



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
THE DEVELOPMENT COMMITTEE - 18 January 2012**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory Authorities.

Each planning application included in this schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.

Ward Members for Committee Item

ROCHFORD

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

DEVELOPMENT COMMITTEE - 18 January 2012

SCHEDULE ITEM

Item 1	10/00234/OUT Residential Development (Class C3) of 600 Dwellings, Associated Access and a New Primary School on Land North of Hall Road, Including Infrastructure Associated with Residential Development, Public Open Space and New Vehicular and Pedestrian Access Routes. Land West Of Oak Road And North Of Hall Road Rochford	Katie Rodgers	PAGE 4
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SCHEDULE ITEM 1

**TITLE: 10/00234/OUT
RESIDENTIAL DEVELOPMENT (CLASS C3) OF 600
DWELLINGS, ASSOCIATED ACCESS AND A NEW PRIMARY
SCHOOL INCLUDING INFRASTRUCTURE ASSOCIATED
WITH RESIDENTIAL DEVELOPMENT, PUBLIC OPEN SPACE
AND NEW VEHICULAR AND PEDESTRIAN ACCESS
ROUTES.
LAND WEST OF OAK ROAD AND NORTH OF HALL ROAD,
ROCHFORD**

APPLICANT: BELLWAY HOMES LTD

ZONING: METROPOLITAN GREEN BELT

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 1.1 Outline planning permission is sought for the development of 600 dwellings, a new primary school, public open space and new vehicular and pedestrian accesses.
- 1.2 The submitted parameters plan, which shows areas designated for different uses within the site, i.e. ,for residential development, public open spaces, the school and the main vehicular route through the site is for determination at the outline planning stage and would, if approved, form the basis for the working up of a detailed site layout at the reserved matters stage.
- 1.3 The submitted illustrative master plan is not for consideration at this outline stage, but is provided to illustrate that the proposed quantum of development could reasonably be accommodated at the site.
- 1.4 In the determination of this application the principle of changing the use of the land from agriculture to use for residential development and a school must be considered, as well as the acceptability of the quantum of development proposed. In addition, details of the proposed vehicular accesses to the site must also be considered in this application although all other matters - appearance, landscaping, layout and scale - are reserved for consideration in a reserved matters application that would follow, if outline consent was granted.

SCHEDULE ITEM 1

- 1.5 The application site is located to the west of Rochford. The distance of the site from the market square within the town centre varies between some 850 metres at its closest point to some 1600 metres at its furthest point. Similarly, the distance of the site from the railway station varies between some 400 metres and 1460 metres. The site abuts the built up western residential edge of the town, bordering properties on Oak Road to the east and opposite properties on Hall Road to the south. The northern boundary of the site abuts Ironwell Lane, an unmade lane and designated byway, separated from the site by an ancient hedgerow. To the west the site directly abuts open agricultural land.
- 1.6 The site is an area of some 33 hectares and is currently in arable agricultural use. Of this area, 1.1ha is identified for the new primary school and some 10.4 ha for open space to the north, west, south and eastern boundaries resulting in a developable area for residential use of some 21.06 ha (excluding the proposed areas of open space within the developable area).

CONSULTATIONS AND REPRESENTATIONS

1.7 Rochford Parish Council

First Consultation:

- The site is still part of the Metropolitan Green Belt, and although it is proposed as a development site in the Core Strategy documentation, this has not yet been adopted.
- The land is currently prime agricultural land and there are serious concerns regarding the loss of this.
- The road infrastructure around Rochford will not cope with additional traffic, both during and after construction.
- There are continued concerns about the highways infrastructure around Rochford and the possibility that the town centre could become gridlocked if major developments are permitted.
- Members understand the need for additional housing in the area and if this application were approved would hope that the Planning Authority ensures that the development is in keeping with the current street scene of Hall Road with larger housing fronting Hall Road.
- Historic aspects such as Ironwell Lane remain sacrosanct.
- The development includes nature trails and amenity areas and possibly allotments.
- Agreement is made with the developer to provide funding for public transport schemes.

SCHEDULE ITEM 1

- 1.8 Second Consultation: No further comments on this application.
- 1.9 **Essex County Council (Highways)**
- 1.10 First round consultation response:
- 1.11 The Highway Authority would not wish to raise an objection to the above application, subject to a number of informatives and the following conditions and contributions:-
1. Prior to commencement of the development, the road junctions shall have 10.5m kerb radii and shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 90 metres to both the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times. Both junctions shall provide a right turn lane into the site, as shown in principle on Ardent Consulting Engineers' drawings nos. G550 – 005 and G550 – 006.
 2. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
 3. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
 4. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.
 5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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

SCHEDULE ITEM 1

6. Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
7. The public's rights and ease of passage over public footpath / bridleway / byway shall be maintained free and unobstructed at all times. No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.
8. Prior to commencement of development details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
9. All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority.
10. Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
11. All parking shall conform to the EPOA Parking Standards Design and Good Practice September 2009. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m. All double garages should have a minimum internal measurement of 7m x 5.5m. All tandem garages should have minimum internal measurements of 12m x 3m.
12. Prior to occupation of the proposed development the developer shall be responsible for the provision and implementation of a residential travel information pack for sustainable transport, approved by Essex County Council, to include 10 (Ten) All Essex Scratch Card tickets.

SCHEDULE ITEM 1

13. No works in connection with the proposed development shall commence until such time as the infrastructural improvement at the junction of Hall Road/Ashingdon Way/Bradley Way have been provided entirely at the developer's expense, as shown in principle on Ardent Consulting Engineers' drawing no. G551-012. Design and details to be agreed with the Highway Authority.
14. No works in connection with the proposed development shall commence until such time as the infrastructural improvement on Ironwell Lane, including but not limited to lighting and surfacing, have been completed entirely at the developer's expense. Design and details to be agreed with the Highway Authority.
15. No works in connection with the proposed development shall commence until such time as the footway/cycleway along the northern side of Hall Road is continued along the entire site frontage completed entirely at the developer's expense. Design and details to be agreed with the Highway Authority.

CONTRIBUTIONS

16. A contribution of £150,000 (one hundred and fifty thousand pounds) towards infrastructural improvements including signalling of the junction of Sutton Road and Purdeys Way industrial estate.
17. A contribution of £330,000 (three hundred and thirty thousand pounds) towards passenger transport service enhancement to link the proposed development site with the urban area through the provision of a new or extension to an existing bus service.
18. A contribution of £5,000 (five thousand pounds) towards the Traffic Regulation Order to enable the relocation of the 30mph zone along Hall Road in front of the proposed development site.

1.12 Second round consultation response:

- 1.13 The Highway Authority would not wish to raise an objection to the above application, subject to a number of informatives and the conditions as stated in the first consultation response save for the following additions/amendments to these:-

SCHEDULE ITEM 1

1.14 Condition 1 re-worded to read:-

1. Prior to commencement of the development, the road junction located to the east of the proposed development site shall have 10.5m kerb radii and shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 90 metres to both the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times. The junction shall be provided in accordance with the approved drawings with the provision of right turn into the site from Hall Road.

1.15 Condition 7 re-worded to read:-

7. The public's rights and ease of passage over all public rights of way shall be maintained free and unobstructed at all times. No development shall be permitted to commence on site until such time as an Order securing the diversion, where required, of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

1.16 Additional conditions:-

Prior to commencement of the development the roundabout located to the west of the proposed development site shall be provided in accordance with the approved drawings, as shown in principle on Ardent Consulting Engineers' drawing No. G551-018.

1.17 No occupation of the proposed development shall commence until such time as the infrastructural improvements at the junction of Bradley Way/South Street have been provided entirely at the developer's expense, as shown in principle on Ardent Consulting Engineers' drawing no. G551-003. Design and details to be agreed with the Highway Authority.

1.18 No occupation of the proposed development shall commence until such time as the infrastructural improvements at the junction of Southend Road/Sutton Road have been provided entirely at the developer's expense. Design and details to be agreed with the Highway Authority.

1.19 Amendments to original conditions Numbers 13, 14, 15 to read 'No occupation of the proposed development...' rather than 'No works in connection with the proposed development...'

SCHEDULE ITEM 1

Southend-On-Sea Borough Council (Highways)

- 1.20 Southend will be seeking appropriate contributions to improvements to the Southend network, predominantly in the Eastwoodbury Lane, Nestuda Way, local A127 area to mitigate any traffic growth generated by the new development. This will be determined using the latest modelling available.

1.21 Essex County Council (Education)

1.22 First consultation

- A development of this size will have a significant impact upon local primary and secondary schools and Early Years & Childcare Services. The potential need for additional places is set out in Rochford District Council's emerging Core Strategy and this is recognised by the applicant in the documentation accompanying their application. The financial contributions that will be needed to mitigate the impact on provision for each age group are set out in the Essex County Council Developers' Guide to Infrastructure Contributions.
- Since this is an outline application the precise dwelling mix has yet to be determined and it is therefore premature to estimate pupil generation figures or hence confirm that a new school will be needed. The inclusion in the application of a site suitable for a primary school with associated Early Years & Childcare facilities is this thus welcomed on a precautionary basis.
- An indicative area for a new education facility is shown on the submitted master plan. This will require Essex County Council to commission a Land Compliance Study and once precise 'red line' boundaries and the dwelling mix are known, a feasibility study. This process will take a minimum of six months.
- Before commissioning this work, I would be grateful if you could ask the applicant to complete the enclosed form and return it to me with as much background information as possible to support their answers. It would also be helpful for us to meet to confirm the scope of the study and the location parameters we should work to.

1.23 Second Consultation:

Initial draft second response with approximate costs awaiting final sign off and confirmation of the Land Compliance Study:-

SCHEDULE ITEM 1

- 1.24 I have now received the Land Compliance Study (LCS) that Essex County Council (ECC) commissioned from LCE Architects and am therefore in a position to respond formally to the above outline planning application regarding education. I would be grateful if the content of this letter is recommended to your planning committee.
- 1.25 The proposed dwelling mix of 574 houses and 27 flats is forecast to generate demand for 53 additional early years and childcare places; 177 additional primary school places and 118 additional secondary school places.
- 1.26 Rochford District Council's Local Development Framework Core Strategy (LDF) Policy CLT2 identified the potential need for a new primary school with pre-school provision. Current data suggests that this will indeed be the case with the relevant priority admissions area school (Rochford Primary) already over-subscribed and 1,164 pupils predicted by 2016 for just 1,158 permanent places in Rochford (Group Two). The planning application recognises this requirement and identifies land for a school in the north east corner of the development. While this is not ideal in terms of ECC's aspiration for schools to be located at the heart of the communities they serve, the LCS concludes that the land is suitable and therefore acceptable in planning terms. The LCS's recommendations must, however, be addressed either through condition or section 106 agreement, along with the following key points:-
- 1.27 1. The acceptable school site boundary must be as amended and shown by Barton Wilmore's drawing 18293 PL-03 H (attached).
- 1.28 2. The public open space (Green) adjacent to the south east corner of the school site must not be bordered to the north by a vehicular access, as this is likely to prove an inappropriate point to drop off children, detracting from the safe environment required around the school entrance.
- 1.29 3. The developer must fence, level, remediate and then transfer the school site to Essex County Council for a nominal fee (usually £1), before more than 100 dwellings are occupied.
- 1.30 4. Appropriate highway access and utility connections must be provided to agreed points on the boundary of the school site prior to transfer.
- 1.31 5. The overhead electricity cable that currently crosses the north western corner of the school site must be removed and, if necessary, diverted a safe distance (usually 10 metres) away from the school.

SCHEDULE ITEM 1

- 1.32 6. To deliver a primary school with pre-school facilities the estimated construction cost is approximately £5.9m index linked to October 2011 prices. Since such provision would not be considered in the absence of this development it is appropriate that the developer funds it in full.
- 1.33 With regard to secondary education our latest forecasts suggest that the local school, King Edmund, will have just 24 surplus places by 2016. Therefore additional places will be required. LDF Policy CLT3 alludes to the expansion of King Edmund School and the funding of additional secondary school places through developer contributions. Since this is an outline planning application and the precise unit mix may change, the appropriate sum will need to be determined by the standard formula set out in Essex County Council's Developers' Guide to Infrastructure Contributions. By way of information, based on the above unit mix and forecasts, the sum would be £1,413,720 index linked to April 2011 costs.
- 1.34 As you are aware, I have already provided draft section 106 agreement clauses and shall amend them in light of the LCS. I would be grateful if you could advise the applicants that on receipt of the revised agreement they should seek a meeting to discuss any matters that they wish to vary, rather than amending the draft without prior consent.
- 1.35 **Essex County Council (Archaeology)**
- The applicant should be required to conduct a field evaluation to establish the nature and complexity of the surviving archaeological deposits. This should be undertaken prior to a planning decision being made. This evaluation would enable due consideration to be given to the archaeological implications and would lead to proposals for preservation in situ and/or the need for further investigation.
 - If the Planning Authority takes the view that approval should be given, it is recommended that a trial trench evaluation and any future work is secured by specific planning conditions. A key condition would be that the archaeological evaluation is carried out prior to the submission of any detailed plans for the housing development, so as to identify and assess the extent and significance of the historic assets on site and to inform the design of the development and formulate an appropriate mitigation strategy. The recommended conditions in this instance are:-

SCHEDULE ITEM 1

- 1.36 1. Archaeological evaluation by trial trenching shall be undertaken prior to the submission of any detailed layout proposals, with a report submitted with the reserved matters application.
- 1.37 This work shall be undertaken to the standards required by the Local Planning Authority and specified in an archaeological brief issued by the Local Planning Authority acting through its historic environment advisers.
- 1.38 2. An archaeological mitigation strategy detailing the excavation strategy shall be agreed with the Local Planning Authority through its historic environment advisers and submitted with the reserved matters applications.
- 1.39 3. No development or preliminary ground works can commence until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and signed off by the Local Planning Authority through its historic environment advisers.
- 1.40 4. 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 a registered museum, and submission of a publication report (to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority, through its historic environment advisers).

Second Consultation:

- 1.41 ○ Comments remain as previously reported, no further comments on this application.

1.42 **Essex County Council (Urban Design)**

First Consultation

- A successful scheme will depend on how the parameters set out in the Design and Access Statement translate into built form and external spaces. A master plan will be required for the whole site showing the layout and massing of buildings, as well as landscaping proposals to include the public realm, pedestrian and cycle links, green corridors and SUDs proposals. Development briefs for the phases of development should then provide more detail.

SCHEDULE ITEM 1

These should be submitted and approved prior to any application under the reserved matters, subject to legal agreement or condition.

- Consideration should be given to whether a development of this size should include some mixed use such as a small shop or the community use that may be identified in addition to the school. Are there any opportunities for live-work units?
- In the Design and Access Statement, scale and block dimensions indicate a deep span, which increases ridge heights in relation to those of existing narrow span buildings in Rochford. Deep dimensions may require roofs to be divided into smaller elements. Detached dwellings can use an assemblage of roof forms.
- The sample layouts show a perimeter block arrangement but lack variation in parking solutions and housing design. Any parking courts should be compact, associated with some accommodation, which ensures surveillance and have direct access to/from the surrounding dwellings.

1.43 Second Consultation

1.44 Locating the School Site

- From an urban design point of view the new school site should be located either centrally within the site or towards the eastern edge of the new development. We understand that the Council's preferred option for the school site is in the western corner of the site, as shown on the submitted outline master plan. Whichever option is to be undertaken, the following urban design principles ought to be incorporated:-
 1. The public area in front of the school should be designed as a functional, pleasant and visually attractive space for children, residents, staff and visitors.
 2. The school site should be located next to some form of square/gathering space to provide a focus for the community.
 3. Some mixed use development around this gathering space would be desirable comprising a small local shop, a pre-school nursery, a bus stop, a community hall, or similar.
 4. A pedestrian and vehicular access to the school site should be appropriately positioned and designed and linked logically with the main entrance to the school.

SCHEDULE ITEM 1

5. Reinforce civic presence of the school on the street.
6. Consider using the school at times out of normal working hours.

1.45 Permeability

- The proposed development looks rather isolated from the rest of the town. The site is bordered with dense landscaping all along the perimeter of the site and there are a relatively small number of access points into the site, which are provided from Hall Road only.
- The existing footpath, which is located on the northern side of Hall Road, ought to be retained and extended to include the whole length of the development boundary.
- The landscaped buffer area proposed on the eastern boundary is creating public areas onto private backs and may create problems with security and noise nuisance. The landscape buffer will not make the new development more remote from the existing and there are considerations as to how this space will be used and maintained.

1.46 Efficient Use of Land

- Shallow strips of land proposed at the front of the properties are impractical areas too small for a garden and would not contribute in improving the street scene. These areas should be re-designed.
- There is a question in relation to spaces inserted between the houses located along the northern perimeter of the site. It seems that density in these areas has been deliberately lowered by way of inserting spaces between the units. Consequently a character of a detached house has not been achieved and the proposal is contrary to principles set up in Essex Design Guide (Criteria for Layout, Arcadia and Boulevard Planning).

1.47 Scale

- In the DAS section 4.4 Scale, block dimensions indicate a deep span, which increases ridge heights in relation to those of existing narrow span buildings in Rochford. Traditional regional building forms have typically spans of 5m and are rarely greater than 6.5m. Deep dimensions may require roofs to be divided into smaller elements. Detached dwellings can use an assemblage of roof forms. Please see further comments in this report.

SCHEDULE ITEM 1

1.48 Appearance and Character

- In principle we support the statement given in DAS p. 58 that the development should 'fit harmoniously into its immediate surroundings' and 'the desirable character of the development would be arriving from St Andrews Road, Oak Road and Hall Road'. However, information provided in DAS section Character and Appearance is only indicative.

1.49 The following amendments and information relevant to the whole of the proposed development are required:-

- Maximum span for houses with pitched roofs should not exceed 6m. Any dimensions for the houses exceeding 6m depth require roof forms to be divided into smaller elements.
- Proposed small front gardens 1-2m wide in principle are not acceptable and ought to be re-designed, depending on the analysis of an each street cross section.
- Submit typical cross sections through each street and each public space at minimum 1:50 scale showing ground levels, buildings' frontages and elements of public realm.
- Prepare public realm strategy for each character area/zone of development, including information on indicative street materials, tree and planting species, typical verge details, street light, seating and other elements.
- Submit indicative street elevations at minimum 1:50 scale showing fenestration, building materials, all fencing and a palette of colours.
- Submit indicative typical architectural details of eaves, gutters, gables, plinths, chimneys, dormers, entrance doors, windows and window sills, porches and fencing at a scale not less than 1:20.
- Submit samples of indicative building materials.
- Open spaces, either streets or squares, should clearly indicate uses dedicated for children and play.

1.50 Specific amendments per each character area/zone of development are required:-

1.51 Central Area

- The Central Square (no. 17) seems to be in an odd position in relation to the main routes through the site. From the drawings it looks like this space plays an important role for this development but its off centre position seems to challenge its function. The north-western approach to Central Square reads as uninviting.

SCHEDULE ITEM 1

In principle, the development ought to provide a stronger core area of greater pedestrian concentration located more centrally and this should be shown on drawings. A perspective sketch or 3D image of the Central Square would be useful.

1.52 Northern Edge and Western Edge

- The proposed development concept based on 'a series of short straight streets' with views to the northern hedge is good, however a vision for a long row of houses facing the north is missing. As noted on the previous pages, spans of units are too big and distances between the units are too small and uniform and the overall proposal for this section is contrary to principles set up in Criteria for Layout, Arcadia and Boulevard Planning, Essex Design Guide.

1.53 Hall Road Frontage

- Hall Road tree-lined character ought to be addressed in a more appropriate way with access routes on the southern side that should be repeated on the northern side.

1.54 CAFE

- The site could be an appropriate site for residential development; the site is close to Rochford town centre and the train station, as well as the local business park, and therefore there are good opportunities for residents to go about their daily life by using public transport or by bike or foot. While we recognise that the current planning application is outline, we think that the quality of the application is inadequate for the scale of the development proposed. It is therefore difficult to assess whether the 600 dwellings on this site is appropriate and can produce a quality place to live and work. Recommend that the LPA requests further information on the Design and Access Statement.
- The Design and Access Statement does not make a convincing case for development of this scale on this site and it lacks a clear vision that suggests that there are low aspirations for what the site could become. There is little evidence to show that character and townscape have been thought through; the choice of existing areas around Rochford for the character analysis seems arbitrary and it is not evident that this analysis has informed the layout of the proposal. Despite the site being well connected to Rochford town centre the master plan focuses heavily on vehicular access and does not exploit the opportunities for walking and cycling.

SCHEDULE ITEM 1

We understand that this is an outline application and therefore further detail will be provided at the reserved matters stage; it is important, however, that the skeleton of the master plan is robust so that a good quality development can be designed on the outline parameters agreed. We are concerned that the parameters as they currently exist could result in an inappropriate, anonymous and isolated settlement that does not respect or enhance the character and historical integrity of Rochford.

1.55 English Heritage

The works are unlikely to have a significant effect on Rochford Hall or the Conservation Area. Recommend that the application is determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

1.56 RDC (Historic Buildings Adviser)

The site is in the same area of Rochford as Grade I Listed Rochford Hall, but I do not consider that it could be argued that the development would have any impact on the setting of the Listed Building. I therefore have no observations to make on this application.

1.57 Environment Agency: No objection subject to conditions.

1.58 First and Second Round Consultations

- Initial objection on flood risk grounds now removed, subject to condition: the extent of flood zones 2 and 3 on the Environment Agency's (EA) flood risk maps for the site initially differed from those shown on the applicants' submitted flood risk drainage assessment such that there was some potential for building within the flood zones 2 and 3, as shown on the EA flood risk plan for the site. The EA acknowledges that its flood risk map for the site was inaccurate and has amended the flood zone extent at the site accordingly. In light of this change we remove our objection in relation to flood risk, subject to the following condition:-

- 1.59**
1. *No part of any building, including its curtilage, shall be situated within an area of flood risk including an appropriate allowance for climate change as agreed by the Environment Agency.*
- Initial objection due to insufficient information being submitted with regard to foul water drainage now withdrawn, subject to condition:

SCHEDULE ITEM 1

Initial concern was raised that the information submitted with the application did not demonstrate that the waste water flows arising from the development could be accommodated by both the waste water network and the treatment works without increasing the risk of sewer flooding and without adversely impacting upon the receiving water environment. In the light of receipt of a copy of the Anglian Water pre-development report (October 2009) for the site the EA is, however, in a position to withdraw our objection, subject to the following condition being imposed:-

- 1.60 2. *The development hereby permitted shall not be commenced until such a time as a scheme for the phasing of development has been submitted to, and approved in writing, by the LPA. The scheme shall be implemented as approved.*
- This scheme must ensure that none of the proposed developments will be occupied until sufficient waste water infrastructure is in place to cope with the flows arising from the development. Although Anglian Water has stated that the receiving works can take the flows from this development, we are mindful of the cumulative impacts that recent large-scale development proposals will be having on the waste water infrastructure. The water cycle study has highlighted that there is insufficient capacity for all of the 4000 homes proposed for Rochford and this means that development (and occupation) needs to be carefully phased so that the cumulative effects of this and other developments do not overwhelm the receiving works.
 - Surface Water Drainage: The surface water run-off associated with such a large development has been considered. The site has been shown to not be suitable for infiltration and other proposals suggested within the FRA. Full details, including proposals for attenuation and discharge features, will be required, including evidence that the system will discharge at the current rate whilst also allowing attenuation on-site for the 1 in 100 year storm event with the inclusion of climate change. The opportunity to create aquatic habitat in the on-site attenuation would be supported, providing it would not interfere with the maintenance of the attenuation feature. No objection to these proposals on surface water grounds subject to the following condition:-
- 1.61 3. *Development shall not begin until a surface water drainage scheme for the site based on sustainable principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.*

SCHEDULE ITEM 1

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- Contaminated Land: The potential risk to controlled waters from the possible presence of contamination associated with the previous use of the site is likely to be low. However, the site overlies a secondary B aquifer and has surface water drainage ditches located adjacent to the eastern and southern boundaries. Therefore if during the development works, contamination not previously identified is found to be present at the site that may pose a significant risk to controlled waters we would want to be consulted. No objection to the proposals on contaminated land grounds, subject to the following condition:-
- 1.62 4. *If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted and obtained written approval from the LPA for a remediation strategy detailing how this unsuspected contamination shall be dealt with.*
- Sustainable Development: The highest possible standards of sustainable construction and design must be incorporated. This would be in line with the objectives of PPS1. We seek that all developments across the Thames Gateway areas are designed to use less than 95 litres per head per day of water, which is in excess of Code for Sustainable Homes Level 4. All developments should aspire to incorporate community water harvesting and re-use systems; these are needed to achieve water use of less than 95 litres per head per day. Development should also seek to minimise the use of resources and the production of waste. The management of waste should be considered as early as possible. Consideration should be given to provision for recycling in public areas. The following conditions are recommended:-
- 1.63 5. *Prior to the commencement of development a scheme for the provision and implementation of water resource efficiency shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.*
- 1.64 6. *Prior to the commencement of development a scheme for the provision and implementation of energy and resource efficiency during the construction and operational phases of the development shall be submitted to and agreed in writing with the Local Planning Authority.*

SCHEDULE ITEM 1

The work/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

- Where the development will require a site waste management plan under the Site Waste Management Plan Regulations 2006 please note advice at <http://www.smartwaste.co.uk>

1.65 Anglian Water Services

We are obliged under the Water Industry Act 1991 to provide water and waste water infrastructure for domestic purposes to new housing and employment developments with our area when requested to do so. To effect this the applicant will have to make a request. Suggested informatives.

Essex and Suffolk Water

- 1.66 Essex and Suffolk Water has mains that appear to be in the vicinity of the proposed development. We would like you to inform the applicants that no buildings or structures will be accepted within 3 metres of the main, which is protected by an easement. There should be no trees, hedges, shrubs or non-boundary fences erected within 3 metres on either side of the outside edge of the main, nor should the level of the surface of the land be altered.

- 1.67 We cannot permit the construction of an attenuation pond over the ESW main. A pond in very close proximity could impede access to the main and, should a break occur in the pipe, dirty water would contaminate the public water supply, for which we would incur penalties from the Water Regulator. The edge of the flood attenuation pond should be a minimum of 6 metres away from the edge of the easement - 4.5 metres from the outside edge of the pipe.

Natural England:

- 1.68 First round consultation response: Holding objection.
- On the grounds of insufficient information regarding recreational areas to offset the pressures on the estuary, protected species and landscape.
 - Minimal information has been provided with reference to nearby European designated sites. Natural England therefore submits a holding objection to the proposed development. This large scale development proposal has potential to increase recreational disturbance pressure at nearby designated sites.

SCHEDULE ITEM 1

In the absence of evidence to the contrary it is our view that, whether alone or in combination with other plans or projects, it is not possible to ascertain whether the proposed development would not be likely to have a significant effect on the interest features of the Crouch and Roach Estuaries Special Protection Area, Ramsar Site and Site of Special Scientific Interest, or any of the features of special scientific interest of Hockley Woods (SSSI) or the Essex Estuaries Special areas of Conservation.

- Insufficient information with respect to protected species and landscape has been provided and a holding objection is therefore also submitted for this reason.
- The applicant has not submitted an assessment of green space provision with reference to the recreational pressure on Crouch and Roach Estuaries (SPA, SSSI and Ramsar), 2.2km to the east of the site. It is imperative that this assessment is done before the application is determined.
- It is generally accepted that by providing spatially targeted and appropriate levels of alternative green space it is possible to mitigate for adverse effects on sensitive areas. This development should use the precautionary figure of 8ha per 1000 population. As approximately 1,400 new residents would be expected this would equate to 12ha of green space to offset the daily recreational needs arising from the proposed development.
- Consideration must also be given to how residents are likely to be drawn to the estuary (particularly at weekends) and what alternative green space is, or will become, available. We note from the Social Infrastructure Report that RDC plans to plant 7 woodlands over 35 acres but it is not clear how the Council intends to offset this particular development and we would welcome a detailed report clarifying these issues.
- It is important to provide accessible green spaces as part of a network of multifunctional green infrastructure, linking the recreational space and parkland with tree lined pathways, accessible pedestrian and cycle routes and wildlife corridors. Introducing measures to encourage wildlife such as bird and bat boxes, water features, the creation of particular wildlife habitat in the parkland and wildlife corridors and retention of hedgerows would all improve the biodiversity of the area. All developments should also consider using materials and techniques that promote biodiversity such as green or brown roofs.

SCHEDULE ITEM 1

- It is difficult to judge exactly what is required in terms of habitat enhancement as protected species surveys have not been submitted.
- The inclusion of open space for active recreation would be welcomed.
- The Landscape and Visual Appraisal report is lacking in detail; it does not adequately identify the changes to landscape character that would occur due to the proposal. All types of effect should be considered, direct and indirect, positive and negative and permanent and temporary. There has been no attempt to illustrate how the housing development will look from the viewpoints identified.
- Although the applicants have outlined the necessary protected species surveys in the ecological assessment, the surveys have not actually been completed. The applicants need to submit completed bat, badger, dormouse, breeding bird, reptile and great crested newt surveys, including the methodology, results, interpretation, residual effects and mitigation/enhancement for each species. An objection is raised until this work has been completed and submitted.

1.69 Second round consultation response:-

- Note that the proposed 11.34ha of open space falls short of the 12ha figure previously suggested by Natural England as appropriate to provide sufficient green space and mitigate against adverse impacts on the nearby SSSI at the River Roach. At just under 34 percent the overall green space falls slightly short of guidance, which advises 40 percent.
- Natural England Standing Advice should be considered, working through these advice sheets for bats and great crested newts it is considered that the development can be approved in relation to impacts on these protected species, subject to detailed mitigation and monitoring strategies being agreed.

1.70 Essex Wildlife Trust

Essex Wildlife Trust is satisfied with the Landscape and Biodiversity Management Strategy produced by Barton Wilmore. Providing that the proposals contained within this management plan are implemented and adhered to, the Trust has no objection to this planning application.

1.71 Southend Airport: No safeguarding objections.

SCHEDULE ITEM 1

1.72 Sport England

- SPD 3: Playing Pitch Strategy (2007), Policy LT2 of the RDRLP (2006) and the emerging Core Strategy are relevant.
- There is considered to be a clear policy and evidence base justification for new residential developments making provision for additional outdoor sports facilities. If the development did not make any provision for outdoor sport, existing deficiencies would be exacerbated.
- The two areas of open space proposed to the west could accommodate a small five-a-side football pitch each. These would be appropriate for informal use to meet the general needs of the future occupants of the site rather than formal use by clubs, as formal use would require a larger space, ancillary facilities and vehicular access.
- If the open spaces to the west were used as informal outdoor provision the site could not, however, accommodate the formal outdoor sports facilities need that the proposal would generate. Sport England raises an objection unless an appropriate financial contribution be secured in lieu of on-site provision, which would be used towards providing new or improving existing formal outdoor facilities off-site within the local area.
- In principle Sports England welcomes school sports facilities being available for community use although not as an alternative to community playing fields where these are required of a development.
- Indoor sports facilities - Recent studies completed in association with RDC provides evidence of need; there is an adequate supply of facilities in the District. However, a large proportion of this supply is not fully accessible to the community, i.e., on school sites and commercial facilities. The development would therefore exacerbate such deficiencies and would not meet the additional facility needs generated by the development unless provision for the additional demands that it generates are made. The emerging Core Strategy Policy CLT1 refers to financial contributions towards off-site infrastructure, leisure facilities are listed as one type.
- It is accepted that, taken in isolation, the development would not generate sufficient need to support an indoor sports facility on its own. However, the development would have an impact when considered alongside others in terms of increased demand for such facilities. Based on the applicants' estimated population of 1400 from the site, contributions according to the toolkit applied would total £531, 562. An objection is made unless the financial contribution is secured.

SCHEDULE ITEM 1

1.73 Primary Care Trust

- Given the number of houses proposed and the potential population increase, NHS South East Essex recommends under a section 106 agreement for GP provision to serve this population increase.
- The nearest GP practice to the proposed development is 2.3 miles away (using Google maps). We have two practices in the same building Dr Kothari C U & Partners and Dr Bajen JM & Partner. At present between both of these practices there are 20,000 patients being seen.
- Based on the number of units stated above we could be looking at an additional 400 – 500 patients (rough sums) from the above development, which could be absorbed. The primary issue for health is the distance to the nearest GP practice and may require a branch surgery to efficiently deliver services to these patients (particularly to vulnerable or elderly patients that cannot drive).
- In calculating the health outputs provided in the file above the S106 contribution the PCT suggests a contribution of £48,100 be sought; being £501 per unit.
- On provision of a breakdown of the anticipated mix of dwellings the PCT provided a revised estimated contribution of £455,110. The reason the figure is much higher is due to the number of 4/5 bed houses that are proposed in this development.

1.74 Essex Badger Protection Group

- We have identified a badger sett off this land and therefore are writing to state an interest in any proposals for this land.

1.75 Essex Police

1.76 First Consultation

- The Design and Access Statement, along with other documents, does not fully explain how the applicants will meet the requirements of PPS1.
- PPS1 makes it clear that an objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion.

SCHEDULE ITEM 1

Design and access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places: The Planning system and Crime Prevention (ODPM/Home Office 2003).

- The applicant simply defines the seven attributes.
- In order that a development of this size does not design in crime opportunities thus raising the fear of crime I would recommend that the development as a whole, housing both social and private, school and commercial/retail all achieve Secured by Design (SBD) Certification.
- SBD is endorsed in the safer Places Document and is a Performance Indicator for Local Authorities measured by the Local Authority. SBD also supports Section 17 Crime and Disorder Act. This act places a requirement on the LA to consider crime and disorder when carrying out any of its functions.
- The outline application is more generic rather than specific but the requirement for SBD now would address any security fears for local residents as the application moves forward.
- Recent appeals have been thrown out due to the lack of security and crime prevention details in Design and Access Statements or in associated paperwork.
- We would remove our objection if SBD were a planning condition.

1.77 Second Consultation: Object on the grounds of:-

- Impact on policing
- Lack of detail relating to Security and Safety; p59 of the Design and Access Statement mentions secure parking courts but the drawings do not indicate gates or lighting; how is this secure parking? Para. 4.11 indicates community safety and the seven attributes of Safer Places but does not indicate the developer's intention to attain Secured by Design certification for all new buildings. A development of this size will attract crime and anti-social behaviour. PPS1 and PPS3 both seek crime free developments and s17 of the Crime and Disorder Act places a responsibility on the Local Authority to reduce the opportunities for crime. Crime also has a carbon footprint and by reducing opportunities for crime we reduce the carbon footprint of such a development.

SCHEDULE ITEM 1

Essex Police therefore requests conditions should this application be approved, relating to Secured by Design certification on the development, including all new buildings, dwellings and commercial/education.

- The applicants are not privy to sufficient information to allow them to make a suitable assessment of the impact of the proposal on policing, crime and/or the fear of crime. Essex Police, in conjunction with the Association of Chief Police Officers, has identified local growth as a strategic risk to the delivery of an efficient and effective service. This proposal included.
- As the demand for a policing service is driven by population and property growth, Essex Police requires the suitable mitigation of the impact of new development on all aspects of this development, for which we have a method of 'impact assessment' which we would apply.
- Essex Police therefore, and hereby formally request of the Local Planning Authority under Section 17 of the Crime & Disorder Act (1998) and Section 106 of the Town & Country Planning Act (1990) that the impact of the proposal on the policing service be assessed, and appropriate mitigation measures be agreed, prior to the determination of this application.

1.78 RDC (Environmental Services)

- In order to assist in our consideration regarding this application, would you please ask the applicants to review and reassess the Air Quality Assessment having regard to: a) RDC Air Quality Updating and Screening Assessment 2009 and b) RDC Air Quality Progress Report May 2010.
- The Phase 1 Desk Study submitted regarding land contamination is considered sufficient in assessing the potential risk to the development from land contamination. Recommend condition:-
 1. Prior to the commencement of any development hereby permitted a site specific risk assessment, including intrusive investigation, soil sampling and analysis, shall be undertaken in accordance with the recommendations contained within the Geo-Environmental Desk Study Report GE7438/MAR10/DSR and a written report submitted to the LPA.
- Model Planning Condition 4, Reporting of Unexpected Contamination.

SCHEDULE ITEM 1

1.79 SECOND CONSULTATION

- In order to assist in our consideration regarding this application, would you please ask the applicant to review and revise the Air Quality Assessment having regard to the RDC Air Quality Progress Report 2011 (available via our website or www.essexair.org). In particular, the applicant should note the bias adjusted figures for 2010 diffusion tube data and take into account the combined effects with other developments that have received approval and/or are likely to be considered (or even built) prior to completion of this development. (e.g., Brays Lane, Stambridge Mills, etc.)
- Greater correlation with the traffic assessment should be evident, particularly in relation to Rochford town centre (South Street and East Street) and the Southend Road/Sutton Road junction. Appropriate mitigation for the resulting adverse impacts should be proposed, ideally to achieve a 'slight beneficial impact' as defined by EPUK guidance.
- The report covers dust, but this will be covered by a condition to agree specifics.
- A scheme of measures for the control and suppression of dust emissions during construction shall be submitted to and approved in writing by the L.P.A. prior to the start of ground works on the site. Such agreed works shall be implemented in the approved form throughout the construction phase of the development.
- Site Waste Management Plan informative.
- Condition requiring the developers to obtain a Prior Consent under the Control of Pollution Act 1974 from the Local Authority regarding the control of noise from construction. The Prior Consent shall be issued prior to the commencement of any ground works on the site and shall remain in place throughout the entire construction phase of the development.
- With regards to the acoustic report, I recommend that the glazing recommendations are conditioned.

1.80 Rochford Council (Housing Strategy) No objection.

- The provision of 35 percent affordable housing will meet a substantial part of the demand identified through the housing register and from other sources.

SCHEDULE ITEM 1

- Analysis of the housing register indicates that the mix of property types should be as follows:-
- 1- bed = 40%, 2-bed = 35%, 3-bed = 20%, 4-bed = 5%
- The mix of tenures should be 80% social rented and 20% intermediate housing.
- In a S106 Agreement, can I request that: All new homes must comply with the Lifetime Homes Standard and that at least 3% of all new homes must be built to full wheelchair accessibility standards.

1.81 RDC (Recycling)

Consideration needs to be given to access and turning points for 26-ton refuse collection vehicles and suitable storage capacity for all dwellings for the three wheeled bin scheme that operates within the district. If there are any flats within this proposed development a suitable storage area should be provided with sufficient space to accommodate communal bins 240, 180 and 140 litres respectively.

1.82 RDC (Parks and Woodlands): No objection, suggested conditions:-

1.83 Trees

- The tree identification and referencing is an accurate account of the trees at the site. The tree condition survey is accurate.
- The mature Oaks along Hall Road have been graded as B trees where it is my professional opinion that some of these trees are worthy of an A rating.
- The tree works specification, protection and special construction techniques are sufficient at this stage to demonstrate how the trees will be protected from development activity. I would recommend that a condition of consent requests further detail when an agreed layout is reached. This should include:-
 - Key Stage monitoring plan; plan identifying key stages of development that require supervision provided by an arboriculturists such as erection of tree protection, excavation within Root Protection Areas etc, supplied and agreed to RDC.
 - Improved tree protection plan; plan clearly identifying areas for tree protection against layout proposals, areas where special construction techniques are required, areas identified for welfare facilities, site storage and contractors parking.
- Chronology of tree protection measures.

SCHEDULE ITEM 1

- A condition of planning consent should seek to ensure provision is made for quality tree planting for large trees in open space where they can develop with minimal management in areas where they can be seen and enjoyed for future generations. Also that provision is made to improve and enhance the hedgerows and their connectivity to adjacent hedgerows, nearby mature tree planting to improve biological diversity.
- A full plan that clearly shows tree locations should be provided; attached to this should be tree species, size and planting method statement and after care plan. All to be in accordance with BS 3936-1, BS 4428 and NHBC ch 4.2

1.84 Hedgerows

- The hedgerow parallel to Ironwell Lane is considered ancient and at present is protected via Hedgerow Regulation 1997. However, this is likely to change if development is permitted; the hedgerow will no longer be considered rural/agricultural and may not fulfil the criteria for inclusion under the Hedgerow Regulations. Furthermore, it is important that this linear, wildlife corridor does not become fragmented and incorporated into any part of this development that may cause future damage/disturbance to the function of the hedgerow.
- I would recommend that the proposal to keep a 20m buffer zone from development to the hedgerow be included as a condition of planning consent. The management of this buffer zone requires further attention. Species colonisation and succession from arable field to scrub is undesirable and should be discouraged with suitable management. The buffer zone should retain a woodland edge structure from field/herb layer to scrub layer.
- The hedgerow along Hall Road has lost its species diversity due to colonisation of the Elm sucker. However, conditions of planning consent should ensure that the hedgerow be improved with Elm removal/control and introduction of native species planting between the mature Oaks. A further condition should again seek to ensure the proposed 10m buffer is included and its future management agreed.
- If it is the case that following development the Ironwell Lane hedgerow will lose the protection status afforded by the Hedgerow Regulations it may be prudent at this stage to protect this hedgerow with an area Tree Preservation Order.

SCHEDULE ITEM 1

- 1.85 Second Consultation:
- Trees on boundaries are protected by two TPO's - 18/92 & 04/82.
 - Tree report required showing how the trees will be impacted and protection measures, in accordance with BS5837:2005. It is also possible an ecological report will be required, especially in relation to the hedgerow along Ironwell Lane. At a later date, a full landscape scheme will be required.
- 1.86 **RDC Building Control (Engineers)**
- No objection, but note that no public surface water sewer available and limited public foul water sewer availability.
- 1.87 **Neighbour Representations**
- 1.88 First round consultation: 164 objection letters received
4 letters of support received
- Summary of objections:-
- 1.89 Development Plan
- The application would amount to a major departure from the development plan.
 - No justification in national policy for this development – the applicants have not demonstrated very special circumstances required by PPG2.
 - The development should not be approved when the Core Strategy and Allocations Development Plan are still under consultation. This planning proposal is not even in line with those documents that have been submitted, i.e. 450 dwellings by 2015, and a further 150 dwellings between 2015 and 2021.
 - The Core Strategy should not be proceeded with (which I accept was driven by the craziness of Labour Government targets) and the proposal should be declined.
 - The reasons of refusal of the Coombes Farm application also apply to this site.
 - The developer has submitted to develop an area larger than that which was allocated.

SCHEDULE ITEM 1

- We now have a new Government; the Council should stand up for the local area and kick back against the previous regime's ridiculous housing targets and decline any plans of this nature in the RDC area.
- Consideration should be given to the Coalition Government's policy approach, specifically:-
 - The Government believes that it is time for a fundamental shift of power from Westminster to people.
 - Decentralisation and democratic engagement will be promoted and we will end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals.
 - The planning system will be radically reformed to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live, based on the principles set out in the Conservative Party publication Open Source Planning.
 - Green Belts will be maintained to protect green areas of particular importance to local communities.
- The main majority of houses needed in Rayleigh NOT Rochford as per core strategy document listing a 44 percent waiting list of applicants.
- There is no proven need for the scale of housing development in Rochford.
- There are manifestly more appropriate sites for housing development, which could merge far more sympathetically into the existing environment, namely all brown field land, land close to the railway station at the golf course, which would be better to develop and move the golf course further west or the land at cherry orchard brickworks, which is brown field, land around the ancient hamlet of Stroud Green, to the east of The Cock Inn, at Brays Lane (north and south) and south of Tinkers Lane, none of which would have such a gross effect as loss of Green Belt. These sites to the east of the settlement of Rochford are already substantially enclosed by the settlement and would amount only to infilling.
- It would be far better, both for relieving the infrastructure of localised pressures and preserving the Green Belt, to consolidate sporadic blocks of isolated in-filling and small truncated fields. The latter exist east of the airport and near the Ann Boleyn.

SCHEDULE ITEM 1

- Housing development should be concentrated to the west of the district where the road infrastructure is more adequate.
- The proposed site is not that identified by the Council as being suitable for development.
- This part of the country is over-populated already.
- In the recent SHLAA the Council appears wrongfully to have failed to identify and consider the obvious alternative site for development, which lies to the east of the airport and bounded by Sutton Road on the north and east and the Temple farm industrial estate to the south.
- There are many unsold dwellings in Rochford.
- Change in Government means a change to the number of homes required.
- The application site does not represent any one of the 4 options put forward by the District Council in its Allocations DPD consultation. WR1 in that document represents the eastern part of the application site. This is described as the District Council's preferred option as it provided a defensible Green Belt boundary on the western side. The application site completely ignores such a boundary and includes a further 11 hectares west of WR1, an increase of 50% over and above that which is being considered by the District Council. Furthermore, the Core Strategy Consultation DPD states at paragraph 4.23 that it regards it as important to phase the loss of Green Belt land to ensure that there is not an early or excessive release, which may discourage re-development of previously developed land or undermine town centre regeneration proposals. The timing of this application therefore is in conflict with this statement in the Core Strategy and for the reasons stated above also does not conform to the Allocations DPD consultation document.

1.90 Green Belt

- The impact on Green Belt, by way of encroachment into the countryside, would be even greater at this site than would have been the case at Coombes Farm; the land is far more open in appearance and character, the application would result in the loss of a far greater area of attractive landscape close to where people live.
- Development proposed would create urban sprawl and reduce openness as well as destroying the picturesque setting of an historic town. These are all contrary to PPG2.

SCHEDULE ITEM 1

- Site is in Green Belt and performs a valuable Green Belt function.
- Protecting the 'envelope' of Rochford on its western flank is highly desirable. The move towards coalescence with Hawkwell and thence Hockley is highly undesirable. The present boundary is well defined and readily defensible. For the greater part it consists of the railway line. The area of housing in the south eastern corner does not materially infringe upon that Green Belt.
- We have become an almost endless sprawl, with a few rare oases of calm and beauty, including Paglesham, parts of Canewdon and the Roach Conservation Area with its excellent new park, and Hall Road, with its unbroken Green Belt stretching to the railway line. This development is the start of urban sprawl, which will eventually spread uninterrupted from Southend to London. We need clear open areas around each village/town to maintain air quality and sense of identity.
- The proposed location is a particularly picturesque piece of Green Belt, which adds to the character of Rochford.
- It would be similarly illogical for RDC to allow this development to progress in light of its own Conservation Assessment Report of just three years ago. RDC Planning officials should be asked to re-read this fine document which, quite clearly, seeks to protect Hall Road as the ancient approach to one of the most important towns in Essex. The authors were, clearly, fearful of attempts to allow Rochford to spread westwards along Hall Road and forewarns of the need to be vigilant against "sub-urbanisation".
- When will all the building stop? This is Green Belt land; if you agree to the completion of this development it will give way to further development around this area.
- There are no plans by the Local Education Authority for such a school - consequently it cannot provide a special circumstance for the release of this site from the Green Belt.
- The Council must undertake a full assessment of the proposal in the context of the purposes of including land within the green belt. How significant would the harm be to the Green Belt?

1.91 Infrastructure

- Poor infrastructure for such a large development.
- No bus route.

SCHEDULE ITEM 1

- The low railway bridge causes problems for pedestrians gaining access to local school and town centre. The pavement under the railway bridge is not adequate, too small for the increase in number of pedestrians that would occur and is particularly narrow, making it difficult and dangerous for pedestrians to use and there is no scope for widening or improving this access. It is impossible for wheel chairs, mobility scooters and baby buggies to use one side of the pavement.
- Local doctors could not cope with the increase in population; would a new GP practice not be needed?
- New residents would be isolated from the Rochford community.
- Rochford will be seriously under served by police, fire, and ambulance with another 600 dwellings to tend to.
- The area is in danger of becoming just houses; town sized but not with the facilities, parks etc, that a town has.
- There are currently insufficient school and nursery places; play facilities for young children and leisure activities for teenagers are currently inadequate. In the face of even greater demand for such resources, future generations of young people would be further disadvantaged.

1.92 Traffic congestion /parking

- Hall Road already suffers traffic congestion - a development of 600 dwellings will only exacerbate the situation.
- The proposal should take account of other large scale proposed developments and increase in cars resulting from proposed airport expansion.
- Particular concern about junction of Hall Road and Ashingdon Road - already overloaded at peak times, whose capacity cannot be increased. Hall Road and the junction at the Ashingdon Road mini roundabout is already gridlocked at all hours of the day and will not be able to withstand upwards of an additional 1200 cars.
- With the approved runway extension at Southend Airport, the road diversion of Eastwoodbury Lane will undoubtedly divert significant traffic to Cherry Orchard Way via Hall Road. Have you seen the huge queue every evening starting at Eastwoodbury Lane past the 'Tesco' roundabout? The queues down Sutton Road to 'Anne Boleyn' roundabout? The queues from Rayleigh to get through Hockley?

SCHEDULE ITEM 1

- The mini roundabout junction of Hall Road/West Street/Bradley Way is insufficient to cope with this diverted traffic, let alone the additional traffic created by this planning application.
- To add traffic is unacceptable in terms of overcrowding of the highway and the creation of noise, fumes and other nuisance.
- Will the proposal result in the loss of the cycleway on Hall Road, which was put in at the tax payer's expense?
- Parking in the town is impossible at times and would be made worse.
- The build period would be in the region of 4-5 years so the amount of construction traffic for five and a half days a week would have a serious detrimental impact in the local area.
- Transport links are poor; no buses on Hall Road, a bus would struggle to get comfortably under the railway bridge given that there is always traffic in the opposite direction queuing for the roundabout. Two cars struggle to pass each other in opposite directions so how would a bus be expected to get through.
- The conversion of Ironwell Lane into a highway would create highway problems.
- The railway station is too far from the proposed estate, especially at the far end of the proposed building to be easily accessible by residents.
- Roads on the new development could suffer from commuter parking, houses would need to have sufficient parking and then roads could have no parking designations on them.
- The footpath under the bridge at Ironwell Lane is in a very poor state of repair. Will the developer keep its promise to upgrade it so it is not muddy and waterlogged in the winter?
- Figures in the transport assessment questioned as some roads are known to be very congested. What is used to establish capacity - road width or actual counts?
- Trains are at capacity already.
- Staff arrive late for work already at businesses in the area due to delays at present, which would be made worse as congestion in Rochford would increase.

SCHEDULE ITEM 1

- Southend Road and Sutton Road need to be upgraded before developments like this are considered.

1.93 Character

- Will alter the character of the area.
- Over-development of a historic area, which has seen gradual large scale development over the years.
- The views of Ironwell lane and Hawkwell Church are fine and worth retaining.
- Amenity provided by Ironwell Lane, which is of great historic value to Rochford Market Town would be destroyed - one of the few remaining footpaths in the District where you can walk through open countryside. To put lights along this lane would take away the very essence of the lane's existence. Where would the horses that use this bridle path go?
- Amenity value of the other public right of way through the site would be completely destroyed.
- Proposal would be entirely inconsistent with the residential area in Oak Road and Hall Road and change the ambience and identity of the area.
- There is a great sense of openness in this immediate area and this provides a clear distinction from the more built-up town centre.
- Rochford has a small town/village appeal and sense of community, whereas the proposal would turn a pretty rural town into a sprawling urban area.
- The properties along Hall Road offer a great mix of character and grandeur as you approach the town of Rochford; a distinct character, which is rarely present in this corner of Essex. Largely owing to the style of houses, the plots of land and the surrounding countryside. Building 600 houses on the doorstep of these properties will have a detrimental impact on the appeal of the area.
- The site provides a beautiful vista approaching Rochford from Hawkwell as well as maintaining a divide between hamlets, which would be lost and reduced.

SCHEDULE ITEM 1

- A new estate, regardless of the size and value of houses will completely change the fabric of the area, which is arguably the only aspirational area (it is important for people to aspire to move up in life) in Rochford town.
- The kind of housing proposed is not within the historical feel of the area.
- Concern for retention of ancient hedgerow along Ironwell Lane and its proper maintenance.
- This development would extinguish the open rural approach to the town from the west that RDC was anxious to protect in 2007, as stated in the published document as part of its Local Development Framework - entitled Rochford Conservation Area and Management Plan - Evidence base in May 2007. Its analysis of Hall Road described the area as having a rural feel and concluded that it is essential to the preservation of this approach to the town and the setting of Rochford Hall that further sub-urbanisation of the road is avoided.
- If the development goes ahead a lovely area of green space overlooked by locals when walking, cycling, running, horse-riding, etc., will be lost forever.
- At a height of 10.5 metres the lowest building on the application site would be some 2 metres higher than the highest existing properties in Oak Road.
- This development would be physically detached from the town due to the constraint of the railway. It would be totally out of scale, built to a much higher density; the proposal is too dense. It should have quality, well-spaced housing, 100 dwellings not 600 would be more appropriate.
- Urbanisation of Ironwell Lane would be a disaster.
- The character of Rochford will completely change and become a homogenised town, which could be anywhere - people have come to live here because of the way it is - not the way it is going to be.
- Major intrusion into the character of the nearby conservation area.

1.94 Loss of Agricultural Land

- The land is Grade 1 and 2 agricultural land and there is a shortage of this type of land nationally.

SCHEDULE ITEM 1

- We have an ever increasing population and are currently importing 40 percent of our food; the proposal would result in the loss of a substantial area of productive and versatile farmland. The land is intensively cultivated at present and its loss will lead to irremediable loss and damage to the stock of such good quality land. PPS7 states that the loss of best and most versatile agricultural land should not normally be allowed. The proposal would thereby lead to increased food imports.
 - Land of an inferior quality should be used.
- 1.95 Affordable housing
- Is the proposal entirely in line with the Government's proposal for affordable housing?
 - Too much affordable housing proposed at 210 dwellings on the site.
- 1.96 Wildlife
- The proposal would result in the loss of land, which is of great amenity and wildlife value. At present there are mammals and birds (including pheasant) commonly to be seen.
 - Badgers and Bats and other wildlife frequent the site although the submitted ecology report does not identify this.
 - The area was previously designated part of the Roach Valley.
 - Ironwell Lane will be affected regardless of how far the buildings are kept away from its border and historic hedgerows; the lane is a haven for wildlife and this will be driven out of the area.
- 1.97
- There are 2 Badgers setts at each side of the field.
 - Taking away the open spaces would result so that the houses that already exist would be over run with foxes, badgers, squirrels, mice and rats.
- 1.98 Site Specific
- Proposing two football pitches is just window dressing and there are already football pitches in close proximity on Cherry Orchard Way and at the nearby Clements Hall Leisure Centre.
 - Concern about the proposal to put the school in the centre of the site and parking for parents dropping children off causing a problem in terms of congestion and blocking residents' parking spaces.

SCHEDULE ITEM 1

- Waterman Primary School is under-subscribed. Why then does the area need a new primary school when there is one that has very few pupils? Has there been consideration of increased need for capacity for secondary schools?
- If there are 2 five-a-side pitches with high fences around them, what is the point of having them if they can only be used when the school is open.

1.99 Flooding

- Building on the site would increase the risk of flooding to the surrounding area as ditches already fill up with water and this would increase when site was developed, no longer able to absorb rainfall. Drainage is another fear, the stream that runs by Ironwell Lane is tidal and more concrete would mean more risk of flooding. No matter what draining is incorporated into a new site it still ends up in the old drains in the rest of the area.
- Will the River Roach be protected from surface water drainage which may be contaminated?

1.100 Noise

- Noise pollution from passing vehicles will be significantly louder and this will be on top of the increased noise from the runway extension
- Concern about noise and dust that would be generated from construction and impact on health.
- Noise disturbance from increased traffic to local residents.

1.101 Air Quality

- Air quality will decline with the increased vehicles and reduced vegetation.

1.102 Residential Amenity

- We will be inundated with people walking past our house having a severe impact on our privacy.

1.103

- Proposal would destroy countryside views from neighbouring properties.
- No buffer proposed to properties on Oak Road.
- Already problems getting into and out of driveway onto Hall Road, which would be made worse with increased traffic.

SCHEDULE ITEM 1

- The additional traffic and development will significantly blight the existing households in Hall Road and Oak Road with air and noise pollution.

1.104 Other

- The value of the properties along Hall Road will significantly decline.
- New houses would create even more problems when we suffer water shortages.
- Inappropriate to create a miniature new town with its own independent social facilities in a position unalterably separated from the original settlement and obviously designed to coalesce with the settlement in the opposite direction.
- How will the development be policed regarding anti-social behaviour?
- There is an unsustainable sewerage and water supply to accommodate the development.
- There has been inadequate consultation with the local community.
- The development is unwanted by local people.
- Whilst it is appreciated that things can't stay the same, some things of real value and worth should not be irrevocably altered.
- There is a growing water shortage.
- At the applicants' presentation residents were informed that the land had been allocated for 600 dwellings, which it had not as the Site Allocations DPD had not yet been adopted; this was misleading and it is highly likely that many of those attending the exhibition were under the impression the land had actually been allocated and their comments/views skewed accordingly.
- Development conceived without regard to expansion of Southend airport.
- Concern about contamination of the proposed school from the airport and aviation fuel.
- An entrance to the site off Ironwell lane would be harmful.
- Increased light pollution.

SCHEDULE ITEM 1

- The peaceful ambience that is a proud feature of this town is already being eroded by over-development of Rochford and its surrounds. Currently Rochford has a problem with youths causing disturbances and loitering with nothing to do; to add 600 additional houses would severely increase this problem.
- Young local people will not benefit from this housing.
- Development here would not create natural footfall within the town centre.
- The Screening Opinion of the Council issued in respect of this scheme, dated 16 February 2010, is inadequate. The Council considered the development to fall within Schedule 2 development, but then did not consider all the necessary considerations in their decision as to whether EIA was or was not required. The Council's acknowledgement that the proposal would not likely result in significant harm to the Hockley Woods SSSI is an acknowledgement that this site would suffer some degree of harm, which the objector considers should warrant the proposal being considered under the EIA Regulations. In reaching the decision that EIA is not required the Council is considered to have erred in law.
- Failure to undertake community consultation prior to the submission of the application - this is contrary to PPS1 paragraph 43 and misleading information provided specifically regarding indication that the site was allocated for 600 dwellings.
- Scheme presented is poorly prepared and ill-conceived; the information submitted with the application is inadequate, namely the alternative sites assessment uses inaccurate or misleading information, the tests in paragraph 69 of PPS3 have not been given sufficient attention. The delivery timetable outlined is out of date and would be a lot longer; a robust visual landscape appraisal has not been submitted, the open nature of the site to the west would result in significant impact on long views towards the site from elevated land to the west, the site is not in close proximity to the town centre such as to contribute to its viability, a flood sequential test should be satisfied as the proposal is on flood zone 2 and 3 land, no archaeology field trench sampling has been undertaken, highways, flooding, waste and surface water issues amongst others should have been cumulatively assessed through the EIA process.

SCHEDULE ITEM 1

- 1.105 Summary of comments in support
- Good Design; low density housing on the perimeter will allow the development to blend in with existing properties, trees retained to the frontage along Hall Road.
 - Regret any loss of Green Belt land but feel this development is the most appropriate site for future housing as close to the station and dual carriageway and will not increase traffic flow through the town centre, however concern about the estate entrances which may cause traffic delays on Hall Road which is a major route in and out of Rochford.
 - Concerned that the school will be too small to meet the growing needs of this proposed community.
 - The proposed school will provide an essential provision in an area where there is a shortage of local places.
 - The inclusion of youth facilities will be much welcomed but would hope the developer will provide funding for equipping and staffing this much needed service.
 - The 600 new houses to be built in Hall Road is brilliant; the only thing that worries me is it is good that you are building an infant school but the area needs a new secondary school as we used to live in Garden Way and had trouble getting my son into King Edmund's even though we were in the catchment area and the only argument we had was about all the houses being built at the time and no schools for these children, we have all Wakering children and some Southend to consider so I think a new secondary school needs to be built.
- 1.106 Second round consultation: 51 objection letters received
1 comment in favour
- 1.107 Summary of objections
- Children and other people crossing a horse's path can pose a real danger. The proposal shows the bridleway separating the development and the leisure area; the danger from cantering or galloping horses is self evident. If the plans were to be approved the western end of the development should stop at the bridleway.
 - The potential impact of the further development of Southend Airport had not been properly considered.

SCHEDULE ITEM 1

- A roundabout on virtually a blind bend where the speed limit is not kept to is likely to be a disaster waiting to happen, for the access point.
- In times of recession, can Bellway guarantee that they can complete the development and that all houses will be sold in the current economic climate? Rather than it being incomplete or an empty housing estate.
- Who is going to pay for the funding of the school?
- With the designated play areas will there be sufficient equipment to occupy the teenagers/ children and robust enough?
- Hall Road has no street lights; would this be addressed?
- Can we be confident that the buffer zones would be provided and maintained at the shown sizes?
- It is fine proving that, due to site levels, the EA's flood map would not cover as much of the proposed site, but there is still the same volume of flooded water that needs to go somewhere in the area and the knock on effect of this would be that when flooding does occur the volume of water will fill more of Ironwell Lane and Oak Road than is currently shown on EA maps.
- The site is not a green field but a ploughed field with crops using much more water to grow than plain grass. Therefore, in reality, no way near as much rain water comes off this field as the calculation predicts in the flood risk assessment. It also cannot be proven that all of the water coming off the site is currently discharging into the River Roach. The proposal would not comply with PPS25 nor DMS1 as it would make flooding worse along Ironwell Lane and Oak Road.
- The only way to establish how much water currently runs off this site into the river Roach would be to install a flow control reader within the culvert for a considerable amount of time.
- The FRA recommends to allow water down the ditch along the eastern side of the site, which is at the back of houses in Oak Road. This has hardly any water running in it at the moment. The top of the bank levels on the Oak Road side of this ditch are around 600mm lower than the site side, which means that if water was to be put down this ditch and a problem occurs (blockage), it is only going to affect the houses on Oak Road.

SCHEDULE ITEM 1

- Concern that flood waters would not all come off the site in the NE corner where the development proposes to discharge its storm water with a discharge rate to mimic the pre-development scenario; the FRA states that the ditch on the southern boundary has no apparent outfall and certainly does not go through the existing culvert in the NE corner, this ditch in times of flood could therefore overflow into Hall Road?
- The ditch along Ironwell Lane just ends in places and any significant water in this ditch would likely discharge off-site over onto Ironwell Lane.
- Density of housing along the Ironwell Lane and Oak Road buffers seems a little high.
- A proper and valid survey should be carried out in Ironwell Lane before this application is considered.
- The barrier proposed between the development and Ironwell Lane is not at a sufficient distance away to protect foraging wildlife. Without a proper distance between houses and the Lane, instances of fly tipping could increase. It will be very easy to throw all types of rubbish in this Lane rather than go to the tip. Fly tipping is already a problem in this area and costs the Council a great deal in removal costs. This could exacerbate this unsightly problem.
- Inner city regeneration is the way forward. Not the destruction of our county, its increasingly limited countryside and indeed our country.
- Although less density of houses along the perimeter of Hall Road, these will still be more densely built than those existing houses.
- The Transport Assessment states that the development will have little adverse impact, however this is not established by the figures given in the Assessment.
 - The traffic assessment entirely discounts the hotel development at the airport and the proposed development by Southend United at Fossetts Farm - how can these be ignored?
 - Hall Road, Ashingdon Road and West Street are all working above capacity at either am/pm or both peak times. Therefore the system used to predict impact upon these roads by the new development cannot be used as it can only predict traffic impact upon roads working below capacity.

SCHEDULE ITEM 1

However, the Traffic assessment states that 'all three approaches would operate close to or above theoretical capacity with the predicted am peak flows in both years, with the West Street and Hall Road approaches operating above theoretical capacity in both years in the pm peak. This would be exacerbated by the addition of the predicted development traffic. If signals were to be placed at the mini-roundabout at the junction of these three roads am delays would become worse.

- It is stated that Cherry Orchard Way must be upgraded to dual-carriageway standards - is this going to happen?
- Also links such as Sutton Road and Eastwoodbury Lane will also be operating at above capacity.
- Bradley Way, South Street and Southend Road would operate slightly above theoretical capacity with pm peak flows and 'this would be exacerbated by the addition of the predicted development traffic.
- It is stated that Ironwell lane is a by-way open to all traffic - I would like to see you try to take your average car from one end to the next of this lane.
- It is suggested that bus routes will need to be diverted to serve Hall Road.
- I would contest the figures given for extra traffic due to the establishment of the 210 place primary school; clearly there will be a large increase in traffic during the peak am period with parents taking their children to the school. Not all children attending the school will come from within the development - this is recognised in the traffic report. However, the contention that there will be little impact to the pm peak ignores the effect earlier in the afternoon when all the primary schools in the area and all the secondary schools - with the exception of King Edmund - finish. Also, the primary school will obviously have parents' meetings, sports days and other social events that will lead to an increase in traffic.
- The survey of turning movements between Cherry Orchard Way and Hall Road was conducted on 14th July 2009.

SCHEDULE ITEM 1

At this date the traffic levels are greatly reduced as many pupils at secondary schools have finished GCSEs and GCEs and therefore are not being transported to and from school. These figures will therefore be lower than normal.

- The school site is now in the far west of the site - well away from public transport.
- The plans show lower density housing fronting Hall Road - these are still much higher density than the existing homes on the north side of Hall Road and will be out of keeping with the area.
- Subject to the adoption process being completed by the Council West Rochford has now been identified as a broad location for residential development. However, paragraph 25 of the Inspector's report makes it clear that "It is more appropriate for the detailed consideration of sites in these general locations to take place through the preparation of the Sites Allocations DPD". The Allocations DPD attracted a large number of responses and has yet to be finalised. Part of the detailed consideration in respect of this site relates to the release of prime agricultural land and the requirements in that respect of PPS7 paragraphs 27-29. The Council has confirmed in writing to the West Rochford Action Group that these requirements have not yet been undertaken it being its intention to do so as part of Allocations DPD process. The application on these grounds alone is clearly premature and it would be irrational for the Council to support approval of the application in advance of such requirements being met.
- Since the submission of earlier responses the Government has announced its intention to overhaul the planning system and has published the consultation National Planning Policy Framework. This consultation has generated widespread criticisms nationally and it is clear that further discussions and revisions are likely. No weight should therefore be attached to a draft policy that may or may not become national Government policy.
- It is noted that a Traffic Assessment was commissioned and submitted by the applicants, which included traffic information for the year 2009-2010. Since that time Eastwoodbury Lane has been closed following the opening of a new access road further south and it appears this has generated more local traffic using Cherry Orchard Way and Hall Road.

SCHEDULE ITEM 1

An up to date traffic assessment by the Highway Authority with detailed information on existing traffic flows and the effect of the proposed development, as now proposed, including the effect of the re-siting of the school, is clearly required before any decision is taken to grant permission. It is vital that in the decision making process all relevant information is both available and taken into account to ensure the integrity of the process.

- As you will know, as one of the District's largest employers as well as passionate contributors to conservation and employment in the Rochford District, we are increasingly concerned about the road congestion facing businesses, commuters and residents.
- The re-siting of the school to an area that is remote from existing settlements in the far north west corner of the site, in an area without public transport, will have an adverse effect on the traffic flow, especially as there will be a need to attract pupils from outside the development for the reasons given above. This will inevitably require parents to take and deliver their children by car as it is not walkable from existing settlements.
- If the development is contrary to the protection of the countryside and loss of agricultural land but to soften the blow the scheme could adopt some amendments including:-
 - Extend to the west only to a point opposite the last property on Hall Road.
 - To enclose the site with a decorative brick wall.
 - To retain an agricultural area of land between the backs of properties on the west of Oak Road to a point opposite the first house opposite the site on the south of Hall Road.
 - Undertake valuations and grant compensation to properties affected.
 - Seal off the end of Oak Road with Ironwell Lane and provide gates with keys given only to residents of Oak Road/St Andrews Road/Hall Road.
 - Ironwell Lane should not be upgraded past the wetland NE corner of the site as this would harm its existing character and appearance.

SCHEDULE ITEM 1

- Will the attenuation ponds resemble pleasant ponds with reeds and wildlife or resemble a small water works and pumping station? Who will be responsible for maintenance?
- Concern about lower lying properties on Oak Road and increased flood risk to them. The submitted FRA has not utilised specific data collected at the site with regard to drainage.

1.108 Comments in favour:

- One respondent content with the location of the school to the NW corner.

MATERIAL PLANNING CONSIDERATIONS

Principle of Residential Development

- 1.109 The proposal to change the use of the site from agriculture to use for residential development and a primary school has to be assessed against relevant planning policy and with regard to any other material planning considerations.
- 1.110 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.
- 1.111 The adopted development plan is the Rochford District Core Strategy adopted December 2011, saved policies in the Rochford District Replacement Local Plan (2006) not superseded by the Core Strategy, saved policies in the Essex and Southend-On-Sea Structure Plan and the East of England Plan (2008).
- 1.112 The application site is within the general location of West Rochford, which is one of the general locations allocated for release from the Green Belt in Policy H2 of the Core Strategy, required to meet a rolling up-to-date five year supply of deliverable sites for residential development up to 2021, in line with the requirement of Planning Policy Statement 3: Housing.
- 1.113 However, although the Core Strategy is adopted, the land forming the application site remains designated as Green Belt until the adoption of specific sites within the general locations in the Site Allocations Development Plan Document (DPD), which is at a relatively early consultation stage and not yet adopted.

SCHEDULE ITEM 1

- 1.114 As the application site is designated Green Belt and the proposal would amount to inappropriate development within the Green Belt, very special circumstances must exist that clearly outweigh the harm to the Green Belt that would arise from the proposed development in order for the development to be considered acceptable in Green Belt terms.
- 1.115 VERY SPECIAL CIRCUMSTANCES
- Although the proposal would amount to inappropriate development within the Green Belt, significant weight must be attached to Policy H2 of the Core Strategy, which identifies the general location of West Rochford for Green Belt release for residential development to meet the housing target for the District up to 2021.
- 1.116 Policy H2 does not, however, simply identify general locations for release from the Green Belt, but prescribes the number of dwellings, the time frame for delivery and the infrastructure provision, which must be delivered at each general location in order to ensure that new residential development across the District is comprehensively planned.
- 1.117 The proposal for 600 dwellings would comply with the requirement in Policy H2 that the general location of West Rochford delivers 600 dwellings overall to 2021. Although Policy H2 specifies delivery of 450 dwellings by 2015 and the remaining 150 dwellings between 2015 and 2021 the proposal for 600 all at once is not considered objectionable given the need for the site to be comprehensively planned and deliver the required infrastructure.
- 1.118 The proposal would deliver all of the identified infrastructure requirements for the West Rochford general location, namely:-
- Provision of a new primary school with commensurate early years and childcare provision
 - Local highway capacity and infrastructure improvements including public transport improvements and Hall Road junction improvements
 - Link enhancements to local pedestrian/cycling and bridleway network
 - Enhanced pedestrian access to the town centre
 - Provision of a sustainable drainage system
 - Public open space and play space provision
 - Youth facilities and community facilities.
- 1.119 Given, however, that a specific site or sites within the general locations identified in Policy H2 have not yet been adopted through the Site Allocations DPD, consideration must be given to whether the application site is the most suitable, including being the least harmful in Green Belt terms for the delivery of the 600 dwellings within the general location of West Rochford.

SCHEDULE ITEM 1

- 1.120 It is considered that the application site is the most suitable given reasonable alternatives by virtue of the following factors:-
- The site offers the most compact extension to the existing settlement of Rochford, which would result in the development of houses in closest proximity to existing services and facilities.
 - The site could provide a strong, long-term defensible Green Belt boundary with an open space stopper to development.
 - The site would result in a direct extension of the urban area and would not therefore result in any gap that would create compartmentalisation of areas of Green Belt or increased encroachment.
 - Although the application site identifies a larger area of land than was shown on Option WR1 in the consultation draft of the Site Allocations DPD, which most closely resembles the application site, this option was not intended to show a precise site for the delivery of 600 dwellings and did not take account of the public open space requirement. The additional land included in the application site to the west is proposed for use as public open space without any built form and would not reduce the openness of the Green Belt or be harmful to its character and appearance; this area of the site could remain designated as Green Belt. The size of the application site is considered acceptable and would not result in a greater loss of Green Belt land than is considered necessary to deliver the 600 dwellings to a density and layout that would be appropriate in its context and achieve the high standard of design required in compliance with Policy GB1 of the Core Strategy, which requires that the minimum amount of Green Belt land necessary to meet the District's housing needs is allocated to minimise the impact on the Green Belt.
 - The site is not objectionable on the grounds of flood risk, impact on ecology/biodiversity or any other material planning consideration and the site can deliver all of the necessary infrastructure identified in Appendix H1 of the Core Strategy for the West Rochford location.
 - Although the site would alter the context of existing public rights of way that run north-south and along Ironwell Lane to the north, both of which currently provide pleasant rural recreational opportunities, the proposed buffer to the north of the site would mitigate the impact of the development on the public right of way along Ironwell Lane. Whilst the experience of the rural footpath running north-south would be altered with housing directly adjoining to the east, to the west the rural outlook and feel would be maintained and additional rural footways would be provided in the open space that would be created to the west. All potential sites in the area of West Rochford would be likely to impact to some extent on existing rural footpaths, including rights of way and overall the application site is not considered to impact to any materially greater degree than others.

SCHEDULE ITEM 1

- 1.121 The proposal would also comply with all other relevant Core Strategy policies and would not be objectionable in relation to any other local, regional or national planning policy.
- 1.122 Notwithstanding the Core Strategy the Council is required to maintain a rolling up-to-date five year supply of deliverable land for housing, which equates to 1250 dwellings (250 dwellings per year). As the delivery of 600 dwellings at the application site would be required to contribute to maintaining this supply the application should be considered favourably as advised by paragraph 71 of PPS3, with regard to paragraph 69, which seeks to ensure that, notwithstanding the contribution to the five year supply of land for housing, sites would be able to deliver high quality housing, ensure a good mix of housing, reflecting need and demand, use land effectively and efficiently, accord with the spatial vision for the area, not undermine wider policy objectives and be suitable for housing with particular regard to environmental sustainability. The application site is not considered to be contrary to any of these criteria and is therefore considered suitable.
- 1.123 It is considered that very special circumstances exist, which clearly outweigh the harm to the Green Belt that would result from the proposed development, constituted by the following, either cumulatively or individually:-
- The proposed 600 dwellings are required to contribute to maintaining a rolling up-to-date five year supply of deliverable land for housing and the site would be suitable with regard to the criteria in Paragraph 69 of PPS3; and
 - The proposal would comply with Policy H2 of the Core Strategy being within the general location of West Rochford identified for release from the Green Belt for housing, would comply with all other relevant Core Strategy policy, would meet all of the infrastructure requirements of a site within this general location identified in Appendix H1 of the Core Strategy and the site is considered to be the most suitable site within the general location of West Rochford in planning, including Green Belt, terms for the delivery of the 600 dwellings proposed in this general location.
- 1.124 Given the very special circumstances case above the principle of the proposed development is considered acceptable.

Parameters Plan

- 1.125 The Parameters Plan sets out the key principles of development and would, if approved, establish some key parameters that the detailed design and layout of the site would have to work to. The acceptability of the detail provided on the Parameters Plan is therefore for consideration in the determination of the outline application.

SCHEDULE ITEM 1

- 1.126 The Parameters Plan shows a proposal for the following components:-
- Landscaped areas around the perimeter of the site, including a large area of public open space to the west;
 - A Sustainable Urban Drainage system incorporating flood attenuation ponds to the north-east corner and swales;
 - Net developable area for residential dwellings of some 21.06ha incorporating incidental green spaces, divided into 5 character areas, each with different density parameters ranging from the highest density proposed of 35-40 dwellings per hectare in the central area to the lowest density of 12-20 dwellings per hectare in an area along the southern boundary of the site;
 - Two vehicular access points to the site off Hall Road; and
 - 1.1ha of land allocated for a new primary school to the north-west corner of the site.
- 1.127 The acceptability of each of the aspects of the Parameters Plan, as well as other parameters which the applicant is required to indicate at the outline stage, is discussed below.

Density

- 1.128 The net developable area of the site for residential use would be an area of some 21.06ha. It is necessary to consider whether this area could accommodate the 600 dwellings proposed at an appropriate density and in a way that would achieve the high standard of design and layout required of new residential developments in order to create a high quality place to live.
- 1.129 National planning policy no longer stipulates a minimum density requirement for residential developments and nor does adopted local planning policy; the only requirement is that best and most efficient use of land is achieved.
- 1.130 The proposal for 600 dwellings on the 21.06 ha net developable area would result in an average site density of 28.49 dwellings per hectare ($600/21.06=28.49$), which is considered to be acceptable; although the site is Green Belt and the loss of a minimal amount of Green Belt land would be preferred this should not be to the detriment of achieving high quality design, which is appropriate to its context and creates a high quality place for people to live. The site is not in a town centre location where much higher overall density would be in keeping with the surroundings; at the proposed average density the development of the site would relate well to its context.
- 1.131 Within the site, the character areas are proposed that would exhibit a range of densities that would help to achieve variety across the site and guard against the creation of sprawling uniformity, which would offer little interest.

SCHEDULE ITEM 1

- 1.132 The Parameters Plan shows the site divided into different areas with different density ranges proposed for each area as follows:-
- Hall Road frontage area = 12-20 dwellings per hectare (dph);
 - Eastern edge = 20-25 dph;
 - North and Western edges = 28-30 dph;
 - Central area = 35-40 dph; and
 - The Avenues area = 30-35 dph.
- 1.133 Although the submitted masterplan is illustrative only and may not be the final layout submitted at the Reserved Matters stage if outline permission were to be granted, the densities shown on this illustrative layout for each of the areas are approximately as follows:-
- Hall Road frontage area = 12.19 dph;
 - Eastern edge = 21 dph;
 - North and Western edges = 29 dph;
 - Central area = 39 dph; and
 - The Avenues area = 30 dph.
- 1.134 By way of comparison the density for the area of Hall Road opposite the site on the south side of the road is some 2.88 dph and for the area to the east of the site, including properties on the western side of Oak Road and including the properties on the north of Hall Road up to the Oak Road junction, is some 12.1 dph.
- 1.135 The lower density area along the Hall Road frontage is considered important to ensure that this part of the site reflects and blends in successfully with the immediate surrounding context. Although the applicants indicate a density band of between 12 and 20dph along the Hall Road frontage it is considered that this should be limited to a maximum of 12 dwelling per hectare as anything denser than that shown on the submitted illustrative masterplan, which is at 12 dph, would reduce the acceptability of this area in terms of reflecting and integrating well with the character of the dwellings immediately opposite the site on the south side of Hall Road.

SCHEDULE ITEM 1

- 1.136 Given the comments received from the County Urban Design Team some re-working of the submitted illustrative masterplan layout would be required at Reserved Matters before the layout is considered acceptable and this may impact on densities achieved in certain areas. The recommendation that the houses to the northern area better reflect the Essex Design Guide with regard to Boulevard and Arcadia planning may require lower densities than is currently shown to the northern area on the illustrative masterplan. In addition, some areas of the site, particularly perhaps the central area, may increase slightly in density as a final detailed layout is worked up as a greater number of 1-bed properties than is currently envisaged are likely to be a requirement of any final detailed scheme given that these are required to satisfy existing affordable housing need as identified by the Council's Strategic Housing team. These 1-bed properties could be provided in small flatted blocks which need not be either in the form of large blocks or exceed the height parameters envisaged for the whole site and could free up other areas of the site to be provided at the lower end of the density parameters for character areas as indicated on the Parameters Plan.
- 1.137 Whilst it is considered necessary to condition a maximum density for the Hall Road frontage area to 12 dph it is not considered necessary to constrain the density bands as suggested by the applicant for each of the character areas as changes to these might be required in the working up of a final detailed layout.
- 1.138 It is concluded that the net developable area for residential use as shown on the Parameters Plan could accommodate the proposed 600 dwellings at an appropriate density and that a detailed overall design and layout could be worked up which would achieve the necessary high standard of design and layout including the required sizes for amenity spaces, parking standards and open spaces.

Design

- 1.139 Policy CP1 requires new housing developments to achieve high quality design and layout; good design, defined by PPS3, as that which contributes positively to making places better for people and taking the opportunities available for improving the character and quality of an area and the way it functions. Places exhibiting good design should be visually attractive, safe, accessible, functional, inclusive and have their own identity and maintain and improve local character. They should also be well integrated with neighbouring buildings and the local area more generally in terms of scale, density, layout and access and relate well to the surroundings.

SCHEDULE ITEM 1

- 1.140 At this outline stage the applicant is required to demonstrate how the proposal would integrate with the surrounding context and has considered this in the submitted Design and Access Statement, and Landscape and Visual Appraisal Report.
- 1.141 It is considered that the Parameters Plan demonstrates opportunities to integrate the development with its surroundings, particularly with regard to pedestrian links. The proposed open spaces are considered to be accessible and functional, with housing fronting open spaces to create well overlooked space and the absence of dark, secluded spaces.
- 1.142 As this an outline application, detailed design and layout is not a matter for consideration at this stage; the submitted illustrative master plan which shows how the proposed 600 dwellings could be arranged at the site is not for determination in this outline application and is designed to demonstrate that 600 dwellings could, in principle, be accommodated at the site rather than showing a finalised layout. The detailed layout shown may change and indeed may be required to change in some respects in order to deliver the high standard of design and layout required.
- 1.143 The County Urban Design Team has, however, commented on the illustrative master plan and their concerns will be forwarded to the applicants for them to address in working up a final layout for submission in a Reserved Matters application.
- 1.144 Any Reserved Matters application would be subject to its own consultation and allow for the acceptability of the proposed detailed design, layout and appearance to be interrogated further.
- 1.145 It is considered that the Hall Road frontage area of the site is a particularly important area of the site in design terms, given that it would be the part of the site that connects and is read in connection with the existing surrounding development. It is considered important that this area of the site reflects the character of the immediate surroundings in Hall Road. It is therefore recommended that the density of this area of the site be limited to 12 dph and that the applicants are made aware of the need to revise the detailed layout of this area from that shown on the illustrative layout, which shows properties angled towards the street or side facing and without substantial or any front garden fronting the street in some cases, which is not reflective of the existing development along Hall Road.

SCHEDULE ITEM 1

- 1.146 The County Urban Design Team recommends that the formulation of detailed design briefs be made a condition of any outline consent in order to ensure that the character, design, appearance and layout are carefully considered to achieve the highest standard of design, which creates a place with a district character and identity appropriate to the site's context, rather than an 'anywhere' development, as a successful scheme will depend on how the parameters set out in the Design and Access Statement translate into built form and external spaces. This recommendation for the preparation of design briefs is in line with Core Strategy Policy CP1, which requires developers of large residential schemes to produce and adhere to design briefs.

Education

- 1.147 The County Council is satisfied that the 1.1 ha site could accommodate the new primary school envisaged at the site and accepts the position of this school site within the wider site. Policy CL2 and CLT3 of the Core Strategy.

Scale

- 1.148 Although scale is a matter reserved for consideration in a reserved matters application that would follow, if this outline planning application were approved the applicants are required to provide some detail in relation to this at the outline stage.
- 1.149 The proposed dwellings would be between 2 and 3 storeys with the 3 storey dwellings confined to the central area whilst dwellings to the eastern edge area would be limited to 2 storeys. The approximate maximum height of dwellings is given as 10.5 metres for 2 storey dwellings, 11.5 metres for 2.5 storey dwellings and 13 metres for 3 storey dwellings.
- 1.150 By way of comparison, a sample of existing dwellings opposite and adjacent the site on Hall Road have maximum ridge heights of between 7.9 metres to 8.8 metres. With a sample of properties on Oak Road exhibiting maximum heights of between 6.35 metres and 8.05 metres. Approximate minimum and maximum depth and widths for dwellings in each character area are also provided as set out below.
- 1.151 **Central Area**
Individual dwellings - minimum width 6m, minimum depth 7.5m, maximum depth of 12 m.
Terraces – maximum width of some 30m, maximum depth 10m.

SCHEDULE ITEM 1

- 1.152 **The Avenues**
Individual dwellings - minimum width 6m, minimum depth 7.5m, maximum depth of 12 m.
Terraces – maximum width of some 25m, maximum depth 10m.
- 1.153 **Eastern Edge**
Individual or semi-detached dwellings – minimum width 6m, minimum depth 7.5m, maximum width 15m, maximum depth 12m.
- 1.154 **Perimeter Area**
Individual or semi-detached dwellings – minimum width 6m, minimum depth 7.5m, maximum width 15m, maximum depth 12m.
- 1.155 **Hall Road Frontage**
Individual dwellings – minimum width 6 metres, minimum depth 7.5m, maximum width 15 metres, maximum depth 12m.
- 1.156 The Essex Urban Design Team has raised concerns in respect of the scale of buildings shown on the illustrative layout, which reflect the above scale parameters, namely that the dimensions proposed indicate deep spans, which increases ridge heights, which would not be characteristic of the traditionally narrow span buildings in Rochford or reflect traditional regional building forms which typically have spans of 5 metres, rarely greater than 6.5m. The Urban Designer has commented that deep dimensions may require roofs to be divided into smaller elements and use assemblages of roof forms and that maximum spans with pitched roofs should not exceed 6 metres.
- 1.157 The applicants will be advised of the need to consider the above comments and the advice in the Essex Design Guide in the working up of a final scheme to be submitted for Reserved Matters where the acceptability of scale would be determined.
- 1.158 A planning condition is recommended to clearly establish that, notwithstanding the applicants' submitted scale parameters, the acceptability of the scale of buildings would be determined at the Reserved Matters stage and should comply with the principles of the Essex Design Guide.

SCHEDULE ITEM 1

Affordable Housing

- 1.159 The proposal would comply with Policy H4 of the Core Strategy, providing 35 percent affordable dwellings on the site. This policy requirement forms part of the submitted Section 106 legal agreement, which includes clauses to require the affordable dwellings to be tenure-blind, spread throughout the site rather than all clustered together and to a 80 percent (social rent)/20 percent (intermediate) split all in accordance with the Council's Strategic Housing requirements.

Dwelling Types

- 1.160 Policy H5 of the Core Strategy requires new housing developments to contain a mix of dwelling types to ensure that they cater for and help create mixed communities. As the application is in outline, the precise mix of dwelling types is not yet known and is a matter that would be considered at the reserved matters stage. Policy H6 of the Core Strategy requires that new housing developments comply with the Lifetime Homes Standard and that 3 percent of dwellings be built to full wheelchair accessibility standards. A suitable planning condition is recommended to ensure that provision be made for this.

Flood Risk and Sustainable Urban Drainage

- 1.161 The site is designated within Flood Zone 1, the lowest flood risk zone, save for a small area in the far north-eastern corner of the site, which lies within Flood Zones 2 and 3 where flood risk is greater. Although the proposed residential and school development is considered a 'more vulnerable' type of development with regard to flood risk, all would be sited within that part of the site designated as Flood Zone 1 where 'more vulnerable' uses are appropriate.
- 1.162 Policy ENV4 of the Rochford District Core Strategy requires incorporation of runoff control via a sustainable urban drainage system to ensure that runoff and infiltration rates would not increase the likelihood of flooding. The submitted Flood Risk Assessment includes consideration of a sustainable urban surface water drainage strategy for the site.
- 1.163 PPS25 requires that volumes and peak flows of surface water leaving the site should not exceed the rates prior to development. The existing site is of a green field nature and as such runoff rates would be restricted to green field run-off rates.

SCHEDULE ITEM 1

- 1.164 On the basis that 75 percent of the site would be developed, an impermeable area of some 21.66ha would be created. On this basis, in order to achieve a green field run-off rate approximately 11,100 cubic metres of attenuation would be required in order for the surface water drainage system to accommodate a 1:100 year flooding event with an allowance of 30 percent for climate change without increasing flood risk. Surface water drainage via infiltration has been ruled out at the site, given the results of soakage tests which show that this technique would not be suitable. A sustainable urban drainage system comprising an attenuation pond and system of swales is therefore proposed. To reduce the volume of attenuation required within the system, the highway drainage could discharge to swales. The lowest area of the site is to the north east corner and has been identified for an attenuation pond.
- 1.165 Although a detailed sustainable surface water drainage scheme has not yet been worked up because the application is at the outline stage, the principle of an attenuation pond and system of swales is considered acceptable. A condition is recommended to require a detailed sustainable urban drainage system to be submitted and agreed and for green field run-off rates to be achieved.
- 1.166 Statutory consultees have confirmed that there would be a requirement not to alter the ground levels or build within 4.5 metres either side of the existing water mains at the site, which may require slight re-positioning of the proposed attenuation ponds and possibly swales from those shown on the illustrative masterplan. There would, however, be space to accommodate the required attenuation ponds in the northeast corner of the site taking account of the easement requirement and as the detailed layout is not for consideration at the outline stage a layout could be worked up to provide the swale leading to the attenuation ponds, which also works with the easement restrictions.
- 1.167 The Environment Agency does not object providing certain planning conditions are imposed and it is considered that the proposed development is acceptable in flood risk terms in accordance with local planning policy and PPS 25, subject to the recommended planning conditions; the development and its occupants would not be subject to an unacceptable degree of flood risk, the development would not increase the risk of flooding elsewhere and the development could be drained in a sustainable manner.

SCHEDULE ITEM 1

Biodiversity and Protected Species

- 1.168 National, regional and local planning policy requires Local Authorities to consider the acceptability of proposed development in respect of the impact that the proposed development would have on biodiversity, including protected species both on the application site itself and on sites of ecological importance nearby. Policy promotes the conservation and enhancement of wildlife with the aim of preventing harm to biodiversity from development.
- 1.169 The following policies are relevant: National Planning Policy Statement 9; Planning Policy Statement 9: Biodiversity and Geological Conservation (August 2005) (PPS 9), Policies ENV2, ENV3, ENV5 and ENV7 of the East of England Plan (2008), saved Policy NR8: Other landscape features of importance for nature conservation in the Rochford District Replacement Local Plan (2006) and Policy ENV1 of the Core Strategy.

Protected Species

- 1.170 The submitted ecological appraisal includes the details of survey methodology, results and recommended mitigation and enhancement for species specific surveys carried out at and around the site to establish the presence/absence of protected species and to assess the effects on them of the proposed development.
- 1.171 Bat survey work involved recordings taken in the evening and at dawn on four different days by four surveyors using pre-defined routes and specialised receiving equipment. The results showed that the site is utilised for foraging and commuting by five species, mainly within the hedgerows with most activity within the northern boundary hedge. There was no evidence of bats emerging from roosts, although it was considered likely that bats use roosts in nearby locations. On account of the retention and enhancement of the hedgerows and buffers and proposed bat boxes to existing trees/new dwellings, the residual effect on the bat is predicted to be neutral to minor beneficial with a recommendation to address the type of lighting adjacent to hedgerow/buffer areas.

SCHEDULE ITEM 1

- 1.172 The badger survey of the site involved observation and recording of key indicators of badger activity including latrines, footprints and foraging signs. Results showed that badgers made use of the hedgerows around the site, but whilst a disused sett approximately mid-way along the western boundary hedge was recorded, no active sett was found. Four mammal push-throughs were noted in the boundary hedgerows, but these could also be attributed to foxes or domestic animals and a badger was seen commuting along the northern boundary hedgerow. The appraisal concluded that badgers would continue to make use of the site for foraging and would benefit from the proposed area of grassland to the west. As badgers could, however, be vulnerable during construction practices should be accommodated to take account of badgers in the vicinity during construction. The appraisal also recommended that an updated survey be undertaken prior to construction to check for any recent setts.
- 1.173 The survey for great crested newts involved a walkover survey to assess whether the site provided any suitable habitat and detailed survey work to establish the presence and population size of newts in aquatic habitat within 250m of the site using a number of different methods, including egg searches, night-time torch searches and bottle trapping. This work was undertaken by Natural England licensed holders with an assistant ecologist over a period of a month. 7 aquatic habitats were identified, two being in the site consisting of a pond and a ditch running north-south. Based on the results the pond in the site is considered to support a medium sized population of newts with the adjacent ditch used for foraging and shelter. A grass snake was also recorded in the ditch. Measures to protect great crested newts during construction would be necessary, following which the retention of the existing pond and ditch within the site and the proposal for habitat enhancement work to the west would result in a minor benefit to the population of great crested newts and also the grass snake.
- 1.174 On account of the arable use of the site, Natural England confirmed that no specialist surveys for reptiles, breeding birds and invertebrates were necessary. A specialist survey for dormice was not undertaken on advice from Natural England that this was not necessary, given the proposed 16 metre buffer to the south of the hedgerow the absence of biological records of dormice in the area.
- 1.175 No objection to the methodology used in the habitat survey has been raised from any of the statutory consultees and is considered sound. It is considered that with the imposition of conditions the proposed development would not have an adverse effect on any protected species at the site and that additional habitat to benefit some species would be created.

SCHEDULE ITEM 1

Impact on Designated Wildlife Sites

- 1.176 The application site is almost equidistant between two European designated wildlife sites, one some 1.4 miles (as the crow flies) to the east, part of the River Roach and one to some 1.55 miles (as the crow flies) to the north-west, part of Hockley Woods. The River Roach area is subject to several designations; the Crouch and Roach Special Protection Area (SPA), the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI) and the Essex Estuaries Special Area of Conservation (SAC). The Hockley Woods site is designated as a SSSI, of national importance as ancient woodland.
- 1.177 The application site does not border or lie in particularly close proximity to any locally designated wildlife sites/local nature reserves, although is within approximately 0.7 miles (as the crow flies) of several; two to the east, one to the north and several to the west.
- 1.178 The applicants have assessed the potential for increased recreational pressure on the Crouch and Roach Estuaries (SPA/SSSI/Ramsar), which can adversely affect protected breeding birds. Whilst it would be possible to walk from the site to this area to the east of Rochford, the walking route would take you through the town centre and is not direct. However, applying the precautionary principle, the site should provide some suitable alternative green space to allow for on-site recreation and reduce the potential for increased pressure from recreational visitors to the nearby protected site. The proposal includes the provision of some 8ha of alternative green space to the western edge of the site and in addition the site is within close proximity to the nearby 80ha Cherry Orchard Country Park, which can be accessed by a number of footpaths from the site. Given this alternative open space, it is considered that the proposal would not lead to increased recreational pressure on the River Roach SPA, which would have a detrimental effect on the protected birds at this site. Whilst the proposal is a similar distance from Hockley Woods SSSI, this designation would not suffer adversely from increased recreational disturbance.

Biodiversity at the Site

- 1.179 The submitted Landscape and Biodiversity Strategy provides details of the overall approach to how issues of landscape and biodiversity have been considered in relation to the development proposals. Details of existing important landscape and biodiversity features to be retained are provided, together with proposals to enhance these and provide new habitat, including woodland, hedgerows, specimen trees, wildflower meadows, amenity grassland and a sustainable urban drainage system.

SCHEDULE ITEM 1

- 1.180 The strategy provides general details of the aims, objectives and management arrangements in relation to each of the identified landscape areas, which would feature at the site. Overall, it is considered that a comprehensive landscape and biodiversity strategy has been formulated, which would result in the successful integration of the development to its surroundings, ensure that existing features of the most important landscape and biodiversity value such as the existing ancient, other hedgerows, mature trees, pond and ditches were maintained and enhanced and provide for the creation of additional habitat to enhance biodiversity at the site.
- 1.181 The proposed additional habitat would largely be focused along the boundaries of the site, including a buffer to the ancient hedgerow, which would be retained to the northern boundary, an open space to the western boundary and buffer zones to the southern and eastern boundaries. In relation to existing and proposed woodland and tree belts the aim is to enhance, reinforce and extend the existing limited tree belt habitats, which enclose part of the site and create new area of woodland. Existing tree belts would be retained and native woodland species such as Oak, Ash, Maple and Hazel would be planted inside the western boundary to create a new woodland habitat.
- 1.182 In addition, new habitat would be created by the proposed attenuation pond to the north-east corner of the site. In relation to the SUDS the aim is to provide high quality habitats without compromising the surface water drainage of the site. The SUDS area would be predominantly shallow grassed areas able to attenuate water when required with some areas of permanently open water to provide new aquatic habitat. Overall, the proposed boundary habitats are considered to provide legible spaces with clear functionality.
- 1.183 In addition, smaller open spaces within the development would be created, together with proposed tree and shrub planting within the developable area of the site. Additional trees would be planted throughout the development, including along Hall Road, along the feeder road and other street planting and groups of trees within the area of open space within the site. These trees would increase biodiversity and contribute to visual amenity softening built forms and suggested species include Oak, Ash and Birch.

SCHEDULE ITEM 1

- 1.184 The strategy does not give the very specific details such as the number, location and species of trees to be planted within the site or within the woodland area to be created, although given that the application is in outline, some of these details would need to be finalised in relation to a specific layout, which would be submitted at a reserved matters stage if outline consent were approved. The necessary detail to ensure that the overall landscape and biodiversity strategy was implemented to a high standard would be required by planning condition. Specific details of maintenance and monitoring of the strategy to secure its on-going success would also be required by condition and would likely be the responsibility of a Management Company secured by legal agreement.

Trees

- 1.185 There are some 19 individual trees and 9 groups of trees at the site, 10 of which are established Oaks protected by a Tree Preservation Order (TPO), located along the Hall Road frontage. The remaining trees consist mainly of typical hedgerow species.
- 1.186 All trees, including those covered by TPOs, would be retained as part of the proposal, save for two groups, which consist of dying Elms, which are identified in the submitted arboricultural impact assessment as likely to be removed.
- 1.187 The two proposed access points would not result in the removal of any trees protected by TPOs and although the root protection areas of several trees may be affected by construction of the accesses, appropriate construction methods would be required by planning condition to minimise the effects.
- 1.188 Subject to the recommended planning conditions, it is considered that the proposed development would not impact adversely on existing trees at the application site.

Historic Environment

- 1.189 The proposal is not considered to impact adversely on the Conservation Area of nearby Listed Buildings, both of which are a sufficient distance away not to be directly influenced by the proposed development.

Ironwell Lane

- 1.190 Ironwell Lane, a largely unmade byway, runs alongside the site's northern boundary and connects Rochford with Hawkwell. An ancient hedgerow runs alongside the lane along the application site's northern boundary. The lane has a particular character, which it is considered should be retained and is widely used by walkers.

SCHEDULE ITEM 1

- 1.191 The proposed buffer to the northern part of the site would mean that the dwellings proposed would not be built within very close proximity to the lane. Only one point of direct connectivity to Ironwell Lane from the development site is proposed, which is to the northeast corner of the site. This link from the site to the lane would be for pedestrians and cyclists only and would not increase any potential for use of the lane by vehicular or other traffic. The inclusion of this one pedestrian link to the lane is considered important to achieve connectivity between the site and surrounding area of Rochford.
- 1.192 The condition of Ironwell Lane for that section between the northeast corner of the application site and its junction with Ashingdon Road is poor for that part underneath the railway bridge, often muddy and waterlogged, making it difficult for pedestrians to use. A clause in the legal agreement is therefore recommended, which would require works to only this part of the lane to upgrade the surface such that it would not be waterlogged and muddy for pedestrian use only. The works would not be designed to encourage greater use by vehicular traffic. A minimal amount of low level lighting, only for that section between the northeast corner of the site and the railway bridge after which street lighting is in place up to Ashingdon Road, would also be a requirement in order to provide a footpath link to and from the development site, which is safe for pedestrian use.

Highways

- 1.193 Regard must be had to the impact that the proposed development would have on the existing highway network, both in terms of ensuring that the proposed development would not result in any highway safety issues and ensuring that the surrounding highway network can cope with the predicated increase in traffic, which would result from the proposed development. Consideration must also be given to the suitability of the site with regard to sustainable transport opportunities.
- 1.194 The site is considered to be well located to take advantage of sustainable transport opportunities. Local amenities and facilities are located a 10 minute walk from the site via existing pedestrian footways along Hall Road. There is an existing part segregated cycleway along Hall Road connecting to Cherry Orchard Way and the northern boundary of the site borders Ironwell Lane, identified for a new cycle route in the Core Strategy. Cycle storage facilities are also provided at the Railway Station, some 400m from the site, which is easily accessible on foot or on cycle from the site and provides a good rail service to nearby local towns and London Liverpool Street. There are several bus stops within some 400m of the site on West Street, Ashingdon Road and Bradley Way, which connect with local towns in the District and stops on Southend Road some 950m from the site from which buses serving Southend-on-Sea run.

SCHEDULE ITEM 1

Pedestrian and Cycle Routes

- 1.195 The existing footway along the north of Hall Road would be extended west along the whole length of the site frontage using land within the site and the existing 30mph would be extended west to include the new roundabout.
- 1.196 In addition, a new footway/cycleway would be provided along the north side of Hall Road along the length of the site frontage to provide a public footway within an enhanced environment as opposed to only the footway directly adjacent the road being available.
- 1.197 The section of Ironwell Lane running alongside the site would also be upgraded with surfacing and lighting installed from the north-east corner of the application site as far east as the railway bridge to provide a second pedestrian and cycle link to the town centre, this would be a requirement incorporated into the legal agreement.

Buses and Trains

- 1.198 The impact of the proposed development on bus and train services was calculated using data agreed with the Highways Authority, the results of which indicate that the expected increases in passengers from the site could be comfortably accommodated by existing services.
- 1.199 In the submitted transport assessment the applicants state that they will consider the potential to divert existing local bus routes to service the site and Essex County Highways has confirmed that improvements to public transport by way of bus services would be required and the applicants have agreed to this forming part of the s106 by way of a financial contribution.
- 1.200 Travel packs would be issued to each new household on first occupation by the site sales office, containing details of local cycle routes, bus stops and timetables for trains and buses.

Vehicular Traffic

- 1.201 In the submitted transport assessment the impact of the vehicular traffic expected from the proposed development on both local roads and junctions has been assessed in detail.

SCHEDULE ITEM 1

- 1.202 In order to assess the impact, the Base Case that is the current traffic flow has been compared to the Development Case that is with the addition of vehicular traffic expected from the proposed development. Individual roads and junctions have then been assessed as to whether the capacity of each would be exceeded and by how much as a result of the proposed development. Account has also been taken of consented developments in the area, namely the hotel development at Aviation Way and a number of other developments which may come forward including at Stambridge Mills and Rectory Road in deriving the Base Case scenario. The impacts have been assessed based on an assumed opening year of 2017 when the development is expected to be fully completed and 2022.
- 1.203 In order to establish current traffic flow and peak hours data vehicle turning counts were undertaken in February 2010 and to obtain predicted background traffic levels for 2017 and 2022 a derived factor from the National Transport Model projections was applied to the observed traffic data to which localised factors for growth in car trips has been added. The predicted vehicle trips from the proposed development were then assigned onto the local highway network.
- 1.204 To derive the Development Case scenario a split of 50/50 across the two proposed accesses from the site were used and the primary school was only considered to use the eastern access, which is closest to the school location. As the position of the school has moved to the western boundary it is likely that this would now only utilise the western access point, this is not however considered to undermine the overall conclusions of the transport assessment.

LOCAL ROAD IMPACTS

- 1.205 The results show that:-
- The impact of additional vehicular traffic from the proposed school would be negligible at the peak hour of 3-4pm for a primary school, as this is when the local highway network is not at its peak hour and consequently has lower existing traffic flows.
 - The percentage increases in traffic flow on local roads as a result of vehicular traffic from the proposed development would range from a 1 percent to an 18 percent increase in 2017, the highest percentage increase of 18 percent being to Hall Road in an easterly direction during weekday morning peak hours.
 - The percentage increases in traffic flow on local roads as a result of vehicular traffic from the proposed development in 2022 would range from 1 percent to 42 percent, with the highest increase again being to Hall Road in an easterly direction during weekday morning peak hours.

SCHEDULE ITEM 1

- 1.206 Despite the predicted increases, all of the link roads assessed would still operate within capacity for both 2017 and 2022 except as set out below.
- 1.207 In 2017:-
- Southend Road south of South Street mini-roundabout capacity of 2450 vehicles per hour (VPH) with expected vehicular traffic in the development case of 2687 VPH at its most busy.
 - Southend Road north of Sutton Road roundabout capacity of 2450 VPH with expected vehicular traffic in the development case of 2705 VPH at its most busy.
 - Southend Road east of Southend Road roundabout capacity of 1700 VPH with expected vehicular traffic in the development case of 1939 VPH at its most busy.
 - Eastwoodbury Lane west of Nestuda Way capacity of 2450 VPH with expected vehicular traffic in the development case of 2546 VPH at its most busy.
- 1.208 In 2022:-
- Ashingdon Road north of Hall Road mini-roundabout capacity of 1833 VPH with expected vehicular traffic in the development case of 1854 VPH at its most busy.
 - Southend Road south of mini roundabout capacity of 2450 VPH with expected vehicular traffic in the development case of 2839 VPH at its most busy.
 - Southend Road north of Sutton Road capacity of 2450 VPH with expected vehicular traffic in the development case of 2858 VPH at its most busy.
 - Sutton Road east of Southend Road mini-roundabout capacity of 1500 VPH with expected vehicular traffic in the development case of 2399 VPH at its most busy.
 - Eastwoodbury Lane west of Nestuda Way capacity of 2450 VPH with expected vehicular traffic in the development case of 2739 VPH at its most busy.
- 1.209 Save for two of these link roads all would, however, be expected to operate within capacity in 2017 and 2022 without the proposed development of the application site. Those two that would be tipped over capacity by the proposed development would be Southend Road south of South Street and Eastwoodbury Lane west of Nestuda Way both in 2017.

SCHEDULE ITEM 1

LOCAL JUNCTION IMPACTS

- 1.210 The results also show that increases in traffic flow through junctions would also be expected as a result of the proposed development, with increases of between 4 and 10.2 percent in 2017 and 3.8 and 9.7 percent in 2022, with the highest increase to the Bradley Way/West Street mini-roundabout.
- 1.211 For each of the assessed junctions the following impacts including mitigation where necessary have been identified:-
- 1.212 **Ashingdon Road/Hall Road/Bradley Way** - This junction already operates above capacity and the modelling shows that the proposed development would exacerbate this situation. Although the option of signalling this junction was considered in the transport assessment the Highways Authority does not consider signalisation to be the best option, given the likely increases in queuing times that would result. Other significant improvements would be difficult, given the restricted nature of the junction adjacent a railway bridge and would require the acquisition of third party land, which would likely be at a prohibitive cost and not reasonably required of the proposal, given the wider benefits that would accrue to the area. The Highways Authority has recommended mitigation by way of minor alteration of the junction layout to increase capacity, which would be made a requirement of consent in the legal agreement.
- 1.213 **Bradley Way/West Street** - This junction would operate within capacity and the additional traffic would only have a minimal impact.
- 1.214 **Bradley Way/South Street** - This junction would operate within capacity in the Base Case in the morning peak period but in the evening the Southend approach would exceed capacity, which would be exacerbated by the proposed development. Mitigation is therefore proposed to widen the Southend Road on the exit from the junction, which would allow for a wider approach and entry width, which would reduce the impact to a nil detriment scenario. This improvement would be made a requirement of consent in the legal agreement.
- 1.215 **Southend Road/Sutton Road** - This junction would operate above or close to capacity, which would be exacerbated by the proposed development. Mitigation is therefore proposed to alter the layout, which would be made a requirement of consent in the legal agreement.

SCHEDULE ITEM 1

- 1.216 **Hall Road/Cherry Orchard Way** - This junction, on its west approach, is predicted to operate above capacity in the Base Case scenario in the morning peak period in both 2017 and 2022, with the proposed development having a further impact. The other 2 arms would be predicted to operate well within capacity in the morning peak period, as would all 3 arms in the evening peak period with minimal impact from the proposed development. The applicants have considered the installation of pre-signals on the Cherry Orchard Way approach in the am peak period to create additional gaps in the south to east flow towards this junction to facilitate egress from the Hall Road (west) approach with signals operating only in peak periods when queues were detected from installed speed loops. However, the Highways Authority does not wish to see pre-signals on Cherry Orchard Way and considers that no mitigation works would be required to this junction to make the proposed development acceptable.
- 1.217 **Cherry Orchard Way/Toomey** - This junction is expected to operate well within capacity following the proposed development.
- 1.218 **Cherry Orchard Way/Eastwoodbury Lane** - This junction would be expected to operate well above capacity in both the Base Case and Development Case in 2017 and 2022 if a single lane for the right turn is retained, which would be exacerbated by the proposed airport expansion, which has resulted in the diversion of Eastwoodbury Lane to the south with the current alignment stopped up to the east of the junction with Aviation Way. Mitigation is therefore proposed to allow right turners to use both lanes on the Cherry Orchard Way approach; this is expected to reduce queuing times and enable the junction to operate within capacity.
- 1.219 **Eastwoodbury Lane/Nestuda Way** - This junction would be predicted to operate above capacity. Mitigation is therefore proposed, which would result in the roundabout operating at about the same as the Base Case after development.
- 1.220 The junctions at Cherry Orchard Way/Eastwoodbury Lane and Eastwoodbury Lane/Nestuda Way are within Southend-on-Sea Borough. Final comments on any highway contributions are awaited from Southend and these will be reported at the meeting.
- 1.221 Data for accidents within the local highway network between 2005-2009 has also been considered and no locations exceed the Essex County Council criterion of at least 6 personal injury accidents in any 5 year period required for analysis of causation and remedial measures to take place.

SCHEDULE ITEM 1

- 1.222 With the proposed mitigation measures to junctions which would exceed capacity, the increase in traffic that would result from the proposed development is considered to be of an acceptable level such that existing roads and junctions would still function properly and would not result in the failing of the highway network, which would effectively mean gridlock or severe congestion.
- 1.223 The site is considered to be well located in terms of sustainable transport opportunities and would not give rise to adverse impacts on the existing transport infrastructure network such as to render the proposal unacceptable on highway grounds, subject to mitigation measures, including the proposed works to increase the capacity of several junctions being implemented. The proposal is therefore considered acceptable with regard to planning policy relating to highway and transportation considerations.

ON-SITE HIGHWAY WORKS

- 1.224 Access is the only 'reserved matter' that the applicant has requested be considered at the outline planning application stage. Whilst access can refer to all forms of access, (pedestrian, cycle and vehicular) to and within a site, the applicant has confirmed that all access matters are reserved for consideration in subsequent reserved matters applications, other than means of access to the site.
- 1.225 Two points of vehicular access to the site off Hall Road would be provided, one priority T-junction and one roundabout. The new T-junction would have a 10.5m kerb radii and 4.5m by 90m visibility splays with a right turn lane on the main road, which would require widening of the carriageway along part of Hall Road; to maximise visibility whilst retaining trees covered by Tree Preservation Orders the new junction would be sited opposite properties known as Elm Lodge and The Birches on Hall Road, some 130m from the eastern site boundary.
- 1.226 The transport assessment concludes that the proposed junction to the site would operate well within capacity with the predicted Development Case traffic levels in each of the assessment years, 2017 and 2022.
- 1.227 The transport assessment also assessed the capacity of a second T-junction at the site, as this was originally proposed, which was shown to be predicted to operate well within capacity in each of the assessment years. Whilst a roundabout is now proposed in place of the second T-junction towards the western boundary of the site, the Highways Authority is satisfied that the overall conclusions of the assessment with regard to capacity would not be different and that the roundabout would operate within capacity.

SCHEDULE ITEM 1

- 1.228 A road would run through the site linking the two access points designed to a Type 3 Feeder Road standard with a 6m wide carriageway.
- 1.229 Layout is not a matter for determination at this outline planning application stage and the acceptability of the detailed road layout within the site and parking including cycle storage provision is therefore something that would be considered at a Reserved Matters stage. The applicants are aware, as detailed in their submitted transport assessment, of the need for a detailed layout to include roads to the required highway standard and parking provision to meet the adopted standard and a condition is recommended to require parking to be provided in accordance with the adopted standard.

1.230 **Archaeology**

A number of conditions are recommended to require archaeological investigation prior to any works of development commencing at the site, which it is considered would deal satisfactorily with archaeological interests at the site in compliance with Policy ENV1 of the Core Strategy.

1.231 **Air Quality**

Policy ENV5 of the Core Strategy restricts new residential development in Air Quality Management Areas (AQMAs) in order to reduce public exposure to poor air quality. The application site is not within or close to any AQMAs and

- 1.232 the proposal would therefore comply with Policy ENV5.

The applicants have submitted an air quality assessment in which they have assessed existing air quality and the predicated impacts on air quality that would result from the proposed development (both construction and operational phases) with regard to the specific pollutants PM10 and Nitrogen

- 1.233 Dioxide NO₂, as well as to dust.

The Council's Environmental Protection Team has considered the submitted assessment and is satisfied that any impacts with regard to dust can be effectively dealt with by the imposition of planning conditions requiring certain practices are followed during construction. With regard to air quality impacts, additional assessment information has been requested, which the applicant is working on providing.

SCHEDULE ITEM 1

1.234 Utilities

There is an existing high voltage electricity cable that runs along the northern verge of Hall Road adjacent to the site boundary, which feeds a sub-station; low voltage mains then run east and west of this. Overhead lines also run through the western end of the site. It is not anticipated that the proposal would require any diversions; the existing sub-station would either be accommodated in the detailed layout or suitably relocated and suitable protection works to the cables would be undertaken.

1.235

Water mains run adjacent to the southern boundary of the site, across the site in a south-west/north-east direction and through the eastern part of the site running north-south. No diversions would be required as the mains have been accounted for in the parameters plan with areas of open space or footways above. Minor localised diversion/protection works to the southern boundary main would take place, if necessary, due to depth of main.

1.236

A gas main also runs along the southern verge of Hall Road, which would not be affected by the proposal.

1.237

Statutory undertakers have confirmed that the site can be adequately supplied with gas, electricity and water services without any major of-site works or diversions and there is an existing telecommunications cable network adjacent to the southern boundary of the site, which suggests potential to serve the development.

1.238 On-site Renewable Energy

Policy ENV8 requires developments of 5 or more dwellings to secure at least 10 percent of their energy from decentralised and renewable or low-carbon sources unless this is not feasible or viable.

1.239

In the submitted energy statement, the feasibility of a number of different low and zero carbon technologies has been assessed and a number of different technologies are acknowledged to have been previously incorporated into developments by the same applicant. The technologies identified as potentially suitable include solar panels and air source heat pumps.

1.240

A condition is recommended that would require at least 10 percent of the energy from the development be secured from decentralised and renewable or low-carbon sources.

SCHEDULE ITEM 1

1.241 Code for Sustainable Homes

The proposal would meet the minimum requirement of Policy ENV9 of the Core Strategy that all dwellings meet Code for Sustainable Homes (CSH) 3. This policy also requires that developers go beyond this level between 2010 and 2013, particularly in terms of water conservation measures. A condition is therefore recommended that would require all dwellings to meet CSH level 3, except with regard to water efficiency measures, which will be required to meet CSH level 4 criteria.

1.242 Contaminated Land

The applicants have undertaken a desk-based assessment to identify potential pollutants and any other ground related constraints at the application site. The Council's Environmental Protection Team has considered the submitted desk-based report and is satisfied that the risk to the development from contamination has been sufficiently assessed and that there would be no objection to the proposal on grounds of contamination, subject to a condition requiring the submission of a site specific risk assessment to include intrusive investigation, soil sampling and analysis prior to commencement of any development permitted.

1.243 Noise

The applicants' submitted noise assessment, which utilises continuous noise monitoring data collected at two positions within the site, advises that glazing and ventilation should be installed to a particular specification minimum to ensure an adequate level of protection for proposed residential properties against noise across the whole site. No other noise mitigation is considered to be necessary. The main sources of noise to the site are road and rail traffic. Noise from the airport does not currently significantly affect the site and given this it is considered unlikely that airport expansion would adversely affect residents at the site.

1.244 Health Care

The Primary Care Trust has been consulted on the proposed development and considers that the proposed development would have an impact on the current health provisions in the area, which could not be accommodated by existing capacity at local GP practices. A financial contribution is sought.

SCHEDULE ITEM 1

1.245 Leisure Facilities (Outdoor and Indoor)

- Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation advises Local Authorities that where new developments would cause an increase in the population of an area such that existing open space provision and or local indoor and outdoor sports facilities would be over-stretched then planning obligations can be used to require a developer to contribute towards the provision of new or to upgrade existing open space provision or facilities.
- 1.246 Policies CLT9 (Leisure facilities) and CLT10 (Playing pitches) of the Core Strategy do not include any specific requirement for provision or contribution in relation to new residential developments. Policy H2 which lists infrastructure requirements relating to the West Rochford general location for residential development does identify the need for open space but does not specify what form the open space provision should take and does not necessarily require the provision of either informal or formal outdoor sports facilities.
- 1.247 Whilst Sport England objects to the proposal unless a financial contribution is made towards formal outdoor sports provision and considers that five-a-side pitches for informal use should be provided in the identified open space to the western edge of the site, the Council does not seek to differentiate between types of open space provision, seeking only to ensure provision of the most appropriate type of space to meet the identified needs of a particular part of the District.
- 1.248 The Council's Open Space Strategy 2010 identifies the greatest deficiency in open space provision in the Rochford Ward and Rochford and Ashingdon area where the site is located as being specifically relating to natural and semi-natural green space, which includes woodlands, grasslands, wetlands, open and running water and nature reserves, which are valuable for wildlife conservation, environmental education and biodiversity and provide 'green lungs' for informal recreation and leisure purposes. The proposal would incorporate a large area of semi-natural space to the western edge of the site, which would satisfy the policy requirement in H2 that suitable open space be provided. It is not considered that there is an identified need for provision of or contribution to formal outdoor sports facilities, nor to require the provision of informal five-a-side sports pitches within the site, given that the provision of semi-natural open space is the type of space for which there is greatest identified need in the Rochford Ward.
- 1.249 The closest indoor sports facilities to the site are at Clements Hall Leisure Centre in Hawkwell.

1.250 SCHEDULE ITEM 1

The Council's Annual Monitoring Report 2010 contains the most up-to-date District specific assessment of indoor sports facilities need across the District and confirms that provision of indoor sports facilities exceeds demand, save for in relation to indoor bowls facilities. Whilst Policy CLT9 of the Core Strategy identifies a need for the Council to open up access to some existing facilities that are under utilised, for example in schools, it would not be appropriate to require a contribution to this end from the proposed development, which would not directly relate to this ambition. The suggested financial contribution to indoor sports facility provision/improvement by Sport England is not therefore considered reasonable.

1.251 Open Space and Play Space

Policy CLT5 of the Core Strategy requires the incorporation of new public open space within residential developments, which is accessible and designed to integrate into the development having regard to local current and projected future need.

1.252

The proposal would incorporate a large area of public open space to the western area of the site and another area to the east, both of which would be readily accessible to the occupants of the site and nearby existing local people. This open space would be specifically allocated as public open space in the Site Allocations Development Plan Document such that it would be shown to be designated as public open space in the revised Proposals Map, once issued, which identifies the planning designations of all land within the District.

1.253

Open spaces would also be incorporated within the developable area, as indicated on the Parameters Plan, although the size and position of incidental spaces throughout the site would be determined at the Reserved Matters stage once a detailed layout has been drawn up for consideration.

1.254

Policy CLT7 requires the incorporation of appropriate communal play space, which would be accessible, subject to natural surveillance and comply with the Council's Play Space Strategy. The applicants have indicated that play spaces would be provided to cater for a range of ages and this would be made a requirement of the legal agreement, including the maintenance of the equipment and space by an appropriate management company in accordance with the requirements of Policy CLT7.

SCHEDULE ITEM 1

1.255 Youth and Community Facilities

New youth and community facilities are identified as infrastructure requirements to be provided in the residential development identified within the general location of West Rochford in Policy H2 of the Core Strategy. It is considered that these infrastructure requirements could be appropriately met through making the school buildings available for use by youth and community groups. A clause would be incorporated into the legal agreement to ensure this provision.

1.256 Residential Amenity

The occupiers of some of the residential properties that border the site have raised concerns about the potential for harm to amenity to result from the

1.257 dwellings which would be built at the site.

At the outline stage a detailed site layout is not for determination so specific relationships between existing residential properties and proposed dwellings cannot yet be considered. However, the Parameters Plan shows areas of the site proposed for residential development. Within those areas it is considered that residential development could take place, which would not have a detrimental impact on the amenity that ought to reasonably be expected by the occupants of existing neighbouring properties by way of overlooking, development being overbearing or causing overshadowing. An open space buffer to the rear gardens of existing properties on Oak Road would be provided, which would provide a level of separation between the existing and proposed properties such as to guard against unreasonable overlooking.

1.258 Soil and Mineral Resource and Agricultural Viability

The applicants commissioned the carrying out of a detailed Agricultural Land Classification survey, which involved soil sampling and profiling at the site; the results of which showed that all of the land at the site is best and most versatile land in Grade 2 and Sub-Grade 3a with an 80/20 percent split respectively. The proposal would result in the permanent loss of this agricultural land, which should be taken into consideration in accordance with Planning Policy Statement 7, which comments that the presence of best and most versatile agricultural land (defined as grades 1, 2, and 3a of the Agricultural Land Classification) should be taken into account alongside other sustainability considerations.

1.259 **SCHEDULE ITEM 1**

1.260 The proposal would result in the direct loss of some 33.5 ha of land from Tabor Farms Ltd, which represents 5 percent of the Rochford holding, a loss which is not expected to significantly affect the daily operation of the unit. The proposal would also, however, sever the existing access to an additional area of some 46ha, which would result in a 13 percent reduction in the size of the holding; a new access to this holding would be required in order to facilitate continued agricultural use, but overall the viability of the farm unit would not be changed as a result of the proposed development.

1.261 The soil resource could be re-used on the developed site in open spaces and gardens.

The site has a sequence of strata beneath comprising River Brickearth, a known mineral resource. It is, however, considered unlikely that extraction of this resource would be economically viable, given the closure of local brick works and consequently the fact that the proposed development may sterilise this mineral resource is not considered objectionable.

1.262 **Phasing**

The applicants have indicated that the development of the site would be phased, although the timeframe detailed in the submitted planning statement is no longer accurate.

1.263 **Planning Obligation**

The developer has agreed to enter into a Section 106 Legal Agreement in order to secure compliance with requirements of Policy CL1 of the Core Strategy and other contributions required directly in connection with the proposed development in order that the development be acceptable in planning terms. The heads of the Legal Agreement with provisional contribution figures are:-

- Highways and public transport contributions in accordance with the ECC Highway department's request, namely:-
 - A contribution of £150,000 (one hundred and fifty thousand pounds) towards infrastructural improvements including signalling of the junction of Sutton Road and Purdeys Way industrial estate.
 - A contribution of £330,000 (three hundred and thirty thousand pounds) towards passenger transport service enhancement to link the proposed development site with the urban area through the provision of a new or extension to an existing bus service.

SCHEDULE ITEM 1

- A contribution of £5,000 (five thousand pounds) towards the Traffic regulation Order to enable the relocation of the 30mph zone along Hall Road in front of the proposed development site.
- Provision of 35% affordable housing with a tenure mix of 80/20 social rented/intermediate and a mix of 1,2,3 bed, etc, affordable housing units - in accordance with a request from Rochford District Council's Strategic Housing department.
- Provision of 1.1ha as a school site and commitment to funding the building of the primary school at this site in addition to a financial contribution for secondary school places – in accordance with the ECC Education department's request.
- Provision of an open space management agreement for the open spaces within the site, including the public open space to the western border of the site, the buffer zones, the wetland park and for public and incidental spaces within the developable area of the site and for ditches within these spaces, as well as details to demonstrate that existing ditches could accommodate additional surface water rainfall and not overflow – considered acceptable by officers, including the council's legal department
- Maintenance arrangement for the play equipment that is to be provided
- Requirement that school buildings be designed to accommodate use by community and youth organisations for community use
- Health - financial contribution.
- Construction traffic to the site be from and to the west.
- Maintenance arrangement for the sustainable urban drainage system landscaping scheme to be submitted and agreed in respect of the school site and a time frame for implementation, if the school is not required to be delivered and incorporated into the open space unless planning permission is subsequently granted for alternative development within this area of the site.
- Inclusion of a financial contribution for highway works within Southend district – final details to be determined. Tree planting within the highway must be agreed with the Highways Authority and a financial contribution made to cover the cost of maintenance.

SCHEDULE ITEM 1

- 1.264
 - Minor pedestrian connectivity improvements along Ironwell Lane between the north east corner of the application site and the made up section of Ironwell Lane to the east comprising drainage and footpath improvements beneath the bridge and surface treatment and low level lighting to the lane, all as to be agreed by the Local Planning Authority and Highway Authority.

Standard Charges referred to in Policy CL1 cannot be imposed as the standard charges document has not yet been adopted; all necessary infrastructure provision will therefore be delivered through the s106.

CONCLUSION

- 1.265 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.
- 1.266 Whilst the application site is designated as Green Belt it is considered that very special circumstances exist, either cumulatively or individually, which clearly outweigh the harm that would result to the Green Belt by virtue of the site being required in order for the Council to maintain a five year up-to-date rolling supply of land for housing and the site being a suitable site for residential development and because the site is considered to be the most suitable site within the general location of West Rochford identified for release from the Green Belt for residential development in Policy H2 of the Core Strategy. Consequently, the proposal is considered acceptable in Green Belt terms.
- 1.267 Subject to the recommended conditions and Legal Agreement, the proposal is policy compliant with respect to relevant Core Strategy and other planning policies and there are no other material planning reasons to refuse consent.

RECOMMENDATION

- 1.268 That the Secretary of State for Communities and Local Government be advised that members are **MINDED TO APPROVE** the application, subject to the provision of a legal agreement under section 106 of the act for the heads of terms, as outlined above, and to the following heads of conditions:-

SCHEDULE ITEM 1

CONDITIONS

1 Time and Reserved Matters

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

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

Site Characteristics

- 3 The development shall be implemented strictly in accordance with the Parameters Plan Drawing Number PL-03 Revision H with regard to the areas of the site identified for residential development, a school and landscape buffers and open spaces, including the wetland park, but save for the incidental public open spaces whose position within the residential developable area may change and save for changes to the Parameters Plan agreed by condition 4 below.
- 4 Notwithstanding the depth of the landscape buffer to Hall Road identified as area '2' on the Parameters Plan Drawing Number PL-03 Revision H up to that point at the site opposite the property 'Greenways' on the south side of Hall Road, this area shall be provided at a maximum depth of 8 metres from the southern site boundary with the remaining area to the north incorporated into the adjoining area, identified as area '17', density band E, Hall Road frontage on the Parameters Plan Drawing Number PL-03 Revision H.
- 5 Notwithstanding the density bands stated for each character area, as detailed on the Parameters Plan Drawing Number PL-03 Revision H, the density in the area covered by Density Band E shall be limited to a maximum density of 12 dwellings per hectare.

SCHEDULE ITEM 1

Highways

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

Note. In all cases where spoil is unavoidably brought out onto the highway, the applicant/developer must be reminded of their responsibility to promptly remove such spoil at their own expense and to the satisfaction of the Highway Authority.

- 11 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Additional Note:

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

SCHEDULE ITEM 1

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

SCHEDULE ITEM 1

Environmental/Social Sustainability

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

Contamination/Environmental Protection

- 23 Prior to the commencement of any development hereby permitted a site specific risk assessment, including intrusive investigation, soil sampling and analysis, shall be undertaken in accordance with the recommendations contained within the Geo-Environmental Desk Study Report GE7438/MAR10/DSR and a written report submitted to the Local Planning Authority.
- 24 If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall then be implemented as agreed.

SCHEDULE ITEM 1

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

Archaeology

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

SCHEDULE ITEM 1

Sustainable Urban Drainage

- 30 Prior to the commencement of development or ground works, a scheme detailing how surface water drainage shall be provided on-site through the use of sustainable drainage techniques (SUDS), which will include a balancing pond(s) and swale(s), as discussed within the submitted flood risk assessment, an assessment of the hydrological and hydro geological context of the development, details of filters to be installed and details of planting and wildlife enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. Implementation of the development shall be in accordance with such agreed measures and in accordance with a time frame submitted to and agreed in writing with the Local Planning Authority, with the system retained and maintained in the approved form thereafter.
- 31 Surface water shall be discharged from the site at a rate no greater than the calculated green field rate, as stated within the submitted Flood Risk Assessment.

Open Space /Play Equipment Provision

- 32 The landscape buffer to Hall Road, identified as area '2' on the Parameters Plan Drawing Number PL-03 Revision H (subject to amendment by condition 4) and the landscape buffer to Oak Road, identified as area '7' on the same plan, shall be planted and footpaths and other works, as agreed, provided in accordance with the scheme approved at Reserved Matters within the first planting season (October to March inclusive) following commencement of any development of the site. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed or caused to die or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title, with species of the same type, size, and in the same location as those removed, in the first planting season following removal.
- 33 The landscaping scheme(s) submitted as part of the Reserved Matters shall show the retention of existing trees, shrubs and hedgerows on the site and include details and plans of:-
- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted, including measures to improve and enhance existing hedgerows and their connectivity to adjacent hedgerows;
 - a full plan that clearly shows the locations of new trees to be planted, including tree species, size, planting method statement and after care plan. All to be in accordance with BS 3936-1, BS 4428 and NHBC chapter 4.2.
 - existing trees to be retained;

SCHEDULE ITEM 1

- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections, if appropriate;
- footpaths
- lighting
- means of enclosure and other boundary treatments;
- minor artefacts and structures (e.g., furniture, refuse or other storage units, signs, etc);
- existing and proposed functional services above and below ground level (e.g., drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);
- details of the design and location of equipment to be installed within each Local Equipped Area for Play (LEAP) and Local Area for Play (LAP) throughout the site, providing a minimum of 12 LAPs and a minimum of 1 LEAP.
- a detailed time frame for the implementation (including phasing, where applicable) of the landscaping scheme(s), including for planting and provision of footpaths, lighting and play equipment.

The planting and other agreed aspects of the landscaping scheme(s) shall be implemented in accordance with the agreed Reserved Matters in their entirety in accordance with the time frame for implementation agreed. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

Ecology/Biodiversity

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

SCHEDULE ITEM 1

Design

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

Trees

- 38 Trees and hedgerows shown to be retained on the Tree Constraints Plan Drawing Number DFCA 027 TCP dated 01.04.2010 shall be retained as part of the development and not lopped, topped, cut down, uprooted, destroyed or caused to die or become seriously damaged or defective unless works to any tree or hedge are agreed in writing with the Local Planning Authority prior to works being undertaken.
- 39 Prior to the commencement of development or any ground works a detailed tree protection plan and scheme shall be submitted and agreed in writing by the Local Planning Authority which shall;
- show existing trees to be protected during construction and provide details of the specification and position of protective fencing and of any other measures to be taken for the protection of any tree retained from damage before or during the course of development
 - provide a Key Stage Monitoring Plan, which identifies key stages of the development that require supervision provided by an arboriculturist such as erection of tree protection, excavation within Root Protection Areas.
 - detail and show areas where special construction techniques are required
 - provide a chronology of tree protection measures and time frame for implementation, relating to phases where applicable.

SCHEDULE ITEM 1

- provide details of any changes to existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree, or of any land adjacent to the site, within a distance of any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.
- 40 The development shall commence and be undertaken in accordance with the protection and monitoring measures agreed.

Phasing

- 41 That part of the site identified as area '17', Density Band E, Hall Road Frontage on the Parameters Plan Drawing Number PL-03 Revision H between the eastern corner of the site and up to that point at the site opposite the property 'Greenways' on the south side of Hall Road shall be built out and completed prior to the completion of the construction of any other dwellings on the site.

Informatives

- 1 Notwithstanding the layout of properties along the Hall Road frontage area, as shown on the illustrative master plan layout, the layout to the properties in this area of the site is expected to more strongly reflect the existing character of the area immediately adjacent to the site along the south and east of Hall Road. The dwellings within this area should be individually designed, front the street straight on and be provided with substantial front gardens. A greater number of access points off Hall Road to serve these dwellings should also be considered.
- 2 The applicants' attention is also drawn to the comments made by the Urban Design team in respect of the submitted illustrative master plan layout and the requirements for amendments to this layout prior to submission for any Reserved Matters application.

Relevant Development Plan Policies and Proposals

Policies H1, H2, H4, H5, H6, CP1, GB1, ENV1, ENV3, ENV4, ENV5, ENV8, ENV9, ENV11, CLT1, CLT2, CLT3, CLT4, CLT5, CLT6, CLT7 and CLT8 of the Rochford District Core Strategy 2011.

Rochford District Replacement Local Plan (2006)
SPD7 – Design, Landscaping and Access

East of England Plan (2008)

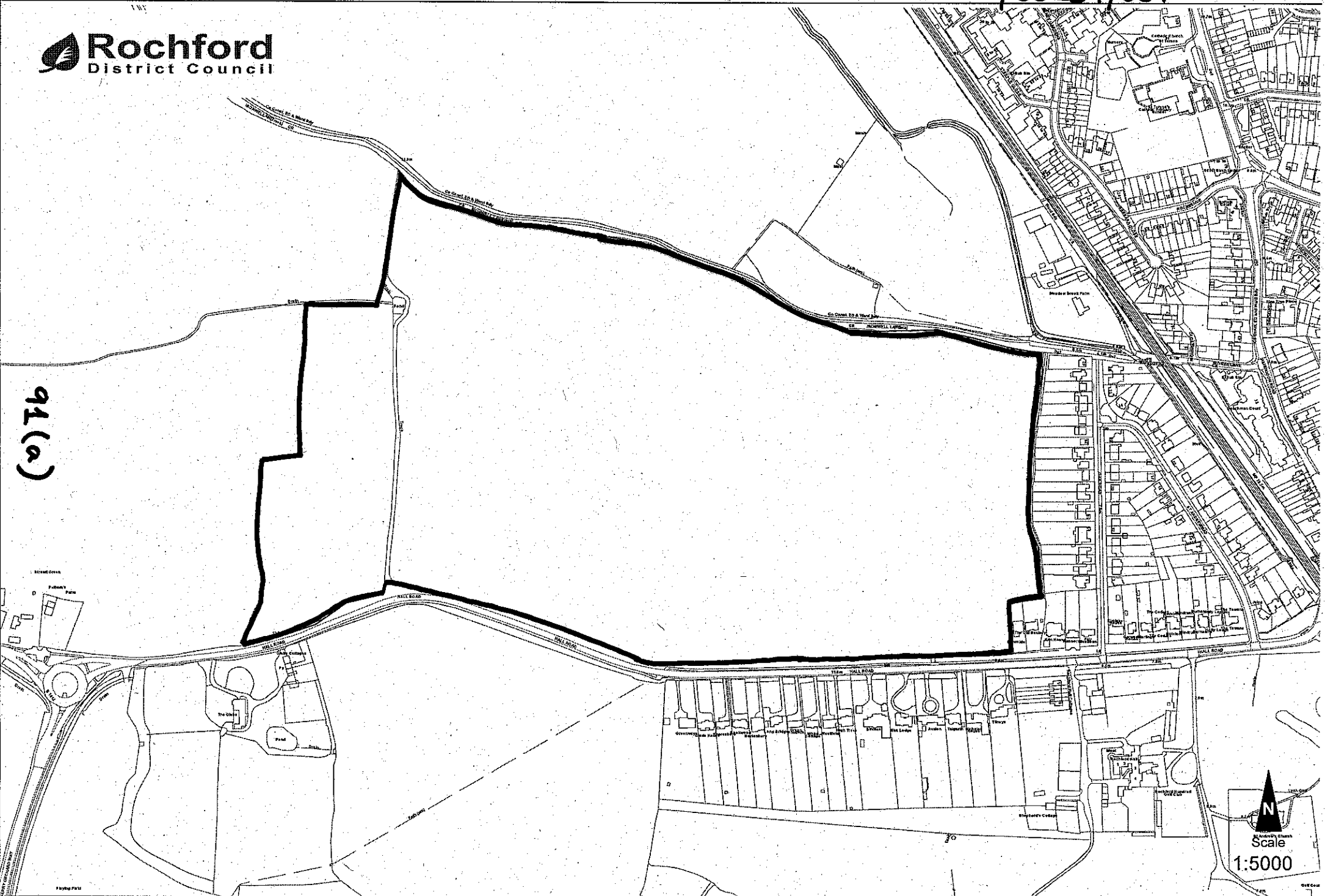
SCHEDULE ITEM 1

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Guidance 2: Green Belts (amended March 2001)
Planning Policy Statement 3: Housing (November 2006)
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Statement 9: Biodiversity and Geological Conservation
(August 2005)
Planning Policy Guidance 13: Transport
Planning Policy Guidance 15: Planning and the Historic Environment
Planning Policy Guidance 16: Archaeology and Planning
Planning Policy Guidance 17: Planning for open space, sport and recreation
Planning Policy Guidance 22: Renewable Energy
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance Note 24: Planning and Noise (1994)

Shaun Scrutton
Head of Planning and Transportation

For further information please contact Katie Rodgers on (01702) 318094.

91(a)



CODE OF GOOD PRACTICE FOR PLANNING MATTERS

A. Introduction

1. The aim of this code of good practice

To ensure that in the planning process all decisions are unbiased, impartial, and well founded.

2. Your role as a Member of the Planning Authority

To control development and to make planning decisions openly, impartially, with sound judgment and for justifiable reasons.

3. When the Code of Good Practice applies

This code applies to Members at all times when involving themselves in the planning process (this includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public, and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

B. Relationship to the Code of Conduct – Points for Members

- **Do apply the rules in the Code of Conduct for Members first.**
- **Do then apply the rules in this Code of Good Practice for Planning Matters, which seek to explain and supplement the Code of Conduct for Members for the purposes of planning control.**
- **Failure to abide by this Code of Good Practice for Planning Matters may put:-**
 - **the Council at risk of proceedings in respect of the legality or maladministration of the related decision; and**
 - **yourself at risk of a complaint to the Standards Committee or Standards Board for England.**

C. Development Proposals and Interests under the Members' Code

Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

Do then act accordingly.

Where your interest is personal and prejudicial:-

- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
- **Don't** get involved in the processing of the application, save as mentioned below.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places limitations on you in representing that proposal. You may address the Committee but only to make a presentation in the same manner that would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it (you may not remain to observe the meeting's considerations on it from the public gallery).
- **Do** notify the Monitoring Officer of the details.

D. Fettering Discretion in the Planning Process

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the Committee and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-

determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal (this is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided that the proposal does not substantially affect the well being or financial standing of the consultee body, and you make it clear to the consultee body that:-
 - your views are expressed on the limited information before you only;
 - you must reserve judgment and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:-

- advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
- remove yourself from the member seating area for the duration of that item; and
- ensure that your actions are recorded.

E. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Do** contact the Head of Planning and Transportation where you think a formal meeting with applicants, developers or groups of objectors might be helpful. You should never seek to arrange that meeting yourself. If a meeting is organised, officers will ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:-
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Head of Planning and Transportation any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition, in respect of presentations by applicants/developers:

- **Don't** attend a private planning presentation not open to the general public unless an officer is present and/or it has been organised by officers.
- **Do** attend a public meeting or exhibition to gather information about planning proposals.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Development Committee.
- **Do** be aware that a presentation is a form of lobbying – you can express views, but must not give an indication of how you or other Members might vote.

F. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Do** promptly refer to the Head of Planning and Transportation any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to investigate.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:-
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - attending a meeting with the developer or applicant organised by the Head of Planning and Transportation that is conducted in accordance with the rules set out in the Code of Conduct and this

good practice guide;

- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

G. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgment and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

H. Site Visits

- **Do** request an early site visit if you think one is required.
- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment

in the absence of a site inspection; or

- there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site not open to the public which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:-
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Head of Planning and Transportation about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

I. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

J. Officers

- **Don't** put pressure on officers to put forward a particular recommendation (this does not prevent you from asking questions or submitting views to the Head of Planning and Transportation, which may be incorporated into any Committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
- **Do** give officers the opportunity to report verbally on all applications reported to the Development Committee for determination.

K. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation following a Weekly List report, you discuss your reasons with the Head of Planning and Transportation.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision, including any information presented through an addendum to a Committee report or reported verbally by officers.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present during the entire debate on any particular item, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, that

you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.

- **Do** be aware that in the event of an appeal the Council will have to justify the resulting decision and that there could, as a result, be a costs award against the Council if the reasons for refusal cannot be substantiated.

L. Training

- **Don't** participate in a vote at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.