

**15/00887/FUL**

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

**APPLICATION TO VARY CONDITION 41 TO OUTLINE  
PERMISSION FOR RESIDENTIAL DEVELOPMENT OF 600  
DWELLINGS, ASSOCIATED ACCESS, PUBLIC OPEN  
SPACE AND NEW PRIMARY SCHOOL GRANTED ON 1  
JULY 2013 UNDER APPLICATION REFERENCE  
10/00234/OUT**

**FROM:**

**41. THAT PART OF THE SITE IDENTIFIED AS AREA '17',  
DENSITY BAND E, HALL ROAD FRONTAGE ON THE  
PARAMETERS PLAN DRAWING NUMBER PL-03 REVISION  
H BETWEEN THE EASTERN CORNER OF THE SITE AND  
UP TO THAT POINT AT THE SITE OPPOSITE THE  
WESTERN MOST PROPERTY ON THE SOUTH SIDE OF  
HALL ROAD, AS SHOWN ON THIS SAME PLAN, SHALL BE  
BUILT OUT AND COMPLETED PRIOR TO THE  
COMPLETION OF THE CONSTRUCTION OF ANY OTHER  
DWELLINGS ON THE SITE.**

**REASON: IN ORDER TO SECURE COMPLETION OF THAT  
PART OF THE SITE FRONTING HALL ROAD AT AN EARLY  
STAGE TO MINIMISE IMPACT ON RESIDENTIAL AMENITY  
OF SURROUNDING RESIDENTS AND IN THE INTERESTS  
OF VISUAL AMENITY.**

**TO:**

**41. PRIOR TO THE COMMENCEMENT OF THE  
DEVELOPMENT HEREBY APPROVED, A SCHEME SHALL  
BE SUBMITTED TO AND APPROVED IN WRITING BY THE  
LOCAL PLANNING AUTHORITY THAT SETS OUT  
MEASURES TO MINIMISE THE IMPACT OF  
CONSTRUCTION ACTIVITIES ON THE RESIDENTIAL**

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**AMENITY OF PROPERTIES TO THE SOUTH SIDE OF HALL ROAD. BASED ON A "PHASING OF CONSTRUCTION PLAN" THE MEASURES SHALL ONLY RELATE TO THE PART OF THE DEVELOPMENT BETWEEN THE SOUTH EASTERN CORNER OF THE SITE AND THE POINT OPPOSITE THE WESTERN MOST EXISTING PROPERTY ON THE SOUTH SIDE OF HALL ROAD, RESTRICTING DIRECT VIEWS OF CONSTRUCTION ACTIVITIES FURTHER NORTH.**

**REASON: IN ORDER TO SECURE THE VISUAL COMPLETION OF THE NEW STREET FRONTAGE AT AN EARLY STAGE OF THE DEVELOPMENT, MINIMISING THE IMPACT OF CONSTRUCTION WORKS ON THE RESIDENTS OF HOUSES ON THE SOUTH SIDE OF HALL ROAD AND IN THE INTERESTS OF VISUAL AMENITY.**

**APPLICANT: BELLWAY HOMES**

**ZONING: SETTLEMENT EXTENSION RESIDENTIAL  
LAND ALLOCATIONS PRE-2021  
POLICY SER2 – WEST ROCHFORD**

**PARISH: ROCHFORD**

**WARD: ROCHFORD**

## **1 PLANNING APPLICATION DETAILS**

- 1.1 This application is to vary a planning condition to the grant of outline planning permission for a residential development for 600 houses, associated access, public open space and new primary school granted on 1 July 2013 under application reference 10/00234/OUT. The application is to vary condition 41 of the outline permission and to allow the approved development to be implemented in accord with a revised condition 41. The purpose of condition 41 is to produce a built street frontage at an early stage in order to establish an early public face to the development to screen construction activity behind in the interests of visual amenity and that of neighbouring residents.

- 1.2 The outline permission includes a parameters plan that shows the envisaged treatment of areas across the site around which the reserved matters would be based. Whilst this includes the provision of landscaping and the school site the parameters plan also indicates the broad density distribution to inform and shape the latter detailed layout. Condition 41 relates to area 17 density band E which fronts Hall Road. Condition 41 requires that part of this Hall Road frontage of lower density development to between 12-20 dwellings per hectare be built first. It was envisaged that the remainder of the development would be built out backwards from Hall Road across the site. The completed frontage in the earliest stage would consequently screen the site construction activity from wider views to Hall Road. The reserved matters for this part of the site affected by condition 41 were approved on 10 January 2014 but do not include that part of area 17 to the west of the roundabout junction.
- 1.3 The current application seeks to vary the requirements of condition 41 to instead require the submission of a phasing of construction plan to relate to parts of area 17 as they would relate to the implementation of the development in smaller phases as part of the site management.
- 1.4 The applicants argue the review of condition 41 affects the timing in implementation of ten or so dwellings that are approved to front Hall Road opposite existing dwellings and not the full extent of area 17. The applicants argue the existing requirement to complete that part of the Hall Road frontage would greatly hinder the provision of drainage and management of the site construction activity. Furthermore, the applicants consider that despite the intention, the wording of the condition is simple and could require the building out of much more of the site than intended and the construction of dwellings unnecessarily that would offer no protection to the visual amenity of existing residents or to give a public face to the early stages of the development.
- 1.5 The applicants therefore argue for a revised condition that in their view would still achieve the desire for the programme of development to essentially screen the site construction activity but would allow the construction of the housing fronting Hall Road to be phased preventing the need for the whole frontage to be constructed first but instead allow those same properties to be constructed in the first stage of subsequent smaller construction phases. A phasing plan illustrating this accompanies the application.

## **2 THE SITE**

- 2.1 The site is located on the north side of Hall Road, east of the northern frontage development to Hall Road, east of development fronting Oak Road and south of Ironwell Lane to the west of Rochford town centre. The site has an overall area of some 33ha and was formerly agricultural land released for housing through the adoption process to the Council's adopted Allocations Plan. Of this overall site area, 1.1ha is identified for a new primary school and some 10.4 ha for open space to the north, west, south and eastern boundaries resulting in a developable area for residential use of some 21.06 ha (excluding the proposed areas of open space within the developable area).

- 2.2 The site is the subject of outline planning permission granted on 1 July 2013 for 600 dwellings to which the first phase of reserved matters comprising 293 dwellings was also approved on 10 January 2014 and as set out in the history below. Development has commenced on the site with works for the formation of the two road junctions onto Hall Road and drainage and sub base work to the central spine road connecting the two junctions across the site.

### **3 RELEVANT PLANNING HISTORY**

- 3.1 Application No. 10/00234/OUT  
Residential Development (Class C3) of 600 Dwellings, Associated Access and a New Primary School on Land North of Hall Road, Including Infrastructure Associated with Residential Development, Public Open Space and New Vehicular and Pedestrian Access Routes.  
Permission granted 1 July 2013.
- 3.2 Application No. 13/00552/REM  
Details of 293 Dwellings Comprising Two, Three, Four and Five-Bedroomed Houses and Forty Four Apartments with Associated Garages, Roads, Pathways, Car Parking, Landscaping and Public Open Space.  
Permission granted 10 January 2014.
- 3.3 Application No.14/00160/REM  
Submission of Reserved Matters Pursuant to Outline Planning Permission 10/00234/OUT for the Creation of a Road Link Between the Spine Road and the Site for the Education Facility.  
Permission granted 29 April 2014.
- 3.4 Application No. 15/00887/FUL  
Application to vary condition 41 to the outline permission granted under 10/00234/OUT and still pending and the subject of this report.
- 3.5 Application No.16/00166/NMA  
Application for non-material amendment to application for Details of 293 Dwellings Comprising Two, Three, Four and Five-Bedroomed Houses and Forty Four Apartments with Associated Garages, Roads, Pathways, Car Parking, Landscaping and Public Open Space as approved on 10 January 2014 under application reference 13/00552/REM and for a revised design and alignment of the approved spine road.  
Permission granted 2 March 2016.
- 3.6 Application No.16/00183/REM  
Details of 307 Dwellings Plus Associated Roads, Paths, Driveways, Car Parking, Landscaping and Public Open Space.  
Application pending.

#### 4 CONSULTATIONS AND REPRESENTATIONS

##### Rochford Parish Council

4.1 Support.

##### Neighbour Representations

4.2 Five letters have been received from the following addresses:-

Oak Road: 23, 29, 37 (two letters)

Lundy Close: 12

and which in the main make the following comments and objections:-

- I am still very concerned about the drainage of these new houses. In the north east and north west corners of the current field there are still boggy areas that are very wet underfoot. The north west corner has some very large puddles.
- Three excavations holes were recently dug exposing a blue pipe in three locations across the field and the one in the north east corner was under water suggesting that there is water there that is not draining away from the area as the other two holes were dry.
- I would like to know as a home owner adjacent to the development that with the increased amount of concrete/ tarmac, run off and usage of water in the area that appropriate precautions have been taken place and who will be held accountable if any flooding does occur at a later stage. I have lived in my current house for 22 years and have never been close to being flooded, even with the brook a short distance away.
- The current environment has not produced any flooding without the 600 homes.
- With a change in the weather and climate leading to recent flooding in places like Cumbria research that was carried out three years ago may be out of date.
- Bellway Homes have advised that they will start building on 4 January 2016 so obviously this is a priority before they start building.
- Parts of sector 1a of the proposed development are still very wet and boggy. Bellway have just cleared the drainage ditch that runs on the eastern boundary from north to west but who will clear this when all the development is done?
- The area designated for the school to the north west is also very wet and boggy. The field will have natural drainage but the proposed development

will need to ensure that all steps have been taken to ensure that the increased flow rate of water in the area will not lead to potential flooding and also who will be held to blame for any flooding such as recent events up north.

- Millions was spent on flood defences that they got wrong. I am sure that Bellway will not be paying for the increased or unavailable insurance for the residents if any flooding does occur due to their development. It is three years since their original proposal which means the studies for traffic and flooding are now out of date.
- The development will simply mean more queuing for locals making the area less desirable.
- The police station has gone and resources are already restricted in Rochford.
- The original plan included development of Ironwell Lane as an alternative cycle path. This does not appear to be included in the plan, so does this mean that pedestrians, cyclists and animal walkers will go from a nice paved area to a current mud path?
- This also has a drainage ditch that is not maintained along the length of Ironwell Lane.
- Lovely walk area to be ruined so close to home.
- This amendment is unfair to Oak Road residents.
- The reasons for the condition are to “...secure the visual completion of the new street frontage at an early stage of the development, minimising the impact of construction works on the residents of houses...and in the interests of visual amenity.” I understand this will include planting and landscaping to minimise impact. The plans, however, only aim to cater for the residents on the south side of Hall Road and not the residents of houses in Oak Road, which back onto the site from the east. If consideration to reduce the impact of the development is given to Hall Road residents then by the same token the same consideration should be given to Oak Road residents (we will be no less affected).
- On the original plans there was to be a landscaped buffer on the eastern side of the development, specifically aimed at reducing the impact of the development on Oak Road and to soften the boundaries and provide some privacy.
- At the Council meeting where this was approved, the applicants agreed to reinstate the landscape buffer on the eastern boundary (which had not been included in the submitted plans) in response to concerns of local

residents. The current first phase does not reflect this. Ask Bellway to honour their promise to local residents.

- Any planting/landscaping to Hall Road/Oak Road boundaries to achieve the stated goal of reducing the impact should be put in place as early as possible to allow the plants and shrubs to mature.
- Have received the Council's notification letter four days after a letter from the developers that they will be commencing work on 4 January. The Council's letter is of no value and whatever our comments they will be ignored because the applicants have already started. Yet another example of the developers telling the Council what they will be doing. Who is pulling the strings here?
- The applicants are starting on 4 January because their planning permission is due to expire and they will have to re-submit plans.
- It's about time Rochford District Council was honest with its residents.
- No work should commence until the residents have the full facts. If this means Bellway having to re-submit plans, then that is what they will have to do as all planning applications have to.
- Bellway are starting development all over Essex and the sites are left for years while surrounding residents have to put up with the devastation.
- It has already been confirmed the site is on a flood plain but there don't seem to be any amendments to the original building regulations. Is this a matter Rochford District Council is going to let slip through?
- The site should not commence until all these points are confirmed, that they meet legal requirements.
- Rochford District Council has not answered my question raised a year ago.
- Who is going to pay compensation when our houses get flooded? A response would be appreciated.

## **5 MATERIAL PLANNING CONSIDERATIONS**

### **Principle of the Development**

- 5.1 The site is allocated as an extension to the settlement of Rochford in the Council's adopted Allocations Document (2014) and has the benefit of planning permission in outline for the whole site and in detail to almost half. The remaining balance of reserved matters is the subject of an application, pending consideration at the time of writing. There can be no material objection in planning terms to the use of the land for residential purposes as

approved. The matters concerning the impact of the scheme upon the highway and drainage network previously considered and approved are unaffected by this proposal. Similarly, the condition at issue relates to the construction of the houses fronting Hall Road rather than the implementation of the landscaping and buffer of the site edges and margins.

- 5.2 The quantum of development would not be changed by the condition proposed. The current application is a single issue concerning a revision as to how the construction of ten plots fronting Hall Road would be undertaken. That said, in law it is required that the decision notice for the whole development be re-issued to reflect any changes so far agreed as a result of the discharge of those conditions.

#### **Condition 41**

- 5.3 Area 17 was required to be relatively low density in order to reflect the existing character of existing development opposite. The density and character of this area would be unchanged.
- 5.4 The single issue affected by the proposed revision would be to revise the process of the site implementation in as much as it would affect ten dwellings to that part of area 17. As approved, that part of the Hall Road frontage (ten dwellings to plots 1, 16, 17, 18, 113, 114, 115, 116, 117 and 118 opposite existing houses on the south side would have to be completed first. The proposed revision to condition 41 would require the submission of a phasing of construction plan for the same part of the site (that part of area 17 to which condition 41 refers). An example of such a phasing plan is submitted in the application particulars and shows part of the existing reserved matters being implemented to be sub divided into three smaller implementation phases either side of the “T” junction, but extending deeper into the site. The plan is annotated to show the houses to Hall Road frontage to be externally complete prior to the completion of the houses in that remaining smaller phase. As currently worded, condition 41 requires those houses fronting Hall Road to be complete prior to the completion of any other dwellings on the site. The proposed phasing plan would still achieve the earlier completion of those dwellings, but as part of smaller phases crossing into area 17 but extending deeper into the site. For instance, the show house to plot 114 to the west of the “T” junction would be completed before the six houses behind in its construction phase. The houses to plots 1, 16, 17 and 18 east of the “T” junction would be completed first as part of the phase relating to 29 dwellings behind. The houses to plots 115, 116, 117 and 118 would be completed first as part of a phase of 28 dwellings behind. The consequence would be that the development would be implemented in smaller deeper blocks rather than the Hall Road frontage first. However, the Hall Road frontage to each block would still be implemented first, as required by the purpose of the condition at issue.
- 5.5 Officers accept that the extent of that part of area 17 along the site frontage to Hall Road as shown on the site parameters plan to the outline permission is



out of step with the clusters of housing that would be implemented as the site develops and that, as such, the current wording would frustrate the practical implementation of the development approved. The proposed revision to condition 41 would serve the intended purpose to complete the housing fronting Hall Road to screen development as the site progresses. The applicants have also reaffirmed their intention to build anti-clockwise from the south eastern corner working back behind properties fronting Oak Road so that the early construction would occur nearest existing homes so as to reduce the duration of construction activity upon those neighbouring residents. Officers therefore consider the revised condition 41 can be approved. However, as the site has already commenced, a revision to the applicants' proposed wording is required to reflect the commencement of housing plots rather than the development itself.

### **Other Matters – the Decision Notice and Discharge of Conditions**

- 5.6 A number of matters to the outline permission have since been discharged. The recommendation features revised conditions updating matters now agreed by way of various conditions having been discharged. The application, if approved, will also need to be incorporated as an addendum to the existing legal agreement to which the outline permission is subject.

## **6 CONCLUSION**

- 6.1 The proposed revision to condition 41 would achieve the intended purpose to ensure the earliest completion of the Hall Road frontage plots so as to screen the development and construction activity, but as proposed would allow these plots to be built as part of smaller construction phases better suited to the implementation of the development and connection to services as they are constructed on the site.

## **7 RECOMMENDATION**

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

That planning permission be approved, subject to the inclusion of the application into the existing legal agreement to the outline approval reference 10/00234/OUT and dated 1 July 2013 and to the following conditions:-

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

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 character of the locality.

- (2) Application for approval of all "Reserved Matters" referred to in Condition 1 above shall be made to the Local Planning Authority on or before 30 June 2016. 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).

- (3) The development shall be implemented strictly in accordance with the Parameters Plan Drawing Number PL-03 Revision H with regard to the areas of the site identified for residential development, school, landscape buffers and open spaces, including the wetland park, but save for the incidental public open spaces whose position within the residential developable area may change but shall be provided to a minimum total area of 4759 square metres and save for changes to the Parameters Plan agreed by condition 4 below.

REASON: In the interests of ensuring that land uses are implemented in the areas as approved on the Parameters Plan.

- (4) Notwithstanding the depth of the landscape buffer to Hall Road identified as 'area 2' on the Parameters Plan Drawing Number PL-03 Revision H, that part of this area between the property directly bordering the site on the north side of Hall Road up to that point at the site opposite the western most property on the south side of Hall Road, as shown on this same plan, shall be provided at a maximum depth of 8 metres measured from the southern site boundary in a north wards direction (unless otherwise agreed by the Local Planning Authority) with the remaining area within 'area 2' to the north of the 8 metre buffer being incorporated (as longer front gardens) into the adjoining area identified as 'area 17' density band E Hall Road Frontage, as shown on the same plan. Notwithstanding this, no buildings shall be constructed within any part of the original site identified as the landscape buffer to Hall Road as 'area 2' on the Parameters Plan Drawing Number PL-03 Revision H.'

REASON: To enable the proposed dwellings within the Hall Road frontage area to be provided with substantial front gardens in order to more strongly reflect the character of nearby existing properties on Hall Road.

- (5) Notwithstanding the density bands stated for each character area, as detailed on the Parameters Plan Drawing Number PL-03 Revision H,

the density in the area covered by Density Band E shall be limited to a maximum density of 12 dwellings per hectare.

REASON: In the interests of ensuring an acceptable density is achieved along the Hall Road frontage to reflect the character of the immediate surrounding area in the interests of visual amenity.

- (6) Prior to occupation of any dwellings at the site, the T- junction access from the site onto Hall Road and the right hand turn into the site from Hall Road shall have been provided in accordance with design and details set out in the following drawings:-

Proposed priority junction general arrangement drawing No. G552-710 Rev. B

Proposed priority junction kerbing and paving drawing No. G552-712 Rev. B

Proposed priority junction lighting design drawing No. G552-718 Rev. B

or such other alternative designs that shall have been submitted to and approved by the Local Planning Authority. The junction shall include a 10.5m kerb radii and clear to ground visibility splay with dimensions of 4.5 metres by 90 metres to both the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

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.

- (7) The development shall be implemented in accordance with the details shown for the location of site operatives parking, on site storage of materials and secure compound, together with wheel wash area, as set out on drawing "Phase 1 Construction Management Plan drawing No. BW118-PL-14 or such alternative details as shall be submitted to and may be agreed in writing by the Local Planning Authority, prior to commencement of the development in each phase (with a phase equating to a Reserved Matters application), details including a plan showing areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles (including construction traffic), identified clear of the highway, shall be submitted to and approved in writing by the Local Planning Authority for that particular phase. Development of each phase shall commence and be undertaken in accordance with the approved details for the storage of materials and manoeuvring of vehicles agreed for that phase.

REASON: To ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety and in the interests of amenity.

- (8) No unbound material shall be used in the surface treatment of any vehicular accesses within 15 metres of the highway boundary.

REASON: In the interests of preventing debris falling onto the highway in the interests of highway safety.

- (9) Prior to commencement of the development in each phase (with a phase relating to a Reserved Matters application) details showing the means to prevent the discharge of surface water from the development within the phase onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the highway to which the works relate being operational and shall be retained at all times.

REASON: To ensure that excess surface water does not drain onto the highway and cause hazard, including involving creation of ice, in the interests of highway safety.

- (10) Driveway surfaces to all residential dwellings at the site shall be made either of a porous material or provision made to direct surface water run off from the driveway to a permeable or porous area or surface within the curtilage of the dwelling house to which the surface relates, unless otherwise agreed with the Local Planning Authority. Details of surface materials and drainage of driveways shall be submitted to and agreed in writing by the Local Planning Authority prior to the laying of any driveway surfaces within the phase to which the driveways relate.

REASON: In the interests of promoting sustainable urban drainage.

- (11) Prior to commencement of development in each phase (with a phase equating to a Reserved Matters application) details of a wheel cleaning facility (within the site and adjacent to the egress onto the highway) and scheme for its use throughout construction works relating to the phase, together with a scheme for street cleansing to remove construction related debris from the highway in the vicinity of the site, shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility as approved shall be provided at the commencement of development within the phase to which it relates and maintained throughout the construction period of that phase and used in accordance with the scheme approved. The scheme for street cleansing shall be implemented in accordance with the details approved on commencement of and throughout construction within the phase to which the scheme relates.

REASON: To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.

- (12) Prior to commencement of development in each phase (with a phase equating to a Reserved Matters application), details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) within that phase shall be submitted to and approved in writing by the Local Planning Authority, Estate roads and footways in each phase shall be provided in accordance with the details approved for that phase. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- (13) All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the agreed details.

REASON: To ensure that paths are constructed to an appropriate standard suitable for the passage of pedestrians in the interest of highway safety.

- (14) All parking shall conform to the Council's adopted parking standards; Parking Standard Design and Good Practice Supplementary Planning Document adopted December 2010.

REASON: In order to ensure adequate parking is provided on site in the interests of highway safety and residential amenity.

- (15) Prior to occupation of any dwelling within a phase (with a phase relating to a Reserved Matters application), the applicant shall provide for the collection of rain water on each plot by way of the provision of a 210 litre Sankey standard water butt or such other system as shall be submitted to and as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that new dwellings meet sustainability criteria in particular in relation to water conservation measures, in accordance with Policy ENV9 of the Rochford District Core Strategy.

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

REASON: In order to achieve compliance with Policy ENV8 of the Rochford District Core Strategy in the interests of environmental sustainability.

- (17) Prior to the submission of or in conjunction with the submission of Reserved Matters application for each phase, specific details including plans to demonstrate the extent of compliance of all dwellings within the phase with the Lifetime Homes Standard as set out in “Meeting Part M and Designing Lifetime Homes” published by the Joseph Rowntree Foundation 1999 and how at least 3 per cent of dwellings within that phase would achieve compliance with full wheel chair accessibility standards identifying specific plot numbers of dwellings which would achieve this, shall be submitted to and agreed in writing with the Local Planning Authority. Each phase shall then be developed in compliance with the details agreed.

REASON: In order to achieve compliance with Policy H6 of the Rochford District Core Strategy in the interests of ensuring sustainable communities.

- (18) Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risk associated with the contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:-
- (I) A preliminary risk assessment which has identified:-
- a. All previous uses
  - b. Potential contaminants associated with those uses
  - c. A conceptual model of the site including sources, pathways and receptors

- d. Potentially unacceptable risks arising from contamination of the site.
- (II) A site investigation scheme, based on (I) 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 detailed risk assessment (II) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (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 term monitoring of pollutant lineages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that development complies with approved details in the interests of protection of controlled waters.

- (19) Prior to commencement of development on each phase (with a phase corresponding to a Reserved Matters application), a verification report demonstrating completion of the works set out in the approved remediation strategy for that phase and the effectiveness of the remediation for that phase shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant lineages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. Longer term monitoring, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority shall be implemented/complied with as approved.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complied with approved details in the interests of protection of Controlled Waters.

- (20) The development shall be implemented in accordance with the advice and recommendations for dust suppression as set out in “Air Quality Assessment Method Statement for Dust Suppression” previously approved or such alternative scheme that shall be submitted to and as

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may be agreed in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form throughout the construction phase of the development.

REASON: In the interests of protection of residential amenity.

- (21) Prior to the commencement of development at the site a scheme for the control of noise from construction shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the development shall commence in accordance with the agreed scheme, which shall remain in place throughout the entire construction phase of the development.

REASON: In the interests of protection of residential amenity.

- (22) Glazing and ventilation to all dwellings on the site shall be fitted in to meet the Sound Reduction Index and Element Normalised Level Difference values stated in Table 9 of the Environmental Noise Assessment dated 16 April 2010 by H and H Acoustic Consultancy Division. Written confirmation that the required specification glazing and ventilation has been fitted shall be submitted to the Local Planning Authority prior to occupation of dwellings within any phase.

REASON: To ensure an acceptable level of protection against noise is achieved in the interests of residential amenity.

- (23) As a result of the findings of archaeological evaluation by trial trenching undertaken on the site the applicant shall submit to the Local Planning Authority a mitigation strategy for the areas of archaeological interest identified for further work and investigation and as set out in “brief for archaeological strip, map and assess excavation on land north of Hall Road, Rochford” by Essex County Council Place Services dated 11 December 2015. The development shall be implemented in accordance with the advice and recommendations, agreed excavation methodology and recording tailored to any future finds.

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

- (24) A post-excavation assessment shall be submitted to the Local Planning Authority within six months of the completion of archaeological field work, unless otherwise agreed in advance with the Planning Authority. This will include post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report (to be completed within two years of the completion of field work, unless otherwise agreed in advance with the Planning Authority).

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



- (25) Prior to the submission of or in conjunction with the submission of Reserved Matters application(s), a scheme detailing how surface water drainage shall be provided on site through the use of sustainable drainage techniques (SUDS), which will include a balancing pond(s) and swale(s), as discussed within the submitted flood risk assessment, an assessment of the hydrological and hydro geological context of the development, details of filters to be installed, details of planting and wildlife enhancement measures and section plans of SUDS features detailing the water level expected in different flooding events, shall be submitted to and approved in writing by the Local Planning Authority. Implementation of the development shall be in accordance with such agreed measures and in accordance with a time frame submitted to and agreed in writing with the Local Planning Authority, with the system retained and maintained in the approved form thereafter.

REASON: In the interest of provision of a Sustainable Urban Drainage System on the site.

- (26) Surface water shall be discharged from the site at a rate no greater than the calculated green field rate, as stated within the Flood Risk Assessment submitted with the outline planning application (10/00234/OUT); a report shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development, which shall demonstrate how the proposed surface water drainage system, as required by condition 25, will achieve compliance with this requirement.

REASON: In the interests of mitigating against flooding arising as a result of the proposed development.

- (27) The landscape buffer to Hall Road, identified as area '2' on the Parameters Plan Drawing Number PL-03 Revision H (subject to amendment by condition 4) from the eastern site boundary up to the eastern side of the proposed roundabout and the landscape buffer to Oak Road, identified as area '7' on the same plan, shall be planted and footpaths and other works provided in accordance with the landscaping scheme approved at Reserved Matters for these areas or as part of a landscaping scheme, which shall have been submitted to and agreed by the Local Planning Authority, within the first planting season (October to March inclusive) following commencement of any development of the site. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed or caused to die or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title, with species of the same type, size, and in the same location as those removed, in the first planting season following removal.

REASON: To secure the timely development of the landscaped areas of the site in the interests of residential and visual amenity.

- (28) The landscape buffers and open space identified on the approved Parameters Plan drawing number PL-03 Revision H as areas 3, 4, 5 and the remaining part of area 2 not covered by condition 30 (to the west of the roundabout) shall be landscaped in accordance with the landscaping scheme approved for these areas at Reserved Matters or as part of a landscaping scheme which shall have been submitted to and agreed by the Local Planning Authority, within the first planting season (October to March inclusive) following the 50th occupation on the site unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed or caused to die or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first planting season following removal.

REASON: To secure the timely development of the landscaped areas of the site.

- (29) A minimum of 1 Local Equipped Area for Play (LEAP) and a minimum of 12 Local Areas for Play (LAP's) shall be provided within the site in accordance with the principles set out in the Design and Access Statement and approved Parameters Plan. Prior to the occupation of any dwelling within a phase (with a phase relating to a Reserved Matters application unless otherwise agreed) a play provision strategy shall be submitted to and approved in writing by the Local Planning Authority for that phase and the equipment as agreed shall have been provided in accordance with the approved strategy. The play provision strategy for each phase shall be implemented in accordance with the timeframe for delivery as agreed. Play provision strategies shall include the following details:-
- a) The size, type and location within the phase of each of the play equipped areas and details of the play equipment to be installed.
  - b) Surfacing material, enclosure and landscaping
  - c) A maintenance programme to ensure the safe upkeep of the installed equipment.
  - d) Timetable for delivery of equipment.

REASON: To ensure that appropriate play equipment facilities are provided and maintained in relation to the development of the site to accord with Policy CLT 7 of the Rochford District Council Core Strategy 2011.

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

The play provision strategy shall include the following details:-

- a) The size, type and location within the landscaped areas of each of the play equipped areas and details of the play equipment to be installed.
- b) Surfacing material, enclosure and landscaping
- c) A maintenance program to ensure the safe up-keep of the installed equipment.

REASON: To ensure that appropriate play equipment facilities are provided and maintained in relation to the development of the site to accord with Policy CLT 7 of the Rochford District Council Core Strategy 2011.

- (31) Play equipment to be provided within the landscaped areas of the site shown as areas 3, 4 and 5 on the approved Parameters Plan, as required by condition 29, shall be provided prior to the 250th occupation on the site unless an alternative time frame is agreed with the Local Planning Authority, in accordance with a play provision strategy for these areas which shall have been previously submitted to and agreed by the Local Planning Authority.

The play provision strategy shall include the following details:-

- a) The size, type and location within the landscaped areas of each of the play equipped areas and details of the play equipment to be installed.
- b) Surfacing material, enclosure and landscaping
- c) A maintenance program to ensure the safe up-keep of the installed equipment.

REASON: To ensure that appropriate play equipment facilities are provided and maintained in relation to the development of the site to accord with Policy CLT 7 of the Rochford District Council Core Strategy 2011.

- (32) The landscaping scheme submitted as part of the Reserved Matters application(s) or as submitted separately from any Reserved Matters application (as per conditions 27/28/38) shall show the retention of

existing trees, shrubs and hedgerows on the site and include details and plans (at an appropriate scale) of:-

- Schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted, including measures to improve and enhance existing hedgerows and their connectivity to adjacent hedgerows;
- A full plan that clearly shows the locations of new trees to be planted, including tree species, size, planting method statement and after care plan including tree pit details where applicable. All to be in accordance with BS 3936-1, BS 4428 and NHBC chapter 4.2;
- Existing trees to be retained;
- The landscaping treatment of roads;
- Long term design objectives in respect of the landscaped buffers, as shown on the approved Parameters Plan (where the Reserved Matters application relates to areas of landscaped buffer);
- A long term maintenance schedule and specifications, including timetable for monitoring and maintenance, in respect of the landscaped buffers and for landscaping within the residential area, a plan to include grass cutting and planting schedule, weeding and pruning schedules, inspection, repair and maintenance relating to hard surfaces and landscape features;
- Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- Paved or otherwise hard surfaced areas including details of the surface materials to be used;
- Existing and finished levels shown as contours with cross sections, if appropriate;
- Location of footpaths including details of surface treatment to be used;
- Location of lighting including details of lighting to be installed;
- Drainage of footpaths;
- Means of enclosure and other boundary treatments including details of materials to be used;
- Minor artefacts and structures (e.g., furniture, refuse or other storage units, signs).

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

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of residential amenity.

- (33) The development shall be implemented in accordance with the detailed measures for the protection of bats (paragraphs 6.9 – 6.11 pages 5 – 6) and great crested newts (paragraphs 6.1 – 6.6 pages 4 – 5) and more general requirements, as set out in the Ecological Mitigation and Enhancement Strategy by messrs. SES and dated 23 October 2013. The measures for protection during construction shall be implemented prior to any ground works commencing at the site in relation to the phase of development to which the measures relate and shall remain for the duration of the construction period within that phase, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of protecting and preserving biodiversity interests at the site.

- (34) The preparation of Reserved Matters and the development shall be implemented in accordance with the Public Realm Design Strategy dated May 2013.

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

- (35) Prior to the submission of each application under the Reserved Matters, a design brief for that phase of the site to which the Reserved Matters application relates shall be submitted to and approved in writing by the Local Planning Authority. The design brief shall include scaled plans and details of:-
- a) Identification of distinctive character areas with details submitted in relation to each to incorporate details of items b) to o) below with regard to design principles contained within the Essex Design Guide 2005 and context of the site.
  - b) The street hierarchy, including the principles of adopting highway infrastructure, and typical street cross sections including relationships of new buildings to the street;
  - c) How the design of the streets and spaces takes into account mobility and visually impaired users;

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

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.

- (36) Any application for the approval of Reserved Matters shall be in accordance with the design brief approved for that phase to which the Reserved Matters application relates under condition 35 and as part of each application for Reserved Matters approval a statement shall be submitted demonstrating compliance with the design brief. The development hereby permitted shall be completed in accordance with the approved design brief.

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.

- (37) Notwithstanding the scale and density parameters stated in the submitted Design and Access Statement, the acceptability of the scale and density of buildings at the site will be determined at the Reserved Matters stage and in accordance with the design briefs agreed under condition 35.

REASON: In the interests of ensuring high quality design appropriate to its context.

- (38) A pedestrian footpath link shall be provided to connect the application site through to Ironwell Lane in the north east corner of the site and area 6 (shown on the approved Parameters Plan) in accordance with the works and details shown on drawing No. G552-750-C and low level lighting as shown on drawing No. G552-755 Rev. A. The soft landscaping to this area, as agreed, shall be provided within the first planting season following commencement of development and retained in perpetuity in the approved form.

REASON: In the interests of promoting a sustainable development.

- (39) Trees and hedgerows shown to be retained on the Tree Constraints Plan Drawing Number DFCA 027 TCP dated 01.04.2010 shall be retained as part of the development and not lopped, topped, cut down, uprooted, destroyed or caused to die or become seriously damaged or defective unless works to any tree or hedge are agreed in writing with the Local Planning Authority prior to works being undertaken.

REASON: To secure the protection and retention of existing established trees in the interests of visual amenity.

- (40) The development shall be implemented in accordance with the measures for tree protection as set out on drawing Nos. DFCA 027 TPP sheets 1,2,3 and 4 by messrs. Bionominique DF Clark Ltd together with the measures for tree protection set out in the Arboricultural Impact Assessment Ref: DFCA A 027 and dated 1 April 2010 by messrs. Bionominique DF Clark Ltd.

REASON: To secure the protection and retention of those species to be incorporated into the development hereby permitted, in the interests of visual amenity.

- (41) Prior to the commencement of construction on plots for housing hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority that sets out measures to minimise the impact of construction activities on the residential amenity of properties to the south side of Hall Road. Based on a "Phasing of Construction Plan" the measures shall only relate to the part of the development between the south eastern corner of the site and the point opposite the

western most existing property on the south side of Hall Road, restricting direct views of construction activities further north.

REASON: In order to secure the visual completion of the new street frontage at an early stage of the development, minimising the impact of construction works on the residents of houses on the south side of Hall Road and in the interests of visual amenity.

- (42) The milestone previously sited to the northern verge to Hall Road removed and in the care of the “Milestone Society” shall be reinstated to the finished verge to Hall Road in the vicinity of the “T” junction area prior to completion of the first phase of the development, as approved on 10 January 2014 under application reference 13/00552/REM or such other alternative arrangements as shall be submitted to and as may be agreed in writing by the Local Planning Authority.

REASON: In the interests of protection of the historic environment.

- (43) Each Reserved Matters application shall include an assessment to demonstrate what principles of Secured by Design have been incorporated into the design and layout.

REASON: In the interests of promoting a sustainable development which has taken steps to design out crime.

- (44) If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall then be implemented as agreed.

REASON: In the interests of ensuring that any contamination on site is effectively dealt with.

- (45) Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A, Part 15 Class A, Part 16 Class A and Part 17 Class G to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no sub stations or other buildings shall be provided within the site without the prior approval in writing of the Local Planning Authority of the detailed siting and external appearance of the substations. Such details as may be agreed shall include a design of the sub station or building to suit the character zone of the approved layout within which the sub station would be located.

REASON: To enable the Local Planning Authority to consider the appearance of sub stations or other such buildings given the high standard of public realm considerations for the overall layout of the site whereby non sensitive



infrastructure would undermine the achievement of quality public spaces and wider public realm.

#### REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicants acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, assessed against the adopted Development Plan, and the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.



Christine Lyons  
Assistant Director, Planning Services

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#### Relevant Development Plan Policies and Proposals

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

Rochford District Replacement Local Plan (2006)

SPD7 - Design, Landscaping and Access

East of England Plan (2008)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Guidance 2: Green Belts (amended March 2001)

Planning Policy Statement 3: Housing (November 2006)

Planning Policy Statement 7: Sustainable Development in Rural Areas

Planning Policy Statement 9: Biodiversity and Geological Conservation (August 2005)

Planning Policy Guidance 13: Transport

Planning Policy Guidance 15: Planning and the Historic Environment

Planning Policy Guidance 16: Archaeology and Planning

Planning Policy Guidance 17: Planning for open space, sport and recreation

Planning Policy Guidance 22: Renewable Energy

Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Guidance Note 24: Planning and Noise (1994)

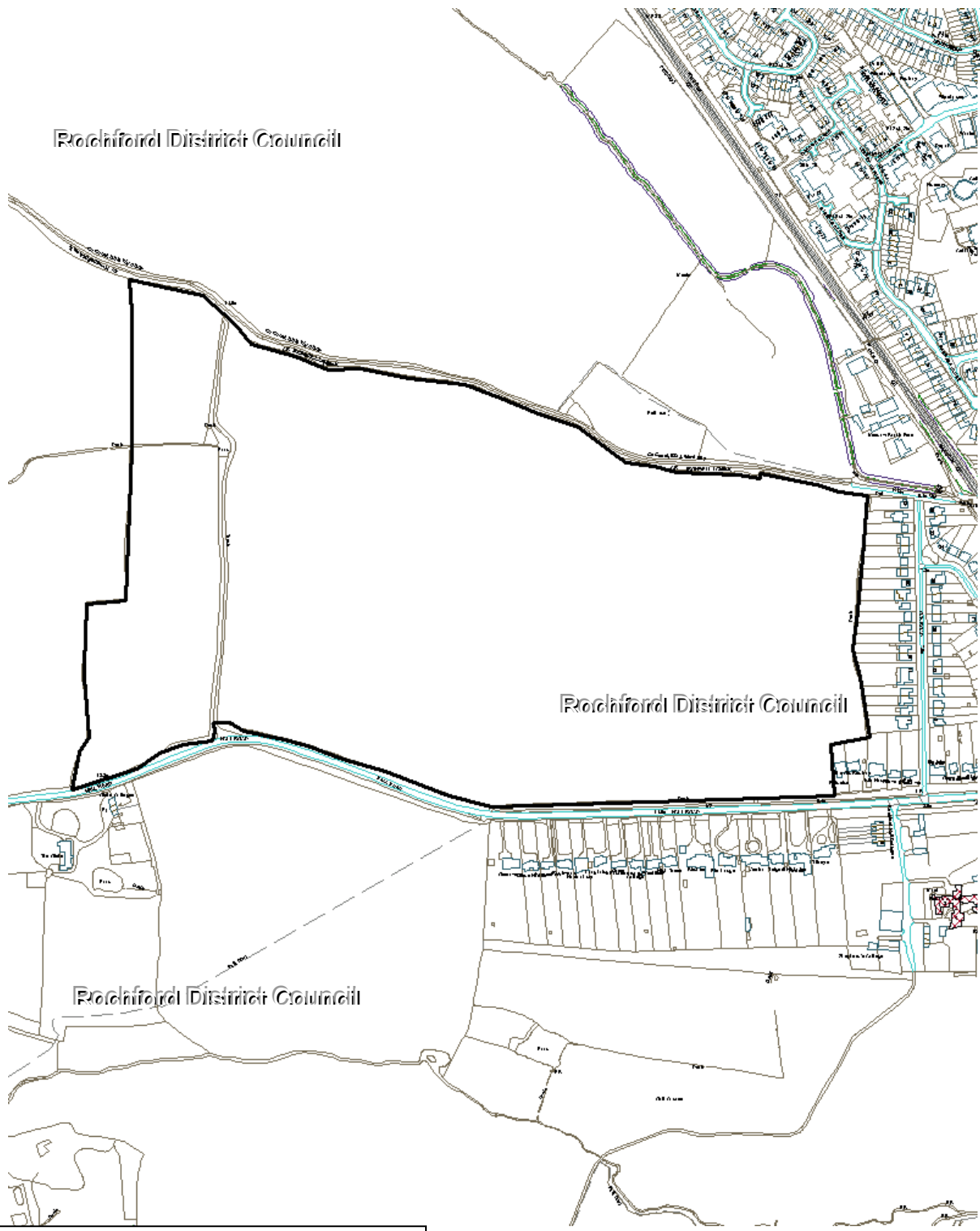
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