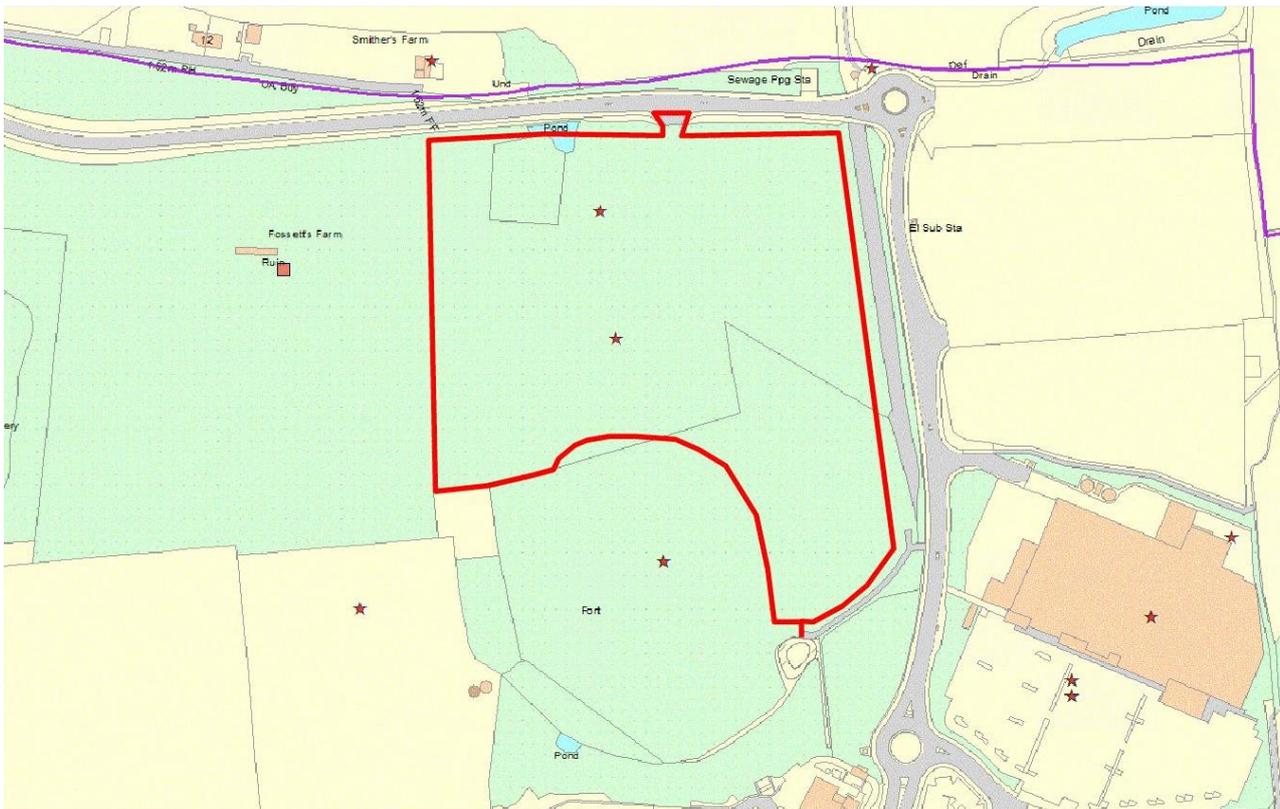


Reference:	20/00337/OUTM	
Application Type:	Outline Application Major	
Ward:	St Lukes	
Proposal:	Erect up to 131 residential units with associated car parking, landscaping and ancillary works at land on Fossetts Farm (Outline Application)	
Address:	Land At Fossetts Farm, Sutton Road, Southend-On-Sea	
Applicant:	Homes England	
Agent:	Miss Mhairi Summers of Stantec	
Consultation Expiry:	7 th April 2021	
Expiry Date:	10 th February 2022	
Case Officer:	Charlotte White	
Plan Nos:	<p><u>Plans</u></p> <ul style="list-style-type: none"> • <i>Location Plan</i> <p>12605_ACQ_Rev B</p> <ul style="list-style-type: none"> • <i>Parameter Plans</i> <p>Land Use Parameter Plan - 6702_300 Rev F Green Infrastructure Plan - 6702_301 Rev E Building Heights Parameter Plan - 6702_302 Rev D Density Parameter Plan - 6702_303 Rev D Access & Movement Parameter Plan – 6702_305 Rev C Framework Plan – 6702_306 Rev B</p> <ul style="list-style-type: none"> • <i>Illustrative Plans</i> <p>Illustrative Master Plan – 6702_100 Rev G Illustrative Master Plan (annotated) – 6702_100 Rev G Photowire - 6702_PW002 Sheet 1 of 1 View Looking North from Prittlewell Fort 3039_500</p> <ul style="list-style-type: none"> • <i>Supporting Documents</i> <p>Accommodation Schedule, Draft Archaeological Conservation Management Plan by Orion dated July 2020, ref. PN2694/1h, Travel Plan by Stantec dated January 2020 ref. 45085/55012 Rev.0, FRA Addendum Technical Note by Stantec dated 6th</p>	

	<p>July 2020, ref. 45085/4001/TN001,</p> <p>Transport Technical Note by Stantec dated 24th June 2020 ref. 5503/TN001,</p> <p>Design Team's Response to Feedback from SBC and Historic England LDA DESIGN dated 11th August 2020,</p> <p>Design and Access Statement LDA DESIGN dated February 2021 version 3,</p> <p>Air Quality Assessment by Stantec dated January 2020 ref. 45085/3004,</p> <p>Tree Survey Report by Patrick Stileman Ltd dated 27th April 2019, reference DS13101801,</p> <p>Flood Risk Assessment by Stantec, dated January 2020 ref. 45081/4001 Rev. B,</p> <p>Ecological Assessment Report by Stantec dated January 2020, ref. 45085/3002 Rev. AA,</p> <p>Habitats Regulations Assessment by Stantec dated January 2020 ref. 45085/3008 Rev. AA,</p> <p>Daylight and Sunlight Assessment by Mesh Projects Limited dated 5th March 2020 rev.P3,</p> <p>Operational Waste Management Strategy by Stantec dated January 220 ref. 35085/3010 Rev: FINAL,</p> <p>Planning Statement by Stantec dated August 2019 ref. 45085 Rev. AA,</p> <p>Planning Report Southend-on-Sea Employment Needs Position and Fossetts Way by Strutt and Parker dated May 2019,</p> <p>Financial Viability Assessment dated 7th February 2020 by Montagu Evans,</p> <p>Phase 1 Contaminated Land Desk Study & Preliminary Risk Assessment by Stantec dated January 2020 ref. 45085/3501 Rev.01,</p> <p>Noise Impact Assessment by Stantec dated January 2020 ref. 45085/3003 Rev. Final,</p> <p>Sustainability Statement by Stantec dated January 2020 ref. 45085/4001 Rev. V1,</p> <p>Utilities and Drainage Appraisal Report by Stantec dated January 2020 ref. 45085/2501 Rev. V2,</p> <p>Archaeology Desk Based Assessment and Heritage Statement by A B Heritage dated 21st January 2020, ref. 60573,</p> <p>Cover Letter by Stantec ref: 45085 dated 8th March 2021,</p> <p>Update Badger Survey by Stantec Ref: 332110065 dated July 2021,</p>
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	Technical Note – Update Extended Phase 1 Habitat Survey Ref: 332110065 dated 26th July 2021, Technical Note – Biodiversity Metric Report by Stantec Ref: 48085 dated 13th July 2021.
Recommendation:	Members are recommended to DELEGATE to the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control to GRANT PLANING PERMISSION subject to CONDITIONS following completion of a LEGAL AGREEMENT under Section 106 of the Town and Country Planning Act 1990 (as amended)



1 Site and Surroundings

- 1.1 The application site is irregular in shape and some 6.01 hectares in size and slopes down gently from south to north. There is a small area of woodland on the northern boundary and the majority of the site is covered in a mix of bramble, mixed small trees, mixed long grass, vegetation and saplings.
- 1.2 The site is located to the south and west of Fossetts Way. It is currently undeveloped, vacant land that was historically used for agricultural purposes. To the immediate north of the site is Fossetts Way, to the immediate east is a Medieval Green Lane with Fossetts Way beyond. To the south is a large circular enclosure, known as Prittlewell Camp, a Scheduled Monument (SM). To the west of the site is undeveloped, vacant, previously agricultural land. A planning application has been submitted to redevelop the site to the west under reference 17/00733/FULM which includes the relocation of Southend United Football Club. The Development Control Committee has recently resolved to grant planning permission for this, subject to completion of a legal agreement and also subject to no direction being received from the Secretary of State to call the application in. To the north of the site planning permission was granted by Rochford District Council under reference 11/00224/TIME for three outside training pitches, an all-weather floodlit training pitch and surface car parking. To the south of the site, beyond the SM is an out-of-town retail area with a Waitrose supermarket and petrol station, B&Q, a terrace of 3 commercial units and the Wellesley Hospital. To the east of the site, beyond Fossetts Way, planning permission has recently been granted for a residential development of 221 units, subject to conditions and a S106 Legal Agreement (reference 21/00711/FULM). A vehicular access from Fossetts Way has been constructed to the north of the site.

1.3 The site has no specific allocation within the Development Management Document Proposals Map. Within the Core Strategy Key Diagram, the general area that the site is located within (Fossetts Farm) is identified as an industrial/employment area. The site is subject to a development brief - the "Development Brief for Land at Fossetts Way" which states '*...the subject site is within the ownership of Southend University Hospital Trust and was allocated as 'Safeguarded Land' for employment purposes within the second alteration to the Southend Local Plan. It is now recognised that the site has long term development potential to provide a high quality, sustainable mixed-use residentially led scheme to provide new housing and supporting uses.'*

1.4 The site is located within Flood Zone 1 – low probability of flooding.

2 The Proposal

2.1 This application seeks to obtain outline planning permission with all matters, apart from access, reserved for later consideration for a scheme of up to 131 residential units with associated car parking, landscaping and ancillary works.

2.2 Vehicular access will be gained from the north of the site via the existing access on Fossetts Way. A street hierarchy is proposed with primary, secondary and tertiary routes as well as pedestrian and cycle routes throughout the site.

2.3 The application has been submitted with an illustrative site layout plan and parameter plans. The illustrative masterplan provides an example of how the parameter plans could be applied in practice. The masterplan submitted demonstrates how it would be feasible for the quantum of development proposed to be accommodated on the site. It does not form a parameter plan and is for illustrative purposes only. The illustrative masterplan shows what the development could look like and is not for approval

2.4 As part of the site contains the SM Prittlewell Camp, a 30m buffer is proposed to the southern part of the site, which will comprise strategic open space, including retained and existing trees, play areas and footpaths. The remainder of the site is proposed for residential development of up to 131 units. Given the size of the buffer proposed, whilst the overall site area is some 6.01 hectares, the area actually to be developed comprises some 3.63 hectares with 2.38 hectares provided for green infrastructure.

2.5 The parameter plans submitted indicate that the density proposed to the western part of the site would be a maximum of 70 dwellings per hectare with the remaining site density some 50 dwellings per hectare.

2.6 In terms of scale and appearance, the indicative information provided states that it is anticipated that there will some variation in building heights across the site, with the potential for taller dwellings to the west of the site which is likely to include typologies such as townhouses or apartments. The parameter plans propose building heights of up to 4 storeys (up to 16m high) for the apartments and/or houses to the western part of the site, with the main block of development to be a maximum of 3 storey in height (up to 14m high) and a central section of the site, either side of the 16.2m central, green wedge, street and adjacent to the SM buffer to be a maximum of 2 storey in heights (up to 10m high).

2.7 An illustrative site layout plan has been provided which demonstrates how the design

parameters could be applied in practice and provides a total of 131 dwellings across the site. The northern frontage has a strong building line to address Fossetts Way with the western building line having a strong edge with a buffer of tree planting. Development facing Prittlewell Camp is shown as a mix of detached and semi-detached dwellings and flats with a staggered building line. The indicative housing mix will include a mixture of 2, 3 and 4 bed dwellings and indicatively is: 60x 2-bed apartments, 54x 3-bed houses and 17x 4-bed houses. It is stated that the scheme will provide 30% affordable housing which for the indicative scheme of 131 dwellings equates to 40 dwellings (16 of which would be shared ownership with 24 affordable/social rent).

- 2.8 The parameter plans indicate that Sustainable Urban Drainage Systems (SuDS) will be provided towards the northern part of the site which will comprise approximately 0.35 hectares. Within the site there is also a sewer easement which is to be retained with open space and road crossings where necessary. It is also proposed to retain a north-south view corridor between the SM and the northern fields, for circulation/open space in the centre of the site which will be a minimum of 16.2m wide.
- 2.9 The application has been submitted with a host of supporting documents and information. The information submitted within the covering letter states 'The site was acquired by Homes England in March 2018 after it was declared as surplus to requirements by Southend University Hospital Foundation Trust. Homes England is a public body tasked with accelerating housing delivery. Their aim is to intervene in the market to ensure more homes are built in areas of greatest need and to improve affordability, whilst creating a more resilient and diverse housing market.'
- 2.10 The information submitted indicates that the development would be constructed as one single, comprehensive development without phasing.
- 2.11 The Council has issued an Environmental Impact Assessment (EIA) screening opinion based on the redevelopment of the site for up to 145 dwellings which concluded that the development did not constitute EIA development.

3 Relevant Planning History

- 3.1 19/01171/RSE - Development of site and erect up to 145 residential units, landscaping, open space and ancillary works (Request for Screening Opinion) – EIA not required.
- 3.2 04/00550/FUL – Construct diagnostic and treatment centre comprising part two / part three storey building and lay out 392 parking spaces with access and egress onto new link road – Planning permission granted.

4 Representation Summary

4.1 Applicant's Consultation

The applicant has engaged with the Council prior to submission of the current application via its pre-application service. The Planning Statement submitted also contains a Statement of Community Involvement which provides details of the applicant's public engagement prior to the submission of this application. This included a public consultation event, a stakeholder consultation and an un-staffed exhibition.

4.2 Public Consultation

23 neighbouring properties were consulted, 8 site notices were displayed around the

margins of the site and the application was advertised in the press. The application has been subject to two rounds of consultation as amended plans and additional information were submitted during the course of the application.

In total 156 letters of objection have been received which make the following summarised comments:

- Concerns relating to a lack of affordable housing proposed. Need more Council, social, truly affordable and key worker housing for local people. Development should provide more than just the minimum affordable housing.
- It is public land and the Town's people in need should get Council housing on it. Need to build for local people and the land should be kept in public ownership.
- Council is behind its housing targets and there are too many people waiting for a Council house (1500+ households), too many homeless people and too many people crammed into temporary housing/sofa surfing.
- Need a mix of housing types for balanced communities – plan does not include a mix of housing – just expensive/luxury/executive homes.
- Homes needed for Southend Hospital workers and the current lack of affordable housing means there is a lack of staff in nursing, social care and emergency services. The scheme does not meet the Town's housing needs.
- Homes needed for people coming out of the armed forces.
- Pandemic has shown importance of key workers and key workers need affordable housing.
- Does not make the best use of the land – more than 145 luxury homes could be built on the land – suggestion that 400 truly affordable dwellings could be built on the site.
- Will increase local inequalities and damage community cohesion.
- Will add to the strain on current housing needs.
- Current infrastructure including roads, schools, GP surgeries, dentists, hospitals, etc. cannot cope with new people coming into the area and this development will increase the strain.
- Need a programme of mass Council house building.
- Concerns relating to developer profits.
- Concerns that more unaffordable homes which bring people into the area threaten the character of the town, strain infrastructure and damage community cohesion.
- Contrary to policy.
- Concerns relating to dwelling mix and types and tenure of accommodation which are needed for a balanced community and social inclusion.
- Should be 100% affordable units.
- Does not provide social, affordable or keyworker homes.
- Proposal does not include sufficient improvements to road infrastructure.
- Traffic congestion concerns.
- Decent housing for people would reduce anti-social behaviour.
- Concerns relating to building private housing on public/NHS land.
- Concerns relating to Homes England's public consultation.
- Climate Emergency therefore full impact statement is needed.

A petition against the development from 'Fossetts for the People' has also been submitted with 482 names and addresses which is summarised as follows:

- Southend Council should develop the site and build good quality social housing to rent to families and people most in need in Southend.
- House prices in the Borough have increased by 50% in the last 10 years – pricing

- people out of the housing market.
- Dire shortage of good quality, affordable private rental properties in Town and long waiting lists for Council properties.
- Southend Council could build 400 new homes here.
- The NHS sold this publicly owned plot and would provide a handsome profit for a private developer.
- Southend's affordable housing builds has fallen below its 30% target to 19%
- Affordable means 80% of market value which is not affordable to many.
- The New Economic Foundation looked at planned developments on NHS land sold off and found 4 out 5 homes will be unaffordable to an average nurse and such nurse would have to save on average for 53 years to afford the deposit, only 1 in 10 homes will be genuinely affordable social rent, average sale prices for these new homes is estimated at £315,279 – 10x the annual salary of a nurse.

A second petition in opposition of the development, with 542 names and addresses has also been submitted.

1 Letter of support has been received which makes the following summarised comments:

- Support principle of redevelopment of the site.
- Brings much needed housing.
- Support proposed affordable housing provision and 60/40 tenure split.
- Land could be used more efficiency to provide more homes and therefore more affordable homes. Would support increase housing delivery providing of a good design.

Officer comment: The representations received, and the concerns raised are noted and have been taking into consideration in the determination of the application, but do not form a reason to refuse planning permission in the specific circumstances of this case. The reasons for this are explored in more detail in the assessment section of the report below.

4.3 **Environmental Health**

No objections subject to conditions relating to contamination, construction and demolition method statement, noise impact assessment and noise post completion testing, refuse and recycling stores to be provided and details of all external illumination need to be provided.

4.4 **Council's Air Quality Specialist**

No objections.

4.5 **Natural England**

The development site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). In the context of your duty as competent authority under the provisions of the Habitats Regulations it is anticipated that without mitigation, new residential development in this location is 'likely to have significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects. We therefore advise that you consider whether this proposal falls within scope of the Essex Coast RAMS. Where it does, you must undertake a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) to secure any necessary recreational disturbance mitigation.

4.6 Highways Team

Access and Egress

The main access and egress for all modes to the site has already been constructed and is located on the northern boundary of the site off Fossetts Way. This access provides a vehicular priority ghost island junction. The Transport Assessment (TA) provided has considered the visibility splays and swept path analysis of this junction and shows the junction is able to accommodate car, service and emergency vehicles.

There are proposals to provide access for pedestrian and cyclists via informal routes through to the SM site, links with the nearby public rights of ways (PRoWs) and also links with the proposed development of Southend United Football Club adjacent to the site. The TA mentions the provision of formal and informal footways across and surrounding the site; more details of these are required in any future reserved matters application. For any future reserved matters application, cycle, pedestrian and vehicular detailed designs would need to be provided.

The pedestrian route to the bus stop from the site is via the northern access on Fossetts Way and is a 450m walking distance from the site. If there is a future reserved matters application for this site then Southend Council would like the applicant to investigate this request further. The Travel Plan and Travel Packs must encourage the use of the bus and provide a number of free bus tickets to the residents of each unit. The bus companies real time bus apps will also need to be marketed to residents so as they know the time to expect the bus so as they can plan their journey before leaving their home.

Any works on the public highway will need to be carried out under a S278 agreement. The adoption of public highway if deemed appropriate will need to be carried out under Section 38.

Sustainable Travel Options

The site does not currently sit in a particularly sustainable location. The nearest train station is Prittlewell which is a fair walk. There are a couple of bus stops located on Fossetts Way served by the Stephenson's 61 and a school bus service which do not serve the peak travel times. The applicant has shown that they understand that currently this location is not particularly sustainable and therefore they have carried out research to provide a number of options for improving bus travel at this site. The TA sets out a few options and suggests that different routes could be extended to provide a better bus provision in this location. There is already a bus stop with bus stop markings located on Fossetts Way to the east of the site heading northbound, which must be served as part of this new/extended bus service that is being proposed.

Due to the lack of sustainable travel options in the near vicinity of the site the applicant will need to work with a bus company to provide an enhanced bus service for a minimum of 3 years. The service should offer the following, Monday to Friday at least a half hourly service from 07:00 until 20:00, Saturday, at least a half hourly service from 07:30 until 20:00 and for Sunday's an hourly service from 09:00 until 19:00. The bus service must be up and running before the first units are inhabited. The applicant has agreed with these conditions.

Surrounding the site there are good pedestrian and cycle ways with shared footway/cycleways on Fossetts Way and tactile paving at crossing points. The TA suggests proposals for a new cycle route to be installed, converting the A1159 southern

side between Weybourne Garden and Bournemouth Park Road into a shared foot/cycle way. Southend Council welcomes improvements to the cycle network however in the previous comments Southend Council sought clarification on this addition in this particular location and how this links with the current network. The applicant has provided some new written information on this cycleway within their Technical Note. Southend Council now request a contribution of £10,000 towards cycleways.

Parking

As the TA states, car parking will need to be in line with Southend Council's Development Management Document, with 1 car parking space per dwelling for flats and 1 bed units, and 2 car parking spaces per dwelling for houses of 2 bedrooms and above. It is also suggested that the applicant considers parking for visitors.

The Transport Statement states that all homes will be provided with passive charging points, which future proofs the installation of actual charging points at a later date. This proposed development is suggesting that parking will be on driveways, on-street and in mews style parking areas, it would therefore be difficult for dwellings to have an electric charging point installed at a later date on the on-street parking spaces. Therefore, in line with other development applications it is conditioned that 20% of the spaces have actual charging points in place and one of these spaces should be the car club parking space. The remaining 80% of parking spaces should be provided with the passive charging points and should be future proofed so that electric charging points can be installed when demand requires, e.g., four-way duct and drawpits to service all bays.

The applicant is proposing to provide one car club vehicle and space which will be conditioned. As suggested above this space should have an electric charging point in situ.

Cycle parking will also need to be provided in line with the requirements of Policy DM15, where at least one secure, covered space will need to be provided per dwelling. Cycle spaces will need to be covered, safe and secure. A garage can be used as a space for cycles.

For any future reserved matters application detailed design of parking areas and cycle parking will be required.

Servicing

Details of servicing and delivery along with internal swept path analysis will need to be provided for any future reserved matters application.

Travel Plan

A Framework Travel Plan (TP) has now been submitted which is adequate for this outline planning application. The Framework Travel Plan suggests that a full Travel Plan will be provided when the first baseline surveys are undertaken. Southend Council agree with this suggestion and will condition this. The measures set out in this Travel Plan Framework give a good starting position for the full Travel Plan.

Paragraph 8.1 of the Framework Travel Plan under the Action Plan shows that Welcome Packs, which Southend Council refers to as Travel Packs, will be distributed 12 months following first occupancy. These Travel Packs must be publicised to potential residents looking to move into these units through the initial moving processes and then must be given out to residents a few weeks before they move in or at the latest on their move in

day. The Travel packs must include free travel vouchers for bus and car club use. This will be conditioned/included in the S106.

Construction Impact

For any future reserved matters applications a Construction Management Plan will be required.

Transport Modelling (VISSIM)

The survey data used in the VISSIM model is current and was collected during the neutral month of June 2019. The modal split has been derived from using the Travel to Work Census data from 2011, this has specified 58% of trips by car including driver and passenger. Using the industry standard TRICS database, during the AM peak (8am-9am) the proposed site is predicted to have 15 arrivals by car and 65 departures by car. During the PM peak (5pm-6pm) there are predicted to be 44 arrivals by car and 17 departures by car. The total for all modes of transport is 155 trips in the AM peak and 118 in the PM peak.

The TA describes that CUBE software has been used for the assignment of the trips based on the Census data. Both Junctions 9 software and also Southend's VISSIM transport model have been used to evaluate the effect of the development on the surrounding highway network.

Due to the close proximity to the location of the proposed SUFC development, Southend Council asked for an extra scenario to be modelled which included the proposed mitigation (including signalisation of the Eastern Avenue / Sutton Road junction and the Eastern Avenue / Royal Artillery Way junction) for the SUFC site. This also included the traffic generated by the potential SUFC site, therefore the VISSIM modelling undertaken has assessed the following scenarios:

- 2024 Existing Layout Do Minimum (DM) AM and PM peaks;
- 2024 Existing Layout Do Something (DS) (with NHS Fossetts Farm development, 145 homes) AM and PM peaks;
- 2024 SUFC Layout DM AM and PM peaks; and,
- 2024 SUFC Layout DS AM and PM peaks.

The modelling shows that during the PM peak, the potential SUFC development with mitigation added in would be over-capacity, however this is due the SUFC potential development and not the trips from this 131 unit site, therefore this mitigation required will be dealt with in another planning application.

The VISSIM report concludes that this proposed development has a marginal impact on the network. The model shows that overall, this development will have an increase of 8 seconds (3%) on average travel time in the AM peak and 8 seconds (2%) in the PM peak. This suggests that this development will have a minimal impact on the highway network and therefore is acceptable without the requirement for highways mitigation.

Planning Obligations and Conditions Related to Transport and Highways

For any future Reserved Matters application detailed designs will need to be provided of cycling, walking, vehicular areas and street lighting. The provision of formal and informal footways across and surrounding the site will require more details and design to be provided in any reserved matters application. For any future reserved matters application detailed design of parking areas will be required. For any reserved matters application details of cycle parking will need to be provided. Cycle parking must be in line with the

requirements of Policy DM15 of the Development Management Document and it must be safe, covered and secure for each unit. Details of servicing and delivery along with internal swept path analysis will need to be provided for any future reserved matters application. For any reserved matters applications the provision of a direct pedestrian link from the site to the bus stop located on Fossetts Way should be further investigated by the applicant.

The applicant will need to work with a bus company to provide an enhanced bus service for a minimum of 3 years. The service must offer the following, Monday to Friday at least a half hourly service from 07:00 until 20:00. Saturday service at least a half hourly from 07:30 until 20:00 and for Sunday's an hourly service from 09:00 until 19:00. The bus service must be up and running before the first units are occupied.

S106 contribution of £10,000 for cycleways.

A Construction Management Plan to be provided and agreed by Southend Council.

Car parking will need to be in line with Southend Council's Development Management Document. It is suggested that the applicant considers parking for visitors also.

At least one designated Car Club bay and vehicle must be provided.

At least 20% of the car parking spaces should have electric charging points provided, one of these charging points must be for the Car Club bay.

At least 80% of the car parking space should be future proofed with passive provision so that electric charging points can be installed when demand requires.

Travel surveys to be carried out within 6 months of first occupation with updated full Travel plan to be agreed by Southend Council. Full Travel Plan to include defined targets and to be issued to Southend Council within one month of completing the baseline travel survey. Southend Council to be given sufficient time to approve this full Travel Plan. Travel surveys to be undertaken across the site within the first 6 months of first occupation and then in years 2 and 5 with the Travel Plan targets and monitoring being updated and submitted to and approved by Southend Council. The Travel Plan will need to be monitored by the Council to ensure that the targets and actions are being met. The Council ask for a contribution for monitoring of £1,000 per year for five years after the opening of the development.

Travel Packs to be provided for each unit, which must include free bus travel vouchers and free car club hours for each resident to use. Travel Packs to be shown to potential residents during the moving process and provided to residents a few weeks before they move in or at the latest on their move in day.

Any works on the public highway will need to be carried out under a S278 agreement. The adoption of public highway if deemed appropriate will need to be carried out under Section 38.

Conclusion

Taking into consideration the above conditions and S106 contributions, based on the current submission, Officers are able to reasonably conclude that the highways impacts of the proposal are acceptable and can be suitably conditioned.

4.7 **Education**

The application falls within the primary catchment area of Temple Sutton and secondary catchment area of Cecil Jones High School. The local primary school has capacity to accommodate this development at present. Whilst the secondary school has places at present it is part of a borough wide expansion programme to meet heightened demand from September 2021 and as this development would add to the numbers being planned for it attracts a S106 request of £368,290.33 for the 131 units proposed. Given the small site that Cecil Jones High School sits on expansion is problematic and the additional places would most likely be added at Chase High School which is within acceptable travel distance.

4.8 **Archaeology**

No comments.

4.9 **Essex and Suffolk Water**

Our records show we do not have any apparatus located in the proposed development, apart from across the entrance to the site. No objection subject to compliance with our requirements. Consent is given to the development on the condition that a water connection for the new dwellings is made onto our Company network.

4.10 **Parks Team (Ecology and Landscaping)**

Satisfied with the information provided but would appreciate the opportunity to comment when details of biodiversity enhancing measures are available in the future. A landscaping condition will be needed and a condition is needed requiring details of habitat mitigation techniques before development occurs. It is also necessary for further ecological surveys to be undertaken to ensure they are up-to-date, and to avoid violation of laws surrounding protected species. This should be done before development commences.

4.11 **Parks Team (Schedule Monument Maintenance)**

S106 contribution is required for the improvement and subsequent maintenance of the Schedule Monument.

4.12 **Council's SuDS and Flooding Engineers**

The information provided for the SuDS/Drainage Strategy is sufficient for this stage. Additional information will need to be submitted for approval during the detailed design and prior to construction as part of conditions or reserved matters.

4.13 **London Southend Airport**

The proposed development would conflict with safeguarding criteria unless any planning permission granted is subject to the following conditions:

- Once the final heights of the buildings are confirmed an Instrumental Flight Procedure (IFP) Assessment may be required. London Southend Airport is happy to engage with the developer on this.
- Development must be EASA compliant from a lighting and renewable energy point of view.

London Southend Airport will need to object to the proposals unless the above conditions are applied to any planning permissions.

4.14 **Housing Team**

The scheme is required to provide 30% affordable housing, which represents a minimum

of 40 units.

The applicant should provide the following dwelling mix:

23 x 2 bedroom units

15 x 3 bedroom

2 x 4 bedroom

The required tenure split is as follows:

Affordable Rent: 24

Shared ownership: 16

4.15 **Anglian Water**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

The foul drainage for this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

Anglian Water request text, informatives and conditions are included in any decision.

4.16 **Historic England**

The development is adjacent to Prittlewell Camp which consists of the earthwork and buried archaeological remains of a Late Bronze Age/Early Iron Age hillfort which is a designated heritage asset in NPPF terms (scheduled monument) and is also protected under legislation. The significance of Prittlewell Camp is that it remains substantially intact and it has a clear historic significance and high historical and evidential values from its sense of place. Prittlewell Camp is however lacking in beneficial management and there is an urgent need to improve the management of the asset as well as achieve sustainable conservation and public appreciate of the archaeological remains.

Prittlewell Camp draws significance from its setting. This proposed development would add to the quantum of built form that surrounds the monument and will impede views to the north. This development will therefore clearly result in harm to the significance of the designated heritage asset from a development within its setting. This harm would be less than substantial but to a relatively high degree. Part of the Scheduled Monument is situated within the red line boundary of the development and there is a responsibility to ensure integrated management protection of the asset and on-going maintenance.

Additional information was received from Southend Borough Council on 10th May 2021 setting out a costed programme of works for the monument in relation to a s.106 agreement. We can confirm that we have seen the documents and endorse this approach. Implementing these works would also require Schedule Monument Consent

and a suitable archaeological condition should be applied to the development overall. If these works and associated sums are secured via a S.106 then they would be able to deliver the kind of positive change Historic England are seeking in relation to this designated heritage asset. If the scheme was to be implemented as set out and secured via a S.106 agreement, we consider this would result in public benefit that could be weighed in the planning balance.

4.17 **Council's Design and Conservation Team**

The site is currently green field and part of the countryside to the north of the urban area which stretches northwards to the Roach Valley. The southern section of the site includes part of the Prittlewell Camp SM which is a prehistoric earthwork defensive enclosure. This enclosure is sited to command views over the Roach Valley and these views remain a key part of its setting and significance.

The principle of development in this location has been previously accepted and this remains unchanged, however, it will be important to maintain a strong visual connection to the Roach Valley and ensuring an appropriate form of development closest to the boundary of the SM.

The SUDs features proposed will provide a distinctive entrance to the site in this location and are positive in this regard. The plan shows gateway marker buildings at the entrance to the site which will frame the views into the site. This arrangement is acceptable in principle provided that these are not over-stated so as to detract from the views to and from the monument. An arrival space in this location is positive.

The principle of a buffer to the SM is welcomed as this will provide a transition zone between the monument edge and the edge of the built form. The proposal for a more informal building line around the monument will also soften this transition and is considered appropriate. There is no objection to the proposal for stronger more formal frontages to the other edges of the development site.

The monument will be a key feature for the development but the introduction of other public spaces and landscape features throughout the site will help to further soften the impact of the development, provide additional recreation options for residents and will help to create a sense of place and this is welcomed.

The principle of facilitating new pedestrian and cycle connections out of the site on all sides of the site is welcomed as access to the site at present is limited. These links will also help the proposal to integrate with the neighbouring development sites and this should help to create a new community in this location which is separated from the main residential area to the south.

There is no objection in principle to slightly higher density to the west side against the proposed stadium development provided that it integrates positively with the wider, lower scale of development across the rest of the site. This can be done through ensuring a cohesive approach to materials, landscaping and general style. There is no objection in general to the character section in the illustrative master plan. The use of separate but complementary character areas should help with the legibility of the site whilst also enabling a cohesive development. The choice of materials will be key. Natural materials as proposed will provide a softer and more complementary reference to the landscape character of the site and this is therefore welcomed. In this context within the setting of the SM, informal landscaping is considered to be more appropriate than formal planting. It is also noted that tree planting needs to be carefully considered so as not to impact on key

views.

The northern viewing corridor has been increased from a minimum of 11.8m to a minimum of 16.2m during the course of the application. This is an improvement as it will provide a wider view of the countryside to the north which is important for the setting of the SM and its links to the Roach Valley. It would not be appropriate for this to be strictly adhered to as a strong regular building line would be at odds with the character of the SM, however, it is pleasing to see that the indicative masterplan has interpreted this as a looser arrangement with an irregular width along its length and increasing to over 19m at its northern end and over 24m at its southern end. This will further open views in and out of the site at various points along its route which is positive as well as sitting more comfortably with the informal layout of the site which is responding to the unique character of the SM.

Overall, the site has the potential to create an attractive and distinctive development and a positive new setting for the monument. The quality of the landscaping and new spaces will be a key consideration going forward. The final landscaping scheme needs to ensure a soft and fluid edge to the SM, help facilitate an open and attractive view northwards as well as providing well designed open spaces for the development generally. The Reserved Matters application should include a high level of detail on this aspect as well as well-designed and distinctive dwellings.

The SM is in need of management and the intention for this is therefore welcomed and is a public benefit of the proposal. This needs to be coordinated with the adjacent development sites. Opening up the central space including the removal of a number of self-seeded trees which impact on the setting, outlook and below ground archaeology will be a key task at the outset of the project and the funds therefore need to be frontloaded to enable this initial work to be properly facilitated. New tree planting will need to be carefully considered to ensure that it does not harm the archaeology or block key views but provides appropriate softening to the development generally.

Overall, the impact and harm to the currently open and natural setting of the SM arising from the development will need to be balanced against the benefits of the scheme including the proper and continued management SM as well as general benefits such as provision of housing.

4.18 **Strategic Planning Policy**

Affordable housing provision

131 residential units are proposed, of which 30% are to be affordable, in line with the approach set out in the Council's Core Strategy, Policy CP8. Of this 30% affordable housing provision, which equates to 40 units, there is a 60:40 split proposed between shared ownership and affordable rent, which is in accordance with Policy DM7 of the Development Management Document. The plan provided within the Design and Access Statement shows that the affordable units are pepper potted across the site, and comprise a mix of 2, 3 and 4 bed units. There are no policy objections to this approach.

Parking, Transport and connectivity

Parking is in accordance with Policy DM15, and infrastructure is to be provided for all homes to enable electric vehicle charging. The extension / increased frequency of existing bus routes has been investigated, and this would seem a potentially important element of any development to ensure residents have a range of (sustainable) transport options available to them. It is noted that this could be for a 3 year period. Walking and

cycling routes, particularly to ensure positive connections of residents to neighbouring shops/services will also be important.

Policy position

The 2nd alteration of the Borough Local Plan (1999) and policy G1a recognised that there was not a need to keep the land at Fossetts Farm permanently open and as such it was safeguarded for possible long-term development requirements and removed from the Green Belt designation; furthermore the plan recognised that there was no necessity or merit in committing all the safeguarded land to employment development. It outlined that this could be brought forward in a future review of the local plan.

The development plan system changed, to the Local Development Framework (LDF) approach, and the Council subsequently adopted a number of Development Plan Documents (DPDs) including the Core Strategy and Development Management Document.

It is noted that the Core Strategy Key Diagram includes Fossetts Farm as a Priority Urban Area for industrial / employment use, however this is not an allocation (the Core Strategy does not include site allocations). Indeed, Fossetts is not a designated employment area – the Borough's employment areas are set out in the Development Management Document and depicted on its associated Policies Map and this does not include Fossetts Farm (no designations are included for this land – aside from the SM).

The Council subsequently adopted a development brief for the site, which set an overall objective to provide a sustainable high-quality exemplar residential led mixed development.

On balance therefore, the principle of residential use of the site is not objected to. This is a site of notable size and offers opportunity for good provision of new housing and for residents to benefit from access to existing / new green space as well as some existing shops/services. Good quality, safe, pedestrian/cycle connections to these will be important, particularly given the site is at the periphery of the existing urban area, located behind large floorplate retail stores, as will an effective soft and hard landscaping scheme. The importance of promoting an active (albeit residential) frontage to Fossetts Way (and throughout the site) is an important element of the scheme, in order to provide connectivity with the surrounding area, including access to the SM, shops/services, wider countryside and indeed providing potential opportunity to future links to any neighbouring sites that may be development in the future.

4.19 **Environment Agency**

No comments.

4.20 **Essex Police – Designing Out Crime Officer**

Essex Police recommend the developer considers the foreseeability of crime and maximise on the opportunity to embed Crime Prevention Through Environmental Design (CPTED) principles, as these crime types can potentially be 'designed out' and minimised with due consideration. This will in turn prevent the need for bespoke situational crime prevention measures in the future and promote a sustainable community. Essex Police recommend essential early engagement between the 'Essex Police DOCO' and developers to embody designing out crime and CPTED principles throughout.

Essex Police recommend essential engagement on the following matters:

1. Access and Permeability: The need to balance connectivity, natural surveillance and territorialisation throughout the development.
2. Landscape Considerations: Adopting risk commensurate measures to secure public realm areas inclusive of the effective use of landscaping.
3. Design Specifications: Embedding safe, secure and accessible buildings and communities which supplement sustainability and health and wellbeing agendas.
4. Historic considerations: Creating the necessary balance that ensures that designs reflect the past but are cognisant of current proposals whilst not jeopardising security.
5. Mitigating risk through promoting a safe built environment: Encouraging healthy communities and places of work that are safe and accessible through Secured by Design.

Essex Police support the notion of promoting a safe built environment, encouraging healthy communities and places of work that are safe and accessible. Essex Police would wish for all new homes to achieved SBD Silver in line with the current SBD Homes guidance, (please note that this is subject to change upon the PCPI revisions of the national documents).

Further validation for Secured by Design (SBD) lies within the developer's obligation through 'Building Regulation: Approved Document Q (ADQ)'. ADQ requires easily accessible doors and windows to resist physical attack by a causal or opportunist burglar. This regulation applies to all new dwellings, including residential and commercial premises. Those schemes that apply for SBD accreditation will exceed the requirements of ADQ and improve the health and wellbeing of the community.

4.21 **Essex Fire Authority**

Due to what would be considered an excessive distance to the nearest existing statutory fire hydrant, it is considered necessary that additional fire hydrants are installed within the curtilage of the proposed site. Once we receive the new water main design scheme for this development from the local Water Authority, we will liaise with them directly to ensure that all necessary fire hydrants are provided. If a fire appliance is unable to gain access to within 45 metres of all parts of a new dwelling, as required by the Building Regulations 2010 Approved Document B, an alternative solution may be required such as an Automatic Water Suppression System (AWSS) incorporated into the building design.

4.22 **Essex Bader Group**

Have serious concerns with regard to the presence of badgers on the site. Dispute the assertion that there are no badgers on the site and raise concerns that the ecological survey is now two years out of date. Having located one sett, there is a duty of care to conduct a full survey of the site. A single sett is extremely unlikely. Suggest the Council have an independent assessment carried out. Any setts which are present will require a proper monitoring process with advice from Natural England regarding how to proceed, together with any relevant licence applications and subsequent actions.

Concerns raised that the proposal does not result in a net gain of biodiversity with a net loss of 60% of local interest sites, contrary to regulations.

Officer Comment: Updated ecological surveys and a badger survey were submitted in August 2021 and are considered in detail in the assessment of the application below. A badger report has also been submitted. As such there is no requirement for any further surveys or assessments at this stage. Net biodiversity gain is also considered within the assessment of the report.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021), Planning Practice Guide (PPG) and National Design Guide (2021)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space) and CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas) DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009)
- 5.5 Technical Housing Standards Transitional Policy Statement (2015)
- 5.6 Land at Fossetts Way Informal Development Brief. The development brief has been adopted as Corporate Policy – it does not form part of the development plan for Southend-on-Sea, rather it compliments existing planning policy and should be regarded as guidance which will be a material consideration during the assessment of this planning application.
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.8 The Essex Coast Recreation disturbance Avoidance Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.9 National Housing Standards (2015)
- 5.10 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.11 Vehicle Crossover Policy (2021)
- 5.12 Planning Obligations – A Guide to Section 106 and Developer Contributions (2015)
- 5.13 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, the proposed dwelling mix, design and impact on the character and appearance of the area and the impact on the Scheduled Monument (SM), residential amenity, living conditions, traffic, transport, parking and highway impacts, sustainability, flood risk and drainage, ecology and biodiversity including RAMS, developer contributions and CIL (Community Infrastructure Levy) liability.

7 Appraisal

Principle of Development

Provision of Housing

- 7.1 Paragraph 119 of the NPPF states 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'
- 7.2 Paragraph 121 of the NPPF states 'Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.'
- 7.3 Policy KP2 of the Core Strategy states that all new developments should '...make the best use of previously developed land, ensuring that sites and buildings are put to best use...respect, conserve and enhance and where necessary adequately mitigate effects on the nature and historic environment...do not place a damaging burden on existing infrastructure...promote improved and sustainable modes of travel...secure improvements to the urban environment through quality design...respect the character and scale of the existing neighbourhood where appropriate...'
- 7.4 Policy CP8 of the Core Strategy states: '*Provision is made for 3,350 net additional dwellings between 2001 and 2011 and for 3,150 net additional dwellings between 2011 and 2021.*'
- 7.5 Policy DM3 of the Development Management Document states 'The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.'
- 7.6 The Government's latest Housing Delivery Test ("HDT") Results (January 2021) show that Southend delivered 36% of its total housing requirement between 2017-2020, thereby triggering the presumption in favour of sustainable development under paragraph 11 of the NPPF. Southend's Five-Year Housing Land Supply ("5YHLS") figure shows that there is a deficit in housing land supply in Southend-on-Sea. The latest available figure stands at 2.55 years' worth. Together, this demonstrates a pressing need for housing delivery within Southend. The SESHMA identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. The SESHMA also identifies a great need for affordable housing in Southend.
- 7.7 The proposed development would provide additional housing within the Borough, including family sized dwellings which is positive. It is considered that the indicative scheme of 131 dwellings at the densities proposed would result in the effective and efficient use of the land, especially noting the constraints of the site, particularly the SM. The development is considered to satisfy National and Local planning policy in these regards. The results of the HDT and 5YHLS position weigh in favour of the proposed

housing scheme which in this instance, given its scale, would make a significant contribution towards the provision of housing for the area. The tilted balance in favour of sustainable development should therefore be applied. A considerable number of new family dwellings would also be provided by the development, which is an additional factor in favour of the scheme.

Loss of Employment Land

- 7.8 Paragraph 122 of the NPPF states *‘Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan;*
- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.’
- 7.9 Policy CP1 of the Core Strategy states ‘Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.’
- 7.10 Policy DM11 of the Development Management Document states ‘The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas.’
- 7.11 The Development Brief for the site states ‘It is now recognised that the site has long term development potential to provide a high quality, sustainable mixed-use residentially led scheme to provide new housing and supporting uses.’
- 7.12 The Development Brief states, ‘The subject site, along with neighbouring land to the east and west, was removed from the green belt in March 1999 and designated as ‘safeguarded land.’ At that time it was intended that the site would be developed after 2001, which was the end of the plan period, to meet long term comprehensive development requirements...The acceptability of the site for development has previously been recognised and a highway access point constructed...At the current time it is accepted that the site remains capable of and is suitable for development, and that a suitable form of development is a sustainable, high quality residentially led mixed use scheme, which could also include a range of small scale supporting community uses.’
- 7.13 The application has been submitted with a planning report ‘Southend-on-Sea Employment Needs Position and Fossetts Way’ which concludes ‘The Council’s evidence base confirms that the Borough’s future projected employment requirements can be met without utilising the Site. In addition, at the time the Site was safeguarded, it was not envisaged that land to the south and west of London Southend Airport could become available for major employment growth...Whilst much of such land sits outside of the Borough’s administrative boundary, its clear functional relationship to the Borough ensures its development will help meet the Borough’s requirements, as recognised in the

Joining Area Action Plan (JAAP). The Council has positive plans in place (through the JAAP and SCAAP (Southend Central Area Action Plan)) to deliver employment development and direct growth to the most sustainable locations. Whilst the Site has been identified as having potential to accommodate employment development, it is in no way required to achieve the Council's strategy for employment growth or other strategic objectives. Whilst there is a lack of a need to identify land to meet employment requirements, the converse is true of housing requirements...we do not consider that the Council should be looking to resist development of the Site to alternatives to employment in principle. Indeed, in light of the current employment land supply position compared to the housing land supply position, we would encourage the Council to actively seek to see the Site delivered for residential development.'

- 7.14 It is noted that the site was not allocated for employment purposes in the more recent (2015) Development Management Document and this Council's Planning Policy Team have confirmed within their consultation response that the Core Strategy Key Diagram does not constitute an allocation and that the site is not a designated employment area, with the employment areas set out within the Development Management Document. Within the Development Management Document, the site has no specific allocation. It is also noted that the Development Brief for the site states 'It is now recognised that the site has long term development potential to provide a high quality, sustainable mixed-use residentially lead scheme to provide new housing and supporting uses.'
- 7.15 It is considered that, in this instance, the possibility of bringing the site into an employment use is low, particularly given the current trend of low demand for employment land generally, but now exacerbated through the Covid-19 pandemic and the wider changes this has prompted in which homeworking arrangements are becoming the norm for many. Given that the site is proposed to be developed to meet the significant need for housing in Southend, the proposal would contribute to the objective of regeneration of the local economy in other ways, including through the economic activity from future residents in the area.
- 7.16 It is considered that the proposal would not result in the unacceptable loss of employment land and is acceptable and policy compliant in this respect.
- 7.17 Overall, the development is acceptable in principle. Other material planning considerations are discussed below.

Dwelling Mix

- 7.18 The Development Brief for this site states 'The SHMA identified a shortage of family accommodation in Southend despite an acute demand for this type of dwelling. To address this shortfall and meet demand, residential development proposals are expected to incorporate suitable family accommodation including affordable family homes. This site is considered well situated to help meet this requirement in accordance with the preferred mix set out in the Development Management DPD [Document].'
- 7.19 Policy DM7 of the Development Management Document states '*All major residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, where feasible, to reflect the Borough's housing need and housing demand.*' Policy DM7 sets out the preferred dwelling mix for developments within the Borough, as follows:

Market Housing

Dwelling size: No. of Bedrooms	1-bed	2-bed	3-bed	4-bed
Proposition of dwellings	9%	22%	49%	20%

Affordable Housing

Dwelling size: No. of Bedrooms	1-bed	2-bed	3-bed	4-bed
Proposition of dwellings	16%	43%	37%	4%

- 7.20 The overall dwelling mix proposed constitutes 60x 2-bed flats, 54x 3-bed houses and 17x 4-bed houses. The proposal seeks to provide the following dwelling mix, as shown within the accommodation schedule submitted:

Market Housing

Dwelling size: No of bedrooms	1-bed	2-bed (2B3P flats)	3-bed (3B4P and 3B5P)	4-bed (4B7P)
Number of dwellings	0	42	38	11
Proportion of dwellings	0%	46%	42%	12%

Affordable HousingShared Ownership Units

Dwelling size: No of bedrooms	1-bed	2-bed (2B3P flats)	3-bed (3B4P and 3B5P)	4-bed (4B7P)
Number of dwellings	0	7	6	3
Proportion of dwellings	0%	44%	37%	19%

Affordable Rent Units

Dwelling size: No of bedrooms	1-bed	2-bed (2B3P flats)	3-bed (3B4P and 3B5P)	4-bed (4B7P)
Number of dwellings	0	11	10	3
Proportion of dwellings	0%	46%	42%	12%

- 7.21 The development does not include any 1-bedroom units. Given the site's out of town location and the need for family sized units in the borough this is considered acceptable and appropriate in this instance. The development includes a large proportion of family

sized units for which there is a significant need for within the Borough. As such the dwelling mix, whilst not exactly replicating the requirements of this policy, provides an acceptable and suitable mix of dwellings for a development of this nature, in this location, which would make a significant contribution to the housing needs of the borough. It is also noted that this is an outline application, and the final layout of the development will be considered at Reserved Matters stage, however, in any event it is considered that a development of up to 131 units could be provided on the site that provides a suitable dwelling mix. The development is acceptable and policy compliant in this respect.

Design and Impact on the Character of the Area and the Scheduled Monument (SM)

- 7.22 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.23 Paragraph 126 of the National Planning Policy Framework states that ‘The creation of high quality 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.’
- 7.24 Development Management Document Policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.25 Policy KP2 of the Core Strategy states that new development should “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the Core Strategy requires that development proposals should “maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”.
- 7.26 The Development Brief states: ‘There is a Scheduled Monument immediately abutting the southern boundary of the site known as “Prittlewell Camp” described as “a slight univallate hillfort (Officer comment: *univallate* means having one raised edge or wall surrounding a depression)”...it includes the earthworks of a circular enclosure and a mound on its south-eastern bank. The hillfort dates from the later Bronze Age or Early Iron Age and is nearly circular in plan, measuring approximately 250m in diameter. The south-western third of the perimeter is defined by an earthen bank and external ditch which survive within a wooded belt. The bank averages 3.5m in width and 0.9m high. The ditch is less clearly visible, having been partly used as a corporate dump in the 1920s, although some sections remain exposed and measure up to 4m in width and 1.4m in depth.

The northern and eastern sections of the ramparts have been reduced by ploughing, although undulations marking the line of the defences were noted in the early part of this century and the line of the bank has been recorded from the air as a cropmark (a variation in crop growth caused by buried features). Observations of a pipeline trench to the Barling Outfall Works in 1929 revealed that the external ditch may not have continued

around this side of the hillfort, perhaps as the approach from this side was already restricted by marshy land.'

- 7.27 The Development Brief makes it clear that a landscaped buffer to the SM will be required.

Scale

- 7.28 In terms of scale, the Development Brief states: 'The scale should generally be 2-3 storey...there may be scope for some slightly larger scale, say 3-4 storeys, to the western side of the site if the proposed new stadium is approved. Development along this edge of the site needs to be designed so that it does not appear out of place if the stadium is not built and so the development context on this boundary is dependent on the form and scale of the development coming forward on the adjacent land.'
- 7.29 Whilst scale is a reserved matter for later consideration, one of the parameter plans provides details of the maximum heights proposed. The scale and heights proposed are a maximum of 4 storeys on the western side of the site, and 2-3 storeys on the remainder of the site. This scale of proposal accords with the requirements set out in the Development Brief and would be an appropriate scale for this site. The scale of the proposal as set out in this parameter plan, which can be conditioned, is therefore acceptable.

Layout

- 7.30 Layout is a reserved matter for later consideration. The parameter plans however, confirm that the layout will include a 30m buffer to the SM and that the western part of the site will include development of a greater scale and density than the main part of the site which is considered to be an appropriate layout which accords with the broad requirements of the Development Brief. There is also a commitment to providing a layout that includes a minimum 16.2m viewing corridor from the SM to the north which is positive. The indicative masterplan demonstrates a layout to provide 131 units across the site. Based on the information submitted, it is considered that a scheme of 131 dwellings could be provided on the site that would be of an appropriate and acceptable layout.

Appearance, overall design and design detailing

- 7.31 In terms of sense of place, the Development Brief states, 'The site is presently isolated from other residential areas so there is an opportunity for a new character to be created (a new community) – integrating the development into the landscape and setting of the SM and creating sustainable, low carbon, high quality homes should be key drivers.'
- 7.32 This is an outline application with all matters, apart from access reserved for later consideration. Based on the parameter plans submitted, and taking into account the indicative masterplans submitted, it is considered that a scheme of 131 dwelling could be designed on the site that would be of an acceptable overall design. Conditions relating to design detailing such as materials can be imposed to ensure an appropriate, high-quality development. Subject to conditions the development is considered acceptable in this regard.

Landscaping and Trees

- 7.33 In terms of landscaping, the Development Brief states: 'The new housing should be set

within a natural and informal landscape context to reflect the edge of the urban area setting. The buffer to the SM should be landscaped to enhance its setting. A clear view corridor from the SM to the open countryside to the north should be maintained through the site which could be along an access road or linear public space...The houses surrounding the SM should face onto the open space rather than turn their back to ensure good natural surveillance and enhance the setting of the monument. The buffer should include pedestrian and cycle links and the playspace.' Landscaping is a reserved matter for later consideration.

- 7.34 The application has been submitted with a Tree Survey and the information submitted with the application indicates that with the exception of 3 trees (Trees 1 (pear), 2 (pedunculate oak) and 3 (pedunculate oak)) which are located to the north of the site, and which are classified as B1 trees (trees of moderate arboricultural quality or value capable of making a significant contribution to the area for 20 or more years), all other trees (comprising of a further 11 individual trees and 10 groups of trees) on the site are categorised as B or C category trees the loss of which would be less significant. Category B trees are defined in the report as trees of moderate quality. Category B trees cover a large range of trees, with some category B trees of insufficient value such that their removal can be justified in order to promote good design and category C trees are classified as low-quality trees that should not impose significant constraints to design layout.
- 7.35 The Design and Access Statement submitted confirms that the applicant is committed to providing replacement trees for those that do need to be removed at a minimum rate of 2:1 which is positive.
- 7.36 The indicative masterplan would result in the loss of tree 1, with trees 2 and 3 retained. The loss of T1 would enable a continual built frontage to be provided to Fossetts Way which is positive in urban design terms. However, given that this is an outline application, and the masterplan submitted is only indicative, with further details of the final design and layout to be submitted at reserved matters stage, no objection is raised on this basis. Conditions requiring full landscaping details can also be imposed.
- 7.37 The existing site includes a small semi-natural woodland (a Habitat of Principal Importance (HPI) to biodiversity) in the north-west of the site. Although this is poor quality, the applicant is seeking to retain or compensate for this via new tree planting elsewhere.
- 7.38 The parameter plans include a 30m buffer around the SM which includes access, circulation, trees and play areas, and a clear view corridor from the SM to the open countryside, a minimum of 16.2m wide, is also shown on the parameter plans. The indicative layout illustrates how dwellings could be positioned to face onto the SM to provide natural surveillance. As such it is considered, subject to conditions that a development of up to 131 dwellings could be provided on the site which would provide an acceptable landscape setting. The development is acceptable in this respect.

Archaeology and impact on SM

- 7.39 The Ancient Monuments and Archaeological Areas Act 1979 provides the legal protection for Scheduled Monuments (SM). As a SM, Prittlewell Camp is statutorily protected and is of national significance.

- 7.40 Paragraph 199 of the NPPF states, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 7.41 Paragraph 200 of the NPPF states, 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of...assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'
- 7.42 Paragraph 201 of the NPPF states, 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...'
- 7.43 Paragraph 202 of the NPPF states, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'
- 7.44 Policy DM5 of the Development Management Document states, 'Developments that are close to or in the vicinity of a Scheduled Ancient Monument will be expected to ensure that the Monument and its setting are preserved and enhanced.'

Archaeology

- 7.45 In terms of archaeology, the Development Brief states, 'The site has been subject to several archaeological investigations...[which] found significant archaeological deposits were sparse...Trench 12 produced Post-Medieval deposits whilst Trench 24 produced early deposits including some worked flints, flint flakes, bone and pottery fragments and a possible hollow way which may have led to the entrance to the camp. Evidence of a large municipal dump was also found on the western part of the site. The report concluded that the low density of remains may indicate that any early settlement or activity was confined to the hilltop whilst later Medieval and Post-Medieval activity has consisted solely of agricultural land use.'
- 7.46 The application includes the following information relating to the SM: 'Prittlewell Camp SM is a circular earthwork enclosure originally comprising an external ditch and internal bank and is believed to have been constructed around 2500 to 3000 years ago in the Late Bronze Age or Early Iron Age. It...commands extensive views over the valley of the River Roach to the north, east and west. It has been described as a 'slight univallate hillfort' acknowledging its slightly elevated position in the landscape and the modest size of its single ditch and acknowledging its slightly elevated position in the landscape and the modest size of its single ditch and bank earthwork. As with many hillforts, a purely defensive function cannot be substantiated and it is possible that such an enclosure performed a variety of social, symbolic and economic functions...'
- 7.47 The condition of Prittlewell Camp is considered to be poor, with most of the surviving

elements being significantly overgrown and largely inaccessible. Therefore, the setting provides limited opportunity to appreciate the asset. Views over the landscape are available from few locations as a result of the overgrown conditions...Access to the Camp is also limited. Currently there are two points of access to the Monument, one from the east, via a gate from Fossett's Way, and one from the south-east, found only by walking from the public highway around to the rear of a Shell garage on Fossett's Way. Neither access points are signposted.'

- 7.48 The application has been submitted with an Archaeology Desk Based Assessment and Heritage Statement which concludes 'To the north of the monument, within the site, an archaeological trench evaluation demonstrated a lack of further archaeological remains with results limited to prehistoric features localised to the east of Prittlewell Camp, away from the proposed development. There are no predicted direct impacts to the known archaeological remains of Prittlewell Camp or to the remains within the proposed Buffer Zone.'
- 7.49 The Council's Archaeology Officer has raised no objection to the proposal and Historic England have recommended that a suitable archaeological condition be applied to the development overall. Conditions are also recommended requiring the necessary protection of the SM and a buffer during construction. As such, subject to conditions, the development is considered acceptable and policy compliant in terms of its direct impact on archaeology and the SM itself.

Impact on setting of the SM

- 7.50 In terms of the impact of the development on the setting of the SM, the Archaeological Assessment submitted concludes, 'The predicted indirect impacts to the settings...are considered to have both adverse and beneficial effects. Adverse effects result from the loss of some aspects of wider views of the landscape and the erosion of the formerly rural settings. A range of design mitigations are however considered to benefit some aspects of the historical, group and communal values of the affected assets with the effect of enhancing their significance. Overall, the predicted indirect impact to setting of Prittlewell Camp is judged to result in a Minor Adverse Significance of Effects.' The submitted report therefore makes the following summarised recommendations:
- Below ground impact in the Scheduled area and the proposed buffer zone are avoided.
 - Any works to the scheduled area will require Scheduled Monument consent.
 - Measures to protect the scheduled area and the buffer zone should be instigated during construction
- 7.51 The development has been designed taking into account the SM and this is evident within the parameter plans and the indicative masterplan submitted. The indicative masterplan includes a view corridor from the SM to the north with a minimum width of 16.2m. This will enable a view corridor to the north from Prittlewell Camp to be provided which is positive as this connection to the wider landscape is an important part of the setting of the SM.
- 7.52 The scheme also includes a 30m buffer to the SM which will be maintained as a green space within the development to provide definition to the Monument's perimeter and allow appreciation of the Monument from a distance.
- 7.53 As part of the mitigation it is proposing the applicant is seeking to enhance the overall

experience of the SM and green lane through the removal of visual barriers across the site to improve the ability to understand the form and scale of the Monument. It is also seeking to create an improved connection and ease of access to the Monument with better signage and interpretation information around the site.

- 7.54 The application has been submitted with a Draft Archaeological and Conservation Management Plan which states the need for a Conservation Management Plan is promoted by the opportunity to secure enhancement and future management of Prittlewell Camp. However, it is important to note that, as the applicant does not own the entire SM, and whilst the Archaeological Conservation Plan considers the Monument as a whole, the detailed management plan only relates to the area under control by the applicant. The information submitted within this document states that the SM is heavily overgrown with a number of paths cut across the Monument and that the vegetation across the interior and northern arc of the Monument prevent any appreciation of the SM with views out of the SM totally obscured by the dense vegetation and concludes that overall, the slight nature of the earthworks and overgrown nature of the SM prevent appreciation of the Prittlewell Camp as an archaeological site to all but the pre-informed observer. There is an interpretation board within the Monument, but outside the current application site currently, which is described as being a little dated. The report raises concerns that given the slight nature of the earthworks and the inability for them to be perceived as an archaeological feature this leaves them potentially vulnerable to accidental damage. The report outlines that the SM does not currently receive any active management.
- 7.55 The Draft Archaeological and Conservation Management Plan recognises that it will be important to achieve a balance between the archaeological and ecological management of the site, as well as its future amenity from the proposed development and other visitors. The Plan provides the following envisaged management of the SM as a whole:
- Southern mature wooded monument to the south to be managed and the significant mature trees are to be retained.
 - Central area – open meadow with some small existing single trees, patches of woodland/native scrub set within a more open, neutral wildflower meadow.
 - Northern area – to be bounded with a bound gravel circular path (or gravel coloured tarmac, both of ‘no-dig’ construction) describing the outer extent of the SM boundary.
 - Northern section between the SM boundary path and housing to have a mix of mown meadow grass, some taller wildflower meadow (mown 1x per year), some single trees and tree groups with sporadic scrub. It will look more ‘cared for’ than within the SM, which will have a more natural aesthetic, apart from its defined outer path.
 - Green lane to be managed as a clearly accessible route and its associated ditch and bank maintained as a seasonally wet habitat.
- 7.56 The Draft Archaeological and Conservation Management Plan outlines its primary objective is to prevent the deterioration of the SM and secondly to present the SM to the public to enable its significance and importance to be appreciated. The third objective is to find a balance between maintaining and improving biodiversity and conserving the heritage of the Monument. The report goes on to provide management objectives and policies which relate to matters such as regularly updating the management plan, protecting the SM during construction, implementing a programme for tree and vegetation management, providing interpretative materials and providing maintenance and a programme for this work.

- 7.57 In terms of impacts on the setting of the SM, the submitted archaeological assessment and Heritage Statement recommend the following mitigation by design:
- Efforts should be made to extend, as far as possible, the proposed view corridor from Prittlewell Camp SM to the landscape to the north.
 - The SM and buffer zone should maintain the existing topography with no hard landscaping.
 - Further efforts to soften the transition from the Monument to the development are recommended in order to enhance the connection between the Monument, the development and the landscape beyond.
- 7.58 In terms of enhancements, the submitted archaeological assessment and Heritage Statement recommend the following enhancements:
- The buffer zone should incorporate careful design to highlight the perimeter of the camp without impacts on the very slight earthworks to create a connection and ease of access to the Monument which is currently lacking at the site.
 - Signage and interpretation information around the site would further enhance the appreciation of the heritage assets affected by the development.
- 7.59 The Council's Design and Conservation Officer recognises that the development has the potential to create an attractive and distinctive development and a positive new setting for the Monument. In terms of the impact on its setting, Historic England state that the proposed development would add to the quantum of development that surrounds the SM and would impede views to the north resulting in less than substantial harm to the setting of the SM. However, Historic England recognise that the management and enhancement of the SM being proposed, which can be secured via a S106 Legal Agreement, would be a public benefit which should be weighed in the planning balance, delivering the kind of positive change Historic England are seeking in relation to this designated heritage asset. The Council's Design and Conservation Officer similarly welcomes the management proposals for the SM and recognises that this is a public benefit of the proposal.
- 7.60 As set out above, the NPPF states that where a development results in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The maintenance and enhancement of the SM, which can be secured via a S106 Legal Agreement is considered to be a significant public benefit. It is considered that this public benefit would satisfactorily outweigh the harm to the setting of the SM as a result of the built form hereby proposed, which Historic England identifies as less than substantial but to a relatively high degree. The applicant will also transfer the part of the SM within its control to the Council as part of the S106 agreement. Subject to conditions and the necessary S106 agreement, the development is therefore acceptable and policy compliant in the above regards.

Green Lane

- 7.61 To the east of the site is a Green Lane. The information submitted with the application indicates that the Green Lane is 'a well preserved lane...clearly of historic character...[that] may represent a surviving fragment of the Medieval farming landscape...it has the potential to possess associative group value with the Prittlewell Camp mound as well as historic farmsteads of the north and west including Sutton Hall and Fox Hall...[However] because it is a very small fragment of the former landscape and because of its uncertain origin its historic merit is limited, and it is considered to be a non-designated heritage asset of local importance.' The Draft Archaeological and

Conservation Management Plan submitted states the ‘...undated, but assumed to be medieval, green lane immediately north east of Prittlewell Camp...has been suggested [to be] an early trackway connection now lost medieval fields with settlement.’

- 7.62 The Heritage Statement submitted concludes that, whilst the construction of the proposed development would erode the rural historic setting of the green lane, the proposal includes improvements to the legibility of the land and the relationship with the SM by better defining the lane and improving access to it. It is concluded within the submission documents, ‘While the scheme will result in further change to the setting of the green lane, the proposals are considered to enhance some aspects of its overall group value and historic illustrative value. It is considered therefore, that the proposed scheme will result in Negligible Adverse Magnitude of Impact, or...barely distinguishable change from baseline conditions.’
- 7.63 The Draft Archaeological Conservation Management Plan submitted states that the green lane is ‘...relatively wide with tree lined ditch and bank on both sides...[and] despite there being a footpath along Fossetts Way immediately adjacent to the lane, it is clearly regularly used by pedestrians. However, the historic interest of the lane is unlikely to be readily apparent to a user who does not have prior knowledge of the origins and historic interest of the lane.’
- 7.64 The Council’s Design and Conservation Officer and Historic England have raised no objections to the proposal in terms of its impact on the Green Lane. Given this and taking into consideration the information outlined above, the impact of the proposal on the green lane is considered acceptable and policy compliant.

Other designated heritage assets

- 7.65 As set out within the Archaeological Assessment and Heritage Assessment submitted, within the wider area there are other designated heritage assets. The closest of these include the Grade II listed Sutton Road Cemetery War Memorial which is some 480m to the west of the site, the Grade II Listed barn some 90m south of Shopland Hall which is located some 700m to the east of the site and two adjacent head and foot stones in Shopland Churchyard which are Grade II listed and some circa 800m to the east of the site. Given the location of these heritage assets, which are removed from the site and given the intervening development, it is not considered that the development would result in any material harm to the setting or character and appearance of these designated heritage assets. The development is acceptable on this basis.

Summary

- 7.66 Overall, subject to conditions and the S106 agreement, the development is considered to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.67 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.

- 7.68 To the west of the site, the Council has recently resolved to grant planning permission to develop the land to provide a football stadium, as well as other uses, including residential dwellings. This current application has been submitted with a Daylight and Sunlight Assessment, which considers the impact of the proposed development on the development assessed at the adjoining site to the west. The Daylight and Sunlight Report also considers the impact of the development on the existing dwellings in Fossetts Farm to the north. The report considers these impacts and concludes:
- ‘...there would be no significant impacts with respect to daylight.’
 - ‘...there would be no significant impacts with respect to sunlight.’
 - ‘Given that there are no significant impacts with respect to daylight and sunlight under the maximum parameters, it is suggested that the impacts need not be reassessed as part of any Reserved Matters Applications.’
- 7.69 The application seeks to obtain outline planning permission with the details of appearance, scale, layout and landscaping reserved for later consideration. However, an indicative site location plan has been provided. In this instance, given the site’s location, with undeveloped land surrounding the site, and the nearest built form constituting commercial uses, it is considered that a scheme to develop the site for up to 131 residential units could be designed on the site that would not result in any significant residential amenity concerns in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or material overlooking or loss of privacy.
- 7.70 In terms of construction noise, the Noise Impact Assessment submitted concludes ‘Construction noise associated with the proposed residential development is unlikely to cause a noise impact at the nearest sensitive receptor on Smither’s Chase.’ The information submitted within the Sustainability Statement indicates that a Construction Environmental Management Plan (CEMP) will be produced and requests a suitably worded condition to require the CEMP to be provided. Subject to a pre-commencement condition in this respect, it is considered that construction noise could be satisfactorily mitigated. It is also noted that the Environmental Health team have raised no objections to the proposal in terms of construction noise, subject to conditions.
- 7.71 The development is acceptable and policy compliant in the above regards.

Living Conditions for Future Occupiers

- 7.72 Paragraph 130 of the NPPF states that planning policies and decision should ensure that developments ‘*create 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...*’ It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:

7.73 Dwelling Sizes

- Minimum property size for residential units shall be as follow:
 - 2 bedroom (3 person units) over 1 storey: 61sqm.
 - 3 bedroom (4 person units) over 2-3 storeys: 84sqm – 90sqm.
 - 3 bedroom (5 person units) over 2-3 storeys: 93sqm – 99sqm
 - 4 bedroom (7 person units) over 2-3 storeys: 115sqm – 121sqm.

- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

7.74 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

7.75 This application is in outline, with all matters apart from access reserved for later consideration. As such, the design, layout, scale and appearance of the dwellings is yet to be determined. It is considered that a scheme of up to 131 dwellings could be provided on the site that would satisfy the minimum requirements of the technical housing standards. It is also noted that the accommodation schedule provided indicates that the dwellings would be designed to meet the minimum size requirements of the technical housing standards. The development is acceptable and policy compliant in this regard.

Light and Outlook

7.76 The application has been submitted with a Daylight and Sunlight Assessment which considers the light conditions for the future occupiers of the proposed development, taking into account the proposed scheme for a football stadium at the adjoining site to the west. The report concludes:

- Daylight: 'It is anticipated that satisfactory daylight could be achieved in all

dwellings through design development of the masterplan layout, fenestration and/or room layouts. This could, if necessary be demonstrated through a further Daylight and Sunlight Assessment at Reserved Matters Application Stage.'

- Sunlight: 'It is anticipated that satisfactory sunlight could be achieved through design development of the masterplan, layout, fenestration and/or room layouts. Avoiding single-aspect dwellings, especially north-facing, is critical to meeting the good practice recommendations in full. This could, if necessary, be demonstrated through a further Daylight and Sunlight Assessment at Reserved Matters Application stage.'
- Overshadowing: '...almost all of these spaces [the open spaces within the illustrative masterplan] receive at least 2 hours of sunlight on 21 March'

7.77 Given the findings of this report and subject to the submission of a further Daylight and Sunlight Assessment at Reserved Matters Stage, which will be highlighted as a requirement through an informative, the development is considered acceptable in this instance. It is considered that a scheme of up to 131 dwellings could be provided on the site that would provide adequate and acceptable levels of light, outlook and ventilation for any future occupiers.

Amenity Areas

7.78 Policy DM8 of the Development Management Document states new dwellings should 'Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reason for which will need to be fully justified and clearly demonstrated.'

7.79 Paragraph 138 of the Design and Townscape Guide states:

"138. Outdoor space significantly enhances the quality of life for residents and an attractive and useable garden area is an essential element of any new residential development. The required amount of amenity space will be determined on a site by site basis taking into account local parks and the constraints of the site. Developments that provide little or no private amenity space will only be acceptable in exceptional circumstances and will be required to justify their reasons. Usable balconies and terraces can provide valuable additional private amenity areas particularly on flatted schemes but should normally be provided in addition to a larger area of amenity space usually provided at ground level."

7.80 This is an outline application with the details of appearance, scale, layout and landscaping reserved for later consideration. The illustrative masterplan indicates that suitable amenity spaces could be provided for the dwellings. It is judged that a scheme of up to 131 units could be designed on the site that would provide acceptable amenity areas for the future occupiers.

7.81 The Development Brief for the site states 'A small play area for younger children should be included within the development. This needs to be conveniently placed with good natural surveillance.'

7.82 In terms of a play area, the Green Infrastructure Parameter Plan submitted indicates that the areas which include the Scheduled Monument within the site and the 30m buffer zone

to the Scheduled Monument will include access, circulation existing trees and play areas. The illustrative masterplan indicates that dwellings will overlook the buffer, as well as the Scheduled Monument. As such, it is considered that a scheme of up to 131 units could be provided on the site which also meets the requirement of the Development Brief, to include an area for younger children to play.

Accessibility and Adaptability

- 7.83 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.
- 7.84 The Development Brief states 'The internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. To achieve this all new dwellings should meet Building Control requirements and at least 10% should be either wheelchair user dwellings, or easily adaptable for residents who are wheelchair users.'
- 7.85 The planning statement submitted makes it clear that this would be confirmed during the detailed design phase, but that it is anticipated that the development will comply with this requirement. Subject to a condition requiring 10% of the units to be comply with the building regulations M4(3) standards and the remaining units to be building regulations M4(2) compliant, the development is acceptable in this respect.

Interlooking

- 7.86 The indicative masterplan, whilst only indicative, indicates, in general terms, that dwellings would be positioned in the region of 10m from the boundary of adjoining dwellings to the rear, with back-to-back distances largely in the region of 20m which is considered an acceptable relationship that would not cause unacceptable or harmful interlooking overlooking or loss of privacy. As such, it is considered that up to 131 dwellings could be accommodated on the site without providing unacceptable levels of over or interlooking within the development.

Refuse and recycling facilities

- 7.87 The application has been submitted with an Operational Waste Management Plan which states, 'This strategy has been prepared for an outline planning application therefore not all details are known at this stage and will be developed further at the detailed design stage. A detailed Waste Servicing Plan will be developed at reserved matters stage and agreed with the Waste Collection Authority.' It is proposed that residents will present their recycling, food waste and residual waste on the boundary of their property nearest the public highway on the morning of collection. It is stated that the development will provide sufficient storage for recycling and residual waste and safe access for refuse vehicles. This is reiterated in the Sustainability Statement submitted.
- 7.88 It is considered that a scheme of up to 131 dwellings on the site can be designed to provide suitable refuse and recycling facilities and waste servicing. Subject to conditions in this respect no objection is raised on this basis.

Noise

- 7.89 Paragraph 185 of the NPPF states ‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should...mitigate and reduce to a minimum potential, adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.’

Road Noise

- 7.90 The Sustainability Statement submitted recognises that once operational, noise from vehicular movements in Fossetts Way could impact the residents of the proposed development. The application has also been submitted with a Noise Impact Assessment which concludes that noise from vehicular movements is likely to affect the proposed residential dwellings within 70m from the edge of Fossetts Way (west/eastbound) and within 55m from the edge of Fossetts Way (north/southbound). As such an updated external building fabric specification is likely to be required during the detailed design stage. These reports comment that it is likely that, with the implementation of updated external building fabric, noise impacts are not considered to be significant. The report also suggests that external amenity areas that are near to/have direct line of sight to Fossetts Way are orientated to screen external amenity area or that acoustic barriers or fences are located on the external amenity areas.
- 7.91 It is noted that this application constitutes an outline application with appearance, scale and layout reserved for later consideration and it is noted that Environmental Health have raised no objection to the proposal, subject to appropriate conditions. There has been extensive correspondence between the applicant and the Council’s Environmental Health service regarding the wording of the necessary conditions and there has been disagreement regarding the wording of such conditions. However, given that this development is in outline stage with details of the layout reserved for later consideration, it is considered, subject to suitably worded conditions, that a development of up to 131 units could be provided on the site that would provide adequate living conditions for future occupiers in terms of noise and disturbance from the nearby road network. Subject to conditions the development is acceptable and policy compliant in the above regards. It is also noted that residential schemes have recently been granted at adjoining sites, subject to similar worded conditions.

Stadium Noise

- 7.92 In response to of the adjacent development proposals including its Football Stadium, the submitted Noise Impact Assessment has considered the impact of the possible stadium development adjoining the site. In terms of football matches, the submission concludes ‘Due to the period of duration of football matches...the impact of noise due to football matches on the proposed residential noise sensitive receptors is not considered significant.’
- 7.93 Environmental Health have not objected to the proposal in terms of stadium noise. Given that the development scheme of the adjoining site to the west also includes residential units adjacent to the proposed new stadium, adequate mitigation from any associated noise would be considered as part of that proposal and such measures would similarly

ensure that the proposed residential development as part of this scheme could be mitigated from unacceptable noise and disturbance. Subject to conditions, the development is therefore considered acceptable in this respect.

Contamination

- 7.94 Paragraph 174 of the NPPF states 'Planning policies and decisions should contribute to and enhance the natural and local environment by...remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'
- 7.95 Policy DM14 of the Development Management Document states 'Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where:
- (i) An appropriate Contaminated Land Assessment has been carried out as part of the application to identify any risks to human health, the natural environment or water quality; and
 - (ii) Where contamination is found which would pose an unacceptable risk to people's health, the natural environment or water quality, the Council will impose a condition, if appropriate, to ensure the applicant undertake appropriate remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed.
 - (iii) Remediation works will be carried out before the commencement of any new development.
- 7.96 The application has been submitted with a Phase 1 Contaminated Land Desk Study and Preliminary Risk Assessment which concludes 'The preliminary risk assessment has identified possible pollutant linkages for human health and ecological features. The level of risk has been assessed 'Very Low' for the majority of the site based on the known land use history and absence of significant potential sources of contamination. A limited area of...[1920s] 'municipal dumping' is indicated in the southwest corner of the site which could result in an increased 'Moderate' risk to human receptors, specifically future residents. An intrusive ground investigation will be required in due course for both geo-technical and geo-environmental purposes...Following this ground investigation, a Phase 2 Ground Condition Assessment should be undertaken to allow refinements of the Conceptual Site Model and further review of the risk assessment, and (if required) enable any remediation or specific mitigation measures to be agreed with Southend-on-Sea Borough Council.'
- 7.97 Given the findings of this report and the nature of the previous uses on the site, it is considered, subject to a condition relating to contamination, that the development is acceptable and policy compliant in this respect. Environmental Health have also raised no objections, subject to a contamination condition.

Air Quality

- 7.98 Paragraph 174 of the NPPF states 'Planning policies and decisions should contribute to an enhance the natural and local environment by...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.'
- 7.99 Policy CP4 of the Core Strategy states: 'Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which

enhances and complements the natural and built assets of Southend...by...preventing, reducing or remedying all forms of pollution including soil, water, noise and other forms of airborne pollution.'

- 7.100 The application has been submitted with an Air Quality Assessment which confirms that the application site is not within an Air Quality Management Area (AQMA). The report concludes that the construction works have the potential to create dust and therefore recommends a package of mitigation in this respect. Mitigation for construction works is set out in paragraph 6.2 of that report. It includes measures such as developing a dust management plan with regular site inspections, locating machinery and dust causing activities as far from receptors as possible and screening them, avoiding run off water or mud, covering stockpiles, switching off engines when stationary, avoiding petrol generators where possible, using dust suppression equipment, using enclosed chutes and skips, not burning waste on site and providing wheel washing facilities. With the full mitigation in place, the report concludes '...the construction impacts are judged as not significant. Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by the Local Planning Authority.' Subject to conditions requiring the development to be undertaken in accordance with the mitigation outlined in paragraph 6.2 of the report and a condition requiring the submission of the dust management plan, the development is considered acceptable in this respect. Neither Environmental Health nor the Council's Air Quality Specialist have raised any objections to the proposal in this respect, subject to conditions.
- 7.101 In terms of operational effects, the Air Quality Assessment concludes that there are no predicted exceedances of the air quality strategy objectives at any of the existing receptor locations in close proximity of the site, therefore the operational effects of the proposed development are judged to be not significant. The Assessment identifies that no mitigation is needed in this respect, however, the submitted report recognises that, to reduce the impacts of traffic associated with the development, a Travel Plan has been developed, electric vehicle charging points, a car club space and an extension of a bus route are all proposed as part of the development. Given the findings of this report, the development is considered acceptable in this respect. The Council's Air Quality Specialist has raised no objection to the proposed development in this respect.
- 7.102 Subject to conditions, the development is considered acceptable and policy compliant in the above regards.

Light Pollution

- 7.103 Paragraph 185 of the NPPF states planning policies and decisions should '...limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'
- 7.104 Limited details have been submitted with this application in respect to light pollution. Given that the application is outline in nature, it is considered that conditions could be imposed on any grant of consent requiring full details of lighting proposed in the interests of residential amenity, highway safety and nature conservation. Subject to such a condition, no objection is raised on this basis.

Summary

- 7.105 Overall, subject to conditions, it is considered that a scheme of up to 131 units could be

designed on the site that would provide acceptable living conditions for future occupiers. The development is therefore acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.106 Paragraph 110 of the NPPF states 'In assessing...specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of street, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code, and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'
- 7.107 Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
- 7.108 Policy DM15 of the Development Management Document states 'Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.'

Sustainable Transport

- 7.109 The Development Brief states: 'The site is located in close proximity to public transport facilities with bus stops and main food shopping facilities located within a short walk of the site. The site should be permeable for pedestrians and cyclists...Measures would include the provision of high-quality pedestrian and cycle routes and facilities, including cycle parking, and the production of a Travel Plan...Electric vehicle charging points, parking spaces for electric vehicles should also be included...Options need to be considered to integrate the development into existing bus routes as part of the design of the layout.'
- 7.110 In terms of walking, the TA states, '...the journey between the site and food superstore, primary and secondary schools and leisure centre is of good quality via shared foot/cycleways and a quiet residential street with a crossing facility provided across the A1159. Therefore, walking to these key facilities is a realistic choice for future residents...' It is stated that the Waitrose superstore is a 5-minute walk with leisure facilities at Southend Leisure and Tennis Centre within a 15-minute walk of the site. It is stated that Temple Sutton Primary School is a 5 to 10 minute walk from the site and Cecil Jones Secondary Academy a 10 to 15 minute walk to the site with the closest GP surgeries being Queensway Surgery on Sutton Road and St Luke's Health Centre on Pantile Avenue, which are approximately 20-minutes walk or 7 minutes cycle journey from the proposed development.
- 7.111 In terms of cycling, the TA states '...there are a number of key employment areas, town centre and railway stations within a 20-minute cycle from the site.' The Town Centre is a

10 to 15 minute cycle journey from the site. However, the TA notes that whilst the majority of the cycle route is direct and along a shared foot/cycle way, there is a section missing between Weybourne Gardens and Bournemouth Park Road on the A1159 which is a busy dual carriageway. As such, the applicant proposes to improve this part of the cycle way as part of this development to provide a safer cycle route from the site to the centre of Southend but converting the footway between Weybourne Gardens and Bournemouth Park Road into a shared foot/cycle way. The Highway Team confirmed that there are good pedestrian and cycle ways on Fossetts Way with tactile paving at crossing points. The Highways Team has requested a contribution of £10,000 towards cycleway improvements, in this respect, which has been included in the Heads of Terms for the S106 agreement. The TA therefore concludes that cycling offers an attractive travel choice to the surrounding employment sites, local facilities and railways stations.

- 7.112 In terms of buses, the TA recognises that the current bus service provision in the area around Fossetts Farm is not comprehensive enough to offer future residents of the development an attractive travel option, on the whole. Bus routes 60 and 807 run close to, but not directly pass the site (an approximate 5-minute walk to these bus stops). The Stephenson's No.61 bus route passes the site but does not offer peak or weekend journeys and other services in the area that provide all-day timetables do not currently pass close enough to the site. The 61 runs between Southchurch and Southend-on-Sea via Fossetts Way every 30 minutes between 9am and 3pm Monday to Friday, and does not operate Saturdays, Sundays or Bank Holidays.
- 7.113 As such, the applicant has been in discussions with the bus operators and having considered a number of options, proposes to fund an improved No.61 service for a minimum of 3 years, providing a minimum of an hourly service. The enhanced bus service is proposed to operate 7 days a week and the applicant has committed to a service that runs half-hourly from 07:00 to 20:00 Monday to Friday, half-hourly from 07:30 to 20:00 Saturdays and hourly from 09:00 to 19:00 Sundays. The applicant has made a commitment to commence so that this is up and running prior to the occupation of the first unit.
- 7.114 The Highways Team have confirmed that that the developer will need to provide an enhanced bus service for a minimum of 3 years which provides an at least half hourly service Monday to Friday from 07:00 to 20:00, an at least half hourly service Saturdays from 07:30 to 20:00 and an hourly service on Sundays and Bank and Public Holidays from 09:00 until 19:00 which must be operational before the first units are occupied and which must serve the bus stop to the east of the site heading northbound. This requirement has been included in the Heads of Terms for the S106 Agreement.
- 7.115 In terms of access to bus stops, the transport Technical Note submitted outlines that the bus stops are accessible from the main access onto Fossetts Way and via this route are located some 450m away. In the interests of sustainable transport, the Highways Team have recommended that the applicant provides a direct pedestrian link from the site to the bus stop on Fossetts Way. The applicant has stated this is not possible due to some of land necessary for this not being within their control. An informative will be added in this respect, to encourage the applicant to investigate this further and provide such a link, if possible.
- 7.116 The applicant states that, 'Through successful travel planning, new residents living at the development will be aware of the bus services and how to access them.' The information submitted also highlights that Stephenson's Service has a bus tracker which provides

accurate real time information, leading to decreased waiting times and which should make residents more inclined to use the service as they are less likely to miss the bus. The Highways Team have recommended that the travel plan and travel packs must encourage the use of the bus and provide a number of free bus tickets to the residents of each unit and must provide marketing for the bus companies' real time bus apps as well as vouchers for the car club. The travel packs must be provided to residents a few weeks before, or at the latest on their move-in date. This requirement is to be included in the S106 Agreement.

- 7.117 The closest railway station is Prittlewell. The TA indicates that this is 1.8km south-west of the site, within a 20-25 minute walk or 5-10 minute cycle.
- 7.118 To reduce car ownership and therefore car use, the development also includes a car club space for the future residents. The TA confirms that this will be linked with the existing car club in Southend – Ecar. The applicant has confirmed that this space will include an electric charging point. This facility has been secured via the Heads of Terms for the S106 Agreement.
- 7.119 The application has been submitted with a Framework Travel Plan which seeks to encourage the use of sustainable transport options. The measures proposed in the Travel Plan to achieve this include the provision of secure, covered and convenient cycle parking, provision of effective on-site walking and cycling signage, literature distribution to promote the health benefits of walking and cycling, holding one-off walking promotion events in line with national events and ongoing review of onsite cycling facilities in line with demand and provision of additional cycle parking, if required. Other measures include improving routes to shared foot and cycleways, providing local bus and train timetable information, improving bus service, providing residential travel packs, incentives to car share and providing car club information and trial offers. The Highways Team have confirmed that the Framework Travel Plan is adequate for the outline application. A full Travel Plan will need to be provided which can be secured via the S106.
- 7.120 The TA concludes that the sustainable transport strategy is to provide improved connections through the site, including extended bus service to the site, improved cycle routes and provision of formal and informal footways across and surrounding the site.
- 7.121 As such, subject to conditions and a S106 agreement to secure improvements to the bus service, a contribution of £10,000 towards cycleways, a car club space, Travel Packs and updated Travel Plan and Travel Plan monitoring, the development is considered acceptable and policy compliant in the above regards.

Access

- 7.122 Access is not a reserved matter for later consideration and details have been submitted with this outline application.
- 7.123 The Transport Assessment (TA) submitted states: 'Vehicle access to the site will be via a priority ghost island junction to the north of the site which is already constructed...The access has been designed to accommodate necessary movements by car, service and emergency vehicles...' The TA goes on to confirm '...the site access junction operates efficiently and is more than adequate to provide access to the proposed residential development.' The Highways Team have confirmed that the junction is able to accommodate cars, service and emergency vehicles and is therefore considered to be

acceptable and policy compliant.

- 7.124 In terms of pedestrian and cycle access, the TA submitted indicates that, as well as the main access junction onto Fossetts Way, there will also be access for both pedestrians and cyclists via informal routes through the Schedule Monument. It is also sought to link these pedestrian and cycle routes into the Southend Football Club site to the west. The Highways Team have requested more details of these access routes. Given the outline nature of the proposal, whereby the layout of the scheme is a reserved matter, a planning condition requiring full details of the vehicle, cycle and pedestrian routes across the site is therefore recommended.

- 7.125 The TA confirms that, whist servicing and delivery requirements will be undertaken internally within the site and will therefore be dependent on the final masterplan which would be determined at reserved matters stage, the site access has been designed to accommodate refuse and service vehicles. Given the outline nature of the proposal, subject to a condition requiring full servicing details, the development is acceptable in this respect. The highways team have raised no objection on this basis subject to details of servicing and delivery along with internal swept path analysis being provided at a later date. A condition is recommended to require this.

Parking

Car Parking

- 7.126 Policy DM15 states 'All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.'
- 7.127 The adopted parking standards require a minimum of 1 parking space per dwelling for flats and 1 bedroom houses, a minimum of 2 parking spaces for houses with 2 or more bedrooms and a minimum of 1 covered and secure cycle parking space per unit.
- 7.128 The Development Brief requires the application scheme to provide car and cycle parking in accordance with the latest adopted standards.
- 7.129 The Design and Access Statement and Transport Statement submitted confirm that car parking will be provided in accordance with Policy DM15. Indicative details suggest that parking would be provided using a mixture of on-plot (garage and/or drive) and courtyard parking. Subject to a condition requiring the necessary parking in accordance with policy, the development is acceptable and policy compliant in this respect.

Cycle Parking

- 7.130 The TA submitted confirms that 'The proposed level of cycle parking accords with SBC's cycle parking standards...Secure cycle parking spaces will be located within property grounds or in external bike stores.' The Design and Access Statement also makes a commitment to providing 1 secure and covered cycle space per dwelling. This can be secured via a planning condition.

Visitor Parking

- 7.131 The Highways Team have suggested that the applicant considers parking on site for visitors. This is noted and given the location of the site and its relation to the SM, which has the potential to attract visitors, the provision of visitor parking within the site would be a positive aspect of the scheme. However, the Council does not have a policy requirement for visitor parking. As such, it is recommended that an informative be added in this regard in the specific circumstances of this case.

Electric Vehicle Charging

7.132 In terms of electric charging points, the TA makes the following commitment, 'it is proposed that all homes on site will include passive infrastructure for EV charging.' This is positive and will future proof the installation of actual charging points at a later date for all homes on the development. The Transport technical note goes on to confirm that at least 20% of the car parking spaces will have electric charging points provided. The Highways Team are satisfied with this proposal and this is included in the S106. The development is considered acceptable on this basis.

Highway Network and Highway Safety

7.133 The peak hours are as follows:

- AM peak: 08:00 – 09:00
- PM peak: 17:00 – 18:00

7.134 Traffic surveys have been undertaken which included the following junctions at the above AM and PM peak times:

- Chandlers Way/Fossetts Way/Sutton Road roundabout
- Sutton Road/Eastern Avenue roundabout
- Fossetts Way/Eastern Avenue roundabout
- Fossetts Way/Waitrose/B&Q double roundabout

7.135 Traffic surveys comprised a mixture of Automatic Traffic Counts (ATCs) and Classified Turning Counts (CTCs), including queue length surveys. ATCs were recorded over a 7-day period during the week commencing Monday 17th June 2019, with the CTC surveys undertaken within the same week on Thursday 20th June between the wider peak periods 7am – 10am and 4pm – 7pm.

7.136 The traffic survey results, as set out in the TA, show that on a typical weekend on Fossetts Way there is little flux in the traffic across the week with approximately 750 two-way AM peak vehicles trips and circa 500 PM peak vehicle trips.

7.137 The findings of the surveys are as follows:

- Chandlers Way/Fossetts Way/Sutton Road roundabout – 'the junction operated within capacity in the AM and PM peak hour and there is limited delay on all arms during both peak hours.'
- Sutton Road/Eastern Avenue roundabout – On the day of the survey the junction was operating over the maximum effective operational capacity during both peak hours, with the Sutton Road approach (arm 1) function close to maximum capacity during the PM peak hour. There were delays on both Sutton Road approaches (north and south), with up to a 74 second delay in the PM peak hour.'
- Fossetts Way/Eastern Avenue roundabout – 'On the day of the survey the junction operated well during both peak hours, with the exception of the A1159 approach in the AM peak hour and the Fossetts Way approach in the PM peak which are both just over the maximum effective operational capacity with some delay in both approaches of 12.22 and 21.48 seconds respectively.'
- Fossetts Way/Waitrose/B&Q double roundabout – 'On the day of the survey, the double junction on Eastern Avenue was operating within capacity and had limited delays during both peak hours, but some marginally longer delays in the PM peak hour.'

7.138 In terms of trip generation, the TA submitted, based on TRICS data, demonstrates that

the development would result in the following trip generation (based on 145 dwellings):

Time period	Arrive	Depart	Two-way
AM peak (08:00-09:00)	29	127	155
PM Peak (17:00 – 18:00)	86	32	118

7.139 The TA considers the impact of the development on highway capacity as follows:

- Chandlers Way/Fossetts Way/Sutton Road roundabout – The results predict that the junction will operate within its theoretical maximum operating capacity in both scenarios [2024 base and 2024 base + development] during both peak hours. The impact of traffic generated by the proposed development is considered insignificant with queue, delay and RFC (Ratio of Flow to Capacity) increases negligible. The greatest increase in RFC is 8% in the AM peak hour from 43% to 51%.
- Sutton Road/Eastern Avenue roundabout – This junction is predicted to operate over theoretical maximum operating capacity in the 2024 baseline scenario.’ The junction is ‘...running close to maximum capacity in the base (existing conditions), therefore the junction is not functioning in the 2024 base or 2024 base plus development scenarios due to background traffic growth, not from this development. Consequently, although the junction does not seem to be functioning effectively, this is not a fault of the development as the junction is currently not effective within the base scenario.’
- Fossetts Way/Eastern Avenue roundabout – ‘There are a number of delays on each arm of this junction on Eastern Avenue, during both AM and PM peak periods. In the 2024 base, Arm 1 experiences the largest delay and highest RFC in the PM peak period, with a delay of nearly 53 seconds and a RFC of 96%. The results predict that traffic generated by the development will slightly increase RFCs on the approaches that are predicted to operate above 85% in the 2024 baseline. The predicted increases to these RFCs are 5% in the AM peak hour on Eastern Avenue (East), 4% on Fossetts Way and 3% on Eastern Avenue (west) in the PM peak. These small increases in RFC from traffic generated by the proposed development are considered insignificant and do not result in severe impact in line with NPPF.’
- Fossetts Way/Waitrose/B&Q double roundabout – ‘The results predict that the junction will operate within its theoretical maximum operating capacity in both scenarios [2024 base and 2024 base + development] during both peak hours. The impact of traffic generated by the proposed development is therefore considered insignificant with queue, delay and RFC increases negligible.’
- Summary – Given the above, the TA submitted concludes ‘...the development does not result in severe impacts on the highway network and therefore, in line with the NPPF 2019, no network mitigation is required.’

7.140 Overall, the TA concludes ‘...the modelling assessment has shown that the existing highway network surrounding the development site has sufficient capacity to cater for the increase in forecast traffic growth and future levels of development traffic. In most cases, the junction approaches in the model are within the operational working limits for signal

and priority junctions at the busiest times of the day. Where modelling tests have indicated that junctions are operating at or above capacity the queue lengths that have been generated have been checked to understand if they detrimentally block other traffic. However, it is noted that the background traffic is the reason for the increase in capacity not due to the development...No off-site highways works are to be proposed as the impact of Fossetts Farm on the highway network is considered insignificant. It is concluded that the development of Fossetts Farm is acceptable in highway and transport terms.'

- 7.141 The Highways Team have confirmed that the survey data used in the VISSIM model is current and collected during the neutral month of June 2019. The TRICS database indicates that during the AM peak (8am – 9am) the proposed site is predicted to have 15 arrivals by car and 65 departures by car. During the PM peak (5pm – 6pm) there are predicted to be 44 arrivals by car and 17 departures by car. The total for all modes of transport is 155 trips in the AM peak and 118 in the PM peak.
- 7.142 The Highways Team have considered the modelling undertaken, which has included consideration of the proposed development to the west of the site for a new SUFC stadium and other development and confirms that whilst the modelling shows that when the potential SUFC development with mitigation is added in the PM peak is over-capacity, this is due to the SUFC potential development not the trips from this site, which is based on 145 units at this site, rather than the maximum of 131 units hereby proposed. The Highways Team therefore states that no mitigation is required as part of this development proposal.
- 7.143 The Highways Team state that the VISSIM report concludes that this proposed development has a marginal impact on the network. The model shows that overall, this development will have an increase of 8 seconds (3%) on average travel time in the AM peak and 8 seconds (2%) in the PM peak. This suggests that this development will have a minimal impact on the highway network, including the Fossetts Way/Eastern Avenue roundabout and the Sutton Road/Eastern Avenue roundabout and therefore is acceptable without the requirement for highways mitigation.
- 7.144 Given the findings of the TA and the conclusions of the Highways Team, it is considered that the development of the site for up to 131 units would not result in any significant harm to the highway network. No objection is therefore raised on this basis.
- 7.145 In terms of accident records, the information within the TA indicates that in the last 6 years there have been 50 collisions within the study area (which includes Fossetts Way, Sutton Road/Fossetts Way/Chandler Way roundabout, Sutton Road/Eastern Avenue roundabout, Fossetts Way/Eastern Avenue roundabout and Fossetts Way double roundabout), one was a fatal collision (2%), 12 (24%) were serious and 37 (74%) were slight. The Highways Team have raised no concerns in this respect on highway safety grounds. The development is therefore considered acceptable in terms of highway safety. As such, in light of the highway network and highway impacts summarised above, the development would comply with the NPPF which confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Construction Phase

- 7.146 The Highways Team have recommended that a Construction Management Plan is provided. A condition is recommended in this respect.

Overall Highways summary

- 7.147 In summary, the proposal is acceptable in highways terms subject to conditions, submission of reserved matters and the necessary S106 requirements including detailed designs of cycle, walking and vehicular accesses and street lighting, designs of parking areas, details of safe, covered and secure cycle parking, policy compliant parking provisions, provision of a designated car club bay, 20% of parking spaces having electric charging points, with the remainder future-proofed for electric charging, servicing details, including swept path analysis, bus service enhancements, as discussed above, a contribution of £10,000 towards cycleway improvements, provision of a Construction Management Plan, and provision of a full Travel Plan, to include updated travel surveys within 6 months of first occupation, with a £1,000 Travel Plan monitoring fee per year for 5 years. The development is also required to provide travel packs as set out above. The Highways Team confirm, subject to these requirements, that the highway impacts are acceptable. Subject to a S106 and such conditions, the development is therefore considered to be acceptable and policy compliant in the above regards and no objection is raised on this basis.

Sustainability

- 7.148 The Development Brief states 'Development proposals on the site should be low carbon and seek to make a reduction in the use of resources, including the use of renewable and recycled resources, and demonstrate how they will maximise the use of renewable and recycled energy, and minimise consumption of water and other resources...Opportunities for urban greening techniques should be explored...'
- 7.149 Policy KP2 of the Core Strategy states, "All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources" and that "at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)". The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 7.150 The Sustainability Statement submitted makes a commitment to include design measures, both passive and active, within the scheme to reduce the energy demand of the development, states that photovoltaic (PV) panels and air source heat pumps could be installed on the site and makes a commitment for renewable and low carbon technologies to be included at the detailed design stage. Subject to a condition requiring the development to demonstrate that at least 10% of the energy needs of the development will come from on-site renewables, no objection is raised on this basis.
- 7.151 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. The Design and Access Statement confirms that consideration will be given to the inclusion of rainwater harvesting, grey water recycling and water efficient devices. Subject to a condition in this respect, the development is considered acceptable in this respect.

Flood Risk and Drainage

- 7.152 Paragraph 159 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'
- 7.153 Paragraph 161 of the NPPF states 'All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test...'
- 7.154 Paragraph 162 of the NPPF states 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.'
- 7.155 Policy KP1 of Core Strategy states that all development proposals within flood risk zones "shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk". It is also noted that "development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options."
- 7.156 The Development Brief for the site states 'Surface water drainage should adopt SuDS principle and should be an integral part of the landscaping scheme.'
- 7.157 The information submitted with the application confirms that there are no watercourses present within or adjacent to the site boundary. There is an existing dry pond situated on the site's north-western boundary. It is also stated that there is a pond located north-east of the site, on the opposite side of Fossetts Way which has been indicated to manage surface water run-off from the road and development further south. There are 2 minor, unnamed watercourses, both approximately 350m north of the site which flow north to join the River Roach.
- 7.158 The application has been submitted with a site-specific Flood Risk Assessment (FRA) which confirms that the site is located within Flood Zone 1; low probability of flooding. The proposed residential use constitutes a 'more vulnerable' use which is an appropriate use within flood zone 1 and as such the Sequential and Exception Tests do not need to be applied to this proposal.
- 7.159 The FRA proposes a flood mitigation strategy comprising:
- The proposed ground floor levels set at a minimum of 150mm above existing ground levels.
 - Continuous safe access from the site during extreme rainfall events will be maintained as the proposed access to the site is shown to be within Flood Zone 1.
- 7.160 The FRA therefore concludes that the development will be safe in flooding terms.
- 7.161 The Environment Agency have not raised an objection to the proposal.

- 7.162 Given the location of the site within Flood Zone 1, and subject to a condition requiring the flood mitigation strategy, as outlined above to be adhered to, the development is acceptable and policy compliant in the above regards.
- 7.163 In terms of surface water flooding, the information contained within the FRA states that surface water flood maps indicate that the majority of the site has a 'very low' risk of surface water flooding. The mapping indicated areas of 'low' surface water flood risk along the south-western boundary of the site and an area of 'high' surface water flood risk in the north-west of the site, which corresponds with the location of an existing pond.
- 7.164 In terms of Surface Water Drainage, the FRA indicates that the drainage strategy consists of utilising SuDS where possible and will result in a reduction in peak runoff rates discharging from the site.
- 7.165 The information submitted with the application recognises, that as a greenfield site and in view of the need to protect water quality downstream, SuDS should be used where possible. SuDS techniques that could be incorporated into the drainage strategy are identified as including:
- Bio-retention areas including vegetation and planting which act to filter and treat runoff,
 - Swales and ditches that convey run off at a rate that allows infiltration, where possible, and settlement of suspended particles,
 - Permeable paving which allows rainwater to infiltrate through the surface and into the underlying layers,
 - Water butts to assist in rainwater recycling,
 - Rain gardens – small, planted depressions which collect run off close to source and provide natural attenuation and filtration before discharging to the drainage network. They can be used to provide storage for normal rainfall events,
 - Tree pits can be designed to form part of the treatment and be integrated into attenuation, swale and bio-retention areas.
- 7.166 The FRA submitted indicates that the following inherent and proposed mitigation measures:
- Surface water drainage strategy will manage surface water run off generated on site up to the 1 in 100-year storm event, plus an additional 40% allowance for climate change.
 - Overland flow routes should be designed such that the expected flows in the event of surface water drainage blockage or exceedance event, will not be detrimental to any proposed dwellings or access/egress routes.
 - It is recommended that ground floor levels are set a suitable freeboard above surrounding ground (minimum 150mm) to mitigate the residual flood risk associated with excess surface water runoff in extreme rainfall events. Exterior ground levels across the site should be appropriately contoured to direct surface water away from dwellings in such a scenario.
- 7.167 The FRA concludes the residual risk is acceptable for the lifetime of the development. The Sustainability Statement similarly concludes that the proposed development will incorporate SuDS in order to manage current flood risk and mitigate against future flood risk caused by climate change in accordance with policy. It is stated that full details of the drainage systems will be decided through detailed design stage.

- 7.168 The application has also been submitted with an FRA Addendum which provides further clarification on the impermeable site area and proposed discharge rates.
- 7.169 The Council's Flooding and Drainage Engineers have reviewed the information provided and conclude that the information provided for the SuDS and drainage strategy is sufficient for this outline stage of the application and recommend further detailed designs are submitted prior to construction as part of conditions and/or reserved matters applications. Subject to a condition in this respect, the development is considered acceptable in terms of surface water flooding.
- 7.170 In terms of other flood risks, the FRA confirms that the site is not at risk of flooding from reservoirs and that there are no records of groundwater flooding within the site boundary. It is also stated that there are no records of sewer flooding within the site boundary, there are no artificial sources of flooding including canals, lakes and ponds identified that could present a flood risk to the site and that there are no records of any historic flooding identified within the site boundary. The Council's Flooding and Drainage Engineers have similarly confirmed there are no records of groundwater flooding or sewer flooding within the site boundary. The development is therefore considered acceptable in this respect.
- 7.171 The application has been submitted with a Utilities and Foul Drainage Appraisal Report which concludes that, in terms of Essex and Suffolk Water, there is sufficient capacity to supply the site and with regard to foul drainage, Anglian Water has sufficient capacity within the local network to serve the development. As noted in section 4 above, Essex and Suffolk Water have raised no objection to the proposed development and Anglian Water have confirmed that there is available capacity for the foul drainage for this development and that the sewage system has available capacity. The development is therefore acceptable in this respect.
- 7.172 Subject to conditions, the development is therefore acceptable and policy compliant in terms of flood risk and drainage considerations.

Impacts on the Natural Environment, Ecology and Biodiversity

- 7.173 Paragraph 174 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...recognising the intrinsic character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...'
- 7.174 Paragraph 180 of the NPPF states 'When determining planning applications, local planning authorities should apply the following principles...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...opportunities to improve biodiversity in and around development should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'
- 7.175 The application has been submitted with an Ecological Assessment Report which describes the site as '...a small (approximately 6.01ha) area of mixed habitats dominated by unmanaged grassland and colonising scrub with a small woodland area in the north-west.' It goes on to note 'A feature marked on maps of the areas as a 'pond' in the north-

west of the Site was found to be a dry hollow, with no evidence of having recently held water. This area was located within the small woodland.’ There is a row of mature and semi-mature trees immediately to the east of the site which constitutes a medieval green lane. The Ecological Assessment concludes that the habitats and flora on site overall, including the priority habitat woodland and some small areas of diverse grassland are of ‘local value’.

7.176 A Technical note – an updated extended Phase 1 Habitat Survey - was submitted in August 2021 (dated 26th July 2021) to confirm whether the original extended Phase 1 habitat survey at the site and the associated protected species surveys undertaken in 2019 are still valid. The updated assessment included an updated walkover survey and the report confirms ‘As per the surveys undertaken in 2019, the site continues to be characterised by a mosaic of scrub and grassland habitats, with small areas of secondary woodland and scattered trees also present...The composition of botanical species on site was as recorded previously, however...evidence of the small number of orchids noted in 2019 was absent.’

7.177 In its summary, the updated ecological report confirms; ‘The character, habitat condition and botanical assemblage of the site has not differed significantly since surveys undertaken in 2019. As a result, the ecological value of the site and its value to protected and notable species known to be or with the potential to be present remains the same...In light of the survey findings gathered in 2021, given the similarity of site conditions...the recommendations detailed in the Ecological Assessment Report (Santec 2019a) remain valid and should be adhered to in order to ensure that impacts to habitats and species can be avoided or adequately mitigated.’ Officers accept this position as a basis for assessing the application.

Statutory Designated Areas and Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

7.178 The relationship of the site with the nearest Statutory Designated Areas is as follows:
International within 10km of site:

- Outer Thames Estuary Special Protection Area (SPA) – 1.7km to north (and east/south-east)
- Essex Estuaries Special Area of Conservation (SAC) – 1.9km to the north.
- Crouch and Roach Estuaries SPA and RAMSAR site – 1.9km to the north
- Benfleet and Southend Marshes SPA and RAMSAR site – 2.9km to south
- Foulness SPA and RAMSAR site – 4.2km to east (and south-east)
- Thames Estuary and Marshes SPA and RAMSAR site – 8.5km to south

National within 2km of site:

- Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone (MCZ) – 1.5km to north
- Crouch and Roach Estuaries SSSI – 1.8km to north.

7.179 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS

Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.180 The Ecological Appraisal concludes that the main likely significant effect identified for the qualifying features at the European Sites as a result of the development constitutes public access and disturbance and recreational use of sea wall footpaths by dog walkers and bird watchers. An Appropriate Assessment has been carried out in this respect which concludes no Likely Significant Effects would arise as a result of the proposed development due to mitigation in the form of financial contributions to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to secure mitigation measures including education, raising awareness, visitor management, employing rangers and monitoring. The site will also include an area to the south (a SANG – a Suitable Accessible Natural Greenspace) for day-to-day activities such as dog walking to offset the potential for significant adverse effects on any nearby international designated areas associated with an increase in residents as a result of this development, or in combination with other proposed developments.
- 7.181 The application has been submitted with a shadow Habitats Regulations Assessment which similarly concludes that the development would not result in any significant adverse effect on the European sites given the on- and off-site mitigation provided.
- 7.182 Subject to securing the necessary RAMS tariff payment via the S106 agreement (the final amount will be dependent on the number of units proposed as part of the reserved matters application) and the use of planning controls to secure the provision of appropriate recreational space as part of the scheme, the development is acceptable and policy compliant in the above regards.

Habitats and Flora

- 7.183 The Ecological Assessment submitted states the development of the site ‘...will result in the loss of approximately 3.72ha of existing habitat of Local value...This will have an adverse effect on the habitats on Site of up to Local Significance.’ However, mitigation is proposed comprising the creation of new areas of habitable and planting of native species and species with a known value to local wildlife, provision of SuDS, creation of a rain garden, retention and management of the greenspace to the south of the site and retention of the corridor of trees on the eastern boundary. The submission documents go on to recognise that ‘...as the development will result in the loss of approximately 60% of the existing semi-natural habitats on Site...it will not be possible to avoid a net loss in habitat area and quality, even accounting for landscaping and planting within the Site as part of the development. It is therefore likely that the development will result in an adverse effect on habitats and flora of up to Local significance.’ However, to compensate for this, as set out in report elsewhere, as part of the S106 Legal Agreement, the applicant is proposing to ensure any habitat loss is suitably mitigated with a net gain to be delivered through a combination of on and off-site measures achieving not less than a 10% uplift on the current situation overall.
- 7.184 Taking into account the mitigation proposed, that planning permission has previously been granted for development at the site and given that the site was removed from the Green Belt in 1999 and previously designated as ‘safeguarded land’ to be developed after 2001, the acceptability of the site for development has already been recognised and

established in a number of ways historically. A vehicular access point into the site has also been previously constructed. The Development Brief also identifies the site as suitable for a residentially-led mixed use development. Given this history and the mitigation proposed, as well as the commitment to improve the SM via maintenance, it is considered, in the round that subject to the necessary S106 offsetting, conditions requiring suitable landscaping as well as biodiversity mitigation measures such as bird and bat boxes, that the development and policy compliant is acceptable in this respect.

Protected Species

Bats

- 7.185 The Ecological Assessment Report submitted outlines that bat surveys were undertaken within the site in April, May, June, August and September 2019. These surveys identified a ‘...small assemblage of bats (five species) using the site as a foraging and commuting resource (and in some cases a possible roosting resource). The vast majority of activity was attributed to common pipistrelle and soprano pipistrelle bats (both common and widespread species). The other species recorded included very low numbers of bat calls from noctule, long-eared bats and Nathusius pipistrelle bat that were all found to use or pass through the Site on a very occasional basis. The woodland copse in the north of the Site, the mature treeline on the eastern boundary and areas of denser, established scrub habitat had the highest levels of activity and were considered to be key foraging and commuting routes for bats within the context of the Site. A total of seven trees (numbered T1 to T7) were also identified as supporting features capable of providing roosting opportunities for bats:
- Three trees had high suitability to support a roost (T1, T2 and T7)
 - Two trees had moderate suitability to support a roost (T4 and T6) and
 - Two trees had a low suitability to support a roost (T3 and T5)’
- 7.186 The report concludes that the bats recorded within the site are considered to be of ‘less than Local’ value given the low levels of activity, the lack of variety of species recorded and the dominance of calls from common and widespread species...’
- 7.187 The report recommends mitigation for bats including additional surveys for any trees that are sought to be felled that have potential to support roosting bats, bat boxes to be provided, development of an appropriate lighting scheme and retention and protection of the trees on the eastern boundary and where possible scrub and treelines in the south of the site will be retained and protected to ensure bats can continue to commute and forage on part of the site. With these mitigation measure, the ecology report concludes that there would be a residual adverse impact on bat species which will be of less than local significance.
- 7.188 The updated report states, ‘The trees on and immediately adjacent to the site have the same levels of roosting potential as noted previously. Given that the habitats on Site have remained largely the same in terms of condition and extent it is reasonable to assume that it continues to support a similar assemblage of foraging and commuting bats as recorded in 2019.’
- 7.189 Given the findings of these reports, subject to a condition requiring the mitigation measured recommended, and as outlined above, it is considered that the development would not have any significant impact on bats. The development is therefore acceptable and policy compliant in this regard.

Great Crested Newts

- 7.190 The Ecological Assessment Report submitted concludes 'The recent monitoring data confirms the presence of a medium population of great crested newts within the local area of the Site. The habitats on Site may be used by individuals from this population during their terrestrial phases. However, it is noted that other suitable terrestrial (and aquatic breeding) habitat is present in the land immediate surrounding the ponds and elsewhere in the local area, including the land immediately surrounding the waterbodies east of Fossetts Way, the golf course further east (but in close proximity to the waterbodies), allotments to the south-east (beyond the large retail unit but linked by hedgerows/scrub) and (to a lesser extent) farmland field margins to the north and north-east. While this does not rule out use of the Site by this species, it is likely to reduce the overall importance of the Site itself to the local great crested newt population, given that the population overall will likely be spread across a range of locations during the terrestrial (non-breeding) phase of their yearly cycle, with the majority of the population focussed in suitable habitat in close proximity to the waterbodies...' The report therefore concludes that the great crested newt population value of the site would be 'up to local' value.
- 7.191 In terms of mitigation, the Ecology report states that it may be possible to retain suitable habitat for great crested newts within the site in the open space to the south, although as the site currently represents good quality terrestrial habitat for this species, it is likely that the scheme will result in a loss of habitat. However, provision of the SuDS could also lead to positive impacts on the great crested newt population.
- 7.192 In terms of great crested newts, the updated survey states 'The waterbody...in the north of the site held very little water and was considered likely to be completely dry during warm months of the summer...As a result the waterbody continues to be sub-optimal as a breeding resource for great crested newts. The presence of great crested newts on site is still considered possible...As concluded previously, great crested newts are more likely to utilise suitable terrestrial habitat surrounding the mitigation ponds rather than venturing across Fossetts Way to use the habitats on site. However, the use of the site by individual/small numbers of great crested newts cannot be entirely ruled out.'
- 7.193 Given the findings of the reports, subject to a condition requiring the retention of, or the provision of suitable habitats for great crested newts within the site (such as the open space to the south), it is considered that the development would be acceptable and would not result in any significant harm to the species.

Breeding Birds

- 7.194 The Ecological Assessment Report submitted concludes 'Although the overall bird assemblage likely to use the Site is unexceptional, the Site is likely to support a reasonably diverse assemblage relative to its small size given the presence of good quality potential nesting habitat (scrub cover, trees and small woodland), although these types of habitat are not restricted to the Site, with land to the south and west being similar, with features such as the golf course further east and cemetery to the south-east also likely to provide a habitat resource for a range of bird species. Although they are not expected to be restricted to the Site, species of conservation concern were noted on Site in 2019, with the potential for all to breed on Site or nearby; this adds to the overall value of the assemblage. However, the landscape surrounding the Site would also be expected to support a range of bird species (including some which are unlikely to use the Site, such

as farmland birds using open fields to the north). As a result, the assemblage of breeding birds using the Site is likely to be of 'up to Local' value within this context.'

- 7.195 The Ecology Report proposes mitigation for birds including, vegetation clearance outside the bird breeding season (September to February inclusive) otherwise such vegetation to be checked by an ecologist for active nests first, with an identified nests being left intact until the young have fledged. The loss of existing breeding bird habitat will be compensated for with the retention of informal open space to the south of the site, tree and scrub planting as part of the landscape scheme, new wetlands habitat in the form of SuDS areas and a range of bird boxes installed onto new or retained trees and/or in the fabric of buildings which will be selected to provide continued opportunities for species already present on site, as well as new opportunities for species not currently able to breed on site due to lack of suitable habitat. It is stated that the exact number, type and location of bird boxes plus details of the planting will be provided as part of a detailed application. Planning conditions are recommended in this respect. Mitigation to reduce the risk of predation from cats (and to a lesser degree dogs) is proposed in the form of using dense and thorny woody shrubs and tree species to create thickets and cover for birds and provision of nest boxes at a height away from predators. The Ecology report concludes that such mitigation would reduce the significance of effects on the bird assemblage to less than Local.
- 7.196 The updated ecology report states 'A total of 15 species of birds were noted...many of which are likely to nest in the scrub and trees present on site. Given that the habitats on site have remained largely the same in terms of condition and extent, it is reasonable to assume that it continues to support a similar assemblage of breeding birds as was considered at the time of the 2019 assessment.'
- 7.197 Subject to the necessary mitigation measures outlined above, which can be secured via condition, it is considered that the development would not result in any significant harm to birds and the development is considered acceptable and policy compliant in the above regards.

Reptiles

- 7.198 The Ecological Assessment Report submitted concludes 'The mosaic of habitats on Site provide opportunities for common species of reptiles. The reptile survey undertaken in 2019 revealed the presence of a good/medium population of common lizard and a low population of grass snake...the Site does not meet the SSSI or LWS (Local Wildlife Sites) selection criteria for reptiles. The Site does not meet the criteria of a key reptile site. However, based on the likely population status of the two species recorded and given the abundance of high-quality sheltering and foraging habitat present (which is less abundant elsewhere in the local area), the Site is considered to be of 'up to Local' value to reptile.'
- 7.199 The Ecological Assessment submitted states that the development will lead to habitat loss and fragmentation of suitable habitat, leading to a loss of, reduction in the size of, or fragmentation of reptile populations. The development will lead to a loss of some 3.72ha of suitable habitat with the remaining habitat in the south (some 2.5ha) likely to still have potential to support reptiles but at a lower density than at present due to the proposed shared use for public open space. There is also an increased risk of predation by cats and dogs. Overall, this is likely to lead to an adverse effect on reptile populations of Local significance. The Ecology report therefore recommends mitigation including the maintenance and management of retained habitat to the south of the site to provide on-

going habitat for reptiles. However, as this in itself would not fully compensate for the loss of habitat to the north, it is recommended that translocation of reptiles from part of the site to suitable receptor areas are also required. The Ecology report recommends that the reptile mitigation is designed and agreed as part of the reserved matters with key elements and concludes that, with such mitigation, the adverse effects can be avoided or reduced to less than local significance.

- 7.200 In terms of reptiles, the updated ecology report states 'Given the current management the site still offers high quality habitat for reptiles. A similar assemblage and population of reptiles as identified in 2019 is therefore likely to be present.'
- 7.201 Given the findings of the submitted reports, it is considered that subject to the necessary mitigation, as outlined above, which can be secured via condition, that the development would not result in any significant harm to reptiles and the proposal is therefore acceptable and policy compliant in this respect.

Badgers

- 7.202 The Ecological Assessment Report submitted considered badgers and states 'Photographs of a badger apparently at the entrance to the burrow were recorded on 8th April 2019 after dark. Badger footprints were also identified in the sand trap on 8th and 9th April 2019. No further photographs of badgers or any clear badger footprints or hairs were recorded/found during subsequent visits to the Site. Photographs of a red fox cub were recorded on 13th May 2019...The evidence...suggest the burrow was in use by badgers in the early part of the year. It is therefore classified as an active outlier sett (i.e. single sett entrance likely in use by a single badger as opposed to being a main focus of local clan activity) at that time. However, it appears that the sett was taken over by foxes later in spring/early summer as a breeding location. Based on the low levels of activity and single sett which was only occasionally used by badgers, the Site is considered to be of 'less than Local' value to badgers.
- 7.203 In terms of mitigation, the Ecology report states that the outlier badger sett will need to be closed. The sett will initially be re-checked by an ecologist and monitoring will take place to determine if the sett is in use by badgers (or other species) and, if in use, to gather information on likely status. If an active sett(s) is present and requires closure, this will be undertaken under licence from Natural England. It is concluded that any habitat loss will be less than Local significance.
- 7.204 The updated ecology assessment states 'The outlier sett identified in 2019 appeared to be in current use...No other active entrances were identified in the vicinity of the sett or elsewhere on site. In addition to this sett, a number of mammal paths were noted in dense areas of vegetation (some of which are likely to be created/used by badgers). A bumble bee nest close to the sett had also been excavated recently indicating possible recent foraging activity by this species.'
- 7.205 An update to the Badger Survey was submitted (dated July 2021) which involved a search of the site for setts and other characteristic signs of badgers as well as research into badger setts and activity within a 2km search area around the site. The survey found a single outlying badger sett (sett 1) within the site (comprising one well-used hole and two partially used holes) and limited badger foraging activity was recorded within the site, which is consistent with the findings of the previous ecological survey works. The report concludes 'The development proposals would necessitate the closure of Sett 1. This

would require a sett interference licence from National England. Given the low status of Sett 1 (i.e. small, outlying sett), and the presence of this group's main sett outside the site, the licensed closure of Sett 1 would have little or no impact on badger foraging resources. Appropriate management of the proposed southern open space has the potential to provide a new gain in badger foraging resources in the longer term.' The report recommends that trenches in excess of 1m in depth are covered or secured and a means of escape provided and that any exposed open pipe system are capped to prevent badgers gaining access and notes that a further badger survey update will be required at reserved matters and/or licence application and prior to/during site clearance.

- 7.206 As such, whilst the concerns of the Badger Group are noted, given the above, and subject to conditions and further details at reserved matters stage the development is considered to be acceptable in terms of impacts on badgers.

Invertebrates

- 7.207 The information submitted within the Ecological Assessment Report identifies the site as providing suitable habitat for a range of invertebrate species. 'In summary a total of thirty SPI moth or butterfly species which could occur on Site have been recorded locally within recent years. The overall invertebrate assemblage using the Site is likely to be limited due to the small size of the Site. Although the mosaic of habitats (scrub, grassland and small woodland/some trees) provide habitat for a range of species, other habitat types (e.g. wetland) are lacking. Although the Site is likely of value to invertebrates as it represents an area of semi-natural habitat (within the context of farmland to the north and urban development to the south) it is likely to be of 'up to Local' value.'
- 7.208 The Ecology report submitted states that the development will lead to direct loss of existing habitat of value for invertebrate species (approximately 3.72ha) which would result in an adverse effect of up to Local significance. Mitigation includes a landscaping scheme, retained open space to the south, use of native plant species with known value to invertebrates, provision of new habitats not currently on site such as wetland areas (SuDS), provision of insect boxes. It is concluded that such mitigation can reduce the adverse effects to less than Local significance.
- 7.209 The updated ecology report concludes '*The mosaics of scrub, grassland, ruderal vegetation, trees and woodland are likely to continue to offer suitable conditions for a range of invertebrate species.*'
- 7.210 Subject to the mitigation required, as outlined above, which can be controlled through a planning condition, it is considered that the development would not have a significant impact on invertebrates and is acceptable and policy compliant in this respect.

Avoidance Measures and Embedded Mitigation

- 7.211 The Ecological Assessment submitted also identifies the following avoidance measures that are proposed as part of this proposal:
- Implementation of a Construction Environmental Management Plan (CEMP) during the construction phase to protect habitats from impacts such as accidental pollution or dust-settling.
 - Masterplan indicates the southern part of the site be retained as greenspace with a row of trees and woody vegetation on the eastern boundary retained.
 - Retention of a number of trees to be incorporated into the housing development in

the north of the site and retention of trees within the south of the site.

- 7.212 The above embedded mitigation can be secured via conditions requiring a CEMP and landscaping details. The final development will also be subject to a Reserved Matters application when the final design and layout of the scheme will be considered.

Biodiversity Enhancement

- 7.213 Paragraph 179 of the NPPF states that 'To protect and enhance biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity.'
- 7.214 Paragraph 180 of the NPPF states 'When determining planning applications, local planning authorities should apply the following principles...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially when this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'
- 7.215 The NPPG states that 'Net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand...The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitable in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.'
- 7.216 The NPPG goes on to state 'Planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity...'
- 7.217 The Ecology Assessment submitted states that '...it is unlikely that the development can achieve net gain within the redline boundary of the proposed development as approximately 60% of the existing habitats on Site (of Local value) will be lost, with limited opportunity to enhance the retained habitat (as it already has biodiversity value) or provide significant enhancements within the built environment. In order for this scheme to deliver net gain, opportunities will need to be sought outside the Site...' With biodiversity enhancement measures including at least 4 bat boxes/bricks over and above the mitigation for bats needed as set out above and at least 8 bird boxes/bricks.
- 7.218 During the course of the application, a Biodiversity Metric Report was submitted which assesses the habitat losses and gains resulting from the proposed development. This report states that 'Development will result in the loss or change of at least 60% of the current habitats present. It is not practicable to fully mitigate for this loss (e.g. by enhancement of the retained open space) within the redline boundary of the site due to the requirement for public access, and taking into account the existing quality of the retained habitat.' The overall findings of the report are that the proposed development will result in 'A net loss in habitat units of -25.07 units, indicating a percentage net loss in biodiversity of 41.29%...accordingly...off-site net gain solutions will be required to achieve Biodiversity Net Gain by habitat area.'

- 7.219 Given the above, the applicant proposes a S106 Legal Agreement to agree the necessary off-site, off-setting mitigation needed. Subject to a S106 Legal Agreement in this respect to ensure that the biodiversity net gain is either provided on site or off-site to a value of not less than 10%, the development is acceptable on this basis.

Ecology Conclusion

- 7.220 Subject to the S106 RAMS payment and provision of the open space to the south of the site, it is considered that the development would not result in any likely significant effects on the nearby European sites.
- 7.221 The development will result in the loss or change in at least 60% of the current habitats present, however, the development seeks to provide new habitat in the form of wetlands as a result of the proposed SuDS and seeks to maximise the value of new habitats, with for example native-species planting, providing bird and bat boxes. The S106 agreement will also include a provision for on, or off-site provision of biodiversity net gains.
- 7.222 The Ecological Assessment submitted identified the presence, or potential presence of populations of great crested newts, breeding birds, reptiles and invertebrates of up to Local value within the Site, and populations of bats and a partially used outlier badger sett of less than Local value. The report states that impacts in terms of habitat loss and effects on the species using them are anticipated, however, mitigation is proposed to ensure compliance with legislation. Whilst it is unlikely that all impacts can be avoided or reduced to negligible significance, the retention and management of open space in the south plus provision of new habitat features will partially mitigate the loss and can provide opportunities for species not currently present within the Site. The report concludes that overall, whilst the development will result in a net loss of biodiversity, such losses can be offset, off site.
- 7.223 Overall, taking account the planning history of the site in terms of its allocation, the Development Brief which identifies the site as suitable for a residentially led mixed-use development and given that Natural England and the Council's Parks Team have raised no objections to the proposal, it is considered, subject to conditions and a S106 Legal Agreement that the development would be acceptable and policy compliant in terms of ecology considerations.

Developer Contributions

- 7.224 Paragraph 57 of the NPPF states 'Planning obligations must only be sought where they meet all of the following tests
a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.
- 7.225 The Design Brief states 'A landscaped buffer to [the] Scheduled Monument...will be required. This area should be landscaped in accordance with any approved plans and then made over to SoSBC with a commuted payment (through a S106 obligation) for 10-year maintenance provision.'
- 7.226 The Core Strategy Policy KP3 requires that:

“In order to help the delivery of the Plan’s provisions the Borough Council will: Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.”

Affordable Housing

- 7.227 In terms of affordable housing, Policy CP8 of the Core Strategy states: ‘Residential development proposals will be expected to contribute to local housing needs, including affordable...provision...To achieve this, the Borough Council will...enter into negotiations with developers to ensure that...all residential proposals of 50 dwellings or 2 hectares or more make an affordable housing or key worker provision of not less than 30% of the total number of units on site.’ Policy DM7 of the Development Management Document requires a tenure mix of 60:40 between social and/or affordable rented accommodation and intermediate housing.
- 7.228 Paragraph 63 of the NPPF states that where a need for affordable housing is identified, it should be expected to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 7.229 Paragraph 65 of the NPPF states ‘Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.’
- 7.230 The LPA needs to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development which is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations.”
- 7.231 This outline scheme is for up to 131 units, therefore a policy compliant scheme would require the on-site provision of up to 40 units (depending on the final number of units) and would need to comply with the requisite 60/40 tenure split. As such, of these 40 units, 24 (60%) should be for social/affordable rent and 16 (40%) for shared ownership. The Housing team have confirmed that the housing mix for the affordable units, based on the scheme for 131 units should comprise 23x 2-bed units, 15x 3-bed units and 2x 4-bed units.
- 7.232 The application has been submitted with a viability assessment. The Council has had the viability assessment independently reviewed. The independent reviews confirms that a policy compliant affordable housing provision of 30% on-site delivery can be viably provided. Subject to a S106 agreement to secure the 30% on site affordable housing with a 60/40 tenure split in favour of social/affordable rented housing, the development is acceptable and policy compliant. This is achieved through the planning obligations recommended in the Heads of Terms and the scheme is therefore considered acceptable in this regard.

Education

- 7.233 For information, primary education is covered by the Community Infrastructure Levy (CIL)

and it is also noted that the Education team have confirmed that the local primary school has capacity to accommodate that impact of the development. However, the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests). In terms of secondary education, the Education team have commented that whilst the secondary school, Chase High, has places at present and is part of an expansion programme to meet heightened demand for September 2021, given the small site that Cecil Jones High School sits on and that additional expansion could be problematic, the Education team request that a contribution of £368,290.33 is provided for Chase High School which is within acceptable travel distances. Subject to a S106 agreement requiring a contribution of up to £368,290.33 for Chase High School or another nearby secondary school (the final amount will depend on the final number of units and dwelling mix which will be determined at reserved matters stage), the development is acceptable and policy compliant in this respect. This financial contribution is to be paid prior to commencement of the development.

Highways

7.234 As set out above, the following S106 contributions and requirements are required in highways terms:

- Travel Plan: to include submission of a Travel Plan prior to commencement of the development, submission of travel surveys within 6 months of first occupation and £1,000 per year for 5 years from first occupation for the Travel Plan Monitoring.
- Travel Packs which must include free bus tickets and free car club use for each dwelling and must be provided to residents before first occupation.
- Developer to work with a bus company to provide an enhanced bus service for a minimum of 3 years which runs at least half hourly Monday – Friday 07:00 – 20:00, at least half hourly Saturdays 07:30 – 20:00 and at least hourly Sundays 09:00 – 19:00 and which must be up and running before the first unit is occupied.
- £10,000 contribution towards investigations into and minor works to local cycleways.
- 1x Car Club Vehicle and Space which must be served by an electric charging point.
- 20% of all parking spaces to have electric charging points (1 of which must be the Car Club Space) and the remaining 80% to have passive charging points/be future proofed for electric charging points.

SM Management Contributions

7.235 As set out above, the applicant is required to contribute land (the part of the SM within its ownership) and a proportion of 7% of the costs required for the for the implementation of the SAM (Scheduled Ancient Monument) Archaeological Conservation Management Plan (the cost of this is shared between this site and the two adjacent sites (Fossetts East and the SUFC site)). Appropriate wording to secure this is set out in the Heads of Terms below and would be included within the S106 agreement.

RAMS

7.236 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of

Habitats and Species Regulations 2017. The adopted RAMS Supplementary Planning Document (SPD) requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. As such a contribution of up to £16,676.30 (index linked) is required in this respect (subject to the final number of units). Such a contribution is considered necessary and relevant to the proposal given the above. The final sum would depend on the exact number of units proposed which would be determined at reserved matters stage.

Biodiversity Net Gain

7.237 As set out above, the development would result in a net loss in biodiversity of some 41.29% and it is not possible to fully mitigate for this loss within the red line boundary, as such off-set net gain solutions are required to achieve Biodiversity Net Gain by Habitat area.

7.238 As such the following wording is suggested to be included to mitigate this and ensure no biodiversity net loss overall:

- Mitigation to be provided to ensure the net loss of biodiversity at the site, as a result of this development, is off-set within the Borough with a minimum of an overall 10% biodiversity net gain achieved within the Borough:
 - Prior to commencement of the development, the owner shall submit an overall strategy within a Principle Biodiversity Impact Assessment (BIA) to the Council for its written approval.
 - Once approved, where the BIA shows a Biodiversity Loss the owner shall submit a Biodiversity Mitigation Scheme to the Council for its written approval, prior to commencement of the development, which fully details the on-site and any off-site off-setting mitigation to be used with a minimum overall 10% biodiversity net gain to be achieved within the Borough. The Biodiversity Scheme shall include a time frame for the implementation of the off-site minimum 10% net gain.
 - Once approved the owner shall carry out the actions in the approved Biodiversity Mitigation Scheme to provide and complete the overall 10% biodiversity net gain within the Borough, in accordance with the approved time frame.

Release from the 2004 restriction

7.239 Relevant to this proposal is a previous planning permission that was granted, subject to conditions and a S106 Legal Agreement, reference 02/00070/FUL to layout an access road with roundabout at the junction onto Fossetts Way, erect a DIY retail warehouse (14,808sqm) with builders' yard, garden centre, parking for 585 cars at the front and service yard and a substation at the rear, which was allowed at appeal on 28th April 2004, subject to a legal agreement. This legal agreement included the application site, which was part of a wider restricted area in which certain uses, including use for residential purposes were excluded. Whilst following Cabinet agreeing to the Informal Development Brief for this site a Restricted Area Release Certificate to allow residential development on the site was completed, the applicant has requested that via the S106 required for this development that the site is released from this restriction, in a similar way as agreed at the adjoining site to the east (reference 21/00711/FULM). In line with the legal advice received, this Development Control Committee has sufficient authority to allow the release

of the restriction in relation to the application site through the S106 agreement. Appropriate wording is proposed to be added to the S.106 agreement in this regard and this is included in the Heads of Terms set out below.

S106 Summary

7.240 The following Heads of Terms for the S106 Legal Agreement are proposed and have been agreed with the applicant:

- 30% units of affordable housing provided on site (40 units based on 131 dwellings) – with a 60/40 (social/affordable rent/shared ownership) tenure split (24 social/affordable rent and 16 shared ownership units). The final numbers of such units will depend on the final number of units to be provided on site which will be confirmed at reserved matters stage.
- A financial contribution of £368,290.33 towards secondary education at Chase High School or another nearby secondary school if the scheme provides 131 dwellings (final amount will depend on final number of units and dwelling mix and will be adjusted accordingly) to be paid prior to commencement of the development.
- Essex RAMS payment of £127.30 (index linked) per dwelling – would currently be £16,676.30 (based on 131 units) to mitigate the potential disturbance to European designated sites – final amount will depend on final number of units
- Highways contributions
 - Travel Plan
 - £1,000 per year for 5 years from first occupation for the Travel Plan Monitoring.
 - Travel Packs which must include free bus tickets and free car club use for each dwelling and must be provided to residents before first occupation.
 - *Travel Packs which must include 4 x travel cards for use on local buses valid for 2 weeks, details of local bus and rail operators, details of any offer by bus operators of discounted travel to residents, details of free car club membership valid for 1 year, details of 10 car club driving hours for those eligible. Travel Packs are to be provided to the first occupier of each dwelling before first occupation.*
 - Developer to work with a bus company to provide an enhanced bus service for a minimum of 3 years which runs at least half hourly Monday – Friday 07:00 – 20:00, at least half hourly Saturdays 07:30 – 20:00 and at least hourly Sundays 09:00 – 19:00 and which must be up and running before the first unit is occupied.
 - £10,000 contribution towards investigations into and minor works to local cycleways.
 - 1x Car Club Vehicle and Space which must be served by an electric charging point.
 - *To enter into a car club agreement for a period of up to 10 years, including provision of 1x Car Club Vehicle and Space which must be served by an electric charging point. Free car club membership for 1 year and 10 hours free driving time to be provided for the first occupier of each dwelling upon request.*
 - 20% of all parking spaces to have electric charging points (1 of which must be the Car Club Space) and the remaining 80% to have passive charging points/be future proofed for electric charging points.
- The applicant will transfer the Schedule Monument land within its ownership to the

Council prior to the commencement of the development.

- The applicant is required to pay a proportion of 7% of the costs required for the for the implementation of the SAM Archaeological Conservation Management Plan.
- Mitigation to be provided to ensure the net loss of biodiversity at the site, as a result of this development, is off-set within the Borough with a minimum of an overall 10% biodiversity net gain achieved within the Borough:
 - Prior to commencement of the development, the owner shall submit an overall strategy within a Principle Biodiversity Impact Assessment (BIA) to the Council for its written approval.
 - Once approved, where the BIA shows a Biodiversity Loss the owner shall submit a Biodiversity Mitigation Scheme to the Council for its written approval, prior to commencement of the development, which fully details the on-site and any off-site off-setting mitigation to be used with a minimum overall 10% biodiversity net gain to be achieved within the Borough. The Biodiversity Scheme shall include a time frame for the implementation of the off-site minimum 10% net gain.
 - Once approved the owner shall carry out the actions in the approved Biodiversity Mitigation Scheme to provide and complete the overall 10% biodiversity net gain within the Borough, in accordance with the approved time frame.
- Residential use through the release of restrictions imposed in the S106 agreement dated 8th January 2004.
- £10,000 towards the cost of monitoring the S106 Agreement.

7.241 The Section 106 contributions required above are considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contributions that are set out above the development could not be considered acceptable. Unless the S106 agreement has been completed within an agreed timescale the application should be refused on this ground and the recommendation below includes wording to this effect.

Community Infrastructure Levy (CIL)

7.242 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. As this is an outline application, the CIL amount payable will be calculated on submission of a reserved matters application when the floorspace figures will be confirmed.

8 Conclusion

8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions and the completion of a S106 agreement, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal is acceptable in principle, provides much needed additional housing within the Borough and provides an appropriate dwelling mix. Subject to conditions and planning obligations, it would have an acceptable impact on the character and appearance of the area, the significance and setting of the Scheduled Monument and the living conditions of future occupiers. The proposal would also have an acceptable impact on the amenities of neighbouring occupiers, the highway network, highway safety and parking conditions in the area and would be acceptable in

relation to waste management. Conditions ensure the proposed development is acceptable in terms of drainage and energy and water sustainability. Suitable mitigation for its in-combination effects to protect ecology and designated sites have been secured with the controls recommended.

- 8.2 This proposal creates a significant amount of new housing and will provide policy compliant affordable housing. Therefore, if any harm is identified, it is necessary to demonstrate that in reaching a decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a significant deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a significant contribution to the housing needs of this Borough which must be given increased weight in the planning balance and no harms which outweigh this benefit have been identified. This application is therefore recommended for approval subject to conditions and the completion of the relevant S106 legal agreement.

9 Recommendation

9.1 MEMBERS ARE RECOMMENDED TO RESOLVE:

A) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- **30% units of affordable housing provided on site with a 60/40 (social/affordable rent/shared ownership) tenure split – which based on 131 units would constitute 40 affordable units – 24 of which would be social/affordable rented and 16 shared ownership. (The final numbers of affordable units will depend on the final number of units to be provided on site which will be confirmed at reserved matters stage).**
- **A financial contribution of £368,290.33 towards secondary education at Chase High School or another secondary school within acceptable travel distance, assuming 131 dwellings are provided, to be paid prior to commencement of the development. The final amount required will depend on the final number of units and the final dwelling mix which will be confirmed at reserved matters stage.**
- **Essex RAMS payment of £127.30 (index linked) per dwelling – would be £16,676.30 based on 131 units to mitigate the potential disturbance to European designated sites (the final amount will depend on final number of units which will be confirmed at reserved matters stage).**
- **Highways contributions**
 - **Travel Plan**
 - **£1,000 per year for 5 years from first occupation for the Travel Plan Monitoring.**
 - **Travel Packs which must include free bus tickets and free car club use for each dwelling and must be provided to residents before first occupation.**
 - *Travel Packs which must include 4 x travel cards for use on local buses valid for 2 weeks, details of local bus and rail operators, details of any offer by bus*

operators of discounted travel to residents, details of free car club membership valid for 1 year, details of 10 car club driving hours for those eligible. Travel Packs are to be provided to the first occupier of each dwelling before first occupation.

- **Developer to work with a bus company to provide an enhanced bus service for a minimum of 3 years which runs at least half hourly Monday – Friday 07:00 – 20:00, at least half hourly Saturdays 07:30 – 20:00 and at least hourly Sundays 09:00 – 19:00 and which must be up and running before the first unit is occupied.**
- **£10,000 contribution towards investigations into and minor works to local cycleways.**
- **1x Car Club Vehicle and Space which must be served by an electric charging point.**
 - *To enter into a car club agreement for a period of up to 10 years, including provision of 1x Car Club Vehicle and Space which must be served by an electric charging point. Free car club membership for 1 year and 10 hours free driving time to be provided for the first occupier of each dwelling upon request.*
- **20% of all parking spaces to have electric charging points (1 of which must be the Car Club Space) and the remaining 80% to have passive charging points/be future proofed for electric charging points.**
- **The applicant will transfer the Schedule Monument land within its ownership to the Council prior to the commencement of the development.**
- **The applicant is required to pay and a proportion of 7% of the costs required for the implementation of the SAM Archaeological Conservation Management Plan (2020) drafted by Orion or any subsequent variation of this which has been agreed with the Local Planning Authority.**
- **Mitigation to be provided to ensure the net loss of biodiversity at the site, as a result of this development, is off-set within the Borough with a minimum of an overall 10% biodiversity net gain achieved within the Borough:**
 - **Prior to commencement of the development, the owner shall submit an overall strategy within a Principle Biodiversity Impact Assessment (BIA) to the Council for its written approval.**
 - **Once approved, where the BIA shows a Biodiversity Loss the owner shall submit a Biodiversity Mitigation Scheme to the Council for its written approval, prior to commencement of the development, which fully details the on-site and any off-site off-setting mitigation to be used with a minimum overall 10% biodiversity net gain to be achieved within the Borough. The Biodiversity Scheme shall include a time frame for the implementation of the off-site minimum 10% net gain.**
 - **Once approved the owner shall carry out the actions in the approved Biodiversity Mitigation Scheme to provide the overall 10% biodiversity net gain within the Borough, in accordance with the approved time frame.**
- **Residential use through the release of restrictions imposed in the S106 agreement dated 8th January 2004.**
- **£10,000 for the monitoring of the S106 Agreement.**

B) That the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below.

General Conditions

- 01** Details of the appearance, layout, scale and landscaping, (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

- 02** The development hereby approved shall be carried out in accordance with the approved plans and parameter plans: Location Plan: 12605_ACQ_Rev B *Parameter Plans*: Land Use Parameter Plan - 6702_300 Rev F, Green Infrastructure Plan - 6702_301 Rev E, Building Heights Parameter Plan - 6702_302 Rev D, Density Parameter Plan - 6702_303 Rev D, Access & Movement Parameter Plan – 6702_305 Rev C, Framework Plan – 6702_306 Rev B.

Reason: To ensure the development is carried out in accordance with the development plan.

Heritage related conditions

- 03** Notwithstanding the information submitted with the application, no development or preliminary groundworks of any kind shall take place unless and until an archaeological written scheme of investigation for a programme of archaeological work including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered for any works, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved archaeological written scheme of investigation / watching brief and measures shall be undertaken throughout the course of the works affecting below ground deposits in full accordance with the details approved under this condition and are to be carried out by a suitably qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the Local Planning Authority before the development is first brought into use.

Reason: A pre-commencement condition is justified to allow the preservation by record of archaeological deposits and to provide an opportunity for a watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

- 04** Notwithstanding the information submitted with the application and otherwise

hereby approved, no development or preliminary groundworks of any kind shall take place unless and until full details of the protection measures proposed for the Prittlewell Camp Scheduled Monument and the Scheduled Monument Buffer during construction of the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved Scheduled Monument and Scheduled Monument Buffer protection measures shall be provided prior to commencement of the development and shall be retained in situ for the entire construction period.

Reason: A pre-commencement condition is justified to protect the Scheduled Monument in the interests of archaeology and the character, appearance and setting of the Scheduled Monument in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

Design and related conditions

- 05** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until full details, specifications and appropriately sized samples of the materials to be used for all external surfaces of the proposed buildings, including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascias and balconies, have been submitted to and approved in writing by the Local Planning Authority, under the provisions of this condition. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

- 06** Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction or site preparation works shall take place on site unless and until details of the levels of the proposed buildings, adjoining land and any changes proposed in the levels of the site associated with the works permitted by this permission, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason: This pre-commencement condition is required in the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

Landscape conditions

- 07** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than ground and site preparation works, unless and until there has been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition, a scheme of hard and soft landscaping for the site and a landscaping phasing plan setting out the timescales for the implementation of the hard and soft landscaping. This shall include full details of:
- i) Details of the trees to be retained,**
 - ii) The number, size and location of the trees and shrubs to be planted together with a planting specification,**
 - iii) Existing and proposed finished levels and contours,**
 - iv) Details of measures to enhance biodiversity within the site,**
 - v) Details of the treatment of all hard and soft surfaces, including all means of enclosing the site,**
 - vi) Details of any minor Artefacts and structures,**
 - vii) Full details of the play equipment, benches and associated facilities proposed.**
 - viii) A timetable for the completion of the hard and soft landscaping and planting.**

All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 08** The area of Public Open Space for the development hereby approved and as defined on the Land Use Parameter Plan (6702_300F) shall be provided and made accessible to the public in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority under the terms of this condition, prior to the first occupation of any residential units.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 09** No site preparation or development of any kind shall take place on the site unless and until full details of all tree protection measures at the site have been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be fully installed before the commencement of any works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

Reason: This pre-commencement condition is justified in the interest of the visual amenity of the area in accordance with the National Planning Policy Framework

(2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

Living Conditions related conditions

- 10 Prior to the first occupation of the proposed dwellings, a Noise Impact Assessment shall be conducted by a competent person to assess the potential impact of existing commercial, industrial, leisure and and transport infrastructure on the proposed dwellings, which must include any necessary mitigation measures required for the proposal and which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. Any agreed mitigation shall be installed and maintained as such in perpetuity prior to the first occupation of the dwellings hereby approved.**

The internal and external areas of the dwellings are to be protected from external noise in accordance with British Standard BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in British Standards BS8233:2014 Table 4.

For steady state noise internal ambient noise levels shall not exceed:

07:00 to 23:00

- Resting - Living room 35 dB LAeq,16hour
- Dining - Dining room/area 40 dB LAeq,16hour
- Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

- Sleeping/Night-time Bedroom 35 dB LAeq,8hour

External areas shall be designed and located to ensure that private amenity areas are protected on all boundaries as to not exceed 55 dBLAeq,16hr.

No dwelling shall be first occupied unless and until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. A method statement should be submitted to and approved by the Local Planning Authority under the terms of this condition prior to the survey being undertaken. The requirement for Additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellings hereby approved.

Where it is necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change prediction
- Noise from the system will not present an adverse impact on occupants.

The approved alternative means of internal thermal regulation shall be maintained thereafter.

Reason: To mitigate noise in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

- 11 Prior to the first use of each dwelling hereby approved, obscure glazing shall be installed in accordance with an obscure glazing strategy for the site which shall have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.**

The submitted strategy shall include details of which plots on site and which windows on each plot require obscure glazing. The openings that are identified as needed to be glazed in obscure glass, shall only be so with the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by the window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale. The agreed obscure glazing shall be retained for the lifetime of the development.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

- 12 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, none of the buildings hereby granted planning permission shall be occupied unless and until plans and other appropriate details have been submitted to and approved in writing by the Local Planning Authority, which specify the size, design, obscurity, materials and location of all privacy screens to be fixed to the proposed buildings. Before any buildings hereby approved are occupied the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such for the lifetime of the development.**

Reason: In the interests of residential amenity and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 13 No development above ground floor slab level shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in**

accordance with the approved details prior to its first occupation.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

- 14 The development hereby approved shall be undertaken in strict accordance with the mitigation measures as set out in Parts 6.1 and 6.2 of the Air Quality Assessment by Stantec reference 45085/3004 dated January 2020 or any other mitigation measures that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.**

Reason: In the interest of air quality and residential amenity in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015), and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

- 15 *Contamination***

A. Site Characterisation

No development other than site preparation works shall take place until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

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

B. Submission of Remediation Scheme

No development other than site preparation works shall take place until and unless a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

E. Long Term Monitoring and Maintenance

E1) No development shall take place until a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same, have both been submitted to and approved in writing by the Local Planning Authority.

E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority as above.

Reason: This pre-commencement condition is justified to ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

- 16 No part of the development hereby approved above ground floor slab level shall be undertaken unless and until a Light Assessment to include full details of all external lighting at the site and a programme setting out the timescale for their implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter be retained for the lifetime of the development.**

Reason: In the interest of the safety, including highway safety, the visual amenities of the area and in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2021), policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 17 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.**

Reason: In order to protect the amenities of surrounding occupiers and to protect

the character of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

Parking and Highways

18 No part of the development hereby approved shall take place, including any site preparation or clearance works, unless and until a Construction Environmental Management Plan, Strategy and Method Statement have been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition. The approved Construction Environmental Management Plan and Strategy shall be adhered to in full throughout the development's construction period. The Statement shall provide, amongst other things, for:

- Construction Traffic Strategy
- Noise and Dust Mitigation Strategies and plans to include measures to control the emission of dust, dirt and noise during construction and boundary particulate monitoring during demolition and construction.
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoardings
- Scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- Details of the duration and location of any noisy activities and measures to mitigate this.
- A scheme to minimise the risk of off-site flooding and to prevent pollution caused by surface water run-off and groundwater during construction works.
- A scheme to minimise the impact of the construction on ecology and to protect habitats from impacts including accidental pollution or dust-settling.

Reason: This pre-commencement condition is justified in the interest of highway safety, ecology and amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

19 Notwithstanding the information and plans submitted and otherwise hereby approved, the development shall not be first occupied unless and until a minimum of 1 covered, secure, safe and conveniently located cycle parking space per dwelling has been provided and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking spaces shall thereafter be permanently maintained solely for use by occupiers of the development and their visitors.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

20 The development shall not be first occupied unless and until at least two (2) off-

street car parking spaces for each permitted house with 2 or more bedrooms and at least one (1) of street parking space for each permitted flat or dwellinghouse of 1 bedroom have been provided and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The parking spaces shall thereafter be permanently maintained solely for the parking of occupiers of and visitors to the development.

Reason: To ensure adequate car parking and in the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

- 21 Notwithstanding the information and plans submitted and otherwise hereby approved, no part of the development hereby approved shall be first occupied or brought into first use unless and until a car parking management plan has been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The car parking at the site shall be managed in accordance with the plan approved under this condition from first occupation of the scheme and in perpetuity thereafter for the lifetime of the development.**

Reason: To ensure adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

- 22 Notwithstanding the information and plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied unless and until full details of the vehicle, cycle and pedestrian routes within the site have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby approved, the approved vehicle, cycle and pedestrian routes within the site shall be provided and made available for use in accordance with the approved details and retained as such thereafter.**

Reason: In the interests of sustainability and permeability in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

Waste management

- 23 The development hereby approved shall not be first occupied unless and until a waste servicing plan to include servicing and delivery details and swept path analysis has been submitted to and approved in writing by the local Planning Authority. The development shall be undertaken and thereafter operated and managed only in strict accordance with the approved waste servicing plan from its first occupation.**

Reason: To ensure that the development provides adequate servicing in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy

DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 24** The residential dwellings hereby approved shall not be first occupied unless and until full details of refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling(s) to which they relate and shall be retained as such for the lifetime of the development.

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

Flooding and Drainage

- 25** No drainage infrastructure associated with this planning permission shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be retained for the lifetime of the development.

Reason: To ensure satisfactory and sustainable drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

- 26** The development hereby approved shall be implemented in strict accordance with the flood mitigation strategy as outlined at paragraph 6.1 of the Flood Risk Assessment by Stantec reference 45085/4001 Rev B dated 22nd January 2020 or any other flood mitigation strategy that has previously been submitted to and approved in writing by the local Planning Authority under the terms of this condition prior to its first occupation and operated in accordance with the requirements of the same documents in perpetuity thereafter.

Reason: To ensure satisfactory flood mitigation of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

Ecology related conditions

- 27** The development hereby approved shall be undertaken, completed and operated in accordance with the findings, recommendations and mitigation measures contained within the Ecological Assessment Report by Stantec ref. 45065 dated September

2019, the Badger Survey by Stantec ref: 332110065 dated July 2021, and the Technical Note – Updated Extended Phase 1 Habitat Survey by Stantec ref. 332110065 dated 26th July 2021 (or any amendment approved under the provisions of this condition by the Local Planning Authority) which includes, but is not limited to, the following habitat mitigation measures being required:

- Prior to the first occupation of the development hereby approved, full details of the number, types and locations of the bird boxes, bat boxes and insect boxes to be provided shall be submitted to and agreed in writing by the local Planning Authority under the terms of this condition. The development shall not be first occupied unless and until the approved bird, bat and insect boxes have been provided in accordance with the details approved under this condition.
- During construction any trenches 1m or deeper shall be covered and secured with an escape provided and any open pipes shall be capped to prevent badgers and other animals becoming trapped.
- Prior to the felling of any trees that have potential to support roosting bats, additional bat surveys of such trees shall be undertaken, submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall thereafter be undertaken only in accordance with the approved details.
- Habitat for Great Crested Newts and for Reptiles shall be retained and provided within the open space to the south of the site shown on drawing ref 6702_300F in accordance with details and timescales that have been submitted to and approved in writing by the local planning authority prior to the first occupation of the dwellings hereby approved.
- All vegetation clearance shall be undertaken outside the bird breeding season (September to November inclusive) unless the vegetation has been checked by a suitably qualified ecologist for active bird nests first. If any active nests are identified, the nests shall be left intact until the young have fledged.
- No development hereby approved shall be undertaken unless and until details of any required translocation of reptiles from parts of the site to suitable receptor areas or sites have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The approved translocation shall be undertaken in accordance with the approved details and completed prior to the first occupation of the development hereby approved.

Reason: This pre-commencement condition is required in the interest of biodiversity protection, mitigation and enhancement in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

Energy and water sustainability

- 28
- Prior to the first occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from on-site renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority under the provisions of this condition and implemented on site in full accordance with the agreed details.

Reason: To minimise the environmental impact of the development through efficient

use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

- 29 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Southend-on-Sea Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

Airport related conditions

- 30 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until confirmation that the development complies with the relevant Instrument Flight Procedures of the Airport Authority and confirmation that the development complies with the European Union Authority for Aviation Safety (EASA) lighting and renewable energy requirements has been submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority under the terms of this condition.**

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

- C) In the event that the planning obligation referred to in part (a) above has not been completed before 10th February 2022, or an extension of this time as may be agreed by the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control, authority is delegated to the Executive Director (Growth and Housing), Director of Planning or Head of Planning and Building Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions to affordable housing, secondary education and mitigation as it relates to the Recreational Avoidance Mitigation Strategy, highways and transport impacts, Scheduled Ancient Monument enhancement and maintenance, biodiversity net gain and Section 106 monitoring. As such, the proposal would be unacceptable and**

contrary to National and Local Planning Policy.

Informatives:

- 01 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.
- 03 In line with the Essex Police consultation response, the applicant is encouraged to liaise with the Essex Police – Designing out Crime office and is encouraged to achieve a Secure by Design (SBD) accreditation.
- 04 Due to the distance to the nearest existing statutory fire hydrant, it will be necessary for fire hydrants to be installed within the curtilage of the proposed site. You should consult with the Essex Fire Authority and the Water Authority to ensure all necessary fire hydrants are provided.
If a fire appliance is unable to gain access to within 45 metres of all parts of a new dwelling, as required by the Building Regulations 2010 Approved Document B, an alternative solution may be required such as an Automatic Water Suppression System (AWSS) incorporated into the building design.
- 05 As part of any reserved matters application, the applicant is encouraged to explore all possibilities of providing a direct pedestrian link from the site to the bus stop located on Fossetts Way.
- 06 Any works on the public highway will need to be carried out under a Section 278 agreement and the adoption of any public highways, if deemed appropriate, will need to be carried out under Section 38.
- 07 The applicant is advised, in the submission of any Reserved Matters to consider including visitor parking within the development, given the site's relationship with the Scheduled Monument, which has potential to attract people who do not live on the site to visit the site.
- 08 The applicant is advised that at Reserved Matters stage, a full Daylight and Sunlight report will be required to be submitted with such application(s).
- 09 Once the final heights of the buildings are confirmed an Instrumental Flight Procedure (IFP) Assessment may be required. London Southend Airport is happy to engage with the developer on this.
The development must be EASA compliant from a lighting and renewable energy point of view.

- 10 Further to condition 25, the following additional SuDS/Drainage information will be required as a minimum:
1. Soakaway testing covering different areas of the site should be provided by the applicant to confirm the hierarchy of disposal and maximise opportunities from infiltration (partial or total) across the site;
 2. An illustrative management train with different options is considered in the FRA. The applicant should confirm the selected options;
 3. The greenfield runoff rate should be calculated based on the positively drained (impermeable and permeable) areas only instead of the total site area;
 4. Evidence of approval from AW will need to be provided by the applicant in relation to the new sewer requisition in Fossett's Way and any other drainage element to be offered for adoption.
 5. Flow Control types and locations not shown on plan;
 6. Exceedance paths not shown on plan;
 7. The applicant has not presented a phasing plan as part of the submission;
 8. The applicant has not presented any health and safety risks as part of the submission;
 9. Surface water treatment is briefly mentioned within descriptions of SuDS features that may be incorporated into the detailed design proposals but has not outlined a treatment strategy (e.g. SuDS Manual Simple Index Approach (SIA));
 10. The applicant has presented no evidence that the land south of the proposed site has been considered in the site surface water drainage proposals. The applicant should ensure that the soft landscaped area to the south and east of the site boundary are taken into consideration as potential catchment areas that should be accounted for within hydrological modelling;
 11. The applicant should consider structural design for drainage infrastructure following appropriate guidance for the detailed design stage planning submission;
 12. The applicant should consider appropriate materials and products for their intended use during the detailed design stage planning submission.
- 11 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 12 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 13 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087
- 14 Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water

Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

- 15 Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- 16 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
- 17 Essex and Suffolk Water will require a water connection for the new dwellings is made onto their Company network for revenue purposes.
- 18 You are advised that any archaeological finds should be deposited with Southend Museums and you are encouraged to contact Victoria Rathmill Assistant Curator of Archaeology (email VictoriaRathmill@southend.gov.uk) in order to confirm charges for this and other procedural matters in relation to archaeology.