**

S Scrutton	- Head of Planning and Transportation
J Whitlock	- Planning Manager
K Rodgers	- Team Leader (Area Team South)
A Law	- Solicitor
S Worthington	- Committee Administrator

### **PUBLIC SPEAKERS**

Mr I Painting  
Mr I Croxford

## **12 MINUTES**

The Minutes of the meeting held on 15 December 2011 were approved as a correct record and signed by the Chairman.

## **13 DECLARATIONS OF INTEREST**

Cllr T G Cutmore declared a personal interest in item 1 of the schedule by

virtue of membership of the ECC Shadow Board of Health and Well-Being.

### **14 SCHEDULE OF DEVELOPMENT APPLICATIONS AND RECOMMENDATIONS / ITEMS REFERRED FROM THE WEEKLY LIST**

The Committee considered the schedule of development applications.

#### **Item 1 - 10/00234/OUT – Land West of Oak Road and North of Hall Road, Rochford**

**Proposal** – Residential development (class C3) of 600 dwellings, associated access and a new primary school including infrastructure associated with residential development, public open space and new vehicular and pedestrian access routes.

It was noted that a late representation had been received from another developer, after formulation of the addendum to the officer's report. The representation reiterated the issues detailed in an earlier representation received from that developer and in addition emphasised concerns relating to archaeology and design.

#### **Resolved**

That, subject to notifying the Secretary of State for Communities and Local Government, the application be approved, subject to the completion of a legal agreement under Section 106 of the Act for the heads of terms as reported, including the amendments/additions, and the heads of conditions as reported, including the amendments/additions:-

#### **Heads of the Legal Agreement with Provisional Contribution Figures**

- Highways and public transport contributions in accordance with the Essex County Council Highway department's request, namely:
  - A contribution of £150,000 (one hundred and fifty thousand pounds) towards infrastructural improvements including signalling of the junction of Sutton Road and Purdeys Way industrial estate.
  - A contribution of £330,000 (three hundred and thirty thousand pounds) towards passenger transport service enhancement to link the proposed development site with the urban area through the provision of a new or extension to an existing bus service.
  - A contribution of £5,000 (five thousand pounds) towards the Traffic Regulation Order to enable the relocation of the 30mph zone along Hall Road in front of the proposed development site.
- Provision of 35% affordable housing will be achieved. A target tenure mix of 80/20 social rented/intermediate housing will be worked to, although this and the mix of 1, 2, 3-bed, etc, properties will be agreed, subject to viability

at the time.

- Provision of 1.1ha school site and a financial contribution of £6,266,292 (index linked to April 2011 costs) to facilitate the construction of a primary school with commensurate early years provision and provide for appropriate secondary contribution.
- Provision of an open space management agreement for the open spaces within the site, including the public open space to the western border of the site, the buffer zones, the wetland park and for public and incidental spaces within the developable area of the site and for ditches within these spaces, as well as details to demonstrate that existing ditches could accommodate additional surface water rain fall and not over flow – considered acceptable by officers, including the Council's legal department.
- Maintenance arrangement for the play equipment that is to be provided.
- A requirement that Essex County Council uses its best endeavours to facilitate youth and community group use of the school.
- A contribution of £455,110 towards capital projects for the Primary Care Trust.
- Construction traffic to the site be from and to the west.
- Maintenance arrangement for the sustainable urban drainage system.
- Landscaping scheme to be submitted and agreed in respect of the school site and a time frame for implementation. If the school is not required to be delivered provision for it to be incorporated into the open space unless planning permission is subsequently granted for alternative development within this area of the site.
- A financial contribution of £50,000 towards highway improvements at The Bell in Southend-on-Sea Borough and £25,000 towards junction improvements at Cherry Orchard Lane/Eastwoodbury Lane.
- Tree planting within the highway to be agreed with the Highways Authority and a financial contribution made to cover costs of maintenance.
- Contribution of £15,000 made to Rochford District Council in order to carry out detailed air quality assessment of nitrogen dioxide at the Anne Boleyn (Sutton Road/Southend Road junction).
- The applicants to explore the acquisition of conservation credits for the residual impact to habitat arising from this development. Such credits

purchased are used to invest in habitat restoration schemes.

- Minor pedestrian connectivity improvements along Ironwell Lane between the north east corner of the application site and the made up section of Ironwell Lane to the east comprising drainage and footpath improvements beneath the bridge and surface treatment and low level lighting to the lane, all as to be agreed by the Local Planning Authority and Highways Authority.

### Conditions

#### 1 Time and Reserved Matters

Plans and particulars showing precise details of the layout, scale, design and external appearance, access (save for access points to the site) and landscaping of the site, (herein after called the “Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority for each phase of the development before any development is commenced in that phase. All development at the site shall be carried out in accordance with the “Reserved Matters” details approved.

- 2 Application for approval of all “Reserved Matters” referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

### Site Characteristics

- 3 The development shall be implemented strictly in accordance with the parameters plan drawing number PL-03 revision H with regard to the areas of the site identified for residential development, a school and landscape buffers and open spaces, including the wetland park, but save for the incidental public open spaces whose position within the residential developable area may change and save for changes to the parameters plan agreed by condition 4 below.
- 4 Notwithstanding the depth of the landscape buffer to Hall Road identified as area ‘2’ on the parameters plan drawing number PL-03 revision H, that part of this area between the property directly bordering the site on the north side of Hall Road up to that point at the site opposite the westernmost property on the south side of Hall Road, as shown on this same plan, shall be provided at a maximum depth of 8 metres measured from the southern site boundary in a northwards direction with the remaining area within ‘area 2’ to the north of the 8 metre buffer being incorporated (as longer front gardens) into the

adjoining area, identified as area '17', density band E, Hall Road frontage, as shown on the same plan. Notwithstanding this, no buildings shall be constructed within any part of the original site identified as the landscape buffer to Hall Road as 'area 2' on the parameters plan drawing number PL-03 revision H.

- 5 Notwithstanding the density bands stated for each character area, as detailed on the parameters plan drawing number PL-03, revision H, the density in the area covered by density band E shall be limited to a maximum density of 12 dwellings per hectare.

### Highways

- 6 Prior to commencement of the development, the road junction located to the east of the proposed development site shall have 10.5m kerb radii and shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 90 metres to both the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times. The junction shall be provided in accordance with the approved drawings with the provision of right turn into the site from Hall Road.
- 7 Prior to commencement of the development, the roundabout located to the west of the proposed development site shall be provided in accordance with the approved drawings, as shown in principle on Ardent Consulting Engineers' drawing no. G551-018.
- 8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
- 9 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.
- 11 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Additional Note:

With reference to the above condition the applicants' attention should be drawn to the recent alterations to householder "permitted development" in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run off and overloading of sewers.

- 12 Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
- 13 The public's rights and ease of passage over public footpath/bridleway/byway shall be maintained free and unobstructed at all times. No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.
- 14 Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
- 15 All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the agreed details.
- 16 All parking shall confirm to Council's adopted parking standards; Parking Standard Design and Good Practice Supplementary Planning Document adopted December 2010.
- 17 Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 10 (ten) All Essex Scratch card tickets.
- 18 No works in connection with the proposed development shall commence until such time as the infrastructural improvement at the junction of Hall Road/Ashingdon Way/Bradley Way have been provided entirely at the developer's expense, as shown in principle on Ardent Consulting Engineers' drawing no. G551-012. The design and detail of infrastructural improvements shall have been submitted to and agreed in writing with the Local Planning Authority.

- 19 No works in connection with the proposed development shall commence until such time as the footway/cycleway along the northern side of Hall Road is continued along the entire site frontage, completed entirely at the developer's expense. The design and detail of infrastructural improvements shall have been submitted to and agreed in writing with the Local Planning Authority.

### **Environmental/Social Sustainability**

- 20 All of the dwellings on the site shall meet at least Level 3 of the Code for Sustainable Homes. Furthermore, correctly specified and sufficient sized systems to collect rain water for external and/or internal use must be provided for all dwellings with a garden, patio or communal garden space; where "correctly specified" and "sufficient size" are as defined in DCLG's Code for Sustainable Homes Technical Guide November 2010. Prior to occupation, each dwelling on the site shall be provided with a rain water collection system in compliance with details, which shall have been previously submitted to and agreed in writing by the Local Planning Authority.
- 21 Prior to the commencement of any works directly to construct dwellings at the site, details of the measures that will be used in order to secure at least 10 per cent of the energy from the development by de-centralised and renewable or low-carbon sources, including a time frame for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. The measures, as agreed, shall be implemented in accordance with the time frame(s) agreed.
- 22 All new dwellings shall comply with the Lifetime Homes Standard and 3 per cent of dwellings across the site overall shall be built to full wheel chair accessibility standards.

### **Contamination/Environmental Protection**

- 23 Prior to the commencement of any development hereby permitted, a site specific risk assessment, including intrusive investigation, soil sampling and analysis, shall be undertaken in accordance with the recommendations contained within the Geo-Environmental Desk Study Report GE7438/MAR10/DSR and a written report submitted to the Local Planning Authority.
- 24 If during development 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 and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall then be implemented as agreed.

- 25 A scheme of measures for the control and suppression of dust emissions during construction shall be submitted to and approved in writing by the Local Planning Authority prior to the start of ground works on the site. Such agreed works shall be implemented in the approved form throughout the construction phase of the development.
- 26 Prior to the commencement of development at the site, a scheme for the control of noise from construction shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the development shall commence in accordance with the agreed scheme, which shall remain in place throughout the entire construction phase of the development.
- 27 Glazing and ventilation to all dwellings on the site shall be fitted in to meet the Sound Reduction Index and Element-Normalised Level Difference values stated in Table 9 of the Environmental Noise Assessment dated 16 April 2010 by H and H Acoustic Consultancy Division.

### **Archaeology**

- 28 Archaeological evaluation by trial trenching shall be undertaken prior to the commencement of any ground works. This work shall be undertaken in accordance with a specification, which shall have previously been submitted to and agreed in writing by the Local Planning Authority. The results of this work in the form of a report shall be submitted to the Local Planning Authority prior to the submission of any Reserved Matters application and shall include an archaeological mitigation strategy detailing the excavation strategy, which shall be submitted to and agreed in writing with the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the details agreed and no development or preliminary ground works shall commence until the satisfactory completion of field work, as detailed and agreed in the mitigation strategy, and signed off by the Local Planning Authority.
- 29 A post-excavation assessment shall be submitted to the Local Planning Authority within six months of the completion of field work, unless otherwise agreed in advance with the Local Planning Authority. This will include post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report (to be completed within two years of the completion of field work, unless otherwise agreed in advance with the Local Planning Authority).

### **Sustainable Urban Drainage**

- 30 Prior to the commencement of development or ground works, a scheme detailing how surface water drainage shall be provided on-site

through the use of sustainable drainage techniques (SUDS), which will include a balancing pond(s) and swale(s), as discussed within the submitted flood risk assessment, an assessment of the hydrological and hydro geological context of the development, details of filters to be installed and details of planting and wildlife enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. Implementation of the development shall be in accordance with such agreed measures and in accordance with a time frame submitted to and agreed in writing with the Local Planning Authority, with the system retained and maintained in the approved form thereafter.

- 31 Surface water shall be discharged from the site at a rate no greater than the calculated green field rate, as stated within the submitted Flood Risk Assessment.

### **Open Space/Play Equipment Provision**

- 32 The landscape buffer to Hall Road, identified as area '2' on the parameters plan drawing number PL-03 Revision H (subject to amendment by condition 4) and the landscape buffer to Oak Road, identified as area '7' on the same plan, shall be planted and footpaths and other works, as agreed, provided in accordance with the scheme approved at Reserved Matters within the first planting season (October to March inclusive) following commencement of any development of the site. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed or caused to die or become seriously damaged or defective within five 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 planting season following removal.
- 33 The landscaping scheme(s) submitted as part of the Reserved Matters shall show the retention of existing trees, shrubs and hedgerows on the site and include details and plans of:-
- Schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted, including measures to improve and enhance existing hedgerows and their connectivity to adjacent hedgerows;
  - A full plan that clearly shows the locations of new trees to be planted, including tree species, size, planting method statement and after care plan. All to be in accordance with BS 3936-1, BS 4428 and NHBC chapter 4.2;
  - Existing trees to be retained;
  - Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
  - Paved or otherwise hard surfaced areas;

- Existing and finished levels shown as contours with cross-sections, if appropriate;
- Footpaths
- Lighting
- Means of enclosure and other boundary treatments;
- Minor artefacts and structures (e.g., furniture, refuse or other storage units, signs, etc);
- Existing and proposed functional services above and below ground level (e.g., drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes, etc);
- Details of the design and location of equipment to be installed within each Local Equipped Area for Play (LEAP) and Local Area for Play (LAP) throughout the site, providing a minimum of 12 LAPs and a minimum of 1 LEAP;
- A detailed time frame for the implementation (including phasing, where applicable) of the landscaping scheme(s), including for planting and provision of footpaths, lighting and play equipment.

The planting and other agreed aspects of the landscaping scheme(s) shall be implemented in accordance with the agreed Reserved Matters in their entirety in accordance with the time frame for implementation agreed. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five 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.

### **Ecology/Biodiversity**

- 34 Prior to the commencement of development at the site a scheme specifying the details of measures for protection during construction (where appropriate), mitigation, enhancement and monitoring measures that shall be carried out in relation to bats and great crested newts shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a time frame for the implementation of mitigation and enhancement measures and for monitoring and shall be implemented in accordance with the time frames agreed. The measures for protection during construction shall be implemented prior to any ground works commencing at the site and shall remain for the duration of the construction period, unless otherwise agreed in writing by the Local Planning Authority.

### **Design**

- 35 Prior to the submission of any application under the Reserved Matters, Development Briefs for the phases of development should be submitted and agreed by the Local Planning Authority. The Reserved Matters applications should then be submitted in accordance with the

approved Development Briefs.

- 36 Notwithstanding the scale and density parameters stated in the submitted Design and Access Statement, the acceptability of the scale and density of buildings at the site will be determined at the Reserved Matters stage and in accordance with the Development Briefs agreed under condition 36.
- 37 A pedestrian footpath link shall be provided to connect the application site through to Ironwell Lane in the north-east corner of the site in accordance with details, which shall have been previously submitted and agreed in writing with the Local Planning Authority. The link shall be provided in accordance with a time frame, which shall also have been submitted and agreed as part of the details submitted.

### **Trees**

- 38 Trees and hedgerows shown to be retained on the Tree Constraints Plan Drawing Number DFCA 027 TCP dated 1 April 2010 shall be retained as part of the development and not lopped, topped, cut down, uprooted, destroyed or caused to die or become seriously damaged or defective unless works to any tree or hedge are agreed in writing with the Local Planning Authority prior to works being undertaken.
- 39 Prior to the commencement of development or any ground works a detailed tree protection plan and scheme shall be submitted and agreed in writing by the Local Planning Authority, which shall:-
- Show existing trees to be protected during construction and provide details of the specification and position of protective fencing and of any other measures to be taken for the protection of any tree retained from damage before or during the course of development;
  - Provide a Key Stage Monitoring Plan, which identifies key stages of the development that require supervision provided by an arboriculturist such as erection of tree protection, excavation within Root Protection Areas;
  - Detail and show areas where special construction techniques are required;
  - Provide a chronology of tree protection measures and time frame for implementation, relating to phases, where applicable;
  - Provide details of any changes to existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree, or of any land adjacent to the site, within a distance of any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.
- 40 The development shall commence and be undertaken in accordance with the protection and monitoring measures agreed.

### Phasing

- 41 That part of the site identified as area '17', Density Band E, Hall Road Frontage on the parameters plan drawing number PL-03 Revision H between the eastern corner of the site and up to that point at the site opposite the property 'Greenways' on the south side of Hall Road shall be built out and completed prior to the completion of the construction of any other dwellings on the site.
- 42 Each dwelling, before it is first occupied, shall be accessed directly from a properly consolidated and surfaced carriageway and footway, which connect to the publicly maintainable highway network.
- 43 Prior to occupation of any dwellings at the site infrastructural improvements at the junction of Southend Road/Sutton Road shall have been provided, the design and detail of which shall have been submitted to and agreed in writing by the Local Planning Authority.
- 44 Prior to occupation of any dwellings at the site the t-junction access onto Hall Road shall have been provided, the design and detail of which shall have been submitted to and agreed in writing by the Local Planning Authority. No vehicular accesses, other than the t-junction as shown on the parameters plan drawing number PL-03 revision H, shall be provided from the site to Hall Road.
- 45 Prior to occupation of any dwellings at the site the roundabout access to the site shall have been provided in the position, as shown on plan drawing number G551-018, the design and detail of which shall have been submitted to and agreed in writing by the Local Planning Authority.
- 46 The link road, as shown on the parameters plan drawing number PL-03 revision H, shall be provided in accordance with timing, design and details, which shall have been submitted to and agreed in writing by the Local Planning Authority.

### Additional Conditions

- 47 That the listed milestone located on the Hall Road frontage be protected during development of the application site.
- 48 That the reserved matters be designed to Secured by Design principles for the whole of the application site.

### Informatives

- 1 Notwithstanding the layout of properties along the Hall Road frontage area, as shown on the illustrative master plan layout, the layout to the properties in this area of the site is expected to more strongly reflect

the existing character of the area immediately adjacent to the site along the south and east of Hall Road. The dwellings within this area should be individually designed, front the street straight on and be provided with substantial front gardens. A greater number of access points off Hall Road to serve these dwellings should also be considered.

- 2 The applicants' attention is also drawn to the comments made by the Urban Design team in respect of the submitted illustrative master plan layout and the requirements for amendments to this layout prior to submission for any Reserved Matters application.
- 3 That all 600 dwellings proposed on the application site should meet the Council's minimum standards for parking and amenity areas.

The meeting closed at 8.50 pm.

Chairman .....

Date .....

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