

---

**18/00126/FUL**

**LAND BETWEEN WINDERMERE AVENUE, MALYONS  
LANE AND LOWER ROAD, HULLBRIDGE**

**VARIATION OF CONDITIONS 4 (APPROVED PLANS) AND 8  
(ROUNDAABOUT) ATTACHED TO APPROVED  
APPLICATION REFERENCE 14/00813/OUT**

**APPLICANT: BARRATT DAVID WILSON HOMES (EASTERN  
COUNTIES)**

**ZONING: SETTLEMENT EXTENSION RESIDENTIAL  
LAND ALLOCATION SER6A AND SER6B**

**PARISH: HULLBRIDGE**

**WARD: HULLBRIDGE**

**1 PLANNING APPLICATION DETAILS**

- 1.1 The application site comprises an area of around 21.79ha and is located south-west of the existing built up area of Hullbridge, bounded by Windermere Avenue to the north and extending down to Lower Road to the south.
- 1.2 The application is for minor material amendments to the approved plans under Section 73; as such, only the issue of the changes to the plans listed under condition 4, and as impacted upon condition 8, can be considered. Other aspects of the development, including the principle of residential development, are not open for consideration under this application by the Committee.
- 1.3 The site is currently farmland, formerly in use for grazing and hay making, and divided into fields of varying size, each broadly rectangular in shape, bounded by well kept hedges and fencing. To the middle part of the site exists a group of farm buildings accessed from Malyons Lane. The application site includes the farmhouse to be retained. The application site shows a bungalow to the east of the envelope of buildings “Little Malyons” to be re-developed. A more recent bungalow “The New Bungalow”, located on the north eastern edge of the farm building complex, is shown excluded from the site. Effectively, the development would develop around this bungalow, which will be retained.

- 1.4 The farm is now vacated and the site boundaries and the group of buildings are contained by mesh security fencing. The hedgerow and trees to the southern boundary with Hullbridge Road were removed in February this year ahead of the bird nesting season.
- 1.5 Within the envelope of farm buildings are four telecommunications masts.
- 1.6 The site slopes downhill from Windermere Avenue to the north down to Lower Road at the southern edge of the site. The topography of the site varies from its highest point at some 22 metres *above ordnance datum* (AOD) in the northern part of the site to the lowest point at some 5 metres AOD towards the southern boundary of the site with Lower Road.
- 1.7 This southern boundary of the site is now open with a shallow ditch.
- 1.8 A group of trees located in the verge along Windermere Avenue just outside the northern boundary of the site comprising one field maple, two oaks and six hawthorn trees are the subject of tree preservation order TPO/00006/07.
- 1.9 The site is crossed west to east by public footpaths 2 and 7, which extend from Malyons Lane through the farm buildings area westwards to Highlands Road.
- 1.10 The majority of the site falls within the parish of Hullbridge. Two areas of the application site south-west and north-west of the envelope of farm buildings are sited within the parish of Rawreth. The administrative area for Rayleigh Town Council extends west of Hullbridge Road as far as the junction with Watery Lane to within 40m of the south west corner of the application site.
- 1.11 Following the adoption of the Allocations Plan in February 2014, the application site is allocated for residential development under policy SER6a and SER 6b as an extension to the settlement of Hullbridge.
- 1.12 The site has outline planning permission for 500 dwellings as approved on 18 January 2017, under application reference 14/00813/OUT. The application permission is subject to a number of planning conditions, and is also tied to a legal agreement to provide infrastructure and mitigation arising from the impact of the development.
- 1.13 Condition 4 of the outline permission follows best practice and lists the plans considered as part of the assessment of the outline application and upon which the Council based the outline decision. This is encouraged as best practice in order to facilitate subsequent variations to the application that may arise from time to time; and to provide a formal process to allow for the determination of revisions focused on the changes to the plans and any implications under section 73 of the Town and Country Planning Act, without the need to reconsider a new application in its entirety.

- 1.14 Condition 8 requires a roundabout junction, giving access to the approved development on Hullbridge Road, to be provided prior to the commencement of the housing areas and in accordance with the specific drawing considered. This was a recommendation of the County Highway Authority that this new site access would act as the main access to the site for the construction activity as well as the homes as they are constructed.
- 1.15 In the pre-application discussions that preceded the submission of the reserved matters application, Ward Members requested consideration be given to the provision of a bus stop layby to the northern side of Hullbridge Road on the approach to the new roundabout from the direction of Rayleigh. This change has led to an alteration of the approved plans for the roundabout, and subsequently meant that the terms of reference to condition 8 are outdated.
- 1.16 This application is made under Section 73 of the Town and Country Planning Act 1990 for a new planning permission with a revised condition 4 to change the list of approved plans that the development may be implemented in line with, substituting those previously approved for the roundabout with those now proposed incorporating the inclusion of the bus stop. The revised roundabout design also necessitates the revision of condition 8 of the outline permission, which requires the roundabout to be provided in accordance with the previously approved drawing.
- 1.17 As the application is made for minor material amendments to the approved plans under Section 73, only the issue of the changes to the plans listed under condition 4, and as impacted upon condition 8 can be considered. Other aspects of the development, including the principle of the development, are not open for consideration under this application.
- 1.18 Should it be determined that the alterations are minor and otherwise acceptable a new planning permission would be issued with a revised list of plans. Any outstanding planning conditions would be re-imposed. The Local Planning Authority can also consider whether other conditions should be imposed, but only where necessary in relation to the amendments applied for.
- 1.19 In the event of permission being granted, a decision notice describing the new permission would be issued, setting out all of the conditions relating to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

## 2 RELEVANT PLANNING HISTORY

- 2.1 The site excludes an area to the north western corner of the allocation that was the subject of an outline application for 18 No. houses, including siting and access, refused permission for reasons of Green Belt, inadequate unmade highway network serving the site, on street parking, inadequate garden, lack of social infrastructure and a layout out of character with Windermere Avenue on 8 August 2005 under application reference 05/00400/OUT.
- 2.2 The site includes part of the allocation and site that was the subject of an outline application for 14 No. houses refused permission for reasons of Green Belt, Coastal Protection Belt, too low density and inadequate unmade highway network serving the site, on 12 June 2007 under application reference 07/00132/OUT. The more recent history is set out below.
- 2.3 Application No. 14/00813/OUT  
Outline application for development of 500 dwellings, together with associated access, car parking, landscaping open space and related works.  
Permission granted 18 January 2017.
- 2.4 Application No. 18/00135/REM  
Application for reserved matters (in respect of layout, scale, design, external appearance, access (save for access points to the site, as shown on the approved parameters plan) and landscaping) in relation to the outline application permission 14/00813/OUT at land between Windermere Avenue, Malyons Lane and Lower Road, Hullbridge for the development of 500 dwellings together with associated access, car parking, landscaping, open space and related works.  
  
Application pending consideration and the subject of a separate report to this meeting of the Committee.
- 2.5 Application No. 18/00124 / FUL  
Application for removal of condition 38 (Bridleway) attached to approved application reference: 14/00813/OUT  
  
Application pending consideration and the subject of a separate report to this meeting of the Committee.
- 2.6 Application No.18/00126/ FUL  
Variation of conditions 4 (approved plans) and 8 (roundabout) attached to approved application reference: 14/00813/OUT.  
  
This application is the subject of this report.

### 3 CONSULTATIONS AND REPRESENTATIONS

#### 3.1 Neighbour Representations

4 Letters/replies have been received from the following addresses:

Downhall Park Way: 14,

Ferry Road: 101a, 164

Philbrick Crescent West: 69

#### 3.2 and which in the main make the following comments and objections:

- The proposed mini roundabout will cause greater traffic congestion and therefore object on the grounds of public safety because it will be close to the present one, which already presents difficulties for large lorries and the pedestrian crossing.
- Please re-think the total of bus stops, zebra crossing, traffic island and turning into Budgens along Lower Road, all within yards of each other. Cars often fail to stop at the crossing because of trying to negotiate around a bus at the bus stop, all crossing traffic flows.
- Object to adding a further 500 houses to an area where the roads already struggle to cope with demand.
- The building of the roundabout will do little to abate the traffic which is often built up on all approaching roads.
- With a further 1000 houses down Rawreth Lane there again seems to be little or no consideration for the natural landscape, the wildlife or the residents.
- The environmental emissions are already too high for the area without the added pressure of more buildings and more cars. Cannot see anywhere in the plans to increase public transport other than building a bus stop on an already limited route.
- These new houses will see an estimated 500-1000 cars on the roads at peak times.
- Consider pressure on schools and overstretched doctors' surgeries.
- Object due to the increased traffic accessing the site and ask what consideration is being given to road noise, air quality and traffic calming measures to limit this?
- With only one road into Hullbridge, the traffic congestion will become intolerable for all residents. Rawreth Lane access to Hullbridge Road can

become extremely congested at peak times, adding at least 30-40 minutes to a journey. With new development, road restrictions, traffic lights, heavy plant and machinery with a marked increase in traffic from new residents travelling will become intolerable. Looking at Google Maps Watery Lane gives a very good indication of how bad the problem will be.

- Insufficient drainage - roads in the recent bout of very wet weather were flooded and in places traffic was unable to pass.

### **MATERIAL PLANNING CONSIDERATIONS**

- 3.3 Condition 4 to the outline permission reads as follows:

#### **Approved Plans**

- 4) The development hereby approved shall be constructed in strict accordance with the approved plans Drawing Number 101 date stamped 12.11.2014, **F221-101A** and F221-102.

REASON: For the avoidance of doubt and in the interests of clarity.

- 3.4 Condition 8 to the outline permission reads as follows:

#### **Provision of Site Access Roundabout**

- (4) Prior to commencement of the development, the proposed site roundabout access on Lower Road shall be provided as shown in principle on **CCE drawing F221-101 Rev A** with clear to ground visibility splay. 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.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management policies as adopted as County Council Supplementary Guidance in February 2011.

In both conditions above, the drawing detailing the approved roundabout is in bold type and is the subject of revision in this application.

- 3.5 The outline application approved, whilst retaining nearly all matters to be reserved, did, however, request agreement to the provision of the site access to serve the development proposed. There are to be a number of pedestrian access points in the layout giving permeability to the existing settlement. The development would be served by two vehicular access points with minor modification to the pavement to Malyons Lane at the junction with Elm Grove to reduce the current bias in the pavement width that deflects traffic to the residential areas. The reduction to the pavement width at the junction would improve the arrangement for the access to the development to and from Malyons Lane and connectivity for future residents with services to Hullbridge.

The main site access shown to the outline application was by way of a roundabout onto Lower Road.

- 3.6 The design details for the roundabout were prepared by Cannon Consulting Engineers and their drawing is referenced to both condition 4 listing the approved plans and condition 8 to the outline permission that requires implementation of that detail.
- 3.7 In the pre-application process ahead of the submission for detailed reserved matters, Ward Members requested that the detailed design of the new roundabout junction included provision for a bus stop to the northern side of Hullbridge Road, as the bus service would be unlikely to enter the development. The provision of that bus layby and bus stop has necessitated a revision to the approved roundabout access design. Furthermore, Consultants, Structa, have been instructed to prepare the detailed designs of the junction arrangement to satisfy the detailed requirements of the County Highway Authority. As the revised design now requires the bus layby and bus stop, it is necessary to vary the drawing references to conditions 4 and 8 to reflect the upgrade in design that has evolved.
- 3.8 The roundabout design generally follows the design previously approved and as prepared by the earlier consultants. The two lanes accessing Hullbridge Road from the new development would each be 3m in width, as shown to the previously approved plan. The pedestrian crossing points (lowered kerbing and tactile ramps) to the east and west are also shown.
- 3.9 The proposed plans give better detail and show the central roundabout to have a diameter of 12m with an outer overrun strip a further 2m in width. The carriageway about the roundabout would be 6m in width allowing for two lanes with the overrun a further 2m in width inside allowing for wider vehicles and comfortable flow. This design is similar to those in Hall Road and Brays Lane, Rochford.
- 3.10 The proposed bus stop would be to a layby provided off the inner east bound lane to the carriageway into the development site allowing traffic to pass the stationary bus. New ditches would be constructed on the site side flanking the junction into the site to compensate surface water storage for the change to the existing ditch along Lower Road.
- 3.11 The more detailed roundabout design very closely follows that previously approved at the outline stage. District officers consider the changes incorporating the bus layby and bus stop to be minor and would have no greater impact on the amenity of adjoining residents or prove detrimental to highway considerations. Although the comments of the County Highway Authority are awaited at the time of writing, District officers anticipate the better detailed plans incorporating the bus layby will not meet with objection from the County Highway Authority. Accordingly, District Officers recommend that the approved plans be substituted by the revised plans now proposed

and that both conditions 4 and 8 be revised to conditions 4A and 8A as follows:

### Approved Plans

- 4A) The development hereby approved shall be constructed in strict accordance with the approved plans Drawing Number 101 date stamped 12.11.2014, F221-102, **H7485-3B-GA-1201 Rev. P6 and H7485- 3B-GA- 1202 Rev. P7**

REASON: For the avoidance of doubt and in the interests of clarity.

### Provision of Site Access Roundabout

- 8A) Prior to commencement of the development, the proposed site roundabout access on Lower Road shall be provided as shown in principle on drawing Nos. **H7485-3B-GA-1201 Rev. P6 and H7485- 3B-GA- 1202 Rev. P7 by messrs. structa (as amended)** with clear to ground visibility splay. 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.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies adopted as County Council Supplementary Guidance in February 2011.

## 4 CONCLUSION

- 4.1 The proposed modifications to the proposed development involving a revised design to the roundabout access junction to incorporate a bus layby and bus stop to the northern side of Lower Road, close to the main access serving the site, would not materially impact on the character and appearance of the area or on the highway considerations affecting the original outline permission. The grant of a new outline planning permission planning with revised plans is recommended.

## 5 RECOMMENDATION

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

That planning permission be approved, subject to this application being incorporated into the existing agreement under Section 106 of the Act to the outline planning permission granted on 18 January 2017 under application reference 14/00813/OUT and to the issuing of a revised outline decision notice reference 14/00813/OUT/A setting out the following conditions:



**Reserved Matters**

- (1) No development shall commence within any phase (Reserved Matters application site area) until plans and particulars showing precise details of the layout, scale, design and external appearance, access (save for access points to the site as shown on the approved Parameters Plan) and landscaping of the site, (herein after called the "Reserved Matters") within the phase have been submitted to and approved in writing by the Local Planning Authority. All development at the site shall be carried out in accordance with the Reserved Matters details approved.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to secure an orderly and well designed development in accordance with the reserved matters details approved.

**Submission of Reserved Matters**

- (2) In the case of the reserved matters, application for the first residential reserved matters application for approval shall be made no later than the expiration of two years beginning with the date of this permission. Application for the approval of the remaining "Reserved Matters" referred to in condition 1 above shall be made to the Local Planning Authority before the expiration of five 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.

REASON: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 (As amended).

**Commencement**

- (3) The development to which this permission relates shall be commenced not later than the expiration of two years from the approval of the first reserved matter and the remainder of the development shall be begun not later than:-
  - (i) the expiration of five years from the date of the grant of outline planning permission, or
  - (ii) within five years of the approval of the reserved matters for the phase or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended)

**Approved Plans**

- (4A) The development hereby approved shall be constructed in strict accordance with the approved plans drawing number 101 date stamped 12.11.2014, F221-102, **H7485-3B-GA-1201 Rev. P6 and H7485- 3B- GA- 1202 Rev. P7**

REASON: For the avoidance of doubt and in the interests of clarity.

**Quantum of Development**

- (5) The site outlined red on drawing No. 101 date stamped 12.11.2014 save for that part to the south western corner that falls within Flood Zone 3 shall accommodate no more than 500 dwellings in total.

REASON: To accord with policy SER 6 - South West Hullbridge to the Rochford District Council - Local Development Framework Allocations Document (2014)

**Submission of Public Realm Design Strategy for the Whole Site**

- (6) Prior to the submission of any reserved matters application, a public realm design strategy for the whole site, including details within different areas of proposed palettes of materials for surfaces, lighting, street furniture, street trees including species and grille details if proposed, signage and boundary treatments should be submitted to and agreed in writing by the Local Planning Authority. The reserved matters submissions should then accord with the approved public realm design strategy.

REASON: In order to secure a high standard of design of the public realm across the site as a whole.

**Submission of Design Brief Prior to Submission of Reserved Matters**

- (7) Prior to the submission of each application under the reserved matters, a design brief for that phase of the site to which the reserved matters application relates, shall be submitted to and approved in writing by the Local Planning Authority. The design brief shall include scaled plans and details of:-
- a) Identification of distinctive character areas with details submitted in relation to each to incorporate details of items b) to o) below with regard to design principles contained within the Essex Design Guide 2005 and context of the site.
  - b) The street hierarchy, including the principles of adopting highway infrastructure, and typical street cross-sections including

relationships of new buildings to the street.

- c) How the design of the streets and spaces takes into account mobility and visually impaired users.
- d) Block principles to establish density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs and perimeter of building definition.
- e) Information about height, scale, form and building style, level and type of enclosure/boundary treatments, building materials and design features.
- f) Landmarks and legibility, vistas and views and types of spaces and their proposed use.
- g) Approach to parking and accommodating the car.
- h) Approach to provision of sustainable urban drainage.
- i) The conceptual design and approach to the treatment of the public realm within the residentially developable area of the site to include materials, utilities and street furniture.
- j) Approach to incorporation of ancillary infrastructure such as pipes, vents, meter boxes etc, required by statutory undertakers.
- k) Details of the approach to cycle parking including distribution, type and design of storage facilities.
- l) Approach to the character and treatment of structural planting within the residentially developable area.
- m) Approach to the treatment of footpaths/footways within the residentially developable area.
- n) The conceptual design and approach to the lighting strategy.
- o) Details of measures to minimise opportunities for crime.

REASON: In order to control more closely the parameters for the working up of the detailed design to ensure the development of the site achieves a high standard of design, appropriate to the context of the site.

#### **Provision of Site Access Roundabout**

- (8A) Prior to commencement of the development, the proposed site roundabout access on Lower Road shall be provided as shown in principle on drawing nos. **H7485-3B-GA-1201 Rev. P6 and H7485-**

**3B- GA- 1202 Rev. P7 by messrs. structa (as amended)** with clear to ground visibility splay. 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.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies adopted as County Council Supplementary Guidance in February 2011.

#### **Provision of Malyons Lane Alteration/Works**

- (9) No more than 200 units shall be occupied from the Lower Road junction until such time as the proposed secondary site vehicle access on Malyons Lane is provided as shown in principle on CCE drawing F221-102.

REASON: To make adequate provision within the highway for additional traffic generated as a result of the proposed development and in the interest of highway safety in accordance with policy DM1 of the Development Management policies adopted as County Council Supplementary Guidance in February 2011.

#### **Submission of Timescale for Pedestrian and Cycle Access Points**

- (10) Prior to commencement of the layout for the residential element of the new development approved details of and timescale for the provision of the proposed access for pedestrian/cyclists at The Priors, Harrison Gardens and Windermere Avenue shall be submitted to and agreed by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.

REASON: To make adequate provision within the highway for additional traffic generated and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM1 of the Development Management policies adopted as County Council Supplementary Guidance in February 2011.

#### **Pedestrian Visibility Splays**

- (11) Prior to occupation of each dwelling hereby approved a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular accesses serving the dwelling. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1 of the Development Management policies adopted as County Council Supplementary Guidance in February 2011.

#### **Gradient to Parking Access Areas**

- (12) The gradient of any proposed vehicular access/garage drive/hard standing shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety in accordance with policy DM1 of the Development Management policies adopted as County Council Supplementary Guidance in February 2011.

#### **Surface Water Drainage Details for Parking Areas**

- (13) Prior to the commencement of the layout for the residential element of the new 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.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management policies adopted as County Council Supplementary Guidance in February 2011.

#### **Additional Note:**

With reference to the above condition, the applicant's 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 hardstanding to reduce the cumulative impact of surface water run off and overloading of sewers.

#### **Surface Water Treatment of Parking and Access Areas**

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development

Management policies adopted as County Council Supplementary Guidance in February 2011.

### **Construction Method Statement**

(15) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

REASON: To ensure that on street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and policy DM 1 of the Highway Authority's Development Management policies February 2011.

PRE-COMMENCEMENT REASON: In order to mitigate the impact of the construction aspects of the development including demolition and site clearance activity upon the highway network.

### **Highway Boundary Planting Set Back**

(16) Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with policy DM1 of the Development Management policies adopted as County Council Supplementary Guidance in February 2011.

### **Parking Space Size**

(17) Each vehicular parking space shall have minimum dimensions of 2.9 metres width x 5.5 metres depth.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM8 of the Development Management policies adopted as County Council Supplementary Guidance in February 2011.

**Garage Space Size**

- (18) All single garages should have a minimum internal measurement of 7m depth x 3m width. All double garages should have a minimum internal measurement of 7m depth x 5.5m width. All tandem garages should have minimum internal measurements of 12m depth x 3m width.

REASON: To encourage the use of garages for their intended purpose and to discourage on street parking, in the interests of highway safety and in accordance with policy DM8 of the Development Management policies adopted as County Council Supplementary Guidance in February 2011.

**Non Obstruction of Public Footpath**

- (19) The public's rights and ease of passage over public footpath No. 7 shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policies DM1 and DM11 of the Development Management policies adopted as County Council Supplementary Guidance in February 2011.

**Submission of Detailed Drainage Strategy**

- (20) Prior to the commencement of the layout for the residential element of the new development a detailed drainage strategy shall be submitted for approval to the Local Planning Authority. Such details shall be based on the principles of sustainable drainage, in line with the approved Flood Risk Assessment undertaken by Cannon Consulting Engineers referenced: CCE/F221/FRA-03 and dated October 2014 by this planning permission. The detailed drainage scheme should follow mitigation measures detailed within the FRA including:-
- o Limiting the discharge from the site to 3.5l/s/ha for all events up to the 1 in 100 year storm plus a 30%.
  - o Providing attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change and urban creep.
  - o Ensuring the appropriate level of treatment for all run off leaving the site, in line with table 3.3 of the CIRIA SuDS guide.
  - o Providing information about exceedance routes to indicate what route flows would take should a feature become blocked and cause surface water flooding.

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

REASON: To prevent the increased risk of flooding, both on site and off site, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

#### **Submission of Scheme to Minimise Surface Water Flooding from Construction Works**

- (21) Prior to the commencement of the layout for the residential element of the new development hereby approved a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as may be approved.

REASON:

- The National Planning Policy Framework paragraph 103 states that Local Planning Authorities should ensure flood risk is not increased elsewhere by development.
- Construction may lead to excess water being discharged from the site. If de watering takes place to allow for construction to take place below ground water level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased run off rates. To mitigate against increased flood risk to the surrounding area during construction therefore there needs to be satisfactory storage of/disposal of surface water and ground water which needs to be agreed before commencement of the development.

#### **Submission of surface water drainage management plan**

- (22) Prior to the commencement of the layout for the residential element of the new development the applicant shall submit to the Local Planning Authority a Maintenance Plan detailing the maintenance arrangements for the surface water drainage system. Such details shall include who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.



REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

### **Suds Maintenance Logs**

- (23) The applicant shall keep yearly maintenance logs of maintenance undertaken to the surface water drainage system which should be carried out in accordance with any approved Maintenance Plan.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment undertaken by Cannon Consulting Engineers Referenced: CCE/F221/FRA-03 and dated October 2014 and the following mitigation measures detailed within the Flood Risk Assessment (FRA).

Finished ground floor levels shall be set no lower than 7.17 metres above Ordnance Datum (AOD); 300mm above the design 1% Annual Event Probability (AEP) flood level.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan and to reduce the risk of flooding to the proposed development and future occupants.

### **Archaeological**

- (24) 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. This work shall be undertaken to the standards required and specified in an archaeological brief issued by the Local Planning Authority acting through its historic environment advisers.

REASON: In the interests of protecting, preserving and recording archaeological assets.

- (25) 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.

REASON: In the interests of protecting, preserving and recording archaeological assets.

- (26) No development or preliminary ground works can commence until the satisfactory completion of field work, as detailed in the mitigation strategy, and signed off by the Local Planning Authority through its historic environment advisers.

REASON: In the interests of protecting, preserving and recording archaeological assets.

- (27) 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 Local 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 field work, unless otherwise agreed in advance with the Local Planning Authority, through its historic environment advisers ).

REASON: In the interests of protecting, preserving and recording archaeological assets.

#### **Control over Imported Fill Material (Contamination)**

- (28) Prior to the importation of any material brought onto the site for use as subsoil, topsoil or backfill, a compliance certificate for that material proposed to be imported to the site shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with policy ENV11 of the Rochford District Council Local Development Framework adopted Core Strategy 2011.

#### **Contamination**

- (29) In the event that contaminated material or asbestos is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the following requirements and a report submitted to and approved in writing by the Local Planning

Authority to include:-

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:-
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o ground waters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works and must complete the remediation works in accordance with the scheme approved. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority.

Prior to occupation of any property hereby permitted the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the approved remediation scheme.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with policy ENV11 of the Rochford District Council Local Development Framework adopted Core Strategy 2011.

### **Submission and Implementation of Landscaping Details**

- (30) The development shall provide a minimum of 6.2 hectares of strategic open space or localised and landscaping within the site. Details of the proposed hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include (where applicable) details and plans (at an appropriate scale) of:-
- o Schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
  - o Grassland areas and the use of grassland seed mixes in these;
  - o A full plan (to scale) that clearly shows the locations of new trees to be planted including planting method statement and after care plan;
  - o Existing trees to be retained;
  - o Provision of bird and bat boxes;
  - o Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
  - o A long-term maintenance schedule and specifications including timetable for monitoring and maintenance;
  - o Location and material details of paved or otherwise hard surfaced areas/paths within the public open space;
  - o Long-term design objectives in respect of the public open space area;
  - o Location of lighting including details of lighting to be installed which shall be low pressure sodium lighting at levels kept as low as possible (between 1 and 3 lux where possible), directed to where it is needed, away from hedgerows with lighting columns kept as short as possible (ideally 3 metres or less);

- o Means of enclosure and other boundary treatment including materials to be used and location of these shown on a plan;
- o Minor artefacts and structures (e.g. benches, bins, signs, etc.); and
- o Surfacing to provide cycling, walking and bridleway routes.

The soft landscaping agreed within the residentially developable areas shall be planted/provided in its entirety during the first planting season (October to March inclusive) following commencement of the development within the phase (reserved matters application site area) to which the landscaping relates or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier and retained in the approved form.

**REASON:** To enable the Local Planning Authority to retain adequate control over the landscaping of the site and ensure ecological value in the interests of amenity and in the interests of preservation and enhancement of habitat for foraging bats and birds. To ensure that compensatory tree/hedge planting is provided to compensate for loss of existing as required by policy DM25 to the Rochford District Council Local Development Framework Development Management Plan (2014).

#### **Protection of Existing Trees**

- (31) Prior to commencement of development within each phase (reserved matters application) a scheme for the protection of trees/hedgerows to be retained within or immediately adjacent to the site associated with that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a. A plan that shows the accurate position, crown spread and root protection area in accordance with paragraph 5.2.2 of BS5837 of every retained tree on the site and on neighbouring or nearby ground to the site. The accurate positions of all trees to be removed shall also be indicated on the plan.

- 
- b. Details of each retained tree in a separate schedule in accordance with paragraph 4.2.6 of BS5837.
  - c. A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998, 1989, 'Recommendations for Tree Work'.
  - d. Details and positions of the Ground Protection Zones in accordance with section 9.3 of BS5837.
  - e. Details and positions of Tree Protection Barriers.
  - f. Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS5837.
  - g. Details and positions of the underground service runs in accordance with section 1 1.7 of BS5837.
  - h. Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph. 5.2.2 of BS5837.
  - i. Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, water features, surfacing) in accordance with section 10 of BS5837.
  - j. Details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction. Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
  - k. Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.  
  
Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS5837.
  - m. Details of tree protection measures for the hard landscaping phase in accordance with sections 13 and 14 of BS5837.

- n. The timing of the various phases of the works or development in the context of the tree protection measures.

Development shall proceed in accordance with the approved tree protection scheme with the agreed Tree Protection Barriers erected prior to commencement of development within the phase to which they relate and will remain in place, and undamaged for the duration of construction within that phase.

REASON: To ensure that retained trees are protected from damage in the interests of visual amenity required by Policy DM25 to the Rochford District Council Local Development Framework Development Management Plan (2014).

PRE-COMMENCEMENT REASON: To ensure that retained trees are protected from damage from the demolition and site preparation processes/works in the interests of visual amenity.

#### **Retention of Hedgerows**

- (32) Existing hedgerows and trees to remain shall remain and not be felled or removed. Those sections of existing hedgerow and trees indicated to be felled/removed shall only be felled/removed/managed outside of the bird nesting season (March to August inclusive) unless otherwise agreed in writing with the Local Planning Authority in which case details justifying works outside these times shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the protection of nesting birds.

#### **Wheelchair Accessible Designs**

- (33) At least 3 per cent of new dwellings within each phase (reserved matters application area) shall be built to wheelchair accessibility standards as required by policy H6 of the Council's adopted Core Strategy until such time as the proposed access changes to the Approved Document M on access to and use of buildings volume 1 dwellings standards forming part of the Building Regulations come into force, after which time at least 3 per cent of new dwellings within each phase (reserved matters application area) must be built to meet the optional standard M 4(3) set out in Approved Document M Building Regulations Category 3b (as consulted on by national Government in the Housing Standards Review Technical Consultation Approved Document M dated September 2014 (DCLG) or as amended when formally adopted). Prior to or concurrent with each reserved matters application, details of compliance with the above requirement for the area to which the reserved matters application relates, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the site provides for wheelchair accessible properties in accordance with the requirement of policy H6 of the Rochford District Council Local Development Framework adopted Core Strategy (2011) in light of changes to the technical housing standards (2015).

#### **Code for Sustainable Homes – Water Efficiency**

- (34) All new dwellings shall achieve Code for Sustainable Homes Code Level 4 as a minimum in respect of water efficiency until such time as Approved Document G on water efficient standards forming part of the Building Regulations (as consulted on by national Government in autumn 2014 or any subsequent further amendment or variation to the autumn 2014 consultation draft technical standard) comes into force after which all new dwellings shall achieve water efficiency equivalent to the proposed optional standard set out in the Approved Document G Building Regulation Building Regulations standard as a minimum, i.e. that new dwellings are designed so that their estimated average water consumption would be no more than 110 litres per person per day. Concurrent with each reserved matters application, details of compliance with the above requirement for all dwellings within the area to which the reserved matters application relates shall be submitted to and approved in writing by the Local Planning Authority. Dwellings shall be constructed to the agreed details.

REASON: To achieve compliance with policy ENV 9 of the Rochford District Council Local Development Framework adopted Core Strategy (2011) in light of changes to the technical housing standards (2015).

#### **Code for Sustainable Homes – Energy Efficiency**

- (35) All new dwellings shall achieve Code for Sustainable Homes Code Level 4 as a minimum in respect of energy efficiency. Prior to or concurrent with each reserved matters application, details of compliance with the above requirement for all dwellings within the area to which the reserved matters application relates, shall be submitted to and approved in writing by the Local Planning Authority. Dwellings shall be constructed to the agreed details.

REASON: To achieve sustainability in compliance with policy ENV 9 of the Rochford District Council Local Development Framework adopted Core Strategy (2011).

#### **10% Renewable Energy**

- (36) Prior to the occupation of any dwelling within each phase (reserved matters application site) details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10



per cent of the energy from the development within the phase would be provided from de-centralised and renewable or low carbon sources unless this is not feasible or viable or unless provision of such would be at the expense of provision of a higher specification energy efficient building fabric, in which case a report demonstrating the case and the amount (decentralised/low carbon/renewable energy) that would be provided shall be submitted to and agreed in writing by the Local Planning Authority. The measures as agreed shall be implemented prior to the occupation of the dwellings to which the measures relate.

REASON: To achieve sustainability in compliance with Policy ENV 8 of the Rochford District Council Local Development Framework adopted Core Strategy (2011).

#### **Provision of Play Space**

- (37) A minimum area of 0.06 hectares for play space shall be provided to the development. Details of equipment proposed shall be submitted to and agreed in writing by the Local Planning Authority prior to provision on site. At least one of the play spaces shall be provided as a local equipped area for play (LEAP).

REASON: To accord with policy SER 6 – South West Hullbridge to the Rochford District Council - Local development Framework Allocations Document (2014) and policy CLT 7 of the Rochford District Council Local Development Framework adopted Core Strategy (2011).

#### **Submission of Details for Bridle Path in Reserved Matters**

- (38) The reserved matters referred to in condition 1 above shall include the submission of details for the provision of a bridle path and landscaping to be provided around the overall site to which the development relates. The development shall be implemented in accordance with such details as may be approved.

REASON: To ensure the provision of a bridleway to enhance and integrate the development and public open spaces into the bridleway and local highway network in accordance with policy SER 6 – South West Hullbridge to the Rochford District Council – Local Development Framework Allocations Document 2014.

#### **Protection of Reptiles**

- (39) Prior to the commencement of the development (and including ground works) in each phase, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority for the protection of reptiles during the construction period. The development shall be implemented in accord with such details as may be agreed.

REASON and PRE-COMMECMENT REASON: In the interests of ecology and the protection of reptiles during the construction period.



Matthew Thomas

Assistant Director, Planning and Regeneration Services

---

### **Relevant Development Plan Policies and Proposals**

#### **Rochford District Council Local Development Framework Allocations Plan Adopted February 2014.**

Policies SER6a, SER6b.

#### **Rochford District Council Local Development Framework Core Strategy adopted version (December 2011).**

Policies RTC3, RTC2, ED1, T8, T7, T6, T5, T3, T2, T1, CLT10, CLT8, CLT7, CLT6, CLT5, CLT4, CLT3, CLT2, CLT1, ENV11, ENV10, ENV9, ENV8, ENV5, ENV4, ENV3, ENV1, GB1, CP1, H6, H5, H4, H2 and H1.

#### **Rochford District Council Local Development Framework Development Management Plan adopted 16<sup>th</sup> December 2014.**

Policies DM1, DM2, DM4, DM5, DM16, DM25, DM26, DM27, DM28, DM29, DM30 and DM31.

Parking Standards: Design and Good practice Supplementary Planning Document adopted December 2010.

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007).

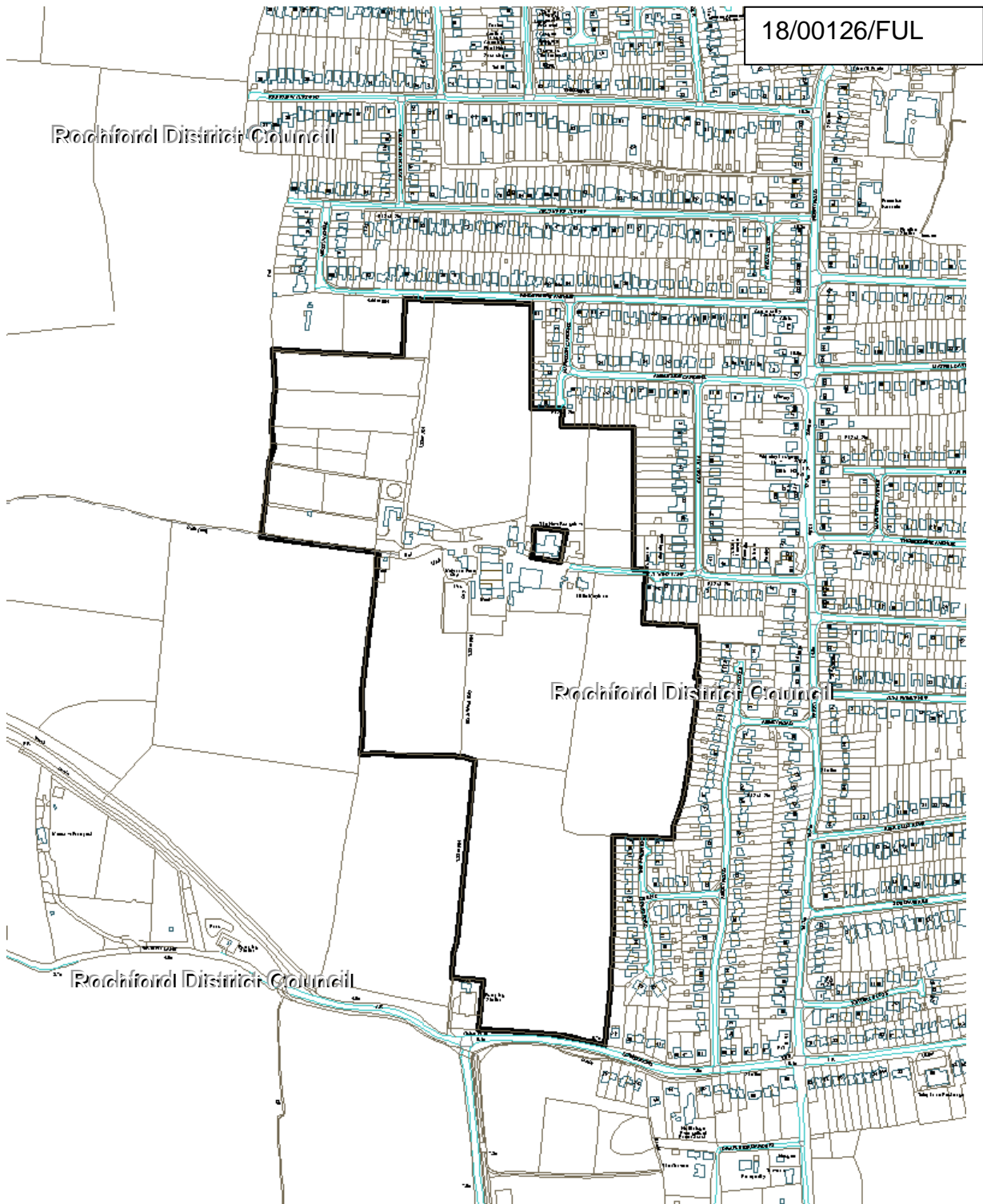
Department of Communities and Local Government Technical Housing Standards – nationally described space standard adopted March 2015.

For further information please contact Mike Stranks on:-

Phone: 01702 318 032

Email: [Mike.stranks@rochford.gov.uk](mailto:Mike.stranks@rochford.gov.uk)

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



18/00126/FUL

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

