



Appeal Decision

Hearing held on 26 June 2012

Site visit made on 26 June 2012

by **John Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 August 2012

Appeal Ref: APP/B1550/A/12/2170837

**Land between Main Road and Rectory Road and Clements Hall Way,
Hawkwell, Essex SS5 4JU.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by David Wilson Homes against the decision of Rochford District Council.
 - The application Ref 11/00259/FUL, dated 21 April 2011, was refused by the Council by notice dated 10 January 2012.
 - The development proposed is 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 relocation of high pressure gas main.
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Decision

1. I allow the appeal and grant planning permission to 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 relocation of high pressure gas main at Land between Main Road and Rectory Road and Clements Hall Way, Hawkwell, Essex SS5 4JU in accordance with the terms of the application, Ref 11/00259/FUL, dated 21 April 2011, subject to conditions 1) to 31) on the attached Annex 2.

Procedural Matters

2. At the Hearing, a revised layout plan was submitted by the appellant, seeking to address the matter of garden size and also showing the arrangement of the affordable housing in three parts of the site. The amendment is minor, no objection was raised and no interests would be prejudiced by this being considered as the appeal proposals.
3. The Council's single reason for refusal was on the detail design and layout of the development rather than the principle of development on this site. There was however some doubt as to the elected members' intentions and actions over an 'in principle' vote at the meeting. Local residents as well as the Christmas Tree Farm Development Action Group were opposed to the development in principle. It was agreed that the proposals would be inappropriate development in the Green Belt and the appellant accepts the need to demonstrate the existence of very special circumstances to justify the development. Therefore in order to carry out that balancing exercise the following main issues go further than the Council's reason for refusal.

4. It was stated at the Hearing that a further application had been made, but had not been validated at that time. The appellant confirmed that no reference would be made to that application in support of the appeal proposals as they considered the appeal scheme acceptable and wished to proceed with it.
5. An appeal decision of 1983 was referred to by a resident and this was forwarded to the appellant for comments prior to this Decision being written.

Main Issues

6. These are;
 - The effect of the development on the openness of the Green Belt and the character and appearance of the area.
 - The effect of the proposals on the aims of Development Plan policies, national and local guidance on the quality of design.
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt and Character and Appearance

7. The site is a number of areas of land, part in use as vehicle workshops with others no longer in use and semi-derelict, with a variety of buildings in states of use, disuse and dilapidation. However, the land is predominantly open with few structures taller than single storey. As a matter of fact, the development as proposed would have an adverse effect on openness within the site, albeit limited at present by the vegetation that impedes through views. Paragraph 79 of the Framework states the fundamental aim of Green Belt policy as being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts is their openness and their permanence.
8. From viewpoints outside the site there would remain strong belts of trees and other growth on the boundary with the park and along other boundaries, with augmented planting to Rectory Road. The retention of the belt of trees running through from near the existing house to the entrance of the leisure centre would provide a break, and the more pronounced gap in the centre of the site would be left very much as at present, but be properly managed. On openness therefore, the extent to which through views would be blocked would be limited but development would be clearly visible in a number of places, such as along Thorpe Road and through additional gaps on Clements Hall Way.
9. Paragraph 80 of the Framework sets out five purposes served by Green Belts;
 - *To check the unrestricted sprawl of large built-up areas.* Hockley/Hawkwell does not have the characteristics of a large built-up area and the appeal proposals would not have the appearance of sprawl. The western part would sit within a well defined enclosure of existing dwellings on Thorpe Close, Thorpe Road and Rectory Road, and the eastern part, whilst spreading away from Clements Hall Way would not exhibit harmful sprawl along Rectory Road due to the buffer zone of paddock and planting, and the enclosure afforded by trees in the centre. These trees and open space prevent the two parts joining.

- *To prevent neighbouring towns merging into one another.* The main concern appears to be Hockley/Hawkwell merging with Rochford and the proposals would not affect this separation. The separation evident along Rectory Road is not a strong one due to the development to the south of the road and the nature of the previous uses along the north, appeal site, side.
 - *To assist in safeguarding the countryside from encroachment.* For similar reason to the above, there would be few signs of encroachment, and less than in the scheme considered and rejected at Appeal in 2010.
 - *To preserve the setting and special character of historic towns.* This does not apply in the case of the appeal site, and there is no adverse effect on the listed building opposite.
 - *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.* Objectors say that there are other urban sites that could be re-used, but balanced against this is the semi-derelict nature of the site.
10. Looking at the layout, the two parts would each have their own identity related to the nature of the adjoining established development to the east and west. Such an approach was endorsed by the Inspector reporting in 2010, but shortcomings in that larger and more densely developed scheme led the Secretary of State to conclude that harm would be caused to the character and appearance of the surrounding area and particularly Rectory Road. Those failings have been overcome in the present scheme with the depth of paddock and planting along Rectory Road, which would retain its semi-rural character. The northern edge would keep the tree cover presently in place and even in winter there would be very limited availability of through views to erode the pleasant appearance and tranquil character of the well-presented park. As a result it is concluded that there is limited harm to the Green Belt and its character and appearance, in addition to the harm by reason of inappropriate development. The detail of the layout will now be considered before determining whether other considerations amount to very special circumstances.

Design Quality

11. The Council identified in the reason for refusal nine failings with regard to advice in the Essex Design Guide. That document is described as Supplementary Planning Guidance, having not been through the process to be adopted as a Supplementary Planning Document under the 2004 Act. Policy CP1 of the Core Strategy refers to guidance not being overly prescriptive.
12. *Failing to meet guidance relating to Boulevard Planning in view of the reliance within the layout upon the "tree'd" landscape setting of the site.* The layout does not appear to aim at Boulevard Planning, but rather, responds to the historic landscape of the site and the existing fine trees presently in place. The fact that these are protected by Orders, together with their location, provides a strong basis for the layout that retains good open settings for the trees and makes the most of the existing natural features of the site. Boulevard Planning would not necessarily suit the density of this scheme and is not appropriate to be followed in this case. The more formal arrangement could be at odds with the informal, historic, arrangement of natural features and would not respond to the arrangement of built form nearby. Each of the two parts are of a small size that should appear as an extension of the relevant nearby development

and not as a separate, and stand-alone formal composition. The same view applies to the route through the tree area which would be seen as a green-wedge separating the parts rather than joining them.

13. *The mix of properties around the green does not create a satisfactory edge to the enclosed space.* Wider character issues are relevant here, and the character of the western part of the site derives from the existing form of development. As with the previous matter, this is not such a size of development, divorced from nearby dwellings, to warrant a strong separate identity. The square would introduce an open space and would rely on low boundary treatments for much of its continuous enclosure. However, whilst there would be some gaps in the higher buildings, the extent to which space would tend to 'leak' out is limited by the overlap to the south-west and the short leg of road to the north-west. There would be a longer open line along that of Thorpe Road, and a need to prevent through running as far as possible, but new trees on the west side of that line, within the square should reinforce the enclosure here.
14. *Not providing a distinctive design; there is a predominance of standard developer houses in an indiscriminate fashion and taking a form of "anywhere housing" unrelated to traditional Essex design and appropriate mix of dwelling style for this edge of settlement site locality.* It is clear from the comment of the Inspector writing in 2010 and from observation around the periphery of the site, that there is not a strong traditional Essex design, but there is a typical urban-fringe character and appearance. The description of 'edge of settlement' is true only to a point as the site frontage to Rectory Road is a long gap and there are dwellings opposite on the true edge. Whether or not the design is 'Essex' as set out in the design guide or more redolent of the existing dwellings in the area, there is a need to develop at a good quality as set out in local and national policies. As discussed at the Hearing, standard house types are used as a plan form, which is a functional arrangement of rooms of particular sizes that accord with technical requirements and the expectations of the market. To that is added appropriate window types and positions, materials and roof arrangements, among other variables, so that the outward appearance is not necessarily one of standard house types. There is a logic to the layout having regard to natural features and other constraints and it is not indiscriminate.
15. *Parking courts are highly visible from the public realm. There are areas of land with indeterminate use of some areas of land including unspecified ownership of the refuse collection points.* There has been a balance struck in the evolution of the scheme between parking visible on the street and it being grouped in an efficient use of space in courts and hard and soft landscaping can assist in ensuring that courts can be attractive. There are areas of doubt over the exact treatment of land and on how links might be provided, but these are minor and a landscaping condition, a common addition to a full planning permission, can address this.
16. *The parking for plots 113 and 114 are shown perpendicular when they should be parallel to the highway.* This appears to be a part of the balance just mentioned between parking being obvious or hidden in courts. Generally plots appear to have perpendicular parking in front of garages, and are acceptable to the Council. The two plots 113 and 114 have the same parking in front of the dwelling and are considered unacceptable. There is an extent to which this appears to be parking on the front garden and undesirable for that reason, reducing the effectiveness of landscaping. However, this is a relatively small

part of the scheme and a condition requiring further details to be submitted would not undermine the overall nature of the scheme.

17. *The proposed design of the house types features inappropriate window heads and window sill details comprising brick courses contrary to the use of lintels in differing materials or string courses that should appear adequate for loads above the window opening.* This appears a very minor matter and one that could be addressed by a condition on materials. Whether it is an indication of a unnecessarily strict application of the Essex Design Guide, or seeks features not common in the area, it is not, on its own, a reason to withhold permission in this case.
18. *Too large a span to roof ends with lower roof angles and uncharacteristic depth to proposed dwellings, contrary to Essex vernacular style.* The fact is that this size of building has been accepted by the Council in outline applications where it has been indicated as the parameters of the design. Strict adherence to the Design Guide could result in a development that does not sit well with its established neighbours, and there is no indication that the design put forward here is lacking in quality despite its variation from the design guidance.
19. *The inclusion of flat roofed dormers is inappropriate and contrary to the Council's supplementary guidance which favours traditional pitched roofs to dormers.* The appellant states that these have been deliberately chosen for their location and to add variety, but would accept a condition to arrange an alternative. Supplementary Planning Document 2 '*Housing Design*' discourages such dormers where they would dominate the roof plane or rise above the ridge, but neither applies here. Flat roofs can be a traditional feature and the real issue for this development in that of quality. For the avoidance of doubt, a specific reference in the materials condition, as with the lintels, would provide the correct degree of control.
20. *Inadequate garden sizes for a significant number of plots, and particularly affordable housing, giving rise to insufficient space within those plots for limited gardening, recreation, outside drying and outside storage for the reasonable expectations of future occupiers of those dwellings.* The amendment accepted at the Hearing, together with a schedule, shows that an improvement can be made, and that is welcome. There remain a smaller number of dwellings that still have a garden size below that sought. But, these are generally at locations with good access to the open space of the development or the park and the degree of being below the level is limited.
21. *Generally.* The individual concerns were followed in the reason for refusal with a statement that there would be a lack of local distinctiveness with harm to the semi-rural urban fringe. These matters have been addressed above, the local distinctiveness is of a predominantly 20th century urban fringe and, where appropriate, this character and appearance has been drawn upon. This is not a large development and the design has achieved a good balance between the various guidance items and the need to be assimilated within the existing pattern of development. Due weight should be accorded the amount of mature landscaping that is being retained and the openness maintained in the form of the paddocks.
22. The statement goes on to say that the proposal is a lost opportunity to provide a development of a high standard and an exemplar of good design. The

Framework contains at sections 6 and 7 the need to deliver a range of high quality homes and the requirement for good design, and Core Strategy Policy CP1 contains similar requirements for good, high quality design. The use of the word exemplar is not backed by policy and is more usually reserved for developments that 'point the way' in technical or design features. Whilst there is no harm in development of this type aspiring to this status, it is not reasonable to expect it. Subject to conditions to address some minor matters, and others to ensure delivery of desirable features that are offered, the development reaches a standard of design which is appropriate to its surroundings, makes good use of land whilst preserving natural features, overcomes the failings identified in a previous Appeal, and reaches a standard that is more than just acceptable. For these reasons, the proposals accord with the aims of Core Strategy Policy CP1 as well as those of the Framework on good design.

Other Considerations

23. Inappropriate development is, by definition, harmful as set out in paragraph 87 of the Framework and substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case the harm identified in addition to that of inappropriateness is to the openness of the site due to its current state of having few buildings, to be replaced with 176 dwellings. The degree of adverse effect on that openness is tempered by the strong tree cover that would be retained, the limited through views from outside and the retention also of open space through and on some edges of the site. There is no undue effect on the character and appearance of the area, and previous shortcomings of a much larger scheme have been addressed. The minor remaining items of the detail design concerns are all capable of being resolved.
24. The appellant put forward matters for consideration as to whether they amount to very special circumstances;
25. *Consistency with Policy.* The Rochford District Replacement Plan 2006 – 2011 can be regarded as being out of date in respect of housing delivery as the sites have been developed. Framework paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development, and the Ministerial Foreword to the Framework says that 'sustainable' means ensuring that better lives for ourselves does not mean worse lives for future generations. Paragraph 14 sets out the presumption, and where Plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted, for example, those policies relating to land designated as Green Belt. The Green Belt policies provide for development, either as being not-inappropriate or through the demonstration of very special circumstances, so that 'restricted' does not mean 'prevented'. Whatever the remaining life of the Regional Strategy, The East of England Plan, the housing figures derived from it would remain. The appellant provides other examples of where the development accords with policy. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development to be in accordance with the Development Plan policies in any event, unless material considerations

indicate otherwise, and therefore in terms of a consideration being very special, limited weight attaches to this alone.

26. *Housing Land Supply.* The requirement for sites to be deliverable is set out in paragraph 47 and footnote 11 of the Framework under the general aim to boost significantly the supply of housing. The need to find 175 dwellings in the south Hawkwell area, and the inclusion of the appeal site in the discussion and consultation draft of the Allocations Development Plan Document all add weight to this being necessary to achieve a supply of land, notwithstanding the doubts placed on the overall achievement in the district. The release of Green Belt land in this locality has been shown to be necessary. There was reference at the Hearing to the possibility of other sites, but the footnote to the Framework section makes clear the need for these to be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. The merits of waiting for the Allocations Development Plan Document appear limited and no reason to delay; two other sites have been granted permission ahead of that document and prematurity should not be a reason to delay otherwise acceptable development. If this site were not to be developed in a timely manner, the Council risks not being able to demonstrate a five year supply of land, thereby being vulnerable to applications which do not accord with the Core Strategy. Significant weight attaches to the need to develop this site as part of the five year supply of housing land.
27. *Affordable Housing.* The record on the supply of affordable housing is poor, against a recognised need. The appellant states that due to the demolition of an unfit house the provision was negative in the 2009 Annual Monitoring Report. The 2011 Report does not give detail, but the appellant surmises that as the total provision of housing was on windfall sites, the figure might be zero. Reference to there being 3 on the Jewsons site and 23 at Rawreth was made, and that must be welcomed, but does not go far to address the shortfall. Weight attaches to the negative effects of such a shortfall on social objectives and the aim of providing decent homes, with risk of over-crowding and substandard accommodation. Here again, the possible existence of alternative sites and infill risks not delivering the percentage achievable here, and the use of previously developed urban land could call into question viability and similarly lead to a lower level of provision. Substantial weight attaches to the delivery of this level of affordable housing in this scheme.
28. *Gas Pipeline.* The existing pipeline crossing the site, due to its shallow depth and thin wall, sterilises a considerable width of the site around it. The appellant's intention to rectify this problem unlocks the development potential of the site and avoids the possible future loss of trees. It is the fact that relocation would enable the other benefits to accrue, and due weight is accorded to those benefits, but it is difficult to see how, on its own, the relocation can be accorded weight.
29. *Section 106 Agreement.* For the most part the provisions mitigate the effect of development in line with policy. There is however a residual and wider benefit in the provision of the bus subsidy as, whilst in line with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations, any service enhancement would not be limited to the occupiers of the development. Similarly whilst there would be an increase in traffic, it appears from

observation, that a left turn lane at the Main Road roundabout would have a wider public benefit.

30. *Conclusion.* The harm is limited as set out, but the benefits and other considerations are, on the whole, of significance and the provision of the proposed level of affordable housing secured by an Agreement is of substantial weight. Green Belt land is highly likely to be required for development and this site and this proposal is acceptable. On balance, the matters put forward for consideration do amount to the very special circumstances required to justify inappropriate development in the Green Belt.

Conditions and Agreements

31. The conditions put forward by the Council were discussed and with the addition of implementation clauses and further clarification in some cases, were agreed. There was some overlap with the terms of the Agreement and these conditions are removed. In particular, conditions are required to specify the drawings for the avoidance of doubt and the proper planning of the area; on materials, which should include reference to lintels and dormers as set out above; boundary treatment and landscaping, which should address the parking to plots 113 and 114 and the detail design of garage courts; the protection of trees; lighting and pathways; and a series of conditions specifying the retention, finish and size of parking areas and garages is also necessary. The removal of permitted development rights for enlargement on identified plots, and regarding flank openings is justified in this scheme. Also required are conditions on the estate roads, footpaths, visibility splays and junctions; and to ensure control of surface water run-off and a sustainable drainage scheme; as well as conditions controlling hours of building work and to prevent development in flood zones 2 or 3.
32. Condition 21 in the Council's list concerned the planting of highway trees and sought a commuted sum for their maintenance. This is not acceptable by way of condition and it was agreed that a standard landscape clause requiring maintenance for 5 years was reasonable. There is evidence of need for archaeological involvement, but not as contained in the proposed condition. It was agreed that condition 12 contained in the 2010 Inspectors' Report would be appropriate.
33. There was discussion on an additional condition regarding the possibility of a 'haul route' and it was agreed that the requirements sought could be included within conditions on the organisation of the on-site works, operatives parking, unloading, wheel cleaning and the like. With these changes, the conditions accord with the tests in Circular 11/95 "*The Use of Conditions in Planning Permissions*" of being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
34. Two completed Agreements were presented. That between the developer, owners, mortgage holder and the Council makes provision for the affordable housing which has been given substantial weight in this Decision and is necessary to make the development acceptable. Other provisions secure public open space, landscaping, play areas and associated facilities; a contribution to sports facilities and an access bridge over a stream to the park. This latter is an offer, but would rely on the Parish Council agreeing to the bridge landing on their property, which they are not, at present, minded to do. However,

alternative routes are readily available, and whilst desirable to have the direct route to integrate the new development with the wider community, it is not essential.

35. The second Agreement includes, in addition, the County Council and provides for a contribution to subsidise a bus service between Rochford and Rayleigh passing the site. Further provisions ensure the delivery of the highways works and the left turn lane, to which weight has also been attached, and of a Travel Information and Marketing Scheme to encourage use of public transport. The Agreements satisfy the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010; they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Full weight can be accorded these provisions in the grant of permission.

Conclusions

36. The proposals are inappropriate development in the Green Belt and would affect openness within the site. That effect is less marked from longer viewpoints. Shortcomings in the previous scheme have been adequately addressed and the semi-rural nature of Rectory Road would be maintained and in part improved. The development is required to ensure a deliverable supply of housing land which is available now. There are a number of benefits of the scheme, of which the provision of affordable housing at the policy rate is a substantial consideration. It has been shown that very special circumstances exist sufficient to justify inappropriate development in the Green Belt. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

ANNEX 1

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

M Stranks BA(Hons) MRTPI	Planning Department Rochford District Council
E Moon BA(Hons) Dip Arch ARB	Place Services Essex County Council

FOR THE APPELLANT:

Martin Hull BA MA MRTPI	Director Kember Loudon Williams
P Biggs BSc(Hons) DipTP MRTPI	Barratt Eastern Counties
G Ellis BSc(Arch) DipArch RIBA	Group Design Director Grafik Architecture
M Lee BSc(Hons)Hort CMLI MLD MAUD	Senior Associate Liz Lake Associates

INTERESTED PERSONS

Cllr C Mason	Rochford District Council
Cllr J Mason BSc(Hons) FLS ACIB	Rochford District Council
M Weir	Hawkwell Parish Council
C Dutton	Hawkwell Action Group
P James	Hawkwell Action Group
Local Residents as Attendance Sheet	

DOCUMENTS

Document	1	Notification letter 23 May submitted by Council
Document	2	Letter of objection submitted by D Blackwood
Document	3	Letter 25 June submitted by Hawkwell Parish Council
Document	4	Draft S106 Agreements submitted by appellant
Document	5	Other sites plans submitted by appellant
Document	6	Revised drawings (Z5) submitted by appellant
Document	7	Updated drawing schedule submitted by appellant
Document	8	Additional condition submitted by Council
Document	9	Completed S106 Agreements dated 2 July 2012
Document	10	Letter 4 July 2012 re. Appeal Decision 11 August 1983, S106 and ownership of trees submitted by appellant

ANNEX 2

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule Document 7 attached to this decision.
- 3) No development shall commence until details of all external facing materials (including windows, doors and visible lintel details) and roofing materials (including to dormer windows) to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no extensions shall be erected on any elevations of the dwelling hereby permitted to plots 1, 2, 3, 4, 5, 46, 47, 48, 49, 65, 71, 91, 92, 95, 96, 98, 136, 138 and 141.
- 5) No development shall commence until plans and particulars showing details of any gates, fences, walls or other means of screening or enclosure, to be erected within the development and serving the paddock and open space areas, have been submitted to and approved in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority, shall be erected prior to that part of the site to which they relate first being occupied and thereafter retained in the approved form.
- 6) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) all first floor side windows shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level and no alteration is to be made to that arrangement thereafter.
- 7) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no enlargement of or the provision of additional, windows, doors or other means of opening shall be inserted in the side elevations of the dwellings hereby permitted.
- 8) No development shall commence until details of the lighting height and luminance for the play areas and pathways through the public open space within the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.
- 9) No development shall commence until plans and particulars showing details of the hard and soft landscaping which shall form part of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The scheme 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 treatment of parking courts and other vehicular access and circulation areas, and including details of parking to plots 113 and 114;
- minor artefacts 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);
- a programme for the implementation of both hard and soft landscaping features.

The landscaping scheme shall be implemented in its entirety in accordance with the agreed programme for implementation, or other such programme subsequently agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree shrub or hedge plant that item, or any item planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place, in the first available planting season following removal, unless the Local Planning Authority gives its written approval to any variation.

- 10) The development hereby approved shall be implemented in accordance with the measures for the retention and protection of trees to be retained in the development hereby approved as set out in the Arboricultural Impact Assessment accompanying the application.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.
- 12) No development shall commence until the road junction at its centre line on Clements Hall Way has been provided with a clear to ground visibility splay with dimensions of 2.4m to the junction to the south and 2.4m by 25m to the north, as measured from and along the nearside edge of the carriageway. The junction on Rectory Road shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 90m in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junctions are

- first used by vehicular traffic and retained free of any obstruction at all times.
- 13) No development works shall commence until details of the means access for site traffic, areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and equipment, and manoeuvring and parking of all vehicles, including construction operatives, and visitors, clear of the highway, has been submitted to and approved in writing by the Local Planning Authority. Development and construction shall be carried out in accordance only with the approved details.
 - 14) The proposed private drive accesses from Clements Hall Way shall be constructed to the requirements of the Highway Authority and provided with an appropriate dropped kerb crossing of the footway prior to the occupation of the dwellings so accessed.
 - 15) No development shall commence until details showing the means to prevent the discharge of surface water from the development onto the highway have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the accesses so drained becoming operational and shall be retained thereafter.
 - 16) No unbound material shall be used in the surface treatment of any vehicular access within 6m of the highway boundary.
 - 17) No development shall commence until details of a wheel cleaning facility within the site and adjacent to the egress onto the highway have been submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
 - 18) No development shall commence until details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 19) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) after the occupation of such dwelling.
 - 20) No further development, including the delivery of materials, shall take place until the proposed bellmouth junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, has been constructed up to and including at least road base level and is available for use.

- 21) No development shall commence until details of independent paths, including their lighting and drainage, have been submitted to and approved in writing by the Local Planning Authority. Paths are to be a minimum of 2 metres wide, and development shall be carried out in accordance with the approved details to a programme to be agreed with the Local Planning Authority.
- 22) Details of any tree planting proposed within the highway and a programme for implementation must be submitted to and approved in writing by the Highway Authority prior to planting, and the approved scheme shall be implemented in accordance with the programme. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Highway Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, in the first available planting season following removal, unless the Local Planning Authority, in consultation with the Highway Authority, gives its written approval to any variation.
- 23) Any new boundary planting shall be planted a minimum of 1m back from the highway boundary and any visibility splay where applicable.
- 24) Each vehicular parking space shall have minimum dimensions of 2.9m x 5.5m.
- 25) Each tandem vehicular parking space shall have minimum dimensions of 2.9m x 11m to accommodate two vehicles.
- 26) All single garages should have a minimum internal measurement of 7m x 3m.
- 27) No development shall commence until details of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for storage on the site to accommodate the 1 in 100 year storm, inclusive of climate change and shall be designed to incorporate sustainable drainage techniques and consider flow routes/pathways across the site. Surface water run off generated on the site shall be restricted to a maximum of 65.5 litres per second from the site. Prior to the first occupation of any dwelling, details shall be submitted to the Local Planning Authority confirming the responsibility and arrangements for the maintenance of the surface water scheme thereafter. The development shall be carried out in accordance with the agreed details.
- 28) No part of the development shall be occupied until a system of operational street lighting serving that part of the development has been provided and the system shall be maintained operational and in good repair until adopted.
- 29) No dwelling shall be placed in flood zones two or three as detailed on the submitted drawing No. d542-012c.
- 30) Prior to the commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
 - i) Preliminary risk assessment which has identified all previous uses. Potential contaminants associated with those uses. A conceptual model of the site

indicating sources, pathways and receptors. Potentially unacceptable risks arising from contamination of the site

ii) A site investigation scheme based on i) above to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.

iii) The site investigation results and the detailed risk assessment ii) and, based on these, an options appraisal and remediation strategy giving details of the remediation measures required for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 31) Prior to the breaking of ground for construction and earthworks, not less than 24 hours notice shall be given to the Essex County Council Archaeology Unit and access made available for the County Archaeologist to supervise the activities. If archaeology is unearthed during construction activities on any phase of the development, development shall only recommence on that phase when a mitigation strategy has been agreed in writing with the Local Planning Authority (specifying either the recording and preservation in situ of the artefacts or their removal and preservation by a party approved by the Local Planning Authority), and shall proceed in accordance with that agreed strategy.

Richborough Estates