

17/00850/OUT

CHERRY ORCHARD BRICKWORKS, CHERRY ORCHARD WAY, ROCHFORD

OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR PROPOSED BUSINESS PARK CONSISTING OF B1, A3, D1 AND D2 USES, ACCESS ROAD, PARKING AND LANDSCAPING. ACCESS (TO THE SITE) ONLY FOR CONSIDERATION AT THE OUTLINE STAGE

APPLICANT: CHERRY ORCHARD HOMES AND VILLAGES LIMITED

ZONING: LONDON SOUTHEND AIRPORT AND ENVIRONS

JOINT AREA ACTION PLAN (JAAP)

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHE SOUTH

1 PLANNING APPLICATION DETAILS

- 1.1 This application is for outline planning permission for a new business park. The uses proposed include B1 (Business), A3 (Restaurant/Café), D1 (Non-Residential Institutions) and D2 (Assembly and Leisure) uses.
- 1.2 Access is the only 'reserved matter' for consideration at the outline stage. Appearance, landscaping, layout and scale would all therefore be matters reserved for consideration in a Reserved Matters application that would follow, if outline planning permission were granted.
- 1.3 The key matters for determination in this outline application are as follows:-
 - the acceptability of the principle of the proposed new business park;

- the acceptability of the proposed quantum, type and proportion of different uses;
 - the acceptability of the proposed vehicular accesses to the site;
 - other material planning considerations, including matters such as flood risk, drainage, highway impact and ecology.
- 1.4 A detailed site layout plan has been provided although this is for illustrative purposes only and is not for approval at the outline planning application stage. This plan is required to demonstrate that the quantum of development proposed could be accommodated at the site alongside other necessary infrastructure including parking provision and necessary flood attenuation measures. The layout of development shown on the illustrative layout plan may not be the layout that comes forward for consideration at a later Reserved Matters stage.

SITE AND CONETXT

- 1.5 The site is located immediately east of Cherry Orchard Lane and wraps around a row of terraced dwellings which front this road. The site extends northwards to the southern bank of the Noblesgreen Brook, a tributary of the River Roach. The eastern boundary adjoins an area of land put to no use at present beyond which is the site granted planning permission for the relocation of Westcliff Rugby Club. The southern boundary of the site immediately adjoins land that is subject to outline planning permission (15/00781/OUT) for a business park and in respect of which development has commenced.
- 1.6 The site was previously a former brickworks with various planning consents relating to this use granted by Essex County Council as the Waste and Minerals Planning Authority. Use of the site as a brickworks ceased many years ago and the site is currently put to no use.

2 CONSULTATIONS AND REPRESENTATIONS

RDC - Environmental Protection Team

- 2.1 The default position for any application at the former brickworks should be to impose model contaminated land conditions.

RDC - Strategic Planning and Economic Regeneration

First Response

- 2.2 Having reviewed this application from a Planning Policy and Economic Development perspective, we would like to make the following comments:-

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- 2.3 The National Planning Policy Framework (NPPF paragraph 21) recognises the importance of identifying strategic sites for inward investment purposes, understanding the role that such sites play in supporting economic growth, business retention and securing new investment. The emphasis of the NPPF is therefore focused on creating and securing jobs through growth in existing businesses as well as providing the foundations for new inward investment. National Planning Policy Guidance (NPPG) states that forecasting should take into account future need within different market segments and economic sectors, and identify any gaps in local employment land provision.
- 2.4 Rochford District Council's Core Strategy 2011 aims to ensure the growth of local employment opportunities and deliver an additional net 3000 local jobs by 2021. In addition, the Council will actively seek to maintain high and stable levels of economic and employment growth in the District, and will support proposals that secure growth within high value businesses and which match local skills in order to reduce reliance on out-commuting. Key to this are protection of local employment sites and implementation of the London Southend Airport and Environs Joint Area Action Plan (JAAP) to realise the potential of this local resource. Core strategy policies relevant to this application include policy ED2 - Expansion of employment land to the north of the airport for the development of non aviation-related industries will be supported to increase local employment opportunities within the District; and policy ED4 – future employment allocations. The Council will allocate land to the north and west of London Southend Airport for employment uses to compensate for de-allocations elsewhere in the District.
- 2.5 Rochford District Council's Growth Strategy 2014 and Employment Land Study (ELS) 2014 both form part of the evidence base for the emerging Local Plan, and note that Rochford District currently experiences low job density, and consequently high flows of out-commuting as residents travel elsewhere for work. The Council's Draft Economic Growth Strategy 2017 prioritises growing and retaining businesses; and encouraging inward investment, and both the JAAP and unlocking additional employment sites are viewed as key factors in this.
- 2.6 From analysis of past supply and take-up, the ELS identified that there is a lack of supply of office premises in the Southend Airport area, particularly at the larger end, with few new or refurbished industrial units on market.
- 2.7 Furthermore, the South Essex Economic Development Needs Assessment (EDNA) 2017, a study by GVA, identified a severe under-supply of employment space in Rochford District relative to demand, whilst supply has dropped sharply across South Essex. The analysis also considered scenarios such as the Greater London Authority Industrial Land Study 2016-2036 and a model to reflect growth as a result of London Southend Airport. This anticipated potential workspace demand for Rochford District 2016-2036 to be for an additional 30,000m² of employment space, over 7ha land, creating an additional 1,200+ jobs. The EDNA included a 'Land Requirement Forecast'

(Combined Scenario) which identified positive demand for additional B1 and B2 floor space across the period to 2036, but negative floor space demand for B8 uses over the same period.

- 2.8 The application site falls within policy NEL3 of the Council's Allocations Plan 2014; however, the detailed policy requirements and expectations were set out in the London Southend Airport and Environs Joint Area Action Plan (JAAP) 2014.
- 2.9 The site falls within an area outlined in the JAAP, which was adopted by the Council in December 2014. The application site falls within 'Area 1' which is allocated for B1/Education uses, and expected to deliver around 20,000m² of floor space comprising those uses. The site also falls within the scope of policies E3 and E4 of the JAAP which further state that supporting non-B1 uses may be acceptable where it can be demonstrated that these uses are necessary to support the operation and/or the requirements of employees working in the business park. The application site neighbours another business park site – marketed as Airport Business Park Southend – which received outline permission in 2016 and will comprise predominantly B1 and B2 uses, in accordance with the JAAP.
- 2.10 The details submitted alongside this application suggest the proposed development would total some 15,250m² of commercial floor space. Whilst this is less than the 20,000m² envisaged in the policy, it is noted that the application site only forms one section of 'Area 1' and that the deficit in floor space could reasonably be provided on the remainder of the area. The proposed business park would comprise some 5,815m² of B1 (Office) floor space; 2,445m² of B2 (General Industry); 5,710m² of B8 (Storage and Distribution), and approximately 1,280m² in ancillary uses including D1 (Non-residential institutions), D2 (Assembly and Leisure) and A3 (Restaurant and Cafés).
- 2.11 Policy E3 of the JAAP makes some allowance for a flexible approach to the use mix on the site, and it may be reasonable to consider the proposed D1, D2 and A3 uses as necessary to support the envisaged predominant B1 use, given they are clearly of an ancillary nature and scale. However, in our view, the applicant has not satisfactorily demonstrated that the significant scale of B2 and B8 uses proposed is necessary, reasonable or justified. The scale of B2 and B8 uses proposed (approximately 53% of the total floor space) would clearly not be ancillary to the envisaged predominant B1 use and would be a significant departure from policy. The various evidence studies produced by the Council in support of its current local development framework, and its emerging Local Plan, would not support the proposed use mix, and we do not consider there to be any material considerations before us which would otherwise justify this significant departure from policy.
- 2.12 Taking into account the above, we would conclude the following:-

- 2.13 The application site falls within both the JAAP and Rochford District Council's Employment Land allocations, and should be protected for the provision of high-quality employment space. However, the proposed development includes significant B2 and B8 uses which would not be ancillary in scale or nature, and would be a significant departure from policy. The Council's evidence base would fail to support such a departure from its policies, and furthermore, the applicant has not satisfactorily demonstrated that the scale of B2 and B8 uses proposed is necessary, reasonable or justified. In our view, there would be no material considerations which would justify this significant departure from policy. On this basis, we would support the refusal of this outline planning application.

Second Response

- 2.14 The details submitted alongside this application suggest the proposed development would total some 13,020m² of commercial floor space. Whilst this is considerably less than the 20,000m² envisaged in the policy, it is noted that the application site only forms one section of 'Area 1' and that the deficit in floor space could reasonably be provided on the remainder of the area. The proposed business park would comprise some 11,810 m² of B1 (Office) floor space; and approximately 1,210m² in ancillary uses including D1 (Non-residential institutions), D2 (Assembly and Leisure) and A3 (Restaurant and Cafés). Detailed planning permission has already been granted for D1 (nursery) and B1 (office) on a small portion of the site, as detailed under application reference 17/00710/FUL.
- 2.15 Policy E3 of the JAAP makes some allowance for a flexible approach to the use mix on the site, and it may be reasonable to consider the proposed D1, D2 and A3 uses as necessary to support the envisaged predominant B1 use, given they are clearly of an ancillary nature and scale.
- 2.16 Taking into account the above, we would conclude the following:-
- 2.17 The application site falls within both the JAAP and Rochford District Council's Employment Land allocations, and should be protected for the provision of high quality employment space. The proposed ancillary uses serve to support the day to day operation of a viable business park, and are an appropriate proportion in relation to the primary proposed use for B1 floor space.
- 2.18 On this basis, we would support the approval of this outline planning application.

ECC Highways

- 2.19 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:-
1. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of

building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

2. No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.
3. There shall be no discharge of surface water onto the highway.
4. No development shall take place, including any ground works or demolition, until a construction method statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
7. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

HIGHWAY WORKS / MITIGATION MEASURES / CONTRIBUTIONS

8. Prior to first beneficial use of the development the existing access from the west of the site onto Cherry Orchard Lane shall be stopped up and closed off permanently to all vehicular traffic to the satisfaction of the LPA in consultation with the HA and be provided entirely at the developer's expense. The site shall be accessed from the south via the airport business park road network.
9. Prior to occupation, improvements to the footway/cycleway links within the vicinity of the proposed development shall be provided. This should

include improvement to existing and provision of new footpaths to Rochford town centre to the north and district boundary with Southend to the south, as identified in Sustrans Green Ways cycle network. All works shall be to the satisfaction of the LPA in consultation with the HA and be provided entirely at the developer's expense.

10. Prior to occupation of the proposed development a £200,000 (two hundred thousand) contribution towards bus service and infrastructure enhancements shall be secured to provide improved sustainable access to the development site from Cherry Orchard Way.

11. Prior to occupation of the proposed development, the developer shall provide and implement a Travel Plan including payment of a £3000 Travel Plan Monitoring fee to ECC.

Rochford District Council: Ecology and Trees

Ecology

- 2.20 There is an issue with the scanned document for Breeding Birds Survey (5 October) – the title pages state breeding bird survey; however, the text is from a repeated otter and water vole survey, already provided within the application documents.
- 2.21 Reptile survey - returned no results. Condition the mitigation contained within section 6.
- 2.22 Otter and water vole survey - returned no results. Condition the mitigation and enhancements contained within section 6.
- 2.23 Badger survey - A licence is required from Natural England – the licence will form the basis of conditions. Condition the mitigation and enhancements as provided in sections 6 and 7.
- 2.24 Bat survey - returned no results. No mitigation or enhancements provided. Condition in respect of bat friendly lighting and bat boxes in suitable locations – to be provided by an ecologist.

Trees

- 2.25 To be carried out in accordance with the tree impact assessment, tree protection plan and method statements as provided in the arboricultural report reference P2665.3.1.A.

Essex County Council: Lead Local Flood Authority

First response

- 2.26 As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since 15 April 2015.
- 2.27 In providing advice the LLFA looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:-
- Non-statutory technical standards for sustainable drainage systems
 - Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
 - The CIRIA SuDS Manual (C753)
 - BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

- 2.28 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, the LLFA wishes to issue a holding objection to the granting of planning permission based on the following:-

Inadequate Surface Water Drainage Strategy

- 2.29 The Drainage Strategy submitted with this application does not comply with the requirements set out in Essex County Council's Full/Outline Drainage Checklist.
- 2.30 Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 2.31 In particular, the submitted strategy fails to:-

- Sufficiently limit discharge rate

Run off rate should be limited to the 1 in 1 greenfield rate. This should be accompanied by run off rate calculations

- Provide adequate storage volume

Storage volumes should be revised in line with the comments above regarding run off rate. Updated calculations should be provided.

- 2.32 However, in the event that more information was supplied by the applicants then the LLFA may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

- 2.33 Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, the LLFA requests that you contact the LLFA to allow further discussion and/or representations from it.

Summary of Flood Risk Responsibilities for Rochford District Council

- 2.34 The LLFA has not considered the following issues as part of this planning application as they are not within its direct remit; nevertheless these are all important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application the District Council should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside the Planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures); and
- Sustainability of the development.

- 2.35 In all circumstances where warning and emergency response is fundamental to managing flood risk, the LLFA advises local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

- 2.36 Informatives:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off site

ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

- The Ministerial Statement made on 18 December 2014 (reference HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of the LLFA's area of expertise.
- The LLFA will advise on the acceptability of surface water and the information submitted on all planning applications submitted after 15 April 2015 based on the key documents listed within the LLFA's consultation response. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within the LLFA's response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

The LLFA's standing advice note explaining the implications of the Flood and Water Management Act (2010) could be used as an informative.

Second Response

Lead Local Flood Authority position

- 2.37 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, the LLFA does not object to the granting of planning permission based on the following:-
1. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:-
 - Limiting discharge rates to no higher than 13.75l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

2. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

3. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Summary of Flood Risk Responsibilities for Rochford District Council

- 2.38 The LLFA has not considered the following issues as part of this planning application as they are not within its direct remit; nevertheless these are all important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application the District Council should give due consideration to the issue(s) below. It may be that the Council needs to consult relevant experts outside its Planning team.
- Sequential Test in relation to fluvial flood risk;
 - Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
 - Safety of the building;
 - Flood recovery measures (including flood proofing and other building level resistance and resilience measures); and
 - Sustainability of the development.
- 2.39 In all circumstances where warning and emergency response is fundamental to managing flood risk, the LLFA advises local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

INFORMATIVES: as detailed above.

- 2.40 The LLFA's standing advice note explaining the implications of the Flood and Water Management Act (2010) could be used as an informative.

Environment Agency

- 2.41 The consultation response from the Environment Agency is as follows:-
- 2.42 Environment Agency (EA) has inspected the application, as submitted, and has no objection to the proposal. Its response contains brief comments in relation to flood risk.
- 2.43 EA maps show the site lies within fluvial Flood Zone 2, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as medium probability of flooding. The proposal is for a new business park, which is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA).

- 2.44 EA understands that it has been consulted by the District Council as part of the site lies within Flood Zone 3a. However, EA Flood Zones for this area have been updated following recent fluvial modelling of Noblesgreen Ditch. The site is now reclassified as Flood Zone 2. The FRA does not use the new fluvial flood risk information for Noblesgreen. EA does not provide comments for proposals that are only within Flood Zone 2, as this falls within the District Council's remit as the Local Planning Authority. Therefore EA has no further comments to make in regard to this application.

Natural England

Statutory nature conservation sites – no objection

- 2.45 Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Crouch and Roach Estuaries Mid Essex Coast Phase 3 Ramsar and SPA and Essex Estuaries SAC have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.
- 2.46 In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Crouch and Roach Estuaries SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

- 2.47 Natural England has not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply Natural England's Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- 2.48 The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Local sites

- 2.49 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Essex and Suffolk Water

- 2.50 Essex and Suffolk Water records show that it does not have any apparatus located in the proposed development.
- 2.51 Essex and Suffolk Water has no objection to this development, subject to compliance with its requirements; consent is given to the development on the condition that a water connection is made onto Essex and Suffolk Water's company network for the development for revenue purposes.
- 2.52 For this development, the following applies:-

Essex and Suffolk Water is the enforcement agent for The Water Supply (Water Fittings) Regulations 1999 within its area of supply, on behalf of the Department for the Environment, Food and Rural Affairs. It is understood that a planning application has been made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999. Please see the Water Regulations Information Sheet No. IS 0014 for more detailed information.

Essex County Council: Archaeology

- 2.53 The Historic Environment Record (EHER) shows that the proposed development site is located on the site of the former brickworks. It is also to the west and north of the Cherry Orchard Lane Brickfield, which revealed evidence of multi-period settlement and activity from the Iron Age through to the post medieval period. There will be the remains of the brickworks foundations. It is also possible that further archaeological remains could still survive in this area, which would be destroyed by this development.
- 2.54 In view of this, the following recommendation is made in line with the National Planning Framework.
- 2.55 Recommendation: Full condition
- 2.56 'No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.

The archaeological work will comprise full recording of the brickworks and assessment to determine if archaeological features survive beneath the

brickworks or elsewhere on the site. This may be followed by excavation if archaeological features are found. All field work should be conducted by a professional recognised contractor in accordance with a brief issued by this office.

Health and Safety Executive

- 2.57 The documentation on the District Council's planning portal website has been reviewed by the HSE, and this indicates that the land parcel associated with the planning application is affected by HSE consultation zones.
- 2.58 As the District Council is aware, the proposed development lies within the inner, middle and outer HSE consultation distance of a major hazard site - Hanson Brick Ltd, Cherry Orchard Way, Rochford. HSE has previously corresponded with Rochford District Council in relation to this major hazard site and a previous planning application (reference 15/00776/OUT).
- 2.59 In the case of planning application 17/00850/OUT, HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.
- 2.60 HSE has previously advised Rochford District Council that the revocation of Hazardous Substance Consent for the Hanson Brick Ltd site will result in the consultation distance around the site being withdrawn, and there being no further need to consult HSE on developments in its vicinity. In these circumstances, HSE would strongly encourage Rochford District Council, as the hazardous substances authority, to revoke the Hazardous Substance Consent for the former Hanson Brick Ltd site, in accordance with Section 14 or 17 of the Planning (Hazardous Substances) Act 1990. If the Hazardous Substance Consent is formally revoked, confirmation of this should be forwarded to the HSE.
- 2.61 The HSE would not advise against the granting of planning permission for application 17/00850/OUT if:-
- a) the Hazardous Substance Consent for the Hanson Brick Ltd site is formally revoked in accordance with Section 14 or 17 of the Planning (Hazardous Substances) Act 1990, or
 - b) the following, or a similarly worded condition, was included in the planning permission:-
 - 1. The developments associated with planning application reference 17/00850/OUT shall not be occupied until the Hazardous Substance Consent for the storage of LPG at the former Hanson Brick Ltd site at Cherry Orchard Way, Rochford has been revoked in its entirety under the provisions of the Planning (Hazardous Substances) Act 1990, and written confirmation of the necessary revocation has been issued by the Hazardous Substances Authority.

- 2.62 If the Hazardous Substance Consent is formally revoked, or permission is granted with the above condition before the consent is revoked, there is no need to refer the matter back to the HSE to consider requesting that it be called-in for determination by the Secretary of State, as the HSE will not have advised against the granting of permission. If nevertheless, the Council is minded to grant permission without this condition without the Hazardous Substance Consent having been revoked, attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Department for Communities and Local Government.
- 2.63 These require a local planning authority to give the HSE advance notice when it is minded to grant planning permission against HSE advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Communities and Local Government call-in the application for their own determination.

London Southend Airport (LSA)

- 2.64 There is insufficient information to enable LSA to check the application accurately against the aerodrome's safeguarding surfaces. In order for LSA to do this it requires the following information:-
- The layout, dimensions and particularly heights of the proposed development (preferably full-size scale drawings); and
 - The elevation of the site (to an accuracy of 0.25m, preferable Above Ordinance Datum (AOD)).
- 2.65 LSA appreciates at this stage it is just an outline application and the above information may not yet be available but LSA is unable to comment without this. Please ensure London Southend Airport is consulted once this information is known.
- 2.66 The development should ensure it is compliant with EASA regulations which will include but not be limited to:-
- Landscaping schemes i.e. height and type of species of vegetation and any open water;
 - Lighting schemes; and
 - Building materials to be used – i.e. glare etc.
- 2.67 In terms of acoustic details we would expect that appropriate noise insulation is implemented given the proximity of the development to the flight paths. We would also suggest an informative to be added to inform perspective

owners/occupiers that the development is in close proximity to flight paths so the properties can expect to be overflowed and subjected to aircraft noise.

- 2.68 Please note that if a crane or piling rig is required to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.

Neighbours

1 received from 7 Albert Road, Ashingdon

- 2.69 Nowadays there are many empty commercial units. This plan is, however, ideal and a good use of the land. As an ageing population this would be an ideal place for this development.
- 2.70 It would also create employment for the local community and possibly free up housing for the younger generation, which is desperately needed.

PLANNING HISTORY

- 2.71 17/00710/FUL - Construction of day nursery at ground floor with offices (B1) over, parking and associated landscaping. APPROVED.
- 2.72 01/00948/CM - Variation of Conditions to Allow Mineral Extraction and Exportation until 31 December 2006 and Reinstate Access by 31 March 2007. No Objection – County Matter Application.
- 2.73 00/00087/OUT - Outline Application for Residential Development (8.75 Acres/3.5HA Brickworks Site). REFUSED.
- 2.74 98/00289/CM - Revision of Working and Restoration Scheme to Continue Brickearth Extraction and Variation of Conditions 7. 9. 21. 35 and 36 of County Matter Application IDO/ROC/7/92A. No Objection – County Matter Application.

MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 2.75 The proposed development has to be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.76 The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014), the Development

Management Plan (2014) and the London Southend Airport and Environs Joint Area Action Plan (JAAP) (2014).

- 2.77 Following the adoption of the JAAP the land forming the application site is now no longer subject to the former Green Belt designation. Policy E3 allocates land including the application site for the development of a new business park, split into three areas known as Areas 1, 2 and 3.
- 2.78 Areas 2 and 3 of the business park are subject to outline planning consent granted under reference 15/00781/OUT whilst the application site forms part of Area 1.
- 2.79 The application site covers a large part of Area 1, some 66 per cent (approximately 4.18 ha); the remainder (approximately 2.12 ha) being within a different ownership.

Quantum of Proposed Development

- 2.80 Policy E3 as it relates to Area 1 details that applications for development will be supported which at least deliver, or proportionately contribute in land take towards achieving 20,000 square metres of floor space relating to B1 (Business) and Education uses.
- 2.81 The application originally proposed a total of 15250 square metres of commercial floor space with the following proportions of different uses:-
- B1 (a) Office (other than A2) – 5815 square metres
 - B2 (General Industrial) – 2445 square metres
 - B8 (Storage and Distribution) – 5710 square metres
 - D1 (Non-residential institutions) – 600 square metres
 - D2 (Assembly and Leisure) – 400 square metres
 - A3 (Restaurant and Café) – 280 square metres
- 2.82 In the course of the application the proposed mix and quantum has been amended to exclude any B2 (General Industrial) and B8 (Storage and Distribution) uses in response to officer advice. The mix of uses now proposed is as follows:-
- B1 – Office 11,810m² (91%)
 - A3 – Café/Restaurant 260m² (2%)
 - D1 – Nursery 550m² (4%)
 - D2 - Gymnasium 400m² (3%)

- 2.83 The total amount of floor space now proposed is some 13020 square metres.
- 2.84 Although less floor space is now proposed, when account is taken of the Area 1 allocation as a whole, the allocation could still deliver the required minimum floor space of 20,000 square metres. This would require some 6980 square metres of floor space to be delivered on the remaining part of the Area 1 allocation. It is considered that the remaining area of land within Area 1 at some 2.12 hectares could accommodate the remaining 6980 square metres alongside associated infrastructure. The remaining area would achieve a slightly higher density in terms of quantum of floor space per hectare but not significantly so compared to the current proposal. There is also potential for slightly higher scale development in parts of the remaining allocation given the separation of this part from the residential development to the west.
- 2.85 The proposed quantum of floor space could be accommodated alongside the necessary infrastructure including parking and sustainable urban drainage; these are discussed in more detail later in this report. By way of comparison, the outline planning consent relating to Areas 2 and 3 (15/00781/OUT) allowed for a total of 86,900 sqm of floor space which exceeded the minimum policy requirement of 79,000 sqm for these allocations.
- 2.86 The proposed quantum of floor space at the application site is acceptable, in principle.
- 2.87 Policy E3 envisaged that Area 1 would provide predominantly B1 (Office) use alongside education use which would fall into the D1 (Non-residential institutions) use class. Policy E3 goes on to reference the acceptability of B2 uses that support the B1 uses on the site; although this only relates to Areas 2 and 3 specifically. The policy goes on to acknowledge that B1 uses could be accompanied by ancillary storage and distribution uses. Officers raised concern with the mix of uses originally proposed as the quantum of B8 floor space was of a scale that could not have been considered ancillary to the B1 floor space given that two were almost equal. In response to officers' concern that the original mix of uses would not have accorded with the vision for a high-end business park, as opposed to an industrial estate as set out in the JAAP, the applicant amended the mix of uses to omit any B2 (General Industrial) and B8 (Storage and Distribution) uses.
- 2.88 Policy E3 states that the Council should not be overly prescriptive about the uses that will be accommodated within the business park and allows for supporting non-B1 uses where it can be demonstrated that these uses are necessary to support the operation and/or requirements of employees working in the business park. All of the 'other' uses proposed in respect of Area 1 could be considered necessary to support the operation and/or the requirements of employees working in the business park; an A3 restaurant/café could be used by employees during or at the end of the day and incorporated into one of the B1 office buildings and D2 (assembly and leisure) uses could include a gym which could be used before or after work by employees. With this in mind, the proposal for a small proportion of A3 and D2

is considered acceptable. This approach was taken in respect of the 2015 application for areas 2 and 3 and acknowledges that modern business parks usually include these ancillary type uses and contribute to their success. By way of comparison, the proportion of non-B1/B2 uses accepted in relation to Areas 2 and 3 (15/00781/OUT) equated to 8.1% of the total floor space proposed.

- 2.89 If all of the floor space were to be provided as B1 alongside the D1 use which would satisfy the education requirement this would still accord with policy E3; however, too great a proportion of A3 and D2 uses would not accord with policy E3 and it is therefore recommended that the condition restrict these other uses.

Public Open Space

- 2.90 Policy E3 requires that all development areas will be required to contribute towards new public open space to the north and east of the business park.
- 2.91 This policy requirement was met by the re-provision of the rugby pitches, to the north and east of the business park allocation, secured by the development under 15/00781/OUT and there is not considered to be a need to require further contribution in relation to this application.

Master Plan/Design Code

- 2.92 Policy E1 of the JAAP envisaged that a master plan would be prepared and published prior to any development commencing to set out the general principle for the development of the business park. The applicant has submitted a design code and master plan with the application. The submission of such alongside the application was the approach taken in relation to the other part of the business park allocation (15/00781/OUT).
- 2.93 The design codes in respect of areas 2 and 3 of the business park allocation, considered under application 15/00781/OUT, covered matters including the treatment of open spaces, car parking and street hierarchies. Reserved Matters applications would have to work with the design code to ensure that some consistency in design, particularly of public areas of the business park, was achieved as Reserved Matters applications would be likely to come forward in phases. A similar condition is recommended here.
- 2.94 In terms of appearance the design code for 15/00781/OUT required elevations of buildings to be contemporary in appearance with a variety of materials possible for use including brick, stone, composite cladding, render and timber boarding and glazing, a contemporary approach to the design of building is similarly proposed here.
- 2.95 The submitted design code takes reference from the design code and master plan provided in respect of Areas 2 and 3 to the south and subject to outline planning consent under 15/00781/OUT. The JAAP intends for the master plan

to set out a framework for the general layout, appearance and design principles for the business parks. That the submitted master plan and design code references elements of that submitted for Areas 2 and 3 is encouraged with the intention that the different allocations achieve some coherence of design and appearance. The intention is not to fix individual design, but to create parameters which individual Reserved Matters or other applications within the allocation would be required to reflect.

- 2.96 The design code references the treatment of the main road through the site, which it is intended will mimic the treatment of the main spine road within the Area 2 and 3 allocations to the south; a condition is recommended to ensure that the continuation of the tree-lined green spine road is achieved.
- 2.97 Overall, it is considered that the master plan and design code could have contained more detail particularly in relation to strategic green spaces, the revised indicative site layout plan does, however, show provision of a purposeful area of open green space and a condition is recommended to require the provision of such.
- 2.98 The treatment and landscaping of car parking areas could also have been developed to ensure a level of consistency of approach to be used as smaller applications come forward. Landscaping is, however, a matter to be considered at the Reserved Matters stage in detail where additional tree planting within the car parking areas to break up what would otherwise be swathes of hard surface could be required.

Indicative Site Layout

- 2.99 A site layout has been submitted although as layout is not for determination at the outline stage, this is for illustrative purposes only and would not be an approved plan if outline planning permission were to be granted. The original site layout plan submitted (reference 104a) has been amended in the course of the application and superseded by site layout plan reference 104d, which shows the mix of uses as amended and responds to some concerns with the original layout raised by officers.
- 2.100 The revised site layout incorporates changes including the provision of purposeful open green space within the site which would be to the benefit of users of the site and to visual amenity. The amount of car parking adjacent to the main spine road has also been significantly reduced to ensure that the main road could be provided to the design, as set out in the design code, including street trees and soft landscaping to carry through to this part of the allocation the treatment of the main spine road to the site to the south. A continuation of the highway to the eastern boundary has also been included to allow for access to the remainder of the allocation; this is subject to a planning condition.
- 2.101 Some additional changes would still be sought to the indicative site layout before a Reserved Matters application was submitted including:-

- The need to break up the large swathes of car parking with soft landscaping;
- The need to reconsider the position of refuse stores to prevent siting in prominent street scene positions; and
- The need to explore provision of an increased degree of separation of proposed buildings to the rear of the existing dwellings adjacent to the site and a greater degree of tree planting to obscure new buildings from view.

2.102 Although landscaping is a matter for determination at a later Reserved Matters stage it is important to secure the provision of open green space and strategic landscaping within the site in order that this is captured, even if Reserved Matters applications come forward in a piecemeal fashion for small areas of the site. A condition is therefore recommended to require the provision of open green space alongside the delivery of the main spine road to ensure that this is delivered and delivered early on in the development to benefit first users of the site.

Environmental Sustainability - BREEAM/Renewable Energy

2.103 Policy ENV7 of the JAAP requires all new buildings to meet the BREEAM standard of 'excellent' unless unviable or unfeasible. This policy requirement supersedes that of policy ENV10 of the Core Strategy which requires all new buildings to meet the BREEAM 'very good' standard. A planning condition is recommended to require buildings to achieve a BREEAM rating of 'excellent' unless this is demonstrated to be unviable or unachievable for other reasons.

2.104 Policy ENV7 also requires that rain water harvesting and water recycling systems are used alongside other environmentally sustainable measures such as green roofs and walls; a condition is also recommended to require the use of these systems where appropriate and subject to viability.

2.105 Policy ENV8 of the Core Strategy requires that developments of the scale proposed secure at least 10 per cent of their energy from decentralised and renewable or low carbon sources. Given the policy requirement, it is considered reasonable to impose a condition to require that the development achieves the minimum 10 per cent unless this is demonstrated to be not feasible or not viable.

Transport and Travel Plan

2.106 Policy E4 of the JAAP envisaged the creation of a new junction to provide access to the business park off Cherry Orchard Way from Area 1. However, the new roundabout junction on Cherry Orchard Way has already been provided in relation to the planning consent for Area 2. The intention is for the business park as a whole, covering Areas 1, 2 and 3 to be accessed solely via the new roundabout junction on Cherry Orchard Way. The Highways Authority accepts use of the existing T-junction access to the application site off Cherry

Orchard Way to serve the use immediately adjacent the row of dwellings on Cherry Orchard Lane but requires that the main access to the site be via the new roundabout; a planning condition is recommended to require this.

- 2.107 Policy T7 requires that developments contribute to measures to improve affected junctions and provide the capacity required to ensure that the junctions work effectively during peak periods. The Transport Statement accompanying the application provides a review of current accessibility of the site by road, rail and other modes, and existing facilities and services in the vicinity of the site and considers the impact of the additional traffic on the local road network. It should be noted that the Transport Statement for the application is in addition to earlier transport modelling carried out on behalf of Southend-on-Sea Borough Council and ECC Highways in connection with the JAAP.
- 2.108 The site is an allocated site for business park development and the Highways Authority is satisfied with the transport assessment that has been submitted. National planning policy in respect of highway impacts from development is clear that planning permission should only be refused on transport grounds where the residual cumulative impacts of development would be severe. The impacts arising from the proposed development would not be severe and the Highways Authority does not require any works to existing junctions.

Vehicle Parking Provision

- 2.109 The Council applies a maximum parking standard for trip destinations and all of the proposed uses qualify as such; however, the Council still requires developments to include adequate parking provision.
- 2.110 The adopted parking standards are set out in the table below, alongside the floor space proposed for the different use classes to enable a maximum parking provision requirement for each use class to be calculated. The proposed (indicative) parking provision is also set out.

| Use Class | Vehicle Parking Standard Requirement (maximum) | Floor Space Proposed (sqm) / Staff | Total Maximum Parking Provision Required |
|-----------------------|--|------------------------------------|--|
| B1 (Office) | 1 space per 30 sqm. | 11810 | 394 |
| A3 (Restaurant/ Café) | 1 space per 5 sqm | 260 | 52 |

| Use Class | Vehicle Parking Standard Requirement (maximum) | Floor Space Proposed (sqm) / Staff | Total Maximum Parking Provision Required |
|----------------|--|--|---|
| D1 (Nursery) | 1 space per full time equivalent staff + drop off and pick up facilities | 25-30 members of staff (maximum of 15 nursery staff at any one time) | 15 spaces + drop off and pick up facilities |
| D2 (Gymnasium) | 1 space per 10 sqm | 400 | 40 |
| Total | | | 501 + drop off and pick up facilities |

Table 1: Parking Standard Maximum Requirements

- 2.111 The indicative site layout shows a total of 321 parking spaces. This would equate to approximately 64 per cent of the maximum parking provision on average. The indicative site layout is annotated with the mix of uses as originally proposed including B2 and B8 uses, which are no longer part of the proposal; this layout is not, however, for consideration at the outline stage; the position and size of buildings may change in later Reserved Matters applications as might the precise number of parking spaces. The submitted indicative site layout plan shows how parking spaces could be provided at the site and demonstrates that, in principle, sufficient parking could be provided. Specific parking provision in terms of design, layout and quantum for each phase of the site would be a matter for determination in later Reserved Matters applications.
- 2.112 Changes to the indicative site layout would be sought at the Reserved Matters stage to reduce the prominence of car parking within the street scene in certain areas and to ensure that delivery vehicle access/bays were provided.
- 2.113 Disabled parking, parking for powered two-wheelers and cycle parking would also be considered at a later Reserved Matters stage for each phase, but would also have to be provided.
- 2.114 The Highways Authority raised no objection, subject to several planning conditions/obligations many of which have been carried forward (some with amendments) in the recommendation. However, the requirement that each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres is not considered necessary or reasonable. Whilst this is the preferred bay size, the layout shows that spaces would achieve the minimum which is considered acceptable. At the Reserved Matters stage the precise quantum and layout of car parking and space standards would be a matter for detailed

consideration and whilst it may be that some spaces achieve the preferred bay size if some are provided at the minimum, this too would be acceptable in principle. No condition requiring bays of the preferred size was imposed on the outline planning consent granted in relation to the Area 2 and 3 allocations to the south (15/00781/OUT).

Sustainable Transport - Bus Service

- 2.115 There is clear policy emphasis on the delivery of developments that will reduce reliance on the private car.
- 2.116 Policy T4 of the JAAP requires that a comprehensive network of quality bus services be provided serving the transport needs of the Southend/Rochford and wider Essex catchment area, particularly linking to the new airport railway station and other transport interchanges. ECC Highways Authority has recommended that a financial contribution be sought towards the provision of a bus service to serve the site. This will help to support the provision of sustainable transport access to and from the site.

Sustainable Transport - Walking and Cycling

- 2.117 The JAAP places emphasis on non private car modes of transport. Parts of the settlements of Rochford, Hawkwell, Eastwood and Southend are all within proximity of the site; 2 miles for walking and 5 miles for cycling within which commuting by walking and cycling respectively would be envisaged. Policy T5 of the JAAP requires that all development contribute towards the construction of new, as well as improvements to existing, walking and segregated cycling infrastructure and facilities in the JAAP area and the integration of these facilities into the wider network.
- 2.118 The intention is to provide a means for local residents to access employment and education, services and key attractions using sustainable modes of transport in a mainly traffic free environment. Policy T6 of the Core Strategy echoes this emphasis on walking and cycling requiring contribution to improvements of developments that would generate a demand to travel.
- 2.119 The London Southend Airport and Environs Joint Area Action Plan – Walking and Cycling ‘Greenway Network’ – Linking the Community document was completed in December 2015. This is a joint study on behalf of Southend Borough Council, Essex County Council and Rochford District Council and outlines the actions required to create a Greenway Network of cycling and walking routes to the north and east of the proposed new business park that forms part of the JAAP. The report includes an annotated plan for the Greenway which in relation to the application site shows the extended Greenway running through the site north-south and east-west and linking to Hall Road to the north and Cherry Orchard Jubilee Country Park to the west.
- 2.120 Given the emphasis in the JAAP on developing a new business park which integrates into the wider community and take opportunities for environmental

sustainability including achieving improvements to cycle and walking networks, it is recommended that the s106 legal agreement secure a financial contribution towards improvements to existing footways and cycleways in proximity to the site.

Travel Plan

- 2.121 Policy T3 requires that the application is accompanied by a comprehensive travel plan explaining the arrangements for car parking and for managing journeys of staff to and from the area and also include stretching targets and details of arrangements for monitoring and review.
- 2.122 ECC Highways have recommended a requirement that a Travel Plan is developed and a financial contribution be provided to enable this to be monitored. The intention of this would be to reduce single occupancy car trips to the site by encouraging all the businesses to promote sustainable modes of transport. The Travel Plan would likely include a series of measures and targets including a travel awareness campaign and a car share database.

Flood Risk and Sustainable Urban Drainage (SUD's)

- 2.123 Paragraph 103 of the NPPF requires that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 2.124 The site falls within Flood Zones 1 and 2 as shown on the Environment Agency Flood Risk maps, a very small portion of the site along the northern site boundary immediately adjacent the Noblesgreen Brook may also just fall within Flood Zone 3. These flood zones refer to the probability of river and sea flooding, with flood zone 1 at the lowest risk of flooding from these sources. The area of the site which falls within Flood Zone 2 is confined to the central area and parts of the north-west corner, the remainder of the site being within Flood Zone 1.
- 2.125 The applicants submitted Flood Risk Assessment (FRA) refers to the site being largely within Flood Zone 1 save for a small area to the north within

Flood Zone 3 which was the case until recently when the flood risk zones were updated.

- 2.126 Planning Practice Guidance requires consideration of the vulnerability of proposed development to flooding and advises in what circumstances certain development should not be permitted. The proposed development of A3, D1, D2 and B1 uses are classified as 'less vulnerable' save for D1 use as a proposed day nursery which would be classed as a 'more vulnerable' use. These types of uses are considered appropriate in flood zones 1 and 2 according to the flood risk compatibility table in the relevant planning practice guidance. This table does not however show the application of the Sequential Test which should be applied first to guide development to Flood Zone 1, then Zone 2, nor does it reflect the need to avoid flood risk from sources other than rivers and the sea.
- 2.127 The Sequential Test does not need to be applied to individual developments on sites which have been allocated in development plans through the sequential test. In this case, the development relates to an allocated site which was subject to sequential testing. However, notwithstanding this it is considered that, in this case, the Sequential Test is passed for the reasons as set out below.
- 2.128 The area to apply the Sequential Test across should be defined by local circumstances relating to the catchment area for the type of development proposed. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. The application is for a new business park which is part of a larger business park strategically located within the proximity of London Southend Airport. It is considered that there are no more suitable alternative locations for this development elsewhere in the district. As the development is of district wide importance it is not considered appropriate to consider a wider catchment area than the district as a whole.
- 2.129 Within sites, the most vulnerable development should be located in areas of lowest flood risk unless there are overriding reasons to prefer a different location. The more vulnerable development, namely the D1 nursery use would be sited on part of the site wholly within flood zone 1, at lowest risk of flooding.
- 2.130 Conditions are recommended to require that the development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning. In addition, conditions are required to give priority to the use of sustainable drainage systems.
- 2.131 In summary, the proposed development is considered to be appropriate with respect to flood risk posed to the development; the development would accord with the requirements of flood risk policy within the NPPF.

- 2.132 Proposed development must also not increase flood risk elsewhere and policy ENV7 seeks the use of sustainable urban drainage systems.
- 2.133 The submitted site-specific flood risk assessment includes assessment of the current surface water drainage at the site and concludes that it is not known how surface water is currently drained from the site. There is no current connection to the Noblesgreen Brook to the north. The site has a significant amount of hard surface from the historic use as a brickworks and the rate of surface water run off is therefore not considered to be solely a green field run off rate at present. A draft surface water drainage scheme has been submitted with the application and assessed by Essex County Council as Lead Local Flood Authority which is now satisfied that surface water drainage can be managed at the site satisfactorily and several planning conditions are recommended to require that this is achieved.

Air Quality

- 2.134 An Air Quality Assessment has been submitted in accordance with the requirement for such in policy DM29. The impacts of increased traffic emissions arising from the additional traffic on local roads due to the development have been assessed. The report concludes that no mitigation is required given that the impacts on air quality will be negligible.

Archaeology

- 2.135 Planning policy at the national and local level (policy ENV1 and policy E1) requires consideration of the impacts of proposed development on heritage assets which include underground heritage assets.
- 2.136 An archaeological report which assesses the archaeological significance of the site has been submitted with this application. Whilst no intrusive ground investigations have been recorded within the application site, trial-trenching has taken place within the vicinity of the site and revealed archaeological finds of varying age. Given the former use of the site as a brickworks and the ground disturbance associated with this, archaeological deposits before the post-medieval period (AD1540) are likely to have been disturbed or destroyed. Archaeological remains relating to the sites industrial history may however still survive; these would be of local significance and it is considered reasonable in light of the likely level of significance to grant planning permission subject to a condition to require archaeological investigation and recording.

Ecology

- 2.137 The NPPF at Section 11, policy ENV1 and policy DM27 require that effects on biodiversity are considered in the determination of planning applications. The NPPF requires that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with status and that appropriate weight is attached to their

importance and the contribution that they make to wider ecological networks. There are no international, national or locally designated sites of ecological importance within or within the vicinity of the application site. The site is within an Impact Risk Zone of the Crouch and Roach Estuaries SSSI but Natural England have confirmed that the proposal would not likely result in significant adverse impact on the SSSI.

- 2.138 In addition to designated sites there is also a need to consider potential impacts on protected species. For example, The Wildlife and Countryside Act (WCA) (1981) protects all wild birds within the UK, including their active nests, eggs and dependent young. Species listed under Schedule 1 of the WCA are also afforded protection from disturbance during the breeding season.
- 2.139 The phase 1 ecological report draws on information gathered during a walkover site survey site and considers the potential of the site to support protected species; this report advised that further survey work was required in relation to several species. In order to determine the presence of protected species (referring to animals protected by legislation including Schedule 5 of the Wildlife and Countryside Act 1981) and the extent to which they might be affected by the proposed development the applicant has undertaken desk based and further field survey work relating to water voles, otters and breeding birds and has considered likely impacts in a series of phase 2 reports submitted with this application.
- 2.140 The submitted ecological reports have been considered in light of Standing Advice from Natural England which is designed to enable local planning authorities to decide what is needed for surveys and what mitigation, if any, would be required.

Water Voles

- 2.141 The site survey for water voles was undertaken at the optimum time of year, between April and October by a qualified ecologist and revealed evidence of a small population within the Noblesgreen Ditch some 50 metres west of that section of the ditch that runs adjacent the sites northern boundary. No habitat within or immediately adjacent to the site was considered likely suitable to support this species. Given the low population and characteristics of habitat the proposed development is considered unlikely to impact adversely on this species and no mitigation is therefore considered necessary. There is scope for the creation of habitat within open water Sustainable Urban Drainage features at the site suitable for this species to provide enhancement.

Otters

- 2.142 The site survey for otters found no evidence of their presence and as a consequence no mitigation is considered necessary as the proposed development is considered unlikely to impact adversely on this species.

Breeding Birds

- 2.143 Surveys were conducted to assess the value of the site for breeding birds. These were undertaken by a suitably qualified ecologist, in the peak breeding season and during suitable weather conditions. All the birds suspected of breeding at the site are scrub, woodland or hedgerow nesting species, no ground nesting species were suspected to breed at the site.
- 2.144 In total, 29 bird species were recorded and of these 17 were suspected of breeding at the site. None of the species had an estimated breeding population exceeding 10 pairs and the total breeding bird population was therefore considered to be small. 2 of the species are of particular conservation concern including the linnet. The results represent a typical assemblage of species for a site on derelict land in lowland England and the site is considered of local importance for breeding birds save for the linnet, where the conservation importance of the species and number of breeding pairs makes the site of district value for this species.
- 2.145 The development will remove all existing breeding bird habitat from the site and without mitigation will result in loss of most breeding bird species within the site. Conditions are recommended in line with the submitted report to ensure that clearance takes place outside the bird nesting season, to provide for suitable habitat in the landscaping scheme for species present and to provide bird nesting boxes to mitigate the loss of existing habitat.

Bats

- 2.146 Three visits to the site were conducted and surveys carried out to establish the presence/absence of bats at the site. The results of the surveys are contained within the submitted bat survey report which concludes that there is an absence of roosting bats at the site. There is limited use of the site by bats and the proposal will not likely have a detrimental impact on the local bat population. No mitigation is therefore considered necessary.
- 2.147 Officers accept the findings of the submitted ecological reports taking account of Standing Advice provided by Natural England which is designed to enable Local Authorities to assess the adequacy of submitted ecological information.

Residential Amenity

- 2.148 The site is adjacent to a row of existing residential properties and the proposed development has the potential to give rise to impacts on residential amenity including relating to noise. Paragraph 123 of the NPPF requires LPA's to aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum noise impacts from new development including through the use of conditions whilst recognising that development will often create some noise.

- 2.149 Noise generated by the construction activities associated with the development have the potential to temporarily increase noise levels at nearby residential properties from the operation of equipment and machinery. Due to the transient nature of construction activities the potential for receptors to be affected will depend on where within the application site the noisy activity takes place, the nature of the activity and controls and meteorological conditions.
- 2.150 Additional noise would also likely result from road traffic arising from the proposed development and the use of car parking areas within the site. This would not, however, be considered to give rise to a noise impact at properties in closest proximity to the site which would have a detrimental impact on residential amenity. Impacts on noise as a result of development-generated traffic were not considered to be significant.
- 2.151 The proposed uses would be largely within the B1 use class and would therefore be of a nature not likely to result in unacceptable noise impacts to the residential dwellings immediately adjacent to the site. The other proposed uses would also equally be considered acceptable neighbours to residential uses.
- 2.152 As the application is currently in outline form specific details of any externally mounted plant associated with the commercial establishments, for example refrigeration and ventilation plant, are not available; noise from these would be assessed as phased Reserved Matters applications were submitted and considered.
- 2.153 In addition, the proposed development has the potential to give rise to impacts in respect of overlooking, development being overbearing and causing overshadowing. These matters would be for specific consideration in relation to Reserved Matters applications which would consider scale and layout, where an assessment of specific buildings and their height, depth and siting in relation to existing buildings could be considered.

Contaminated Land

- 2.154 The NPPF (paragraph 121) requires LPA's to ensure that a site is suitable for the proposed use taking account of, amongst other things, ground conditions arising from former activities and uses. Policy ENV11 is, however, clear that land contamination is not in itself a reason to refuse planning permission. Model land contamination conditions are recommended to ensure that any contaminated land at the site is appropriately remediated prior to construction.

Trees

- 2.155 Policy DM25 requires that development proposals be designed to seek to conserve and enhance existing trees and woodlands. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development

outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.

- 2.156 The arboricultural impact assessment report submitted with the application provides details of existing trees at and bordering the site, assessed during a survey undertaken in May 2016. This report notes that the lack of recent management has led to the development of natural vegetation cover across parts of the site in the absence of any formal management and that this includes dense groups of trees in developing scrub with limited amenity value as individuals. Only 1 tree was assessed as being of high quality, namely an oak, reference T5 sited to the northern bank of the Noblesgreen Brook just outside the application site boundary; this and another group of trees, to the north eastern corner of the site would be protected by fencing during construction; aside from this, all trees within the application site would be removed to facilitate the proposed development. Given the relatively limited amenity value of the existing trees at the site and the opportunity for new tree planting which would in the longer term, secure trees of high amenity value across the site, it is considered that the initial tree loss could be affectively mitigated. Conditions are recommended to secure tree protection and new tree planting.

Proximity to Major Hazard Site

- 2.157 The site falls within the consultation zone of the Major Hazard Site at Cherry Orchard Brickworks which relates to a historic consent for the storage of LPG gas at the brickworks. Whilst the brickworks use ceased many years ago, the Health and Safety Executive has been consulted on the proposal and requires the formal revocation of the Hazardous Substance Consent before any uses at the site could first operate. A condition is recommended to this effect. The Council, as Hazardous Substance Authority, is in the process of investigating the procedure for revocation of the Hazardous Substance Consent to enable the development, if approved, to be fully implemented without delay.

Other Considerations

- 2.158 As the application site relates to only part of Area 1 which is allocated for the creation of a new business park, consideration must be given to whether, as a consequence of the proposal not seeking consent for comprehensive development of the whole allocation, this would represent piecemeal development that would undermine relevant policy objectives. A section of the Area 1 allocation is within different ownership and a separate application is therefore likely to come forward in respect of this.
- 2.159 There is no concern that the proposed development would prevent the optimal development potential of the wider site allocation. The proposal would not prevent vehicular access to the remaining wider site as there is clearly potential for the wider site to be accessed from the south, from the link road within the adjoining business park site, granted outline planning permission

under 15/00781/OUT and from within the site subject to this application; these possibilities are shown on the illustrative master plan. A condition is recommended to require the highway within the site; however, this may be laid out at the Reserved Matters stage, to extend up to the eastern boundary of the site to facilitate a secondary access to the remainder of the allocation. There is also no concern that the proposed development would give rise to issues relating to design and layout of the remaining part of the allocation as relevant development management policies would be applied.

- 2.160 There is also no concern that the proposed development, relating to only a small portion of the wider site allocation, would compromise the aims of relevant development management policies relating to surface water drainage.

3 CONCLUSION

- 3.1 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.2 The proposed mix of uses would accord with the vision set out for this new business park within the JAAP. The development would amount to sustainable development which would accord with the development plan offering employment growth alongside sustainability benefits including contribution towards the delivery of a new bus service and footpath enhancements.
- 3.3 Layout, appearance, scale and landscaping are matters for detailed consideration and determination at a later date, but the submitted design code indicates how well designed buildings and spaces could be achieved meeting a high standard of design and layout.
- 3.4 The applicant has agreed to the heads of terms of the s106 as set out below.

4 RECOMMENDATION

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

That the application be approved, subject to a Section 106 Legal Agreement with the following Heads of Terms and subject to the following conditions:-

Section 106 Heads of Terms

- Financial Contribution of £200,000 to Essex County Council towards bus service and infrastructure enhancements to provide improved sustainable transport to the site.

Reason: To accord with policy T4 of the JAAP.

- Requirement for Travel Plan and financial contribution of £3000 to Essex County Council for Travel Plan Monitoring.

Reason: To accord with policy T3 of the JAAP.

- Financial contribution of £18,500 to Rochford District Council towards the delivery of footpath/cycleway enhancements within the vicinity of the development.

Reason: To accord with policy T5 of the JAAP.

Conditions

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

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

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

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.

- (3) The development to which this permission relates shall be commenced not later than the expiration of two years from the approval of the first reserved matter and the remainder of the development shall be begun not later than:-
 - (i) the expiration of three years from the date of the grant of outline planning permission, or

- (ii) within two years of the approval of the Reserved Matters for the phase or, in the case of approval on different dates, the final approval of the last Reserved Matters to be approved.

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

- (4) The development hereby approved shall be constructed in strict accordance with the approved plans; site access points (drawing No: 105) date stamped 26 January 2018, location plan (drawing No: 103) date stamped 25 August 2017 and site plan (drawing No: 103) date stamped 25 August 2017.

REASON: In the interests of clarity.

- (5) The gross internal floor space of the following uses hereby approved at the site shall be limited to maximums as follows:-

- A3 – Café/Restaurant 260m²
- D1 – Nursery 550m²
- D2 - Gymnasium 400m²

The A3 and D2 uses shall be incorporated within a larger building for B1 use such that the A3 and D2 uses are ancillary to the main B1 use of the site rather than stand alone uses.

REASON: To ensure that the development accords with the vision of the JAAP and policy E3.

- (6) No development shall commence (in any phase with a phase equating to a Reserved Matters application), excluding ground works before plans and particulars showing precise details of 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. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which 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 (to include new planting suitable for linnet nesting including low growing native species such as blackthorn, hawthorn, gorse and bramble and to include new tree planting to compensate for the loss of trees resulting from development at the site);

- 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; and
- car parking layouts and other vehicular access and circulation areas

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development (as it relates to development within the phase), or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity, biodiversity and to accord with policy DM25 to compensate for loss of trees arising from the development and policy DM27 to compensate for the loss of habitat for nesting linnets.

- (7) Prior to commencement of any work on site, including ground works, tree protection fencing shall be installed in accordance with details as set out in the Arboricultural Impact Assessment dated 4 September 2017 reference P2665.3.1.A and the development shall be carried out in accordance with the method statements in this report unless alternative details are otherwise agreed in writing by the Local Planning Authority in which case fencing and methods shall be installed/complied with in accordance with the amended details. Fencing as agreed shall remain in place throughout the construction period or until the Local Planning Authority has advised in writing that it can be removed in advance of completion.

REASON: To ensure the protection of trees of high amenity value, to be retained and not adversely affected by construction in the interests of visual amenity and to accord with policy DM25. Prior to commencement justification: As construction works, including ground works, have the potential to damage root protection areas to the affected trees.

- (8) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:-
- a. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
 - b. The results of a site investigation based on (a) and a detailed risk assessment, including a revised CSM.
 - c. Based on the risk assessment in (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
 - d. No occupation/use of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (c) has been submitted to and agreed in writing by the Local Planning Authority. The long term monitoring and maintenance plan in (c) shall be updated and be implemented as approved.

REASON: To ensure that risks from land contamination associated with current and previous land uses to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to the health of future users of the land, workers, neighbours and other off site receptors and the natural environment or general amenity in line with the National Planning Policy Framework (NPPF) and policy ENV11 of the Core Strategy.

- (9) 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with

the National Planning Policy Framework (NPPF) and policy ENV11 of the Core Strategy.

- (10) Clearance of vegetation including grass, scrub, trees shall take place between September and February (inclusive) unless the Local Planning Authority agrees in writing to focused clearance outside these times in which case evidence and details of proposed clearance shall be submitted to and agreed in writing by the Local Planning Authority. Evidence shall include a report by a suitably qualified ecologist to demonstrate that proposed clearance areas have been checked for nesting birds and that no active nests are present. Clearance, if agreed outside the times above, shall take place strictly in accordance with details as agreed.

REASON: To avoid disturbance to breeding birds to ensure their protection during this time and to accord with policy DM27.

- (11) Prior to the first occupation of each building at the site, nest boxes shall be installed on the building in accordance details that shall have been submitted to and agreed in writing by the Local Planning Authority. Boxes as agreed shall remain in perpetuity. Details shall include:-

- Schwegler (or similar woodcrete) bird boxes (house sparrow terraces and multi-chambered swift boxes) and;
- Proposed siting of the boxes on an elevation plan – showing the boxes facing away from the prevailing wind/rain (between north and south east) and placing of house sparrow terraces at least 2m above ground level in areas where shrubs and / or climbers provide cover within 10m of the box and placing of swift boxes at least 5m above ground level at locations with an open aspect where birds have a clear flight line directly up to the box entrance.

REASON: To mitigate the loss of breeding bird habitat at the site as a result of the development approved to accord with policy DM27.

- (12) No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. The archaeological work will comprise full recording of the brickworks and assessment to determine if archaeological features survive beneath the brickworks or elsewhere on the site. This may be followed by excavation, if archaeological features are found. All field work should be conducted by a professional recognised contractor in accordance with a brief issued by this office.

REASON: To ensure that the below ground heritage asset is suitably investigated and recorded to accord with policies E1 and ENV1.

- (13) Prior to the commencement of the development, excluding ground clearance works, details of how the development (at the site as a whole or in individual phases equating to a Reserved Matters application) will utilise rain water harvesting and water recycling systems, as well as other environmentally sustainable features such as green roofs/walls, unless details are provided to demonstrate that this is not feasible or not viable, shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented prior to first beneficial use of the development (to which the system relates) hereby approved.

REASON: To accord with policy ENV7 of the JAAP in the interests of environmental sustainability.

- (14) Prior to the commencement of the development, excluding ground clearance works, details of how the development (at the site as a whole or in individual phases equating to a Reserved Matters application) will achieve a BREEAM rating of excellent, unless details are provided to demonstrate that this is not feasible or not viable, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details as agreed.

REASON: To accord with policy ENV7 of the JAAP in the interests of environmental sustainability.

- (15) Prior to the commencement of the development, excluding ground clearance works, details of how the development (at the site as a whole or in individual phases equating to a Reserved Matters application) will secure at least 10 per cent of their energy from decentralised and renewable or low carbon sources - unless this is demonstrated to be not feasible or not viable - shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented prior to first beneficial use of the development (to which the agreed provision relates).

REASON: To accord with policy ENV8 of the JAAP in the interests of environmental sustainability.

- (16) Prior to commencement of the development hereby approved (at the site as a whole or in individual phases equating to Reserved Matters applications) excluding ground works, details shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate how the development is appropriately flood resilient and resistant, including

safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning.

REASON: To accord with the requirement of paragraph 103 of the NPPF.

- (17) No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:-
- Limiting discharge rates to no higher than 13.75l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The agreed scheme shall subsequently be implemented prior to first occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rain fall events and may lead to increased flood risk and pollution hazard from the site.

- (18) No works shall take place until a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- (19) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- (20) Prior to commencement of development within each phase (excluding ground works) (a phase equating to a Reserved Matters application area), details shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate that the development within the phase would be appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning. The development shall be constructed in accordance with the agreed details.

REASON: To ensure that the development remains safe from risk of flooding to accord with the requirements of national planning policy relating to flood risk.

- (21) The development hereby approved shall not be occupied until the hazardous substances consent for the storage of LPG at the former Hanson Brick Ltd site at Cherry Orchard Way, Rochford has been revoked in its entirety under the provisions of the Planning (Hazardous Substances) Act 1990, and written confirmation of the necessary revocation has been issued by the Hazardous Substances Authority.

REASON: In the interests of health and safety and in response to concern by the Health and Safety Executive.

- (22) No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

(23) There shall be no discharge of surface water onto the highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

(24) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. If the development is phased the requirement for a Construction Method Statement shall apply equally to each phase. The Statement shall provide for:-

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

REASON: To ensure that on street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. Prior to commencement justification: Construction traffic associated with ground works at the site also needs to be managed.

(25) Prior to first beneficial use of the development (save for any part of the site whereby access to vehicular parking is agreed directly off Cherry Orchard Lane via a new access) and notwithstanding the details as shown on approved plan drawing No. 105 date stamped 26 January 2018, the existing access from the west of the site onto Cherry Orchard Lane as shown on drawing No. 105 date stamped 26 January 2018 shall be stopped up and closed off permanently to all vehicular traffic to the satisfaction of the Local Planning Authority in consultation with the Highway Authority in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority and be provided entirely at the developer's expense. The site, save for any part of the site whereby access to vehicular parking is agreed directly off Cherry Orchard Lane, shall be accessed solely from the south via the airport business park road network.

REASON: To make adequate provision within the highway for the additional vehicular traffic generated within the highway as a result of the proposed development.

- (26) The site layout shall ensure that the adopted vehicular highway within the site shall extend right up to the eastern boundary of the site to enable vehicular access to the eastern portion of the remaining part of the Area 2 allocation within the Joint Area Action Plan (2014) from within the site hereby granted planning permission.

REASON: To ensure that comprehensive development of the Area 2 allocation as a whole can be developed as set out in the JAAP (2014).

- (27) Details of how the requirements of the Design Code have been taken into account in the design of the Reserved Matters applications shall be submitted with each Reserved Matters application.

REASON: To ensure a degree of consistency in design across the business park in the interests of visual amenity in accordance with policy E1 of the Rochford District Council and Southend-On-Sea Borough Council London Southend Airport and Environs Joint Area Action Plan adopted December 2014.

- (28) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (GPDO) as amended, none of the premises as built shall benefit from provisions within the GPDO which allow for a change of use.

REASON: In order to ensure the development is retained for specialised and high density employment purposes and to accord with the JAAP (2014).

- (29) The site layout shall incorporate a main road designed and constructed in accordance with the principles as set out in the Design Code (page 15) including the provision of street trees in a planted buffer, footpath and grass verges. Precise details of the hard and soft landscaping including spacing of trees, species and girth shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of construction in connection with the road.

The soft landscaping, including tree planting as agreed, shall be planted in the first planting season following completion of the section of highway to which the planting is directly adjacent.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping agreed shall be completed prior to completion of the adjacent highway.

REASON: To ensure a degree of consistency in design across the business park area allocations to reflect the treatment of the main spine road within the

area 2 and 3 allocations in the interests of visual amenity and securing a high standard of design and appearance in accordance with policy T1 of the Rochford District Council and Southend-On-Sea Borough Council London Southend Airport and Environs Joint Area Action Plan adopted December 2014.

- (30) Open green space of a minimum area as shown on the indicative site layout plan reference 104d shall be provided including all hard and soft landscaping and including but not limited to tree planting, footpaths and street furniture in accordance with Reserved Matters details as approved alongside construction of the main spine road through the site extending off the site access to the south and completed prior to first occupation at the site, save for the development of that part of the site which can be accessed from the western site boundary.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

The open green space shall be maintained in perpetuity in accordance with the agreed details.

REASON: In the interests of visual amenity and providing a high quality development to accord with the requirements of policy DM1 and policy CP1.



Matthew Thomas

Assistant Director, Planning and Regeneration Services

Relevant Development Plan Policies and Proposals

Policies CP1, ENV1, ENV8, ENV10, T1, T3, T5, ED1 and ED2 of the Rochford District Core Strategy (2011).

Policies E1, LS1, LS2, LS3, TF1, T3, T5, T7 and ENV7 London Southend Airport and Environs – Joint Area Action Plan (2014)

National Planning Policy Framework (NPPF)

Policies DM1, DM30 and DM31 of the Development Management Document (2014).

Allocations Plan (2014)

National Planning Practice Guidance

Natural England – Standing Advice

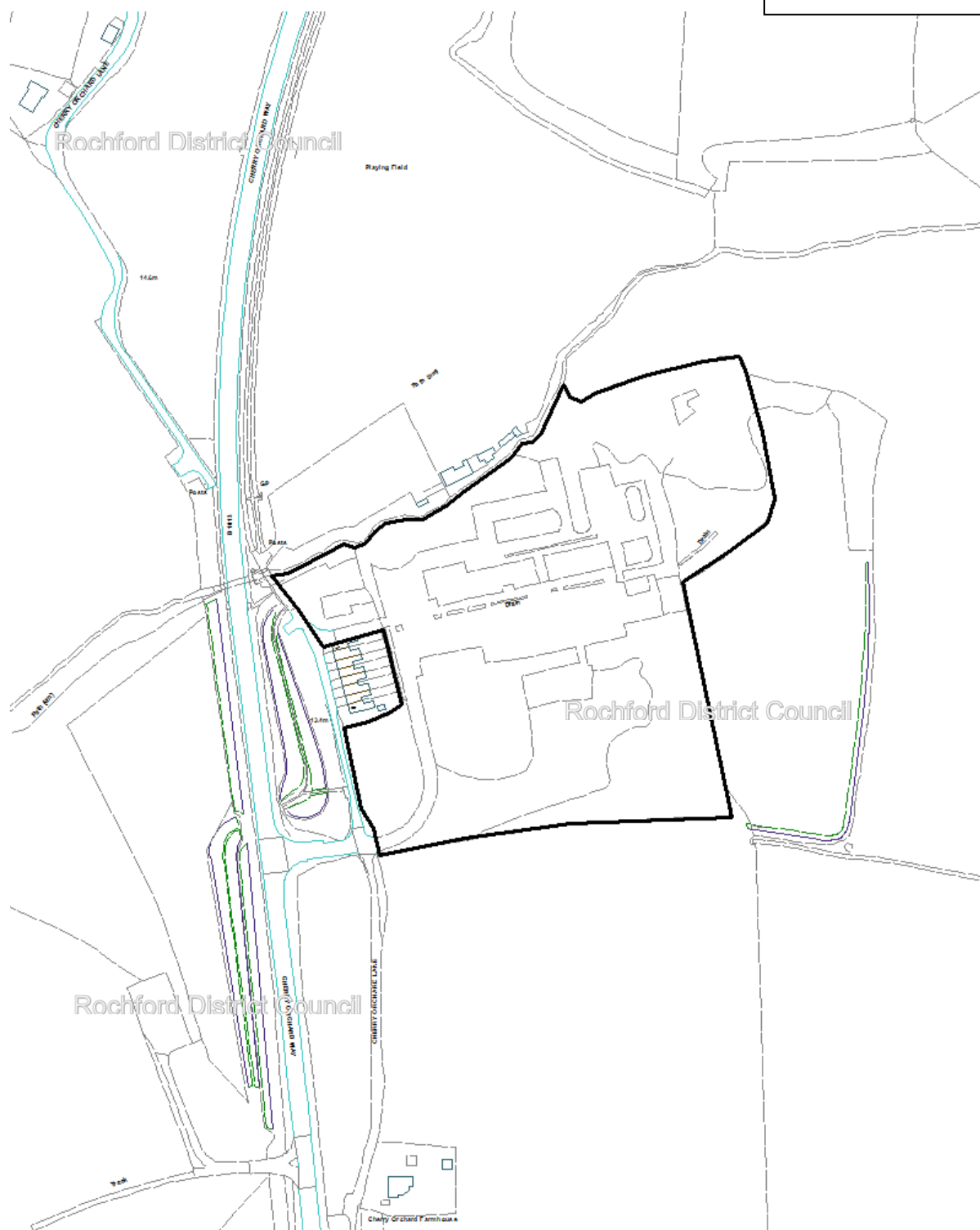
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