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## Appeal Decision

Inquiry opened on 25 January 2022

Site visit made on 2 February 2022

**by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 8 March 2022**

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**Appeal Ref: APP/B1550/W/21/3283646**

**Land east of Ashingdon Road and north of Rochford Garden Way,  
Rochford, Essex**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bloor Homes, Aber Ltd, AW Squier Ltd & DW Squier Ltd ('the Appellants') against the decision of Rochford District Council ('the Council' or RDC).
  - The application Ref 20/00363/OUT, dated 17 April 2020, was refused by notice dated 29 June 2021.
  - The development proposed is stated on the appeal form to be an "outline application for the demolition of Nos 148 and 150 Ashingdon Road, removal of highway tree and form access onto Ashingdon Road, form secondary access onto Percy Cottis Road to serve residential development of 662 dwellings and community building with associated infrastructure. Details of Phase 1 of 233 dwellings to consider Access, Layout, Appearance, Scale and Landscaping. Details of Phases 2 and 3 to consider Access and Layout only."
  - The Inquiry sat for 6 days on 25-28 January and 1-2 February 2022.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of Nos 148 and 150 Ashingdon Road, the removal of a highway tree and the formation of an access onto Ashingdon Road and the formation of a secondary access onto Percy Cottis Road to serve residential development of 662 dwellings and a community building with associated infrastructure, on land east of Ashingdon Road and north of Rochford Garden Way, Rochford, Essex. Full planning permission is granted for Phase 1, comprising 233 dwellings, whilst outline planning permission is granted for Phases 2 and 3, all in accordance with the terms of the application Ref 20/00363/OUT, dated 17 April 2020, subject to the conditions set out in the attached Schedule.

### Procedural matters

2. The application was submitted in hybrid form, with all matters to be determined for Phase 1, and just access and layout to be considered at this stage for Phases 2 and 3.
3. The original application sought permission for a total of 665 dwellings, but this was subsequently amended to 662 dwellings.
3. A range of documents accompanied the application, including a Design and Access Statement (DAS); an Air Quality Assessment (AQA) and Air Quality Assessment Addendum (AQAA); and a Transport Assessment (TA) and Transport Assessment Addendum (TAA). Details of these, and other supporting and background documents, are referenced in the Core Documents list at the end of this decision.

4. In the run-up to the Inquiry the Appellants agreed several Statements of Common Ground (SoCG):
  - Highways: with Essex County Council (ECC) as Local Highway Authority, dated 29 November 2021;
  - Housing Supply and Delivery: with the Council, dated 7 December 2021;
  - Planning: with the Council, dated 17 December 2021;
  - Highways: 2 separate SoCG with the Council, the first dated 19 January 2022 and the second dated 24 January 2022.
5. An attempt was also made to produce a SoCG between the Appellants and the Rochford Supporters Group ('the RSG') who were appearing at the Inquiry as a Rule 6(6) Party, but this did not prove to be possible. No agreed SoCG between these parties was therefore placed before the Inquiry.
6. The Council had originally intended to provide professional highways evidence to the Inquiry through Mr Flexman of Connect Consultants Limited. However, following the submission of proofs of evidence and rebuttal proofs of evidence, agreement on highways matters was reached between Mr Flexman and the Appellants' highways witness, Mr Blair. This led to the signing of the 2 Highways SoCG between the Appellants and the Council referred to above. As a result of this agreement, Mr Flexman did not appear at the Inquiry, although his proof of evidence and rebuttal proof were still before the Inquiry and were referred to by the main parties.
7. The Council did not raise any air quality concerns in its reason for refusal, so the Appellants had not intended putting forward a specific air quality witness. Instead, they had expected to rely on an 'Air Quality Technical Note', appended to the evidence of the Appellants' planning witness, Mr Gascoigne, to address matters raised by the RSG in its evidence. However, additional air quality matters were raised as the Inquiry progressed, so arrangements were made for the Appellants' air quality expert, Mr Grubb, to appear at the Inquiry 'virtually' (through a Microsoft Teams link), to answer questions put by the RSG and an interested person.
8. A further procedural matter is that Mr Gascoigne was unfortunately unable to attend the Inquiry, so Mr Pycroft adopted and presented the Appellants' planning evidence, as well as his own evidence on housing land supply (HLS) matters.
9. Planning obligations were submitted to the Inquiry in the form of an agreement between the Council, ECC and the Appellants, made under section 106 (S106) of the Town and Country Planning Act 1990, as amended. I deal with these obligations in more detail under the third main issue.

### **Site description, surrounding area and details of the appeal proposal**

10. The appeal site comprises some 26 hectares (ha) located east of Ashingdon Road, north of Percy Cottis Road and south of Oxford Road, in the town of Rochford. The site is relatively flat, sloping down gently from the north-west corner to the south-east corner. It is predominantly in agricultural use and is bisected by a hedgerow and drainage ditch which run across the site from close to the north-western corner, to about the middle of the eastern boundary. The western, northern and southern site boundaries are formed by the rear gardens of existing properties – predominantly residential - although there are a few commercial properties at the northern extent of the western boundary. The eastern site boundary is formed by a hedge, with further agricultural land to the east.

11. Holt Farm Infant and Junior Schools lie on the western side of Ashingdon Road, opposite the site's south-western corner, with St Teresa's Catholic Primary School lying a little further south, also on the western side of Ashingdon Road. There are 2 further schools in the general vicinity of the appeal site, with the Waterman Primary School being sited close to the site's south-eastern corner, to the east of The Drive, whilst the King Edmund Secondary School is located to the north of the site, north of Oxford Road.
12. Under the appeal proposal the site would be developed for a total of 662 dwellings, in 3 Phases. Phase 1, for which full planning permission is sought, would comprise 233 dwellings, with 84 of these being affordable housing units. 429 dwellings would follow in Phases 2 and 3, with 148 of these being affordable housing units. The main vehicular access would be onto Ashingdon Road, formed by demolishing a pair of semi-detached bungalows at Nos 148 and 150. This access would be opposite the aforementioned Holt Farm Schools and its formation would require the removal of a mature oak tree, subject to a Tree Preservation Order (TPO) made in 2019, which is growing in the footway at this location. A secondary vehicular access would be formed onto Percy Cottis Road, and there would be further pedestrian, cycle and emergency accesses onto Ashingdon Road.
13. The appeal scheme would also provide a community facility which would offer the potential for medical facilities, a children's nursery or other community facilities, together with parking, some of which would be available for school drop-off and collection purposes. The overall scheme would also provide strategic public open green space and a flood attenuation scheme which would incorporate sustainable urban drainage (SUDS) features, including a shallow ditch to gardens adjacent to part of the southern site boundary, and attenuation basins. There would also be the provision of allotments, landscaping and play space, together with pedestrian and cycle links, including between The Drive and Oxford Road.

## **Background**

14. The appeal site was identified under Policy H3 of the Rochford District Core Strategy ('the Core Strategy') as a site for approximately 500 dwellings in the post-2021 period, as an extension to the existing residential envelope. The site was then allocated for 500 dwellings under Policy SER8 of the Rochford District Allocations Plan ('the Allocations Plan') although the policy indicated that this dwellings figure could be increased under certain circumstances, as detailed later in this decision.
15. The appeal proposal was submitted to the Council in April 2020 and was presented to the Council's Development Committee in November 2020 with an Officer recommendation for approval, subject to the signing of a S106 legal agreement and appropriate planning conditions. Committee Members resolved, however, to defer making a decision and requested that Officers seek further information from the applicants and ECC on a number of areas of concern. This additional information was provided to Committee Members in the form of an addendum report which was considered at the June 2021 Development Committee meeting. Again the proposal was presented with an Officer recommendation for approval, subject to the signing of a S106 legal agreement and the imposition of appropriate conditions.
16. However, Members did not accept the advice of their Officers, but refused planning permission for the following reason: "*In the absence of a definition of severe it is for the local planning authority to determine whether a severe impact would result and in this case, it is considered that the development would result in a severe impact on the local highway network*".

## **Main issues**

17. Having regard to the Council's reason for refusal and the evidence submitted by all parties, I consider that the main issues in this case are:
- The extent to which the proposed development would be consistent with the development plan for the area, and the weight to be given to relevant development plan policies;
  - The effect of the proposed development in traffic and transport terms, on the safety and convenience of users of the nearby highway network; and
  - Whether the submitted planning obligations and suggested conditions would satisfactorily address the impact of the proposed development.
18. Following my assessment of the main issues, I then look at a number of other matters raised, before moving on to consider the benefits and disbenefits of the proposal. I then carry out a final planning balance and reach my overall conclusion.

## **Reasons**

### ***Main issue 1 – Development plan considerations, and the weight to be given to relevant policies***

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) requires planning applications to be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. In this case the Planning SoCG between the Council and the Appellants confirms that the relevant components of the development plan are the Core Strategy, adopted in December 2011; the Allocations Plan, adopted in February 2014; and the Rochford District Development Management Plan ('the Development Management Plan'), adopted in December 2014.
20. The Council's reason for refusal made no reference to any development plan policies, but at the case management conference (CMC) held in late November 2021 to discuss procedural and administrative matters relating to the Inquiry, the Council did allege a conflict with 3 adopted development plan policies, namely:
- Core Strategy Policy T1 – 'Highways';
  - Allocations Plan Policy SER8 – 'South East Ashingdon'; and
  - Development Management Plan Policy DM31 – 'Traffic Management'.
21. A number of other development plan policies are agreed in the Planning SoCG to be relevant to the consideration of this proposal, including Core Strategy Policies H1 'The efficient use of land for housing'; H3 'Extension to residential envelopes post-2021'; and CLT1 'Planning Obligations and Standard Charges'. But it is only the aforementioned 3 policies with which the Council alleges any conflict.
22. The Council also contended, at the CMC, that the proposed development would be at odds with paragraph 111 of the National Planning Policy Framework ('the Framework'). The Framework was first published in 2012 and last updated in 2021 and is an important material consideration in this case, providing national policy guidance. Paragraph 111 states 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.
23. Paragraph 110 is also relevant. It requires development proposals to promote sustainable modes of transport; achieve safe and suitable access for all users; ensure that the design of streets, parking areas and other transport elements

reflects current national guidance; and ensure that 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.

24. The Framework also sets out the decision-taking process that should be adopted when considering planning proposals. In particular, its paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay. In this case, the Planning SoCG explains that Core Strategy Policies H1 and H3 are agreed to be out-of-date, along with Allocations Plan Policy SER8, as they all relate to housing need figures which are over 13 years old and do not reflect the current local housing need calculated using the standard method of some 360 dwellings per annum (dpa). I share that view.
25. But this does not mean that these policies should be ignored, or carry no weight. Framework paragraph 219 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework, but that due weight should be given to them, according to their degree of consistency with the Framework. The closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given to them. I assess the consistency of the aforementioned development plan policies with the Framework shortly, but there is another factor which needs to be taken into account, namely an assessment of whether or not the Council can demonstrate a 5-year supply of deliverable housing sites, with the appropriate buffer.
26. This matter is clear-cut in this case, with the Housing Supply and Delivery SoCG stating that the Council's 5-year housing requirement plus a 5% buffer, as at 31 March 2021, is agreed to be 1,901 dwellings, whilst the 5-year HLS is agreed to be just 1,537 dwellings. This means that the Council can currently only demonstrate a 4.04-year supply of deliverable housing land, with footnote 8 of the Framework making it clear that in such circumstances, the policies which are most important for determining the application have to be regarded as being out-of-date.
27. Taken together, the above points mean that the decision-taking process to be applied here is that set out in paragraph 11(d) of the Framework, often referred to as the 'tilted balance'. This makes it plain that in such circumstances, planning permission should be granted unless:
  - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
28. There are no relevant Framework policies falling under paragraph 11(d)(i), above, so assessment has to be carried out as detailed under paragraph 11(d)(ii). In this regard I assess the likely impacts of the proposal through my consideration of the main issues, and weigh these against the benefits of the proposed development in a final planning balance, later in this decision.
29. Before moving on, it is helpful to look a little further at the Council's current HLS situation. The fact that the Council can only currently demonstrate a 4.04-year supply of deliverable housing land means that there is a shortfall of some 364 dwellings. In this regard there is agreement between the Council and the Appellants in the Housing Supply and Delivery SoCG that should the appeal be allowed, then

the shortfall in the 5-year HLS would be addressed by deliverable dwellings on the appeal site. As such, the Council would be able to demonstrate a deliverable 5-year HLS as at 31 March 2021. Because of this, both parties also agree that new housing at the appeal site would carry significant weight in the tilted balance.

30. Looking beyond the current 5-year period, the Housing Supply and Delivery SoCG indicates that the Council's housing trajectory identifies a future HLS of 1,401 dwellings between 2026 and 2031, with agreement that this represents a shortfall of 409 dwellings when set against the agreed housing need of 362 dpa. The parties further agree that without the inclusion of the appeal site in the future supply, the shortfall against the local housing need would increase to 909 dwellings for the 2026-2031 period. I share the Appellants' view that these figures emphasise the importance of the development of this allocated site.
31. Returning to consider the development plan and relevant policies, the Core Strategy is the main, overarching document of the Council's Local Development Framework, setting out the overall strategy for the District until 2025. The Core Strategy's housing requirement was derived from the East of England Plan. This was revoked in 2013, but paragraph 4.4 of the Core Strategy explains that it required a minimum of 3,790 dwellings to be provided in Rochford between 2006 and 2021, at a rate of 250 dpa. As the Core Strategy plan period extends to 2025, this average annual requirement of 250 units is assumed to continue beyond 2021, to 2025.
32. The Core Strategy sets out the general locations for housing development and the approach to delivery, but does not define the precise boundaries of housing sites. These are detailed in the Allocations Plan. The Core Strategy does, however, make it clear that the concept of sustainable development is at the heart of any decisions with regards to the location of housing, and in its paragraph 4.8 it sets out the range of factors which will be taken into account in determining the location of future housing. These include current infrastructure (along with opportunities to deliver future infrastructure); access to services; facilities; housing demand/need; deliverability; public transport/possibility of reducing car dependency; opportunities to utilise brownfield land; community needs and physical constraints.
33. The Core Strategy further explains that the settlements within the District can be divided into 4 tiers, with settlements in the higher tiers being more developed, subject to greater housing demand/need, and generally more suitable to accommodate additional housing for the reasons described above. Rochford/Ashingdon lies in the highest tier, Tier 1.
34. Core Strategy Policy H1 explains that in deciding upon sites for future housing development the Council will prioritise the reuse of previously developed land and ensure the delivery of appropriate sites within existing settlements. Any remaining housing requirement up to 2021 was to be met through extensions to the residential envelopes of existing settlements, as detailed in Policy H2, with Policy H3 indicating where housing would be accommodated in the post-2021 period, again through extensions to residential envelopes. In this latter policy the South East Ashingdon area is identified as a site to deliver approximately 500 units.
35. Policy H3 further references Appendix H1, which outlines the infrastructure that will be required for each residential area, and needs to be read in conjunction with Policy CLT1. In the case of South East Ashingdon, these infrastructure requirements are carried forward into Allocations Plan Policy SER8, as detailed below:

- Local highway capacity and infrastructure improvements, including contribution to traffic management of Ashingdon Road
- Public transport infrastructure improvements and service enhancements
- Link and enhancements to local pedestrian/cycling and bridleway network
- Sustainable drainage systems
- Public open space
- Play space
- Youth facilities and community facilities

36. As noted above, the only Core Strategy policy with which the Council alleges conflict is T1. This firstly states that developments will be required to be located and designed in such a way as to reduce reliance on the private car. The policy goes on to state, however, that some impact on the highway network is inevitable and that the Council will work with developers and the Highway Authority to ensure that appropriate improvements are carried out, and that the Council will seek developer contributions where necessary. The next part of Policy T1 is not relevant in this case, as it relates to improvements to the District's east-west road network; nor is the final sentence directly relevant in this case as it relates to joint working between the Council and the Highway Authority – not developers – to find ways to manage congestion along specific routes in the District. To my mind this policy clearly reflects the aims and objectives set out in the Framework, and I therefore consider that this policy is consistent with the Framework.
37. In this regard it is relevant to note that despite opposition to the appeal proposal from the RSG and interested persons who attended the Inquiry, and those who submitted written representations, community involvement was an essential part of the plan-making process which resulted in the adopted Core Strategy, as is made plain in its paragraphs 1.11 to 1.14. The Council clearly had to assess a number of competing views and options when considering the Core Strategy, and locations for future housing development, and this undoubtedly meant that not all parts of the final plan had universal approval. However, the decision to adopt the Core Strategy in its current form shows that the Council considered that it was an appropriate blueprint for future development of the District, and that development of approximately 500 dwellings at this location was acceptable.
38. Turning now to Policy SER8 from the Allocations Plan, this picks up on the site's identification and allocation under Core Strategy Policy H3, and states that it should have the capacity to accommodate a minimum of 500 dwellings during the plan period. The policy has a lengthy 'Concept Statement', set out in paragraphs 3.227 to 3.254, which sets out the principles for development of this site. However, it is important to note that the Concept Statement opens by explaining that the site will accommodate no more than 500 dwellings, unless it can be demonstrated that:
- The additional number of dwellings are required to maintain a 5-year land supply; and
  - The additional number of dwellings to be provided on the site is required to compensate for a shortfall of dwellings that had been projected to be delivered within the location identified in the adopted Core Strategy.
39. As has already been made clear, the Housing Supply and Delivery SoCG shows that both of these criteria are met, and Cllr Shaw agreed with this point at the Inquiry, such that the proposed development of this site for 662 dwellings would accord with this aspect of Policy SER8. Moreover, as paragraph 60 of the Framework

confirms that the Government has an objective of significantly boosting the supply of housing, and as paragraph 124 makes it clear that planning policies and decisions should support development that makes efficient use of land, I find no conflict between Policy SER8 and the Framework.

40. The final policy with which the Council alleges a conflict is Development Management Plan Policy DM31. This requires new, major developments to include appropriate traffic management measures to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities; facilitating the appropriate use of different types of road and environment; and achieving a clear, consistent and understandable road, cycle and pedestrian network. The policy goes on to explain that these measures will comprise, amongst other things, reducing the impact of motorised traffic, traffic calming measures, measures to assist public transport (for example bus gates or lanes), cycling and walking, congestion relief, and other speed and demand management measures.
41. The package of sustainable transport measures included as part of the proposed development were viewed with great scepticism by the RSG and many of the interested persons who spoke at the Inquiry, but it is clear that the promotion of sustainable transport not only accords with local planning policy but also with the thrust of national planning policy contained in the Framework at Section 9. This policy therefore clearly is consistent with Framework policies.
42. In summary, the appeal site has been allocated under Core Strategy Policy H3 and Allocations Plan Policy SER8, for the development of approximately 500 dwellings, although this figure can be increased if 2 criteria can be met, as is the case here. But as the Council cannot demonstrate a 5-year HLS, the policies discussed above, which are clearly those which are most important for determining this application, have to be considered to be out-of-date. Because of this, I find it hard to share Cllr Shaw's view that these policies should be accorded 'full weight'. Nevertheless for reasons already given I consider there to be no material conflict between these policies and the policies in the Framework – indeed the policies accord with Framework objectives - such that these adopted development plan policies should carry very significant weight in this appeal.

#### *Emerging Local Plan*

43. Although the Council's emerging Local Plan, which will set a new planning strategy for the District to 2040, is only at a very early stage, with a consultation period on the Spatial Options having closed in September 2021, it was referred to by a number of parties, who adopted different views with regard to its significance. It is therefore relevant to briefly consider the implications of this emerging plan, the Spatial Options Consultation Paper of which explains that the Council will need to build around 360 homes per year over the next 20 years to meet its local housing needs, equating to 7,200 homes needed by 2040.
44. Importantly, this document goes on to state that 4,300 of these homes are already planned for. This includes site allocation SER8 of the Allocations Plan. Indeed all of the 4 strategy options set out in this Spatial Options document – which I understand was approved for consultation by the Planning Policy Committee and then by Full Council – assume that existing allocations, including the appeal site/site allocation SER8, will have been developed out. Thus, there appears to be a somewhat strange situation whereby in approving the Spatial Options document for consultation the Council accepted and expected the Policy SER8 site to be built out



– yet when the appeal proposal came before the Development Committee for approval, planning permission was refused.

45. To reinforce the strangeness of this situation, it should be noted that under cross-examination Cllr Shaw accepted that the Council's housing needs are acute and that it is critical that development comes forward on the appeal site to meet the housing needs of the District. Put simply she agreed that whichever option is pursued through the emerging plan, the Council accepts that the appeal site will need to be developed to meet the Council's housing needs, going forward.
46. The RSG took a somewhat different view to future housing needs, drawing attention to a letter dated 25 November 2021 received by the Council from the then Housing Minister, the Rt Hon Christopher Pincher MP, responding to the Council's concerns about the need to address housing need in the emerging Local Plan. But whilst Mr Pincher's reply states that local housing need does not set a target for the number of homes to be built, I am not persuaded that this selected quote, highlighted by the RSG, takes this matter any further.
47. A fuller reading of Mr Pincher's reply shows that he goes on to make it plain that Local Authorities need to take into account land supply, constraints such as Green Belt, and co-operation with neighbouring authorities on whether need should be shared, before deciding their housing requirement. My reading of the Spatial Options Consultation Paper indicates that the Council is doing just this, in seeking to progress and prepare its new Local Plan, such that there is no conflict between the views expressed by the former Housing Minister and the current actions of the Council.
48. The RSG also argued that the identified housing shortfall of 331 dwellings by March 2025 could actually be addressed by what the RSG describes as "*mitigations on the horizon, though not yet scheduled for build and still to go through detailed planning, but which can arguably offset the shortfall*". But no firm, verifiable evidence was submitted to support this view, and in these circumstances I have to give more weight to the detailed and evidence-based data set out in the Housing Supply and Delivery SoCG, agreed as recently as 7 December 2021 between the Council's professional Planning Officers and the Appellants.
49. Although he did not refer directly to the new Local Plan, the Rt Hon Mark Francois MP, who spoke at the Inquiry in opposition to the appeal proposal, did refer to what he termed the 'legislative context'. He commented that a number of local authorities have paused work to create and/or update their Local Plans until the long-awaited Planning Bill is published, so as to avoid what could be a great deal of nugatory effort. But whilst this may, indeed be the case, I am not persuaded that it has any direct implications for the current proposal which, as has been made clear, relates to an allocated housing site in a currently adopted development plan.
50. In summary on this first main issue, I have already made it plain that Section 38(6) of the PCPA 2004 requires planning applications to be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Although some of the relevant development plan policies detailed above have to be considered technically out-of-date, because of the absence of a 5-year HLS, together with the Framework they provide the planning framework against which I am required to determine this proposal. Overall, for reasons given above, I conclude that the proposed development would be consistent with the development plan for the area, and that the aforementioned policies should carry very significant weight in this appeal.

## **Main issue 2 – Traffic and transport considerations**

51. This second main issue seeks to assess the effect of the proposed development, in traffic and transport terms on the safety and convenience of users of the nearby highway network and, in so doing, it touches on matters covered by the Council's sole reason for refusal. This reason for refusal makes no direct reference to paragraph 111 of the Framework, but it is reasonable to assume that Members of the Development Committee had this paragraph in mind when formulating the reason for refusal and choosing to highlight the fact that there is an 'absence' of a definition of the word 'severe', which features in this Framework paragraph.
52. However, the reason for refusal fails to reflect the actual wording of this Framework paragraph as it simply alleges that the proposed development would "*result in a severe impact on the local highway network*", whereas the assessment required by the Framework is, in fact, two-fold. Firstly, it requires an assessment as to whether a development would result in an "*unacceptable impact on highway safety*"; and secondly, whether the "*residual cumulative impacts on the road network would be severe*". It is against these Framework tests that the appeal proposal needs to be considered, not the somewhat vaguer wording used in the Council's reason for refusal. I assess the proposed development against these Framework tests in the following paragraphs, but I consider it helpful and necessary, first, to outline some of the detail of the transport assessments which the Appellants have undertaken.
53. As noted earlier, the Appellants submitted a TA and a TAA, prepared by Ardent Consulting Engineers (ACE), to support the planning application<sup>1</sup>. These set out a full assessment of the likely traffic implications of the proposed development, using accepted traffic modelling methodology. The TA first considered the likely trip generation from the development by using the TRICS<sup>2</sup> database, which is an 'industry standard' method of assessing the likely 2-way peak hour and daily trips from a new development. This comprehensive database contains traffic survey information from a wide range of existing developments, and can be interrogated to establish the likely trip rates from the proposed development, based on surveyed trip rates from existing developments which have similar characteristics to the particular development under consideration.
54. ACE explain in the TA that they obtained vehicle trip rate data from the TRICS database covering both privately owned and affordable housing categories, from sites in England, excluding Greater London, and that they selected only Edge of Town Centre, Edge of Town and Suburban Area locations. In addition ACE assumed that the community use would be a Community Centre, and obtained trip rate data from TRICS for such a use for a similar geographic range of sites. Applying these trip rates to a development which at that time comprised 665 dwellings and a community use, ACE predicted that the appeal proposal would generate 281 trips in the morning peak hour (0800–0900), with 199 outbound trips and 82 inbound trips; and a total of 279 trips in the evening peak hour (1700–1800), with 95 outbound trips and 184 inbound trips.
55. Of this generated traffic, ACE assumed that 80% would use the primary access from Ashingdon Road, with 20% assumed to use the secondary Percy Cottis Road

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<sup>1</sup> The TA considered the impact of the traffic predicted to be generated by the proposed development on a number of junctions in the study area, as agreed with ECC. The TA used a 'flat' peak hour traffic flow profile for the assessment of the off-site junctions. However, following an initial review of the TA by ECC, ACE was asked to carry out a further assessment of the important off-site junctions using a 'direct' traffic flow profile, which inputs traffic flow data in discrete 15 minute periods. It is this additional assessment work that forms the basis of the TAA.

<sup>2</sup> TRICS: Trip Rate Information Computer System

access. This accords with the proposed layout of the development and was agreed as a reasonable assumption with ECC. In terms of the likely distribution of traffic to and from the development site, the TA explains that the forecast residential vehicle trips were assigned to the local road network from each access in broad accordance with 2011 Census Travel to Work origin-destination data for the resident population of the Rochford area who drive to/from work. The TA further explains that Google maps route finder was used to verify the assignment of trips to the local highway network, as this identifies the expected quickest route during the peak periods, taking account of the levels of congestion normally experienced at these times.

56. Having regard to all the above points, I consider the peak hour trip generation and distribution figures used in the TA and TAA, along with Mr Blair's amended figures (see later), to be robust and reliable. Furthermore, I note that no evidence-based alternative figures were put forward either by the RSG, or by any of those persons who oppose this proposal.
57. Mr Francois MP did dispute the Appellants' traffic figures, arguing in his written statement and at the Inquiry that the TA figure of 167 additional vehicles, travelling southbound on Ashingdon Road in the morning peak hour was an under-estimate by some 2 or 3 times. As a point of detail, my reading of the TA is that this figure of 167 vehicles does not relate purely to southbound vehicles, but represents a 2-way figure at the Ashingdon Road/Dalys Road/Roche Avenue junction, with 130 southbound vehicles and 37 northbound. But be that as it may, Mr Francois produced no evidential basis for his contention that the Appellants' figures amounted to a significant under-estimate of what would happen in practice. In contrast, I have the detailed, well-documented and industry-accepted methodology employed by the Appellants, set out above, to which I give great weight.
58. A further objector who made specific reference to the likely traffic to be generated by the proposed development was Mr Stephens, who argued that if each of the proposed 662 houses had 2 cars, this would equate to some 6 miles of traffic having regard to the average length of a car and the recommended stationary gap between each car. As a mathematical exercise this may well be correct, but there is no evidence whatsoever to suggest that all vehicles from the proposed development would attempt to leave the new housing area at the same time. Again, for reasons already given, I place reliance on the TRICS-based figures put forward by the Appellants, rather than any highly speculative and unrealistic figures such as those suggested by Mr Stephens.
59. Before leaving the subject of traffic generation and distribution, I note that the Appellants' figures were reviewed and assessed by both ECC and by Mr Flexman who had been engaged by the Council to review the Appellants' traffic work, and neither of these raised any objections to this aspect of the TA or the TAA.
60. The TA and TAA then considered how the additional traffic generated by the proposed development would impact upon the operation of nearby junctions. The relevant junctions of concern were agreed between the Appellants and ECC to be the Ashingdon Road/Rectory Road roundabout to the north of the appeal site; and the Ashingdon Road/Dalys Road/Roche Avenue roundabout, the Ashingdon Road/West Street/Hall Road roundabout, and the Southern Road/Sutton Road roundabout (referred to as the Anne Boleyn roundabout), all of which are located to the south of the appeal site. The operation of these junctions was assessed for both morning and evening peak hours using ARCADY<sup>3</sup>, the industry-standard software

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<sup>3</sup> ARCADY: 'Assessment of Roundabout Capacity and Design'

for roundabouts. In addition, the proposed main site access priority T-junction was assessed using PICADY<sup>4</sup>. Both of these programs are part of the 'Junctions 9' suite, created by the Transport Research Laboratory.

61. The assessments show that at the Ashingdon Road/Rectory Road roundabout, in the assessment year of 2029, the Ashingdon Road (south) and Rectory Road approaches are expected to operate within practical capacity<sup>5</sup> in the morning peak hour, with both predicted base flows and development flows. For the evening peak hour, both of these approaches are expected to operate at around practical capacity but within theoretical capacity<sup>6</sup>. The Ashingdon Road (north) approach is expected to operate within theoretical capacity with the 2029 base and development flows in the morning peak hour, and over theoretical capacity with 2029 base and development flows in the evening peak hour.
62. The Appellants propose an improvement scheme at this junction (see later), with assessment of this proposed improvement scheme showing that it would mitigate the impact of traffic from the proposed development. The Ashingdon Road (north) approach is expected to continue to operate just over theoretical capacity in the evening peak hour with 2029 development traffic flows, with marginal differences in queuing compared with the base case situation.
63. The main T-junction site access, onto Ashingdon Road, is predicted to operate well within capacity, with a maximum RFC of 0.40 in the morning peak hour.
64. For the Ashingdon Road/Dalys Road/Roche Avenue roundabout, all approaches, with the exception of Ashingdon Road (south), are expected to operate within practical capacity with the predicted 2029 base flows in both peak hours, with this Ashingdon Road (south) approach predicted to operate above practical but below theoretical capacity with the 2029 base and development flows in the morning peak hour, and just over theoretical capacity in the evening peak hour. Again, the Appellants propose an improvement scheme at this junction which comprises road widening on both Ashingdon Road approaches to provide 2-lane entries, together with modified road markings on Dalys Road to also provide a 2-lane entry.
65. Assessment of this proposed improvement scheme shows that there would be an overall capacity benefit which would more than mitigate the development traffic impact. The Ashingdon Road (south) approach is expected to operate just over practical and within theoretical capacity with 2029 development flows with the improvement scheme in place in the evening peak hour, whereas the existing junction layout is predicted to operate over theoretical capacity in the same period with just the 2029 base flows.
66. The Ashingdon Road/West Street/Hall Road roundabout is predicted to operate over theoretical capacity in both peak hours in 2029, even without the proposed development. On the Ashingdon Road approach a RFC of 1.22 is predicted in the morning peak, with a RFC of 1.13 predicted for the evening peak. In such circumstances the TA states that the ARCADY model becomes unstable, with queuing and delay rising exponentially such that queue lengths are exaggerated. The RSG is critical of such statements, arguing that it simply amounts to a case of ignoring the model results if they give you answers you do not like. However, the Appellants have not sought to disguise or ignore these results but have presented

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<sup>4</sup> PICADY: 'Priority Intersection Capacity and Design'

<sup>5</sup> Practical capacity is usually taken to mean a ratio of flow to capacity (RFC) of 0.85.

<sup>6</sup> Theoretical capacity means a RFC of 1.0

them clearly in the TA and TAA, which has been subject to scrutiny by ECC and Mr Flexman, neither of whom disagree with this point. In this 'without development' situation, maximum queues of 160 PCUs<sup>7</sup> and 75 PCUs are predicted in the morning and evening peak hours respectively.

67. The assessments show that the addition of development traffic would add to delay and queuing at the junction, with the 2029 morning and evening peak RFCs on Ashingdon Road rising to 1.37 and 1.19 respectively. Corresponding maximum queues are predicted to be 267 PCUs and 118 PCUs. I note that the TA comments that the peak hour traffic increases at this junction resulting from the proposed development would be less than 10%, which it refers to as a typical day-to-day variation, and as such it states that such increases should be considered relatively modest. Some improvements have been carried out at this junction in recent years, but constraints such as the nearby railway bridge on Hall Road mean that opportunities for further improvement are limited, and because of this the Appellants are not proposing any improvement scheme at this junction.
68. The final junction to be assessed is the Southend Road/Sutton Road 'Anne Boleyn' roundabout. Most approaches are predicted to operate within theoretical capacity in both peak periods with the 2029 base flows, with the exception of the Southend Road (north) approach, which is predicted to operate 11% over theoretical capacity in the morning peak hour, with a corresponding maximum queue of 82 PCUs. The TAA comments that the addition of development traffic would add to delay and queuing, but again it would only be the Southend Road (north) approach which is predicted to operate over theoretical capacity, in the morning peak hour, with an RFC of 1.16 and a maximum queue of 132 PCUs. The TAA does, however, also comment that the development traffic impact at this junction in both the morning and evening peak periods would add less than 5% to the traffic at this junction – an amount which it considers to be relatively modest.
69. The Appellants are proposing no specific improvement scheme for this junction, but instead would make a contribution of £100,000 to ECC, who it is understood have aspirations to provide a larger and more comprehensive improvement at this junction. This contribution would be secured through the S106 agreement, which I discuss in more detail under the third main issue.
70. The junction improvement schemes described above, for the Ashingdon Road/Rectory Road roundabout and the Ashingdon Road/Dalys Road/Roche Avenue roundabout, along with the proposed financial contribution to longer-term improvements at the Anne Boleyn roundabout, comprise part of the mitigation measures proposed by the Appellants. In addition, a range of sustainable transport enhancements are proposed, including the upgrading of the bus stops on Ashingdon Road to the north and south of the site access to include, amongst other things, real-time passenger information; a financial contribution of £700,000 towards bus service improvements along Ashingdon Road; a contribution of £250,000 towards Cycling Infrastructure upgrades; and the provision of a Residential Travel Plan aimed at reducing reliance on the private car by such measures as the provision of a 3-month Arriva Southend bus-pass for every household, or a £150 cycle voucher.
71. Further measures include the provision of a ghost right-hand turn lane access into the proposed development site; improvements and localised widening to Percy Cottis Road; upgrading of the Toucan crossing by the Holt Farm Schools, along with

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<sup>7</sup> PCU: Passenger Car Unit – in the ARCADY model 1 car = 1 PCU, 1 Heavy Vehicle = 2 PCU

upgraded guard rails, signage and high friction road-surfacing in the vicinity of the schools.

72. ECC based its acceptance of this proposal on the sustainable location of the appeal site (which it confirmed in the Highways SoCG); the technical assessments contained in ACE's TA and TAA and the fact that improvements would be carried out at the Rectory Road and Dalys Road/Roche Avenue junctions with Ashingdon Road; and the knowledge that a Travel Plan and a package of measures to promote non-car modes of transport would also form part of the proposed development. Indeed, as part of ECC's corporate response to the planning application it made it plain that having comprehensively assessed all the relevant submitted material, the impact of the proposed development is acceptable from a highway and transportation perspective, subject to agreed mitigation measures (as detailed above) and the imposition of a number of planning conditions.
73. The Highway Authority's position is reinforced in the SoCG with the Appellants in which, amongst other things, ECC specifically agrees that the proposal and proposed mitigations satisfy all the components of Framework paragraph 110; that the site is highly accessible by sustainable modes of travel and that measures can be implemented to significantly encourage sustainable travel further; that the proposed highways works and alterations constitute "*safe, suitable, adequate and (sic) access and cost effective mitigation*"; and that there would be no unacceptable impact on highway safety, and no residual cumulative highway impacts that could be considered to be severe.
74. It is abundantly clear, however, that the RSG and the interested persons who spoke at the Inquiry take a different view, and I explore the matters raised in opposition to the proposal in the following paragraphs. But firstly it is appropriate to say that there is no dispute that Ashingdon Road is a key north-south link in the highway network in this area; that at times it is heavily trafficked; that the free flow of traffic can be disrupted by light-controlled and other pedestrian crossings, parked delivery vehicles and buses, especially as some bus lay-bys are not wide enough to allow following vehicles to safely pass; and that at times some of the junctions along its length have difficulty in dealing with the volume of traffic wanting to pass through the junctions – leading to queuing and delays. This was clear from the wealth of evidence submitted by the RSG, and the various personal descriptions and accounts of travelling on Ashingdon Road put forward by interested persons.
75. It is also the case, as was made plain by Mr Francois, that it is for the Local Planning Authority when considering a planning application (or a Planning Inspector at appeal) – rather than the Local Highway Authority – to determine whether the residual cumulative impact of a development would be severe. Members of the Council's Development Committee were therefore quite entitled to refuse to grant planning permission for this proposal even though, as has been noted above, they did not strictly apply the test as set out in Framework paragraph 111.
76. But it is not sufficient for the Council to simply allege that there would be a severe impact on the local highway network – it has to provide evidence to back up that view. Indeed Members were informed by their professional Planning Officers, in the 24 June 2021 Report to the Development Committee, that although there may be a perception that the proposed development would lead to severe impact on the local highway network, it would not be adequate to rely on a perceived impact to justify refusing the application. Officers went on to explain that the Council would be

expected to explain in detail and evidence why the residual cumulative impacts identified by the applicants' transport assessment would be severe.

77. Moreover, Development Committee Members requested legal advice on a number of matters, following their decision to defer a decision on this application at their November 2020 Committee meeting, and that advice was appended to the June 2021 Report. Amongst other things, it noted that the very full TA and TAA produced by ACE acknowledged that the development would give rise to some increased queuing in the network, particularly at the Ashingdon Road/West Street/Hall Road junction, and that whilst mitigation measures could not be put in place at this junction, they could at other junctions. But with this in mind the legal advice went on to point out that the TA and TAA concluded that the residual cumulative impact on the network would not be severe, and that this assessment had been accepted by the Highway Authority, whose advice must be given very great weight in the absence of any contradictory technical opinion.
78. Notwithstanding that advice, and the fact that there was no contrary technical highways evidence to gainsay the view of the Highway Authority, Development Committee Members chose to refuse planning permission for the reason set out earlier in this decision. The Council's evidence to the Inquiry was presented by 2 Councillors, neither of whom put forward any detailed technical evidence to support its reason for refusal. The Council did engage a professional highways consultant to support its case at appeal – Mr Flexman - but following discussions between Mr Flexman and the Appellants' Mr Blair on a number of matters, including a possible alternative mitigation scheme at the Ashingdon Road/Dalys Road/Roche Avenue roundabout, Mr Flexman accepted that the residual cumulative impacts on the highway network would not be severe, and that there would be no breach of Framework paragraph 111.
79. As a result, Mr Flexman, on behalf of the Council, signed a SoCG with the Appellants to this effect, and whilst the RSG stated that the Councillors representing the Council were not aware that this SoCG had been signed, the Council took no steps to distance itself from this signed SoCG, or to seek its withdrawal. I have to record, therefore, that notwithstanding the comments contained in the Council's closing submissions, the clear view of the Council set out in this SoCG was that it did not consider the proposed development would result in severe cumulative impacts on the highway network.
80. The RSG maintained a strong opposition to the proposed development throughout the Inquiry, and submitted a significant amount of photographic evidence of traffic conditions on Ashingdon Road, along with a time-lapse video of a little over 5 minutes duration, covering a weekday period from about 0720 to 1520. However, there is no quantification of the information shown in these photographs and video, with many of the photographs simply showing traffic conditions at various locations along Ashingdon Road, together with some instances of flooding. Some photographs do show the time and date taken, but many do not – and, put simply, all that the photographs can be said to show is traffic on the road.
81. Some of the photographs do appear to show queueing traffic, but there is no indication of the extent or duration of these queues – and in any case, queueing traffic, of itself, does not automatically correlate with 'severe' traffic conditions. Some queueing is plainly to be expected on a busy and important north-south link such as Ashingdon Road, where the free flow of traffic can be disrupted for reasons already stated above.

82. Moreover, in my assessment the time-lapse video does not demonstrate any particularly unusual characteristics, or excessive queuing, but simply shows the steady flow of traffic, with pedestrian activity on the footways, throughout this early morning to mid-afternoon period. Whilst periods of stationary traffic can be observed, none of the queuing shown is of particularly long duration.
83. But the question in this case is not whether the proposed development would add further traffic to an already busy road. There is no dispute that it would. The assessment that has to be carried out is whether – once the development is in place, and all mitigation measures have been carried out – there would be an unacceptable impact on highway safety; or the residual cumulative impact on the road network would be severe.
84. There were a number of strands to the ‘safety’ argument put forward by the Council and objectors, with a principal element being the concerns raised by Cllr Eves, who presented the Council’s evidence on traffic matters at the Inquiry. It should be noted at the outset, however, that although Cllr Eves’ proof of evidence concludes by stating that “*on balance, the Development Committee considered there to be an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would be severe*”, there was no specific mention of highway safety concerns in the Council’s reason for refusal.
85. Notwithstanding this latter point, Cllr Eves expressed his doubts as to the effectiveness of the improvement scheme proposed for the Ashingdon Road/Rectory Road roundabout, arguing that widening the Rectory Road approach to 2 lanes had been tried in the past, but that it had been reduced back to a single lane because of highway safety concerns.
86. However, Cllr Eves produced no evidence to support his contention that the Rectory Road approach had been formally widened to 2 lanes in the past. He did submit a number of Google Earth images of this junction, covering the period 2013 to 2021, but as far as I can see, none of these show a 2-lane approach on Rectory Road. Moreover, the ECC Casualty Reduction Site Report for this junction, which dates to about November 2017 and was included in the Appendices to Cllr Eves’ rebuttal evidence, indicates that the main safety concerns related to undercutting of the roundabout island by drivers entering from Rectory Road, likely due to the position of the roundabout island, and the fact that the thermoplastic splitter island on Rectory Road could be overrun. The Report makes no mention of a 2-lane entry.
87. In any case, the improvement scheme put forward by the Appellants goes further than simply creating a 2-lane approach on Rectory Road. The relevant plan shows that there would be a widening of the Ashingdon Road (south) approach to allow for 2 lanes; that the splitter island would be reduced in size on the Rectory Road approach to formally provide 2 lanes; that the road markings would be adjusted on the Ashingdon Road (north) approach to allow for a 4 metre (m) entry width; and that the domed central road marking would be reduced in size and moved south to centralise it. This proposed junction layout has been the subject of a Stage 1 Road Safety Audit (RSA), which raised no concerns or issues. In light of these points I give very little weight to Cllr Eves’ unsubstantiated assertions that this proposed junction improvement would be unsafe.
88. Further safety concerns were raised by the Council, the RSG, the Headteachers at the Holt Farm Schools, Mr Francois MP, and other interested persons, concerning the positioning of the main site access opposite the schools, and the proposed reduction in width of the combined footway/cycleway on the western side of



Ashington Road, outside the Holt Farm Schools, and pedestrian safety generally. Again it should be noted, however, that no such safety concerns were expressed in the Council's reason for refusal.

89. Moreover, whilst it is indeed the case that the proposed site access junction would be formed at this location, and that the existing footway/cycleway would be reduced from a usable width of around 6m to some 3.25m-4.4m over a length of about 78m, to allow for the provision of a right-turn lane into the site, it does not follow that this would result in any overall material worsening of safety for pedestrians or cyclists.
90. In coming to this view I note that a number of safety improvements would be incorporated into the junction layout and design, as has been noted above. These include an upgraded Toucan crossing, which would feature a 2m wide refuge island to prevent overtaking in the vicinity of the schools and assist in reducing vehicle speeds; renewal of the anti-skid surfacing on the vehicle approaches to the Toucan crossing; the provision of an additional 20m of pedestrian guard railing, with improved visibility characteristics; upgrading of all existing guard railing to the same visibility standard; and the provision of additional road signs to alert drivers to the potential for school-children to be crossing in the area.
91. I also note that the narrowest proposed section of footway/cycleway, where the width would be reduced to about 3.25m, would only extend for about 15m. At this reduced width, the footway/cycleway would still meet and indeed exceed the minimum technical standard for shared footways/cycleways, of 3.0m, and in the view of the Highway Authority this reduction in width would not be objectionable. In this regard it is also clearly the case that to reach the existing wider section of school frontage, pedestrians currently have to walk along existing footways and/or combined footways/cycleways which vary in width between about 1m and 3m. No evidence has been placed before me to suggest that pedestrians and/or cyclists currently experience significant safety problems on these existing paths. I therefore see no good reason why this aspect of the appeal proposal should result in any unacceptable safety problems, especially as I understand from Mr Blair's evidence that a Stage 2 RSA has been carried out for the proposed site access, and that this has not raised any material issues.
92. The RSG also expressed safety concerns regarding the proposed secondary site access on Percy Cottis Road. It pointed out that the Stage 1 RSA identified 3 problems, and also maintained that extra traffic generated in the vicinity of the Watermans Primary School, combined with the existing level of on-street parking, could present a safety hazard for children walking to school. However, on the first of these points, a 'Designers' Response' was given to address each of the problems identified in the RSA, and I see no reason why action in line with these responses would not adequately and satisfactorily deal with the concerns raised.
93. On the second point, the Percy Cottis Road secondary access is only predicted to be used by a maximum of 55 vehicles in the morning peak hour – 15 inbound and 40 outbound. Not all of these vehicle movements would coincide with the primary school opening time, and it is unlikely that all of these vehicles would pass in the vicinity of the school entrance. No documented, existing safety concerns have been put before me relating to this area, and there is no firm evidence to suggest that the proposed development would lead to a material worsening of safety for children at the Watermans Primary School, or indeed any pedestrians.

94. Finally on the topic of safety, Mrs Austin stated, in the closing submissions she gave for the RSG, that if the proposed development was to go ahead, children would be *"crowded on a small island in the middle of a road trying not to get run over on their way to school"*. But this mis-represents what is proposed for the improved Toucan crossing opposite the Holt Farm Schools. Ashingdon Road would be widened at this location, to allow for the proposed right-turn lane into the development site, but there is no suggestion that the crossing would be 'split', forcing children to have to wait in the middle of the road. Pedestrians and cyclists would cross the full road width on a green light, with the proposed refuge being provided to prevent overtaking in the vicinity of the schools and to allow additional traffic signals to be erected, thereby giving greater visibility of the crossing. Far from worsening safety conditions, I consider that the improved Toucan crossing and the other measures proposed at this location would result in increased safety for children.
95. Following cross-examination of its 2 witnesses, the Council did not maintain any objection on highway safety grounds, with the exception of Cllr Eves' contention regarding the Ashingdon Road/Rectory Road roundabout, and there was no mention of highway safety concerns in the Council's closing submissions, which summarised its case as it stood at the close of the Inquiry. In light of this, and having regard to all the above points, I conclude that the proposed development would not result in an unacceptable impact on highway safety, and that there would therefore be no conflict with this aspect of Framework paragraph 111.
96. Turning to the second test set out in this Framework paragraph, I have already noted that ECC concluded, on the basis of the ACE assessments and the whole range of sustainable transport measures and other mitigation measures, that the impact of the proposed development would be acceptable in highway and transport terms. As a result, ECC has agreed, through the SoCG with the Appellants, that the appeal proposal would not give rise to any residual cumulative highway impacts that could be considered to be severe.
97. But with these points in mind, I consider it relevant to make reference to the more recent information put forward by Mr Blair in his proof of evidence and not seriously disputed by any other party to the Inquiry. This information amounts, firstly, to modest amendments to the growth factors used to project traffic figures forward to the assessment year of 2029, to avoid double-counting. TEMPro<sup>8</sup> growth rates have been used to produce the 2029 base traffic flows, but as part of the TEMPro approach, traffic anticipated from allocated developments is incorporated into the growth factors. So if basic TEMPro growth factors are used, and traffic assumed to be generated by the appeal proposal is then added to give a 'with development' situation, this means that the development traffic will have been counted twice. Mr Blair has avoided this double-counting by using an 'alternative planning assumption' tool within TEMPro.
98. Secondly, Mr Blair has also carried out his own interrogation of the TRICS database, and has modified the trip rate information used by ACE in a number of ways, including only selecting sites where a Travel Plan was in operation; selecting the most recent pre-Covid 5-year period; excluding Edge of Town Centre sites, Saturday survey information and sites in the north and north-west of England; and selecting population ranges which more closely reflect the Rochford situation. This resulted in slightly lower, but comparable trip rates to those used by ACE<sup>9</sup>.

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<sup>8</sup> TEMPro: the Department for Transport's Trip End Model Presentation Program

<sup>9</sup> Mr Blair's assumed trip rates predicted a morning peak hour total of 250 trips (81 inbound and 169 outbound); and 273 evening peak hour trips (168 inbound and 105 outbound)

99. The further amendment made by Mr Blair amounted to modest adjustments to the junction geometry as input to the ARCADY program, to more accurately model the on-the-ground layout of the junctions, and to ensure that they more closely validate against the surveyed 2019 traffic counts. This is particularly important in the case of the Ashingdon Road/West Street/Hall Road junction, for which I understand ACE had based its model on old Ordnance Survey mapping that pre-dated a recent improvement scheme.
100. Taken together, these amendments produce the following, revised assessments for each of the key junctions:
- Ashingdon Road/Rectory Road – with the proposed improvement scheme, the junction would operate with 6% spare capacity in the 'with development' scenario - 8% better than in the 'no development' scenario. ECC has accepted the 11% overcapacity forecast produced by ACE;
  - Main site access T-junction on Ashingdon Road – the junction would operate with a RFC of 0.56, meaning it would have 44% spare capacity;
  - Ashingdon Road/Dalys Road/Roche Avenue - with the proposed improvement scheme, the junction would operate with 13% spare capacity in the 'with development' scenario - 15% better than in the 'no development' scenario. ECC has accepted the 10% spare capacity forecast produced by ACE;
  - Ashingdon Road/West Street/Hall Road – no improvement scheme proposed. The junction would operate at 15% overcapacity, 9% more than in the 'no development' case. Peak hour queuing would be much reduced from the ACE predictions in the TAA, with the revised modelling predicting a maximum morning peak hour queue of 118 PCUs, and a maximum evening peak queue of 50 PCUs. ECC has accepted a 37% over-capacity forecast from ACE, which includes a 15% development impact, with much longer maximum queues of 267 PCUs (morning peak) and 118 PCUs (evening peak);
  - Anne Boleyn roundabout – no improvement scheme proposed, but a £100,000 contribution towards a more comprehensive improvement would be secured through the S106 agreement. The junction would operate 4% over capacity in the 'with development' case, which would be 4% over the 'no development' scenario. This, again, would result in appreciably less queuing, with a predicted maximum morning peak hour queue of 34 PCUs, compared to the queue of 132 PCUs predicted in the TAA. Alternatively, Mr Blair has demonstrated that a very modest kerb realignment scheme could allow the junction to operate 1% better than in the base case, and with 1% spare capacity, and a maximum peak hour queue of 21 PCUs. ECC has accepted a 16% over-capacity forecast from ACE.
101. These revised junction assessments, which have not been meaningfully challenged by any of the other parties to the Inquiry, show that conditions at each of the assessed junctions are likely to be appreciably better than ECC has already considered to be acceptable. I share that view, and consider that the technical assessments put forward by Mr Blair, build upon the already robust assessment work carried out by ACE, but make reasonable and justified adjustments which improve the likely accuracy of the traffic forecasting and junction assessment work.
102. In addition, Mr Blair undertook assessments of a development of 500 dwellings on the appeal site, to accord with the basic Policy SER8 allocation figure. For the Ashingdon Road/West Street/Hall Road junction this predicts a maximum RFC of

1.13, compared to 1.15 for the 662 dwelling appeal proposal, with a maximum queue, at the end of the morning peak hour, of 95 PCUs compared to 118 PCUs with the 662 dwelling scheme. For the Anne Boleyn roundabout, the 500 dwelling assessment predicts a maximum RFC of 1.03, compared to 1.04 for the 662 dwelling scheme, with a maximum queue, at the end of the morning peak hour of 31 PCUs, compared to 34 PCUs with the 662 dwelling scheme.

103. These figures indicate that the appeal proposal, for 662 dwellings, would only marginally worsen peak hour capacity and queuing situations at both of these junctions, when compared to a 500 dwelling 'Policy SER8 allocation' development. Because of this, and as ECC has indicated its acceptance of higher over-capacity situations, I find the 662 dwelling appeal proposal acceptable in both junction capacity and queuing terms.
104. As has already been noted, the Council put forward no evidence of its own to support its contention that the proposed development would result in a severe impact on the local highway network. Moreover, neither Cllr Eves nor Cllr Shaw alleged any specific concerns regarding the capacity of any of the relevant junctions in their proofs of evidence. But during the presentation of his evidence in chief, Cllr Eves was directed to Mr Blair's assessment of the Ashingdon Road/West Street/Hall Road roundabout by his advocate, Mr Parkinson, and, for the first time, raised concerns that queuing traffic could extend back along Ashingdon Road to block the Dalys Road/Roche Avenue roundabout. Cllr Eves maintained that this would be a 'severe impact' which had the potential to produce 'gridlock' along the whole length of Ashingdon Road from Hall Road to Rectory Road, and on this basis Cllr Eves argued that the Council's refusal of the appeal proposal was justified.
105. This, in effect, amounts to the sum total of the Council's justification for its reason for refusal, namely the claim that queueing back from the Ashingdon Road/West Street/Hall Road roundabout – which the traffic assessments make clear would only occur for a limited period of the morning peak hour – could result in gridlock. But the evidence before the Inquiry, set out primarily in the assessments of the other relevant junctions, does not support this contention.
106. Moreover, although the Council sought to play down the likely impact which further factors such as peak spreading, the use of alternative routes, and increased home working could have on peak hour traffic volumes, it remains the case that these factors were not relied on by the Appellants. But whilst the value and likely effectiveness of such factors were disputed by the Council and others, the only additional evidence put before the Inquiry was the results of a survey undertaken by Ms Wright, and this did show that there is some potential – albeit slight – for some people to vary their time of travel, or their route, to avoid Ashingdon.
107. Whilst no party made any serious attempt to quantify the likely impact which could arise from these factors, or the other factors highlighted by Mr Blair, I consider that taken either individually or cumulatively they could only serve to reduce the likely number of trips generated by the proposed development, and the volume of other peak hour traffic on the network, and thereby lessen the impact of the proposal.
108. In summary, there is no suggestion that the appeal proposal would have no impact on the local highway network, or that the impacts of the proposed development would not be noticeable. But as noted many times already, this is not the test set out in paragraph 111 of the Framework. The Framework requires an assessment of whether the residual cumulative impacts of the proposal on the road network would be severe. There is no evidence before the Inquiry to show that the Council has

properly considered or applied this Framework test. Indeed, as noted above, the Council's case appears to rest on the forecast performance of one junction, for a limited portion of the weekday morning peak hour in 2029.

109. With all the above points in mind, and taking the appeal proposal as a whole, to include not only the proposed junction improvements but also the financial contributions secured through the S106 agreement, the sustainable transport measures proposed, and the sustainable location of the appeal site, I conclude that the proposed development would not result in severe residual cumulative impacts on the road network.
110. In coming to this view, I have had regard to the decision of the Secretary of State (SoS) for Levelling Up, Housing & Communities dated 3 November 2021, referred to by both Mr Francois MP and the RSG. This decision dismissed an appeal for up to 1,250 residential units and other associated development at Rainham Kent, with one of the factors weighing against the proposed development in the planning balance being that it would result in severe residual impacts on the local road network. However, neither Mr Francois nor the RSG provided any assessment or analysis of this decision to explain why it should carry weight in the current appeal.
111. This Kent scheme related to a proposed development almost twice the size of the current appeal proposal in residential terms, on an unallocated site located outside of any settlement boundary and within open countryside for planning policy purposes. The Inspector in that case concluded, and the SoS agreed, that the proposal would have a substantial adverse landscape and visual impact, with a corresponding harm to a wide swathe of countryside, with the site being part of a locally valued landscape. As a result the SoS agreed that the proposal would be in conflict with a number of development plan policies. The loss of some 51 ha of best and most versatile agricultural land was also considered to weigh against the proposal, and be in conflict with Framework paragraph 170(b).
112. With regards to highways, the Inspector was presented with 2 competing appraisals - from the Council and from the appellant - which adopted different approaches and gave significantly different results. Overall, the Inspector concluded, and the SoS agreed, that in the particular circumstances of that case, on the basis of the modelling approach preferred by that Inspector, there would be severe residual cumulative impacts on one of the subnetworks under consideration.
113. Having regard to these points, it is clear to me that that this proposal differed from the current appeal proposal in a number of important ways, and as each proposal is required to be assessed on its own merits I do not consider that decisions taken in this Kent appeal should carry any weight in the current proposal.
114. On other matters raised, both the RSG and Mr Francois MP made reference to a Ringway Jacobs (RJ) 'Highways Baseline Technical Note' prepared for ECC in 2017, and both have highlighted small extracts from this document, arguing that it identifies serious congestion in the Ashingdon Road area. In addition, the RSG highlighted the fact that this RJ report contains a table of 'Congestion Descriptions', which includes a definition of 'severe' as being where the percentage of free-flow speed is lower than 25%, based on Trafficmaster<sup>10</sup> data. The RSG was critical of the fact that ECC did not use this table to assess the appeal proposal.

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<sup>10</sup> In-vehicle GPS journey time data, provided by ECC

115. However, this document is clearly prefaced with an 'Important note' which, amongst other things, explains that the report's sole purpose is to provide a baseline assessment of traffic and transport to inform the development of the emerging Local Plan; that the report should be read in full, with no excerpts to be representative of the findings; and that it has been prepared exclusively for ECC, with no liability accepted for any use or reliance on the report by third parties.
116. These points make it plain that it is not appropriate to take selected extracts from this report, which was prepared to provide a baseline for the whole of the Local Plan area, to assist in the more focussed assessment of the current appeal proposal. As such, there is no firm evidence before me to suggest that this 2017 report, should override and carry more weight than the TA and TAA prepared specifically to assess the likely transport implications of the proposed development. ECC would have been well aware of the content and findings of this 2017 RJ report when it considered the appeal proposal, and it is clear that it did not place reliance on this earlier, more wide-ranging report, and did not see fit to apply the 'Congestion Descriptions' it contains. I, too, am not persuaded that the RJ Technical Note is of any particular relevance in this case and I therefore give its findings limited weight.
117. A further area of concern, highlighted in the Council's Statement of Case, was the assertion that parking spaces in the service road which runs parallel to Ashingdon Road opposite the Holt Farm Schools, used by parents and carers dropping off and picking up children from the schools would be lost. It is indeed the case that some of these spaces would be lost by the creation of the speed table associated with the proposed emergency access to the development site. But the Council's evidence, submitted by Cllr Shaw, shows that proposals to implement a Residents' Parking Scheme in this area would reduce the number of spaces available for school parking to zero – regardless of whether or not the appeal proposal was to proceed.
118. The proposed development would, however, bring with it a 38 space parking area, associated with the proposed community use, located in close proximity to this service road, with 10 of these spaces to be designated for school drop-offs and pick-ups. These would be secured through the S106 agreement and kept available for such use by means of a Management Plan, to be approved by the Council. This means that far from being an area of concern, school drop-off and pick-up provision would, in fact, be improved if the proposed development was to proceed. I therefore regard this matter as a benefit of the proposal.
119. A further area of objection raised by the RSG was its view that the proposed secondary access onto Percy Cottis Road, and possible use of Dalys Road by traffic generated by the proposed development, could result in increased traffic levels in Rochford Town Centre and its Conservation Area. In support of this view, the RSG made reference to a High Court Judgment from 2012<sup>11</sup>, which related to an application to quash parts of the Housing Chapter of the adopted Core Strategy.
120. The RSG highlighted 2 quotes, which referred to "*congestion on Ashingdon Road being amongst the worst in the District*"; and traffic to Southend likely to be "*directed through the centre of Rochford, including through the Conservation Area*". However, these quotes were taken from documents which led to the adoption of the Core Strategy and, put simply, time has now moved on. The Council chose to adopt the Core Strategy, which includes the South East Ashingdon housing allocation for approximately 500 dwellings, notwithstanding the points made in these

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<sup>11</sup> Neutral Citation Number: [2012] EWHC 2542 (Admin) Case No CO/605/2012, dated 21/09/2012. Cogent Land LLP and Rochford District Council and Bellway Homes Ltd

aforementioned quotes. The RSG did not develop any particularly coherent argument against the proposed development on the basis of these quotes, and because of this I am not persuaded that this matter carries any material weight against the appeal proposal.

121. Mr Francois MP, drawing on information provided by one of his constituents, through a Freedom of Information (FoI) request to ECC, submitted details of the number of times that roadworks had taken place along the Ashingdon Road and adjacent roads during the period 1 July 2019 to 1 October 2020. This FoI request indicated that there had been roadworks on Ashingdon Road itself on 36 occasions during this period, with other roadworks on adjacent roads on numerous occasions. Mr Francois used this information to argue that the Appellants had underestimated the severity of the impact of the proposed development on the Ashingdon Road.
122. However, whilst I do not dispute the figures put forward, there is no firm evidence before me to suggest that this is particularly untypical of main roads in the ECC area. Highways clearly need to be maintained, and essential utilities work needs to be carried out. This is not the responsibility of the Appellants in this case, or indeed any developers. As such, I do not see this matter as something which can reasonably count against the proposed development. I therefore give this matter very limited weight.

#### *Summary*

123. As has been outlined above, a significant amount of objection was raised against this proposal on highways, traffic and transport grounds by the RSG and by interested persons, although very little firm, quantifiable evidence was put forward to support these objections, which relied mainly on perceptions and personal opinions. The fact remains, however, that ECC, as the responsible Local Highway Authority, carefully assessed and considered this proposal and, having done so, raised no objections to it, stating in the SoCG with the Appellants that it agreed there would be no unacceptable impact on highway safety, and no residual cumulative highway impacts that can be considered to be severe. There was also the somewhat strange situation where the professional Highways witness engaged by the Council to support its case, subsequently also signed a SoCG with the Appellants in which he, too, agreed that the residual cumulative impacts on the highway network would not be severe.
124. Many of the Council's points of objection fell away during questioning at the Inquiry, although Cllr Eves maintained his position that the proposed improvement to the Ashingdon Road/Rectory Road junction would not be safe, and that queueing back from the Ashingdon Road/West Street/Hall Road roundabout in the morning peak hour could cause gridlock and would have a severe effect on the road network. However, for reasons set out above, I do not consider that the objections and concerns put forward by the Council, the RSG and other interested persons should outweigh the technical, verifiable evidence put forward by the Appellants and endorsed both by ECC and the Council's professional highways witness.
125. Having had regard to all the matters raised under this main issue, my assessment of the evidence leads me to conclude, for reasons set out above, that the proposed development would not have an unacceptable adverse impact on the safety or convenience of users of the local highway network. I therefore find no conflict with the requirements of Core Strategy Policy T1, Allocations Plan Policy SER8, or Development Management Plan Policy DM31, and I note that Cllr Shaw for the Council also accepted, under cross-examination, that there would be no conflict

with these policies. I also find no conflict with Section 9 of the Framework, which deals with the promotion of sustainable transport. In particular, there would be no unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe.

**Main issue 3 - Planning obligations and planning conditions**

126. The Council's reason for refusal did not refer to the need for any planning obligations, but Core Strategy Policy T1 makes it plain that the Council will seek developer contributions, where necessary. In addition, Core Strategy Policy H3, which established the South East Ashingdon housing allocation, refers to Appendix H1, which outlines the infrastructure that will be required for each residential area, and should be read alongside Core Strategy Policy CLT1 'Planning Obligations and Standard Charges'. To address these points, and the specific items detailed in Allocations Plan Policy SER8 and Development Management Policy DM31, the Appellants entered into a S106 agreement with both the Council and ECC.

127. This S106 agreement makes provision for:

- Phasing of the development, in accordance with Phase Layout Plans agreed with the Council;
- The provision of 35% of the proposed dwellings as affordable housing units, in accordance with an agreed Affordable Housing Scheme and details of how the units would be allocated and managed; 20 of the Affordable Housing Units to be provided as Wheelchair Affordable Housing Units, and 72 of the Affordable Housing Units to be provided as Accessible and Adaptable Affordable Housing Units;
- Education Contributions, made up of an Early Years and Childcare Contribution, a Primary Education Contribution and a Secondary Education Contribution, all of which would be calculated on the basis of the total number of qualifying housing units and the appropriate cost generators, all as agreed with ECC as Local Education Authority;
- The provision and laying out of Open Space, an Equipped Play Area, an On-Site SUDS system, and a Flood Alleviation Scheme, together with details of a Management Scheme and how these facilities would be maintained;
- The provision of 0.26 ha of land within the appeal site as allotments;
- Transportation and Highway contributions, including £100,000 towards the Anne Boleyn Roundabout Works; a minimum of £50,000 and a maximum of £65,000 for the maintenance of the upgraded Toucan crossing on Ashingdon Road; a £700,000 Bus Service Contribution for the provision of bus service enhancements along the Ashingdon Road corridor; £250,000 for the provision of cycling infrastructure upgrades from the appeal site to connect with Rochford Town Centre and employment sites on Cherry Orchard Way; up to £100,000 for further off-site highway improvements along Dalys Road and/or Ashingdon Road; a Highway Tree contribution of £109,660.20; and £50,000 towards the provision of a pedestrian crossing in Brays Lane and/or within the vicinity of the development;
- A package of Off-Site Highway Works comprising improvements at the Ashingdon Road/Rectory Road roundabout; the Ashingdon Road/Dalys Road/Roche Avenue roundabout; improvement measures in the vicinity of the Holt Farm Junior and Infants Schools; improvement of 2 existing bus stops on Ashingdon Road; improvements and localised widening to Percy



Cottis Road; and any necessary alterations and reinstatements of existing highways and statutory undertakers' equipment necessitated by these improvements;

- A Residential Travel Plan and a Residential Travel Information Pack, including Travel Vouchers in the form of a 3-month Arriva Southend bus-pass or a £150 cycle voucher for each new household;
- A Healthcare Contribution of £262,300 towards the improvement of healthcare services in Rochford; and an area of land within the appeal site to be offered to a Healthcare Provider for the sum of £1, for a period of 2 years from the commencement of development;
- A School Landscaping Contribution of £50,000 towards the provision of landscaping improvements along the Ashingdon Road frontage and within Holt Farm Junior School;
- A Waste Services Contribution of £75,630 towards the provision by ECC of the waste infrastructure;
- A Library Contribution amounting to £322.72 per dwelling, to be used to physically extend the premises of the Rochford Library and provide enhanced car parking, and fit out any new extension;
- A Youth Facilities Contribution of £75,000 for the provision and enhancement of youth-based facilities in the District of Rochford;
- A contribution of £127.30 per dwelling towards the funding of strategic off-site measures identified by the adopted Essex Coastal Recreation Avoidance and Mitigation Strategy;
- A Trees Contribution comprising £67,560 for the compensatory tree planting in the District of Rochford, and £75,000 for the acquisition of uprated compensatory tree planting stock; and
- The provision of 10 School Drop-Off and Pick-Up Parking Spaces within the appeal site, together with an appropriate management plan.

128. All of the above contributions would be appropriately index linked.

129. Having had regard to the above details, and the submitted Community Infrastructure Levy (CIL) Compliance Statement, I am satisfied that all of these obligations are necessary to make the development acceptable and that all meet the requirements of paragraph 56 of the Framework and Regulation 122 of the CIL Regulations 2010. The obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. I conclude that the submitted planning obligations would satisfactorily address the impact of the proposed development, and that the appeal proposal would therefore not be at odds with any of the aforementioned development plan policies.

130. A schedule of planning conditions was largely agreed between the Council and the Appellants, and I discuss these conditions later in this decision.

### ***Other Matters***

131. Air Quality. Although agreed to not be a main issue in this appeal, the RSG did raise some general concerns regarding air quality. In particular it was critical of the fact that there is no automatic air quality monitoring near the 4 schools and day nursery in Ashingdon Road, and in this regard it made reference to a recent case in South London when the death of a young girl was attributed, by the Coroner, to exhaust fume pollution. It was also critical of the fact that the likely pollution impact of

construction traffic, and current and future domestic gas heating systems, had not been assessed. In addition, Mr Gardner raised a number of general concerns, including querying whether Human Rights, in terms of the right to a clean and healthy environment, would be violated by this proposal; whether sufficient trees would be planted to offset the carbon dioxide likely to be generated by the proposed dwellings; and how PM<sub>2.5</sub> and PM<sub>10</sub><sup>12</sup> would be controlled and monitored.

132. In response, the Appellants pointed out that the scope and methodology of the AQA was discussed and agreed with the Council's Environmental Health Officer (EHO), and that the air quality assessments undertaken through the AQA and AQAA were agreed with the EHO to be robust and fit for purpose. The AQAA explained that estimated background air pollution data for nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> were taken from the DEFRA<sup>13</sup> website, and that background pollutant concentration levels were then modelled, based on source parameters, meteorological parameters and topographical factors, to 2019 and 2029. Measured levels at the Anne Boleyn Sutton Road (roadside location) and South Street (kerbside location) sites had been used to validate the model.
133. The Appellants further pointed out that the AQAA explicitly considered impacts as a result of traffic from the proposed development at St Teresa's Catholic Primary School, Rochford Day Nursery and Holt Farm Junior School by identifying receptors at these locations; and that the junction of Ashington Road/West Street/Hall Road had also been explicitly modelled. The AQAA predicted that concentrations of pollutants at all receptors, including those identified to be representative of the aforementioned schools, would be well below the relevant national air quality objectives in relation to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, and that impacts at these receptors would be 'negligible' for all pollutants considered.
134. The Appellants maintain that there can be a high degree of confidence that these assessments, which have been carried out in accordance with accepted DEFRA guidance and agreed with the Council's professional EHO, are robust. No contrary, technical evidence was put forward by any objector to the appeal proposal, and there is nothing to suggest that conditions in this case are in any way similar to those in the South London case referred to by the RSG. Because of this, and the points detailed above, I see no reason to dispute the Appellants' conclusions on this matter. In taking this view, I also note that Cllr Shaw accepted, under cross-examination, that the proposal would comply with Allocations Plan Policy SER8, insofar as it relates to air quality.
135. Loss of an oak tree, subject to a TPO. Many of those who objected to the appeal proposal were particularly concerned that the creation of the proposed main access to the site would necessitate the removal of the mature oak tree, subject to a TPO, which is growing in the footway outside the Holt Farm Schools. This tree is in good condition, prominent in the street scene and of appreciable amenity value. The Appellants have commented that the decision to remove this tree has not been taken lightly, and clearly its loss is to be regretted.
136. However, the Arboricultural Impact Assessment Report explains that although the Appellants have explored different junction design options to try to retain the tree, this has not proved to be possible. ECC has accepted that the tree would need to be removed to create an appropriate and safe site access, and in the Planning SoCG the Council accepts that the loss of this tree would not outweigh the benefits of the

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<sup>12</sup> PM<sub>2.5</sub> and PM<sub>10</sub> – small airborne particles less than 5µg /10 µg in diameter

<sup>13</sup> DEFRA: Department for Environment, Food and Rural Affairs

proposed development, taking into account the proposed mitigation by way of a contribution to secure tree planting across the District, and compensatory tree planting within highway land. I share that view.

### **Benefits and disbenefits**

#### *Benefits*

137. A clear benefit of this proposal is that it would assist in delivering the Council's own housing and development strategy set out in its adopted development plan. As such, the development would reflect and support the guidance set out in paragraph 15 of the Framework, which states that the planning system should be genuinely plan-led. I consider that **significant weight** should be given to a development which accords with the development plan.
138. Clear social benefits would arise from the provision of 662 much needed new homes, on this allocated housing site. This would result in a substantial increase in the housing stock, which has to be seen as being of real importance as the Council can currently only demonstrate a 4.04-year supply of deliverable housing land, and has explicitly stated that it does not have sufficient sites to meet its long-term housing need. It clearly would support the Government's objective of significantly boosting the supply of homes, as set out in paragraph 60 of the Framework, and in these circumstances I consider that the provision of new homes through this scheme should carry **very significant weight**.
139. The proposed development would also provide the policy-compliant figure of 35% affordable units, which in this case would amount to 232 new affordable homes. The evidence before me is that the latest calculation on affordable housing need in Rochford is contained in the 2017 Strategic Housing Market Assessment (SHMA) Addendum, which identifies a need of 296 new affordable homes every year, falling to 238 affordable homes per year after 5 years, over the period 2014 to 2037. The Housing Supply and Delivery SoCG confirms that against this requirement there is a shortfall of 1,606 dwellings at 31 March 2021, but that only 471 affordable homes have been identified in the 5-year housing land supply to 31 March 2026.
140. The appeal site is the last strategic development plan allocation to come forward, and with no other significant sites identified within the forward supply until the emerging Local Plan progresses to allocate further sites, the appeal site offers the only opportunity to make a material impact on the significant shortage of affordable housing and therefore address one of the District's most pressing housing needs. In light of these points I consider that the provision of 232 affordable homes should carry **very significant weight** in the appeal proposal's favour.
141. The delivery of 662 new homes would also give rise to some economic benefits, as a result of the jobs created during the construction phase and the increased spending power of new residents within the local economy. I accept that these benefits would arise from any similar-sized housing development and that they would therefore not be unique to this proposal. Nevertheless, they do constitute real economic benefits which should be acknowledged. The provision of new housing would also give rise to additional Council Tax payments for the Council, but as the Council's outgoings would have to rise to provide the necessary services for the additional population it is unclear whether this item would result in any net benefit. Overall, I share the Appellants' view that the economic benefits should carry **moderate weight** in the planning balance.

142. I have already concluded that the items and contributions discussed under the third main issue would be necessary to make the appeal proposal acceptable, and some of the matters mentioned are specifically required as part of the development of this site, by Allocations Plan Policy SER8. As such I do not see that these things can be counted as specific benefits of the proposal. It is the case, however, that many of the items to be provided, such as the public open space, the community building, the flood alleviation scheme, the proposed bus service enhancements and the improvements to cycling infrastructure would benefit not only new residents of the proposed development, but also existing residents in the surrounding area.
143. The wider population of the area would also benefit from other aspects of the proposed development, such as the off-site junction improvements, the upgraded crossing facilities and other safety measures near to the Holt Farm Schools, and the proposed dedicated drop-off and pick-up school parking spaces. Overall I consider it appropriate to attach **moderate weight** to these wider benefits.

*Disbenefits*

144. The opposition to this proposal was primarily focussed on a range of traffic-related concerns, as highlighted by the Council's single reason for refusal and discussed under the second main issue. But having considered all the evidence placed before me, I have not found against the appeal proposal on any traffic or highways grounds. I have acknowledged, however, that there would clearly be increased traffic on the local road network as a result of the proposed development, and even though this is an inevitable consequence of developing this allocated site, it would undoubtedly have some adverse impact on traffic levels. But in light of my earlier conclusions, I consider that this matter can only carry **moderate weight** against the proposal.
145. The only other matter which I consider could be regarded as a disbenefit of the appeal proposal is the loss of the protected oak tree outside the Holt Farm Schools, which has clear visual and amenity value. The loss of this tree would, however, be mitigated by the compensatory tree planting, and whilst I acknowledge that new trees would take many years to mature, on balance it is my assessment that this matter should only carry **moderate weight** against the appeal proposal.

***Summary, planning balance and overall conclusion***

146. Having regard to all the matters detailed above, I have found no conflict with the 3 development plan policies of concern to the Council – Core Strategy Policy T1, Allocations Plan Policy SER8, and Development Management Policy DM31. Moreover, I consider that these policies accord with Framework objectives.
147. But notwithstanding these points, it is necessary to regard these policies as being out-of-date because the Council cannot demonstrate a deliverable 5-year HLS. In such circumstances, the Framework requires development proposals to be determined by application of the 'tilted balance', set out in its paragraph 11(d)(ii). Put simply this explains that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
148. I have concluded, above, that **significant weight** should be given to this plan-led development, and that **very significant weight** should be given to the provision of 662 much-needed new dwellings, with **very significant weight** also being given to the fact that 232 of these new dwellings would be affordable homes. I have also concluded that the economic benefits arising from the construction and occupation

of these new dwellings should carry **moderate weight**. In addition, the extensive contributions, and improvements which would accompany the proposed development, as detailed above, would have wider benefits than just to future occupiers of the proposed new houses, and I have concluded that these wider benefits should also carry **moderate weight** in the appeal proposal's favour.

149. Set against these benefits, I have concluded that the disbenefit which would arise as a result of increased traffic levels should carry **moderate weight**; and that the loss of the protected oak tree outside the Holt Farm Schools should also carry **moderate weight**.
150. In my assessment, balancing the benefits and disbenefits detailed above indicates quite clearly that the adverse impacts of allowing this proposal would **not** significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This means that the appeal proposal would constitute sustainable development, and this is a further weighty material consideration in the appeal proposal's favour.
151. With these points in mind my overall conclusion is that this proposal should be allowed, subject to the imposition of a number of conditions as discussed at the Inquiry, summarised below, and set out in the attached Schedule.

#### Conditions

152. A lengthy schedule of conditions was discussed at the Inquiry, with many being agreed between the Appellants and the Council. I have considered all points made by the parties, and consider that the following conditions should be imposed. I have amended the wording of some of the conditions, in the interests of clarity.
153. Conditions 1, 2 and 3 are standard conditions relating to outline and full planning permissions, while Condition 4 is imposed to provide certainty and to ensure that the development is carried out in accordance with the approved plans. Condition 5 seeks to ensure that the external appearance of the proposed dwellings is appropriate to the locality. Conditions 6 and 7 are imposed to ensure the appropriate investigation of archaeological remains, and Conditions 8 and 37 are needed in the interests of environmental sustainability.
154. Condition 9 is imposed to ensure that there is no harm to protected species, with Condition 10 being imposed to protect nesting birds. Condition 11 seeks to preserve trees on the site in the interests of visual amenity, while Condition 12 is imposed to secure enhancement of conditions for bats and nesting birds. Condition 13 is needed to ensure that reptiles are not harmed during the construction of the approved development.
155. Condition 14 seeks to prevent flooding by ensuring the satisfactory storage or disposal of surface water from the site; and to ensure the effective operation of SUDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Condition 15 is imposed to ensure that flood risk is not increased elsewhere, and that the approved development does not contribute to water pollution. The Council requested that this be kept as a separate condition, rather than being incorporated into a general Construction and Environmental Management Plan condition, as it relates solely to concerns of the Lead Local Flood Authority, and can therefore be considered in isolation. I consider this to be a reasonable request.

156. Condition 16 seeks to ensure that appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended, whilst Condition 17 is imposed in order to secure a satisfactory standard of development, and in the interests of visual amenity. Condition 18 is needed to reduce existing off-site flood risk by ensuring the satisfactory storage or disposal of surface water from the site by ensuring the delivery of the flood alleviation scheme and its effective operation over the lifetime of the development.
157. Conditions 19, 20, 21, 23 and 24 are required in the interests of the effective landscaping of the site; to ensure ecological value in the interests of amenity; and to ensure compensatory tree/hedgerow planting is provided. Condition 19 is also required to ensure provision of suitable alternative natural green spaces, and to ensure appropriate ecological enhancement is delivered. Condition 22 is required to mitigate the loss of the highway tree which would result from the provision of the main site access on Ashingdon Road.
158. Condition 25 is necessary to ensure the delivery of the on-site play space, while Condition 26 is needed in the interests of visual amenity. Condition 27 is imposed so as to achieve compliance with Policy ENV8 of the Core Strategy, with Conditions 28 and 29 being imposed in order to achieve compliance with Policy H6 of the Core Strategy and Policy SER8 of the Allocations Plan. Condition 30 is imposed to comply with Policy ENV9 of the Core Strategy, taking account of the Ministerial Statement dated 1 October 2015. Condition 31 is necessary to ensure any risk from contaminated land at the site is appropriately managed, and to protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses).
159. Conditions 32, 34, 35 and 36 are required in the interests of highway safety, whilst Conditions 33, 39 and 40 are imposed in the interests of reducing the need to travel by car, and to promote sustainable forms of transport. Condition 38 is imposed to ensure adequate space for parking off the highway is provided, and in the interests of highway safety and amenity. Conditions 41 and 42 are imposed so as to provide a safe environment for pedestrians, with Condition 41 also being needed to protect the habitat for bats. Condition 43 seeks to protect the living conditions of future residents, whilst Conditions 44 and 45 seek to protect the living conditions of occupiers of nearby properties, with Condition 45 also imposed to ensure that the environmental impact of the construction of the approved development is adequately mitigated.
160. I have had regard to all other matters raised, including the points raised by the interested persons who spoke at the Inquiry, and matters raised in written representations, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed.

*David Wildsmith*

**INSPECTOR**

### **Schedule of conditions (45 in total)**

- 1) No development shall commence within any phase (except phase 1 as annotated on the approved phasing plan reference P18-2109\_63-02C) until plans and particulars showing precise details of the scale, appearance and landscaping, (hereinafter called the 'Reserved Matters'), within the phase have been submitted to and approved in writing by the Local Planning Authority. All development at the site shall be carried out in accordance with the Reserved Matters details approved.
- 2) In the case of the Reserved Matters, application for the first reserved matters application for approval shall be made no later than the expiration of 2 years beginning with the date of this permission. Application for the approval of the remaining 'Reserved Matters' referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of 5 years from the date of this planning permission. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the first of the Reserved Matters to be approved.
- 3) The development to which this permission relates in respect of Phase 1 as shown on the approved phasing plan reference P18-2109\_63-02C, shall be commenced before the expiration of 3 years from the date of this permission.
- 4) The development hereby approved shall be constructed in accordance (save for any revised details as agreed in respect of the discharge of any landscaping condition) with the following approved plans:
  - Play Space Concept Masterplan P18-2009\_56A
  - Phase 1 Layout P18-2109\_62K
  - Phase 1 Parking Strategy P18-2109\_62-01C
  - Phase 1 Garden Sizing Plan P18-2109\_62-02B
  - Phase 1 Materials Layout P18-2109\_62-03C
  - Phase 1 Storey Heights Plan P18-2109\_62-05B
  - Phase 1 Tenure Plan P18-2109\_62-06E
  - Phase 1 Refuse Strategy Plan P18-2109\_62-07B
  - Phase 1 Enclosures Layout P18-2109\_62-09D
  - Enclosure Details P18-2109\_67
  - Site Section over Southern Ditch P18-2109\_84
  - Phase 1 House Type Pack P18-2109\_70C
  - Entrance Avenue Landscape Proposals P18-2109\_54D
  - Phase 1 Concept On Plot Proposals P18-2109\_57D
  - Phase 1 Part M P18-2109\_62-04B
  - Phase 1 Street Scenes P18-2109\_65-01C
  - Phase 1 Bin Store P18-2109\_72-01
  - Phase 1 Bike Store P18-2109\_72-02
  - Proposed Access from Percy Cottis Way 185180-002A
  - Proposed Emergency Access 185180-021B
  - Proposed Pedestrian access to Ashingdon Road 185180-005
  - Proposed Access from Ashingdon Road 185180-004F
  - Proposed access from Oxford Road 185180-003A
  - Phasing Plan P18-2109\_63-02C
  - Landscape Masterplan P18-2109\_59D

- Landscape Masterplan P18-2109\_83B-1
  - Landscape Masterplan P18-2109\_83B-2
  - Phases 2 and 3 Layout P18-2109\_63\_03S
  - Parameter Plan Development Platforms 185180-036
  - Parameter Plan Land Use and Access P18-2109\_39D
  - Parameter Plan Trees Hedgerows/Buildings P18-2109\_53B
  - Parameter Plan Location Plan PA604-210B
- 5) External facing materials to be used in the construction of the dwellings within Phase 1 shall be those as detailed on pages 30, 34 and 38 of the Design Code (P18-2019\_66 December 2019) unless alternatives are proposed in which case details shall have been submitted to and approved in writing by the Local Planning Authority prior to their use in construction on site.
- 6) No development or preliminary ground works of any kind other than general site clearance and ecological mitigation shall take place until a programme of archaeological investigation has been secured and completed in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 7) Within 12 months of the completion of the agreed archaeological field work (unless an alternative time frame has been otherwise agreed in advance and in writing by the Local Planning Authority), a post excavation assessment shall have been submitted to and agreed in writing by the Local Planning Authority; this shall include post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.
- 8) Concurrently with the submission of Reserved Matters containing any non-residential buildings at the site, details to demonstrate that the building(s) would meet the BREAAAM very good rating as a minimum (unless it can be demonstrated that this is not viable or practical (in which case details of viability/practicality shall also be submitted to and agreed in writing with the Local Planning Authority) shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the building(s) shall be built in accordance with the agreed details to achieve the BREAAAM very good rating as a minimum or otherwise agreed and details submitted in writing to the Council to demonstrate that this rating has been achieved within 3 months of completion.
- 9) No works including ground works within 20 metres of the badger setts on site or including the creation of trenches or culverts or the presence of pipes shall commence until a licence to interfere with a badger sett for the purpose of development has been obtained from Natural England and a copy of the licence has been provided to the Local Planning Authority. The existing badger setts on site to be retained shall be protected during construction in accordance with the licence or as otherwise agreed in writing by the Local Planning Authority. Prior to commencement of any development including ground works at the site, measures to protect badgers from being trapped in open excavations and/or pipe and culverts must be implemented in accordance with the details contained in the Ecological Impact Assessment Final Rev E by Southern Ecological Solutions, date of issue 10 December 2019 and retained throughout the construction works. The measures shall include:



- a. the creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - b. open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
- 10) Existing hedgerows and trees indicated to remain on the Trees/Hedgerow and Building Parameter Plan (Reference P-18-2109\_53B) shall remain and not be felled or removed. Those sections of existing hedgerow and trees indicated to be felled/removed on this same plan (subject to any change in terms of retention of more existing hedgerow/trees as agreed in relation to any landscaping condition) shall only be felled/removed/managed outside of the bird nesting season (March to August inclusive) unless otherwise agreed in writing with the Local Planning Authority in which case details justifying works outside these times shall be submitted to and approved in writing by the Local Planning Authority.
- 11) Prior to the commencement of development within each phase a method statement and tree protection plan showing protection of trees to be retained during construction shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented throughout in accordance with the agreed protection measures.
- 12) Details including plans showing the location of proposed bat and bird boxes to be provided within each phase and a time frame for installation within the relevant phase shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development within each phase. Boxes could be integrated within new residential properties or attached externally to properties or existing trees. A minimum of 20 bat boxes shall be provided across the site and a proportion should be proposed close to the eastern boundary of the development and main Public Open Space. Bird boxes shall be proposed as follows (or similar) 2 x 1G Schwegler Generalist Bird Box and 30 x specialised Manthorpe swift bricks with bricks installed in numbers no less than two per household. A total of 30 bricks should be installed (as per details provided in the submitted report titled Ecological Impact Assessment Final Rev E by Southern Ecological Solutions, date of issue 10 December 2019). The boxes as agreed in writing by the Local Planning Authority shall be installed during construction of the relevant dwelling, or in accordance with the time frame for installation as agreed in writing by the Local Planning Authority.
- 13) No development shall commence at the site (including any ground works or the removal of any vegetation or disturbance of topsoil) until a Reptile Mitigation Strategy has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be implemented in strict accordance with the agreed mitigation strategy.
- 14) No works except demolition shall take place within each phase until a detailed surface water drainage scheme for each phase, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
  - a. Limiting combined discharge rates for all phases to 55.7 litres/second for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- b. Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- c. Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- d. Final modelling and calculations for all areas of the drainage system.
- e. Detailed engineering drawings of each component of the drainage scheme.
- f. A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels and location and sizing of any drainage features.
- g. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme as agreed for each phase shall subsequently be implemented in accordance with the agreed details prior to first occupation within that phase (or in accordance with an alternative timetable as agreed by the Local Planning Authority).

- 15) No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and ground water during construction works, and to prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved throughout the construction period on site.
- 16) Prior to first occupation within each phase a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system within each phase and the maintenance activities/frequencies shall have been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided in writing.
- 17) Details of the foul water pumping station including boundary treatment and landscaping shall be submitted to and agreed in writing by the Local Planning Authority prior to construction relating to the delivery of this. The pumping station shall be delivered in accordance with the agreed details.
- 18) No development except demolition shall take place until a detailed on-site flood alleviation scheme proposal, based on an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
  - a. Provide sufficient storage to ensure a reduction in off-site flooding as a result of existing surface water flows during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - b. Final modelling and calculations for all areas of the flood alleviation scheme.
  - c. A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels and location and sizing of any flood alleviation features.
  - d. A written report summarising the final strategy, including total number of off-site receptors benefitting and highlighting any minor changes to the previously approved flood alleviation strategy.

- e. Construction tender documents including but not limited to drawings, specifications, health and safety information and cost estimates.
- f. A project delivery and grant funding management plan.
- g. Maintenance schedules and arrangements in a Maintenance Plan.

The scheme shall subsequently be implemented prior to first occupation and in accordance with the project delivery plan and grant funding management plan.

- 19) The strategic open green spaces within Phase 1 (Phase 1 being identified in approved phasing plan reference P18-2109\_63-02C) including the west-east green corridor, centrally positioned northern green space and the eastern parkland shall be implemented in accordance with details as shown on the approved plans P18-2109\_83B-1; P18-2109\_83B-2; P18-2109\_63\_03S and planting schedules as detailed in the Design Code (P18-2019\_66 December 2019), and delivered in accordance with recommendations in the Ecological Impact Assessment Final Rev E by Southern Ecological Solutions, dated 10 December 2019, unless as revised by details agreed in relation to the submission of additional landscaping details which shall relate to the following as listed below, details of which shall have been submitted to and agreed in writing by the Local Planning Authority prior to implementation of the strategic open green spaces:

- a. details of planting, method statements (to be as per pages 46 and 47 of the Design Code as appropriate) and after-care plans;
- b. details of replacement hedgerows and shrub planting including to naturally buffer the badger setts on site and provide new connecting hedgerow planting to ensure connectivity along the eastern edge of the site to improve foraging;
- c. signage boards to explain the provision of suitable alternative natural green spaces (SANGS) and the importance of this provision in the interests of mitigation to the coastal recreational disturbance avoidance and mitigation strategy (RAMS);
- d. details of existing trees to be retained including reconsideration to retain a greater proportion of existing trees within the central tree belt along the east-west ditch;
- e. details of land levels and changes proposed to existing ground levels by site sections (to accord with the details approved in respect of the areas being part of the flood alleviation scheme at the site);
- f. details of use of naturalistic headwalls to SUDS features including detailed section drawings, details of headwalls/inlets and outlets;
- g. a long-term maintenance schedule and specifications including a timetable for monitoring and maintenance;
- h. details of materials to be used in hard-surfaced areas/paths/ cycleways including in relation to the open space adjacent to the northern boundary details of informal play features;
- i. means of enclosure and other boundary treatment including materials to be used and location of these shown on a plan;
- j. minor artefacts and structures (e.g. benches, bins, signs etc);
- k. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities, weed control protection and maintenance; and
- l. Implementation timetable for delivery of agreed hard and soft landscaping of the strategic open green spaces. No existing trees

within the central tree belt along the east-west ditch shall be removed prior to the above details being agreed.

The hard and soft landscaping as agreed shall be planted/provided in accordance with the agreed implementation timetable. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

- 20) The hard and soft landscaping forming part of the entrance avenue planting and landscaped square as shown on approved plan reference P18-2109\_54D within Phase 1, shall be fully implemented in accordance with the agreed timetable for implementation (that shall have been submitted to and agreed in writing by the Local Planning Authority prior to any construction above damp proof course within Phase 1 at the site) and in accordance with the approved details as shown on the aforementioned plan and including tree planting method as detailed at pages 46 and 47 of the Design Code (P18-2019\_66 December 2019).

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

- 21) Trees shown adjacent to the highway between car parking spaces and or areas of grass verge as shown on approved plan reference P18-2109\_62K shall be planted in accordance with details of species, size and planting method (which shall be as per pages 46 and 47 of the Design Code (P18-2019\_66 December 2019)) which shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation at the site; these details shall include clear plans showing any tree planting proposed within the highway and confirmation from Essex County Council Highways that this has been agreed with respect to trees being sited clear of all underground services and visibility splays and sympathetic to any street lighting scheme. Details should also include a time frame for delivery. All of the trees shown on the aforementioned approved layout plan shall be planted in accordance with the agreed details and time frame.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be

submitted and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

- 22) Prior to first occupation at the site, details of the tree planting, including species and size, planting method (which shall accord with details as per pages 46 and 47 of the Design Code (P18-2019\_66 December 2019)) and time frame for implementation within the highway verge as indicatively shown on approved plan reference P18-2019\_62K shall be submitted to and approved in writing by the Local Planning Authority. The trees shall all be planted in accordance with the agreed details and time frame.

Any replacement tree removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

- 23) Details of the hard and soft landscaping forming part of on-plot amenity space/ landscaping within Phase 1 including the living courtyards to flatted blocks shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Details shall include:

- a. in relation to the living courtyards to flatted blocks details in accordance with those shown in principle on pages 14 and 15 of the Design Code (P18-2019\_66 December 2019);
- b. details of planting method statement to include tree planting method as per pages 46 and 47 of the Design Code (P18-2019\_66 December 2019) as appropriate and after-care plan;
- c. a long-term maintenance schedule and specifications including timetable for monitoring and maintenance;
- d. details of materials to be used in hard surfaced areas/driveways/paths/ cycleways;
- e. details of refuse stores and cycle stores;
- f. minor artefacts and structures (e.g. benches, signs etc);
- g. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities, weed control protection and maintenance. The hard and soft landscaping as agreed shall be planted/provided prior to the first occupation of the flatted block served by the relevant landscaping at the site unless an alternative phased timetable has been submitted to and agreed in writing by the Local Planning Authority.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

- 24) Details of the hard and soft landscaping of the amenity open green space at the corner of Street 5 and Avenue 01 within Phase 1 as shown on approved plan reference P18-2109\_62K, shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Details shall include:
- a. details of planting method statement and after-care plan;
  - b. a long-term maintenance schedule and specifications including a timetable for monitoring and maintenance;
  - c. details of materials to be used in hard surfaced areas/paths/cycleways;
  - d. means of enclosure and other boundary treatment including materials to be used and location of these shown on a plan;
  - e. minor artefacts and structures (e.g. benches, bins, signs etc);
  - f. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers/densities, weed control protection and maintenance.

The hard and soft landscaping as agreed shall be planted/provided prior to the first occupation at the site unless an alternative phased timetable has been submitted to and agreed in writing by the Local Planning Authority.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

- 25) The informal play space within the open space to be provided adjacent to the northern boundary eastern parkland as shown on approved plans reference P18-2109\_59D and P18-2109\_83B-2 shall be delivered in accordance with the details of surfacing materials, equipment and timeframe for implementation that shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation at the site in accordance with those details shown in principle on plan reference P18-2109\_56A. The surfacing and equipment shall be maintained in the agreed form.
- 26) Prior to the installation of any boundary treatment around the Allotment Land, details shall be submitted to and agreed in writing by the Local Planning Authority. The approved boundary treatment (fencing/hedging) shall be installed in accordance with a timeframe that shall have been submitted to and agreed in writing by the Local Planning Authority prior to the allotments being laid out.
- 27) Prior to the occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10 per cent of the energy from the development within the phase would be provided from renewable or low carbon sources (taking into account a fabric first approach as set out in the submitted Energy and Sustainability Statement by White Peak Planning dated December 2019 Ref 2019.001.003). The measures, as agreed, shall be implemented prior to the occupation of the dwellings to which the measures relate.

- 28) Within Phase 1 at least 2 dwellings shall be built to full wheelchair accessibility standards (i.e. comply with optional building regulation requirement Part M4(3)) and at least 21 dwellings shall be built to wheelchair adaptable standards (i.e. comply with optional building regulation requirement Part M4(2)). Evidence of the relevant dwellings having met the required building regulations requirements as above shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant dwellings.
- 29) Within Phases 2 and 3 (taken as a whole) a minimum of 13 dwellings shall be built to full wheelchair accessibility standards (i.e. comply with optional building regulation requirement Part M4(3)) and 26 dwellings shall be built to wheelchair adaptable standards (i.e. comply with optional building regulation requirement Part M4(2) (unless a lesser number has been compensated for by an increase in this provision within Phase 1) unless a minimum of 20 dwellings would meet the Part M4(3) standard within Phase 2/3 in which case the requirement relating to Part M4(2) would fall away. Evidence of the relevant dwellings having met the required building regulations requirements as above shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant dwellings.
- 30) All dwellings shall meet the optional building regulations requirement relating to water efficiency (Part G) of 110 litres/person/day (unless this would not be viable in which case details to demonstrate this shall have been submitted to and agreed in writing by the Local Planning Authority prior to completion of the relevant dwelling where this standard would not be met) and evidence to confirm that this would be achieved shall have been submitted to and agreed in writing by the Local Planning Authority prior to completion of the relevant dwellings on site.
- 31) Prior to each phase of development approved by this planning permission no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - 1) A preliminary risk assessment which has identified:
    - a. all previous uses of potential contaminants associated with those uses
    - b. a conceptual model of the site indicating sources, pathways and receptors
    - c. potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

No occupation of any part of the development hereby approved shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

- 32) Prior to first occupation of the development, the main vehicular access to the site onto Ashingdon Road shall be provided as shown in principle on Drawing No 185180-004F.
- 33) Prior to last occupation within Phase 1 hereby approved, the emergency vehicle access and associated pedestrian/cycleway onto Ashingdon Road shall be provided as shown in principle on Drawing No 185180-021B; this shall include appropriate lighting to accord with a scheme that shall have been submitted to and agreed by the Local Planning Authority. Details of the retractable bollards and chicane gates to the emergency vehicle access shall also be submitted to and agreed in writing by the Local Planning Authority. The bollards and gates shall be installed as agreed prior to first occupation alongside the provision of the emergency access and thereafter retained in the approved form.
- 34) Prior to the first occupation within Phases 2 and 3 at the development hereby approved (unless otherwise agreed in writing by the Local Planning Authority), the vehicle access onto Percy Cottis Road shall be provided as shown in principle on Drawing No 185180-002A in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.
- 35) Prior to formation of any hard surfaces within developable areas within each phase, details showing the means to prevent the discharge of surface water from the development within that phase onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The development within each phase shall be carried out in accordance with the agreed details, and shall be thereafter retained in the approved form.
- 36) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
- 37) Prior to first occupation at the site details of provision of visitor electric vehicle charging points (minimum 2 across the site) to serve visitor parking (or as otherwise agreed in writing by the Local Planning Authority) including a timeframe for implementation, shall have been submitted to and agreed in writing by the Local Planning Authority. The equipment shall be installed and maintained as operational as agreed.



- 38) Notwithstanding any part of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) vehicle parking including on driveways and within parking courts to serve the residential properties and all visitor parking across the site hereby approved shall be provided in accordance with the approved layout plans prior to first occupation of the residential property it would serve (or prior to first use of the highway immediately adjacent) and shall be used solely for the parking of vehicles and the vehicle parking shall be retained Thereafter in the approved form.
- 39) Prior to first occupation within Phase 1, details of a segregated footpath/cycleway within the eastern parkland at the site linking Oxford Road to The Drive with additional markings and signage along both Oxford Road and The Drive and timeframe for implementation, shall have been submitted to and agreed in writing by the Local Planning Authority. The footpath/cycleway shall be implemented in accordance with the agreed details and timeframe.
- 40) Prior to first occupation at the site within Phases 1 and 3 (respectively), unless an alternative timeframe for implementation has been submitted to and agreed in writing by the Local Planning Authority, 2 metre wide footpath connections to Ashingdon Road shall have been provided between Nos 168 and 170 Ashingdon Road and south of Sapwoods DIY shop, as shown in principle on Drawing Nos 185180-001C and 185180-005 respectively.
- 41) Prior to the first occupation at the site, details of the lighting scheme for all lighting within the strategic open spaces including the west-east green corridor, central northern open space and the eastern parkland as shown within Phase 1 on the approved phasing plan Drawing No P18-2109\_63-02C, shall have been submitted to and approved in writing by the Local Planning Authority with this including a programme for implementation. The lighting as agreed shall be implemented in accordance with the agreed timeframe for implementation and shall remain operational thereafter in the approved form. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- 42) A lighting scheme for lighting along the pedestrian footpaths from the site connecting to Ashingdon Road as shown on approved layout plans, Drawing Nos P18-2109\_62K and P18-2109\_63S shall have been submitted to and approved in writing by the Local Planning Authority prior to delivery of the relevant footpath. Lighting shall be provided as agreed in conjunction with works to deliver the footpaths and be retained thereafter in the approved form.
- 43) Prior to first occupation of the flatted blocks within Phase 1, cycle stores and refuse stores in accordance with the approved plans Drawing Nos P18-2109\_72 (sheet 02) and P18-2109\_72 (sheet 01) shall have been provided and shall be maintained thereafter in the approved form.
- 44) No windows at first floor level shall be installed in the western facing elevation of the flatted dwellings to plots 38 and 39 within Phase 1 hereby approved.
- 45) Prior to the commencement of any development, pursuant to this outline permission, a site wide Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP as agreed shall be complied with throughout the construction period at the site. The site-wide CEMP shall include but not be limited to:

- a. Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- b. Details of any construction and delivery traffic haul routes and management measures including the timing of deliveries;
- c. A plan specifying the area and siting of land to be provided for parking, turning, loading and unloading of all vehicles visiting the relevant parts of the site and siting of the contractor's compound during the construction period to be agreed on a phased basis;
- d. Dust management during the construction period and wheel washing or other suitable mitigation measures such as lorry sheeting, including the consideration of construction/engineering related emissions to air, to include dust and particulate monitoring and review and the use of low emissions vehicles and plant/equipment;
- e. Noise and vibration (including piling) impact/prediction assessment, monitoring and recording protocols/statements and consideration of mitigation measures in accordance with the provisions of BS5228 (2009): Code of Practice for Noise and Vibration Control on Construction and Open Site - Parts 1 and 2 (or as superseded);
- f. Details of best practice measures to be applied to prevent contamination of the water environment during construction;
- g. Measures for soil handling and management including soil that is potentially contaminated;
- h. Details of concrete crusher if required or alternative procedure;
- i. Details of odour control systems including maintenance and manufacture specifications;
- j. Maximum noise mitigation levels for construction equipment, plant and vehicles;
- k. Site lighting for the relevant part of the site;
- l. Screening and hoarding details;
- m. Liaison, consultation and publicity arrangements, including dedicated points of contact;
- n. Complaints procedures, including complaints response procedures;
- o. Membership of the considerate contractors' scheme; and
- p. Any archaeological protection and mitigation measures to be implemented during the construction process.

## APPEARANCES

### FOR THE COUNCIL

Mr Andrew Parkinson of Counsel

instructed by Steven Hopkins of Holmes & Hills

**He called<sup>14</sup>:**

Cllr Adrian Eves  
Cllr Lauren Shaw  
Affiliate Member RTPI

Rochford District Council (RDC)  
Chair of the Development Committee, RDC

### FOR THE APPELLANTS

Miss Sarah Reid of Counsel

instructed by Spencer Claye, Senior Planning and Development Director, Bloor Homes

**She called<sup>15</sup>:**

Mr Peter Blair  
BEng FICE FCIHT  
Mr Ben Pycroft  
BA(Hons) DipTP MRTPI  
Mr Simon Grubb  
BSc(Hons) MA MIEEnvSci  
MIAQM

Head of Transport North, Tetra Tech

Director, Emery Planning

Ardent Consulting Engineers

### FOR THE ROCHFORD SUPPORTERS GROUP - RULE 6(6) PARTY

Mr Ian Foster  
FRSA BA(Hons)  
Mrs Chris Austin

Local Councillor (but speaking as a private individual and local resident)  
Local resident

### INTERESTED PERSONS OPPOSING THE PROPOSAL

Rt Hon Mark Francois MP	Member of Parliament for Rayleigh & Wickford
Ms Sarah Jones	Local resident
Mr Clarke Dalby	Local resident
Ms Helen Wright	Local resident
Mrs Barbara Beer	Local resident
Mrs J M Taylorson	Local resident
Dr Christopher Taylorson	Local resident
Mr Jon Fuller	South East Essex Friends of the Earth
Mrs Leanne Dalby	Local resident
Mr Mick Vanner	Local resident
Mrs Sharon Taylor Eve	Local resident
Mr Kevin Stephens	Local resident
Mr Roger Gardner	Local resident

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<sup>14</sup> Mr Parkinson had also intended to call Mr Harry Flexman MSc MCIHT to present evidence, but Mr Flexman reached agreement with Mr Blair for the Appellants on all relevant highways matters, resulting in the signing of the Highways SoCG which can be found at Core Documents 9.05 and 9.06. Accordingly, Mr Flexman was not called to present evidence, although his proof of evidence and rebuttal proof of evidence remained before the Inquiry as Inquiry documents

<sup>15</sup> Miss Reid had intended to call Mr Rawdon Gascoigne MRTPI to present evidence on planning matters. However, Mr Gascoigne was unable to attend the Inquiry, so his evidence was presented by Mr Ben Pycroft

**CORE DOCUMENTS**

<b>Document Number</b>	<b>Document Title</b>
<b>List 1: Application Documents and Plans</b>	
1.01	Air Quality Assessment by Ardent dated Dec 2019 (185180-10)
1.02	Arboricultural Impact Assessment by Sharon Hosegood Assoc dated Dec 2019 (SHA964)
1.03	Archaeology Desk Based Assessment by CgMS dated Nov 2019
1.04	Ecological Impact Assessment by Southern Ecological Solutions dated Dec 2019 (Rev E)
1.05	Flood Risk Assessment by Ardent dated Dec 2019 (185180-06)
1.06	Habitats Regs Assessment by Southern Ecological Solutions dated Dec 2019 (Rev C)
1.07	Health Impact Assessment by Hodgkinson dated Dec 2019 (v3)
1.08	Minerals resource assessment by RSK dated July 2019 (1920379-R02(00))
1.09	Noise Assessment by Ardent dated Dec 2019 (185180-04)
1.10	Planning Statement by Optimis Consulting dated 9 April 2020 (P683-PSvF)
1.11	Landscape Visual Impact Assessment by Pegasus Group dated Dec 2019 (ref: P18-2109)
1.12	Statement of Community Involvement by Optimis Consulting dated 10 April 2020 (P683-SCIvF)
1.13	Energy and Sustainability Statement by White Peak Planning dated Dec 2019 (2019.001.003)
1.14	Transport Assessment by Ardent dated Dec 2019 (185180-07)
1.15	185180-001C - Highway Plan - Site Access from Ashingdon Road
1.16	185180-002A - Highway Plan - Site Access from Percy Cottis Road
1.17	185180-003A - Highway Plan - Site Access from Oxford Road
1.18	185180-004F - Highway Plan - Site Access from Ashingdon Road (2)
1.19	185180-005 - Highway Plan - Pedestrian Access from Ashingdon Road
1.20	185180-006E - Drainage Plan - Drainage Strategy
1.21	185180-015A - Highway Plan - Junction Improvements
1.22	185180-016A - Highway Plan - Junction Improvements (2)
1.23	185180-019 - Highway Plan - Ashingdon Road Existing
1.24	185180-021B - Highway Plan - Emergency Access
1.25	185180-026 - Highway Plan - Ashingdon Road-Hall Road-West Street
1.26	185180-027 - Highway Plan - Southend Road-Sutton Road
1.27	185180-031A - Highway Plan - Highway General Arrangement
1.28	185180-034A - Drainage Plan - Informative Drainage Schematic Plan
1.29	P185180-036 - Parameter Plan - Development Platform
1.30	185180-038 - Highway Plan - Swept Paths
1.31	185180-039 - Highway Plan - Visibility Splays
1.32	185180-200A - Drainage Plan - Western Culvert Plan and Sections
1.33	185180-201A - Drainage Plan - Eastern Culvert Plan and Sections
1.34	P18-2109_39 Sheet No - Rev D - Parameter Plan - Land Use and Access
1.35	P18-2109_53 Sheet No - Rev B - Parameter Plan - Trees Hedgerows and Buildings
1.36	P18-2109_56 Sheet No - Rev A - Landscape Plan - Play Space Concept Masterplan (Eastern Parkland)
1.37	P18-2109_64 Sheet No - Rev A - Illustrative Masterplan

1.38	P18-2109_67 Sheet No - Rev # - Phase 1 - Enclosures details
1.39	P18-2109_72 Sheet No 01 Rev # - Phase 1 - Bin Store
1.40	P18-2109_72 Sheet No 02 Rev # - Phase 1 - Bike Store
1.41	P185180-035B - Phase 1 - External Levels
1.42	PA604-210B - Parameter Plan - Location Plan
1.43	Phase 2 and Phase 3 - Accommodation Schedule
1.44	SUPERSEDED - Design Report by Pegasus dated April 2020 (ref: DAS - P18-2109_55C)
1.45	SUPERSEDED - Design Code by Pegasus dated December 2019 (ref: P18-2109_66)
1.46	SUPERSEDED - Phase 1 Design Statement by Pegasus dated April 2020 (ref: P18-2109_69A)
1.47	SUPERSEDED - P18-2109_54 Sheet No- Rev B - Phase 1 - Entrance Avenue Landscape Proposals
1.48	SUPERSEDED - P18-2109_57 Sheet No- Rev B - Phase 1 - Concept On-Plot Landscape Plan
1.49	SUPERSEDED - P18-2109_59 Sheet No- Rev A - Landscape Plan - Illustrative Landscape Masterplan
1.50	SUPERSEDED - P18-2109_62 Sheet No 01 Rev A - Phase 1 - Parking Strategy
1.51	SUPERSEDED - P18-2109_62 Sheet No 02 Rev A - Phase 1 - Garden Sizes Plan
1.52	SUPERSEDED - P18-2109_62 Sheet No 03 Rev B - Phase 1 - Materials Layout
1.53	SUPERSEDED - P18-2109_62 Sheet No - Rev B - Phase 1 - Layout
1.54	SUPERSEDED - P18-2109_62 Sheet No 06 Rev A - Phase 1 - Tenure Plan
1.55	SUPERSEDED - P18-2109_62 Sheet No 07 Rev A - Phase 1 - Refuse Strategy Plan
1.56	SUPERSEDED - P18-2109_62 Sheet No 09 Rev A - Phase 1 - Enclosures Layout- Phase 1
1.57	SUPERSEDED - P18-2109_63 Sheet No 02 Rev A - Indicative Phasing Layout
1.58	SUPERSEDED - P18-2109_63 Sheet No 03 Rev A - Phase 2 and Phase 3 - Layout Plan
1.59	SUPERSEDED - P18-2109_62 Sheet No 04 Rev A - Phase 1 - Part M4 (CAT 3) PLAN
1.60	SUPERSEDED - P18-2109_65 Sheet 01 Rev B - Phase 1 - Streetscenes
1.61	SUPERSEDED - P18-2109_70B - Design Report - House Types - Mar 2020

### List 2: Post Submission Documents

2.01	Air Quality Assessment Addendum by Ardent dated October 2020 (185180-14)
2.02	Geophysical Survey Report by RPS dated August 2020 (ref: MSTQ733)
2.03	Reptile Mitigation Strategy by Southern Ecological Solutions dated October 2020 (ref: Rev B)
2.04	Design and Access Statement by Pegasus dated September 2020 (ref: P18-2109_55D)
2.05	Design Code by Pegasus dated September 2020 (ref: P18-2109_66B)
2.06	Phase 1 Design Statement by Pegasus dated September 2020 (ref: P18-2109_69C)
2.07	Transport Assessment Addendum by Ardent dated July 2020 (ref: 185180-12)

2.08	P18-2109_54 Sheet No # Rev D - REVISED Phase 1 - Entrance Avenue Landscape Proposals
2.09	P18-2109_57 Sheet No # Rev D - REVISED Phase 1 - Concept On-plot Proposals
2.10	P18-2109_62 Sheet No 01 Rev C - REVISED Phase 1 Parking Strategy Plan
2.11	P18-2109_62 Sheet No 03 Rev C - REVISED Phase 1 Materials Layout
2.12	P18-2109_62 Sheet No 04 Rev B - REVISED Phase 1 Part M4 (CAT 2 & 3) Plan
2.13	P18-2109_62 Sheet No 05 Rev B - REVISED Phase 1 Storey Heights Plan
2.14	P18-2109_62 Sheet No 06 Rev E - REVISED Phase 1 Tenure Plan
2.15	P18-2109_62 Sheet No 07 Rev B - REVISED Phase 1 - Refuse Strategy Layout
2.16	P18-2109_62 Sheet No 09 Rev D - REVISED Phase 1 - Enclosures Plan
2.17	P18-2109_63 Sheet No 04 Rev # - REVISED Phase 2 & 3 Storey Heights Plan
2.18	P18-2109_65 Sheet No01 Rev C - REVISED Phase 1 Street Scenes LR - Section AA - FF
2.19	P18-2109_84 Sheet - Rev # - REVISED Phase 1 - Illustrative Site Section over Southern ditch
2.20	P18-2109_70C - SEPT 2020 - REVISED Rochford House Type Pack (details fully listed in pack)
2.21	SUPERSEDED - P18-2109_59 Sheet No # Rev C - REVISED Illustrative Landscape Masterplan
2.22	SUPERSEDED - P18-2109_62 Sheet No # REF J - REVISED Phase 1 - Layout
2.23	SUPERSEDED - P18-2109_62 Sheet No 02 Rev C - REVISED Phase 1 Garden Sizes Plan
2.24	SUPERSEDED - P18-2109_63 Sheet NO 02 Rev B - REVISED Indicative Phasing Plan
2.25	SUPERSEDED - P18-2109_63 Sheet No 03 Rev Q - REVISED Phase 2 and Phase 3 Layout (with schedule)
2.26	SUPERSEDED - P18-2109_83 Sheet No 1 Rev A - REVISED Phase 2 and 3 Illustrative Landscape Masterplan - Green Corridor Sheet 1 of 2
2.27	SUPERSEDED - P18-2109_83 Sheet No 1 Rev A - REVISED Phase 2 and 3 Illustrative Landscape Masterplan - Green Corridor Sheet 2 of 2
2.28	P18-2019_62 Rev K - Phase 1 Layout
2.29	P18-2109_863-03 Rev S - Phase 2 and 3 Layout
<b>List 3: Relevant Correspondence with Local Planning Authority</b>	
3.01	Letter to Councillors 21/06/2021
3.02	Letter from Optimus dated 30/09/2020 summarising revisions
3.03	Presentation to Planning Committee Members - November 2020
3.04	Letter to planning committee members - November 2020
3.05	Letter from Ardent dated 22 December 2020 - addressing highway design and transport assessment
<b>List 4: Consultation Responses</b>	
4.01	Anglian Water
4.02	Ashingdon Parish Council
4.03	Cadent Gas
4.04	Canewdon Parish Council
4.05	ECC Archaeology
4.06	ECC Development and Flood Risk

4.07	ECC Education, Public Health and Highways
4.08	ECC Energy & Low Carbon
4.09	ECC (Growth and Development Team)
4.10	ECC Minerals and Waste
4.11	ECC Place Services - Ecology
4.12	ECC Place Services - Landscaping
4.13	ECC Urban Design
4.14	Essex Badger Protection Group
4.15	Essex Police
4.16	Essex Wildlife Trust
4.17	Hawkwell Parish Council
4.18	London Southend Airport
4.19	Natural England
4.20	RDC Arboriculture
4.21	RDC Housing
4.22	RDC Public Health & Protection Services
4.23	RDC Waste and Street Scene
4.24	Rochford Parish Council
4.25	Neighbours
<b>List 5: Committee Report and Decision Notice</b>	
5.01	Development Committee Report 24 June 2021
5.02	Development Committee Report 26 November 2020
5.03	Decision notice 29 June 2021
5.04	Development Committee Minutes 24 June 2021
<b>List 6: Development Plan and Policy Documents</b>	
6.01	The Rochford District Core Strategy (adopted 13 December 2011)
6.02	The Rochford District Allocations Plan (adopted 25 February 2014)
6.03	The Rochford District Development Management Plan (adopted 16 December 2014)
6.04	New Local Plan: Spatial Options Document (Consultation Paper 2021)
6.05	Allocations Development Plan Document: Sustainability Appraisal (December 2011)
6.06	Allocations Plan Document: Detailed Assessment of Potential Residential Site Options (September 2012)
6.07	Allocations Plan Submission Document: Sustainability Appraisal (April 2013)
6.08	Inspector's Interim Report into the Allocations Plan Document (17 October 2013)
6.09	The National Travel Survey 2020
6.10	Manual for Streets
6.11	Local Cycling and Walking Infrastructure Plans Technical Guidance document (Department for Transport, April 2017)
6.12	Local Development Scheme (adopted 20th July 2021)
6.13	Urban Capacity Study 2020
6.14	Inspector's Final Report into the Allocations Plan Document (14 February 2014)
6.15	Essex Planning Officers' Association (EPOA) Vehicle Parking Standards (2009)
6.16	ECC's Developers' Guide to Infrastructure Contributions (2020)

<b>List 7: Relevant Decisions and Judgements</b>	
7.01	Land north of London Road and South of Rawreth Lane - Committee Report
7.02	Pond Chase Nursery, Folly Lane, Hockley - Committee Report
7.03	Land west of Oak Road and North of Hall Road - Committee Report
7.04	Land to the west of Sweechbridge Road, Hillborough, Kent: APP/J2210/W/20/3260611
7.05	Land north of Viaduct, adjacent to Orchard Business Park, Ledbury: APP/W1850/W/20/3244410 - Costs Decision
7.06	Monkhill vs SoS HCLG and Waverley Borough Council (2019)
7.07	Wavendon Properties vs SoS HCLG and Milton Keynes Council (2019)
7.08	Gladman Developments Ltd vs SoS HCLG and Corby BC and Uttlesford DC (2020)
7.09	Oxton Farm vs Harrogate Borough Council and D Noble Ltd Judgment (2020)
<b>List 8: Other Documents</b>	
8.01	Addendum to the South Essex Strategic Housing Market Assessment (May 2017)
8.02	Rochford and Southend-on-Sea Housing and Employment Land Availability Assessment Combined 2020 Update (June 2020)
8.03	Authority Monitoring Report (AMR) 2019-20
8.04	Council's housing land supply trajectory at 31st March 2021
<b>List 9: Statements of Common Ground</b>	
9.01	Planning Statement of Common Ground between the Appellants and the Council (17 December 2021)
9.02	Housing Land Supply Statement of Common Ground between the Appellants and the Council (7 December 2021)
9.03	Highways Statement of Common Ground between the Appellants and ECC (29 November 2021)
9.04	NOT USED
9.05	Highways Statement of Common Ground between the Appellants and the Council (19 January 2022)
9.06	Highways Statement of Common Ground between the Appellants and the Council (24 January 2022)

**DOCUMENTS SUBMITTED AT THE INQUIRY, AND SHORTLY BEFORE**

Document	1	Opening submissions on behalf of the Appellants
Document	2	Opening submissions on behalf of the Council
Document	3	Opening submissions on behalf of the Rochford Supporters Group
Document	4	Statement and supporting document from the Rt Hon Mark Francois MP
Document	5	Statement from Ms Sarah Jones
Document	6	Statement from Mr Clarke Dalby
Document	7	Statement from Ms Helen Wright
Document	8	Statement from Mrs Barbara Beer
Document	9	Statement from Mrs J M Taylorson
Document	10	Statement from Dr Christopher Taylorson
Document	11	Statement from Mr Jon Fuller on behalf of South East Essex Friends of the Earth
Document	12	Statement from Mrs Leanne Dalby



Document	13	Statement from Mr Mick Vanner
Document	14	Statement from Mrs Sharon Taylor Eve
Document	15	Statement of Mr Kevin Stephens
Document	16	Statement of Mr Roger Gardner
Document	17	Revised proof of evidence/statement from Mr Foster, on behalf of the Rochford Supporters Group
Document	18	Aerial photograph of the wider Southend-on-Sea/Ashingdon area, submitted by Cllr Eves
Document	19	Bundle of enlarged diagrams and photographs, together with still from the time-lapse video, submitted by the Rochford Supporters Group
Document	20	Statement from Mrs D Crosbie – submitted as a written representation
Document	21	Letter from the Headteacher, Holt Farm Infant School, dated 7 January 2022, with covering email from Cllr Julie Gooding, dated 11 January 2022
Document	22	Bundle of further evidence submitted by the Rochford Supporters Group on 23 December 2021
Document	23	Email dated 10 December 2021 relating to Bus Service contributions, submitted by the Appellants
Document	24	Comments on the Draft Suggested Planning Conditions, submitted by the Appellants
Document	25	Statement of Truth submitted by Mr Grubb, the Appellants' Air Quality expert
Document	26	Extract from CD1.14 – Figure FD25 – am peak hour trip generation from the proposed development
Document	27	Secretary of State Decision and Inspector's Report relating to Appeal Ref APP/A2280/W/20/3259868 – Land off Pump Lane, Rainham, Kent, submitted by Mr Francois MP
Document	28	Extract from Ringway Jacobs Technical Note 'Rochford Local Plan: Highways Baseline Technical Note' dated 25 October 2017, submitted by the Rochford Supporters Group
Document	29	Final Schedule of suggested conditions - with comments
Document	30	Signed and completed S106 agreement
Document	31	CIL Compliance Statement, submitted by the Council
Document	32	Closing Submissions on behalf of the Rochford Supporters Group
Document	33	Closing Submissions on behalf of the Council
Document	34	Closing Submissions on behalf of the Appellants