

15/00781/OUT

**LAND EAST OF RUGBY CLUB, AVIATION WAY,
ROCHFORD**

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED
APART FROM ACCESS TO THE SITE OFF CHERRY
ORCHARD WAY TO CREATE A BUSINESS PARK TO
COMPRISE USE CLASSES B1 (BUSINESS), B2 (GENERAL
INDUSTRIAL) AND ANCILLARY USES TO INCLUDE A1
(RETAIL), A3 (RESTAURANTS/CAFÉS), A4 (DRINKING
ESTABLISHMENTS), C1 (HOTEL), D1 (NON-RESIDENTIAL
INSTITUTIONS), D2 (ASSEMBLY AND LEISURE) AND B8
(STORAGE AND DISTRIBUTION). PROVIDE HARD AND
SOFT LANDSCAPING AND DEMOLITION OF EXISTING
RUGBY CLUB AND ASSOCIATED WORKS**

**APPLICANT: HENRY BOOT DEVELOPMENTS LTD
(SOUTH)**

ZONING: JAAP

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

1 PLANNING APPLICATION DETAILS

- 1.1 This application is for outline planning permission for a new business park. The majority of the site would be put to B1 (Business) and B2 (General Industrial) use with some ancillary uses proposed to include A1 (Retail), A3 (Restaurant/Café), A4 (Drinking Establishments), C1 (Hotel), D1 (Non-Residential Institutions), D2 (Assembly and Leisure) and B8 (Storage and Distribution).
- 1.2 The proposal also includes the demolition of the existing rugby club. An application to re-provide the rugby club was considered at the Development Committee on 25 February where a resolution to approve was made, subject to referral to the Health and Safety Executive; the outcome of this is outstanding, but expected by 18 March 2016.
- 1.3 This application is an outline application with all matters reserved apart from access to the site. Appearance, landscaping, layout and scale would all

therefore be matters reserved for consideration in a Reserved Matters application that would follow, if outline permission were granted.

- 1.4 The key matters for determination in this application are as follows:-
- the acceptability of the principle of the proposed new business park;
 - other material planning considerations, including issues such as flood risk, drainage, highway impact and ecology;
 - the acceptability of the proposed vehicular access to the site;
 - the proposed quantum of development, mix and proportion of uses proposed.
- 1.5 Although a detailed layout plan has been provided this is illustrative only and is not for approval at the outline planning application stage. This plan is required to demonstrate that the quantum of development sought could be accommodated at the site alongside other necessary infrastructure including parking provision, open green space and flood attenuation ponds. The layout of development shown on the illustrative layout plan may not therefore be the layout that comes forward for consideration at a later Reserved Matters stage.

2 THE SITE

- 2.1 The site is located immediately north of Aviation Way Industrial Estate. To the east the site borders scrub land and an agricultural field adjacent to the western boundary of the airport. To the north the site borders the agricultural field on which the relocated rugby pitches are to be sited (15/00776/OUT) and the former site of the Cherry Orchard Brickworks. To the west the site runs alongside the B1013/Cherry Orchard Way and wraps around a residential dwelling house known as Cherry Orchard Farmhouse, which is accessed via Cherry Orchard Lane. Beyond the site to the east lies Cherry Orchard Jubilee Country Park to the south of which and some 900m from the site is Rochford Business Park, a smaller site containing car dealerships and other commercial uses. The site wraps around the northern and eastern boundaries of Kent Elms Tennis Club to the south western corner of the site.
- 2.2 The site consists largely of agricultural fields, save for that part of the site which is in use as rugby pitches and the clubhouse and car parking associated with this.
- 2.3 A ditch bisects the site running north-south and marks a change in land levels from east to west with the eastern part of the site at a higher land level than the western part.
- 2.4 A public right of way (footpath) runs along the eastern boundary of the site and across the site east-west.

3 CONSULTATIONS AND REPRESENTATIONS

Rochford Parish Council

- 3.1 Members raised concerns about the number of development classes being included as this could enable the area as a retail park rather than business park.

Southend-on-Sea Borough Council (Planning and Highways Authority)

- 3.2 Southend Borough Council supports the principle of development at this site, and there is policy support for it. The proposal will stimulate the local economy, provide much needed jobs and be a catalyst for further investment in the airport, surrounding area and the wider South Essex area.
- 3.3 The applicant will need to deliver the development in line with the policies contained within the adopted London Southend and Environs Joint Area Action Plan (JAAP). The development should ensure that there is good connectivity, public realm and a strong relationship with the development land to the north, which is allocated for employment but is in separate ownership.
- 3.4 There will also be a need to ensure that accessibility into the site is appropriate to the size and scale of the development and ensure that it provides a landmark entrance.
- 3.5 In respect of transport and access, Southend Borough Council supports the infrastructure arrangements and access arrangements for the site, which provides flexibility to all movements. Southend Borough Council is supporting increased vehicle trips by investing in major road schemes on the A127, in partnership with ECC, with the purpose of ensuring that the journeys to and from the application site are reliable and minimise congestion. Likewise, the package of sustainable transport improvements and incentives is fully supported, particularly new local bus routes, access to the rail station and new walking and cycling routes connecting Rochford and Southend.
- 3.6 Southend Borough Council understands that there will be a number of phases of development and these will be dealt with through reserved matters applications. The Council would welcome the opportunity to make further comment on these as the development moves forward.

Highways (ECC) (Summarised)

- 3.7 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions:-
1. 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 provided clear of the highway.

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2. No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.
 3. There shall be no discharge of surface water onto the highway.
 4. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
 6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
 7. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
 8. Prior to occupation of the proposed development, the developer shall provide and implement a Travel Plan, including payment of a £3000 Travel Plan Monitoring fee to ECC.
 9. The public's rights and ease of passage over public footpaths and bridleways within the development site shall be maintained free and unobstructed at all times. Diversions shall require the appropriate order securing the diversion of the existing definitive right of way to a route agreed with the Local Planning Authority; the new route shall be constructed to the satisfaction of the Local Planning Authority.

HIGHWAY WORKS/MITIGATION MEASURES/CONTRIBUTIONS

10. Prior to commencement of development the new roundabout on Cherry Orchard Way at a location as shown in principle on Vectos General arrangement Drawing No. 141407/A/03 REV D or future revision and include provision for existing PROW in the vicinity of the site shall be constructed to the satisfaction of the Local Planning Authority (LPA) in consultation with the Highway Authority (HA) and be provided entirely at the developer's expense.
11. Prior to occupation, improvements to the footway/cycleway links within the vicinity of the proposed development shall be provided. This should include improvement to existing and provision of new footpaths to Rochford town centre to the north and district boundary with Southend to the south as identified in Sustrans Green Ways cycle network. All works shall be to the satisfaction of the LPA in consultation with the HA and be provided entirely at the developer's expense.
12. Prior to occupation of the proposed development a bus service shall be secured and provided through the site from Cherry Orchard Way and include the provision of a bus link to Aviation Way.

Health and Safety Executive

- 3.8 Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013].
- 3.9 The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the consultation distance of major hazard sites/pipelines. This consultation, which is for such a development and also within at least one consultation distance, has been considered using HSE's planning advice web app, based on the details inputted on behalf of HSL.
- 3.10 HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission in this case.
- 3.11 Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances

consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

- 3.12 The building marked on the map as Class C1/D2 has been assumed to be a hotel; in the worst case scenario a hotel with more than 100 beds would be a SL3 development, and as it would fall within the middle zone, HSE would advise against. However, if the hotel was between 10 and 100 beds then this would be deemed to be a SL2 development and HSE would then give a 'Do not advise against' (DAA) decision. If a DAA decision was reached regarding the hotel then as the rest of the development is also DAA, the final decision would be DAA.

RDC (Ecology)

- 3.13 No concerns, subject to the recommendations regarding mitigation, as outlined in chapter 6 of the Ecological Appraisal – October 2015, being accommodated within the conditions of any consent to develop.

London Southend Airport

- 3.14 Our calculations show that, at the given position and height, the proposal will have no effect upon our operations, subject to the following conditions being applied:-
- Any lighting scheme must be CAP 168 compliant.
 - Any landscaping must be done in a way that it does not increase bird activity (CAP 168 guidelines).
- 3.15 There may be height restrictions for buildings on this site, but this will vary according to location and local ground height. Please seek advice from us when designing the buildings.
- 3.16 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.

Urban Design (ECC)

- 3.17 The submission of design codes to provide clear criteria for the future development of the business park is very much supported. The design codes will ensure a consistency in approach to the development of both the infrastructure and the development parcels. I would have preferred to have seen an integrated landscape and business park design codes rather than two separate documents as there is a danger that the landscape elements will be treated, designed and assessed separately from the rest of the development criteria.

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- 3.18 Section 6.09 of the DAS indicates building heights; heights need to be shown in metres as well as storeys. Some of the proposed buildings will be large/tall single storey structures.
- 3.19 The landscape design code document includes the development criteria for green infrastructure, SuDS and street typologies. There is an inconsistency in the document regarding the design of the connection between the site to the north and the application site. The indicative layout suggests that the link road will be the same criteria as the main spine road whereas on the access plan (page 9) it is drawn as a minor access road. Further clarity is needed on this point. (See also DAS 4.07)
- 3.20 The character area plan (as well as all the other indicative layout plans) also needs to clearly show the link road to the northern site.
- 3.21 The bus stop location indicated on page 14 needs to show the access and egress route for passengers across the grass verge.
- 3.22 Page 18 Green Spine; the section needs to show the indicative lighting proposals. There also needs to be reference to passive surveillance, maximising the opportunities for buildings to overlook the footpath. The sections, (as shown) look quite remote and isolated from development.
- 3.23 Page 20 green ribbon; see comment above.
- 3.24 Page 24 development plots; the benefits of the raised tree planting separating the parking area and building is unclear; pedestrian permeability will be affected, limiting routes to access the building plots.
- 3.25 Section lines on the plan would be useful for the indicative cross-sections.
- 3.26 For consistency in approach across each development phase and parcel, a fully detailed materials specification would provide greater clarity for individual developers.
- 3.27 The wider surrounding context needs to be clearly showed on all the emerging plans including the key existing and proposed links between them. For example, the revised access to the country park and access to the old brickwork site, which are both key elements of the proposals.
- 3.28 More information needs to be included on plan indicating the old brickwork site on plan as part of the wider masterplan, as specified by the Joint Area Action Plan (JAAP).
- 3.29 There needs to be a clear strategy for the historic assets that border the site, including the WW2 pill boxes and listed building. The strategy should include a clear approach to landscape, access and interpretation.

Education Provision (ECC)

- 3.30 I have received details of the above application for a new business park that would create employment for an additional 4,815 whole time equivalent employees. A development of this scale and type is likely to have a significant impact on demand for early years and childcare (EY&C) places in the area.
- 3.31 The application site falls in Hawkwell North Ward. Essex County Council's (ECC) EY&C Service Development Team has investigated the sufficiency of local provision and has reported that within the Ward there are four EY&C providers. They include one pre-school, and three child minders, and there is only one place currently available for 2 year old children and one for 3 and 4 year olds. Three of these providers, including the pre-school are running at over 80% capacity (the benchmark used to indicate sufficiency).
- 3.32 Based on the information I have estimated that this development, if approved, will result in the need for 192.6 additional early years and childcare places being required. Clearly this level of demand is far in excess of any current local surplus capacity and the development would thereby have a significant impact on EY&C infrastructure that would require mitigation.
- 3.33 Two alternative approaches to mitigation could be taken, through a section 106 agreement. Firstly a developer contribution could be secured along with a suitable piece of land that would be passed to ECC to establish suitable provision. Alternatively the applicants may wish to enter into obligations to provide and commercially operate a suitable facility. Indicative contribution levels along with the criteria that any land or facility would need to meet are set out in the ECC Guide to Developer Contributions. I would, however, welcome the opportunity to discuss the precise needs of this development at greater length before confirming the most appropriate approach.
- 3.34 If your Council were minded to turn down the application, I would be grateful if the lack of EY&C provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

Essex County Council (Historic Buildings)

- 3.35 The applicant seeks permission to erect a business park on land off Aviation Way in Rochford, with all the associated works which this necessitates. The land is located away from the main body of Rochford and as such has the potential to impact upon few heritage assets. However, a site visit has indicated two Listed Buildings which will be affected, to a greater and lesser degree, by the proposed development. Both of these were considered and assessed in the accompanying heritage statement.
- 3.36 The first of these is Cherry Orchard Farmhouse, a grade II Listed Building of seventeenth century origin or earlier. Historically it formed a small farm complex to the south west of Rochford, set in open fields, straddling an

historic north-south orientated road. Of this group it is now the sole survivor. The road (now partially a track) to the west of the building was the historic route running north-south, which has been superseded by the construction of the B1013. It is therefore an interesting survivor of the historic agricultural land use of the area. This historic significance has been much impinged upon by the development of twentieth century road infrastructure to the west of the site, and by the modern industrial and office development to the south. The understanding of the building has been even more severely harmed through the loss of the associated buildings which are present on historic mapping through the mid nineteenth century through to mid twentieth century. The orchard to the north east of the house, from which it is likely the building derived its name, has already been subsumed into the rugby club site, and forms part of the proposed application site.

- 3.37 The proposed development site will completely surround the building thereby severing it from the last vestiges of the building's historic setting, completing a process which has been begun by previous development to the west and the south. The level of this impact will be dependent partially on the proposed height of the development in close proximity to the building, but any development will create a sense of encirclement, which in turn will substantially alter the way in which the asset is understood and experienced. It is, however, true to say that the contribution that the land to the east makes to the building's setting (and by extension its significance) has been substantially devalued. The change of use of the adjacent land for use as rugby pitches retains the sense of open space, however this is still a substantially different use of the land than it was historically, and therefore the interrelationship and association between building and land has been substantially decreased. As such it does not make a particularly strong contribution to understanding the building's historic form and function, and indeed taken as a whole the contribution made by setting to the significance of this building is fairly low. However, even taking this into account the sheer scale and proximity of the development makes it harmful. Therefore it is possible to state that the creation of a sense of enclosure, and the fact that the building will effectively end up being seen as forming part of a business park will therefore result in a high degree of harm to the architectural and historic significance of the Listed Building, as per section 134 of the NPPF.
- 3.38 Similarly, the application site falls within the setting of the grade II* listed Church of St. Andrews in Rochford. In particular, there is a degree of inter-visibility between the church tower and the application site, and views from this tower, even if they are not publicly accessible, do form part of the setting of the Listed Building. Views from the church tower were intended to take in the surrounding countryside, and the tower was intended to be a visible landmark in the surrounding area. The proposed development will be an intrusive element in this view, and will curtail, or potentially obliterate, views of the church tower in views looking north and west from and across the application site. As such the proposal will also cause harm to the significance of the Church of St. Andrews.

- 3.39 The proposed development will cause harm to the setting of these heritage assets for the reasons outlined above. This harm, which I would consider to be less than substantial, would need to be weighed against the public benefits accrued from the scheme. If there is no public benefit gained from the scheme, then I would have to recommend refusal from a conservation perspective, as it would be contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 134 of the NPPF.

Anglian Water

- 3.40 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 3.41 The foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows.
- 3.42 Development will lead to an unacceptable risk of flooding downstream. However, a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution.
- 3.43 We will request a condition requiring compliance with the agreed drainage strategy.
- 3.44 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.
- 3.45 Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to water course and then connection to a sewer.
- 3.46 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).
- 3.47 We request a condition requiring a drainage strategy covering the issue(s) to be agreed.
- 3.48 Anglian Water would therefore recommend the following planning conditions if the Local Planning Authority is mindful to grant planning approval:-
1. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

2. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

Essex and Suffolk Water

- 3.49 We would advise you that we have existing apparatus across the site; a 355mm PE water main protected by an easement and a 180mm PE water main.
- 3.50 It would appear that the Jefferson Sheard Architects drawing number A_2000 Rev.P showing the Indicative Layout; and LDA Design Consulting Ltd drawing number 4719_103_E showing the Overall Landscape Layout are aware of our water mains and have designed the site layout to leave the mains unaffected. We would note that trees are shown near the route of our existing water mains. We only permit the planting of certain species of trees in the vicinity of our water mains (please see the Tree Planting Advice document).
- 3.51 Should Essex & Suffolk Water consider that our existing water mains will be adversely affected by the proposed development, then we will carry out a diversion of our main, recovering the full costs from the developer.
- 3.52 We will have no objection to the development, subject to compliance with our requirements. Consent will be given to this development on the condition that a new water main is laid in the highway on the site, and new water connections are made onto our company network for each new unit for revenue purposes.

Lead Local Flood Authority (ECC) (Summary)

- 3.53 As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We are statutory consultee on surface water from 15 April.
- 3.54 In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards, as set out in the following documents:-
 - Non statutory technical standards for sustainable drainage systems
 - Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide

- The CIRIA SuDS Manual (C697)
- BS8582 code of practice for surface water management for development sites.

Lead Local Flood Authority Position

- 3.55 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.
- 3.56 The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA and the above mentioned documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1

A detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, must be submitted to and approved in writing by the Local Planning Authority.

The development permitted by this planning permission shall be carried out in accordance with the approved outline drainage strategy SJC/582098/JRC-ABP-DS Rev3 and the following mitigation measures detailed within the FRA:-

- Limiting the discharge from the site to 24.2l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- Provide the necessary number of treatment stages associated with each element of the development

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development.

Condition 2

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of off site flooding caused by surface water run

off and ground water during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If de-watering 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 against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and ground water which needs to be agreed before commencement of the development.

Condition 3

Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.

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.

Condition 4

The adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Archaeology (ECC)

- 3.57 The Historic Environment Record shows that the proposed development area lies within a potentially sensitive area of archaeological deposits. Initial archaeological investigations have already been carried out on this site. The results of these archaeological investigations will have to identify the significance of the surviving archaeological deposits on the site, the impact of the development and any proposed mitigation strategy to either preserve in situ and/or fully excavate deposits identified.

- 3.58 The following recommendations are in line with the National Planning Policy Framework.

RECOMMENDATION: A Programme of Archaeological Investigation

1. No development or preliminary ground works can commence on those areas containing archaeological deposits until the satisfactory completion of field work, as detailed in a mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisers.
2. The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of field work, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Arboriculture (RDC)

- 3.59 The applicant has supplied a tree constraints, impact and survey schedule as part of the outline planning submission. All trees have been correctly identified on the plans and categorised in accordance with BS 5837.
- 3.60 The tree features at the site are limited to hedgerows or linear tree groups on the boundary of the fields; most are hedgerow specie with occasional large mature trees. Most are unaffected by development; there are some that have been identified for removal to improve access (T8, T9, T17, T18, G1 in part, G2 in part, G3 in part and G7 in part). This is acceptable and will not reduce the overall tree based amenity found at and surrounding the site.
- 3.61 I would recommend the following by way of condition of for reserved matters:-
- ‘No ground work or development shall take place until a tree protection plan and method statement in accordance with BS5837:2012 has been submitted to and approved in writing by Rochford District Council.’

Natural England (Summarised)

- 3.62 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 3.63 Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment (cases which might affect a SSSI, Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species and/or cases or generic issues which affect a large suite of sites or may set a precedent and

thereby affect a significant quantity of habitat across the country) for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

- 3.64 The lack of case specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.
- 3.65 In particular, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:-

Protected Species

- 3.66 Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application (Paragraph 99 Circular 06/05)2.
- 3.67 Natural England has produced standing advice, which is available on our website Natural England Standing Advice to help local planning authorities to better understand the impact of particular developments on protected or BAP species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, local planning authorities should undertake further consultation with Natural England.

Biodiversity Enhancements

- 3.68 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. In particular, we note and welcome the suggestion within the application that one or more of the WW2 pillboxes might potentially be converted into a bat hibernaculum. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape Enhancements

- 3.69 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.
- 3.70 If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Environmental Health

- 3.71 Environmental Health reports that the noise, air quality and land contamination reports are accepted in principle. If Members are minded to approve the application, the following conditions should be attached to any consent granted:-
1. Model Contaminated Land conditions 2-4.
 2. A Dust Management Plan shall be agreed in writing with the LPA before the commencement of works and shall be implemented in full for the duration of the construction works.
 3. Standard Informative SI16 (Control of Nuisances).

Essex County Council (Minerals and Waste)

- 3.72 The Mineral Planning Authority has no comments to make against this application.

Sport England

First Response: Summary

- 3.73 The site forms part of, or constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England on application 15/00781/OUT is therefore a statutory requirement.
- 3.74 Sport England has considered the application in light of the National Planning Policy Framework (particularly Paragraph 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A

Sporting Future for the Playing Fields of England’. Further information is requested to enable an informed assessment of whether the proposals would accord with these policies to be made. Until then, Sport England’s interim position on this proposal would be a holding objection. This holding objection would be removed following the satisfactory receipt of the requested information.

Second Response

- 3.75 Sport England raises **no objection** to this application as a statutory consultee, subject to a range of matters being addressed through a section 106 agreement and planning conditions, if planning permission is forthcoming, as set out in this response. If these matters are not addressed through a planning permission, our position would be an objection and the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 would apply.
- 3.76 Quantity of Provision: Westcliff RFC’s current site (playing fields, clubhouse and parking) that is proposed for the business park consists of an approximately 7.5 hectare site that comprises nine rugby match and training pitches of various sizes. The area of the replacement site that is the subject of planning application 15/00776/OUT is around 10.5 hectares in size and, as shown on the proposed pitch layout provided with this application, it could accommodate ten rugby pitches of various sizes, i.e., at least the same as existing. I am therefore satisfied that the proposals would provide at least equivalent replacement playing field provision in quantitative terms.
- 3.77 Playing Pitch Quality: The agronomist’s (sports turf consultant) feasibility study contains a detailed technical investigation of the relocation site and playing field construction proposal, which responds to the ground conditions, together with estimated costs and an indicative implementation programme. The study also compared the key performance features of the existing playing field and the replacement playing field proposal to allow an informed assessment to be made of whether the quality would be at least equivalent. The most recent version of the study (TGMS feasibility study for the construction of winter sports pitches for Westcliff RFC on land off Aviation Way, Southend-on-Sea - 26 June 2015 [Rev 2 02/02/2016]) prepared by a specialist sports turf consultant, TGMS, has proposed a development option which provides a pitch layout that is considered acceptable by Sport England, the Rugby Football Union (RFU) and Westcliff RFC.
- 3.78 In terms of the construction of the playing field, it is proposed that the archaeological constraints of the site which are detailed in the study would be addressed through raising the surface levels on Pitch No. 1 (first team pitch) by 100 mm to allow for the installation of a shallow primary bypass pipe drainage system, along with a secondary sand silt system. The other pitches would not be drained but there would be potential to install a drainage system at a later date if the club required additional drained pitches through raising

their surfaces. This would allow the existing pitch position to be replicated as the club currently has its first team pitch drained and the others un-drained.

- 3.79 Pitch Maintenance: The quality of a playing field depends partly on the prevailing ground conditions and the way it was constructed and partly on how it is maintained over a long term period. Even if a new playing field is constructed to a high quality standard, if it is not maintained appropriately, there is strong potential for the quality of the playing field to be inferior to the one that it replaces. A maintenance programme for an existing established playing field cannot simply be transferred to a new playing field and be expected to deliver the same outcomes in terms of pitch quality. Even if the ground conditions are similar, a new playing field is likely to be constructed in a different way to an established one (e.g. different drainage systems and grass sward height and quality) and will not have benefitted from long term maintenance. To address this, the TGMS study proposes an annual long term maintenance programme (beyond the first year maintenance which forms part of the construction) for the relocated playing field) that is intended to ensure that the playing field is maintained to a quality that will be at least equivalent to the current site. Southend-on-Sea Borough Council has committed to maintaining the playing field for the rugby club in accordance with the TGMS recommendations for at least a 3 year period following completion of the pitches.
- 3.80 Table 3 of the TGMS report compares the quality of the existing and proposed playing fields (based on the delivery of the proposed development option and maintenance programme) against the established Performance Quality Standard and this concludes that in all respects (apart from green field run off rates), the relocated playing field would be either equivalent or better to the one that it would replace.
- 3.81 On the basis of the TGMS report proposals I am therefore satisfied in principle that the replacement playing field will be at least equivalent with respect to playing pitch quality. However, to ensure that an equivalent quality playing field is delivered in practice it will be necessary for any planning permission to make provision for the delivery of the construction of the relocated playing field in accordance with the proposed development option in the TGMS study (including any subsequently prepared construction specification and implementation programme) and the delivery of the proposed annual playing field maintenance programme in accordance with the programme in the study.
- 3.82 Sports Lighting: It is proposed that the existing masts for the lighting for the training pitch would be uninstalled and re-erected on the site but new luminaires would be fitted which would be superior to the existing ones from an energy efficiency and maintenance perspective. This is considered to be acceptable in principle. A planning permission for the relocation site would require details of the exact position of the relocated lighting to be submitted and approved.

- 3.83 Clubhouse: Westcliff RFC's clubhouse is essential for supporting the use of the rugby pitches on the adjoining playing fields, for meeting the club's social and administration needs and for helping ensure the club's financial sustainability due to the revenue generating activities that take place in the clubhouse. It is therefore critical that the relocated clubhouse offers at least equivalent facilities in terms of both quantity and quality.
- 3.84 No details have formally been provided with either planning application about the proposed clubhouse as only outline permission is sought at this stage. The indicative site layout shows the broad location of the clubhouse and an indicative footprint which is considered acceptable as this would overlook the proposed first team pitch which would replicate the existing situation. While it is proposed that the footprint of the new clubhouse will be broadly similar to the existing one there is an acknowledgement in the Planning Statement that to incorporate modern design requirements in accordance with Sport England/RFU design guidance the clubhouse will have to be slightly larger than the existing footprint which is welcomed. Outside of the planning application process, there have been ongoing discussions between Westcliff RFC, the RFU and the applicant about the detailed design and layout of the clubhouse. While a decision by the rugby club on what design option to select is linked to ongoing discussions about the proposed lease for the new site, two potential design options are considered acceptable in principle by the club and the applicant and these have been submitted for information purposes (Drawing References: 0688 A_109 and 0688 A_811 A). It is anticipated that one of these options will be selected (or a potential hybrid of the two).
- 3.85 As either of the above clubhouse options will provide a modern fit for purpose clubhouse that will either meet or substantially meet current RFU and Sport England design guidance, I am satisfied in principle that an at least equivalent facility can be provided. However, as these options do not have any status in terms of the two planning applications it will be essential that any planning permission sets out the parameters for assessing the acceptability of the design of the new clubhouse in view of the lack of detail available at this stage and the need to ensure that it will be an at least equivalent facility. Advice on the issues that would need to be covered by a section 106 agreement/condition is set out below.
- 3.86 Car Parking: The level of car parking proposed is critical for ensuring that Westcliff RFC can continue to meet its operational needs on the relocation site. Only outline permission is sought for the proposed car parking in the related application and therefore no details apart from the indicative siting and layout of the car parking to support the use of the rugby club have been submitted with the relocation planning application. The proposals involve providing formal parking spaces to replace those lost on the existing club site (around 81 spaces) plus an overflow parking area that the applicant has committed to provide for at least a temporary period. As the number of car parking spaces on the club's existing site is completely inadequate for meeting the club's needs during peak periods at weekends, the club currently

depends on on-street parking on Aviation Way and the use of car parks in nearby business units to meet its needs. While there may be potential to provide comparable parking arrangements in the longer term when the proposed adjoining business park is complete and temporary parking solutions in the short term there is uncertainty at this stage about whether this will be deliverable in practice plus when the club site becomes operational none of the new business park (and the majority of the associated roads) will have been constructed. It is therefore considered imperative that the indicative formal car parking area plus the overflow parking area are delivered in practice to avoid a potential major parking overspill issue arising during peak periods which would adversely affect the surrounding road network and in turn result in pressure being placed on the rugby club to curtail their activities.

- 3.87 Details of the design and layout of the proposed car parking including the overflow area within the relocation site will therefore need to be submitted and approved to demonstrate that acceptable parking arrangements are proposed in practice. In addition, in recognition that the existing parking arrangements cannot be fully met or replicated within the boundaries of the new rugby club site, a parking management strategy will need to be prepared to address how the club's parking requirements, that cannot be met within their new site, can be provided for off-site in order to avoid the potential highway congestion and safety issues associated with unmanaged parking overspill taking place.
- 3.88 Location: As the replacement site would adjoin the existing site and would have a similar level of accessibility, the location is considered acceptable. Moving away from the Aviation Way area however does pose potential challenges for the club in terms of the suitability of the new location in terms of off-site parking provision. As set out above, potential is considered to exist to address this through the provision of an overflow parking area and the preparation of a parking management strategy.
- 3.89 Management Arrangements: Sport England's playing fields policy requires the management arrangements for replacement playing fields to be at least equivalent to ensure that matters like tenure and maintenance arrangements do not result in an inferior facility being provided. The acceptability of the tenure and maintenance arrangements on the replacement site is one of the most important factors in assessing the acceptability of the relocation scheme as the club's financial viability and sustainability will be determined by these arrangements. Even if the relocation is at least equivalent in all other respects, if the security of tenure or financial implications are inferior this could prevent the club from being able to relocate in practice as they would not accept new arrangements that would be expected to prejudice the future of the club.
- 3.90 The club's current tenure and management arrangements have evolved historically. The majority of the pitches are the subject of a seasonal licence with the residual area being hired on a season by season basis while the club has a lease on the clubhouse footprint which ends in 2046 and has access to use the adjoining car parking. Southend-on-Sea Borough Council, as the

landowner, maintains the pitches and the car parks while the club maintains the clubhouse. Discussions have been ongoing for some time between the club and the Council about the relocation agreement for the new site and particularly the new lease that would be offered. While it is the Council's intention that the arrangements for the new facility will be broadly on a like for like basis it will not be appropriate or practical for all arrangements to be identical. Southend-on-Sea Borough Council and Westcliff RFC are currently in discussion over the draft heads of terms for the proposed lease covering the key issues and two versions (appended to this response) of a condensed heads of terms document for potential inclusion in a section 106 agreement have been circulated to date. The first version (dated 4 February 2016) was prepared by Southend-on-Sea Borough Council and sets out the initial list of terms and the Council's proposal for each while the second version (dated 10 February 2016) prepared by Westcliff RFC sets out an extended list of terms with the club's revised proposals for some of the terms. The proposals for the relocation agreement which would cover tenure matters outside of the proposed new lease, including the surrender of the existing lease and the responsibilities for delivering the new club facilities, are also under discussion.

- 3.91 The proposals in the condensed draft heads of terms document would, when agreed, provide the parameters for ensuring equivalent or better tenure and management arrangements will be secured in practice. However, as these condensed heads of terms would only provide parameters for the detailed lease proposals and as it may take some time before the proposed lease itself is agreed by the parties, the planning permission will need to make provision for the completed lease to be submitted and approved (based on the condensed draft heads of terms document) together with the confirmed relocation agreement details. To address a potential scenario where the rugby club and Southend-on-Sea Borough Council cannot reach agreement on the new lease, the planning permission should also make provision for a dispute solution procedure to ensure that the lease can be finalised in practice.
- 3.92 In principle, I am therefore satisfied that there is potential for at least equivalent tenure and arrangements to be in place for the new club facility. However, in practice this will depend on the finalised details being submitted for approval and this will therefore need to be secured through a planning permission.
- 3.93 Phasing and Delivery: To provide construction access to the relocation site and to build the first phase of the business park spine road, the northern part of the rugby club's playing field would need to be taken out of use for the 2016/17 season, which would result in the loss of access to one senior and one junior pitch. Discussions have been held about alternative options for meeting the club's needs during this temporary period and potential solutions including using an identified site in Rayleigh have been suggested. However, at present the club has not finalised its temporary requirements or investigated alternative options. Details of the agreed solution will therefore need to be submitted and approved as a requirement of planning permission.

3.94 As the relocation of the rugby club is dependent on it being funded by the applicant it will also be necessary for the planning permission to make provision for the applicant to deliver the replacement rugby club facilities prior to commencement of construction on the existing rugby club site.

3.95 Conclusions: Sport England makes no objection to the planning application as a statutory consultee. However, this position is strictly subject to the following matters being addressed through a section 106 agreement or planning conditions as set out below:-

1. The Westcliff Rugby Club relocation scheme (pitches, clubhouse, car parking and access) to be delivered in its entirety in accordance with outline planning permission (15/00776/OUT), assuming it is approved, and any subsequent reserved matters planning permissions.

Reason: To ensure that the rugby club relocation scheme is delivered in practice as a requirement of planning permission as the business park development would only be acceptable in principle if the rugby club was relocated in accordance with the related planning permission(s).

2. No development should be allowed to commence on the area of the existing rugby club site shown hatched in Drawing No: (TBC – a variation of 0688 A_8217 B is being prepared by the applicant to address this) until all of the replacement rugby club facilities have reached practical completion.

Reason: This is required to provide continuity of facility provision for the rugby club during the construction period.

3. The replacement rugby pitches should be constructed in accordance with the proposals in the TGMS Feasibility Study (TGMS feasibility study for the construction of winter sports pitches for Westcliff RFC on land off Aviation Way, Southend-on-Sea - 26 June 2015 [Rev 2 02/02/2016]) and any subsequently approved construction specification and implementation programme.

Reason: To ensure that the replacement rugby pitches are developed in accordance with the proposals in the TGMS report in order to ensure that they are constructed to a standard that will ensure that they provide at least equivalent quality to the pitches that they will replace in practice. A condition sought on planning application (15/00776/OUT) has required the submission and approval of a construction specification and implementation programme for the pitches. While this requirement could also be incorporated into the section 106 agreement, it is not considered essential as it is expected that the specification will need to be submitted for approval before the section 106 agreement is finalised.

4. Details of the design and layout of the replacement clubhouse to be submitted and approved (prior to commencement of development of the clubhouse) and for construction in accordance with the approved details.
5. Details of the design and layout to accord with Drawing Reference: 0688 A_109 as a minimum (this is the non-RFU compliant layout) and Drawing Reference: 0688 A_811 A as a maximum (this is the RFU compliant layout) but allow flexibility for further iterations of the layouts which fall between the minimum and maximum as this may be required.

Reason: To accord with either of the referenced drawings provides some certainty that a design will be submitted which is fit for purpose, at least equivalent to the facility that it will replace and has the support of the key stakeholders.

6. Detailed design and layout to substantially accord with the RFU's Facilities Guidance Note 5 – Changing Rooms and Clubhouses <http://www.englandrugby.com/governance/club-support/facilities-kit-and-equipment/clubhouses-and-changing-rooms/>

Reason: Reference to according with RFU design guidance provides further certainty that the design will be acceptable but by including the reference to 'substantially' allows a design (such as that on Drawing Reference: 0688 A_109) that is not fully compliant to be approved. The condition should not restrict the footprint of the clubhouse to a maximum area as this may prejudice the delivery of one of the proposed options.

7. The submission and approval of details of the design and layout of the proposed car parking in accordance with the indicative layout plan (Drawing Reference: 0688- A_8106 K) and for implementation in accordance with the approved details and should make specific provision for the delivery of both the formal car parking area and the overflow area.

Reason: To ensure that adequate and equivalent parking is provided in practice and that the detailed design and layout of the parking is acceptable.

8. The submission and approval of a car parking management strategy for Westcliff RFC prior to practical completion of the relocated rugby club facilities and for the approved strategy to be implemented. Sport England would expect the condition to at least require that the strategy includes proposals for addressing the club's parking needs at the point that the relocated rugby club facilities are completed and include a monitoring and review mechanism to allow the strategy to evolve over time as the business park matures and different opportunities for

addressing the club's needs arise. The condition should also require the strategy to include proposals for a forum to be established consisting of the key stakeholders in the development and implementation of the strategy to oversee the monitoring and review of the strategy. Any further requirements for inclusion in the strategy should be added by Rochford DC. The Council is better placed than Sport England to consider the wording of such a condition.

9. A pre-commencement planning condition should require details of the construction programme for the construction access road to serve the rugby club relocation site and the rugby club relocation development to be submitted and approved and for the approved construction programme to be implemented.

Reason: To provide detail of the actual construction programme in order to show how elements of the development that affect the rugby club will be phased to ensure completion within the expected timescales and to minimise impact on the club during the construction programme. (It is suggested that condition 7 from our standard conditions schedule www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/ is used as a basis for this condition)

10. Prior to commencement of the construction access road, details of temporary playing field provision for Westcliff RFC during the construction period, including the location, facilities available and implementation proposals shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The development shall be carried out in accordance with the approved details.

Reason: To secure continuity of use of playing field provision for existing users during construction.

Rugby Club Tenure and Management Arrangements

- 3.96 The Section 106 agreement should specifically make provision for the following:-

- i. Lease Preparation: The landowner (Southend-on-Sea Borough Council) will need to offer to grant a lease to Westcliff RFC for relocated facilities based on the condensed heads of terms document (this should be added as a schedule to the agreement). Ideally, for clarity and simplicity Southend-on-Sea Borough Council and Westcliff RFC would mutually agree the condensed heads of terms document for inclusion in the section 106 agreement before it is finalised. However, if this cannot be achieved within the timescales, it is suggested that a document which includes the list of terms (left column) as set out in the Westcliff RFC version (as this list includes all

of the terms that are considered important by the rugby club and Sport England) is included and against each of the terms in the list (in the right column), Southend-on-Sea Borough Council's current proposal for each term is expressed as a minimum and Westcliff RFC's current proposal is expressed as a maximum. This would then provide the parameters for the finalised lease to be assessed against;

- ii. Lease Dispute Resolution: The agreement should make provision for a dispute resolution procedure in the event that there is not agreement between Southend-on-Sea Borough Council and the rugby club over the final terms of the lease;
- iii. Lease and Relocation Agreement Approval: The landowner will need to submit for approval the finalised lease and relocation agreement prior to practical completion of the relocated rugby club facilities;

As set out above, a planning permission should provide a framework for ensuring that Westcliff RFC is offered a suitable lease by the landowner in order to ensure that at least equivalent tenure/maintenance arrangements for the replacement facilities are secured in practice. The above requirements are intended to ensure that a lease is prepared based on the heads of terms parameters that are currently being discussed and that there is a procedure for a dispute resolution in the event that the club and the landowner fail to agree the final terms of the lease. The submission and approval of the finalised lease and relocation agreement is required to demonstrate that an acceptable lease and relocation agreement has been prepared in practice. An example of a section 106 agreement which has included similar requirements as set out above has already been provided to assist the Council in this regard.

- 3.97 If your Authority decides not to secure the above requirements in a section 106 agreement or impose the above conditions, Sport England would wish to lodge a statutory objection to this application. Should your Authority be minded to approve this application without including the above conditions and section 106 agreement requirements, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the National Planning Casework Unit.

Essex Bridleways Association

- 3.98 The proposed new access road to the rugby club and the eventual business park will cross over the old Cherry Orchard Lane which runs alongside the new Cherry Orchard Way from the Brickworks to just before Aviation Way. This lane connects two bridleways BR47 and BR49 which provide, via the BW underpass, a circular route around Cherry Orchard Way. It also gives access to the bridleways around the country park. We request that the applicant gives further details as to how this crossover is to be treated and to ensure that suitable safe crossing areas are provided for bridleway users.

- 3.99 We also request that the proposed future footpath and cycle link to Hall Road is created as a bridleway as this will give a useful link for horseriders to BR55 which runs from Hall Road to Ironwell Lane (a Restricted Byway).

Neighbours

- 3.100 3 letters received.

- 3.101 Summary of the comments received:-

Occupants of Cherry Orchard Farmhouse;

I am sure you will find the proposed site for the above application is within The Metropolitan Green Belt and the proposal is contrary to Policy GB1 of the Local Plan and to policy C2 of the Essex and Southend Replacement Structure Plan. This proposal must be considered excessive rather than reasonable, resulting in a substantial change in the appearance of the countryside. It would also be contrary to paragraph 133 of the NPPF, and section 66 of Planning (Listed Building and Conservation Areas) Act 1990, in particular section 66.2.

Cherry Orchard Farmhouse is a “listed building” dating back to the sixteenth century. The proposed development will completely surround us, and we will end up being seen as forming part of this development; the sheer size and proximity of this development is excessive and harmful, and certainly not in keeping with the local area and surroundings. The Council should refuse planning permission as this is considered excessive rather than reasonable. Any development, which is permitted, should be of a scale, design and siting such that the appearance of the countryside is not impaired.

When we purchased this property we felt secure in the knowledge that Rochford District Council has always been proud of its history and heritage and that the house would always be protected from unsuitable development within the proximity of the character of our property; obviously this no longer appears to be the case. Although the Council appears committed to protecting the historic properties within Rochford town, it appears to care far less about our listed property which is situated away from town.

The proposed development will have a serious detrimental impact upon our quality of life and blight our property and surroundings, we will be taking legal and professional advice with regard to our rights in this matter; in the meantime we wish to lodge our objections based upon, but not limited to, the above and below key issues.

- Adverse impact on our property.
- Loss of open space surrounding our property.
- Noise pollution.

- Air pollution.
- Traffic congestion.
- Property security.

We have to question the need for such a development in this area, taking into consideration all the empty industrial units and offices currently available. Alternative more suitable sites should be sought for this kind of development on more appropriate brown fill sites rather than green belt land.

Representations made on behalf of the owner/occupier of Cherry Orchard Farm House about the likely impact on the Listed Building 'Cherry Orchard Farmhouse':-

- There is an important consideration which needs to be borne in mind; the health of one of the owner's sons who is suffering from chronic GVHD/Bronchiolitis Obliterans following a bone marrow transplant in 2002 for PH positive all. There is bilateral bronchial dilation in all lobes of his lungs, most marked with the lower lobes and associated with bronchial wall thickening. He requires 2 L/min oxygen 24 hours daily.
- The net result is that the son is virtually bed-ridden and unable to have a daily routine of a normal growing teenager. Peace and quiet and clean fresh air are required. The fear is that with new building close to the home these essentials will not be available; indeed the reverse would occur with disturbance and dust during the construction period. The degree of this will depend very much on the separation of the Listed Building from the new structures.
- It is acknowledged that the adjoining land has been identified for some time for business development. The principle of this is not questioned, but rather its impact on the Listed Building and the way of life currently enjoyed by the owner and her family.
- Cherry Orchard Farm House is a significant residential structure with a garage and reasonably extensive grounds including a swimming pool. It has been owned by the client since 1992.
- The listing description: House. C17 or earlier with later alterations and additions. Timber framed and plastered. Red plain tiled roof outshoot to left. Rear off-centre chimney stack. 2 storeys. 2 window range and small-paned casements, and a small window to right of porch. Off-centre left C20 gabled porch. Vertically boarded door. Interior features include inglenook fireplace and flat section ceiling.
- This is the only Listed Building in the vicinity and the only one to be affected by the proposed Airport Business Park. Preservation of its form and setting is, therefore, of particular importance.

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- The JAAP states that the masterplan for the site will maintain a green buffer zone and landscaping around the building [Cherry Orchard Farm House] to preserve the rural character of its setting (p31).
 - The proposals map identifies this buffer around the boundary of the farm house. It would appear to suggest a buffer of 20m-25m although the scale is small.
 - The design and access statement mentions the farm house several times using the description: “cottage.” Despite the difference in name it is clear that the Design and Access Statement takes into account the presences of the Listed Building.
 - In relation to the Saxon Business Park page 12 of the Statement says that the potential detrimental impact on the amenity of nearby dwellings (e.g. noise) will need to be carefully considered and suitably mitigated against. Proposals should consider and appropriately address the impact on heritage assets including below ground archaeology.
 - On page 19 in relation to Grade II listed Cherry Orchard Farm it states that the development will need to provide an appropriate response to ensure the setting of this Listed Building is conserved by means of preserving a green buffer.
 - More details are given on page 25 of the document: Cherry Orchard Cottage: Situated centrally along the western boundary of Area A is Cherry Orchard Farm which contains a nationally designated grade II Listed Building, Cherry Orchard Cottage. The building is a timber framed and plastered dwelling which was built circa 17th Century.
 - The grounds of the cottage are enclosed by means of a dense green buffer reducing the visibility of the cottage from the ABPS site. The green buffer that exists adjacent to Cherry Orchard Way also conceals the building from the public highway.
 - Cherry Orchard Cottage is accessed via Cherry Orchard Lane, which is accessed via a junction from Cherry Orchard Way.
 - Furthermore on page 26: As part of the pre-application studies a settings assessment was undertaken. This concluded that the development will affect the setting of Grade II Listed Cherry Orchard house which is situated adjacent to the site. However, any impact would be largely mitigated through a programme of careful detailed design and screening by vegetation.
 - The Environmental Analysis Map on page 31 shows the site excluded from the development but subject to High Level Noise Pollution along its western boundary on Cherry Orchard Way. Mid-Level Noise Pollution is shown

immediately to the east along the existing access routes into the current airport industrial facility.

- The map on page 36 shows boundary conditions and a dense tree line around Cherry Orchard Cottage. The text comments: along the western boundary a border of scattered shrubs and trees runs adjacent to Cherry Orchard Way with a narrow access track nestled between the vegetation. This natural border presents a visual obstruction between the main highway and the proposed development site.
- The Existing Character Study (p38) and the accompanying photographs (5 and 6) show the hedge screen on the western boundary of Cherry Orchard Farm House but with the upper part of the house fully visible from the south.
- Section 4 of the Design and Access Statement sets out the Design Vision and on page 52 there is the Concept Master Plan. This shows some separation from the building immediately adjacent to the west but the distance is indeterminate. In any event the shape and size of this building could change due to occupiers' requirements.
- Specific reference is made of Cherry Orchard Cottage in Section 4.14 when it is said: the setting of the Grade II Listed Cherry Orchard cottage will be preserved through a combination of new landscaping and constraints on new development.
- Proposed buildings within the new business park are to be positioned a substantial distance away from the Cherry Orchard Cottage site. The storey height of any immediate buildings is to be limited to 2 storeys so as to preserve the character and setting of the listed building.
- The drawings at the end of the Design and Access Statement indicate detailed features of the proposed scheme. Section 6.09 (Indicative Building Heights) shows the building nearest Cherry Orchard Farm House as 2 storey but also parking almost contiguous with the western boundary of the Listed Building. While this is an indicative drawing it does give some idea of the developer's intentions.

Future Setting of Cherry Orchard Farm House

- The building itself is outside the boundary of the business park and its proposals do not, therefore, directly affect it.
- The proposals, however, have an important effect on the building's setting which is a material planning consideration.
- The approach to the question of setting is set out in the next two sections which deal respectively with the position of English Heritage and Essex County Council.

The Setting: English Heritage

- This is dealt with in their publication *The Setting of Heritage Assets* (July 2015) which supersedes and continues the advice given in a similar publication in June 2012.
- The Good Practice Advice sets out 5 steps for dealing with the setting of a Listed Building:-
 1. Identify which Heritage Assets and their settings are affected.
 2. Assess whether, how and to what degree these settings make a contribution to the significance of the Heritage Asset.
 3. Assess the effects of the proposed development, whether beneficial or harmful, on that significance.
 4. Explore the way to maximise enhancement and avoid or minimise harm.
 5. Make and document the decision and monitor outcomes.
- The Heritage Asset is Cherry Orchard Farm House and its immediate setting is the garden area around the property.
- The immediate setting and the wider setting (see below) are important for an appreciation of the farm house's role as well as its structural and other characteristics. As a farm house it would have had an isolated position (together with farm buildings) with only agricultural fields around. This is continuous with the rugby pitches.
- Avoiding harm to the setting is important. This relationship, not only to its immediate setting (garden area) but the wider setting which previously was open fields and then rugby pitches and will now be part of the business park. It is keeping built development and associated infrastructure (parking) away from the immediate setting so that the asset can be appreciated, the only such in the nearby area.

Essex County Council (Historic Buildings)

- Richard Broadhead commented in his letter dated 17 November 2015 on the setting of the Listed Building:-
- However even taking...into account the sheer scale and proximity of the development makes it harmful. Therefore it is possible to state that the creation of a sense of enclosure, and the fact that the building will effectively end up [being] read as forming part of a business park will, therefore, result in a high degree of harm to the architectural and historic significance of the Listed Building, as per Section 134 of the NPPF.

- As a result the Historic Buildings Consultant considered that the development would cause harm to the setting of the asset but this would be less than substantial and need to be weighed against the public benefits accrued from the scheme.

Listed Building Appraisal

- It is clear from an analysis of the joint Area Access Plan, the Design and Access Statement and the comments made by the Historic Buildings Consultant that the setting of the Grade II Cherry Orchard Farm House will be affected by the proposal and that appropriate care should be taken to limit this.
- There are two main areas of concern. First, the setting of the Listed Building and second, the living conditions of its occupants, both in and outside the property.
- Paragraph 132 of the NPPF recognises that a designated heritage asset...”can be harmed or lost [by]... development within its setting.” This echoes the statutory position in S66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 which states:-
- In considering whether to grant planning permission for development which affects a Listed Building or its setting the Local Planning Authority...shall have special regard to the desirability of preserving the building or its setting...
- Clearly it is the setting of Cherry Orchard Farm House which is paramount. By crowding in any development around this, particularly of higher and bulky buildings, will be an intrusion onto the small Grade II Listed Building.
- Development needs to be kept a sufficient distance to prevent overpowering of the Listed Building and to allow it to continue in a “rural” area, as was its original setting as part of an agricultural holding and farm yard.
- The joint Area Action Plan and the Design and Access Statement recognise the importance of the Listed Building. They do not specify, however, any particular distances for preserving its setting. It is considered important that the outline permission should specify such a distance. The following condition is suggested:-
- In order to preserve the setting of the listed Cherry Orchard Farm House a distance of 50m should be maintained between its boundary and any development (to include car parking and any similar uses). This depth shall be landscaped and used for no other purpose.

- We are happy to discuss with the planning authority and the developers their exact intentions for this area having regard to the distance quoted above.
- Concern is also raised about noise and disturbance from the proposals. There is to be an access off Cherry Orchard Way and this will create additional traffic movements although this is not expected to give rise to significant noise increases, except perhaps, during the construction phase.
- The area of concern is activities from the business park which impinge directly on living conditions at Cherry Orchard Farm House. This is another reason why the buffer gap around the site should be significant to protect the occupiers' amenities.

Conclusions

- The importance of the statutory listed Cherry Orchard Farm House is recognised by the local Councils (through the Joint Action Area Plan) the developers and the Heritage Conservation Officer of Essex County Council.
- The need is to keep an area of 50m from the boundary free of all development and for landscaping purposes only so as to provide a buffer with the business park. A condition to this effect is suggested.
- This buffer will also protect the amenities of the occupiers of the farm house, particularly important given the family circumstances.
- The owners of the farm house would prefer to see the rugby pitches remain and the business park relocated in part onto the land now intended for the new rugby club. This would retain the status quo as far as the setting of the farm house is concerned.

Westcliff Rugby Football Club

Westcliff RFC was established in 1922 and moved to its current clubhouse location in Aviation Way in 1986. The club is midway through a 60 year lease in its existing location where it uses four large rugby pitches, a training area and 7 junior pitches. The clubhouse provides the hub for Westcliff RFC and includes changing rooms, toilets, a physio room, bar, kitchen and function hall. The club is CASC registered and is responsible for all of its own finances. Club financial income consists mainly of membership subscriptions, bar takings and local sponsorship. At any given time the club has around 400 junior players, 100 senior players and between 500 to 1000 active supporters (parents, ex players etc). Typically, senior rugby is played on Saturdays, junior rugby is played on Sundays, during weekdays the players train in the evenings, mixed age and ability touch rugby is also played on some evenings and the facilities are used by local schools on some afternoons. The club and its facilities fully meet the requirements of Essex County RFU who consequently use them for County fixtures and County cup finals each season. Westcliff RFC continues to grow

its membership and has recently introduced touch rugby to pre-school children; in addition, over the coming years the club is seeking to establish both girls and ladies rugby.

As a result of the decision to develop the new Airport Business Park it has been decided that Westcliff RFC will be moved to a new green field location

1. General

Policy E6 of the Joint Area Action

Plan at

http://www.rochford.gov.uk/planning/policy/local_development_framework/london_southend_airport requires that the replacement rugby club facilities be at least equivalent to the existing site in terms of the quantity and quality provided and at least equivalent in terms of tenure/management arrangements. It is against this policy which the planning applications should be assessed.

2. Flood Risk

The location for the new rugby club is in close proximity to the established flood zone for the River Roach. The club is concerned that during key parts of the rugby season the club's pitches may become unplayable due to high water table levels. This concern is heightened by the club's understanding that it is intended to drain significant areas of the new Airport Business Park via a ditch/swale to the eastern side of the new club location to the already problematic River Roach. Westcliff RFC requests that Rochford District Council and the Environment Agency consider the impact on flood risk on pitch drainage and hence pitch availability.

3. Pitch Quality

It is imperative that good quality pitches suitable for rugby are established in the new location. At the present time the club understands that the developer's intention is to provide drainage on one of the new pitches but not on the other areas of the new location. This matches the situation re installed drainage at the rugby club's current location. Westcliff RFC is seeking to understand whether this approach will result in fit for purpose rugby pitches in the new location which clearly has different soil mechanics and drainage. Due to the existence of archaeological findings and the restrictions which they impose on excavations, Westcliff RFC has yet to see evidence which demonstrates that at least an equivalent drainage scheme will be feasible at the new site. In the event that the new pitches are not adequately drained and as a result become unplayable for periods, the impact on the club's operations and finances will be significant.

4. Vehicular Access

Usage of the rugby club's facilities is focused into peak times during the week. Typically during weekdays, around 50 to 60 cars might need to access the rugby club during the evening period between 7pm and 9pm for rugby training sessions. However, at the weekend usage rises considerably with potentially 150 cars and one or two coaches visiting the club on Saturdays between 1pm and 5pm and potentially 300 cars and one or two coaches visiting on Sundays between 10am and 1pm. The club is concerned that the access road will need to be designed to ensure a reasonable flow of traffic into and out of the club's new location. This concern is heightened by the fact that a good number of users will only visit the club once per season (away team) which means they will be unfamiliar with the access and parking arrangements. In addition, it is essential that access to the club is available to emergency services vehicles during the peak usage periods. The club would prefer separate access and egress roads. Westcliff RFC requests that attention is given to the traffic/parking implications of the club being moved to the new location by both Rocford District Council and Essex County Council. The applicant has not identified the matter as an issue in their Transport Assessment as they see the club being used during off peak periods.

5. Parking

In light of the numbers of cars which visit the club during the weekend, the club is concerned that adequate provision for parking needs to be factored into the design of the club's new facilities and the environs of the new Business Park. Westcliff RFC currently relies upon access to significant parking capacity on Aviation Way and in the neighbouring commercial units of Aviation Way. Given the large number of young children that use the club for their sporting recreation there is a significant safety issue if small excited children are required to cross busy roads on a long journey by foot to the club. In addition, there are usually three or four days during the season when the club hosts rugby festival events (for example the Essex County mini rugby festival) and this can boost the number of players to in excess of 500 and spectators/cars accordingly. As a result, Westcliff RFC does not believe that its parking requirements can be contained within the confines of the new site.

6. Clubhouse Design

The club has begun discussions with the developer with regard to the design of the new clubhouse. The principle established within the JAAP is that the club's new clubhouse will be at least equivalent to the existing clubhouse. Latest building regulations and also guidance from Sport England and the Rugby Football Union are likely to result in the new clubhouse being larger than the existing clubhouse in order to provide the same level of functionality. In addition the specification for the construction of the clubhouse has not yet been addressed. The club believes that it is imperative that the design and specification issues are embedded in the planning process to ensure fitness for purpose and hence the long term viability of the club. In addition to the

clubhouse the club currently has access to three container units in which it stores rugby and maintenance equipment. A replacement for this storage capacity will be required in the new location. It is essential that any Section 106 agreement between the developer and Rochford District Council makes provision for the delivery of at least an equivalent facility.

7. Floodlights

The club currently has two floodlight areas: one fully lighted pitch and a separately lighted training area. These will need to be replicated in the new location as floodlights are essential if the club is to deliver the opportunity for rugby training to its senior and junior players during the period when daylight is not available in the evening.

8. Club Operations during the Construction Phase

It is vital for the financial viability of Westcliff RFC that the impact of the construction works on the club's on-going operations are carefully managed and limited. Initial suggestions have been that the club could lose half of its playing surface for a period of at least one year during the period 2016 to 2017. This would be unacceptable to the club due to the damaging impact it would have on club finances and player retention. The club is seeking to reach a compromise solution with the developer which would involve limiting the loss to a smaller area and would involve the establishment of suitable alternative facilities elsewhere. In addition, for health and safety reasons, it will not be acceptable to Westcliff RFC to start using pitches in the new area until adequate supporting facilities (such as First Aid support) are properly established.

9. Maintenance of Pitches

The maintenance regime for the new pitches, especially in the early years, will be a key contributor to ensuring that the new pitches are fit for purpose. The club has yet to develop an understanding with Southend Borough Council about the way in which pitch maintenance will be provided. It is essential that an annual maintenance programme which will ensure at least an equivalent playing surface is established. The impact of the archaeological findings to pitch construction and the associated maintenance regime need to be established.

10. Security of Tenure

Policy E6 of the JAAP requires that at least equivalent tenure/management arrangements be established at the new site. Westcliff RFC requests that the planning approval requires that a new lease be granted to the club and the Heads of Terms should be captured within a section 106 agreement. The planning application does not contain any details about the new lease.

On behalf of Westcliff RFC, I would like to confirm that the club is working positively towards facilitating the development of the new Airport Business Park. The club's comments are intended to ensure that the club's future is secured for the benefit of its members/visitors and the club's important role of providing recreational rugby within the community is protected. It is imperative that the club's facilities and functionality are not downgraded as a result of the necessary relocation.

MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 3.102 The proposed development has to 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.
- 3.103 The adopted Development Plan is the Rochford District Core Strategy adopted December 2011, the London Southend Airport and Environs Joint Area Action Plan (JAAP) adopted December 2014, the Allocations Plan adopted February 2014 and the Development Management Plan adopted December 2014.
- 3.104 Following the adoption of the JAAP the land forming the application site is now no longer subject to the former Green Belt designation. Policy E3 allocates land including the application site for development of a new business park and the proposal would therefore be acceptable in principle.

Quantum and Mix of Uses

- 3.105 Policy E3 requires that a certain amount of floor space is delivered as a minimum; in relation to the application site the minimum requirement is that 79,000 square metres of floor space is delivered for B1 (Office) and B2 (General Industrial) uses. Policy E3 advises that B2 uses will only be considered acceptable where they complement and support the B1 uses and strengthen the role of the new employment land as a high quality business park. The B1 and B2 uses may be accompanied by ancillary B8 (Storage and Distribution) uses. Policy E3 also allows for supporting non B1/B2 uses where it can be demonstrated that these uses are necessary to support the operation and/or the requirements of employees working in the business park.
- 3.106 The proposal is for a total of 86,900 sqm of floor space and this would accord with Policy E3 as it would exceed the minimum of 79,000 sqm required of this site.
- 3.107 The illustrative proposed layout demonstrates that the proposed 86,900 sqm of floor space could be accommodated alongside the requirement for

Sustainable Urban Drainage (SuD's), car parking provision and open space, all of which are discussed in more detail later in this report. The total proposed floor space is broken down into the following use classes;

- 47,572 sqm of B1 (offices/research and development/light industry) floor space
- 32,250 sqm of B2 (general industrial) floor space
- 7078 sqm of other uses including C1, A1, A3, A4, D1, D2 and B8.

3.108 If all of the floor space were to be provided as B1 this would still accord with Policy E3 and it is therefore recommended that the planning condition which would control the type of uses at the site allow for the whole of the site to be put to B1 use. Whilst this would in principle be acceptable it is very likely that Reserved Matters applications would propose a mix of uses. Too greater proportion of B2 uses would not accord with Policy E3 and the condition would therefore restrict this type of use to a maximum of 32,250 sqm.

3.109 It is considered that the proportion of non-B1/B2 uses proposed which would equate to 8.1% of the total floor space proposed would be considered acceptable. The applicant has explained that modern business parks generally exhibit these other uses which help to make parks viable. All of the proposed 'other' uses could be considered as necessary to support the operation and/or the requirements of employees working in the business park; a C1 hotel use could accommodate visitors to the various businesses, A3 restaurant/café and A4 drink establishment uses could be used by employees during or at the end of the day. D1 uses (non-residential institutions) could include a day nursery which would enable employees at the site to drop their children close by before work. D2 (assembly and leisure) uses could include a gym which could be used before or after work by employees. Policy E3 accepts that B8 (storage and distribution) uses would be appropriate where this element would be ancillary to B1/B2 uses. A1 (retail) use could conceivably support the operation and or needs of employees at the business park subject to the type of retail sought, convenience retail would support the needs of employees providing opportunity to purchase breakfast/lunch and small groceries.

3.110 Policy RTC2 requires a sequential approach to retail development which prioritises town centre locations, then edge-of-centre locations with good links to town centres and which are accessible by a range of transport options. Small-scale retail development will be encouraged in out-of-centre residential areas where such development would serve a day-to-day local need and not undermine the role of the District's town centres. Given this policy reference only small-scale retail development would be accepted at the new business park site and a condition is therefore recommended to limit the floor space of any proposed A1 retail use to 1000 sqm; without this there would be no control over proportion of the 7078 sqm of 'other uses' that could be proposed as A1 use; this condition would also require any retail to be convenience

retail. A condition is also recommended to limit the 'other' uses to 7078 square metres of floor area and to limit each 'other' use class including C1, A3, A4, D1 D2 and B8 to no more than 1000 square metres each to ensure that these uses would remain ancillary to the primary B1 use of the business park.

- 3.111 Policy E3 expects development proposals to include a number of sustainable and eco-friendly business start-up units; a condition/s106 clause would require best endeavours to secure this provision on site.

Phasing/Masterplan

- 3.112 The development of the business park would likely be phased with the exact build out dependant on the market, amongst other things. Careful consideration has, however, been given to ensure that despite the likelihood that Reserved Matters applications would come forward in a phased approach for parts of the whole, the strategic green space would be delivered; several conditions are recommended to secure the delivery of key strategic green spaces.

- 3.113 Policy E1 envisaged that a masterplan would be prepared and published prior to any development commencing to set out the general principle for the development of the business park. Although not referred to as a masterplan the applicant has submitted several design codes covering treatment of open space, car parking and street hierarchies which the Reserved Matters applications would then have to work with to ensure that some consistency in design, particularly of public areas of the business park, was achieved as Reserved Matters applications would be likely to come forward in phases.

- 3.114 The submitted Landscape Design Code provides details of the key strategic landscaping envisaged for the site which consist of:-

- Green Spine (running north-south); the intention here is that the native hedge running north-south is retained, save for breaks required to provide the main spine road through the site. A green corridor with a minimum width of 18 metres will be provided with a linear footpath to reflect the linear hedgerow and ditch. Tree planting will be regularly spaced along the route with supplementary hedge and shrub planting alongside grass. Self-binding gravel is proposed with timber edging to the footpath. Seats would be provided at intervals. Towards the northern end trees would be planted more irregularly reflecting the transition to the wider countryside beyond. A condition is recommended to require that this green spine be delivered at a minimum width of 18 metres measured from the western edge of the existing hedgerow with the footpath and planting to be delivered in a phased arrangement in conjunction with development within the phase adjacent.
- Green Ribbon (running east-west); the intention here is to provide an informal and naturalistic feel to a linear but meandering green space which

would run from east to west across the business park. A meandering footpath would be provided with informal tree planting in groups and hedge and shrub planting to screen car parking areas to plots bordering the area. The area would include a number of dry and wet detention ponds. A bridge structure would mark the crossing of this green space with the green spine that would run north-south and address the change in land levels from east to west. A more formal character to the green space would be provided to the western edge and also where the space meets the centrally positioned hub. A condition is recommended to secure the provision of this green ribbon and this would satisfy the requirement that a green link is provided through the site in Policy T1.

- Central Hub; the intention here is to create an attractive public realm area around the centrally positioned building which is indicated to be the 'innovation centre' and provide a space for the start-up units discussed at 3.147 above. The area's character would be distinct from other green spaces with regular linear tree planting and grass radiating out from the landmark building. Natural stone or high quality concrete slabs would mark the hard landscaping as distinct from other areas of the site. Seats would be provided at intervals. A condition is recommended to require this public realm to be delivered prior to occupation of the centrally positioned building.
- Main Spine Road; the intention is that the main spine road is heavily soft landscaped to provide a green corridor to and within the business park. The road would have 1.5 metre wide grassed verges to either side beyond which would be 2.5 metre wide shared cycle/footways. Beyond this a formal row of native trees would be set within a soft landscaped margin to a minimum width of 4.35 metres up to plot boundaries. A buff permeable tarmac is proposed for the shared cycle/footways to differentiate this from the tarmac road surface and soften the visual impact. A condition is recommended to secure this soft landscaped treatment of the main spine road through the site and to link to the former brickwork site, which also forms part of the business park allocation to the north. This landscaping of the main spine road would achieve compliance with Policy ENV5, which requires that the new road access to the business park be contained within a green corridor running east-west and linking to the relocated Westcliff Rugby Club.

3.115 The other design codes cover matters including parking, materials, the central hub building, access and movement and appearance of buildings.

3.116 In terms of appearance the design code requires elevations of buildings to be contemporary in appearance with a variety of materials possible for use including brick, stone, composite cladding, render and timber boarding and glazing. Buildings with a boundary to the rural surroundings should use materials that reflect a more naturalistic environment and colour palette. Roofs would be single ply membrane or sedum parapet. Large buildings

would be expected to have elevations broken up by changes in materials to reduce overall appearance of scale and be more akin to smaller units. The use of vibrant colours on the boundaries to the wider countryside is to be avoided. The central building is to be visually distinctive and of distinct form with large areas of glazing to the ground floor to provide active frontages to surrounding public realm. This building would be surrounded by generous landscaping.

- 3.117 The parking areas throughout the site would have to be designed to accord with the principles as set out in the design code for such which require clustered parking bays separated by hedging that is a minimum of 1.5 metres wide or regular tree planting in areas at least 2 metres in width.
- 3.118 Conditions are recommended to require subsequent Reserved Matters applications to accord with the principles as set out in the design codes.

Highways

- 3.119 Policy E6 requires that a new junction is provided to access the new business park from Cherry Orchard Way. Whilst Policy E4 of the JAAP had envisaged that the new access would be provided in relation to Area 1 (to the north of this site) the developer has opted to provide this with funding secured. The proposal includes details of a new roundabout access to the site off Cherry Orchard Way which would be the sole vehicular access to the business park and would also provide access, via internal roads to the Cherry Orchard brickworks site, allocated for development as part of the new business park and the relocated rugby pitches and club, both to the north. Policy T2 further advises that this new access will, through the use of signage, encourage traffic to turn left on leaving the business park to use the strategic highway network; a condition is recommended to secure this.
- 3.120 ECC Highways is satisfied that the proposed roundabout access would be of an appropriate type and scale to serve the needs of the new development in accordance with the requirements of Policy T1.
- 3.121 Only that part of the access road from Cherry Orchard Way to the point below the proposed point of access to the relocated rugby club site, some 325 metres, is for determination at this stage. The indicative site layout shows a proposal which would see a loop road through the site with accesses to individual plots within the business park off this. The precise details of the internal road layout would, however, be matters to be considered at a later Reserved Matters stage.
- 3.122 Vehicular access to the existing residential property, Cherry Orchard Farmhouse, would be from the proposed internal access road. ECC Highways Authority raises no objection to the proposed access arrangement here.
- 3.123 Policy T1 allows for consideration of an access to the new business park from Aviation Way dependant on the need identified in the development areas

coming forward and provision for future bus services. The illustrative site layout shows a vehicular access from Aviation Way but this access point is not for determination at this stage as all matters are reserved apart from access to the site from Cherry Orchard Way. ECC will, however, require that an access onto Aviation Way is provided for a bus route to link through to also serve existing business on this adjoining industrial estate.

Highway Capacity

- 3.124 Policy T7 requires that development contribute to measures to improve affected junctions and provide the capacity required to ensure that the junctions work effectively during peak periods.
- 3.125 The submitted Transport Assessment has considered the trip generation that would result from the proposed uses on the local highway network. ECC has considered the submitted TA and considers it to be robust. It should be noted that the TA for the application is in addition to earlier transport modelling carried out on behalf of Southend-on-Sea Borough Council and ECC Highways in connection with proposed JAAP. The following junctions were modelled in the submitted TA to assess impact from the proposed development;
- Hall Road/Cherry Orchard Way
 - Proposed Site Access
 - Rochford Business Park/ Cherry Orchard Way
 - Eastwoodbury Lane/Cherry Orchard Way
 - Eastwoodbury Lane/Nestuda Way
 - Hall Road/Ashingdon Road/Bradley Way roundabout
- 3.126 The only junction assessed that would operate above capacity in the Rochford District would be the Hall Road/Ashingdon Road/Bradley Way roundabout although it is noted that this junction would operate above capacity as a result of other committed development schemes and not simply as a result of the proposed business park. Improvements to this junction were required as part of residential development north of Hall Road (10/00234/OUT), secured by s106 agreement and will very likely be secured in advance of the completion of any new premises on the new business park site as the works must be completed prior to the 50th occupation at the Hall Road site. The proposed business park would not necessitate any further work to this junction and would not lead to the need for any other local highway capacity improvements.

Access to Country Park

3.127 Policy ENV4 requires that a link to Cherry Orchard Jubilee Country Park is provided in conjunction with the business park development at this site. The roundabout access to the site has been designed to accommodate a 4th arm into the country park and enable the existing access to the country park to be closed. Given policy ENV4 it is recommended that this 4th arm and a spur road to join to the existing car park be required to be provided by condition/s106 agreement.

Vehicle Parking Provision

3.128 The Council applies a maximum parking standard for trip destinations and all of the proposed uses qualify as such, however the Council still requires developments to include adequate parking provision.

3.129 The adopted parking standards are set out in the table below alongside the floor space proposed for the different use classes to enable a maximum parking provision requirement for each use class to be calculated. The proposed parking provision is also set out.

Use Class	Vehicle Parking Standard Requirement (maximum)	Floor space proposed	Total maximum parking provision required	Proposed parking provision	% of parking standard maximum
B1 (Office)	1 space per 30 sqm.	47,572 sqm	1586	1395	88%
B2 (General Industrial)	1 space per 50 sqm.	32,250 sqm	645	419	65%
Hotel (C1)	1 space per bedroom	90 bed (4896 sqm)	90	90	100%
A1/A3/A4	1 space per 5 sqm	1830 sqm	366	151	41%
Total		86548 sqm	2687	2055	76%

- 3.130 The proposed level of parking provision to be provided, in principle, is considered acceptable.
- 3.131 The applicant does not allocate any specific parking provision to proposed D1, D2 or B8 uses on the basis that these would be ancillary to the B1/B2 uses and therefore the parking provided for the primary use would also serve the ancillary uses.
- 3.132 The ancillary uses including use classes C1, A3, A4, D1, D2 and B8 uses would not be allowed to exceed 7078 square metres in total and individually each of these proposed uses would not be allowed to exceed a total gross internal floor space of 1000 square metres.
- 3.133 The submitted indicative site layout plan shows how parking spaces could be provided at the site and demonstrates that, in principle, sufficient parking could be provided. Specific parking provision in terms of design, layout and quantum for each phase of the site would be a matter for determination in later Reserved Matters applications.
- 3.134 Disabled parking, parking for powered two-wheelers and cycle parking would also be considered at a later Reserved Matters stage for each phase, but would have to be provided.

Sustainable Transport - Bus Service

- 3.135 There is clear policy emphasis on the delivery of developments that will reduce reliance on the private car.
- 3.136 Policy T4 of the JAAP requires that a comprehensive network of quality bus services be provided serving the transport needs of the Southend/Rochford and wider Essex catchment area, particularly linking to the new airport railway station and other transport interchanges. The submitted Transport Assessment explains that four possible bus routes have been investigated with further work required. Whilst the precise route of a bus service to serve the new business park is not therefore yet finalised ECC Highways has recommended that a bus service be secured and provided through the site from Cherry Orchard Way and include the provision of a bus link to Aviation Way; it is recommended that this be secured through planning condition or by way of inclusion in the s106 legal agreement.
- 3.137 The submitted Transport Assessment confirms that two bus stops, including seating, shelters and a bus layby, are proposed and it is recommended that these are also secured through planning condition/s106.

Sustainable Transport - Walking and Cycling

- 3.138 The JAAP places emphasis on non-private car modes of transport. Parts of the settlements of Rochford, Hawkwell, Eastwood and Southend are all within proximity of the site; 2 miles for walking and 5 miles for cycling within which

commuting by walking and cycling respectively would be envisaged. Policy T5 of the JAAP requires the establishment of a segregated route for walking and cycling to the north of the JAAP area linking to Hall Road and funded through the business park development. The intention is to provide a means for local residents to access employment and education, services and key attractions using sustainable modes of transport in a mainly traffic free environment. Policy T6 of the Core Strategy echoes this emphasis on walking and cycling requiring contribution to improvements of developments that would generate a demand to travel.

- 3.139 The London Southend Airport and Environs Joint Area Action Plan – Walking and Cycling ‘Greenway Network’ – Linking the Community document was completed in December 2015. This is a joint study on behalf of Southend Borough Council, Essex County Council and Rochford District Council and outlines the actions required to create a Greenway Network of cycling and walking routes to the north and east of the proposed new business park that forms part of the JAAP. The report includes an annotated plan for the Greenway which in relation to the application site shows the extended Greenway running through the site north-south and east-west and linking to Hall Road to the north and Cherry Orchard Jubilee Country Park to the west.
- 3.140 The submitted Transport Assessment does not commit to the delivery of specific walking and cycling improvements although the report does acknowledge that the South East Local Enterprise Partnership (SELEP) will be providing £3.2 million to improve road infrastructure for the JAAP area and that funds could be allocated to infrastructure to support the proposed business park such as pedestrian and cycle improvements. Given the emphasis in the JAAP on developing a new business park which integrates into the wider community and take opportunities for environmental sustainability including achieving improvements to cycle and walking networks, it is recommended that the following be secured by planning condition or s106 legal agreement.
- Delivery of the Saxon Greenway and part of the Cherry Orchard Greenway Network as set out in the London Southend Airport and Environs Joint Area Action Plan Walking and Cycling ‘Greenway Network’- Linking the Community. Sustrans. December 2015.

Existing Public Right of Way (PROW) – Footpath

- 3.141 In addition, the existing PROW footpath which runs along the eastern boundary of the site would be re-aligned, as would the existing PROW footpath which bisects the site east-west.

Travel Plan

- 3.142 Policy T3 requires that the application is accompanied by a comprehensive travel plan explaining the arrangements for car parking and for managing

journeys of staff to and from the area and also include stretching targets and details of arrangements for monitoring and review.

- 3.143 The submitted Transport Assessment states that a robust site wide Travel Plan is proposed with the aim of reducing single occupancy car trips to the site. A Travel Plan Coordinator would be identified for the site and take a proactive role in encouraging all the businesses to promote sustainable modes of transport. The Travel Plan will contain a series of measures and targets including a travel awareness campaign and a car share database. The requirement for a site wide Travel Plan would be secured via condition/s106.

Loss of Playing Pitches and Rugby Club

- 3.144 The proposal would result in the loss of the whole playing field, which currently contains nine rugby pitches of various sizes, the clubhouse and ancillary car parking. It is proposed that the playing field and its ancillary facilities would be relocated to a site to the north east of the existing rugby club site which is currently agricultural; a resolution to grant outline planning permission for the relocated rugby pitches and clubhouse was taken by the Council in February 2016. Policy E6 of the JAAP requires that the business park development deliver the relocated rugby club and pitches and that the replacement be at least equivalent to the existing site in terms of the quantity and quality of facility provided and at least equivalent in terms of tenure/management arrangements. Similarly, policies CLT5 and CLT10 resist the loss of existing playing pitches unless the loss would be mitigated by replacement of equal or better provision in an appropriate location.
- 3.145 It is intended that the replacement pitches, clubhouse and parking be delivered prior to commencement of any development at the existing facility and this requirement would be secured by planning condition. However, some disruption to the existing rugby pitches is proposed prior to the replacement pitches being provided to enable work to commence on the construction of the new access road to the business park, which would also serve the replacement rugby club site. Two of the existing pitches would be unplayable as a result of construction of the road and Westcliff Rugby Club would be offered alternative facilities to compensate for this loss; a requirement that appropriate alternative provision is offered or a financial contribution made to enable the rugby club to find its own alternative provision would be secured through s106 clause.
- 3.146 Sport England does not object to the proposed loss of the existing rugby club and pitches providing that the replacement facility is provided. Sport England accepts that the proposed replacement facility would be at least equivalent to the existing site in terms of the quantity and quality of facility provided and at least equivalent in terms of tenure/management arrangements, subject to several planning conditions / s106 requirement being imposed.

- 3.147 All of the conditions/s106 requirements suggested by Sport England are carried forward in the recommendation and in summary secure the following (save for as set out below at 3.158 – 3.159):-
1. Delivery of the replacement pitches and clubhouse prior to commencement of construction on the existing rugby club site in accordance with planning consent 15/00776/OUT.
 2. A requirement that appropriate alternative provision is offered or a financial contribution made to enable the rugby club to find its own alternative provision.
 3. Construction of the replacement playing pitches in accordance with the proposed development option in the TGMS agronomist's study (including any subsequently prepared construction specification and implementation programme) and the delivery of the proposed annual playing field maintenance programme in accordance with the programme in the study.
- 3.148 A condition is recommended on the replacement rugby pitches and clubhouse application (15/00776/OUT) which already sets parameters between which the size of the replacement clubhouse must be and there is therefore no need to replicate this requirement by further condition.
- 3.149 There is not sufficient justification to require that a condition be imposed to require the detailed design and layout of the replacement clubhouse to substantially accord with RFU design guidance.
- 3.150 There is no need to impose a condition that details of the design and layout of the replacement clubhouse be submitted and approved, prior to commencement of development of the clubhouse and for construction in accordance with the approved details as this requirement is already set out in a condition that would be attached to the consent for the new facility under 15/00776/OUT.
- 3.151 There is no need to impose a condition to require car parking to be delivered at the replacement rugby club site as conditions to secure both the 81 permanent spaces and the overflow parking area in perpetuity would be imposed on the replacement rugby club/pitch consent.
- 3.152 Given the recommendation that extended car parking facilities at the Country Park are provided by the applicant it is considered that there would be no justification for requiring a parking management strategy to address how the rugby club's parking requirements, that cannot be met within their new site, can be provided for off-site in order to avoid the potential highway congestion and safety issues associated with unmanaged parking overspill taking place.
- 3.153 Policy requires that the replacement rugby club facility be also equivalent in terms of tenure and maintenance arrangements. Southend-on-Sea Borough Council and Westcliff Rugby Club are currently in discussion over the draft

heads of terms for the proposed lease. Whilst Sport England recommends that the s106 agreement include a clause requiring the submission and approval of the new lease the Council considers that the agreement of the new lease is a matter for the landowner and tenant, namely Southend-on-Sea Borough Council and Westcliff Rugby Club; the s106 would only need a clause requiring that the agreed new lease is submitted to the Council prior to any construction commencing at the existing rugby club site. Whilst it is important that the new lease be equivalent in tenure and maintenance arrangements, it is anticipated that the rugby club would only agree to sign up to the new lease if they were happy with the proposed new arrangements. It is for the rugby club to consider whether the new lease would provide them with equivalence in tenure and maintenance arrangements. Until the new lease was agreed no construction to commence development on the existing rugby club site could occur.

- 3.154 Sport England has been notified of the proposed changes to the conditions/s106 clauses they recommended and their response is awaited.

Flood Risk

- 3.155 The vast majority of the site is within flood zone 1, which is land at the lowest risk of flooding. All of the proposed development would be contained within that part of the site designated as flood zone 1. All forms of development proposed are considered appropriate in flood zone 1 and there is therefore no objection to the development on flood risk grounds; the development would be at low risk of river and tidal flooding.
- 3.156 The site includes a narrow strip of land which extends northwards to meet the River Roach and a part of this is designated as flood zone 3 at a higher risk of flooding. No development is, however, proposed here as the land would be used to provide a swale as part of the surface water drainage system.

Surface Water Drainage

- 3.157 To be acceptable in flood risk terms the development must also be demonstrated to not increase flood risk elsewhere, to surrounding land.
- 3.158 Surface water currently runs off the site into a tributary of the River Roach to the north. As the site is largely undeveloped, save for the rugby clubhouse and parking area, the rate of surface water run off is currently considered to be a green field run off rate. This is estimated based on the characteristics of the site using accepted modelling and varies according to the intensity of different rainfall events. The existing green field run off rates for the site have been estimated to be:-
- 24.2 litres per second for 1 in 1 year rainfall events
 - 65.5 litres per second for 1 in 30 year rainfall events

- 90.8 litres per second for 1 in 100 year rainfall events
- 3.159 The above rates were derived taking the total site area as being 21.25 hectares.
- 3.160 Providing the site, once developed would have a surface water run off rate no greater than the existing green field run off rate, for different intensity rainfall events, the risk of flooding to surrounding land would not be increased as a result of the development and surface water from the site entering the tributary of the River Roach to the north. Notwithstanding this, Essex Lead Local Flood Authority require betterment and that the surface water run off from the developed site be restricted for all rainfall events (including allowance for climate change) to the 1 in 1 year greenfield run off rate; this would achieve betterment on the current situation in high intensity rainfall events. For example, during 1 in 100 year rainfall events surface water currently runs off the site at 90.8 l/s whereas this rate would be reduced once the site was developed to a rate not exceeding the 1 in 1 year rate of 24.2 l/s meaning during these higher intensity rainfall events more of the water falling on the site would be held in attenuation ponds at the site before entering the River Roach and the rate of discharge to the river would be lower.
- 3.161 The proposal would comply with the NPPF policy requirement that the development would not increase flood risk elsewhere.
- 3.162 Officers have asked Essex County Council Lead Local Flood Authority to confirm that the calculated attenuation pond volumes to achieve the required discharge rates are correct; a response is awaited. If, however, the attenuation ponds required are found to be greater than those shown on the indicative surface water drainage plans then larger ponds could be accommodated given that at this stage only outline planning permission is sought with layout to be determined at a later date. A planning condition is recommended to require the detailed sustainable urban drainage system for each phase to be submitted and agreed prior to commencement of any development within the phase to which the drainage relates. The details submitted in respect of this condition would be agreed in consultation with ECC, as Lead Local Flood Authority.
- 3.163 It is also imperative that the sustainable urban drainage system is provided and maintained to ensure the effective working of the system for the lifetime of the development to ensure that surface water run off rates to the river continue to be appropriately restricted. A detailed maintenance regime including responsibility for maintenance would be required by condition s106.

Landscaping

- 3.164 Whilst landscaping is a Reserved Matter there are requirements in the JAAP relating to strategic landscaping which has already been discussed at 3.123 above. Landscaping of individual development plots would be considered at RM stage.

Design

- 3.165 Details of the layout and appearance of buildings would be considered and determined at the Reserved Matters stage if outline permission were granted.
- 3.166 It would be important to ensure that the proposed strategic green spaces that would run north-south and east-west would be subject to passive surveillance with opportunities for buildings to overlook footpaths maximised. This is something that would be considered at the Reserved Matters stage. Whilst the Design Code makes reference to buildings having main frontages to the spine road it would also be important for building elevations that would face green spaces containing footpaths to be fenestrated to avoid the presentation of large blank elevations to these spaces in the interests of visual amenity; it is recommended that this be incorporated into the condition requiring subsequent Reserved Matters applications to comply with the principles set out in the submitted Design Codes.

Ecology

- 3.167 Certain species and habitats are protected by law and in addition section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Authorities to have regard to the conservation of biodiversity when carrying out their normal functions including in the determination of planning applications. Planning policy at the local and national level also requires consideration of impact on ecology. Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species and the NPPF also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity.
- 3.168 A phase 1 habitat survey was undertaken at the site in July 2015 which identified potential for the presence of bats, badgers, great crested newts, reptiles and breeding birds. Further detailed surveys/assessments were subsequently undertaken in respect of these save for breeding birds the survey for which could not be undertaken in the appropriate survey period before the application submission. This survey will be undertaken in the appropriate season in 2016 but as a precautionary measure a planning condition is recommended requiring alternative habitat for ground nesting species to be provided on adjacent farmland as the site is considered likely to offer foraging and nesting potential for ground nesting species including Skylark. The recommended condition would provide adequate mitigation.
- 3.169 All other survey work was undertaken by a suitably qualified ecologist and carried out within the optimum survey season for each species or within reasonable parameters of this with no significant limitation to results as a consequence.
- 3.170 Assessment of mature trees was carried out in August 2015 to ascertain their potential to support bat roosts in addition to bat activity surveys. Trees of interest for bat roosting potential are located on the eastern boundary and

these would not be directly affected by the proposed development. Activity surveys recorded the presence of several species. To reduce the impact on bats, external flood lighting would be required to be designed to take account of guidelines for bat conservation and not result in illumination or light spill to boundaries.

- 3.171 Five ponds in the vicinity of the site were assessed for their potential to support great crested newts. The ponds identified as containing suitable habitat either had poor connectivity to the application site due to the presence of the River Roach as an intervening feature or were fishing ponds and therefore unlikely to support Great Crested Newts. No further detailed survey is therefore necessary as the site is considered unlikely to provide habitat which supports this species.
- 3.172 A walkover survey of the site was undertaken in August 2015. One active sett was found adjacent to part of the northern boundary, along with other evidence of badger activity across the site. The proposed development would not directly affect the badger sett. Although the proposal would result in the loss of foraging habitat, badgers can adapt easily and it is anticipated that the present use of the sett would remain unchanged although foraging behaviour would necessarily alter.
- 3.173 A full survey of the site to establish the presence/absence of reptiles was undertaken, which returned negative results. The site is considered unlikely to support reptiles and no mitigation is therefore required.
- 3.174 In addition to the condition requiring alternative provision of habitat for ground nesting birds hedge clearance would be required to be must be carried out outside of the bird breeding season (March to August inclusive) and a condition to require such is recommended.
- 3.175 The site has ecological value, however several planning conditions are recommended to require mitigation and measures to avoid harm to ensure that the proposed development would not impact adversely on protected species or habitat of ecological value. This approach is consistent with both national and local planning policy, which advises that planning permission should only be refused if significant harm resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.

Proximity to Major Hazard Site

- 3.176 The site falls within the consultation zone of the Major Hazard Site at Cherry Orchard brickworks. The HSE has been consulted on the proposal and confirms that it would not advise against the proposal, providing the hotel proposed would not exceed 100 beds. The submitted transport assessment has worked on the basis of a 90 bed hotel, which would fall below this threshold.

- 3.177 Officers asked the HSE to consider that the layout provided is indicative only and might not be the layout submitted for consideration at a later RM stage; the hotel may not be the development closest to the major hazard site. The HSE confirmed that they have to work on the basis of the indicative layout provided for outline applications and requested a condition be imposed to ensure that no A1, A3, A4, D1 or D2 development or a hotel (C1) with over 90 beds is sited in the consultation zone of the adjoining Major Hazard Site, a condition to require this is duly recommended and results in the HSE raising no objection.

Environmental Sustainability

- 3.178 The Council requires that all new non-residential developments meet a high standard of environmental sustainability. Policy ENV10 requires that buildings should meet, as a minimum, the BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'Very Good' unless such requirements would render the development economically unviable. The applicant has sent out in the Sustainability Strategy that key principles of the BREAAM 'Excellent' and 'Very Good' ratings would be followed. Policy ENV7 of the JAAP, however, requires that all new developments meet the BREEAM rating of 'excellent'. A condition to require that all new buildings within the site achieve a BREEAM rating of 'excellent,' subject to viability, is recommended, which would achieve compliance with Policy ENV7.
- 3.179 Policy ENV8 requires that non-residential developments of over 1000 square metres of floor space secure at least 10 per cent of their energy from decentralised and renewable or low carbon sources, subject to viability. As the replacement clubhouse would fall slightly short of 1000 square metres no condition is recommended to require that this be achieved.

Contamination

- 3.180 Policy ENV11 advises that the presence of contaminated land is not in itself a reason to resist development but requires that sites are subject to thorough investigation and that necessary remediation is carried out. Subject to the recommended conditions, the proposal would comply with this policy.

Trees

- 3.181 Several trees and groups of trees would have to be removed to enable the proposed development.
- 3.182 Two sugar maple trees and two horse chestnut trees would have to be removed to enable construction of proposed roads. Parts of the group of trees to the western boundary along Cherry Orchard Way are also proposed to be removed to facilitate the construction of the proposed roundabout access and to open up visibility of the proposed business park. Parts of the hedge running north-south within the site would also have to be removed to enable the spine road to cross and for pedestrian links to be provided.

- 3.183 Overall, it is considered that the loss of trees would be adequately compensated for by tree planting in the strategic landscape areas, including tree planting that would line the spine road and within the development plots.

Public Open Space

- 3.184 Policy E1 requires that all development areas of the new business park contribute towards new public open space to the north and east of the business park. In this case the proposed development would have to secure the re-provision of the rugby pitches, which would form part of the public open space and this is considered to adequately address this policy requirement.

Archaeology

- 3.185 The Historic Environment Record shows that the proposed development area lies within a potentially sensitive area of archaeological deposits. Initial archaeological investigations have already been carried out on this site.
- 3.186 Essex County Council's Archaeology Team has considered the archaeological potential of the site and raises no objection to the proposal, providing that further archaeological field work, including a mitigation strategy, is carried out before any ground works commence associated with delivery of the development proposed. A post-excavation assessment would also have to be submitted within 6 months of the completion of field work; conditions are duly recommended.

Listed Buildings

- 3.187 The Grade II Listed Cherry Orchard Farmhouse is located to the western boundary of the application site, which completely encircles the building and its curtilage. The proposed development would completely surround this building and, given the scale and proximity of the new business park, harm would result to the setting of this heritage asset. The level of impact would, however, depend partly on the height of surrounding buildings. The application submission indicates that the height of buildings within 40 metres of the boundary of this listed building would be limited to two storeys, however the precise height of building proposed in metres would be for consideration at a later Reserved Matters stage.
- 3.188 The Grade II Listed St. Andrews Church is located further afield to the north-east, but views of the application site are possible from the church tower, as are glimpses of the church tower from the wider countryside. The proposed development would also have an impact on this heritage asset, given that existing views of the countryside from the tower would change, to include the new business park.
- 3.189 The proposed development would result in harm to the setting, particularly of the Listed Cherry Orchard Farmhouse and this harm must therefore be weighed against any public benefit from the proposal. In this regard

consideration must be given to the fact that the application site is designated for the development of a new business park as part of the wider Joint Area Action Plan. This plan forms part of the adopted Development Plan for the District and was subject to a process of consultation, review and independent examination. The plan and the proposed business park seeks to provide for significant investment in the District and create significant additional employment opportunities, as well as securing improvements to footpaths, cycle ways and public transport improvements in the vicinity. Given the allocation of the site and the public benefits the development would bring the proposal is considered to have a degree of public benefit that would clearly outweigh the harm that would result to the setting, particularly of the Listed Cherry Orchard Farmhouse.

- 3.190 Representations received on behalf of the owners of Cherry Orchard Farmhouse seek a condition requiring a green buffer of at least 50 metres to be provided around the property to limit the harm and impact from the proposed development. The indicative site layout plan shows a proposed green buffer some 9 metres in depth off the eastern boundary of the curtilage of the property, some 13 metres depth off the northern boundary and some 20 metres off the southern boundary. The proposals map accompanying the JAAP shows a requirement for a green buffer around the property, which scales at some 18 metres measured from the curtilage boundary around the property. It is recommended that a condition be imposed to secure a buffer of at least 18 metres to the eastern, northern and southern boundaries. The layout and scale of development at the site is for determination at a RM stage and therefore proximity of buildings to the property and their scale would be determined at a later date.

Residential Amenity

- 3.191 National planning practice guidance requires that noise needs to be considered when new developments may create additional noise. This relates to requirements in the NPPF, which require that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate impacts, including through the use of conditions.
- 3.192 A baseline noise survey was undertaken at locations representative of existing and proposed noise sensitive receptors to support the planning application for the development. The noise generated by the construction activities associated with the development have the potential to temporarily increase noise levels at nearby residential properties from the operation of equipment and machinery. Due to the transient nature of construction activities the potential for receptors to be affected will depend on where within the application site the noisy activity takes place, the nature of the activity and controls and meteorological conditions.
- 3.193 Noise associated with road traffic and use of car parking areas within the site was also assessed. The car park vehicular movements for the opening year of

2032 is not predicted to give rise to a noise impact at the ground and upper floors of the assessed existing and future properties in closest proximity to the activities when compared with the existing daytime ambient noise levels measured during the baseline noise survey.

- 3.194 Impacts on noise as a result of development-generated traffic were not considered to be significant.
- 3.195 As the application is currently in outline form specific details of any externally mounted plant associated with the commercial establishments, for example refrigeration and ventilation plant, are not available; noise from these would be assessed as phased Reserved Matters applications were submitted and considered.

Air Quality

- 3.196 The submitted air quality assessment concludes that the proposed development traffic impacts upon local air quality would not be significant and no mitigation in relation to road traffic emissions is therefore required. The dust assessment determined that there was a risk of impacts resulting from construction activities without the implementation of mitigation measures, which would be secured by condition.

Education

- 3.197 Essex Country Council has assessed the proposal and finds that the development would result in the need for additional early years and childcare places being required. Alternative approaches to mitigating this impact could be taken, including provision of land at the site for a new childcare facility and/or a financial contribution. Discussions with the County Council are ongoing and it is recommended that appropriate mitigation is secured through the s106.

4 CONCLUSION

- 4.1 In determining this application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The application site comprises land designated within the JAAP for the development of a new business park and consequently the principle of the proposed development is accepted. The quantum of floor space proposed would also meet the required minimum and the mix of uses proposed would also be acceptable with B1 uses remaining the primary use.
- 4.3 The s106 infrastructure requirements, as set out below, are sought in relation to the proposed development. Negotiations with the developer in respect of

these are on going, the outcome of which will be reported to Members on an addendum.

- Early years and childcare (appropriate mitigation to be finalised)
- Sustainable Transport Infrastructure
 - Bus service to serve the site (details of provision/fall back contribution to be finalised)
 - Provision of two bus stops, including seating, shelters and a bus layby within the site.
 - Improvements to cycling and walking routes with delivery of Saxon Greenway and part of the Cherry Orchard Greenway Network.
- Improvements to the Cherry Orchard Jubilee Country Park - contribution towards extension of the country park car park, provision of parking meters, sewage and electricity supply.
- Delivery of a new access to the Country Park, including spur road to link to the existing car park off 4th arm to a new roundabout.
- Sustainable Urban Drainage
 - Provision and maintenance in perpetuity, in accordance with agreed maintenance plan, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.
 - Adopting body responsible for maintenance of the surface water drainage system to be required to record yearly logs of maintenance and these to be available for inspection upon request by the Local Planning Authority.
- Strategic Green Space – provision and maintenance in perpetuity
- Relocated Rugby Pitches
 - Clause to require that the replacement rugby pitches, clubhouse and parking as approved under 15/00776/OUT and subsequent Reserved Matters consents relating to this shall be constructed and be available for use prior to the commencement of development on any part of the existing rugby club site, including the existing rugby pitches, clubhouse and parking, save for that part of the site indicated for construction of the spine road as detailed on Drawing Number A_8217 Revision B.
 - Clause that would require submission of a completed lease agreement to deal with tenure and management arrangements between Southend

BC and Westcliff Rugby Club for the replacement rugby club site (pitches, clubhouse, parking) to RDC prior to commencement of development to existing pitches or clubhouse, save for that part of the site indicated for construction of the spine road, as detailed on Drawing Number A_8217 Revision B.

- Clause to require details of alternative playing pitch provision for Westcliff RFC during the construction period, prior to commencement of development to construct the spine road, including the location, facilities available and implementation proposals, shall be submitted to and approved in writing by the Local Planning Authority. Best endeavours to agree or fall back financial contribution offered.
 - Provision and implementation of a Travel Plan, including payment of a £3000 Travel Plan Monitoring fee to ECC.
 - Best endeavours to deliver a number of sustainable and eco-friendly business start-up units.
- 4.4 The proposed development would, subject to the recommended conditions and a legal agreement to deliver the above infrastructure, adequately mitigate impacts associated with the development.
- 4.5 Subject to the recommended conditions and Legal Agreement, the proposal is policy compliant with respect to relevant JAAP, Core Strategy and other planning policies and there are no other material planning reasons to refuse consent.

5 RECOMMENDATION

5.1 It is proposed that the Committee **RESOLVES**

That the application be **APPROVED**, subject to the recommended heads of conditions and heads of terms of the proposed s106 legal agreement:-

- (1) No development shall commence, save for construction of that section of the spine road as shown on Drawing Number 0688 A _2103 Rev C, until plans and particulars showing precise details of the layout, scale, design, external appearance, access (save for vehicular access to the site as shown on the approved plan Drawing Number 0688 A _2103 Rev C) and landscaping of the site, (herein after called the "Reserved Matters"), 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.
- (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 two years beginning with the date of this permission. Application for the approval of the remaining "Reserved Matters" shall

be made to the Local Planning Authority before the expiration of three years from the date of this planning permission.

- (3) The development hereby approved shall be constructed in strict accordance with the following approved plans; Drawing References 0688 A_0100 Rev D and 0688 A _2103 Rev C.
- (4) 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 provided clear of the highway.
- (5) No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.
- (6) There shall be no discharge of surface water onto the highway.
- (7) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
- (8) The public's rights and ease of passage over public footpaths and bridleways within the development site shall be maintained free and unobstructed at all times. Diversions shall require the appropriate order securing the diversion of the existing definitive right of way to a route agreed with the Local Planning Authority, the new route shall be constructed to the satisfaction of the Local Planning Authority.
- (9) Prior to commencement of development the new roundabout on Cherry Orchard Way at a location as shown in principle on Vectos General arrangement Drawing No. 141407/A/03 REV D or future revision and include provision for existing PROW in the vicinity of the site, shall be constructed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority and be provided entirely at the developer's expense.
- (10) Prior to the first occupation of any business premises within the site or prior to first use of the new rugby pitches and or clubhouse, whichever is earlier, details of proposed signage to encourage traffic to turn left on

leaving the business park onto Cherry Orchard Way to use the strategic highway network shall be submitted to and approved in writing by the Local Planning Authority and the agreed signage shall have been provided.

- (11) No works shall commence to facilitate the development hereby approved (including any ground works), until sub conditions 2 to 4 below have been complied with in full. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3 "Implementation of Approved Remediation Scheme".

5. Validation Certificate

Prior to first use of the clubhouse hereby approved and the provision of any services, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 2 "Submission of Remediation Scheme" above.

This certificate is attached to the planning notification.

- (12) The road link from the site to the northern boundary adjoining Area 1 of the business park as identified on the JAAP Proposals Map and shown on Drawing Number 0688 A _2103 Rev C shall be completed such that it would directly adjoin the boundary with the adjoining site prior to the first occupation of any premises at the site.
- (13) A Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first premises at the site. The plan shall be implemented as agreed in perpetuity.
- (14) All buildings within the site shall achieve a BREEAM rating of 'excellent' unless this could not be achieved for reasons of viability in which case details of the BREEAM rating that can be achieved including details to demonstrate the viability case to demonstrate why the 'excellent' rating cannot be achieved shall be submitted to and approved in writing by the Local Planning Authority. If an alternative BREEAM standard is approved for any building this shall be met.
- (15) Class B2 uses at the site shall not exceed 32,250 square metres of total gross internal floor space.
- (16) A1 (retail) shall be limited to small scale convenience retail to a maximum total gross internal floor space of 1000 square metres.
- (17) Uses within Use Classes C1, A3, A4, D1, D2 and B8 uses at the site shall cumulatively not exceed 7078 square metres and individually each of these proposed uses (save for any C1 use) shall not exceed a total gross internal floor space of 1000 square metres.
- (18) The road through that part of the site as shown on Drawing Number 0688 A _2103 Rev C shall be designed and constructed in accordance with the principles as set out in the Landscape Design Code dated October 2015 (including both road links to the north; to the brickworks

site and relocated rugby pitch site) including the provision of street trees, footpath, hedges and grass verges. Precise details of the hard and soft landscaping including spacing of trees, species and girth shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of construction in connection with the road.

The soft landscaping including tree planting as agreed shall be planted in the first planting season following completion of the section of highway to which the planting is directly adjacent.

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. The hard landscaping agreed shall be completed prior to completion of the adjacent highway.

- (19) The green spine as set out in the Landscape Design Code October 2015 shall be designed in detail to accord with the principles as set out in this aforementioned document and be proposed in detail at a minimum width of 18 metres measured from the western edge of the existing hedgerow. The hard and soft landscaping as agreed for the green spine shall be delivered including completion of the footpath, tree, shrub and hedge planting and provision of seating and lighting (where applicable) to be delivered in a phased arrangement in conjunction with development within the phase adjacent or as otherwise 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 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.

- (20) The green ribbon as set out in the Landscape Design Code October 2015 shall be designed in detail to accord with the principles as set out in this aforementioned document and be proposed in detail at a width equal to that shown (average) on the indicative layout Drawing Number A_2000 Revision P along its length. The hard and soft landscaping as agreed for the green ribbon shall be delivered across the full width of the site east to west including completion of the footpath, tree, bridge crossing of the green spine, shrub and hedge planting and provision of seating and lighting (where applicable) to be delivered in a phased arrangement in conjunction with development within the phase adjacent or as otherwise 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 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.

- (21) An area of public realm in the central area of the site as set out in the Landscape Design Code October 2015 shall be designed in detail to accord with the principles as set out in this aforementioned document and be proposed in detail with an area equal to that as shown on the indicative layout Drawing Number A_2000 Revision P. The public realm shall be delivered including completion of the footpaths, paved areas, tree, grass and other planting and provision of seating and lighting (where applicable) prior to the first occupation of the centrally positioned building within the area as set out as the central hub in the aforementioned Design Code or as otherwise agreed in writing by the Local Planning Authority.
- (22) All Reserved Matters applications shall accord with the principles of design as set out in the Landscape Design Code and Design Code October 2015 and in addition shall ensure that elevations of buildings that would face green spaces containing footpaths are fenestrated. Details of how the requirements of these have been taken into account in the design of the Reserved Matters applications submitted with each Reserved Matters application.
- (23) The replacement rugby pitches shall be constructed in accordance with the proposals in the TGMS Feasibility Study (TGMS feasibility study for the construction of winter sports pitches for Westcliff RFC on land off Aviation Way, Southend-on-Sea - 26 June 2015 [Rev 2 02/02/2016]) and any subsequently approved (by submission to and approval in writing by the Local Planning Authority) construction specification and implementation programme.
- (24) Prior to the erection of any lighting at the site details of proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. Details should demonstrate accordance with design principles and considerations as per guidelines from the Bat Conservation Trust as set out at 6.1.2 of the Ecological Appraisal and Protected Species Surveys October 2015 report accompanying the planning application and achieve compliance with CAP 168.
- (25) Prior to the commencement of development within each phase (equating to a Reserved Matters application site area) a surface water drainage scheme for the phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as agreed shall be

implemented concurrently with the development within the phase to which it relates to ensure that each premises is served by a properly functioning surface water drainage system prior to first use and that the scheme is completed in its entirety prior to the first use of the last premises to be constructed within the phase to which the scheme relates. The scheme shall:-

- Limit the discharge from the site to 24.2l/s and provide details of the device(s) that shall be installed to achieve this.
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change. Provide calculations to demonstrate that the proposed surface water management scheme has been adequately sized to accommodate the critical duration 1 in 100 year rainfall event, including allowances for climate change.
 - Provide the necessary number of treatment stages associated with each element of the development.
 - Provide plans and drawings showing the locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features, will be required.
 - Incorporate the SUDS "Management Train" and ensure all features are designed in accordance with CIRIA (C697) The SUDS Manual so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits. In addition, the maintenance requirements for the SUDS element of the proposed surface water drainage system should be formulated as per the recommendations within the CIRIA SUDS Manual (C697).
 - Provide a Sustainable Urban Drainage System Management Plan which shall detail the proposed management and maintenance regime for the surface water drainage scheme for the lifetime of the proposed development.
 - Confirm that the receiving water course (River Roach tributary) is in a condition to accept and pass on the flows from the discharge proposed.
- (26) The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has

been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

- (27) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in a mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisors.

The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

- (28) No ground work or development shall take place within any phase (with a phase equivalent to a Reserved Matters application submission) until a tree protection plan and method statement in accordance with BS5837:2012 has been submitted to and approved in writing by Rochford District Council for that phase taking account of trees within the phase or whose roots protection area lies in any part within that phase. Tree protection measures, as agreed shall be implemented prior to commencement of ground works within the relevant phase and the agreed method statement shall be complied with throughout the construction period.
- (29) A green planted buffer of a width of at least 18 metres measured from the curtilage boundary shall be provided to the eastern, northern and southern boundaries of Cherry Orchard Farmhouse. Details of the proposed tree planting shall be submitted to and agreed in writing by the Local Planning Authority prior to planting which shall be undertaken in accordance with the agreed details within the first planning season following commencement of development on the site of the existing rugby club and pitches as shown on Drawing A_8217 Revision B.

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.

- (30) A Dust Management Plan shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of works and shall be implemented in full for the duration of the construction works.

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- (31) A survey for breeding birds shall be carried out at the site in the appropriate season in 2016 and the results submitted to and agreed in writing by the Local Planning Authority. Skylark nesting plots shall be created (and confirmation provided of their provision) on adjoining farmland in accordance with the details that shall have been previously submitted to and agreed in writing by the Local Planning Authority prior to commencement of ground works at the site unless the LPA confirm that this provision is no longer required as a result of the survey work undertaken.
- (32) No A1, A3, A4, D1 or D2 development or a hotel (C1) with over 90 beds shall be sited in the consultation zone of the adjoining Major Hazard Site as shown on the map of such attached to the Health and Safety Executives consultation response on the application 15/00781/OUT.
- (33) Notwithstanding the provision of the GPDO none of the premises as built shall benefit from provisions within the GPDO which allow change of use.



Christine Lyons

Assistant Director, Planning Services

Relevant Development Plan Policies and Proposals

Policies E1, E3, E5, E6, T1, T2, T3, T4, T5, T7, ENV1, ENV2, ENV4, ENV5 and of the London Southend Airport and Environs Joint Area Action Plan (JAAP) (adopted December 2014).

Policies RTC2, ED4, ED1, T8, T7, T6, T5, T3, T2, T1, CLT10, CLT5, CLT2, CLT1, ENV11, ENV10, ENV8, ENV5, ENV3, ENV1 and CP1 of the Rochford District Core Strategy 2011.

National Planning Policy Framework (NPPF)

Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010).

Policies DM1, DM5, DM16, DM25, DM26, DM27, DM29, DM30, DM31 and DM32 of the Development Management Document (Adopted December 2014).

Allocations Plan (2014)

National Planning Practice Guidance

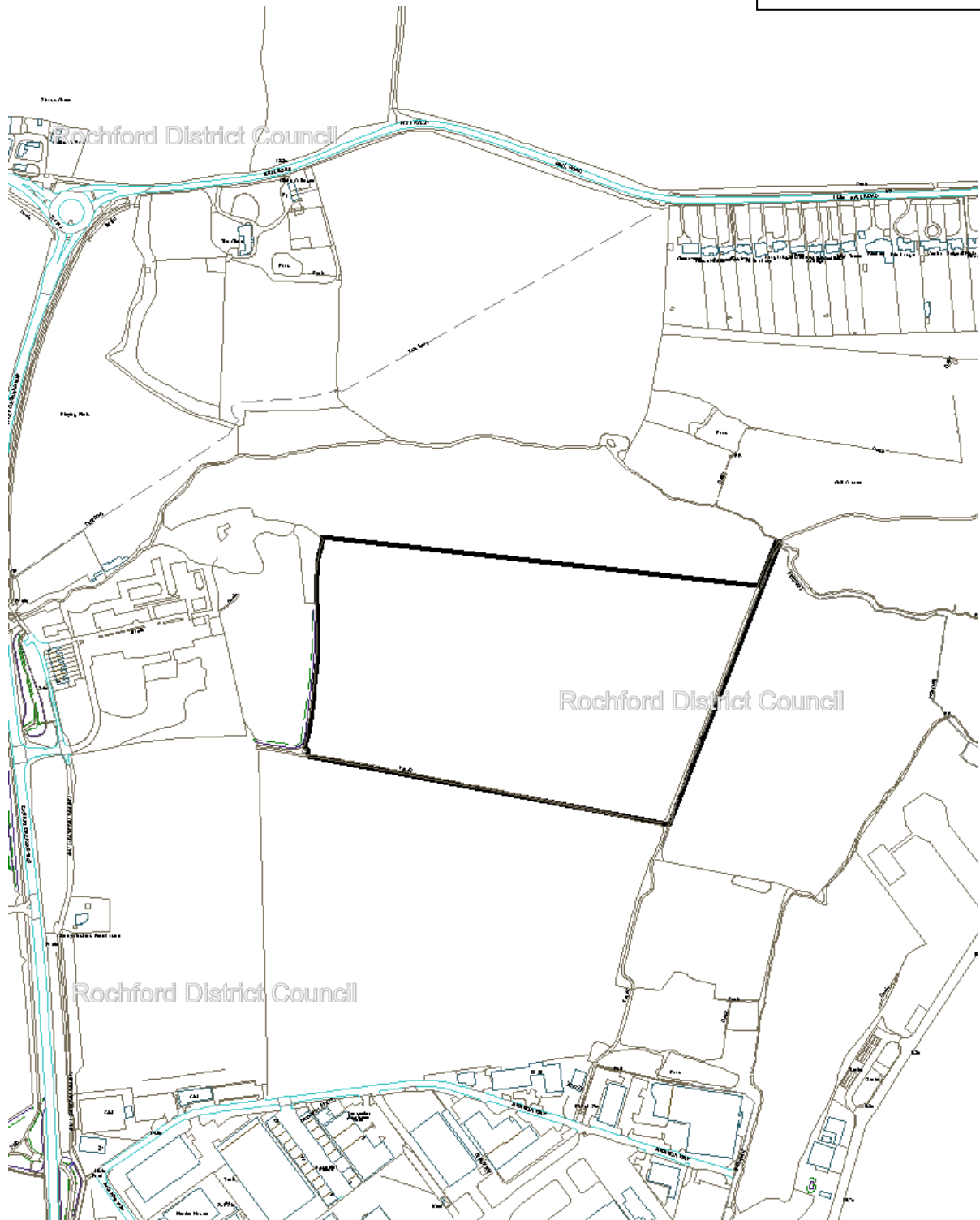
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15/00781/OUT



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