

TOWN AND COUNTRY PLANNING ACT 1990

Appeal pursuant to Section 78

ROCHFORD DISTRICT COUNCIL

STATEMENT OF CASE OF THE LOCAL PLANNING AUTHORITY

Appeal by David Wilson Homes against the decision of Rochford District Council to refuse outline planning permission for:

Development of up to 330 dwellings, associated infrastructure, new vehicular accesses onto Rectory Road, new on-site accesses and road network, cycleway and footpath network, public open spaces, landscaping, health facilities and local amenities.

Land between Main Road and Rectory Road and Clements Hall Way, Hawkwell.

Planning Application Reference No. 09 / 00529 / OUT

Planning Inspectorate Reference: AAP / B1550 / A / 09 /2118700 / NWF

This is the Statement of Case of Rochford District Council, as local planning authority (“LPA”), made in respect of the appeal by David Wilson Homes (“the Appellant”) against the decision to refuse outline planning permission in respect of application ref. 09/00529/OUT (“the Application”).

Five reasons for refusal were given by the LPA. These have been set out in the decision notice issued. Reasons 1-4 are as follows:

1) The proposed development of up to 330 residential dwellings and associated infrastructure would not accord with the adopted development plan – the Rochford District Replacement Local Plan (2006) – and would also not accord with the emerging Core Strategy submission which is currently at an advanced stage with submission to the government scheduled to occur before the end of 2009. There are no material planning considerations which indicate that this proposal should be determined favourably and not in accordance with the adopted development plan.

2) The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. Within the Green Belt as defined in Planning Policy Guidance Note 2: Green Belts, planning permission will not be given for inappropriate development, except in very special circumstances. The proposal by way of the excessive number of dwellings over and above that advocated in the emerging Rochford Core Strategy would result in inappropriate development leading to the unnecessary urbanisation and over development of the site to the detriment of the open character and appearance of the location.

3) Notwithstanding the indicative nature of the submitted layout the development would result in an overall form of development uncharacteristic and poorly related to the surrounding development pattern. The lack of integration by design and lack of sensitivity to the semi rural character of the site locality would fail to become part of the greater area of which it would adjoin to the detriment of the visual appearance and local distinctiveness of the area.

4) The proposal by way of the introduction of three storey built form in prominent positions in the locality would provide a sharp contrast to the notable single storey character of the Rectory Road and Thorpe Road areas that would, if allowed, prove over-dominant and ill-fitting alongside established dwellings, failing to respect local distinctiveness to the detriment of the character and appearance of the site locality.

The fifth reason for refusal advanced by the LPA concerns the issue of highway traffic management. It is noted that the Grounds of Appeal advanced on behalf of the Appellant (paragraph 10) indicates the preliminary view that it may be possible to impose a planning condition requiring the submission of traffic management details in order to overcome the original planning objection. Thus far the Appellant has not approached the LPA to outline its intended traffic management details. Nevertheless, the LPA is of the view

that it may be possible to overcome the concern identified by reason for refusal 5 by the imposition of condition.

As such, the LPA will invite the Inspector to consider as appropriate, the imposition of a condition which requires the submission of a scheme of traffic management restricting the part of Thorpe Road needed to be made-up in order to serve the western part of the proposed development.

The Appellant is invited to consider the LPA's intended proposition at the earliest opportunity. In accordance with the LPA's intended invitation, the fifth reason for refusal will not be pursued in evidence.

1.0 The Appeal Site

1.1 This Application concerns a site generally to the north of Rectory Road, west of Clements Hall Way, and over part of the unmade section of Thorpe Road - which is included within the site and which continues towards the rear of frontage development to Main Road, behind the made up section of Thorpe Road ("the Site"). The Site is irregular in shape and divided into various parcels of land.

1.2 To the larger eastern part of the Site exists a tree nursery and open land which is in use for grazing. The central part of the Site is the subject of a woodland Tree Preservation Order: TPO / 00021 / 07 and contains Hawthorn, Field Maple, Ash and Oak.

1.3 This part of the Site also includes a detached dwelling, No. 352 Rectory Road, which is set in large grounds which extend the depth of the Site.

1.4 To the central and western part of the Site exists "Keyes" horticultural nursery, formerly known as "Twinoaks Nursery". This nursery comprises various buildings and glass houses with open areas of the Site.

1.5 Further north, the Site wraps around existing frontage development to the made-up section of Thorpe Road. Here, it provides a frontage onto the junction made with Thorpe Close. Included within the Site is the existing dwelling No.31 Thorpe Road.

1.6 To the western side of Thorpe Road, the Site includes open land with scrub but also a tennis court and a group of buildings in use for business/industrial purposes.

1.7 The Site is adjoined to Clements Hall Leisure Centre and Spencer's Park in the north, with residential development fronting Clements Hall Way to the east. The Site is to the south of open land and sporadic frontage development which fronts Rectory Road. The south western edge of the Site is adjoined by residential development located in the Hall Road Rural Settlement Area. The western limits of the Site are contained by similar frontage development to Main Road and the rear edge of residential development which fronts the made-up section of Thorpe Road.

1.8 Spencers Park public open space is located to the north of the Site.

2.0 Planning History

2.1 A number of applications have been determined with respect to various parts of the Site, for stables, domestic and other development.

2.2 Planning Permission was refused on 27 February 1987 under application reference ROC/435/86 for an outline application for part of the current application site and to erect 41 detached houses and garages. Permission was refused for Green Belt reasons.

2.3. An outline application for residential development of one, two and three bedroom starter homes was refused permission on 19 January 1989 under application ref. ROC/954/88 for Green Belt, inadequate layout and parking reasons.

2.4. To the immediate east of the site planning permission was granted on 9 October 1984 for Rochford District Council to demolish an existing bungalow and construct a new road to provide access to Clements Hall Sports Centre - which is now Clements Hall Way.

2.5. None of these previous applications have an appeal history. The Site has not been the subject of previous applications for comprehensive residential development.

3.0. Statutory Development Plan and Planning Policy

Statutory Development Plan

3.1 Regional planning guidance is provided under RSS14: Regional Spatial Strategy for the East of England (May 2008).

3.2 The Rochford District Replacement Local Plan (RDRLP) was formally adopted on 16 June 2006. In conjunction with the Essex and Southend-on-Sea Replacement Structure Plan (ESSRSP) and RSS14, this forms the "Development Plan" for the administrative area.

3.3 The Secretary of State made a direction to 'save' only a limited number of policies within the ESSRSP, none of which are relevant to the determination of this appeal. All other policies within the Structure Plan expired on 27th September 2007.

3.4 Various policies under the RDRLP have been saved by Direction dated 5 June 2009 issued by the Secretary of State, pursuant to paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

3.5 The Site is located within an area of Metropolitan Green Belt as defined in the RDRLP.

3.6. The following policies of the RDRLP are considered most relevant:

1. CS1 (and preamble) – Moving Towards Sustainable Developments;
2. Policy CS2 (and preamble) – Protecting and Enhancing the Built and Natural Environment;
3. Policy CS6 (and preamble) – Promoting Good Design and Design Statements;
4. Policy CS8 (and preamble) – Retaining Character of Place;
5. Policy HP4 (and preamble) – Design Statements;
6. Policy HP6 (and preamble) – Design and Layout (which includes LPSPD2 Housing Design and Layout; LPSPD7 Design, Landscaping & Access Statements)

3.7. In the determination of this appeal the Essex Design Guide (November 2005) and the Essex Design Guide Urban Place Supplement (March 2007) are both of relevance. These documents have been adopted by the LPA as Supplementary Planning Guidance but have not been adopted as Supplementary Planning Documents.

Emerging Core Strategy

3.8. The LPA's emerging Core Strategy ("CS") is at an advanced stage of preparation, having already been submitted. Development of the CS has evolved through a series of stages, namely: Issues and Options; Preferred Options; Revised Preferred Options and Submission. Each stage has incorporated due consultation and appraisal of the options advanced at the preceding stage.

3.10 The Preferred Options document was published for consultation in May 2007. This suggested that 90% of the District's housing allocation should be directed to the District's top tier settlement - with 400 dwellings for the Hockley/Hawkwell area. A more specific location was however not identified and no proportion of this figure has been identified as being appropriate in the Green Belt.

3.11 Following consultation and appraisal of the CS Preferred Options, the LPA proposed a revised Preferred Options, published in October 2008. This set out the LPA's preferred (as well as alternative) options for development. The CS Revised Preferred Options proposed the residential envelope be extended in South Hawkwell in a phased manner to accommodate 100 dwellings by 2015, 100 by 2021, and 130 dwellings between 2021 and 2025.

3.12 Both the consultation and appraisal identified concerns over the accommodation of dwellings on greenfield land and as regards the amount of Green Belt land required to be used for accommodating residential development.

3.13 The CS Submission Document – the iteration of the CS which has been submitted to the Government for examination – was published for pre-submission consultation in September 2009. This enhanced previous iterations of the CS, together with new evidence, to develop CS policies. The Strategic Housing Land Availability Assessment (2009) (SHLAA) was particularly pertinent to this version of the CS since it evaluated that more dwellings were deliverable outside of the Green Belt than had previously been identified.

3.14 Accordingly, the number of dwellings proposed to be accommodated within the Green Belt was reduced. As such, the CS now submitted to the Government includes a policy which allows for the extension of the residential envelope of South Hawkwell to accommodate 175 dwellings by 2015, with no further release of Green Belt land in this area for housing for the remainder of the plan period.

4.0 The case for the LPA

Reason for refusal 1:

4.1.1 The Site is allocated Green Belt in the RDRLP. The Site is not allocated for residential development as is defined under policies HP1 and HP2 of the RDRLP.

4.1.2 The emerging CS anticipates, in principle, Green Belt review. The establishment of detailed allocations and boundaries will follow through the Development Plan Documents process.

4.1.3 The CS acknowledges the LPA's outstanding concern as to the impact of "town cramming" on the attractiveness and character of existing residential areas within the District and that as a consequence, the development of new housing on previously developed land has become unrealistic.

4.1.4 In order to meet the requirement of a rolling 5 year housing land supply, it is acknowledged that Green Belt sites will need to be released. Presently however there are many such Green Belt sites.

4.1.5 The Appellant's proposal is however contrary to the emerging planned position for the development of a site which is yet to be allocated for the South Hawkwell area.

4.1.6 The proposed development is by definition, inappropriate, in Green Belt terms and for the purposes of the RCRLP. Such appears to be accepted by the Appellant. The Appellant has however failed to demonstrate very special

circumstances, or such which are capable of overcoming the harm which would be caused to the Green Belt by reason of inappropriateness, and by further harm, and in all the circumstances of the development proposed.

4.1.7 Development of the Site in accordance with the proposal would offend the strategy to develop a site in South Hawkwell in a planned way so as to achieve delivery of new infrastructure and services to accompany residential development for South Hawkwell (see: 'New infrastructure and services to accompany residential development' at Appendix H1, page 52 of the CS submission 2009; and Policy T2 (Highways improvements) at page 104 of the CS submission 2009, and standard charges to be established as set out under Policy CLT1 and Appendix CLT 1 to the CS Submission 2009).

4.2 Reason for refusal 2:

4.2.1 The Site is located within an area allocated Green Belt in the RDRLP.

4.2.2 In addition, policy GB1 of the LPA's CS illustrates that the LPA will allocate the minimum land in the Green Belt in order to meet allocations.

4.2.3 The number of dwellings proposed by the Appellant exceeds, and significantly so (by some 155 dwellings), the residential development contemplated under the CS policy allowance for the extension of the residential envelope of South Hawkwell. Further to the purposely specific extension contemplated as acceptable in policy terms, and in accordance with the fundamental aim of policy GB1, no further release of GB land for housing in this area – other than specifically that which is required to enable the development of the 175 dwellings – is proposed for the remainder of the plan period.

4.2.4 In accordance with advice contained in PPG 2: Green belts, the development of the Site for housing is inappropriate development by definition. The Appellant has however failed to demonstrate very special circumstances, or such which are capable of overcoming the harm which would be caused to the Green Belt by reason of inappropriateness, and by further harm, and in all the circumstances of the development proposed.

4.2.5 Further harm (other than that brought about by reason of the inappropriateness of the proposed development) would be caused, not least by the resultant over development of the site to the detriment of the open character and appearance of the location.

4.2.6 In particular, the Site holds no particular provenance as a potential site to accommodate housing. The Site is neither unique nor special in this respect.

4.2.7 Similarly, the need to demonstrate sustainability credentials is not unique to the Site. Such credentials would comprise necessary requirements of any large scale development proposal. Such are incapable of forming, or forming part of the case for very special circumstances. Nevertheless, even

were some weight capable of being attached to such credentials, the weight should be extremely modest.

4.2.8 The SHLAA presents an assessment of the available land for housing development within the District. This identifies that there is presently a 5 year housing supply of deliverable sites within the district where Green Belt site development takes place. The SHLAA identifies that there are deliverable sites within the Green Belt 'general locations' as set out in emerging CS. The general locations include South Hawkwell. However, the SHLAA indicates that 175 dwellings only are required to be accommodated in this Green Belt location so as to secure an adequate level of housing provision.

4.2.9 In so far as the Appellant's planning application has questioned the deliverability of housing provision in Hockley Town Centre within 5 years, the SHLAA explains that residential development within Hockley town centre is not likely to be delivered within that period, and as such, is excluded from the relevant 5 year supply calculations. A perfectly valid 5 year housing land supply is deliverable without the inclusion of the Hockley Town Centre area. Similar criticism of the LPA's calculation of a deliverable 5 year housing land supply is unfounded.

4.2.10 In any event, such criticisms are incapable of establishing the case for very special circumstances in light of the extensive harm which would be caused in Green Belt terms by reason of the development proposed.

4.2.11 The LPA is able to demonstrate a deliverable five year housing land supply. Such is evident from the SHLAA.

4.2.12 With regard to affordable housing provision, since national planning policy requires all new residential developments of 15 units or more to provide a minimum level of affordable housing provision, the fact that the Appellant proposes to include affordable housing is incapable of amounting to a very special circumstance. This factor is not very special in character. Rather, this factor reflects an implicit, ordinary requirement in planning policy terms for such a residential scheme to be acceptable.

4.2.13 As part of any proposed Section 106 Agreement, it is anticipated that the Appellant shall propose all or some of the following:

1. Provision of affordable housing - type and mix to be agreed;
2. Education contributions;
3. Provision of on site health facility and space for pharmacy and or shop unit;
4. Contributions towards highway infrastructure and/or bus enhancement (although these may be addressed alternatively by an agreement under section 278 of the Highways Act with the county highway authority);
5. Obligations relating to transfer of public open space to either local authority or an estate management company;
6. Contributions towards off site playing pitch provision and locally

- equipped areas for play;
- 7. Obligations to require an ecological and landscape management plan
- 8. A contributions regime towards maintenance of open space and other facilities that may be transferred to the local authority;
- 9. Phasing of housing delivery.

4.2.14 The matters above are typically proposed as part of a residential scheme of this type. Furthermore, no reliance could or should be placed on contributions to be made towards infrastructure which is brought about by the development proposed in the first instance. Nevertheless, such contributions lack any or any sufficiently special character in sum.

4.2.15 As such, the Appellant has not begun to answer the case for demonstrating very special circumstances. This is not least so with regard to the extent of the harm which would be caused to the Green Belt by virtue of the proposed development.

4.3.0 Reason for refusal 3:

4.3.1 The outline proposal is for up to 330 dwellings and community uses. The LPA therefore need to be satisfied that it would be acceptable for the Site to accommodate to up 330 dwellings and community uses.

4.3.2 National planning policy PPS3 requires a minimum residential density of 30 dwellings per hectare to be achieved, if no local densities are specified, regardless of site location. There are no local densities specified under local planning policy. The Council have considered national policy guidance as establishing a starting point for considering whether the Site should accommodate the number of dwellings proposed.

4.3.3 If the whole of the developable part of the application site that is proposed for residential development (11.1 ha) is used to calculate the number of dwellings that the site could accommodate in order to achieve a density of 30 dwellings per hectare, then 333 dwellings could be provided (11.1 ha x 30 dwellings per hectare = 333 dwellings).

4.3.4 The applicants calculate the density of the development as proposed in relation to the whole site (11.1ha) to equate to 29.7 dph. The layout of the site envisages a range of densities with the Parkside area to the eastern part of the Site having a medium density frontage to Rectory Road of 30 – 40 dph including dwellings of 2.5 storeys up to 11.5m in height. This form is repeated to front the main circulation road within the development and to the same density. However, where the form is repeated to the north eastern part of the site frontage onto Clements Hall Way the density reduces to a density of between 20 – 30 dph, divided by the wildlife corridors and tree belts which feature to the place shaping of this part of the development proposed.

4.3.5 When taking the maximum number of dwellings across the net developable area shown the development would achieve overall a net density of 44dph (330units / 7.5ha)

4.3.6 The village area to the western part of the Site and centred on the alignment of Thorpe road is proposed a mixture of high density (40 -50 dph) and medium density (30 - 40 dph). This comprises a mixture of two, two and a half and three storey form ranging between 9.5m to 13m in height.

4.3.7 The development envisages the provision of landmark buildings up to 16m in height at the junction of Clements Hall Way, at the main access point from Rectory Road and at two other key points within the site fronting open spaces. The LPA however considers that height is not essential to providing a landmark. The requirement for a landmark feature can be achieved in different ways.

4.3.8 The reliance by the Appellant on the height of buildings and extent of site coverage in order to achieve certain densities either required or desired, would however result in an uncharacteristic development which is ill-fitting and poorly related to the Site's surroundings.

4.3.9 Whilst there is currently no adopted local planning policy that specifically stipulates an appropriate or anticipated residential density in a location such as the Site, Policy ENV7 of the East of England Plan states that housing development should achieve the highest possible net density appropriate to the character of the locality and public transport accessibility.

4.3.10 In addition, the LPA's emerging CS proposes to introduce a local residential density requirement of 30-50 dwellings per hectare with up to 75 dwellings per hectare in town centre locations. This provides an indication that 30-50 dwellings per hectare (and therefore 40 dwellings per hectare at the Site) would be acceptable.

4.3.11. The Site comprises a mixture of varied house types, not exceeding two storeys. A strong presence of bungalows or former bungalow conversions in the northern made-up section of Thorpe Road and Rectory Road is also present more generally. The Council expects the development of the Site to be of a high standard, disclosing appropriate scale and form which is sympathetic to, albeit not necessarily repeating existing styles and designs, in order to be acceptable.

4.3.12. The resultant development pattern and form as evident from the outline details would prove uncharacteristic within the area and lack any local distinctiveness.

4.3.13 Unsatisfactorily, the development provide a basis to impose house types and designs more indicative of a corporate design rather than evolving from the characteristics of Hawkwell and/or Hockley to achieve a development of true originality.

4.3.14. There is a clear opportunity presented by the Site to raise design aspirations whilst respecting the Essex context. Plainly, a proposal which is

not integrated visually in local distinctiveness and semi-rural character and appearance terms, is unacceptable.

4.3.15. The above takes account of the Appellant's revision to the application particulars as contained in the "addendum" to the DAS. It is noted that the revision affects only some of the building sizes proposed. Corresponding dimensions have not been revised. As such, the Council's concerns have not been overcome.

4.4.0 Reason for refusal 4:

4.4.1 The local characteristics of the Site show varied composition in design but which strongly feature essentially single storey, single storey with roof alterations and two storey domestic scaled buildings. These local buildings vary in age but predominantly post-date 1945 to the north of the Site. Generally, older, more modest dwellings, fronting Rectory Road exist to the east and west of the Site.

4.4.2 The particular domestic scale in the vicinity of the Site helps give this part of the district a distinctive edge of suburban presence whereby the residential development is less well concentrated and adjoined by fields or paddocks and land open in use. In this part of Hawkwell the prevailing form and height, in particular, together with the relative spaciousness between buildings, gives the opportunity to view tree canopies and other landscape features from the street and wider surroundings not so evident in more general residential development to other parts of the district. In many other parts of the district such as Hall Road leading to the west of Rochford and High Road between Rayleigh and Hockley, it is more common to see the provision of larger dwellings set in varied or larger plots increasing in variation of design with distance from the centre of town. In Rectory Road and in the vicinity of the Site the spaciousness is achieved in a different way through the modesty of the dwellings but which are closely sited.

4.4.3 Although in outline form the application is supported by such detail as to indicate the overall proportions of certain buildings and in particular, the landmark and key frontage buildings shown throughout the scheme.

4.4.4 The indicative building height profile drawing at figure 27 to the accompanying design and access statement shows a high proportion of three storey areas up to 13m in height for the western part of the development identified in the application as the "Village". This part of the layout is also to a greater density. The height of these buildings is out of context with that development to the west of the appeal site fronting Thorpe Road, Rectory Road and Thorpe Gardens and the three storey height of the development proposed would greatly contrast in height and dominance to the area adjoining the site.

4.4.5. Whilst the Council is not against some form of three storey development it would however need to be sensitive to the location. Three storey residential development has been successful at a small development at the junction of Ironwell Lane with Ashingdon Road but that site adjoins the railway embankment and three storey elderly persons home alongside as well as being close to the Rochford town centre. Residential development at Ashingdon Heights includes two and a half storey form but in limited numbers within the general dwelling mix. The redevelopment of the Park School site in Rawreth lane Rayleigh similarly mixes three storey and two and a half storey and two storey dwellings but is a location surrounded by residential and commercial allocations and is in a more central suburban setting. These other developed sites are not as locally distinctive as that to which the appeal relates. At issue in this appeal is the distribution of three storey form and its affect upon the character of the appeal site locality.

4.4.6. The applicant has taken into account local characteristics and District Wide characteristics but the design parameters set out in the application appear to ignore local variation in favour of standard commercial house types rather than arriving at the more logical conclusion for the development of this site with predominantly two storey housing of a more individual nature, resting more comfortably in the edge of settlement modesty which characterises the neighbouring surroundings to the appeal site. As a consequence the overall scale and of the buildings proposed would appear ill – fitting and in odd contrast to the neighbouring development to the site such that the development would harm that distinctiveness unacceptably.

5.0 Schedule of Documents

5.1 The LPA may make reference to the following documents;

- Extracts from PPS1 Delivering Sustainable development
- Planning Policy Guidance Note 2 : Green Belts (1995)
- Extracts from PPS3 Housing
- The Essex Design Guide (Essex County Council October 2005)
- The Essex Design Guide Urban Place Supplement (Essex County Council March 2007)
- RSS14 – Regional Spatial Strategy for the East of England (May 2008)
- The emerging Rochford Local Development Framework
- The Rochford District Statement of Place 2008
- The Core Strategy Preferred Options October 2008 (which has undergone public participation in November 2008 and Consultation that ended in December 2008 and which had regard to the results of consultation and public participation on the initial Preferred Options (Regulation 26) draft Core Strategy in June and July 2007)
- Supplementary Planning Document 2 Housing Design (January 2007)
- Supplementary Planning Document 7 Design, Landscaping & Access Statements (January 2007)

- Supplementary Planning Document 3 Playing Pitch Strategy (January 2007)
- The Rochford District Council Strategic Housing Land Availability Assessment (SHLAA) November 2009.
- Hockley Parish Plan (2007) Hockley Parish Plan Group
- Core Strategy Submission Document (September 2009) (Submitted to the Secretary of State January 2010)
- Sustainability Appraisal / Strategic Environmental Assessment of Rochford Core Strategy Submission Document (September 2009)

6.0 Conclusion

Accordingly, the LPA respectfully invites the Inspector appointed to dismiss the appeal.

List of conditions the council would favour should the appeal be allowed;

Without prejudice ;

Submission of Reserved Matters

1) No development of any part of the site shall commence before plans and particulars showing precise details of the siting and layout of that part of the site , the design and external appearance ,including external materials , of the dwellings , details of soft and hard landscaping of that part of the site , details of existing and proposed finished site levels, together with details of the means of enclosure and surface finish to the highways for that part of the site (hereinafter called the “ the reserved matters”) for that part of the site have been submitted to and approved in writing by the Local Planning Authority.

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.

Time limits reserved matters

2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this 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.

Time Limits commencement of the development

3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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.

Tree survey and implications assessment

4) No development shall commence before an accurate measured survey of the site, to a scale of not less than 1:500 showing the position spread, girth condition and species of all existing trees and hedgerows on the site has been submitted to the Local planning Authority concurrently with the submission of Reserved Matters, referred to in conditions 1 and 2 above. Such survey shall include an assessment of the existing trees and the implications of the development upon those trees together with mitigation and means of protection for the duration of construction in accord with British Standard 5837.

REASON: To enable the Local planning Authority to assess the full effect of the development proposed on the existing trees and preserved trees on the site and the ensure the retention and longevity of trees as part of the development in the interests of amenity.

Provision of management of receptor sites

5) Prior to the commencement of the development details of the preparation and provision of receptor sites, to include provision of receptor sites on the site of the development hereby approved , together with details for the translocation of species and the management of receptor sites shall be submitted to The Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.

REASON: In the interests of protected species present on the site and the mitigation of the development .

Landscape Design proposals

6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage communications cables, pipelines etc. indicating lines, manholes, supports etc.) and shall in part mitigate to reflect the current habitat and species losses.

REASON: To enable the Local Planning Authority to secure the future landscaping of the site in the interests of the visual amenity afforded to occupiers of the development from the landscaped areas of the site.

Soft landscape design proposals

7) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and implementation programme.

REASON: To enable the Local Planning Authority to secure the future landscaping of the site in the interests of the visual amenity afforded to occupiers of the development from the landscaped areas of the site.

Landscape works implementation

8) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

REASON: To enable the Local Planning Authority to secure the future landscaping of the site in the interests of the visual amenity afforded to occupiers of the development from the landscaped areas of the site.

Landscape earthworks implementation

9) No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing and retained vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To enable the Local Planning Authority to retain adequate control over such earthworks in the interest of visual amenity.

Landscape management plan

10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To enable the Local Planning Authority to secure the future longevity of the landscaping of the site in the interests of the visual amenity afforded to occupiers of the development from the landscaped areas of the site.

Development on land affected by contamination:

11) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

11) 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,

- ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

11) 2. Submission of Remediation Scheme

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

11) 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

11) 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

11) 6. Validation Certificates

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing , the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in “Submission of Remediation Scheme” above.

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Archaeological trail trenching and possible excavation

12) No development or preliminary groundwork's 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.

REASON: To allow proper investigation and recording of the site which is of archaeological and / or historic significance.

Minimum off street parking provision

13) None of the dwellings hereby permitted shall be occupied before provision has been made within the curtilage of their respective plots for the minimum of 1 car parking space per one bedroomed dwelling or a minimum of 2 car parking spaces per dwelling of two bedrooms or more. Each hardstanding shall be a minimum size of 5.5m x 2.9m except where provided in parallel where such spaces shall be a minimum 6.0m x 2.9m. Each garage shall have a minimum internal depth of 7.0m x internal width of 3.0m.

REASON: To enable the Local Planning Authority to secure satisfactory provision for the parking of vehicles clear of the highway in accord with the Essex County Council Parking Standards Design and Good Practice (September 2009) in the interests of visual amenity and highway safety.

Estate Road junction provision

14) No development requisite for the erection of any dwelling hereby permitted shall commence before the estate road junctions made with Rectory Road as hereby approved, inclusive of cleared land within visibility splays has been laid out and constructed in all respects and made available for use upon occupation of any dwelling.

REASON: To enable the Local Planning Authority to secure an acceptable standard of estate road junction at the outset of the development in the interests of highway safety.

Estate Roads provision prior to occupation

15) Each dwelling before it is first occupied shall be accessed directly from a properly consolidated and surfaced carriageway and footway which connect to the publicly maintainable highway network.

REASON: To enable the Local Planning Authority to secure an acceptable standard of estate road layout to serve the occupiers of the development in the interests of highway safety.

Provision of visibility splays

16) Both proposed vehicle accesses on Rectory Road at its centre line shall be provided with a clear to ground visibility splay with dimensions of 4.5m by 90 metres to the east and 4.5metres by 90 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide inter – visibility between users of the access and the existing public highway in the interest of highway safety to ensure accordance with policy 1.1 of the Highways and Transportation Development Control Policies.

Provision of access

17) The western vehicle access on Rectory Road shall be constructed with an appropriate dropped kerb vehicular crossing of the footway/highway verge at right angles to the existing carriageway. The width of the access at its junction with the highway shall have a 10.5metre radii and 5.5 metres opening width which shall be retained within the site. The details shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in the interest of highway safety to ensure accordance with policy 1.1 of the Highways and Transportation Development Control Policies.

Provision of access

18) The eastern vehicle access on Rectory Road shall be constructed with an appropriate dropped kerb vehicular crossing of the footway/highway verge at right angles to the existing carriageway. The width of the access at its junction with the highway shall have a 10.5metre radii and 4.8 metres opening width which shall be retained within the site. The details shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in the interest of highway safety to ensure accordance with policy 1.1 of the Highways and Transportation Development Control Policies.

Surface dressing

19) No unbound material shall be used in the surface of the access within 10 metres of the highway boundary of the site. Details of the surface dressing of the highways within the site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with policy 1.1 of the Highways and Transportation Development Control Policies.

Design of estate road

20) The estate road layout should in all respects accord with the requirements of the Essex Design guide for residential and mixed use areas. Details of the estate roads and footpaths including layout , levels , gradients , surfacing and means of surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that the roads / footpaths are constructed to an acceptable standard in the interests of highway safety / efficiency in accordance with the highways and Transportation Development Control Policies .

Construction traffic management plan

21) A construction traffic management plan to shall be submitted to and agreed in writing with the local Planning Authority

REASON: In the interests of highway safety, efficiency and accessibility in accordance with the Highways and Transportation Development Control Policies.

Provision of areas within the site / accommodation works

22) Areas within the site for the purpose of loading / unloading, parking of equipment , plant and operatives vehicles and manoeuvring shall be identified for within the site and clear of the root protection areas for trees to be retained and clear of areas for proposed tree planting. Such details including a plan of such areas shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that appropriate loading / unloading and manoeuvring are available clear of the highway in the interest of highway safety to ensure accordance with policy 1.1 of the Highways and Transportation Development Control Policies and to ensure the longevity of existing trees to be retained and the longevity of proposed trees to be provided in the interests of visual amenity.

Provision of car parking etc - design

23) The parking provision for car, cycles and powered two wheelers shall accord with the requirements of the current Essex planning officers Association Vehicle Parking Standards.

REASON: In the interests of highway safety , efficiency and accessibility in accordance with the Highways and Transportation Development Control Policies.

Provision of cycle / motorcycle parking etc - design

24) Details of the number, location and design of cycle parking and powered two wheeler facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be secure , convenient and covered and provided prior to occupation of the dwellings to which they relate.

REASON: To ensure appropriate cycle parking is provide in the interests of highway safety and visual amenity in accordance with policy 7 of the Highways and Transportation Development Control Policies.

Limitation for numbers accessed by Thorpe Road

25) No more than 115 dwellings shall be permitted to access that part of Thorpe Road which links Hall Road to the northwest of the application site.

REASON: In the interests of Highway safety , efficiency and accessibility in accordance with the Highways and Transportation Development Control Policies.

Limited making up of Thorpe Road from north.

26) Notwithstanding the submitted plans the applicants shall make up Thorpe Road from the northern end for a minimum length to facilitate access into the site and to feature a priority access into the site and a minor junction to facilitate continued access to Thorpe Road the remainder of which shall be left in its unmade state for the duration of the implementation of the permission hereby granted. Details of these access arrangements shall be submitted to the Local Planning Authority concurrent with the submission of detailed reserved matters and the development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.

REASON: In order to retain the unmade nature of Thorpe Road for a significant and greater part of its length in order to reduce its attractiveness as an alternative route to by – pass the junction of Rectory Road / Main Road giving rise to increased capacity of that substandard road to the detriment of the free flow of traffic and highway safety.