

Application No :	23/00949/FUL      Zoning : SER4
Case Officer	Mrs Elizabeth Milne
Parish :	Hawkwell Parish Council
Ward :	Hawkwell West
Location :	Land West Of 4 Spruce Drive Hawkwell
Proposal :	Erection of 4 detached dwellings with associated parking, garaging, servicing, open space, landscaping, drainage and utilities. Formation of new vehicular access onto Rectory Road.

## **SITE AND PROPOSAL**

1. The site is located on the northern side of Rectory Road and within the residential site allocation SER4 (South Hawkwell) of the Rochford District Council Allocations Plan (2014). This allocated site has been built out under application 12/00381/FUL; houses constructed under this planning permission border the sites north-eastern and north-western boundaries. The western boundary of the site is bordered by houses on Rectory Road which fall within the green belt designation.
2. The application site is undeveloped and features trees, hedges and other vegetation and is well screened from Rectory Road.
3. The proposal is for four detached dwellings with car barns, and for the formation of a new vehicular access onto Rectory Road to serve three of the proposed dwellings. An existing access to the site would be retained as the access for plot 1. The dwelling proposed to plot 1 would be set back from the road, sited just forward of the existing nearby dwelling to the east. The dwelling to plot 2 would be sited closer to Rectory Road and oriented at 90 degrees to the road. The dwellings to plots 3 and 4 would be set behind the dwellings to plots 2 and 1 respectively.
4. The proposed dwellings would be traditional in design and have ridge heights ranging from 8.45m to 10.95m. Plot 1 would have a ridge height of some 10.2m with an eaves height of some 5.4m. Plot 2 would have a ridge height of some 8.45m and eaves height of some 4.3m. Plot 3 would have a ridge height of some 10.95m with an eaves height of some 5.5m. Plot 4 would have a ridge height of some 10m with an eaves height of some 5.25m. The proposed car barns for plots 1 and 2 would have a ridge height of some 4.8m.
5. Open space is proposed within the site to the north and west of the proposed dwellings which would also accommodate new tree planting.

6. The proposal would retain all existing protected trees and supplement them with new tree planting, as shown in the submitted landscape strategy, and as described in the arboricultural assessment.

## **RELEVANT PLANNING HISTORY**

7. Application No. 13/00709/FUL - Application to vary condition 20 to permission granted on 17 December 2012 under application reference 12/00381/FUL to allow development to be implemented in accordance with revised flood risk assessment. Permission Granted.
8. Application No. 13/00035/FUL- Application to vary condition No. 4 to application No. 12/00381/FUL for development of 176 dwellings approved on 17 December 2012 and (summarised) to vary those plots to which obscure glazing of side windows would otherwise be required in favour of two alternative conditions 4 and 4A. Permission granted on 30 April 2013 subject to alternative variation Condition 4R which adds to existing condition 4, a further 18 No. plots with outward facing side windows that need not be obscure glazed
9. Application No. 12/00381/FUL - Demolish Existing Dwelling And Construct Development Of 176 Houses With Access Off Thorpe Road, Access Off Clements Hall Way, Access For One Plot Off Rectory Road, Road Network, Cycle Way And Footpath Network, Public Open Space, Landscaping And Location Of High Pressure Gas Main. Permission granted 17 December 2012.
10. Application No. 11/00259/FUL - Demolish existing dwelling and construct development of 176 houses with access off Thorpe Road, access off Clements Hall Way and access for one plot off Rectory Road, road network, cycle way and footpath network, public open space, landscaping and location of high pressure gas main. Permission refused on 10 January 2012 but granted on appeal on 26 June 2012.
11. PA/22/00011/PREAPP – Pre-application advice in respect of a proposal for 12 dwellings.
12. PA/23/00005/PREAPP – Follow up pre-application advice for residential development.

## **MATERIAL PLANNING CONSIDERATIONS**

### Principle of Development

13. The proposed development must 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.

14. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
15. The application site falls within Policy SER4 (South Hawkwell) of the Rochford District Council Allocations Plan, which has since been developed under planning permission reference 12/00381/FUL. The concept statement for allocation SER4 identified that:
  - Development of this site should provide 175 dwellings, of which at least 61 should be provided as 'tenure blind' affordable housing units. The site will accommodate no more than 175 dwellings, unless it can be demonstrated that:
    - o The additional number of dwellings are required to maintain a five year-land supply; and
    - o The additional number of dwellings to be provided on the site is required to compensate for a shortfall of dwellings that had been projected to be delivered within the location identified in the adopted Core Strategy.
16. This application seeks to increase the number of dwellings by four compared to the 176 originally approved (net 175) and built out at the wider site under Policy SER4. The total number of dwellings that would result across the wider site if this application were approved would therefore be a maximum of 180 (net 179).
17. The Council has accepted uplifted dwelling numbers at other site allocations (for example within allocation SER3 in Hockley) on the basis that this would make best and most efficient use of land.
18. Providing that the proposed number of dwellings could be accommodated at an appropriate density, all of the necessary infrastructure requirements still be delivered, appropriate parking, amenity space and landscaping all still be delivered, the scheme achieve a high standard of design which would create an attractive high quality place to live, and impacts arising from the increased population of the site be appropriately mitigated, then in principle the delivery of more dwellings on this allocated site would make best use of land and could be accepted regardless of the current need for such additional housing based on maintaining a 5 year housing land supply.
19. At the density proposed of 5 dwellings per hectare, the scheme would still meet policy requirements relating to parking and amenity space provision and could achieve the required high standard of design to create a good quality place for people to live.
20. Notwithstanding the fact that the Council can currently demonstrate a 5-year supply of housing, there are significant advantages to achieving greater capacity on existing allocated sites insofar as it helps to

safeguard the Council's housing supply beyond 5 years and in so doing makes it more probable that the Council can resist inappropriate development elsewhere whilst it progresses with its new Local Plan. Furthermore, a clear requirement of the NPPF is a presumption in favour of sustainable development and the requirement to make efficient use of land and the proposal would meet these aims.

21. In conclusion, the proposal would result in 180 dwellings being delivered in total within the SER4 allocation (four more than the original application 12/00381/FUL allowed) and this would not be objectionable.

Infrastructure Provision – relating to Policy SER4

22. Even though the large scale residential development within the SER4 allocation of which this site is a part was completed some time ago, as the site relates to land within this allocation, some of the principles and requirement of Policy SER4 remain applicable.
23. ECC Highways, ECC Infrastructure and Planning (education) and the RDC Environment team have been consulted and asked to confirm whether a financial contribution would be required from this application in line with the improvements/facilities identified to be delivered at this allocated site as detailed in Policy SER4.
24. The ECC Highways and Education teams have advised that this application for four dwellings would be considered de minimis in relation to education and highways improvements, and that no contribution would be sought.
25. The requirements for local areas for play and provision of youth facilities are set out in the concept statement of Policy SER4 and the wording of the policy makes clear that these calculations are based on the provision of 175 dwellings on the site. If a greater number are provided, the provision of such facilities should increase proportionately.
26. Paragraph 3.119 of the concept statement sets out that at least a local area for play (LAP) on a minimum of 0.02 hectares should be provided on the site, but developers should look to provide local equipped areas for play (LEAP) and/or neighbourhood equipped areas for play (NEAP) which require a minimum of 0.04 hectares and 0.1 hectares respectively. Two local equipped areas for play are provided on the site which equate to approximately 0.07ha, and therefore the site has provided in excess of the minimum requirement. The section 106 legal agreement associated with the housing development approved for SER4 (12/00381/FUL) also required that between eight and ten pieces of play equipment were provided across these areas in total.
27. Whilst the site allocation has met its requirement in this regard by way of application 12/00381/FUL, the proposed development would not benefit from a direct link to these areas by way of pedestrian

connectivity. Therefore, it is considered reasonable to require that the proposed site provides a proportionate provision of play space within its own open space for the benefits of its occupants. This would equate to a local equipped area for play, which would be achievable within the open space to be provided within the application site. A planning condition to require this provision is recommended.

28. Clause 3.3.1 of the Section 106 agreement relating to planning consent reference 12/00381/FUL sets out that the owner shall pay to Rochford District Council £80,189 to use for the provision of sports facilities in Hawkwell and/or Hockley to be applied towards at least two of the following:
  - a) *Levelling and improving the drainage of two football pitches at Clements Hall Playing Fields*
  - b) *Providing a new polyurethane floor surface at Clements Hall Sports Centre*
  - c) *Providing a 'third generation' synthetic turf carpet for the multi use games area at Clements Hall Sports Centre*
29. It has been confirmed that contributions for a) are still required, and therefore a proportionate contribution of £1,832.80 (£458.20 per dwelling) would be required by way of this planning application to be used towards these improvements. It is recommended that a s106 legal agreement be entered into to secure this contribution.
30. The NPPF requires that affordable housing be required in respect of proposals for 10 or more dwellings. There would therefore be no requirement for the proposed development to provide affordable housing as the proposal is for four dwellings and is therefore a minor development. The affordable housing requirement for the allocation (61 dwellings) has already been met through application 12/00381/FUL and has been established for some time.

#### Design Principles and Impact on Character

31. The National Planning Policy Framework (2023) has seen an increased focus on design quality, not only for sites individually but for places as a whole. Terminology is also now firmer on protecting and enhancing the environment and promoting a sustainable pattern of development.
32. The social objective of national policy is to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The National Planning Policy Framework at Chapter 12 emphasises that the creation of high quality, beautiful and sustainable buildings and

places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

33. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. Policy DM1 specifically states that *“The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative”*. It also states inter alia that proposals should form a positive relationship with existing and nearby buildings.
34. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2 – Housing Design, as well as to the Essex Design Guide.
35. As previously stated, the NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (para 139).
36. To the southwest of the site along Rectory Road the built form is characterized by bungalows in fairly uniform plot sizes, whilst to the east of the site along Rectory Road the built form consists of two storey dwellings set within larger plots. The proposed dwellings would be detached two storey dwellings set within relatively large plots, with one access serving three of the proposed dwellings and an individual access for Plot 1, which is considered acceptable. It is not considered that the development in terms of its layout would appear out of character, as plot widths and depths are in keeping with the surrounding development whilst remaining set back from the frontage to Rectory Road.
37. A variety of materials are proposed with each plot varying in design and materiality. Plot 1 would be finished in red multi-brick, cream weatherboarding and render and a brown roof. Plot 2 would be finished in red brick, contrasted with cream render and a brown roof. Plot 3 would be finished in buff brick, cream weather board and render with a brown roof. Plot 4 proposes a grey roof and buff brick. The proposed

materials are considered acceptable and in keeping with the design of the surrounding residential development. The design of each plot varies with differing architectural features proposed which create visual interest to the properties.

38. The two and two and a half storey dwellings built following the granting of application 12/00381/FUL had ridge heights ranging from 8.2m to 9.9m and wall heights to eaves of between 4.7m and 5.1m. The dwellings proposed in this application would have ridge heights ranging from 8.45m to 10.95m and eaves heights ranging from 4.3m to 5.5m. The height difference would equate to around 1m higher than those dwellings approved to the neighbouring development.
39. Comparing these heights to those approved on the 12/00381/FUL application it is not considered that the height differential is significant from the heights of those dwellings approved. Plot 4 of the proposed development would be located adjacent to Plot 107 of the original scheme. It is noted that the ridge height of plot 107 is some 8.89m, whilst the ridge height of Plot 4 is some 10m. Plot 1 of the proposed scheme would be located adjacent to plot 176 of the original scheme, which has a ridge height of some 8.7m, whilst Plot 1 would have a ridge height of some 10.2m. It is noted that Plot 2 of the proposed development, which would lie in close proximity to the bungalows to the west, would have the lowest ridge height of 8.45m, thus softening the transition from bungalows and chalet bungalows into two storey dwellings.
40. SPD2 guidance discusses that site frontages shall ordinarily be a minimum of 9.25 metres for detached properties or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. Each plot would have a site frontage in excess of 15m, therefore satisfying the requirements of the SPD2 guidance. In addition, the dwellings would maintain a minimum of 1m separation between habitable rooms and plot boundaries, therefore satisfying this part of the SPD2 guidance.
41. Within the Concept Statement for Policy SER4 in the Allocations Plan, it sets out that the paddocks along Rectory Road and other existing trees along the boundary of the site should be retained to preserve the setting of Rectory Road in this location. The land subject of this particular application forms part of what remains of the existing paddock areas within SER4 allocation. Of particular relevance to this proposal is paragraph 3.116 of Policy SER4 which reads: -

*'There is a Woodland Tree Preservation Order area towards the central area of the site and other trees subject to Preservation Orders on site which should be retained. The paddocks along Rectory Road and other*

*existing trees along the boundary of the site should also be retained to preserve the setting of Rectory Road in this location. The loss of any trees on site or in the vicinity of the site should be appropriately mitigated against, with the provision of replacement trees on a like-for-like basis.'*

42. This application follows pre-application advice given in July 2022 in relation to a proposal for the erection of 12 residential properties at the site and further pre-application advice given in March 2023 in relation to a proposal for 4 dwellings.
43. Advice given by officers was that a scheme of 12 dwellings would not likely be considered to preserve the setting of Rectory Road as required by paragraph 3.116 of Policy SER4 (as set out above) but development of a reduced scale may be considered acceptable. Officers highlighted the unequal plot widths, large plots sizes and development at very low density which characterises residential development along this section of Rectory Road.
44. The development from a built form perspective is of a traditional design, whilst the proposed landscaping enhances the development further creating a high level of amenity. The buffer zone along Rectory Road would provide an opportunity to retain existing vegetation and for new landscaping to give privacy to the development and also to help soften the appearance from the road.
45. The proposed dwellings would be set back from the highway with a significant frontage allowing for soft landscaping which would serve to preserve the setting of Rectory Road. Following the pre-application advice provided, the proposed built form has been set back further within the site in order to allow for a wider landscape buffer to the site frontage. Furthermore, the applicant has enhanced the landscaping strategy to the site frontage. At the proposed density of 5 dwellings per hectare and with the areas of open space and soft landscaping proposed, it is considered that the proposal for four dwellings would enable the setting of Rectory Road to be retained and would be in keeping with the surrounding area.
46. The proposed dwellings would add built form to a currently relatively undeveloped site, however given the scale of the development proposed it is considered that the proposed massing would not be out of character for the area. The dwellings would integrate well and would be proportionate to the site. The proposal would therefore be compliant with Policy DM1 and DM3 of the Development Management Plan.

Impact on Residential Amenity

47. The NPPF seeks the creation of places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
48. The site is located between existing residential development and as such the impact of the proposal on the amenity of neighbouring dwellings should be taken into consideration. Plot 1 is located adjacent to residential development on its eastern boundary in a conventional arrangement. One window is proposed to the first floor which would serve a bedroom, however due to the separation distance of some 10m between the two dwellings, the siting of the window towards the front of the proposed dwelling in addition to the siting of Plot 4 forward of the neighbouring dwelling, it is not considered that there would be a risk of unacceptable degree of overlooking into this property by way of this proposed window.
49. Plot 4 would be located adjacent to No. 4 Spruce Drive. Two windows are proposed to the first elevation facing this property; however, these would serve an en-suite bathroom and obscure glazing is proposed to the windows. It is therefore not considered that the proposed dwelling would result in a significant loss of residential amenity by way of this proposal.
50. SPD2 – Housing Design requires a minimum 100m<sup>2</sup> garden area for all new dwellings with two bedrooms or more. The proposed development provides substantial rear private amenity space for each dwelling in excess of the Council's requirements. Plot 1 would have a garden area of 305m<sup>2</sup>, plot 2 would have a garden area of 277m<sup>2</sup>, plot 3 would have a garden area of 312m<sup>2</sup> and plot 4 would have a garden area of 336m<sup>2</sup>. Furthermore, a large area of communal open space is proposed to the north and west of the dwellings in addition to the private amenity space provided.
51. The proposal is not considered to have a significant detrimental impact upon the amenity of the neighbouring occupiers in terms of overlooking, overshadowing and over dominance. The proposal is compliant with Policy DM1 and DM3 of the Development Management Plan.

#### Landscaping and Trees

52. Paragraphs 3.116 and 3.117 of the Concept Statement for Policy SER4 set out that:

*'There is a Woodland Tree Preservation Order area towards the central area of the site and other trees subject to Preservation Orders on site which should be retained. The paddocks along Rectory Road and other existing trees along the boundary of the site should also be retained to preserve the setting of Rectory Road in this location. The loss of any trees on site or in the vicinity of the site should be appropriately*

*mitigated against, with the provision of replacement trees on a like-for-like basis.'*

*'Trees and hedges should be developed in garden areas along the boundaries of the site to create a green buffer in perpetuity between new and existing development, whilst promoting integration.'*

53. The preservation of the setting of Rectory Road is a key consideration in the determination of this application by way of its inclusion in the concept statement for allocation SER4, and therefore the proposed landscaping strategy forms a key aspect of this application. Landscaping is defined as the improvement or protection of the amenities of the site and the surrounding area which could include planting trees or hedges as a screen. Alongside the application the applicant has submitted outline landscaping proposals on drawing no. PR250-01F and a Landscape Strategy Report.
54. The accompanying Landscape Strategy Report sets out that the site is currently generally well screened from Rectory Road to the south, other than where partial, clear views can be seen into the southern paddock from the gap in the Rectory Road. The following landscape principles are proposed;
- A linear 'green gateway' corridor in association with the main access driveway that will come forward to serve Plots 2, 3 & 4 of the proposed new development. This new green corridor would be seen when looking from Rectory Road into the main site entrance and would be located to the western side of the proposed access.
  - A line of tree planting along the frontage to Plot 2 to screen the plot from users of Rectory Road, along with an evergreen hedge to the frontage of Plot 2. This would consist of two no. silver birch trees and one no. field maple.
  - The front gardens of all four of the new homes should either comprise of white painted picket fences with white painted timber gates or white painted estate fencing with matching white painted metal gates. Plot 4 that fronts directly onto the play area to the north would feature an additional boundary hedgerow delineating its front garden as well.
  - B Category English Oak T27 (8m tall), A Category English Oak T29 (8m tall); B Category English Oak T32 (8m tall); B Category English Oak T33 (8m tall) in the centre of the Site and B Category English Oak T38 (6m tall) near the site's northern boundary would all be retained.
  - The existing mature treed hedgerow and ditch along the Rectory Road frontage are important landscape elements which make a positive contribution to the semi-rural character of this local section of Rectory Road. The retention of the existing mature tree hedgerow and ditch along the Rectory Road frontage. The hedgerow would benefit from management but would be kept to a minimum height of 2.4m to ensure it retains its semi-rural characteristics.
  - New parkland scale trees are to be planted within the new green corridor open space that is to be created within the site to mitigate for

the loss of trees that would be removed to facilitate the new site access and associated visibility splays. A total of 8 no. new trees are proposed to the open space, consisting of 4 no. field maple trees, 2 no. silver birch trees and 2 no. hornbeam trees.

55. It is noted from the accompanying Landscape Plan that a buffer strip of some 11m is proposed between the site frontage along Rectory Road and the development frontage. It is proposed that along with the retention of the majority of the existing mature tree hedgerow which would be retained and kept to a minimum height of 2.4m, that this buffer would consist of wildflower grassland behind which there would be a narrow, uneven element of flowering mix grassland. A total of 7 no. fruit trees are also proposed within this buffer strip, along with an additional proposed Hornbeam tree to the east of the proposed access to plots 2,3 and 4.
56. It is considered that the proposal, by way of the proposed siting of dwellings within their plots, the set back of built form from the frontage with Rectory Road, the retention of existing vegetation and the proposed new vegetation, would result in a development that continues to preserve the semi-rural character of this section of Rectory Road in accordance with the principles set out within the concept statement for allocated site SER4. It is therefore considered that whilst this development does not retain the full extent of these paddocks in their existing use, that the proposal is in keeping with the intentions of paragraph 3.116 in preserving the setting of this part of Rectory Road and is therefore considered acceptable.
57. An arboricultural assessment has been submitted alongside this application which confirms that all trees protected by a Tree Preservation Order would be retained. The initial consultation response received from RDC's arboricultural officer raising concerns about tree T33, an early mature Oak, and its proximity to Plot 3. Concern was also raised about the lower value trees which fell within the garden of plot 4 as it was considered that the amenity space for this plot was constrained, and it was recommended that this group of trees should be thinned/removed in order to improve the amenity space.
58. Since receiving this response, revised plans have been submitted and reconsulted on; the changes include the re-siting of Plot 3 away from tree T33, and the removal of trees T23, T24, G25, T26 and T28. A subsequent consultation response found these amendments to be acceptable, and that whilst tree T33 would likely require management /target pruning in the future, that this would be accepted should it arise.
59. In addition, the proposed layout would require the removal of two scrub/shrub groups marked as G18, S21 and S31 on the Tree

Protection Plan. Removal of G18 and S21 is required in order to accommodate the site access, whilst removal of S31 is required to accommodate Plot 3. All three are categorised as category C trees (low quality/value). The landscape plan submitted indicates that a total of 23 new trees are proposed as part of the development and therefore it is considered that the loss of trees as indicated has been mitigated by way of the proposed tree planting.

#### Heritage Assets

60. Paragraph 3.130 of Policy SER4 in the Allocations Plan sets out that the potential impact on a nearby grade II Listed Building ('The Old Rectory, Rectory Road, Hawkwell') would need to be taken into consideration at the planning applications stage to ensure there is no adverse impact on the setting of this listed building. Essex County Council Place Services (Built Heritage) were consulted in this regard and have no objection to the proposal. It was considered that the addition of greenery and open green space within the proposal would serve to mitigate the impact of the proposed development on the grade II Listed building, with the level of harm to the Grade II listed The Old Rectory considered to be at a very low level. Therefore, Paragraph 208 of the National Planning Policy Framework (NPPF, 2023) is relevant, and harm should be weighed against the public benefits of the proposal. It is considered that with a very low level of harm identified, that the public benefit of additional housing would outweigh this, and the proposal would be considered acceptable in this regard.
61. Paragraph 3.131 of Policy SER4 in the Allocations Plan sets out that the site may have potential to be of archaeological interest and that no development shall commence within the area of interest before the applicant has secured the implementation of a programme of archaeological work. Specialist Archaeological Advice was sought from Essex County Council Place Services which recommends conditions in line with the above.

#### Drainage Strategy

62. The applicant sought pre-application advice from Essex County Council as the Lead Local Flood Authority on the Surface Water Drainage Strategy for this scheme. The proposed drainage strategy incorporates an attenuation basin which would be sited in the northern part of the site, a swale to the western side of the proposed access and permeable paving to the proposed access road and parking areas. A SuDS Maintenance and Management Plan has also been submitted alongside this application. The Lead Local Flood Authority (LLFA) were consulted on this application and have raised no objection.

## Flood Risk

63. The site is located in Flood Zone 1, where there is very low risk of flooding from rivers and the sea and is in an area of very low surface water flood risk. In the response to the pre-application enquiry submitted by the applicant, the LLFA confirmed that ground conditions on site are unlikely to be suitable for infiltration, and that their records indicate that the proposed development is within a Critical Drainage Area.
64. The pre-application response provided by the LLFA set out that primary storage would be provided by an attenuation basin close to the outfall of the new Surface Water Drainage System, and a swale would be utilised at the side of the spine road and permeable paving. Furthermore, the on-going maintenance of any features would be necessary to ensure that flooding does not occur due to failure of components, and as such a maintenance plan should be provided as part of the planning application process. This has been provided and is considered acceptable.

## Sustainability

65. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards such that now planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.
66. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards.
67. Policy DM4 requires new dwellings to meet minimum internal space standards, However, until such a time as existing Policy DM4 is revised, this policy must now be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
68. The proposed residential units would comprise three four bedroomed 8 person dwellings, and one 4 bedroomed 7-person dwelling.
69. All four units would have a gross internal floor area in excess of 215 sq metres, therefore exceeding the minimum gross internal floor space for

this type of unit of 124 sq metres. The dwellings would be provided with the required 3 metres square of built-in storage.

70. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to ensure compliance with this Building Regulation requirement.
71. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

#### Refuse and Recycling

73. It is set out in the submitted Design and Access Statement that refuse collection arrangements remain to be agreed, however the layout accommodates both kerbside collection on Rectory Road for all four plots and the potential for a refuse vehicle to enter the site, turn and leave in a forward gear.

#### Parking and Access

74. The existing entrance to the site would be retained and reused to serve plot 1, with a new access point created to serve plots 2, 3 and 4. The access proposals are detailed on drawing ZD481 PL-SK-202 P2 which details the continued use of the existing gated access to serve a single dwelling, and the construction of a shared private drive access. Essex County Council Highways have been consulted on this plan and it has been found to be acceptable. A condition is recommended to require that a visibility splay be achieved from the new access which would likely require the trimming back of the lateral growth of a section of the existing hedge that runs along the site boundary.
75. The Parking Standards Design and Good Practice guide (2010) states that dwellings with two (or more) bedrooms require two car parking spaces with dimensions of 5.5m x 2.9m and garage spaces should measure 7m x 3m to be considered usable spaces. Quality urban design dictates that care should be taken that the parking layout would not result in streets dominated by parking spaces in front of dwellings or by building facades with large expanses of garage doors.
76. The proposed layout shows sufficient space for a minimum of two off-street parking spaces per dwelling measuring 2.9m by 5.5m, in addition

to a car barn for each dwelling providing an additional two parking spaces.

### Ecology

77. An Ecological Impact Assessment was submitted alongside this application. It was concluded that overall, the site was considered to be largely of low ecological value, with the exception of the hedgerows on site. The assessment found that the site may provide suitable habitat for a number of protected and/or notable species including bats, slow worms, badgers, and hedgehogs.
78. The ecological report set out that the building on site had moderate suitability for roosting bats, and as such mitigation would likely include careful demolition of the building, with the provision of bat boxes to compensate for the loss of a roost of lower conservation concern. In addition, the neutral grassland, boundary trees and hedgerows were considered to provide a suitable habitat for reptiles, with 5 no. slow worms found through surveys carried out. The report set out that sensitive clearing of the site at appropriate times of year would be appropriate, and the site would be enhanced for reptile through the retention, provision, and enhancement of rough grassland within the site. Further mitigating measures recommended in the accompanying report include the retention of boundary habitats, wildlife friendly landscaping and sensitive practices during construction.
79. In conclusion it is considered that the measures proposed would mitigate any potential adverse impacts upon specific protected species and habitats in line with relevant wildlife legislation, chapter 15 of the NPPF; and policy DM27 of the Rochford District Council Development Management Plan.

### Off-site Ecology

80. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures of future residents to the dwellings proposed.
81. The development for four additional dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice, the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational

disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

*HRA Stage 1: Screening Assessment – Test 1 – the significant test*

Is the development within the zone of influence (Zoi) for the Essex Coast RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for four additional dwellings

Proceed to HRA Stage 2: Appropriate Assessment - *Test 2 – the integrity test*

Is the proposal for 100 houses + (or equivalent)?

- No

Is the proposal within or directly adjacent to one of the above European designated sites?

- No

82. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by Rochford District Council on the 20 October 2020. Advice from Natural England in August 2018 has been followed.
83. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline.
84. The applicant has agreed to the inclusion within a Section 106 legal agreement of the suggested financial contribution of £163.86 per new dwelling to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

## **CONCLUSION**

The proposed development would impact on the setting of Rectory Road but it is considered that the scale and design of the proposal would not cause harm to the setting such as to be contrary to paragraph 3.116 of Policy SER4. Any harm must be weighed against benefits of the scheme including in terms of delivering new houses. In weighing the planning balance the proposal is considered acceptable in relation to relevant planning policy.

### **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Hawkwell Parish Council: My Council objects to this application on the grounds that the site is situated within the Green Belt. The site forms a 'green corridor' within the Clements Gate estate, which should be protected for the benefit of biodiversity and the environment; the site is not derelict as described in the planning application papers. (December 2023 and April 2024)

Neighbours: 12 responses from the following addresses;

Rectory Road; 72, 384

Beehive Lane; 10, 25

Spruce Drive; 5, 6

Christmas Tree Crescent; 33

Aaron Lewis Close; 12

Unknown

Clements Gate (Hawkwell) Residents Company Ltd

Summary of responses received: -

- Building on paddock
- Access road over drainage ditch
- Impact on environment, wildlife and drainage
- Green Belt
- Development would exacerbate existing drainage issues
- Driveways already prone to waterlogging which would be intensified
- Potential property damage from drainage issue
- Paddock important for rain water run off
- Building 4 large houses will impede drainage
- Contamination report should be submitted
- 384, 384a and 382 Rectory Road already have problems of flooding to front and rear gardens, worsened by Clements Gate development
- Don't see need for large unaffordable housing
- Strict guidelines around number of houses being built and inclusion of a green belt
- Loss of view over green space
- View of imposing properties
- Concern over mature trees
- Compromises the objective of the Clements Gate Residents company to create an open space environment with a variety of open space
- Concern over proposed footpath linking the access road and making a right of way on the footpath linking Beehive Lane and Spruce Drive
- A new footpath is unnecessary

- Feel strongly that it is not for one neighbour to arbitrarily decide they will create an access to an adjacent neighbour onto private land where there is currently a physical barrier
- Proposed footpath complicates the current management arrangements of the open space
- Support the application, the design will integrate well with existing housing stock
- The park is a safe area for children and extra entrances will compromise this and make it less safe, increasing the likelihood of antisocial behaviour
- Residents pay maintenance towards the park so to allow others to use it without contributing would be unfair
- Increase in noise from shooting range due to loss of vegetation
- Estate does not need another path
- Estate was built with promise of green space and the paddocks were part of the green living promise
- Home security will be compromised
- Approval of Clements Gate development included a number of open spaces/paddocks which was an incentive to purchasers of properties on the estate
- Application site was designated as a possible home for horses, cannot be right that this application can override the original consent
- Oppose the removal of the fence between the developments
- Regularly see birds, badgers, foxes and muntjac deer
- Would spoil the ambience of the area
- Noise and dust pollution while building
- This application compromises the objective of the original application
- Already a perfectly good footpath linking Rectory Road to Christmas Tree Crescent
- Whilst most spaces within Clements Gate are accessible to the public, the land is in private ownership
- Disrupting this ecosystem by tearing down the paddock would displace these animals and disturb the delicate balance of the local environment
- Removal of shrubbery and greenery would worsen drainage problems
- Fear for safety of children in park
- Negative impact on trees, shrubs and landscape
- Overdevelopment should be avoided
- Parking problems would be exacerbated
- Will new residents contribute to service charge

#### RDC Arboriculture:

(T33) will likely require management in the future/target pruning but we can accept this should this arise. I would suggest some of the lower value trees within the garden of plot 4 be thinned/removed to improve the end use of the amenity space.

The rear garden of plot 4 is heavily constrained by the retained trees, it will not be a useable amenity space. It may be prudent to look at thinning the group

by selective removal of some of these trees T23, T24, G25, T26 and T28. This will need to be shown on the TPP.

Lead Local Flood Authority: No objection

Built Heritage Advice (April 2024):

The proposed plans have been amended since our previous advice dated 21st Dec 2023. In the amended plans the house located in Plot 2 has been moved to the northwest and the cart barn at Plot 2 has also been relocated and is now adjoining to the cart barn on Plot 1. Moreover, more greenery has been added to the garden areas and along Rectory Road. The relocation of the house and car barn on Plot 2 and result in more open green space has been created in the centre of the site, which, among the added greenery can be considered as a further mitigation of the potential harm to the significance of designated heritage asset. However, it is noted that to set back Plot 2, the 'car barn' for Plot 2 has been relocated to adjoin that for Plot 1.

In conclusion, the level of harm to the Grade II listed The Old Rectory has been reduced to a very low level. Therefore, Paragraph 208 of the National Planning Policy Framework (NPPF, 2023) continues to be relevant, and harm should be weighed against the public benefits of the proposal.

Health and Safety Executive:

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

ECC Highways:

The submitted information also includes a Highway Technical Note with additional supporting plans which propose a suitable shared vehicle access to enable two-way vehicle movements clear of the highway, and provision of visibility splays in accordance with the permitted vehicle speeds.

The new private drive will serve three of the dwellings and the proposal includes a pedestrian connection at the rear of the site. Each dwelling will have adequate off-street parking and turning, therefore:

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:**

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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.

2. Prior to first occupation of the development and as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, the proposed site access, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

3. Prior to first occupation of the development and as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, the proposed vehicle access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres and shall be retained at that width for 6 metres into the site from the back edge of the footway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge and ditch. \*

4. Prior to first occupation of the development and as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, the existing highway footway to the west of the proposed access at the site frontage shall be widened to a minimum width of 2 metres as measured from the back edge of the carriageway and shall connect to the existing footway at the western boundary. The highway footway to the east of the access shall be provided at 2 metres and shall taper into the existing footway avoiding tree root protection areas. All such works to be provided entirely at the developer's expense and full details to be agreed in writing with the Highway Authority prior to commencement of any highway works.

5. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

6. The proposed inward opening gates for plot 1 shall be provided with a minimum set back of 6 metres as measured from the back edge of the footway.

7. Prior to first occupation of the development, each dwelling shall be provided with a minimum of two off-street parking spaces and a turning area. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times. Full layout details to be agreed with the Local Planning Authority.

8. Prior to first occupation of the development, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

9. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local

public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Specialist Archaeological Advice:

The following recommendations are in line with the National Planning Policy Framework, paragraph 205.

Recommendation: Full condition

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above

London Southend Airport: No Objection

LLFA (Watercourse Regulator Engineer):

The new vehicular access which is proposed to be formed over an existing watercourse/ditch. This will require a S23 consent from us as the LLFA and the consent must be in place prior to any works to the ditch taking place. I would be very grateful if this could be attached as a condition to any planning permissions.

Cadent Gas: No objection

**Relevant Development Plan Policies:**

National Planning Policy Framework 2023

Rochford District Council Allocations Plan (2014) Policy SER4

Core Strategy Adopted Version (2011) Policies H1, H6, CP1, T8, ENV1 and ENV9

Development Management Plan (2014) Policies DM1, DM3, DM4, DM5, DM25, DM26, DM27 and DM30.

Parking Standards: Design and Good Practice Supplementary Planning Document (2010)

Supplementary Planning Document 2 (2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

## RECOMMENDATION

That planning permission be **APPROVED**, subject to the recommended conditions and the completion of a **LEGAL AGREEMENT under Section 106 of the Act** for the heads of terms set out below:

1. Financial contribution of £163.86 per new dwelling to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.
2. Financial contribution of £1,832.80 to Rochford District Council towards levelling and improving the drainage of two football pitches at Clements Hall Playing Fields
3. Delivery and maintenance of the open space within the site proposed to the north and west of the proposed dwellings by a management company in perpetuity.

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to use in the construction of the development hereby approved, details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

- 3 The development hereby permitted shall be carried out in complete accordance with the following approved plans: Location Plan reference OC198-OP3-PL-01, Development Layout reference OC198-PL-02b Rev N, Development Layout with Existing Retained Trees reference OC198-OP2-PL-03 Rev M, Constraints Plan reference OC198-OP3-PL-02 Rev A, Plot 1 Floor Plans and Elevations reference OC198-HT-PL-HT-01 Rev C, Plot 2 Floor Plans and Elevations reference OC198-HT-PL-HT-03 Rev D, Plot 3 Floor Plans and Elevations reference OC198-HT-PL-HT-05 Rev F, Plot 4 Floor Plans and Elevations reference OC198-HT-PL-HT-06 Rev G, Plot 1-2 Car Barn Floor Plan and Elevations reference OC198-HT-PL-HT-02 Rev D, Proposed Site Cross Sections A-A & B-B reference C198-SCS-02, Easement Zone Plan reference OC198-OP3-PL-02a Rev B.

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

- 4 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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. measures to control the emission of dust during construction,
  - v. wheel and underbody washing facilities.

REASON: To ensure that the construction traffic is managed and to minimise on-street parking of these vehicles in the adjoining streets and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. In the interests of residential amenity. PRE-COMMENCEMENT REASON: the required construction management plan seeks to agree details to control matters that will affect all stages of the development including relating to initial ground works.

- 5 Prior to first occupation of the dwellings approved to plots 2, 3 and 4 the site access to serve the driveway to these dwellings as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 6 Prior to first occupation of the dwellings to plots 2, 3 and 4 the vehicle access to serve these dwellings as shown on planning drawing ZD481 - PL - SK - 202 Rev P02 shall have been constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres and shall be retained at that width for 6 metres into the site from the back edge of the footway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge and crossing of the ditch. Full details of the vehicle access including the dropped kerb vehicular crossing and works to the ditch shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with

the Highway Authority and LLFA watercourse engineer) prior to commencement of any highway works to form this new access.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety. To ensure works are carried out appropriately to the watercourse (ditch) at the site such that it would not be impeded.

- 7 Prior to first occupation of the development and as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, the existing highway footway to the west of the proposed new access at the site frontage shall be widened to a width of 2 metres as measured from the back edge of the carriageway and shall connect to the existing footway at the western boundary as shown on the aforementioned plan. The highway footway to the east of the new access shall be provided at width of 2 metres, tapering into the existing footway which shall be maintained at the existing width of between 1.1m and 1.0m as shown on the aforementioned plan (to avoid any impact on tree root protection areas). All such works to be provided entirely at the developer's expense and full details to be submitted to and agreed by the Local Planning Authority prior to commencement of the highway works.

REASON: To make adequate provision within the highway for pedestrians in the interest of highway safety.

- 8 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

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

- 9 The proposed inward opening gates for plot 1 shall be provided with a minimum set back of 6 metres as measured from the back edge of the footway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

- 11 The driveway parking, turning and access areas to serve each dwelling hereby approved shall be completed prior to first occupation of the relevant dwelling in accordance with details shown on drawing no. OC198-PL-02b Rev N. Driveway parking shall remain available solely for use for the parking of vehicles in perpetuity.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with the Local

Development Framework's Development Management Plan policies DM1 and DM30 and the requirements of the Essex Parking Standards (2009) adopted 2010.

- 12 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation, and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 13 Prior to the commencement of the development approved, a method statement and protection plan (in accordance with BS 5837 2012) for those trees and hedges within and adjacent to the site, shall have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with those details agreed. The tree protection methods shall be retained until all building materials have been cleared from the site.

REASON: To ensure that the development does not impact adversely on existing trees subject to a TPO and other trees/hedges to be retained, in accordance with Policy DM25. PRE-COMMENCEMENT REASON: Initial ground works/storage of materials have the potential to impact adversely on trees and hedges to be retained.

- 14 Prior to first occupation at the site, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been 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;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artifacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground

level (eg. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, 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.

- 15 The first-floor window serving the proposed en-suite to Plot 4 on drawing number OC198-HT-PL-HT-06 Rev G, shall be obscure-glazed and shall be of a design not capable of being opened below a height of 1.7 metres above finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over the approved fenestration, in the interest of privacy between adjoining occupiers.

- 17 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: To safeguard the archaeological integrity of the site in accordance with the provisions of The National Planning Policy Framework 2023 and Policy ENV1. PRE-COMMENCEMENT

REASON: Initial ground works have the potential to impact adversely on the underground historic asset.

- 18 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 17 above.

REASON: To safeguard the archaeological integrity of the site in accordance with the provisions of The National Planning Policy Framework 2023 and Policy ENV1. PRE-COMMENCEMENT

REASON: Initial ground works have the potential to impact adversely on the underground historic asset investigation of which must be completed before any ground works commence.

- 19 Prior to first occupation within the site, plans showing precise details of play equipment (to form a LAP) to be installed in the open space to be provided within the site, shall have been submitted to and agreed in writing by the Local Planning Authority. The play equipment as agreed shall be installed prior to first occupation at the site and maintained in perpetuity.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in accordance with the provisions of Policy SER4 of the Rochford District Council Allocations Plan 2014.

- 20 Prior to the commencement of the development, a landscape and biodiversity management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the Ecological Impact Assessment (October 2023) submitted with this application and include full details of the landscape and ecological management objectives for the site, including but not limited to, the following points:

- i) The retention and enhancement of boundary habitats, including protection of boundary habitats during construction as far as possible.
- ii) The implementation of a wildlife sensitive strategy for proposed lighting
- iii) A reptile mitigation strategy
- iv) A pre-construction badger survey and the implementation of standard precautionary measures to avoid risk of harm to badgers during construction
- v) Planting of productive native species for site enhancement
- vi) Enhancements for invertebrates through the provision of bug houses / hotels / hibernacula
- vii) Provision of trees, shrubs and plants which offer a value to nesting and foraging birds.
  - i) Installation of bird boxes on retained trees to further enhance the site.
  - ii) Provision of bat boxes recommended to further enhance the site.
- i) Adherence to NE licence during demolition
- ii) Retention of boundary habitats and avoidance of light spill.
- i) A timetable for the implementation of all of the landscape and biodiversity enhancement measures listed in the management scheme.

The scheme shall include full details of measures required to deliver the long-term maintenance of all the areas providing landscape and ecological management. The landscape and biodiversity management plan shall be implemented in accordance with the agreed timetable, and thereafter maintained in accordance with the agreed details.

REASON: To mitigate against the loss of existing biodiversity and nature habitats, in accordance with Policy DM25, DM26 and DM27 of the Rochford District Council Development Management Plan and Chapter 15 of the National Planning Policy Framework.

- 21 Surface water drainage shall be installed in accordance with details shown on the Drainage Strategy drawing SPD203-E-300 (September 2023) and be operational prior to first occupation at the site. Management and maintenance of the surface water drainage at the site shall be undertaken in accordance with details in the Suds Management and Maintenance Plan (September 2023), to be read in conjunction with the Drainage Statement (September 2023) and Drainage Strategy drawing SPD203-E-300 (September 2023) over the lifetime of the development.

REASON: To ensure the sustainable management of water, minimise flood risk and to minimise the discharge of surface water outside the curtilage of the site in accordance with Policy DM28 of the Rochford District Council Development Management Plan.

22. Notwithstanding any permitted development rights that may apply by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no additional hard surfacing, new built form (operational development) or boundary treatments (e.g., fences walls) other than as shown approved on drawing no. OC198-PL-02b Rev N of any kind shall be laid or erected within the area of the site which extends across the entire site frontage with Rectory Road for a depth of 14.5 metres measured from the carriageway edge.

REASON: In the interests of preserving the undeveloped character to the site frontage to comply with paragraph 3.116 of Policy SER4.

23. All dwellings at the site shall meet the optional building regulations requirement relating to water efficiency (Part G) of 110 litres/person/day (unless this would not be viable in which case details to demonstrate this shall have been submitted to and agreed in writing by the LPA prior to completion of the relevant dwelling where this standard would not be met) and evidence to confirm that this would be achieved shall have been submitted to and agreed in writing by the LPA prior to completion of the relevant dwelling on site.

REASON: To comply with Policy ENV9 of the Core Strategy.

#### INFORMATIVE

1. Works to the existing watercourse (ditch) to the front of the site to form the new vehicular access will require a S23 (of the Land Drainage Act

(1991)) consent from the Lead Local Flood Authority at Essex County Council.