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**10/00234/OUT**

**LAND WEST OF OAK ROAD AND NORTH OF HALL ROAD,  
ROCHFORD**

**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.**

**APPLICANT: BELLWAY HOMES LTD**

**ZONING: METROPOLITAN GREEN BELT**

**PARISH: ROCHFORD**

**WARD: ROCHFORD**

**1 INTRODUCTION**

- 1.1 Members will recall considering this application at a meeting of the Development Committee on 18 January 2012, when it was 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”.
- 1.2 The minutes of the meeting record the heads of the Legal Agreement with “provisional contribution figures” and the planning conditions. It should also be noted that the published addendum confirmed in relation to the Section 106 “even these latest heads..... of terms are not yet finalised or fixed. Negotiations continue of these terms, precise wording and appropriate level of contributions subject to justification”.
- 1.3 The Secretary of State confirmed by letter, dated 6 February 2012, that the application has not been called in and is left to the Council to determine.

**2 POST COMMITTEE**

- 2.1 As anticipated for such a major planning application, including the provision of a new primary school and other significant infrastructure detail, discussions then ensued concerning the delivery of these principles between the Local

Planning Authority and the applicants, together with the Education Authority, the Highway Authority and the Primary Care Trust. Also, there were separate discussions between the applicants and the landowner and their representatives.

2.2 The complex discussions on the details and justification of the principal elements of the Section 106 Agreement continued for most of the year and focused mainly on:-

- The school site – calibration of the financial contribution.
- A fallback position, should the school not be provided, to ensure the youth and community facilities envisaged as a dual facility at the school is also not lost.
- PCT financial contribution – justification and calibration of the figures, together with an updated projected mix of the 600 units generating a different lower contribution sum.
- Delivery and phasing discussions, together with the Highway Authority regarding the timing and implementation of the spine road, bus service and roundabout.

2.3 The applicants confirmed in early December that they expected to be in a position to sign and engross the Legal Agreement by Christmas.

### **3 MASTER PLANNING**

3.1 Discussions on the master planning and design principles for the site, together with design brief criteria and the detailed design of the Reserved Matters for Phase 1, have been conducted in tandem with the post Committee discussions outlined above. Essex County Council Urban Design team have been integral to these discussions. The master plan and design principles will be discussed with Members in advance of the submission of a reserved matters application.

## **4 FINAL SECTION 106 LEGAL AGREEMENT AND PLANNING CONDITIONS**

### **Legal Agreement**

4.1 This report is presented to the Committee as the wording of the 18 January 2012 recommendation in relation to the Heads of the Section 106 Legal Agreement and Heads of Planning Conditions requires adjustment to take account of the outcome of the detailed negotiations described above.

4.2 The Section 106 Heads of Agreement are substantially the same, other than the financial contributions for the school site/education needs and PCT contribution are varied based on the changed predicted housing mix figures,

as agreed by both the Education Authority and Primary Care Trust respectively. There is also more robust justification in relation to the Primary Care Trust contribution. The change in predicted housing mix provided by the applicants is informed by the more recent additional detailed work during this period.

- 4.3 Also included now, but not previously, is a fallback clause, covering the unlikely event of the school not being built; the fallback is that the land (the school site) and a £500,000 financial contribution for the provision of leisure and community facilities is provided. It is usual to include a fallback position in a S106, but it should be stressed that it is not anticipated the requirement for a school to be provided on the site will change.
- 4.4 The two key variations to financial contributions to the Legal Agreement are:-
- PCT contribution reported to Members as £455,110 – this has been changed to £383,689 due to re-assessment using the PCT's same standard formula, but based on a more accurate dwelling mix for the site, as supplied by Bellway and informed by the additional work in the period.
  - Education contribution reported to Members was £6,266,292 in total for primary, early years and secondary – this has been changed to a total of £5,467,301.70 October 2012 index, i.e., it will be less. Essex County Education has confirmed that the change is the result of a revised and more accurate dwelling mix having been supplied by Bellway and informed by the additional work in the period.

### Conditions

- 4.5 The planning conditions aim to deliver the same requirements as before but with minor consequential changes arising mainly from the final working of the Section 106 Legal Agreement to ensure consistency and avoid duplication, and being informed by the Master Planning work and views of the Essex County Council Urban Design Adviser. The numbering of the conditions has changed due to deletions and some additions. Some conditions have been slightly reworded but cover the same subject matter as before. The conditions mentioned below are those that have been omitted or added:-
- Condition requiring the roundabout to be provided has been removed as this is set out in the s106 Legal Agreement. The requirement is that the roundabout must be provided prior to first occupation of any dwelling (there were previously 2 conditions regarding the roundabout provision; one requiring it prior to commencement, the other requiring the roundabout access prior to occupation).
  - Condition requiring submission and agreement of the timing, design and details of the spine road has also been deleted as this is also covered by

the s106 Legal Agreement. The spine road must be provided prior to the occupation of the 150<sup>th</sup> dwelling.

- Condition requiring no boundary planting within 1 metre of the highway. This is deleted as it is apparent that some boundary planting is expected to be provided within this area and be accepted as appropriate.
- Condition requiring an order securing the diversion of the public footpath running north-south through the site prior to commencement is deleted. ECC highways has confirmed that it would not insist on this diversion; the footpath would be some way from Phase 1 anyway and a condition requiring the order prior to commencement is considered too onerous. If the footpath is obstructed ECC has enforcement powers to deal with this.
- Condition relating to requirement for residential travel pack deleted, as included in the s106 Legal Agreement.
- Condition requiring junction improvements at Hall Road, Ashingdon Road, Bradley way deleted, as included in the s106 Legal Agreement.
- Condition relating to provision of footway along northern side of Hall Road deleted, as included in the s106 Legal Agreement (requirement for full height kerb along this has also been deleted with the deletion of the condition – not considered necessary).
- Condition requiring junction improvements at Southend Road/Sutton Road deleted, as included in the s106 Legal Agreement.
- Condition restricting any additional vehicle accesses onto Hall Road (other than those agreed) deleted, as any new access would require planning permission anyway).
- Condition requiring delivery of link road through the site deleted, as included in the s106 Legal Agreement.

4.6 For the avoidance of doubt the final Heads of the Section 106 Legal Agreement and the conditions are set out below.

## 5 RECOMMENDATION

- 5.1 The Committee **RESOLVES TO APPROVE** the revised terms of the **LEGAL AGREEMENT** under Section 106 of the Act for the Heads of Terms set out below and subject to the **CONDITIONS** for planning application reference 10/00234/OUT, as set out below, subject to any reasonable changes the Head of Planning and Transportation shall deem fit:-

### Heads of the Legal Agreement

Highways and public transport contributions in accordance with the Essex County Council Highway department's request, namely:-

- contribution of £150,000 (one A 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 £5,467,301.70 (index linked to October 2012 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 £383,689 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 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.

- 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 but shall be provided to a minimum total area of 4759 square metres 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 (unless otherwise agreed by the Local Planning Authority) 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.
- 6 Prior to occupation of any dwellings at the site, the t- junction access from the site onto Hall Road and the right hand turn into the site from Hall Road shall have been provided in accordance with design and details that shall have been submitted to and approved by the Local Planning Authority, including a 10.5m kerb radii and 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.

- 7 Prior to commencement of the development in each phase (with a phase equating to a Reserved Matters application), details including a plan showing 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), identified clear of the highway, shall be submitted to and approved in writing by the Local Planning Authority for that particular phase. Development of each phase shall commence and be undertaken in accordance with the approved details for the storage of materials and manoeuvring of vehicles agreed for that phase.
- 8 No unbound material shall be used in the surface treatment of any vehicular accesses within 15 metres of the highway boundary.
- 9 Prior to commencement of the development in each phase (with a phase relating to a Reserved Matters application) details showing the means to prevent the discharge of surface water from the development within the phase 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 highway to which the works relate being operational and shall be retained at all times.
- 10 Driveway surfaces to all residential dwellings at the site shall be made either of a porous material or provision made to direct surface water run-off from the driveway to a permeable or porous area or surface within the curtilage of the dwelling house to which the surface relates, unless otherwise agreed with the Local Planning Authority. Details of surface materials and drainage of driveways shall be submitted to and agreed in writing by the Local Planning Authority prior to the laying of any driveway surfaces within the phase to which the driveways relate.
- 11 Prior to commencement of development in each phase (with a phase equating to a Reserved Matters application) details of a wheel cleaning facility (within the site and adjacent to the egress onto the highway) and scheme for its use throughout construction works relating to the phase, together with a scheme for street cleansing to remove construction related debris from the highway in the vicinity of the site, shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility as approved shall be provided at the commencement of development within the phase to which it relates and maintained throughout the construction period of that phase and used in accordance with the scheme approved. The scheme for street cleansing shall be implemented in accordance with the details approved on commencement of and throughout construction within the phase to which the scheme relates.



- 12 Prior to commencement of development in each phase (with a phase equating to a Reserved Matters application), details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) within that phase shall be submitted to and approved in writing by the Local Planning Authority. Estate Roads and footways in each phase shall be provided in accordance with the details approved for that phase. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
- 13 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.
- 14 All parking shall conform to Council's adopted parking standards; Parking Standard Design and Good Practice Supplementary Planning Document adopted December 2010.
- 15 Prior to occupation of any dwelling within a phase (with a phase relating to a Reserved Matters application), details of the rain water collection system(s) that shall be provided to dwellings within the phase with a garden, patio or communal garden space, including identification of dwellings within that phase, that shall be provided with the system (on a scaled plan) shall be submitted to and agreed with the Local Planning Authority. Prior to occupation, each dwelling agreed to be provided with a rain water collection system, shall be provided with the system in compliance with the agreed details. Correctly specified and sufficient sized systems to collect rain water for external and/or internal use should be proposed in accordance with definitions of "correctly specified" and "sufficient size" as found in DCLG's Code for Sustainable Homes Technical Guide November 2010.
- 16 Prior to the submission of or in conjunction with the submission of Reserved Matters application for each phase, (with a phase relating to a Reserved Matters application) a renewable energy statement

including plans and specific details of the measures including size, specification, location and design that will be used in order to secure at least 10 per cent of the energy from the development within that phase by on-site decentralised and renewable or low-carbon sources, shall be submitted to and agreed in writing by the Local Planning Authority. The measures, as agreed, shall be fully installed and operational prior to occupation of the dwelling to which they relate unless an alternative timetable for implementation is approved in writing by the Local Planning Authority in which case implementation will accord with the alternative timetable agreed.

- 17 Prior to the submission of or in conjunction with the submission of Reserved Matters application for each phase, specific details including plans to demonstrate the extent of compliance of all dwellings within the phase with the Lifetime Homes Standard as set out in “Meeting Part M and Designing Lifetime Homes” published by the Joseph Rowntree Foundation 1999 and how at least 3 per cent of dwellings within that phase would achieve compliance with full wheel chair accessibility standards identifying specific plot numbers of dwellings which would achieve this, shall be submitted to and agreed in writing with the Local Planning Authority. Each phase shall then be developed in compliance with the details agreed.
- 18 Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risk associated with the contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:-
  - 1) A preliminary risk assessment which has identified:-
    - a) All previous uses
    - b) Potential contaminants associated with those uses
    - c) A conceptual model of the site including sources, pathways and receptors
    - d) Potentially unacceptable risks arising from contamination of the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The site investigation results and detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete

and identifying requirements for longer-term monitoring of pollutant lineages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

- 19 Prior to commencement of development on each phase (with a phase corresponding to a Reserved Matters application), a verification report demonstrating completion of the works set out in the approved remediation strategy for that phase and the effectiveness of the remediation for that phase shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer-term monitoring of pollutant lineages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. Longer-term monitoring, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority shall be implemented/complied with as approved.
- 20 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.
- 21 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.
- 22 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. Written confirmation that the required specification glazing and ventilation has been fitted shall be submitted to the Local Planning Authority prior to occupation of dwellings within any phase.
- 23 Archaeological evaluation by trial trenching shall be undertaken prior to the commencement of any ground works at the site. 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.

- 24 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 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 Planning Authority).
- 25 Prior to the submission of or in conjunction with the submission of Reserved Matters application(s), 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, details of planting and wildlife enhancement measures and section plans of SUD's features detailing the water level expected in different flooding events, 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.
- 26 Surface water shall be discharged from the site at a rate no greater than the calculated green field rate, as stated within the Flood Risk Assessment submitted with the outline planning application (10/00234/OUT); a report shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development, which shall demonstrate how the proposed surface water drainage system as required by condition 25 will achieve compliance with this requirement.
- 27 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) from the eastern site boundary up to the

eastern side of the proposed roundabout and the landscape buffer to Oak Road, identified as area '7' on the same plan, shall be planted and footpaths and other works provided in accordance with the landscaping scheme approved at Reserved Matters for these areas or as part of a landscaping scheme, which shall have been submitted to and agreed by the Local Planning Authority, 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.

- 28 The landscape buffers and open space identified on the approved Parameters Plan drawing number PL-03 Revision H as areas 3, 4, 5 and the remaining part of area 2 not covered by condition 27 (to the west of the roundabout) shall be landscaped in accordance with the landscaping scheme approved for these areas at Reserved Matters or as part of a landscaping scheme, which shall have been submitted to and agreed by the Local Planning Authority, within the first planting season (October to March inclusive) following the 50th occupation on the site unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. 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.
- 29 A minimum of 1 Local Equipped Area for Play (LEAP) and a minimum of 12 Local Areas for Play (LAP's) shall be provided within the site in accordance with the principles set out in the Design and Access Statement and approved Parameters Plan. Prior to the occupation of any dwelling within a phase (with a phase relating to a Reserved Matters application unless otherwise agreed) a play provision strategy shall be submitted to and approved in writing by the Local Planning Authority for that phase and the equipment as agreed shall have been provided in accordance with the approved strategy. The play provision strategy for each phase shall be implemented in accordance with the timeframe for delivery as agreed. Play provision strategies shall include the following details:-
- a) The size, type and location within the phase of each of the play equipped areas and details of the play equipment to be installed.
  - b) Surfacing material, enclosure and landscaping

- c) A maintenance program to ensure the safe up-keep of the installed equipment.
  - d) Timetable for delivery of equipment.
- 30 Play equipment to be provided within the landscaped areas of the site shown as areas 2 and 7 on the approved Parameters Plan, as required by condition 29, shall be provided prior to the occupation of 50 per cent of dwellings within phase 1, unless an alternative time frame is agreed with the Local Planning Authority, in accordance with a play provision strategy for the areas, which shall have been previously submitted to and agreed by the Local Planning Authority.

The play provision strategy shall include the following details:-

- a) The size, type and location within the landscaped areas of each of the play equipped areas and details of the play equipment to be installed.
  - b) Surfacing material, enclosure and landscaping.
  - c) A maintenance program to ensure the safe up-keep of the installed equipment.
- 31 Play equipment to be provided within the landscaped areas of the site shown as areas 3, 4 and 5 on the approved Parameters Plan, as required by condition 29, shall be provided prior to the 250th occupation on the site, unless an alternative timeframe is agreed with the Local Planning Authority, in accordance with a play provision strategy for these areas, which shall have been previously submitted to and agreed by the Local Planning Authority.

The play provision strategy shall include the following details:-

- a) The size, type and location within the landscaped areas of each of the play equipped areas and details of the play equipment to be installed.
  - b) Surfacing material, enclosure and landscaping.
  - c) A maintenance program to ensure the safe up-keep of the installed equipment.
- 32 The landscaping scheme submitted as part of the Reserved Matters application(s) or as submitted separate from any Reserved Matters application (as per conditions 27/28/38) shall show the retention of existing trees, shrubs and hedgerows on the site and include details and plans (at an appropriate scale) 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, including tree pit details where applicable. All to be in accordance with BS 3936-1, BS 4428 and NHBC chapter 4.2;
- Existing trees to be retained;
- The landscaping treatment of roads;
- Long-term design objectives in respect of the landscaped buffers, as shown on the approved Parameters Plan (where the Reserved Matters application relates to areas of landscaped buffer);
- A long-term maintenance schedule and specifications, including timetable for monitoring and maintenance, in respect of the landscaped buffers and for landscaping within the residential area a plan to include grass cutting and planting schedule, weeding and pruning schedules, inspection, repair and maintenance relating to hard surfaces and landscape features;
- Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- Paved or otherwise hard surfaced areas including details of the surface materials to be used;
- Existing and finished levels shown as contours with cross-sections, if appropriate;
- Location of footpaths including details of surface treatment to be used;
- Location of lighting including details of lighting to be installed;
- Drainage of footpaths;
- Means of enclosure and other boundary treatments including details of materials to be used;
- Minor artefacts and structures (e.g., furniture, refuse or other storage units, signs);

Hard and soft landscaping, as agreed/approved, within the residentially developable area of the site, shall be provided within the first planting season following commencement of development within that phase, unless an alternative timetable is agreed by the Local Planning Authority.

- 33 Prior to the commencement of development at the site a scheme specifying the details of measures for protection during construction, 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 in relation to the phase of development to which the measures relate and shall remain for the duration of the construction period within that phase, unless otherwise agreed in writing by the Local Planning Authority.

- 34 Prior to the submission of any Reserved Matters application, a public realm design strategy for the whole site, including details within different areas of proposed palettes of materials for surfaces, lighting, street furniture, street trees, including species and grille details if proposed, signage and boundary treatments should be submitted to and agreed in writing by the Local Planning Authority. The Reserved Matters submissions should then accord with the approved public realm design strategy.
- 35 Prior to the submission of each application under the Reserved Matters, a Design Brief for that phase of the site to which the Reserved Matters application relates, shall be submitted to and approved in writing by the Local Planning Authority. The Design Brief shall include scaled plans and details of:-
- a) Identification of distinctive character areas with details submitted in relation to each to incorporate details of items b) to o) below with regard to design principles contained within the Essex Design Guide 2005 and context of the site.
  - b) The street hierarchy, including the principles of adopting highway infrastructure, and typical street cross-sections including relationships of new buildings to the street.
  - c) How the design of the streets and spaces takes into account mobility and visually impaired users.
  - d) Block principles to establish density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs and perimeter of building definition.
  - e) Information about height, scale, form and building style, level and type of enclosure/boundary treatments, building materials and design features,
  - f) Landmarks and legibility, vistas and views and types of spaces and their proposed use.
  - g) Approach to parking and accommodating the car.
  - h) Approach to provision of Sustainable Urban Drainage.



- i) The conceptual design and approach to the treatment of the public realm within the residentially developable area of the site to include materials, utilities and street furniture.
  - j) Approach to incorporation of ancillary infrastructure such as pipes, vents, meter boxes etc, required by statutory undertakers.
  - k) Details of the approach to cycle parking including distribution, type and design of storage facilities.
  - l) Approach to the character and treatment of structural planting within the residentially developable area.
  - m) Approach to the treatment of footpaths/footways within the residentially developable area.
  - n) The conceptual design and approach to the lighting strategy.
  - o) Details of measures to minimise opportunities for crime.
- 36 Any application for the approval of Reserved Matters shall be in accordance with the Design Brief approved for that phase to which the Reserved Matters application relates under condition 35 and as part of each application for Reserved Matters approval a statement shall be submitted demonstrating compliance with the Design Brief. The development hereby permitted shall be completed in accordance with the approved Design Brief.
- 37 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 Design Briefs agreed under condition 35.
- 38 A pedestrian footpath link shall be provided to connect the application site through to Ironwell Lane in the north-east corner of the site and area 6 (shown on the approved Parameters Plan) shall be landscaped in accordance with details and plans, which shall have been previously submitted and agreed in writing with the Local Planning Authority, which shall contain the information as listed in condition 32. The details and plans shall have been submitted either as part of the Reserved Matters application for phase 1 or separately in conjunction with the submission of this application. The footpath link and hard landscaping to area 6 (as shown on the adopted Parameters Plan) shall be provided in accordance with the details approved within 1 year following commencement of development with the soft landscaping to this area, as agreed, provided within the first planting season following

commencement of development and retained in perpetuity in the approved form.

- 39 Trees and hedgerows shown to be retained on the Tree Constraints Plan Drawing Number DFCA 027 TCP dated 01.04.2010 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.
- 40 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 arboriculturalist 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.

The development shall commence and be undertaken in accordance with the protection and monitoring measures agreed in accordance with the timeframe for implementation, as agreed.

- 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 western most property on the south side of Hall Road, as shown on this same plan, shall be built out and completed prior to the completion of the construction of any other dwellings on the site.

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- 42 Prior to commencement of the development hereby approved, precise details of the means of protection of the listed milestone adjacent to the site on Hall Road during demolition and construction, including a timetable for implementation of measures shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented strictly in accordance with the details approved in accordance with the timetable as approved.
- 43 Each Reserved Matters application shall include an assessment to demonstrate what principles of Secured by Design have been incorporated into the design and layout.
- 44 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.
- 45 Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A, Part 15 Class A , Part 16 Class A and Part 17 Class G to the Town and Country Planning) General Permitted Development) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the Local Planning Authority of the detailed siting and external appearance of the sub stations. Such details as may be agreed shall include a design of the substation or building to suit the character zone of the approved layout within which the sub station would be located.

## REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, assessed against the adopted Development Plan, and the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

A handwritten signature in black ink, reading 'Shaun Scrutton'.

Shaun Scrutton

Head of Planning and Transportation

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For further information please contact John Whitlock on:-

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