

20/00363/OUT – LAND EAST OF ASHINGDON AND NORTH OF ROCHFORD GARDEN WAY, ROCHFORD.

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1. Letter from Applicant, Bloor Homes, Dated 21 June 2021

The applicant, Bloor Homes, submitted a letter to the Council dated 21 June 2021, the contents of which are summarised as follows:

Since the Committee we have decided to add to the Section 106 Heads of Terms to propose an additional £50,000 contribution for a potential Pedestrian Contribution in Brays Lane to the north of the site.

To clarify, the road safety mitigation measures include:

- Retention of a pavement width in front of the school in excess of the minimum 3m width required by ECC, with this width being clear of guard railings.
- The existing footway adjacent to the northbound bus stop will be widened from its current minimum width of 1.7m to 2.5m.
- Replacement of the existing guard railing either side of Ashingdon Road in the vicinity of the school with new high-visibility guard railing to improve visibility between pedestrians and drivers.
- A pedestrian island (with additional signal) in the centre of Ashingdon Road at the toucan crossing to improve safety, as well as upgrading the crossing controls/detectors to amend crossing timings more intuitively.
- New high-friction surfacing will be added on both the approaches to the toucan crossing to both reduce the braking distance of vehicles and make the crossing more prominent to approaching drivers.
- Additional school warning signs are proposed on both approaches to the school to make drivers even more aware of the presence of school children (existing warning signs converted to LED flashing light signage rather than static plate signs to be more conspicuous).
- The site will provide a car park for school pick up and drop off, located within a 2-minute walk of the school gates. This will serve to alleviate existing levels of congestion experienced on Ashingdon Road and the parallel service road at school start and finish times.

A copy of the plan, Drawing Number 185180-004 Revision F of the Proposed Site Access from Ashingdon Road was also included with the letter of 21 June. (This is not, however, a new or revised plan; this plan is already one of the plans submitted in relation to the application).

The letter continues. To maintain a 5-year supply of deliverable housing land it is now clear that the delivery of this site is fundamental to the Council's housing trajectory. Without this site, the Council will be highly vulnerable to the submission of speculative proposals not conforming to the current Local Plan but purporting to fix land supply.

To clarify the debate around the density of development, the Bloor Homes proposals achieve a density of 33.1 homes per hectare (as per paragraph 3.21 of the Committee report). The gross density is slightly less than this figure because the application site area is 25.52 Hectares giving a gross of 26 homes per hectare. The planning application for the development of site SER1 (Countryside Properties) was approved at Development Committee on 1 June 2021 and the approved density there is now 37.6 dwellings per hectare. The approved development of 722 dwellings at site SER1 is now 44% greater than the previously approved 500 homes and greater than the Ashingdon Road proposals.

In recent weeks, progress has been made with the first draft Section 106 Planning Obligation Document to reassure you that the commitments to the scheme benefits are deliverable and absolute.

2. Letter from Applicant's Transport Consultant, Ardent, Dated 22 December 2020

The letter submitted to the Council from the applicant's consultant, highway engineers Ardent, summarises the assessment of transport issues undertaken including how the safety of the proposed main vehicular access to the site has been considered; this includes reference to the fact that this benefits from independent audit.

3. Officer Comments

The full text of both the above mentioned letter dated 21 June 2021 and the letter dated 22 December 2020 are available on the Council's public access under the application reference 20/00363/OUT and by clicking on the following link. <https://planningdocs.rochford.gov.uk/20/00363/OUT>

Planning obligations assist in mitigating the impact of development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework.

Whilst a financial contribution of £50,000, payable to ECC Highways, for a potential pedestrian crossing of Brays Lane, to the north of the site, has been set out as a Head of Term for the s106 legal agreement relating to this application; this is not something that officers consider would meet the tests which all s106 matters must satisfy, as detailed above. This is also the view taken by the Highways Authority. Such an improvement is not necessary to make the development proposal acceptable in highway terms and therefore fails the required test to be included as a Head of Term on the legal agreement. The updated officer recommendation does not therefore include reference to this as a Head of Term of the s106 legal agreement.

The applicant has clarified, further to the letter dated 21 June 2021, that the financial contribution towards off-site youth facilities would be paid to Rochford District Council, as originally set out in the addendum Committee Report.

4. Updated Officer Recommendation

The recommendation remains one of approval as set out in the addendum Committee Report, but including that the Head of Term relating to the allotment provision would include that the allotments would be provided and maintained by a management company in perpetuity if the Parish Council did not take up the offer to have the land transferred to it.