
13/00709/FUL

**LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND
CLEMENTS HALL WAY, HAWKWELL**

**APPLICATION TO VARY CONDITION 20 TO PERMISSION
GRANTED ON 17 DECEMBER 2012 UNDER APPLICATION
REFERENCE 12/00381/FUL TO ALLOW DEVELOPMENT TO
BE IMPLEMENTED IN ACCORDANCE WITH REVISED
FLOOD RISK ASSESSMENT**

APPLICANT: DAVID WILSON HOMES
ZONING: METROPOLITAN GREEN BELT
PARISH: HAWKWELL
WARD: HAWKWELL WEST

1 PLANNING APPLICATION DETAILS

- 1.1 This application is to a site extending from Clements Hall Way to both sides of Thorpe Road and north of Rectory Road, Hawkwell.
- 1.2 A development of 176 dwellings (175 net) is currently being implemented on the site under a permission granted on 17 December under application reference 12/00381/FUL. Condition 20 of that consent requires that the development be implemented in accordance with the Flood Risk Assessment considered with that application. This requirement is on the recommendation of the Environment Agency.

The application seeks to vary condition 20 and substitute the FRA previously considered in favour of a revised document reflecting revised findings following the grant of planning permission

Existing Condition 20:

The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd Job No. 43929 and dated June 2012 and the following mitigation measures detailed in the FRA:

1. Surface water run-off generated on site shall be restricted to a maximum of 65.5 l/s.
2. Storage shall be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change, and shall be designed to incorporate sustainable drainage techniques and consider flow routes / pathways across the site.
3. Prior to first habitation, details of who shall be responsible for the maintenance of the surface water scheme in perpetuity shall be agreed in writing with the Local Planning Authority.
4. No dwellings shall be placed within flood zones two and three as confirmed within the submitted FRA.
5. General ground levels within the flood plain shall not be raised as a result of this development.

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

REASON:

1. To ensure that surface water flows will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. To prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site.
3. To prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site.
4. To reduce the impact of flooding on the proposed development and future occupants.
5. To ensure that the flood risk to the site and surrounding area is not increased as a result of the development.

- 1.3 The current application seeks to vary condition 20 to allow for the development to proceed in accordance with the revised FRA . Accordingly the applicant submits for consideration a revised FRA dated September 2013 and a revised condition 20 as follows:-

Proposed Condition 20:

The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd. Job No. 43929 and dated September 2013 and the following mitigation measures detailed in the FRA:-

1. Surface water run-off generated on site shall be restricted to a maximum of 65.5 l/s.
2. Storage shall be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change, and shall be designed to incorporate sustainable drainage techniques and consider flow routes/pathways across the site.
3. Prior to first habitation, details of who shall be responsible for the maintenance of the surface water scheme in perpetuity shall be agreed in writing with the Local Planning Authority.
4. No dwellings shall be placed within flood zones two and three as confirmed within the submitted FRA.
5. General ground levels within the flood plain shall not be raised as a result of this development.

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

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 2. To prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site.
 3. To prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site.
 4. To reduce the impact of flooding on the proposed development and future occupants.
 5. To ensure that the flood risk to the site and surrounding area is not increased as a result of the development.
- 1.4 The applicants state that the amendment is required as a result of more detailed information becoming available on the adjacent water course once the site had been cleared.
- 1.5 The two proposed outfalls in the original FRA are not able to be constructed as designed for two reasons: the pipe would be below the invert of the ditch; and the pipes would have been surcharged with water due to the water level of the water course. As a result of this finding, the applicant advises that discussions have taken place with Anglian Water and an alternative solution has now been designed in accordance with their guidance. This is incorporated into a Revision A to the FRA and dated September 2013.

2 RELEVANT PLANNING HISTORY

- 2.1 The site has an extensive planning history. The most relevant applications comprise that for the greater development being implemented and the subsequent variation to obscure glazing of certain windows throughout the development as set out below.

2.2 Application No. 12/00381/FUL

Demolish Existing Dwelling And Construct Development Of 176 Houses With Access Off Thorpe Road, Access Off Clements Hall Way, Access For One Plot Off Rectory Road, Road Network, Cycle Way And Footpath Network, Public Open Space, Landscaping And Location Of High Pressure Gas Main

Permission granted 17 December 2012.

This permission is now being implemented and to which the current application relates.

2.3 Application No. 13/00035/FUL

Application to vary condition No. 4 to application No. 12/00281/FUL for development of 176 dwellings approved on 17 December 2012 and (summarised) to vary those plots to which obscure glazing of side windows would otherwise be required in favour of two alternative conditions 4 and 4A.

Permission granted on 30 April 2013 subject to alternative variation Condition 4R which adds to existing condition 4, a further 18 No. plots with outward facing side windows that need not be obscure glazed.

3 CONSULTATIONS AND REPRESENTATIONS

3.1 **Hawkwell Parish Council:**

Council could not comment as Members are not experts on flooding issues.

3.2 **Environment Agency:**

The original strategy was to provide two discharge points to the north of the site. Since the original submission, a more detailed survey of the river has been undertaken and it is now known that the discharge points, as originally proposed, will not function adequately. The revised proposals do not alter the scheme from that originally agreed, other than to alter the point of discharge from the site. The discharge rates, storage volumes and methods for storage have not been altered. We therefore have no comments to add in that regard.

- 3.3 However, the proposal is to discharge all surface water to a smaller water course, which runs along the eastern boundary of the site, rather than to the water course to the north, as originally proposed. We would advise that this water course should be checked for its capacity for carrying flows discharged

from the site to ensure that this water course will not become overloaded and increase flood risk to the surrounding areas. We recommend that you are satisfied, through consultation with the developer, that there is capacity within the water course to carry and store flows from the site, without compromising the capacity of the system for flows that it may already receive from other developed areas in the vicinity. We would recommend that the developer demonstrates to you that there are no known capacity issues with this water course that result in localised flood risk problems and that the additional flows to this water course will not increase flood risk to the surrounding area, before the condition is discharged.

3.4 **Anglian Water**

Advise that discharging surface water run-off for a 1 in 100 year return period to a public sewer is not permitted. The surface water discharge rate should be limited to a 1 in 30 year return period. Therefore the discharge of condition 20 is not recommended at this stage. Anglian Water would want the 1 in 30 year return period to be clearly outlined with the flow rate as part of the FRA.

3.5 **Neighbour Consultations**

No letters received.

4 **MATERIAL PLANNING CONSIDERATIONS**

Principles of the Development

- 4.1 The site is within an area allocated Metropolitan Green Belt in the Council's saved Local Plan. However, the site is identified in the Allocations Document, which has been subject to examination and with the benefit of a permission being implemented. These material considerations outweigh the harm to the Green Belt.
- 4.2 The approved development has commenced and a number of houses are nearing completion. The quantum of development has not changed. The current application is a single issue concerning a revision as to how the same surface water discharge enters the existing surface water drainage network. That said, in law, it is required that the decision notice for the whole development be re-issued to reflect any changes so far and the need for previous conditions.
- 4.3 Whilst some conditions on the original permission have been discharged, the requirements for other conditions have been formally submitted and are awaiting consideration. The recommendation reflects the current interim position adjusting those conditions as necessary.

Flooding Issues

- 4.4 The general approach to the surface water drainage of the site is that the building roof and external areas will outfall directly to oversized sewers using below ground crate systems and detention basins for attenuated storage before outfalling to either the Anglian Water Sewer or ditch before ultimately outfalling to the water course to the north of the site. This approach has been previously agreed in the approved FRA. In the FRA to which condition 20 relates, two outfalls were to be provided, one for each side of the development and entering the water course either side of the central wooded area. The applicant advises that the previous survey recorded a water level 0.44m lower than the actual level. The previous strategy is therefore unworkable because the site drainage would enter the water course at too low a level.
- 4.5 The revised FRA would direct the drainage network to connect to the Anglian Water sewers alongside the eastern boundary of the site parallel with Clements Hall Way and where the required levels can be achieved. From there, the surface water would discharge into the same water course.
- 4.6 The surface water run-off rate for the total site area and for the 1 in 30 year event would be unchanged at 46.5 litres per second.
- 4.7 The surface water run-off for the 1 in 100 year event would be stored using underground storage and discharging unchanged into the water course at a rate of 65.5 litres per second.
- 4.8 The applicant has been in discussion with both the Environment Agency and Anglian Water and is aware that Anglian Water will only accept a discharge rate of 46.5 litres per second into their manhole connection (representing the 1 in 30 year discharge rate from the site). The applicant has advised that the balance of the water over and above the 1 in 30 year flows will discharge into the existing ditch running along the eastern boundary of the site and controlled via a flow control device restricting flow to the total site rate. In fact, the applicant states that the discharge rate will be reduced from 65.5 litres per second to 59.9 litres per second, effectively reducing the flood risk.
- 4.9 The Environment Agency has sought clarification that there is capacity to this ditch. The applicant is currently liaising with the Environment Agency to clarify this issue. The applicant is also liaising with Anglian Water, given the concerns raised regarding the flow rate to the sewer.
- 4.10 It is anticipated that as a result of further clarification, both the Environment Agency and Anglian Water will be revising their comments in favour of the revised FRA being accepted. On that basis officers recommend that the revised condition 20 and the substitution of the existing FRA can be accepted

Other Issues

- 4.11 There have been no policy changes that affect the principles on which the permission granted on 17 December 2012 under application 12/00381/FUL is based and which would now lead to a different decision for the scheme as a whole. Planning permission can therefore be granted on the same basis other than the changes outlined in this report.

5 CONCLUSION

- 5.1 The quantum of development and physical layout as originally approved remains unchanged. The revised Flood Risk Assessment maintains the same discharge rates as previously agreed, the only difference being the position of the discharge point. Officers understand that although final confirmation from the Environment Agency and Anglian Water is awaited, it is anticipated that the outstanding issues will be satisfactorily resolved.

Consequently condition 20 of the consent can be varied as proposed.

6 RECOMMENDATION

- 6.1 Members will be aware that the Government has placed increased pressure upon Councils to determine major applications within the due timescale. Whilst the application is for a single issue relating to only one condition, it is, however, classified as a major application with the decision required on or before 4 March 2014.
- 6.2 Because of the nature of the application, despite the single issue relating to one condition, it is necessary to re-issue a decision notice for the whole development and include the new decision as part of the existing legal agreements to the application being implemented under application 12/00381/FUL. Officers anticipate this legal process will take time to complete and is to some extent outside of the Council's control, thereby increasing the risk of failing to issue the decision within the 13 week period.
- 6.3 At the time of writing the applicant is believed to be preparing a letter confirming an extension of time to allow matters to be concluded and the decision issued within the extended time period. This method is generally endorsed by Government as good practice.
- 6.4 However, should the written extension of time not be forthcoming and/or that the completion of the legal matters prove likely to overrun the 13 week period/extended time, officers recommend a **FALL BACK RECOMMENDATION** effective from 4 March 2014 that the Committee **DELEGATE TO THE HEAD OF PLANNING AND TRANSPORTATION TO REFUSE PERMISSION FOR THE FOLLOWING REASON:-**

1. The proposal, if allowed without the necessary legal agreement completed, would result in the development proposed providing an

alternative development consent without commitment to the need to provide the necessary infrastructure associated with the quantum of development to which the application relates contrary to policy H2 and Appendix H1 to the Rochford District Council Local Development Framework Core Strategy (2011) and would prove contrary to the proper planning of the district.

- 6.5 Officers anticipate that a written extension of time confirmation will be received to extend the timescale for determination of this application so allowing the legal matters to be concluded and the decision issued. On this basis and the analysis and conclusions set out in the report above

It is proposed that the Committee **RESOLVES**

- 6.6 **To APPROVE** planning permission, subject to the application being incorporated into a legal agreement to the same effect as the existing legal agreement relating to application 12/00381/FUL and to the following conditions:-

- (1) The development hereby permitted shall commence on or before 16 December 2015.
- (2) The development shall be implemented in accordance with the schedule for external materials H4606 Revision S for the dwellings as approved. Any further variation shall be submitted to and agreed in writing by the Local Planning Authority and the development implemented in accordance with such variation as agreed.
- (3) Prior to the commencement of any phase of the development hereby approved, plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected within the development phase and serving the paddocks and open space areas when part of that phase, shall be submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority shall be erected prior to that part of the site to which they relate first being occupied and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).

- (4R) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) all first floor side windows shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level and no alteration is to be made to that arrangements thereafter. The exception shall be windows to the outward facing elevations of dwellings not facing the elevations of neighbouring housing to plots 1, 10, 12, 13, 14, 16, 17, 23, 29, 30, 36, 43, 44, 46, 47, 52, 54, 60, 61, 62, 73, 75, 77, 78, 81, 86, 89, 91, 94, 98, 99, 102, 103, 104, 106, 107, 111, 112, 117, 121, 128, 129, 132, 136, 150, 153, 155, 159, 160, 161, 165, 168, 169, 172, 173, 175 and 176, which can be clear glazed.
- (5) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) order 1995 (including any Order revoking or re-enacting that Order , with or without modification, no enlargement of or provision of additional windows, doors or other means of opening shall be inserted in the side or rear elevations of the dwellings hereby permitted.
- (6) No development shall commence until details of the lighting height and luminance for the play areas and pathways through the public open space within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.
- (7) No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-
- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
 - existing trees to be retained;
 - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - paved or otherwise hard surfaced areas;
 - existing and finished levels shown as contours with cross-sections if appropriate;
 - means of enclosure and other boundary treatments;
 - car parking layouts and other vehicular access and circulation areas;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting 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);
- a programme for the implementation of both hard and soft landscaping features.

The landscaping scheme shall be implemented in its entirety in accordance with the agreed programme for implementation, or other such programme subsequently agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree, shrub or hedge plant that item or any item planted in replacement for it is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place in the first available planting season following removal, unless the Local Planning Authority gives its written approval to any variation.

- (8) The development hereby approved shall be implemented in accordance with the measures for the retention and protection of trees retained as set out in the Arboricultural Impact Assessment accompanying the application and Drawing No. 280502-P-13 dated June 2012 BY Messrs. Tim Moya Associates.
- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order with or without modification) the garages hereby permitted shall be retained for the parking of vehicles and shall not be converted to habitable accommodation.
- (10) Prior to the commencement of the development, the road junction at its centre line on Clements Hall Way shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the junction to the south and 2.4 metres by 43 metres to the north, 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 shall be retained free of any obstruction at all times. The junction on Rectory Road shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres x 90m in both directions, as measured from and along the nearside edge of the carriageway.
- (11) The designated access for construction site traffic shall be implemented In accordance with that specified at parts b) and c) to Appendix B to the Construction Management Project Plan Project No. H4606 and dated January 2013.

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- (12) The proposed private drive accesses from Clements Hall Way shall be constructed and provided with an appropriate dropped kerb crossing of the footway prior to the occupation of the dwellings proposed to take access therefrom.
 - (13) Prior to the 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 details as may be approved shall be carried out in their entirety prior to the access so drained becoming operational and shall be retained thereafter.
 - (14) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
 - (15) The development shall be implemented in accordance with the details for the mechanical wheel cleaning of construction vehicles before their exiting the site comprising of not less than one ramped wheel spinning facility together with jet wash hoses and as specified at Appendix C to the Construction Management Project Plan Project No. H4606 and dated January 2013.
 - (16) Prior to the commencement of the 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. The development shall be implemented in accordance with such details as may be agreed.
 - (17) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
 - (18) The proposed bell mouth junction with Clements Hall Way, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development, including the delivery of materials.

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- (19) Prior to the commencement of the development details of all independent paths, including their lighting and drainage, shall be submitted to and agreed in writing by the Local Planning Authority. Paths shall be a minimum of 2 metres wide. The development shall be implemented in accordance with such details as may be agreed.
- (20) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd Job No. 43929 and dated September 2013 and the following mitigation measures detailed in the FRA:-
1. Surface water run-off generated on site shall be restricted to a maximum of 65.5 l/s.
 2. Storage shall be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change, and shall be designed to incorporate sustainable drainage techniques and consider flow routes/pathways across the site.
 3. Prior to first habitation, details of who shall be responsible for the maintenance of the surface water scheme in perpetuity shall be agreed in writing with the Local Planning Authority.
 4. No dwellings shall be placed within flood zones two and three as confirmed within the submitted FRA.
 5. General ground levels within the flood plain shall not be raised as a result of this development.

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

- (21) No part of the development shall be occupied until a system of operational street lighting serving that part of the development has been provided and the system shall be maintained operational and in good repair until adopted.
- (22) Prior to the commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and agreed in writing by the Local Planning Authority:-

- i) Preliminary risk assessment which has identified all previous uses. Potential contaminants associated with those uses. A conceptual model of the site indicating sources, pathways and receptors. Potentially unacceptable risks arising from contamination of the site.
- ii) A site investigation scheme based on i) above to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.
- iii) The site investigation results and the detailed risk assessment in ii) and, based on these, an options appraisal and remediation strategy giving details of the remediation measures required for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any change to these components require the express consent of the Local Planning Authority

- (23) A Written Scheme of Investigation for the archaeological watching brief shall be submitted to and approved by the Local Planning Authority for the works required. Such a scheme shall set out the scope of the archaeological works required, the measures to be employed should significant archaeological remains be encountered (and cover all phases of the development in a single document) and shall ensure the appropriate identification, recording, reporting and duration of any archaeological remains encountered. The scheme shall also form the basis for the appointment of an appropriate archaeological organisation to conduct the works that would be procured through an appropriate tender process. Such a scheme shall negate the need to agree subsequent mitigation strategies with the Local Planning Authority during the course of the works, as an appropriate mechanism to signal and agree variations to recording procedures, should significant remains be exposed, will be appropriately set-out and agreed in the Written Scheme of Investigation. Further, appointment of a single approved archaeological contractor to conduct the full works will ensure the integrity of the final site archive. The development shall be implemented in accordance with such Written Scheme of Investigation as may be approved.

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- (24) Prior to the occupation of the 22nd dwelling hereby approved the junction improvements works at the Main Road, Hall Road and Rectory Road roundabout have been provided entirely at the developer's expense. Such junction improvement works shall include the widening of the Rectory Road arm to provide two lanes on approach (as shown in principle on Ardent CE drawing No. D540-004) submitted as part of the application particulars.
- (25) None of the dwellings hereby approved shall be occupied until such time as the passenger transport infrastructure along Rectory Road adjacent to the site is relocated and upgraded where appropriate. All works shall be provided entirely at the developer's expense and include new shelter and footway facilities comprising of lighting, seating and timetable information, together with raised kerbs where necessary and the relocation of telegraph poles and lighting along Rectory Road in the vicinity of the site
- (26) Construction traffic shall access the site in accordance with the details of the construction management of the site, as set out in section 14.8 to the Planning Statement by Messrs. Kember Loudon Williams LLP reference: 12/016 submitted in support of the application.
- (27) Notwithstanding the requirements of condition 7 above details of any tree planting proposed within the highway, together with a programme for implementation, shall be submitted to and agreed in writing by the Local Planning Authority prior to planting. Such trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. If within a period of five years from the date of planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place, in the first available planting season following removal, unless the Local Planning Authority, in consultation with the Highway Authority, gives written approval to any variation.
- (28) The development hereby approved shall be implemented in accordance with the advice, recommendations and mitigation measures set out in the Ecology Strategy by Messrs. Liz Lake Associates dated June 2012 File Name 1079A5 Rev. A. accompanying the application.

- (29) Prior to the first occupation of the development comprising Plots 1 – 56 located west of Thorpe Road, the applicant shall submit details to the Local Planning Authority for the insulation of those dwellings against noise generated by the industrial premises to the north west of the site. Such details shall comprise an assessment of the pre-existing background noise levels at the site, taking into account the permitted hours of operation of the adjoining industrial premises fronting Main Road, Hawkwell and the layout, location and height of the residential properties. Such details as may be agreed shall be fully implemented prior to the first occupation of the dwellings on Plots 1 – 56 and shall be maintained in the approved form thereafter.

REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

H1, H5, H6, CP1, ENV8, ENV9 Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

HP1, HP6 Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Parking Standards: Design and Good Practice Supplementary Planning Document
adopted December 2010 Standard C3

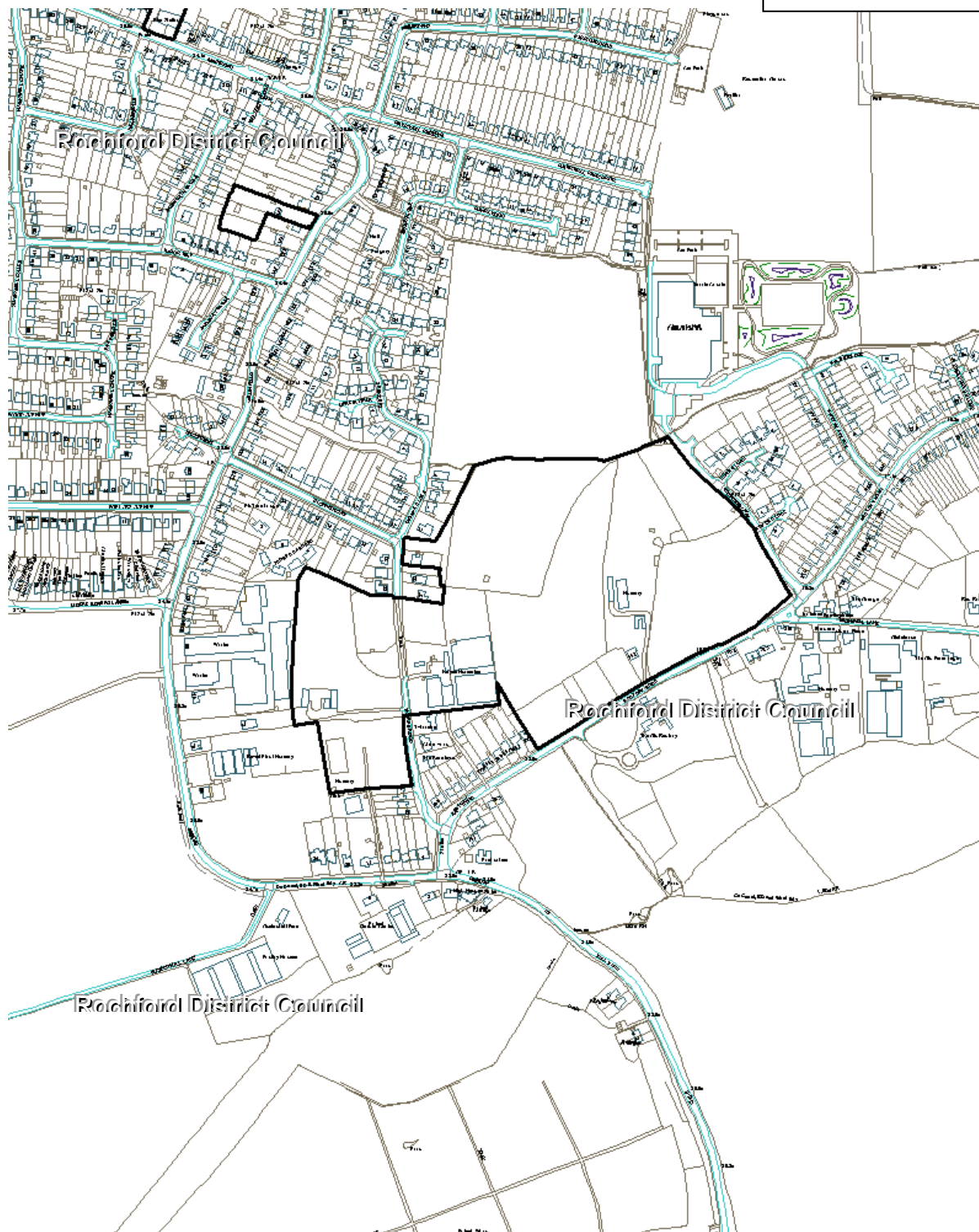
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