



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
DEVELOPMENT CONTROL COMMITTEE - 19 November 2009**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.

Ward Members for Committee Items

ASHINGDON AND CANEWON

Cllr Mrs T J Capon

Cllr T G Cutmore

FOULNESS AND GREAT WAKERING

Cllr T E Gordon

Cllr C G Seagers

Cllr Mrs B J Wilkins

ROCHFORD

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

SCHEDULE ITEMS

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SCHEDULE ITEM 1

**TITLE: 09/00510/FUL
EXTERNAL ALTERATIONS, REVISING DOOR AND WINDOW
OPENINGS AND INTERNAL ALTERATIONS.
PUBLIC CONVENIENCES ADJACENT 34-36 HIGH STREET,
GREAT WAKERING**

APPLICANT: ROCHFORD DISTRICT COUNCIL

ZONING: RESIDENTIAL

PARISH: GREAT WAKERING

WARD: FOULNESS & GREAT WAKERING

PLANNING APPLICATION DETAILS

- 1.1 This application is submitted by Rochford District Council.
- 1.2 Planning consent is sought for external alterations revising door and window openings and internal alterations at the public conveniences adjacent to 34-36 High Street, Great Wakering.
- 1.3 The conveniences are located in the Great Wakering Conservation Area. They were constructed in 1950 and an extension to the building was constructed in 1984 to the front of the building to provide a disabled facility.
- 1.4 The proposed alterations will provide an improved access for all users of the facility, especially for the disabled with the access ramp having a shallower gradient (1:25) and direct access to the cubicle.
- 1.5 The internal layout has single cubicles that are designed for increased privacy and will hopefully reduce the risk of damage by vandalism, which has been raised as a concern by local residents. If vandalism continues to be a problem at this site then the matter will be addressed via the appropriate department.
- 1.6 Externally the existing rear door and west and east flank doors are to be removed and the openings blocked up, the front window nearest the High Street is also to be removed and the opening blocked up. The existing front windows to the Ladies and Gents toilets are to be replaced by 2 new doors.
- 1.7 The new ramps will have metal handrails at each side and tarmac surfacing will be applied to ramps and front ground area. The precise details of the handrail finish and design can be controlled by a planning condition.

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CONSULTATION AND REPRESENTATIONS

- 1.8 **Essex Highways:** No objections.
- 1.9 **County Conservation Officer:** No objections on conservation grounds; does not consider that the character and appearance of the Conservation Area would be significantly affected by the alteration of the exterior of the building.
- 1.10 Recommend permission is granted, subject to conditions that externally materials and finishes are agreed before work begins and detailed designs for the proposed railings to the ramp are agreed before work begins.
- 1.11 Neighbours: There have been two responses from neighbours, commenting in the main on the following issues:-
- delighted toilets are being refurbished, but tiles will be taken off walls – should just be painted;
 - longer railings will encourage young people to sit on them;
 - why do ramps have to be so long?;
 - proposed metal hand rails will attract skate boarders, trick cyclists, roller bladders, etc;
 - proposal will encourage vandalism;
 - only one ramp is needed and does not need to extend to pavement;
 - should be a boundary fence on boundary between no. 34 and site.

CONCLUSION

- 1.12 It is considered that the proposed alterations would not result in a material loss of amenity to the occupiers of neighbouring properties and they have an acceptable appearance that would not be harmful and is acceptable in terms of preserving or enhancing the character/appearance of this part of Great Wakering Conservation Area.

RECOMMENDATION

- 1.13 It is proposed that the Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-

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- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No development shall commence before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.
- 3 No development shall commence before detailed designs for the proposed railings to the ramp have been submitted to and approved in writing by the Local Planning Authority. Such designs as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in the High Street.

Relevant Development Plan Policies and Proposals

BC1 of the Rochford District Council Adopted Replacement Local Plan.



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Monica Palmer on (01702) 318023

SCHEDULE ITEM 1



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SCHEDULE ITEM 2

**TITLE: 09/00570/PD
NEW CONTROL TOWER BUILDING
LONDON SOUTHEND AIRPORT ROCHFORD**

APPLICANT: LONDON SOUTHEND AIRPORT LTD

ZONING: CIVIL AIRFIELD

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 2.1 This proposal does not constitute a planning application and is brought to the attention of Members for information only. Under Part 18 Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended, the operator of the airfield has the benefit of permitted development rights to carry out air traffic service development as follocal wildlife site:-
- 2.2 “The carrying out on operational land within the perimeter of a relevant airport operator or its agent of development in connection with the provision of air traffic services at an airport.”
- 2.3 There is no limitation as to the size, height or location of such development provided it is within the airport boundary and is required for the purposes of air traffic services. In addition there is no requirement to notify the Local Planning Authority prior to the commencement of the development. Nevertheless the airport operator’s agents have advised the Council of the proposal as a matter of courtesy.
- 2.4 The agent advises that the current control tower building constructed as a temporary building circa 50 years ago has reached the end of its life and that additionally the views from the visual control room are significantly impaired by a number of obstacles including hangers. The proposed new control tower building is sited to the east of the main runway and to the north of the new terminal, car park and train station, which were approved under 97/00526/OUT and 04/00639/REM. This site has been chosen, subject to limitations set down by the International Civil Aviation Organisation, as well as operational practicality and follocal wildlife site an appraisal of the whole airport. An alternative site identified to the west of the main runway was discounted due to its location within the functional flood plain (Zone 3B) and the subsequent objection in principle to any development in this area by the Environment Agency.

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2.5

The new control tower building comprises a detached building 27.6m in height with a rectangular footprint measuring 13m x 20.4m. It provides four floors of accommodation: a ground floor and three further floors seated on top of a connecting stairwell/stalk between the ground and first floor. The topmost floor comprises a visual control room with 360° glazing. In addition there is a parking area for 8 cars that adjoins the eastern side of the building.

2.6

The new control tower has a modern design, the form of which reflects its practical function.

RELEVANT PLANNING HISTORY

2.7

Various applications and permitted development including the erection, alteration and extension of existing buildings in connection with the operation of the site as a civil airfield.

2.8

There is an application for the extension of the Southend Airport runway, which is currently under consideration by Southend Borough Council (Ref. 09/01960/FULM).

CONSULTATIONS AND REPRESENTATIONS

2.9

Whilst this is not a planning application letters of notification were sent to Rochford Parish Council and neighbouring residential occupiers. No correspondence has been received to date as a result of this procedure.

2.10

Two letters have been received from residents in Folly Lane, Hockley and Blenheim Crescent, Leigh-on-Sea which include the following points:-

- Objection on grounds of global warming, noise, economic blight, detrimental effect on local schools, development of Green Belt land, strain on local transport infrastructure and public safety
- Any application for the airport should not be considered before the results of the consultation process are published
- There is no public mandate to extend the runway
- Proposal not needed and any development of the airport should be put on hold until a decision on its expansion has been made
- No environmental impact assessment has been made on the new control tower
- No consultation regarding the new control tower has taken place

SCHEDULE ITEM 2

CONCLUSION

- 2.11 The proposal falls within the criteria of permitted development under Part 18 Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended, and therefore no decision is required.
- 2.12 It is proposed that, subject to any comments from Members, the details of the new control tower are noted.

Relevant Development Plan Policies and Proposals

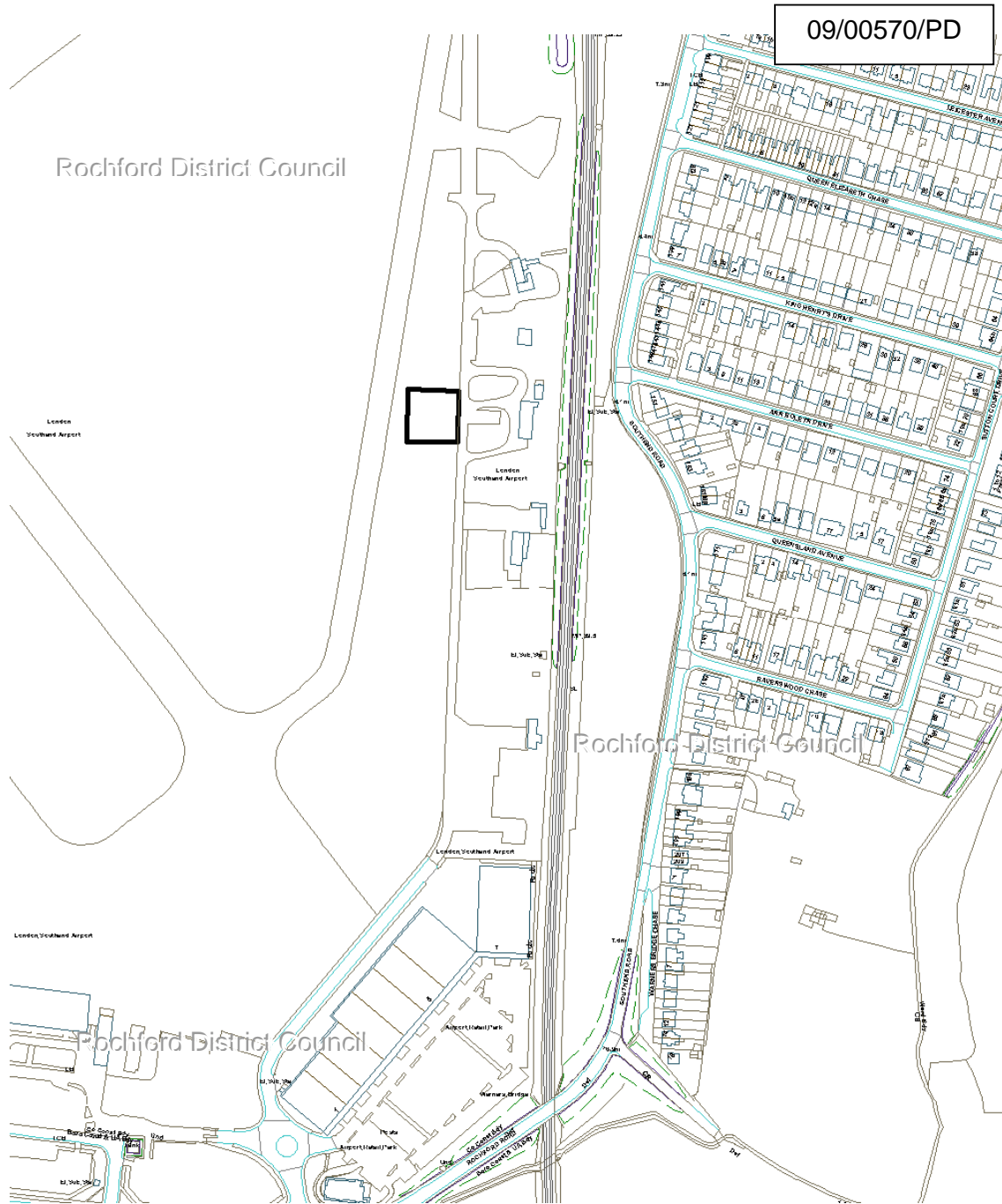
None.



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Judith Adams on (01702) 318089.

SCHEDULE ITEM 2



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SCHEDULE ITEM 3

TITLE: 09/00528/OUT
DEVELOPMENT OF UP TO 326 RESIDENTIAL DWELLINGS,
ASSOCIATED ACCESSES AND COMMUNITY USES
LAND SOUTH OF COOMBES FARM STAMBRIDGE ROAD
ROCHFORD

APPLICANT: COLONNADE LAND LLP

ZONING: METROPOLITAN GREEN BELT

PARISH: STAMBRIDGE

WARD: ASHINGDON AND CANEWDON

PLANNING APPLICATION DETAILS

- 3.1 Outline planning permission is sought for the development of up to 326 residential dwellings, associated access and community uses at 'Land South of Coombes Farm', Stambridge Road.
- 3.2 The submitted illustrative master plan is not for consideration at this stage, but shows that the proposal would include the development of both family housing and flatted accommodation and areas of open space. A main access road would be provided through the site, which would extend Rocheway and meet Stambridge Road. Smaller residential streets would filter off this main road. The proposed buildings would be a mixture of 1, 2 and 3 storey and would have a maximum height of 12 metres. The proposal also includes an area of land of 0.11 hectares for community uses; although there is no detail about what the proposed community uses would be.
- 3.3 This application must consider the principle of changing the use of the land from agricultural use to residential and community uses and also consider whether the quantum of development proposed is acceptable. In addition, the applicant has requested that the details of the proposed vehicular accesses to the site are also considered in this application.
- 3.4 All other matters: appearance, landscaping, layout and scale are reserved for consideration in a reserved matters application that would follow, if outline consent for the proposal was granted.
- 3.5 The application site is located to the east of Rochford. At its closest point the site is located approximately 500 metres east of Market Square, Rochford and close to the built up western residential edge of the town.

SCHEDULE ITEM 3

- 3.6 The site is immediately bordered by a number of existing land uses to the north and west, namely residential properties, an allotment site, an adult learning centre with associated playing field, an area of public open space and a section of Stambridge Road. To the south the site directly borders agricultural land, which in turn runs alongside a section of the River Roach. To the east, the site borders an area of agricultural land and Mill Lane, a quiet lane leading to Stambridge Mills along which there are a handful of residential properties.
- 3.7 The application site is the area of land edged red on the submitted location plan and is approximately 13.68 hectares. The location plan also shows a blue line that demarcates a larger area of land, which is under control of the applicant, but which does not form part of the application site. The illustrative master plan shows a proposed footpath and space for public use in the area of land edged blue to the south of the application site. However, there is no information to indicate if or how this land would be developed as part of this application and it is assumed it would remain in its current state as undeveloped agricultural land. Only the land that falls within the red line on the submitted location plan forms the application site and only development proposed within this area is for consideration in this application.
- 3.8 This application is accompanied by an Environmental Statement, which the Local Authority considered necessary by virtue of the proximity of the application site to the environmentally sensitive Crouch and Roach Estuaries SSSI, SPA and Ramsar site. Prior to the submission of this application the applicants submitted a scoping report; this outlined all the information that would be provided within the required Environmental Statement. The Local Authority provided the applicant with their view on the acceptability of the proposed content of the ES in a formal scoping opinion after carrying out statutory consultation.

CONSULTATIONS AND REPRESENTATIONS

3.9 Rochford Parish Council:-

Object.

- The site does not form part of the Rochford District Council Core Strategy, is within the Green Belt and, if allowed, could set a precedent for further erosion of the neighbouring Green Belt.
- The development would increase traffic, both during and after construction, which would severely harm the quality of life of the existing residents, could reduce numbers visiting the businesses in Rochford town centre and the existing road infrastructure around Rochford town centre cannot cope with the increased level of traffic and improved public transport that might result would not be forthcoming until after the whole development has been completed.

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- The site is within the Roach Valley Conservation Area and it is believed there is a badger sett on the site.
- The amount of dwellings being proposed will create a separate "village" within Rochford.
- The site is located under the flight path of London Southend Airport.
- The proposed access to and from the site, particularly via Rocheway, where there are already major issues with parking, is considered inadequate for the amount of vehicles this development could generate, especially when all traffic to and from the location will have to travel through Rochford town centre.
- Although Members were not against progress and appreciated that some of the housing will consist of much needed social housing, they feel that this is the wrong location for this type of development, particularly in view of the already allocated housing/business zone at Stambridge Mill.

3.10 Stambridge Parish Council:

Object

- The development is contrary to Stambridge Parish Council's policies, which have been logged with Rochford District Council; specifically our policy states to vigorously oppose any new build development in Stambridge apart from the development of the Old Mill.
- The existing infrastructure could not cope with the volume of traffic this development would produce and the bus service through Stambridge is very poor.
- This development with the Mill re-developed (if this went ahead) would triple the size of the village.
- The site is Green Belt and should be protected; it is not in the Core Strategy for development.
- Part of it is within the airport Public Safety Zone, if airport expansion is permitted.

3.11 Mark Francois, MP for Rayleigh:

Object

- Development on this scale in this location represents an over-development within the Rochford District and therefore should not go ahead as proposed.

Cllr C M Chapman, Essex County Council Member for Rayleigh:

3.12

Object

- Site is Green Belt
- Development is not proposed in the Core Strategy

SCHEDULE ITEM 3

- The proposed development would have significant impacts on Rochford Conservation Area
- There are not enough local secondary and primary schools
- Additional pressure on health services would have an adverse effect on the existing community.

3.13

Essex County Council (Minerals and Waste):

Object

- The proposal may result in a significant amount of brick earth being sterilised, approximately 140,980 tonnes.
- The applicant would be required to be demonstrated that either:-
 - The safeguarded deposit on site was not significant and it would not be feasible to extract. This would require thorough testing and analysis of the application site area (ie, a bore hole / trial pit analysis and associated report/s, review of potential extraction figures economic /feasibility /environmental assessment of extraction, etc) to establish the extent/quality of the mineral resource and would require detailed consideration of the potential extraction methods/processes in relation to application site, surrounding areas, environmental issues and relevant constraints (it should be noted that any extraction would likely require separate consent from the MPA). Further, it then needs to be demonstrated that the proposal would comply with the relevant planning policies (ie, the Saved Structure Plan Policy, and National Policy); or
 - That the brick earth deposit had been previously and sufficiently extracted (however, this does not appear to be the case in respect of the subject site).
- The applicant has not demonstrated either of the above and it is therefore considered that the proposal would fail to safeguard an identified important mineral resource.
- Typically, brick earth extraction is not as intensive or intrusive as conventional sand and gravel extraction processes and the site constraints would not necessarily prevent brick earth extraction occurring at the site.
- The MPA's position is outlined/substantiated by the contents of the Minerals Local Plan and by Saved Policy MIN4 of the Essex and Southend-on-Sea Replacement Structure Plan. The safeguarding of Mineral Resources, as well as the consideration of prior extraction, is also required by National Policy MPS1.
- For the avoidance of doubt, Sections 11.57 and 11.58 of the ES were reviewed in the process of formulating the MPA's response to Rochford District Council (dated 19/10/09). This information is insufficient to demonstrate compliance with relevant policies in relation to the proposed application site, as has been discussed in greater detail above.

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3.14 Essex County Council (Archaeology):

No objection, subject to condition:-

- Full Condition - Open Area Excavation

3.15 Essex County Council (Highways) (Public Rights of Way):

Object

- The protection of PROW footpath no. 23 that dissects the site.
- Any changes to its alignment will require a diversion order.
- The footpath will need to be segregated. Usual details to be agreed.

3.16 Essex County Council (Highways):

No objection subject to condition:-

No development to commence on site until such time as the following have been agreed and implemented:-

- The relocation of 30mph zone and associated works to a location to the east of the site access. The details shall be submitted to and agreed in writing with the local Planning Authority

NOTE: Once the relocation of the 30mph and associated works has been introduced then the following apply:-

- The access on Stambridge Road at its centre line shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 90 metres to the east and 4.5 metres by 90 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.
- The vehicle access on Stambridge Road shall be constructed with an appropriate dropped kerb vehicular crossing of the footway/highway verge at right angles to the existing carriageway. The width of the access at its junction with the highway shall have 10.5m radii and a 5.5 metres opening width, which shall be retained within the site. The details shall be submitted to and agreed in writing with the local Planning Authority.
- The provision of a 2m footpath from the vehicle access on Stambridge Road in an easterly direction to the junction of Mill Lane / Bus Stop and in a westerly direction along the entire site frontage to link into existing facility. Such footway to include full height kerbs, dropped kerb crossing points with tactile paving at access points, full depth footway construction and the provision of dropped kerbs on both the northern and southern sides of Stambridge Road to facilitate pedestrians crossing.

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The details shall be submitted to and agreed in writing with the local Planning Authority.

- No unbound material shall be used in the surface of the access within 10 metres of the highway boundary of the site. Details shall be submitted to and approved in writing by the Local Planning Authority.
- The estate road layout should in all respects accord with the requirements of the Essex Design Guide for residential and mixed use areas. Details of the estate roads and footpaths including layout, levels, gradients, surfacing and means of surface water drainage shall be submitted to and agreed in writing with the local Planning Authority.
- A construction traffic management plan to shall be submitted to and agreed in writing with the local Planning Authority.
- Areas within the site for the purpose of loading / unloading and manoeuvring shall be identified, submitted and approved in writing by the Local Planning Authority.
- The parking provision for cars, cycles and powered two wheelers should accord with the requirements of the current Essex Planning Officers Association Vehicle Parking Standards.
- Details of the number, location and design of cycle parking and powered two wheeler facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times. This is in accordance with the current Essex Planning Officers Association Vehicle Parking Standards.

No occupation to commence on site until such time as the following have been implemented and completed to the satisfaction of the Highway Authority:-

- Provision of a zebra crossing and associated infrastructure at a location to be agreed with the Highway Authority on Stambridge Road / East Street. Details shall be submitted and approved in writing by the Local Planning Authority.
- Provision of capacity improvements at the junction of Southend Road and Sutton Road to be agreed with the Highway Authority. Details shall be submitted and approved in writing by the Local Planning Authority.
- The provision and implementation of a Travel Information and Marketing Scheme for sustainable transport for every residential household.

Contributions

- The provision of a financial contribution of £50,000 for passenger transport infrastructure to include raised kerbs, bus shelters, flag poles, timetabling and real time information provision where appropriate to provide improvements to public transport stops on both sides of Stambridge Road
- The provision of a financial contribution of £5,000 for the consultation and implementation of a Traffic Regulation Order on Rocheway.

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3.17 Essex County Council (Education):

No objection subject to conditions:-

- A section 106 legal agreement would be required to cover a financial contribution towards the provision of pre-school and secondary places would be required.
- If minded to refuse request that a reason for refusal relating to lack of education provision is added.
- It would be necessary to consider safe walking and cycle routes to schools allowing free movement from the north east of the site to schools north of the development. A route through the allotment site would be welcome. This detail is left with the Highways Department but please raise the issue of safer routes to schools.

3.18 Essex County Council (Urban Design):

Object

- Basic principles and architectural context seem to be adequately established in the accompanying Design and Access Statement but it is considered that these have not been carried through rigorously enough into the indicative master plan, as set out below, and the plan as it stands is unlikely to lead to a development that would enhance the locality.
- There are also grave concerns about the traffic impact of the proposal on Rochford Town Centre Conservation Area.
- It would be important to ensure that the development does not appear as just another housing estate tacked on to an historic town without any regard for its wider impact or proper appreciation of its context. The material supporting this outline application does not give confidence that this will be achieved. The character of the development should be more closely aligned to the historic character of Rochford. For a site in as sensitive a location as this, in close proximity to a Conservation Area, the application should have included more supporting information to demonstrate that the character of the development is compatible with the site's historic context. The proposed development appears as a major exercise to provide housing rather than as a sensitive approach to producing the effect of incremental growth in a valued historic town.
- In this respect the detailed architectural treatment of properties will be critical to ensuring the scheme reflects local character but the information provided does not allow the architectural approach to the scheme to be assessed and how this is intended to reflect local character.
- The site is in close proximity to the town centre but not enough has been done to demonstrate that the proposal will support Rochford's existing identity and ideally the proposal should have included additional details and street scene elevations.

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In summary, it would be important to ensure that the development reflects the built form typologies, urban grain and historic character of Rochford in a fuller sense than seems apparent from the indicative master plan.

- Although this is an outline application with reserved matters intending to cover design and layout, there are a number of areas of concern in the indicative master plan submitted in support of the application that should be 'flagged up' at this stage. These are:-
 1. Open space makes an important contribution to urban design and the central area of open space has the potential to be a distinctive focal point of the development but its southern edge does not reflect the treatment of the northern edge and should provide a more continuous frontage in order to provide better visual enclosure of this space. An overall open space strategy is needed to help ensure adequacy and proper distribution of the planned pocket parks.
 2. There are 'weak' areas in the townscape that need to be addressed; for example, the corner opposite the community facility and the treatment of road junctions where opportunities have been missed to create appropriate visual 'signals'.
 3. Apart from the community facility, the scheme will give the appearance of a residential 'monoculture' and the proposal does not show how the design and layout will create a mixed sustainable community. The scope for the inclusion of employment or other non-residential uses does not seem to have been assessed and there may be an opportunity to include some 'live-work' units in the proposals, for example, in order to improve the sustainability credentials of the scheme and to reduce the dominance of residential development.
 4. Housing on the southern edge will occupy a prominent location and the design of this will need particular attention to ensure a high quality design is achieved.
 5. An improvement is acknowledged in creating better defined street edges and housing frontages, as compared with the earlier plan. The spine road in particular is beginning to show a more clearly defined edge that would relate to the Rochford historical context. There is a need, however, to take this approach further, particularly along the southern edge of the 'green' as noted above.
- The possibility of including sustainable drainage systems is welcomed and could potentially contribute to producing a distinctive character for parts of the development.
- Compared with the initial submission seen by the Design Review Panel the scheme has taken a step in the right direction but there is still some way to go before the scheme presents a convincing urban design case for development.

3.19 **Environment Agency:**

No objection subject to conditions

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- The development shall be constructed with a minimum finished ground floor level of 5.81 metres AOD.
- Surface water shall be discharged from the site at a rate no greater than the Greenfield runoff rates detailed within the submitted FRA.
- Storage for the 1 in 100 year storm, inclusive of climate change, shall be provided on site using sustainable urban drainage techniques, as outlined within the submitted FRA.
- Prior to the commencement of the development, details of who shall be responsible for the maintenance of all elements of the drainage scheme in perpetuity shall be submitted to and approved in writing, with the Local Planning Authority.
- Prior to commencement of development a detailed establishment of wildflowers/grasses to be sown and a management plan (rotational mowing regime) for the site shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out in accordance with a timetable for implementation, 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 and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Recommend that the following conditions be added to any approval:-

- Prior to the commencement of development a scheme for the provision and implementation of water resource efficiency shall be submitted to and agreed in writing with the LPA. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.
- Prior to the commencement of development a scheme for the provision and implementation of energy and resource efficiency, during the construction and operational phases of the development, shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and operational phases of the development shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

3.20 Anglian Water Services:

No objection, subject to informatives

- Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement.

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Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under section 185 of the Water Industries Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before the development can commence.

- The foul flocal wildlife site from the development can be accommodated within the foul sewerage network system that at present has adequate capacity. If the developer wishes to contact our sewerage network they should serve notice under section 106 of the Water Industries Act 1991. We will then advise them of the most suitable point of connection.
- The development cannot be accommodated within the public surface water network system, which at present does not have sufficient capacity. Therefore, this is outside our jurisdiction to comment and the Planning Authority will need to seek the views of the Environment Agency to gauge whether the solutions identified are acceptable from their perspective.
- The foul drainage from this development will be treated at Rochford Sewerage Treatment Works that at present has available capacity for these flocal wildlife site.
- We are obliged under the Water Industries Act 1991 to provide water and waste water infrastructure for domestic purposes for new housing and employment developments within our area when requested to do so. To effect this, the applicant would have to make a request.

3.21 Essex and Suffolk Water:

Response received, no comment

3.22 English Nature:

Object

- The proposed development could have a significant effect on the nearby Crouch and Roach Special Protection Area (SPA) and on the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI) from increased recreational disturbance during the operational phase of the proposed development.
- The proposed mitigation measures against recreational disturbance have not been fully justified so it cannot be determined whether these would be suitable and proportionate. An appropriate study should be undertaken.
- There is insufficient information to enable advice to be given to the Local Authority that the proposed development would not be likely to have a significant effect on the European SPA site or the SSSI site.

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- The precautionary approach should apply as advised in regulation 48(5) which advises that 'the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site'.
- Consider that the potential adverse effects on the Essex Estuaries SAC are not significant.
- The proposed development may affect a local wildlife site.
- No detailed survey reports have been provided in the environmental statement in relation to protected species and we are therefore unable to advise the Local Authority on the survey methodologies employed or on the interpretation of the results. The application site is, however, apparently largely barren of significant biodiversity interest and as such few protected species have been noted as requiring mitigation.
- Badgers and Great Crested Newts are considered likely to be absent from the site and do not therefore present any constraints to development.
- Little bat activity was reported at the site, however the proposed mitigation is supported.
- The mitigation for breeding birds is adequate.
- Low populations of reptiles (common lizard and slow worm) were found and whilst detail on the mitigation scheme for reptiles is sparse it should be considered adequate for the purpose of determining the application.
- Draw the Authority's attention to documents relating to loss of high quality agricultural land.

3.23 Essex Wildlife Trust:

Object

- Standard EIA methodology has not been used in the submitted environmental assessment.
- Hedgerows - possible damage during construction has been recognised, but no mitigation measures proposed to avoid this would be required during construction and if the hedgerow is to work as a functional green corridor then a strip either side of at least 3 metres would be required and a management plan for the hedgerow would be desirable.
- Concern that the proposed large area of open green space to the south of the site would actually encourage greater use by walkers and dogs of the local wildlife areas bordering the site, which would increase rather than reduce disturbance levels to the wildlife areas. Essex Wildlife Trust requests a copy of the assessment produced by the applicant to advise the environmental statement that this mitigation is acceptable.
- Objection is raised as to how the conclusion that no further decline of the SSSI and local wildlife sites will occur due to increased recreational pressure was reached. A full assessment is needed before a conclusion can be reached as to whether the proposed development will have an adverse effect on the SSSI or wildlife sites.

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The proposed mitigation to reduce recreational pressure on protected sites by creating open spaces within the site for dog walking would only work if the new open spaces were well designed for the intended use, otherwise people will prefer to use nearby open spaces in a natural setting.

- The EWT are concerned that the potential impacts on the local wildlife site have not been adequately assessed; there is mention in the environmental statement that an area of the saltmarsh would be retained, but not confirmation about whether there would be any loss of saltmarsh. It is not possible to say that dust deposition from construction will have no adverse impact on the wildlife site just because it was concluded that this would not be a problem for the SSSI as the wildlife site is located much closer to the application site. Full impacts must be modelled before an assessment can be made as to whether the development would have any adverse effect by virtue of dust on the local wildlife site. A full survey of potential protected species (invertebrates) should be done on the local wildlife site and potential impacts on them.
- It is not possible to comment on the impact on badgers without further detail. It has been brought to the attention of the Trust by local residents that badgers frequent the area. If a full survey has been carried out the EWT request a copy of this before further comment can be given.
- With regard to bats the EWT cannot conclude that the development would have no adverse impacts on bats or conclude that the proposed mitigation is acceptable without further information.
- Without a list of birds recorded at the site and numbers of these birds it is not possible to agree that no adverse effect on bird populations in the local area would result.

3.24 Ramblers Association:

No comment received

3.25 Southend Airport:

No objection subject to conditions

- Provide for the protection of the proposed dwellings and community facilities from noise.
- Require the prior approval of the design and landscaping of the proposed development including any surface level water bodies and the approval of future maintenance of landscaping features to ensure that aerodrome safeguarding issues are satisfactorily addressed, in particular with regard to limiting the potential for increased bird populations and associated possibility of bird strike to aircraft.

3.26 Sport England:

Object

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- The development would result in increased demand on existing indoor and outdoor sports facilities for which no mitigation has been proposed, which would conflict with Sport England policy and with PPG 17; Planning for Open Space, Sport and Recreation.

3.27 Primary Care Trust:

Response received

- The Primary Care Trust (PCT) considers that the proposed development would have an impact on the current health provisions in the area, which are currently full to capacity.
- The PCT questions whether the possibility for a Section 106 legal agreement to develop a small GP practice with car parking provisions at the site could be explored.
- The PCT strategic plan sets out the vision for delivery of health over the next 5 years and is the best source of information and justification for placing a s106 for a doctor's surgery.
- At the moment there are only a few doctors' surgeries within an acceptable distance, which provide services to the local population for the Rochford area. With this significant increase in houses this will place a burden onto our existing capacity to which we can't provide in our existing accommodation.

3.28 Rochford District Council (Engineering):

No objection

- Observations - flood risk, sustainable drainage, existing public foul sewer/rising main on site, spare capacity in existing foul and surface water sewers?

3.29 Rochford District Council (Building Control):

No comments received

3.30 Rochford District Council (Environmental Services):

Object

- The assessment has not taken into account the Environmental Impact Assessment carried out in respect of the adjacent site, Stambridge Mills.
- The assessment states that "The proposed development is predicted to cause substantial adverse impacts at two of the worst case receptors" but does not offer any remedy or mitigation.

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- The assessment recommends that an intrusive, Phase 2, investigation should be carried out, however, no risk assessment has been undertaken with regard to potential migration of contaminants from the adjacent site, Stambridge Mills.

The Head of Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-

- Model Planning Conditions for Development on Land Affected by Contamination:-
 1. Site characterisation.
 2. Submission of Remediation Scheme.
 3. Implementation of Approved Remediation Scheme.
 4. Reporting of Unexpected Contamination.
 5. Validation Certificate.
- The applicant shall carry out air quality monitoring of road traffic emissions, including NO_x, PM₁₀ and PM_{2.5}, for a period of twenty four months from date of the occupation of the first domestic premises, at four relevant locations to be agreed in writing with the Local Planning Authority. The resultant data, together with a consolidating report, shall be submitted to the Local Planning Authority at the end of each three month period and on the completion of the twenty four month period of monitoring.
- The threshold for nitrogen dioxide is not currently being exceeded at Horner's Corner. Diffusion tube data can be provided for locations along East, South, West and North Streets. It is therefore considered that the applicant's modelling data is unrepresentative of the current situation.
- Nonetheless, if we are to accept the applicant's predicted increase in nitrogen dioxide levels, then it is likely that this will result in an exceedance of the annual mean National Air Quality Objective of 40µg/m³ along South Street. This would result in the Council being required to declare an 'Air Quality Management Area' in which monitoring and mitigation would have to take place. It is therefore reasonable that the applicant is made to carry out both the monitoring detailed in my colleague's consultation response, as well as mitigation. This may include green travel planning as well as physical measures that will need to be agreed with the LPA and Highways. It is noted that Highways anticipate significant increases in traffic through the Sutton Road/Southend Road junction, which would be accessed via South Street and Southend Road. Highways' proposed conditions do not appear to consider air quality mitigation.
- Regardless of whether a National Air Quality Objective is actually exceeded, should levels be close to or at an Objective level, then the Council would still have to carry out a 'Detailed Assessment', i.e., continuous monitoring/modelling, and prevent the Objective from being breached (through policy and/or physical means).

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- Other routes from Horner's Corner are also likely to experience increased levels of nitrogen dioxide, although National Air Quality Objectives are not likely to be exceeded.
- It is worth noting that there would be cumulative effects from any additional developments in the vicinity that may be approved.

3.31

Rochford District Council (Housing Strategy):

No objection subject to conditions

- In line with the emerging Council's Core Strategy we would expect 35% of the total number of homes to be developed to be affordable. Of that 35% the Council would expect a provision of 80% social rented homes and 20% intermediate homes, including intermediate rented and HomeBuy (however, this ratio could change to reflect local circumstances) .

3.32

Rochford District Council (Parks and Woodlands):

No objection, subject to conditions

Trees

- The site contains significant trees to the eastern aspect and 3rd party trees to the north and west. The trees are likely to be affected from development either by soft landscaping or direct building operations.
- I am happy that the applicant has provided the following:-
 - Tree survey, schedule and plan.
 - Tree constraints plan.
- The following information is still required:
 - Tree implications assessment
 - Tree protection plan - for existing and proposed planting
 - Arboricultural method statement.
- I would recommend that the above be carried out by a competent arboriculturalist (as per BS 5837 section 2.1 and 2.2) with skills in arboricultural planning and development.
- This should be supplied before permitting development, however it could be provided in a reserved matters application, especially as they are showing all trees to be retained.
- It is recommended that an arboricultural impact assessment be carried out in accordance with British Standard 5837.

Landscaping

- Further information is required concerning the species choice for planting within and adjacent the development site.
- Landscaping proposals should contain information relating to species dimensions, planting method statement and aftercare.

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Where possible areas for landscaping should be protected from development activity, this should be included in the tree protection plan (see above).

- The tree planting adjacent to the River Roach effectively removes the views of the river. It is recommended that this be adjusted to flow with the landscape and frame views.

3.33 **Rochford District Council (Ecology):**

Object

- The ecological report is generally accurate about the site and sufficient ecological survey work appears to have been carried out.
- The ecological report fails to consider post construction impacts to the "River Roach at Rochford" Local wildlife site, which was confirmed at the end of 2007. There is no formal access to the site at present, but the master plan shows new paths entering the Local wildlife site and so, with the increase in human activity in this area, a negative impact is likely without mitigation.
- The seawall and grassland outside of it is identified as relict grazing marsh in the Local wildlife site description, but this is not recognised in the ecological report, which implies that it is only the saltmarsh section of the Local wildlife site that is within the application boundary.
- The reptile population should be retained on site by ensuring that some of the new grassland habitat shown in the master plan is created sufficiently early for it to be mature enough to receive reptiles translocated from the construction area. Note that the seawall bank suggested as a receptor site may already support reptiles; there is no detail of the reptile survey area or results in the ecological report.
- Existing hedges and ditches in the southern part of the application site (outside of the main construction area) should be retained under the scheme and the landscaping plan should ensure that created habitat is sympathetic to and enhances the Local wildlife site habitats. The Local wildlife site and adjacent habitat to be created should be the subject of an ecological management plan that will ensure that it fulfils these objectives and will be maintained in perpetuity. The management plan would serve as a positive conservation management statement for the Local wildlife site that will meet the requirements of the Local Area Agreement under National Indicator 197.

3.34 **Campaign to Protect Rural Essex:**

Object

- The District Council's Core Strategy is currently out for consultation. Therefore no decisions on major applications such as this should be made before the Core Strategy is in place.
- Site is Green Belt and should be defended from unnecessary development.
- Site adjoins the floodplain and with present climate change predictions the site should not be considered for development.

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- Volume of traffic generated would cause considerable problems to Rochford town centre with increased congestion and narrow access roads to the site.
- The development would reduce areas for walkers and the well used public footpath on the site.
- Land has high agricultural value which should be protected.
- Area rich in wildlife.
- Flight path crosses this site and future residents would be exposed to aircraft noise and pollution.

3.35

Neighbours:

291 individual objections from occupiers of 220 different properties.

Occupiers of:-

Rochford/Ashingdon: Stambridge Road, Rocheway, Mornington Avenue, Weir Pond Road, East Street, Mill Lane, Lingfield Drive, Coombes Grove, Russell Grove, Millview Meadows, Ashingdon Road, Southend Road, Spindle Beams, South Street, Copelands, Town Field Road, Lesney Gardens, Rochefort Drive, Doggetts Close, Clifton Road, Dalys Road, Townfield Road, Percy Cottis Road, Hampstead Gardens, Sandon Close, Little Stambridge Hall Lane, Princess Gardens, Rochford Garden Way, Little Stambridge, Willow Walk, Lucam Lodge, The Ridings, The Drive, Sutton Court Drive, Rocheview, Oxford Road, Celendive Close, Middlemead, Malting Villas Road, Hawkwell Road, Parklands, Wheatfields, Stilwels, Pollards Close, North Street.

Canewdon: Lambourne Hall Road.

Hockley: Branksome Avenue, Broadlands Road and SE Essex Organic Gardeners, 19 Folly Lane.

Thundersley: Meadow Close and Elizabeth Way.

Leigh-on-Sea: Prior Mews

Other: Member of the public from Paris, Ontario, Canada, Member of the public from Cornwall and 4 objections without a stated address

Summary of objections:

- Concern that the increase in traffic would add to existing congestion problems, pollution and noise in the town centre of Rochford, which would decrease the quality of life of existing residents and potentially cause problems for emergency vehicles responding to calls.

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- Concern that roads leading to the site are already used for on-street parking, which effectively reduces the roads to a single lane and are therefore unsuitable to take the increase in traffic that would result from the development. There is also a concern that greater parking restriction with double yellow lines on roads leading to the site would cause disruption to existing residents, some of which have no off-street parking.
- Objection to loss of Grade 1 agricultural land when there are large areas of inferior quality land available for development in the Rochford District. Additionally, in a time of increasing world food shortages and political instability, there is a need protect food security and no-one should be building on high grade production farmland.
- Large numbers of vehicles exiting Rocheway will be dangerous to children walking to school and other pedestrians
- Concern about safety of existing junctions with increased traffic
- Concern about proposed position of bus stop on Stambridge Road and effect on visibility for road users, bus passengers restricting access on footway, residents near to bus stop affected by noise and disturbance.
- Concern that existing properties near the proposed vehicle accesses to the site on Mill Lane and Rocheway would need to be demolished to allow widening of existing accesses to the site.
- Concern that people will not walk to the station from the site but will use their cars adding to traffic congestion problems and car parking problems.
- Concern about increase in traffic and safety from speeding cars on Stambridge Road/Mill Lane
- Mornington Avenue would become a race track for people trying to get off Stambridge Road causing disruption to residents
- A general concern that existing infrastructure (electricity, water, sewerage and public transport) in Rochford cannot support the development proposed, including a view that the electricity infrastructure will require a total upgrade to accommodate the proposed development.
- Concern that size of vehicles used to transport material to the site during construction could cause a nuisance to existing residents and that vibration damage may occur to properties in the historic centre of Rochford, which includes Listed Buildings.
- Concern that existing public services including local schools, doctors' surgeries and dentists are oversubscribed and could not cope with the additional population that would result from the development.
- Concern that there are already developments underway in the Rochford Town Centre area and the Council has already allowed a lot of housing development around the Stambridge Road area; no more houses are needed in this area.
- Concern that the site is located close to a known flood zone and in the past flood waters have covered the site, concern about where flood waters would go if the site was developed and concreted over and whether this would create flooding problems on adjoining land.

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In addition as the land has flooded in the past the central green space proposed in the site could become boggy if used for sustainable urban drainage and thus the possibility for use as a public open space reduced.

- Concern that the site is within very close proximity to the airport flight path which could cause danger and noise disturbance to new residents. Also a concern that the area for planes to crash land would be moved to include the area where existing cottages on mill lane are.
- Concern that lights from the development could distract aircraft and would cause general light pollution.
- Concern about safety during construction with use of cranes close to the airport safety zone.
- The land is designated as Green Belt to check unrestricted sprawl of built up areas, prevent neighbouring towns from merging into one another and to safeguard the countryside and that consequently the development proposed should not be allowed as this would deny all of these points of having the land designated as Green Belt and once built on the open land can never be replaced. Proposed development would be contrary to PPG 2.
- Concern that there are overhead power cables and pylons in the field which could potentially pose a health threat to new residents.
- Concern about direct overlooking from the proposed properties to the rear of existing properties, specifically No's. 132 and No. 144a Stambridge Road.
- Concern about the potential devaluation of house prices.
- Concern that if this site is developed a precedent would be set for allowing even more housing in this area, possibly on the Stambridge Mill site which would exacerbate problems.
- Concern that the development would change the character of the area for the worse as this small town cannot take the number of proposed houses and still retain its charm; the appeal of Rochford is the compact town centre with easy access to the countryside and this easy access has already been lost with developments to the south and north which makes it even more important to retain the easy access to countryside to the east. The rural character of the town should be preserved.
- Existing residents do not want to live next door to this development.
- Concern about the impact that the development would have on existing wildlife at the site and loss of habitat for bats, badgers, mistle thrushes, barn owls, kestrels, green woodpeckers which have been spotted. One respondent stated that badger activity has been noted on the allotments adjoining the site.
- The public footpath through the site would be lost including loss of access to Roach Valley and another view that although the public footpath would remain it would not be through agricultural fields but through a contrived green space and developed area and consequently the pleasure from walking the footpath would be much reduced to the detriment of enjoyment of existing residents.
- Development would result in the loss of an attractive and valuable open area of the District, which local residents currently use and enjoy for walking and relaxation.

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- Development would not be sustainable.
- The site is not a preferred option for residential development in the Core Strategy and should not be developed as there are other sites in the district better suited to large scale housing development.
- Concern about the archaeological value of the site and whether this would be lost.
- Concern that the site is near a landfill site.
- Wildlife strips proposed within the site and around the site could become dumping areas.
- The site provides a green boundary between Rochford and Stambridge which would be lost; the identity of Stambridge would be changed with the sprawl of Rochford town.
- The proposed development will have a negative visual impact on several users including occupiers of surrounding properties, allotment users, and ramblers using footpath through the site and footpath to the south along the river.
- Noise, dust and light pollution from Purdey's Industrial Estate could generate complaints from occupiers of houses on the site and cause problems for existing businesses on the industrial estate.
- Concern about vandalism and theft to allotments site.
- Concern that this site would house 'problem families' from London and would create problems with local youths.
- Concern that the density of housing indicated would produce an undesirable place to live.
- Lack of suitable facilities in the area for young people and additional young people with no facilities will lead to problems.
- A significant number of 3 storey properties would be provided which is totally against the traditional property type in areas outside Rochford Town Centre.

MATERIAL PLANNING CONSIDERATIONS

Consideration of the principle of residential development of the site (with community uses)

- 3.36 The proposal to change the use of the application site from agricultural use to residential and community uses has to be assessed against relevant planning policy at both the national, regional and local level and with regard to any other material planning considerations.
- 3.37 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.38 The adopted development plan is the Rochford District Replacement Local Plan (2006) and the application site is not allocated for housing in this plan.

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The proposed residential development of the site would therefore not be in accordance with the adopted development plan for the area. Rather, the application site is designated as Green Belt where policies controlling development are very restrictive.

- 3.39 The Government attaches great importance to the long term preservation of Green Belts and their most important attribute, their openness, by imposing restrictive policies on development within land designated as Green Belt, contained within Planning Policy Guidance 2: Green Belts (PPG 2).
- 3.40 Within the Green Belt, development which consists of the construction of new buildings is considered to be inappropriate development unless the new buildings are required for one of the purposes identified in PPG 2. None of these purposes applies to the proposed development of up to 326 dwellings and associated community uses at the application site and consequently the proposed development would amount to inappropriate development in the Green Belt. According to PPG 2 inappropriate development should not be permitted unless very special circumstances are demonstrated that would overcome the harm to the Green Belt that would be caused by definition and any other harm that would result.
- 3.41 Although the applicants take the view that the proposed development would not result in any loss of openness because the application site is bordered by some existing development, this reasoning is not considered sound. The application site is currently open land in agricultural use and on which there are no existing built structures. The proposed development of up to 326 residential dwellings and community uses would create built form where there is none existing and at a large scale, thus significantly reducing the openness of the Green Belt. It is therefore considered that the proposed development would cause significant harm to the most important attribute of the Green Belt, its openness.
- 3.42 In addition to the harm caused by virtue of loss of openness, it is considered that the scale and character of the proposed development would also give rise to additional harmful effects on the Green Belt;
- It is considered that the proposed development would have a significant impact on the character and appearance of the Green Belt as the open, rural land would be replaced almost entirely with hard surfacing and built form. The natural landscape would be lost in its entirety with any open green spaces provided having a manicured rather than a natural appearance. It is considered that the proposed development would completely change the character and appearance of the site such that the designation as Green Belt would be meaningless.
 - It is considered that the proposed development would increase pedestrian and vehicle movements at the site significantly and the intensity of use of the land by both new residents and vehicle

movements through and within the site would change the nature of the site from what is at present a quiet, peaceful green border to the existing adjoining settlement of Rochford to a significant built extension of the town.

- 3.43 As the Government attaches great importance to protecting the Green Belt, it is difficult for a proposed development to be able to claim very special circumstances that are so exceptional such that they would override the restrictiveness of national Green Belt policies. By their very nature, very special circumstances must not be easily replicated at other sites but must be sufficiently unique to the proposed development so that there would be little risk of a similar special need occurring close by so as to create a cumulative loss of the Green Belt.
- 3.44 The applicant has detailed in the submitted planning statement what they consider to be the very special circumstances which would overcome the harm to the Green Belt caused by the proposed development. These are listed below, together with comments which detail why it is considered that each suggested factor does not amount to a very special circumstance.
- 3.45 - *The inability of the Council to demonstrate an up-to-date five year supply of deliverable sites for residential development*
- Firstly, as a result of the Government's recognised need to ensure that Local Authorities provide sufficient land for the development of housing, national planning policy contained within Planning Policy Statement 3 (PPS 3) requires proposals for housing to be considered favourably if the Local Authority cannot demonstrate an up-to-date five year supply of deliverable sites for residential development. The applicant considers that if the Local Authority cannot demonstrate an up-to-date five year supply of deliverable sites then this could amount to a very special circumstance for allowing otherwise inappropriate residential development in the Green Belt.
 - The Council's Annual Monitoring Report 2007-2008 identified a five-year supply of sites, however the applicants have scrutinized this report and consider that errors have been made in the calculations such that the required up-to-date 5 year supply of deliverable sites cannot be demonstrated. Despite the claims made by the applicant the Council is confident that this is not the case and that the required up-to-date five year supply of deliverable sites can be demonstrated; this is illustrated in detail in the Strategic Housing Land Availability Assessment (2009). As there is no lack of the required up-to-date five year supply of deliverable sites and consequently this factor cannot amount to a very special circumstance for allowing the proposed inappropriate development in the Green Belt.

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- 3.46 - *The recognised need to release Green Belt land for development*
- The Council has accepted that a proportion of the District's housing development can only be met through the loss of Green Belt land and has accordingly identified areas of the district for release from the Green Belt for new residential development after careful consideration of all relevant factors. These areas are detailed in the emerging Core Strategy which is currently at an advanced stage with submission to the Government scheduled for before the end of the year.
 - East Rochford has not been identified as one of the general locations for the release of Green Belt land for residential development.
 - Just because the Council has recognised the need to release some land currently designated as Green Belt for residential development does not mean that all areas of the Green Belt are equally appropriate for release. Indeed East Rochford as a general location was considered and discounted. There are more preferable Green Belt sites and there is no need to look to release Green Belt land in other locations such as Coombes Farm.
 - In addition, it is considered that the fact that the Council has recognised a need to release land currently designated as Green Belt for residential development does not present an argument which uniquely applies to the Coombes Farm application site, rather this argument could be used at any site which is currently designated as Green Belt to support a very special circumstances argument.
 - This factor cannot therefore amount to a very special circumstance.
- 3.47 - *The role of the site in the delivery of the East of England Plan Housing Targets*
- The emerging Core Strategy submission is at an advanced stage and details how the East of England Plan's housing targets for the District will be met.
 - Rochford Council's Strategic Housing Land Availability Assessment (2009) provides an assessment of the available land for housing in the District which demonstrates that there are sites within the general locations identified in the emerging Core Strategy for residential development capable of accommodating the required number of dwellings in the required time. There is in short, no need to identify any more land for residential development.
 - The fact that the proposed development could, if allowed, provide dwellings does not therefore amount to a very special circumstance.

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- 3.48 - *The specific acknowledgement by Rochford District Council that approximately 1,170 residential dwellings will be delivered as extensions to the envelope of the existing settlement of Rochford/Ashingdon to 2025 (Policies H2 and H3 of the Core Strategy Preferred Options)*
- o More up to date information is now available in the emerging Core Strategy submission which identifies that; 1200 residential dwellings will be delivered as extensions to the envelope of the existing settlement of Rochford/Ashingdon to 2025. 550 will be delivered up to 2015, a further 150 up to 2021 and a further 500 post 2021 to 2025.
 - o Although the Council has proposed extensions to the existing settlement of Rochford/Ashingdon in the emerging Core Strategy submission, these extensions are only considered appropriate in specific locations after consideration of all material planning considerations and with a strategic planning approach. It does not follow that just because the Council have accepted the principle of residential extensions to Rochford/Ashingdon that extensions to these settlements in any location would be acceptable.
 - o East Rochford, the area in which the application site is located, was considered but was not favoured as an area for release from the Green Belt for residential development.
 - o This factor does not amount to a very special circumstance.
- 3.49 - *Linkages to employment growth provision at Southend Airport and employment locations close to Rochford*
- o There is no overriding need for new residential development to be located in very close proximity to these specific potential employment sites and other sites in the district may be equally close to other potential employment sites.
 - o This factor does not amount to a very special circumstance.
- 3.50 - *Linkages with and proximity to the town centre and its facilities and the ability to enhance the vitality and viability of the centre*
- o The closest part of the application site to Rochford Market Place is approximately 540 metres away, with the furthest point being approximately 1200 metres away from this central area of the town. The proposed development would increase the population of the town and could therefore contribute to the vitality and viability of shops in the town centre. However, proximity to a town centre is not unique to the application site but could apply equally to other areas around the existing town centres. Therefore, as all new residential developments could support existing retail, business and local facilities in existing town centres this does not amount to very special circumstance.

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- 3.51 - *The ability of Colonnade to deliver housing growth and the lack of existing or expected progress on the delivery of any other potential strategic Green Belt release site in Rochford/Ashingdon*
- The Council's Strategic Housing Land Availability Assessment (2009) has been undertaken in consultation with landowners and developers and the Council is confident that housing within the general locations identified for new residential development in the emerging Core Strategy submission can be delivered in the required time.
 - As the Council do not consider that there is any problem with the deliverability of other sites which are proposed for residential development, the fact that Colonnade may be able to deliver the proposed housing does not amount to a very special circumstance.
- 3.52 - *Design quality*
- This is an outline application in which detailed design and layout is not a consideration. However, the applicant has submitted some information in the Planning Statement and in the Design and Access Statement relating to the design criteria that would be included in the final design of the scheme including reference to achieving a Building for Life Award.
 - Although at this outline stage, detailed design is not a consideration and the submitted illustrative masterplan may not be the final design that is submitted for consideration in a reserved matters application which would follow if outline consent were granted, it is clear that a considerable amount of work in developing this layout has been undertaken.
 - A very similar illustrative masterplan was presented to the Essex Design Initiative Design Panel by the applicants in 2009 and misgivings about the proposed design quality were expressed by the panel members. Some of the panels concerns have been addressed in amendments to the illustrative masterplan which has been submitted with this application but it is considered that several of the concerns raised by the panel have still not been sufficiently addressed including;
 - Concern about the enclosure and usability of proposed open spaces
 - Concern about the proposed site layout in relation to surrounding built form typologies and the surrounding urban grain and an overall opinion that the development of the site, if permitted should not appear as an isolated, anywhere development but as a natural extension to the town which respects local character
 - Concern about the quality of design parking areas, both on street and in parking courts.

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- In this outline application detailed layout and design is not a matter for consideration and the design credentials on which the applicant states that the future detailed design would be based are only aspirational at this stage.
 - In any case, high quality design would be demanded of any new development as required by Planning Policy Statement 1 and PPS 3 and this would therefore not amount to a very special circumstance.
- 3.53 - *Sustainable development credentials*
- The applicant has submitted a Sustainability Statement specifying the sustainable credentials that would inform the final scheme.
 - It is considered that the need to demonstrate sustainability credentials is not unique to this site and would be required of any proposed large scale residential development. Consequently, this factor would not amount to a very special circumstance.
- 3.54 - *The role of Coombes Farm in the Green Belt and the creation of a strong and long-term defensible Green Belt boundary*
- The applicant considers that additional constraints at this site, namely proximity to the airport Public Safety Zone and proximity to land designated as at high risk of flooding would create a strong and long-term defensible Green Belt boundary.
 - These additional constraints are not readily recognisable physical constraints as advised by PPG 2 to create a strong and long-term defensible Green Belt boundary but are development constraints which could change.
 - In any case, other sites would be able to demonstrate equally strong, long-term defensible Green Belt boundaries, even if that would involve the creation of new physical features.
 - This factor does not therefore amount to a very special circumstance.
- 3.55 - *The ability to deliver affordable housing on a site close to the town centre to address the "acute shortage" identified by the Council in the Core Strategy Preferred Options*
- Existing national planning policy requires new residential developments of a certain size to provide a minimum level of affordable housing provision and the fact that the applicant proposes to provide affordable housing cannot therefore be considered to amount to a very special circumstance; this requirement would apply to all similar residential development proposals in any location.

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- 3.56 - *Provision of low-cost family housing in an accessible location for local families and employment destinations including Southend Airport, commuters to London and other settlements within Essex including Southend*
- No evidence has been submitted by the applicant to define the meaning of 'low-cost housing'.
 - In any event, this does not amount to a very special circumstance.
- 3.57 - *The ability to contribute towards infrastructure improvements*
- The applicant cannot seek to rely on their ability to contribute towards infrastructure arising from the proposed development as a very special circumstance when any proposed development would be required to contribute towards infrastructure improvements where a need for such improvements is identified.
- 3.58 - *The location of the site for development has already been accepted by virtue of the identification of the Stambridge Mills site as an appropriate location for residential development, notwithstanding its relative distance from the edge of the urban area and increased risk of flooding.*
- The applicant appears to consider that because the Council has identified the Stambridge Mills site, which lies to the east of Rochford as an appropriate site for some residential development in the emerging Core Strategy submission that the Council has accepted that development to the east of Rochford is appropriate per se. This is not the case. Stambridge Mills has been identified as being appropriate primarily due to the need to prioritise brownfield land ahead of Green Belt release.
 - The Council has specifically identified the Stambridge Mills site as an appropriate site for some residential development in the emerging Core Strategy submission based on a detailed assessment and consideration of all policy and other material planning considerations.
 - The policy considerations that apply to the Stambridge Mills site are not the same as those that apply to the Coombes Farm site. Unlike the application site which is open, agricultural land the mill site is occupied by large industrial mill buildings. Unlike at the Coombes Farm site, restrictive Green Belt policies do not apply to the Stambridge Mills site.
 - The fact that another site, close to the application site, which is also located to the east of Rochford, which has a different set of policy considerations to the application site has been identified for residential use, does not amount to a very special circumstance for allowing the proposed, inappropriate development at the application site.

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- Indeed, the Council has already given careful consideration to the possibility of releasing Green Belt to the east of Rochford and considered that this is less acceptable given the likely cumulative impacts that the residential development of both sites would create.

- 3.59 Little detail has been provided by the applicant as to what the proposed community use might be. No very special circumstances have been forwarded by the applicant in relation to the community uses which are proposed as part of the application.
- 3.60 It is considered that none of the above-mentioned circumstances forwarded by the applicant amount to very special circumstances, either individually or cumulatively and the proposed development is therefore considered to be inappropriate development in the Green Belt, contrary to PPG 2.
- 3.61 The acceptability of the principle of developing the site for residential and community uses must also be assessed in relation to other planning considerations.

Flood risk

- 3.62 The application site is contained wholly within Flood Zone 1 which is the lowest flood risk zone as stated in Planning Policy Statement 25; Development and Flood Risk.
- 3.63 The Environment Agency has considered the proposal and the Flood Risk Assessment that has been submitted and does not object to the proposed development providing certain planning conditions are imposed. It is therefore considered, on the advice of the Environment Agency that the proposed development is acceptable, in accordance with PPS 25 and that planning conditions could be imposed as required.

Biodiversity

- 3.64 National, regional and local planning policy requires local authorities to consider the acceptability of proposed development in respect of the impact that the proposed development would have on biodiversity.
- 3.65 The following policy, concerning impact on biodiversity are relevant to this application; European Directives (Environmental Impact Assessment Regulations and Habitat Regulations), National Planning Policy Statement 9; Planning Policy Statement 9: Biodiversity and Geological Conservation (August 2005) (PPS 9), regional policy; East of England Plan ENV3 Biodiversity and Earth Heritage, Essex and Southend-on-Sea Replacement Structure Plan (Adopted April 2001) saved Policy CC1

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'The undeveloped coast- Coastal Protection Belt', and saved local policies in the Rochford District Replacement Local Plan (2006); NR1- Special Landscape Areas, NR7- Local Nature Reserves and Wildlife Sites and NR8- Other landscape features of importance for nature conservation plus NR5 –European and International Sites. The Essex Biodiversity Action Plan is also relevant.

- 3.66 As well as an assessment of the impact on the ecology at the application site itself the applicant was required to undertake a wider assessment to consider the impacts on ecology that would result from the proposed development at important ecological sites surrounding the application site.
- 3.67 In this case, the application site is located close to protected wildlife sites of European importance, namely the Crouch and Roach Special Protection Area (SPA), the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI) and the Essex Estuaries Special Area of Conservation (SAC) and to a local wildlife site, namely the River Roach at Rochford (R28).
- 3.68 The applicant has identified the local wildlife site which is closest to the application site, namely the River Roach at Rochford (R28) as having a proposed status, rather than being a designated wildlife site in the adopted local development plan. A review of the local wildlife sites was undertaken by the Council in 2007 and the 'River Roach at Rochford (R28)' was considered worthy of designation as a local wildlife site, and will be included in the list of sites in the appropriate documents of the emerging Local Development Framework. However, whether or not a local wildlife site is formally designated in a local development plan is not important since Planning Policy Statement 9 does not only require applicants to demonstrate the effects of proposed development on formally designated wildlife sites but on wildlife per se. The fact that a local wildlife site has been identified abutting the application site to the south requires the applicant to consider the possible effects resulting from the proposed development on the identified wildlife at this site. The Crouch and Roach Special Protection Area (SPA), Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI) and the Essex Estuaries Special Area of Conservation (SAC) lie approximately 650 metres to the east of the application site, whilst the locally designated wildlife site, namely the River Roach at Rochford actually abuts the southern-most part of the boundary of the application site. The application site does not itself contain any land designated as a wildlife site.
- 3.69 In respect of ecology, the applicant has submitted information contained within Chapter 6 of the Environmental Statement (ES). Although a separate Habitat Regulations Assessment has not been submitted, the impact of the proposed development on the SAC (Essex Estuaries) has been considered in Chapter 6 of the ES.

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- 3.70 In summary, the ecological assessment that has been undertaken concludes that the proposed residential development of the application site would not have any adverse impacts upon existing statutorily or not-statutorily designated wildlife sites or on any statutorily protected or not-statutorily protected species within or close to the application site which could not be overcome by mitigation measures.
- 3.71 As part of the consultation process on the current application the Council has consulted Natural England, the Essex Wildlife Trust (EWT) and the Council's in-house ecological advisors who have all commented on the proposed development in relation to the impact that it would have on biodiversity.
- 3.72 Natural England and the EWT both consider that the proposed development could have a significant effect on the nearby European and Ramsar site (Crouch and Roach Special Protection Area (SPA), and the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI) and on the Local Wildlife Site, namely the River Roach at Rochford (R28) resulting from increased recreational disturbance during the operational phase of the proposed development.
- 3.73 The applicant has acknowledged that this impact could occur and has proposed mitigation measures consisting of the provision of green spaces within the application site.
- 3.74 Although this mitigation measure has been proposed, the Environmental Statement submitted with the application does not contain copies of any detailed assessment that has informed the mitigation measures proposed. It is therefore not clear from the submitted information how the conclusion has been reached that the proposed mitigation measures would be sufficiently effectively to ensure that no decline of the protected wildlife sites would occur as a result of the proposed development. Natural England and the EWT both consider that insufficient information has been provided with the application to enable them to advise the Local Planning Authority that the proposed mitigation measures would be acceptable and that the proposed development would therefore not be likely to have an adverse effect on the European and Ramsar site or the Local Wildlife Site.
- 3.75 Without sufficient information to prove otherwise, it is considered that the proposal *may* have a significant effect on the European (SPA)/ (SSSI) site and the Local Wildlife Site, in particular resulting from increased recreational disturbance during the operational phase of the proposed development.
- 3.76 In view of the uncertainty that exists over the impacts, Natural England advises that the precautionary principle should apply as advised in regulation 48(5) of the Habitats Regulations that "the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site".

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- 3.77 In response to this identified concern the applicant has subsequently supplied additional information which has been forwarded to Natural England and EWT for consideration as to whether this objection has been overcome. The Local Authority is awaiting a response.
- 3.78 Whilst Natural England have not raised any specific concerns about possible impacts to the locally designated wildlife site they do state that appropriate safeguards should be put in place to avoid adverse impacts and consider that EWT would comment in detail on this issue.
- 3.79 EWT have raised a concern that the potential impacts on the local wildlife site have not been adequately assessed as there is mention in the submitted ES that an area of the saltmarsh which lies within the wildlife site would be retained, but no confirmation about whether there would be any loss of any of the land designated as the local wildlife site. Despite this concern, it appears clear from the information submitted with the application that although the wider site which is under the control of the applicant and edged blue on the submitted plan includes land designated as the local wildlife site, the application site itself, which is edged red on the plan does not include any land which is designated as the local wildlife site. As the proposed development would be restricted to the application site edged red, it would not directly affect land designated as the local wildlife site. The proposed development would not result in the loss of any land designated as a local wildlife site.
- 3.80 EWT has also raised an objection to the proposed development on the grounds that dust deposition resulting from the proposed development may have an adverse effect on the local wildlife site. Although the applicant has stated in the submitted ES that dust deposition from construction will have no adverse impact on the local wildlife site, the EWT considers that it is not possible to conclude that dust deposition from construction will have no adverse impact on the local wildlife site just because it was concluded that this would not be a problem for the European and Ramsar site as the local wildlife site is located much closer to the application site. EWT considers that full impacts must be modelled before an assessment can be made as to whether the development would have any adverse effect by virtue of dust on the local wildlife site. In response to this identified concern the applicant has subsequently supplied additional information which has been forwarded to EWT for consideration as to whether this objection has been overcome. The Local Authority is awaiting a response.
- 3.81 Both Natural England and EWT have raised concerns that no detailed survey reports have been provided by the applicant in the ES and both consequently advise that they cannot advise the Local Planning Authority on the acceptability of the survey methodologies employed or on the interpretation of the results. However, Natural England has not raised any specific objection on the grounds of impact on particular species as they have either been considered likely absent from the site of the proposed mitigation is considered acceptable.

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Concern in this respect has however been raised by EWT.

- 3.82 The EWT considers that it is not possible to comment on the possible impact on badgers without further detail as it has been brought to the attention of the trust by local residents that badgers frequent the area and if a full survey has been carried out then a copy of this should be provided before further comment can be given. The applicants have subsequently provided additional information in relation to this concern stating that two full badger surveys of the application site have been undertaken, one in 2008 and one in 2009. The 2009 survey identified no setts on either the site or on the wider area of land which is not within the application site but is under the control of the applicant (edged blue on the submitted location plan) but did reveal 4 badger latrines close to the north-west boundary of the site. The applicant still considers that the current agricultural use of the site limits foraging opportunities for badgers and as there are no setts on the site, the baiting exercise that EWT consider is required in order to confirm whether the proposed development would have an effect on badgers or their habitat is not appropriate. The additional information relating to this issue has been forwarded to Natural England and EWT for consideration as to whether this objection has been overcome. The Local Authority is awaiting a response.
- 3.83 A concern has also been raised by EWT in relation to the absence of any proposed mitigation measures to protect existing hedgerows during construction and to undertake a management plan to protect the hedgerows long-term viability. In respect of this concern the applicants have subsequently submitted additional information which states that the existing hedgerows would be protected by appropriate fencing during construction and it is considered that this and the requirement to include the existing hedgerows in any subsequently agreed landscaping management plan could be dealt with effectively by way of a planning condition.
- 3.84 Similarly, Natural England has not raised an objection to the proposed mitigation relating to bats or birds, although the EWT considers that it cannot conclude that the development would have no adverse impacts on bats or birds or that the proposed mitigation is acceptable without further information. The applicant has subsequently submitted additional information relating to this concern which reiterates their stance that the surveys and proposed mitigation are acceptable, which has been forwarded to EWT for consideration as to whether this objection has been overcome. The Local Authority is awaiting a response.
- 3.85 EWT also considers that a full survey of potential impacts on invertebrates should be carried out to identify any presence on the local wildlife site and any potential impacts should be considered. The applicant has subsequently submitted additional information relating to this concern which has been forwarded to EWT for consideration as to whether this objection has been overcome. The Local Authority is awaiting a response.

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3.86 EWT also considers insufficient detail has been provided to enable them to comment on the identified hydrological impacts that could occur to the local wildlife site. The applicant has subsequently submitted additional information relating to this concern which has been forwarded to EWT for consideration as to whether this objection has been overcome. The Local Authority is awaiting a response.

3.87 In conclusion, on the advice of Natural England and the Essex Wildlife Trust, it is considered that the applicant has not demonstrated satisfactorily that the proposed development would not result in some adverse impacts on biodiversity.

3.88 ***Acceptability of the proposed development in relation to the proximity of the site to Southend Airport***

The application site is located approximately 850 metres to the North-East of Southend Airport and part of the application site lies within the existing Public Safety Zone (PSZ) for the airport.

3.89 ***Public Safety Zones***

The part of the application site which lies within the existing PSZ for the airport is a fairly narrow strip of land along the south-eastern edge of the site. This part of the application site is proposed for use as public open space. No buildings are proposed in the area of the application site which lies within the existing PSZ.

3.90 A judgement has to be made as to whether use of land within the PSZ as public open space would be acceptable.

3.91 Within those parts of a PSZ which are outside the 1 in 10,000 individual risk contour, Department for Transport guidance (DfT Circular 1/2002) states that development involving a change of use of the land may be permissible where either;

- the change of use would not reasonably be expected to increase the number of people living, working or congregating on the land beyond the current level or,
- where the proposed development would involve a low density of people living, working or congregating

3.92 The DfT guidance specifically refers to the provision for areas of proposed public open space within a PSZ stating that this use may be appropriate in cases where there is a reasonable expectation of low intensity use.

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The guidance specifically states that attractions such as children's playgrounds, playing fields and sports grounds should not be established in such locations as these are likely to attract significant numbers of people on a regular basis but gives examples of golf courses and allotments as permissible low intensity uses in a PSZ.

- 3.93 Consideration should be given to the present use of the land within the application site and within the public safety zone and the intensity of use of this area of the site at present by members of the public or others. The part of the application site that lies within the PSZ is currently in agricultural use where there is no access to members of the public and a very low intensity of use by other people. Although the public footpath that runs across the application site crosses part of the PSZ, it is considered that people walking along the footpath would only actually be inside the PSZ for a very short amount of time as the section of footpath that currently lies in the PSZ is only approximately 10 metres in length. As the land that lies within the site and within the PSZ currently exhibits a very low intensity use it is considered that the proposal would increase the intensity of use of land within the PSZ.
- 3.94 However, an increase in intensity of use can be permissible providing the proposed public open space would exhibit a low intensity use. A judgement has to be made as to whether the proposed public open space would exhibit a low intensity use which could be permissible or a higher intensity use which might not be permissible.
- 3.95 The area of public open space proposed within the PSZ is proposed as an integral part of a large-scale residential development, rather than in isolation and although the submitted illustrative masterplan is only illustrative at this stage and might not form a final layout design, the illustrative layout shows dwellings fronting the proposed area of public open space such that the public open space would be very easily accessible and in very close proximity to many residential properties and land on which a community use would be introduced. It is considered likely that use of the public open space would be increased as a consequence of having dwellings and a community use fronting this space.
- 3.96 The applicant has suggested that a green gym consisting of small built features which could be used by members of the public to carry out exercises would be provided within and along the length of this public open space. It is considered that these features would also give rise to increased intensity of use of the space.
- 3.97 In addition, there is a concern that some of the areas within the developable area of the site which are proposed for use as publically useable green spaces are also currently proposed to feature Sustainable Urban Drainage Systems (SUDS) which could become boggy at times and prevent public use.

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It is considered that this could have a knock on effect on the intensity of use of the large area of public open space proposed within the PSZ where the intensity of use could increase.

3.98 Overall, it is considered that the proposed use of that part of the application site which lies within the PSZ is unacceptable.

3.99 It is also noted that the boundaries of the existing PSZ may change if the airport were to expand, plans for which are currently at an advanced stage. This may result in the inclusion of more of the application site being within the PSZ, exacerbating the intensity of use within the PSZ.

3.100 ***Aerodrome Safeguarding***

Local Planning Authorities have a statutory duty to consult the relevant aerodrome on any planning application which proposes development within an airport safeguarding area. The relevant aerodrome has a responsibility to consider the proposed development and advise the Local Planning Authority in relation to the following issues;

- the location and height of the proposed development and whether this is acceptable to ensure that the aerodrome and airspace are safe for use by aircraft
- the effect on visual and electronic aids to air navigation to ensure that the proposed development would not cause interference with radio signals involved in the use of navigational aids and would not interfere with aeronautical ground lighting.
- The potential of the proposed development to attract birds and to prevent any increase and where possible reduce the risk from birdstrike risk at an aerodrome

3.101 Southend Airport has considered the proposed development as required and raise no objection providing that any grant of planning permission is made subject to a planning condition to ensure that landscaping on the site would not increase the potential for risk of birdstrike.

3.102 Some concern has been raised by members of the public about the use of tall cranes during construction on a site which is located close to an airport. Guidance on the use of cranes in relation to the safeguarding of aerodromes is contained in an advice note issued by the Civil Aviation Authority and based on this guidance is it considered that the use of tall cranes on the site during construction, if required, would not be objectionable such that it would warrant refusal of the application. The developer would be required to notify and agree with the airport the use of cranes on the site and this requirement could be made the subject of a planning condition.

3.103 ***Noise***

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It is for the Local Authority to determine whether the proposed development would be compatible with existing surrounding activities or whether potential new residents would be exposed to unacceptably high levels of noise.

- 3.104 Planning Policy Guidance 24 explains the concept of noise exposure categories for different types of development and recommends appropriate levels of exposure to different sources of noise.
- 3.105 The applicants have submitted a noise impact report as part of the application which states that noise levels from existing levels of air traffic at four locations within the application site fall within Noise Exposure Categories A or B.
- 3.106 PPG 24 advises Local Authorities that where proposed dwellings would be subjected to a level of noise that falls within NEC A, noise need not be a determining factor in the consideration of a planning application. Where the proposed dwellings would be subjected to a level of noise that falls within NEC B, noise should be taken into account and conditions imposed to ensure an adequate level of protection against noise. Planning permission should only usually be refused if new dwellings would be subjected to a level of noise which would fall within NEC C or D. In this case it is considered that the proposed dwellings would not be subject to unreasonable levels of noise from existing air traffic or any other existing noise source.
- 3.107 PPG 24 advises that Local Authorities should consider both the likely level of noise exposure at the time of the application and any increase that might reasonably be expected. Southend airport has proposals to expand in the longer term and how this might affect noise to future occupants of the proposed new dwellings should therefore be considered.
- 3.108 The applicant's noise report predicts that the proposed airport expansion could increase noise levels which would be enough to put the whole of the application site into the Noise Exposure Category B. However this prediction is not based on any data as at the time of writing the airport was yet to publish their predicted noise contours to establish future baseline noise levels.
- 3.109 In their consultation response the airport has stated that with proposed future growth, some of the proposed dwellings on the application site would be exposed to noise levels which would fall within Noise Exposure Category B and have suggested that a planning condition be imposed on any grant of planning permission to require the developer to provide for the protection of the proposed dwellings and community facilities from unreasonable noise.

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- 3.110 It should be noted that the airports comments in relation to noise are on the basis of the airport operating as a commercial business rather than as part of their role as a statutory consultee, and it is for the Local Authority to determine whether, if approved, a condition requiring the developer to provide for the protection of the proposed dwellings and community facilities from unreasonable future noise would be acceptable. It should also be noted that the airport would be required to undertake insulation of existing properties which would be exposed to an increased and unacceptable level of noise as a result of any airport expansion.
- 3.111 ***Air quality***
- In determining this application regard must be had to the impact that the proposed development would have on existing air quality in the area surrounding the application site and the level of air quality that future occupiers of the proposed development site would be exposed to. Planning Policy Statement 23: Planning and Pollution Control contains advice on air quality issues.
- 3.112 The applicant has submitted an air quality assessment in which they have used a theoretical model to assess existing air quality and the predicated impacts on air quality that would result from the proposed development.
- 3.113 The results of the applicants modelled air quality assessment show that;
- In the area surrounding the application site (Rochford Town Centre)
 - o the existing air quality exceeds acceptable pollution levels for Nitrogen Dioxide at several locations.
 - o the predicated air quality as a result of the proposed development would exceed acceptable pollution levels for Nitrogen Dioxide at several locations.
 - At the application site
 - o the existing air quality is acceptable.
 - o the predicted air quality would be acceptable.
- 3.114 The Local Authorities Environmental Protection Unit has considered the air quality assessment that has been submitted and considers that although the modelled data contained in the assessment shows that existing air quality in Rochford Town Centre exceeds acceptable pollution levels, actual sampled data indicates that this is not the case, as detailed in the Local Air Quality Management Updating and Screening Assessment 2009, 13807/BV/AQ dated May 2009. Contrary to the applicant's suggestion, existing air quality in Rochford Town Centre is acceptable and consequently the Local Authority has not had to declare Rochford an Air Quality Management Area (AQMA).

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- 3.115 As the applicants existing air quality data, which has been derived from a model, differs from the actual sampled data available, there is some concern about the accuracy of the model and therefore some doubt about the accuracy of the predicted air quality data that would result from the proposed development, which has been derived from this same model. It is accepted that modelled data has to be subject to a certain degree of error, however, what is questionable is that given the applicant has supplied modelled data for existing air pollution which differs from the actual sampled data whether the modelled data is so inaccurate that it cannot be relied upon.
- 3.116 The Council's Environmental Protection Unit has applied the predicted increase in air pollution derived from the applicant's modelled data, onto the existing known sampled air quality readings taken by the Council at certain locations in Rochford town centre and consider that the traffic increase from the proposed development would be likely to result in the annual mean National Air Quality Objective along South Street being exceeded. This would result in the Council being required to declare an 'Air Quality Management Area' in which monitoring and mitigation would have to take place.
- 3.117 The Council's Environmental Protection Unit therefore considers that it would be reasonable to require the applicant to carry out both monitoring as well as mitigation. This may include green travel planning as well as physical measures that will need to be agreed with the LPA and Highways.
- 3.118 It is considered that the required monitoring and mitigation measures could be dealt with effectively by means of a planning condition if the Council were minded to granted approval for the outline consent.
- 3.119 It is considered that the air quality that future residents of the site would experience, would be acceptable and that air pollution resulting from construction dust could be mitigated against effectively by use of relevant planning conditions.
- 3.120 ***Land contamination***

The applicant has considered the impact that the proposed development would have on land contamination issues based on a desk-based data of existing baseline land contamination as no intrusive site investigation has yet taken place. The applicant proposes an intrusive site investigation prior to any development of the site and the Council's Environmental Protection Unit consider that this approach can be made subject to a planning condition which would deal effectively with any land contamination issues.

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3.121 ***Affect of proposed development on existing soil resources***

The proposed development would result in the irreversible loss of 13.68 hectares of 'best and most versatile' agricultural land (Grade 2 quality), the loss of which should be taken into consideration in accordance with Planning Policy Statement 7 which comments that the presence of best and most versatile agricultural land (defined as grades 1, 2, and 3a of the Agricultural Land Classification) should be taken into account alongside other sustainability considerations.

3.122 Natural England have commented on the fact that proposed development would result in the irreversible loss of 13.68 hectares of 'best and most versatile' agricultural land, drawing the Authorities attention to other Government publications which outline the Government's approach to safeguarding soils for the future.

3.123 ***Affect of proposed development of existing mineral resources***

The relevant geological map shows that a sequence of strata beneath the site comprises River Brickearth, a known mineral resource.

3.124 Essex County Council (Minerals and Waste Planning) consider that the proposed development would effectively sterilise this known, valuable and significant mineral resource as a result of the permanency of the proposed residential development and consequently object to the proposed development as no safeguarding of the mineral resource or prior extraction of the resource which might be an acceptable alternative has been proposed.

3.125 However, the applicant considers it most unlikely that there is any economically viable brickearth deposit at the site as it is considered likely that the deposit at the site would be no more than 1m thick and the area is unlikely to be worked as it is in close proximity to residential properties and has a drain and overhead power lines running across it. The applicant therefore considers that the proposed development would not sterilise a known economically viable mineral resource.

3.126 Officers consider that it is unlikely that the extraction of this mineral resource would be economically viable given the closure of local brickearth works and consequently the fact that the proposed development may sterilise this mineral resource is not considered objectionable such as to warrant refusal of this application on this ground.

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3.127 *Transport/Highway impacts*

In determining this application regard must be had to the impact that the proposed development would have on the existing highway network both in terms of ensuring that the proposed development would not result in any highway safety issues and ensuring that the surrounding highway network could cope with the predicated increase in traffic which would result from the proposed development. In addition, consideration must be given to whether the proposed development accords with relevant transport policies contained within Planning Policy Guidance 13: Transport (PPG 13).

3.128 The applicant has submitted a Transportation Assessment as part of the application in which they have assessed the impact that the increase in traffic that would result from the proposed development would have on the existing highway network surrounding the application site.

3.129 The theoretical capacity of each road and junction in the area surrounding the application site is known as a result of surveys and modelling.

3.130 In the submitted transport assessment the applicant has predicted the traffic increase that would result from the proposed development and considered the effect of this increase in traffic on the capacity of roads and junctions in the area surrounding the application site.

3.131 The submitted results show that the predicted increase in traffic would not result in the capacity of any of the roads or junctions in the area surrounding the application site being exceeded, except for the junction at Southend road (opposite the Anne Boleyn pub) where capacity would be exceeded.

3.132 The submitted evidence therefore demonstrates that except for this particular junction, the existing road and junction network can cope with the increase in traffic which is predicted from the proposed development.

3.133 The fact that the proposed increase in traffic would not cause any roads or junctions to exceed capacity in the area surrounding the application site, save for the junction at Southend Road, does not mean that the proposed development would not result in any increase in traffic congestion. Rather it means that any increase in congestion that would result would be of an acceptable level such that existing roads and junctions would function properly and would not result in the failing of the highway network which would effectively mean gridlock or severe congestion.

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- 3.134 Whilst there have been many objections raised to the proposed development from members of the public concerned that the existing highway network could not cope with the increase in traffic that would result from the proposed development, it is considered that an objective analysis should be applied when considering the impact that the predicated increase in traffic would have on the highway network rather than basing the decision on assumptions and the effect that people might perceive would occur.
- 3.135 The Highways Authority has examined the submitted transport assessment and consider that the evidence confirms that the existing highway network could cope with the predicted increase in traffic, save for the one particular junction which is shown to exceed capacity, improvements to which could be effectively dealt with by means of planning conditions and or legal agreements. It is therefore considered that the proposed development is acceptable in terms of impact on the capacity of the existing highway network.
- 3.136 Consideration can however also be given to the acceptability of the impact that the increased traffic that would result from the proposed development would have on the area immediately surrounding the application site.
- 3.137 The application site is located close to the historic Rochford Town Centre which is characterised by narrow, winding roads with the majority of buildings positioned very close to highway boundaries. The site is also located, at its closest point, approximately 350 metres from the edge of the Rochford Conservation Area.
- 3.138 Within Conservation Areas as advised by national planning policy contained within Planning Policy Guidance 15: Planning and the Historic Environment (PPG 15), development should only be permitted where the character and appearance of the area would be at least preserved or preferably enhanced.
- 3.139 Although PPG 15 advises that some highway impacts that might result from a proposed development could have an effect on a Conservation Area, for instance if a new road or street was proposed within a Conservation Area which might disrupt important existing street patterns; the guidance does not advise that increases in traffic volume in a Conservation Area as a result of a proposed development would be objectionable.
- 3.140 The fact that the traffic volume may increase within the Rochford Conservation Area is not considered objectionable such as to warrant refusal of the proposed development on this basis.
- 3.141 Whether the proposed development would give rise to any highway safety concerns must also be considered. In this regard, the Highways Authority has advised the Local Authority that the proposed development and associated
- 3.142 increase in traffic would not give rise to any highway safety concerns that could not be dealt effectively by planning conditions and or legal agreements.

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Consideration must also be given to whether the proposed development would accord with other relevant transport policies.

- 3.143 National policy guidance associated with transport, contained in Planning Policy Guidance 13: Transport seeks to promote more sustainable transport choices, accessibility to jobs, shops and leisure services by public transport and by means of walking and cycling and reducing the need to travel, especially by car.
- 3.144 The application site is located close to Rochford Town Centre which means that a variety of shops, local services and some jobs are all within walking distance of the site.
- 3.145 If the application site is considered in isolation then impact that the increase in traffic would have on the highway network would not be unacceptable. However, in this case the applicant is suggesting that the proposed development should be allowed on the basis that development of this site is preferable to the development of other green belt sites. It therefore follows that it is appropriate for the Council to consider the highway impacts that would result from this site in comparison to other sites which are currently options for release from the green belt in the emerging Core Strategy. Just because the impact from traffic on the highway network capacity would be acceptable does not mean that development of this site would achieve the best strategic highway improvements to the district. Indeed, the development of this site might undermine the development of the district which has been considered to provide the best strategic benefits in terms of highways and other considerations.
- 3.146 ***Consideration of reserved matter; Access***
- Consideration must be given to the reserved matter which was included for consideration in this outline planning application.
- 3.147 Access is the only 'reserved matter' which the applicant has requested be considered at the outline planning application stage. Whilst access can refer to all forms of access, pedestrian, cycle and vehicular) to and within a site, the applicant has confirmed that all matters are reserved for consideration in subsequent reserved matters applications other than means of access to the site, as stated in para. 4.4 of Chapter 4 of the ES.
- 3.148 Potential access solutions for vehicular access points to the site are shown on submitted plans. Two vehicular accesses to the site are proposed from two locations; one to the north-east off Stambridge Road and one to the south-west off Rocheway.
- 3.149 The Highways Authority considers that the proposed vehicular accesses to the site are acceptable subject to suggested planning conditions.

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- 3.150 In addition to the two proposed vehicular accesses to the site which must be considered as part of the outline application the applicant has provided details relating to other pedestrian and vehicular accesses. Namely that the existing footpath running through the site east-west would be retained and additional links created to the wider informal footpath network. The applicant also suggests that there might be scope to provide further pedestrian accesses to the allotments subject to negotiation.
- 3.151 ***Acceptability of the number of dwellings proposed***
- In addition to consideration of the acceptability of the principle of developing the site for residential and community uses consideration must be given to the acceptability of the number of dwellings proposed.
- 3.152 This outline application is for up to 326 dwellings and community uses. As the development is not for a precise number of dwellings, if outline consent were approved for up to 326 dwellings, the final number of dwellings approved at the site in a subsequent reserved matters application which would consider detailed design, could be less than 326.
- 3.153 As the applicant has applied for up to 326 dwellings and community uses in this outline application, the Council would have to be satisfied that it would be possible for the site to accommodate to up 326 dwellings and community uses and result in a development that is acceptable in planning terms, if minded to approve the application. If the Council were concerned that the application could not realistically accommodate the number of dwellings proposed and meet policy requirements then the outline application should be refused on this basis, even if the principle of residential development of the site were accepted.
- 3.154 It is somewhat difficult to assess whether the application site could acceptably accommodate up to 326 dwellings with community uses as the application is only submitted in outline and a detailed design has therefore not been submitted for consideration.
- 3.155 However, national planning policy in PPS 3 does require a minimum residential density of 30 dwellings per hectare to be achieved, if no local densities are specified, regardless of site location. As no local densities are currently specified in local planning policy, this national policy requirement therefore presents a starting point for considering whether the site could accommodate the number of dwellings proposed.
- 3.156 For the purposes of calculating the number of dwellings that could be acceptably accommodated at a given site to result in a given overall site density, the whole application site area cannot always be used.

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However, in this case the applicant has already excluded certain areas of the application site that would be put to uses other than those associated with residential development; namely the land designated for proposed community uses (0.11 ha), parts of the proposed main access route and land which lies within the Public Safety Zone for Southend Airport (2.68 ha) where no new dwellings would be permitted for reasons of public safety. Consequently, whilst the application site (edged red) is an area of 13.68 hectares, the applicant has stated that only 10.84 hectares of the application site is developable and proposed for residential use.

- 3.157 If the whole of the developable part of the application site that is proposed for residential development (10.84 hectares) is used to calculate the number of dwellings that the site could accommodate to achieve a density of 30 dwellings per hectare then 325.2 dwellings could be provided (10.84 hectares x 30 dwellings per hectare = 325.2 dwellings). This figure would have to be rounded up to 326 dwellings to ensure that an overall density of at least 30 dwellings per hectare would be achieved. On this basis the proposal to develop 326 dwellings at the site would be acceptable.
- 3.158 However, it is possible that part of the 10.84 hectares of the application site that is currently identified for residential development would need to be proposed for a use which would not be directly associated with the proposed residential development, perhaps to overcome a possible objectionable aspect of the development as it stands, which would mean that for the purpose of calculating the number of dwellings that the site could acceptably accommodate the site area would need to be reduced.
- 3.159 For example, the proposal currently includes the creation of a large area of public open space on that part of the application site that lies within the Public Safety Zone which is considered objectionable. Consequently, if public open space provision is not allowed within the PSZ then more of the land within the developable area of the site could need to be put to use as areas of public open space.
- 3.160 Although land within the application site proposed for use for incidental open spaces could be included in the land area for residential development used to calculate overall densities, large areas of public open space may not be included.
- 3.161 No exact calculations can be currently made about the possible adjustments to the size of the developable part of the application site that might come forward as a result of any necessary amendments at the detailed reserved matters design stage.

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- 3.162 However, if provision of the public open space was not accepted in the south-eastern part of the application site and this amount of public open space had to be accommodated within the developable area of the site then the developable area of the site would be reduced by 2.68 hectares to 8.16 hectares.
- 3.163 If the maximum proposed number of dwellings were provided on this reduced developable site area then the overall site density would be 40 dwellings per hectare ($326 / 8.16 \text{ hectares} = 40 \text{ dwellings per hectare}$).
- 3.164 There is currently no adopted local planning policy that suggests the residential density that would be appropriate or expected at a site in a location such as at this application site.
- 3.165 Although, Policy ENV7 of the East of England Plan states that housing development should achieve the highest possible net density appropriate to the character of the locality and public transport accessibility.
- 3.166 In addition, the Council's emerging Core Strategy document proposes to introduce a local residential density requirement of 30-50 dwellings per hectare with up to 75 dwellings per hectare in town centre locations. Whilst this is not an adopted policy and little weight can therefore be attached to this suggested density figure at present, it does however provide an indication that 30-50 dwellings per hectare and therefore 40 dwellings per hectare may be acceptable at the application site.
- 3.167 As the development of the application site for 326 dwellings as currently proposed would only just meet the minimum overall residential density requirement and it is considered that increasing the overall site density slightly would still be acceptable, providing the overall design would still achieve a high standard.
- 3.168 It is considered unlikely that any further non-residential uses would be required within the developable area of the application site which would reduce the residentially developable area further and it is therefore considered that even if the residentially developable site area had to be reduced, the reduction is not anticipated to be so substantial such that the developable part of the application site could not reasonably accommodate the maximum number of dwellings proposed.
- 3.169 Given that it is likely that no major reduction in the area of the application site that could be put to residential development is expected and that an overall residential density of 30 dwellings per hectare is a minimum requirement, it is considered that the application site could broadly accommodate the proposed maximum of 326 dwellings, subject to a detailed design being considered acceptable.

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3.170 ***Acceptability of the scale of the proposed development***

Finally, there are several other planning considerations to which regard must be had at the outline planning application stage.

3.171 Although all matters apart from access to the site, namely; landscaping, layout, scale and appearance are reserved for consideration in a reserved matters application which would follow if this outline planning application were approved, the applicant is required to provide some detail on these reserved matters.

3.172 With regard to proposed scale, the applicant is required to state the maximum heights of buildings as part of the outline planning application and any subsequent reserved matters application which would deal with the detailed design of the site would have to work within the scale parameters set in the outline planning application stage.

3.173 The proposed buildings on the site would be 1, 2 or 3 storey and would have a maximum height of 12 metres. In the context of the area surrounding the application site, the scale of development is considered acceptable.

3.174 ***Affordable Housing provision***

Planning Policy Guidance 3: Housing contains national policy relating to the provision of affordable housing within residential development proposals.

3.175 The applicant has stated that up to 35% affordable housing would be provided across the site and that the proposed provision and tenure mix would be subject to negotiation with Rochford District Council. The Council's Strategic Housing Department raises no objection to the proposed development in relation to provision of affordable housing and it is considered that this matter could be effectively dealt with by means of planning conditions and/or legal agreements, which the applicant has accepted.

3.176 ***Sports facility provision***

Planning Policy Guidance 17; Planning for Open Space, Sport and Recreation advises local authorities that where new developments would cause an increase in the population of an area such that existing open space provision and or local indoor and outdoor sports facilities would be over-stretched then planning obligations can be used to require a developer to contribute towards the provision of new or to upgrade existing open space provision or facilities.

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- 3.177 Sport England were consulted on this application and raise an objection on the basis that they consider that the proposed development has not made provision for any on-site outdoor sports facilities, has not proposed any financial contribution towards upgrading existing facilities and the development would place increased demand on existing facilities which may already be used to capacity.
- 3.178 In addition, Sport England considers that there is an identified need for improved indoor sports facilities in the District as identified in the Essex Sports Facilities Strategy (2008), which was prepared by Sport Essex in association with Local Authorities including Rochford District Council. Again, Sport England raise an objection on the basis that they consider that the proposed development has not made provision for any on-site indoor sports facilities, has not proposed any financial contribution towards upgrading existing facilities and the development would place increased demand on existing facilities which may already be used to capacity.
- 3.179 The Local Authority is currently in the process of assessing outdoor and indoor sports facilities provision in the District but at this point cannot quantify the available capacity of existing facilities. It is not considered that lack of provision for any on-site outdoor sports facilities at the site or absence of any proposed financial contribution towards upgrading existing facilities could warrant a reason to refuse this application on the basis that increased demand would be put on existing facilities which *may* already be used to capacity, when the capacity of existing facilities is not accurately known.
- 3.180 ***Education provision***
- Essex County Council has been consulted on this application and has assessed the proposed development in terms of the impact on education provision in the Rochford area. The County Council consider that this proposal would generate a need for more secondary and pre-school places for which a financial contribution would be required.
- 3.181 The amount of financial contribution would depend on the exact number and type of dwellings that were built at the site. However, as this application is an outline application the exact number of dwellings that might be built is not known. Consequently, only an estimate of the amount of financial contribution can be calculated.
- 3.182 The applicant has provided the heads of terms of the possible legal agreements that would be offered which includes a financial contribution towards education provision and this is considered acceptable.
- 3.183 When viewed in isolation, the applicant can satisfy the education provision requirement that arises from this particular development, by way of providing a financial contribution.

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However, it is however possible that, if allowed, the proposed development could have an impact on the deliverability of education provision that has been planned strategically in the District in the emerging Core Strategy submission; the possible impacts are however currently not known.

3.184 *Health facility provision*

The Primary Care Trust (PCT) has been consulted on the proposed development and considers that the proposed development would have an impact on the current health provisions in the area which are currently full to capacity. The PCT initially responded by questioning whether the possibility for a Section 106 legal agreement to develop a small GP practice with car parking provisions at the site could be explored.

3.185 The Council sought clarification from the PCT as to the justification for requiring the applicant to provide this facility in relation to the proposed development and the PCT have referred the Authority to the PCT strategic plan which sets out the vision for delivery of health over the next 5 years and is the best source of information and justification for placing a s106 for a doctor's surgery. The PCT also stated that there are few doctors' surgeries within an acceptable distance which provide services to the local population for the Rochford area and that the proposal would place a burden on services that the PCT would not be able to accommodate without the development of a new doctor's surgery.

3.186 The application includes land for a community facility, which could potentially accommodate healthcare uses. In addition, the applicant has confirmed they are prepared to make a financial contribution towards healthcare facilities. Further information on the scale of the financial contribution required to deliver the doctor's surgery has been sought by the Council from the PCT. However, to date, the PCT has not provided the necessary information.

3.187 *Impact on infrastructure provision – utilities*

The proposed development is not considered objectionable such as to warrant refusal on the grounds of any impact on utilities.

3.188 *Archaeology*

Planning Policy Guidance Note 16 sets out the Government's key principles at a national level to ensure that the potential impacts of planning decisions on archaeology are fully considered and requires applicants to submit information relating to the impacts on archaeology that would result from the proposed development to enable the Local Planning Authority to assess the effects on archaeology that would result from a proposed development.

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- 3.189 In summary, government guidance is in favour of in-situ preservation of nationally important remains and requires adequate information from field investigation to enable informed decisions and provides for the excavation and investigation of sites not important enough to merit in-situ preservation.
- 3.190 In respect of archaeology, the applicant has submitted information contained within Chapter 7 of the Environmental Statement.
- 3.191 An archaeological evaluation including trench trialling exercise has been undertaken across the application site to establish the archaeological baseline conditions. The archaeological resource at the application site has been assessed in the archaeological evaluation undertaken which considers the archaeological resource at the site to be of local importance. The evaluation concludes that the construction phase of the proposed development could damage and destroy the archaeological resource and therefore archaeological excavation is proposed as the most appropriate form of mitigation.
- 3.192 The Historic Environment Officer at ECC has been consulted on this proposed mitigation work and is satisfied with this proposal. Any approved outline consent would therefore be made subject to a planning condition which required the proposed archaeological excavation to be undertaken prior to any development on the site.

3.193 ***Trees and landscaping***

The application site contains significant trees to the eastern boundary. In addition, there are some third party trees close to the application site to the north and west. The Council Woodlands department has advised that these trees are likely to be affected from development either by soft landscaping or direct building operations and that further information is required to ensure the protection and long term viability of these trees. However, it is considered that as the applicant has shown that all existing trees would be retained, the additional information could be supplied in a reserved matters application. This requirement could acceptably be made a condition of any outline consent.

- 3.194 Other landscaping detailed are not for consideration in this application but would be agreed as part of a reserved matters application.

Loss of informal public amenity land and rural public footpath

3.195

The application site is currently in agricultural use and privately owned such that general access to and use of the site by members of the public is not possible. However, the application site is dissected by a public footpath which is designated as a public right of way, which allocates wildlife site public access through site from east-west.

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- 3.196 It appears from the significant number of consultation responses received from members of the public and from site visits that this footpath is regularly used and enjoyed by a significant number of existing Rochford residents.
- 3.197 The existing informal public right of way is surrounded by open, undeveloped land which provides a pleasant and well used local, informal amenity area. This existing character and use of the land is consistent with the designation as Green Belt, the objective of which amongst other things is to provide opportunities for access to the open countryside for the urban population, to provide opportunities for outdoor recreation near urban areas and to retain attractive landscapes near to where people live.
- 3.198 As a result of the proposed development, pedestrian access would still be provided through the site. However the informal, rural, unmade character of the footpath would be lost, replaced by a pedestrian access by way of a hard surfaced, formal footway running alongside the proposed main vehicular access road and the character of the land surrounding the existing footpath would also be radically changed from the existing, open, rural setting to a setting composed of buildings, formal streets and manicured green spaces.
- 3.199 It is considered that the proposal would therefore result in the loss of an attractive landscape close to where people live and loss of opportunities for outdoor recreation near urban areas which would be objectionable and contrary to PPG 2.
- 3.200 ***Impact on the amenity of occupiers of residential properties close to the site***
- The occupiers of some of the residential properties which border the site have raised concerns about the potential for overlooking to result from proposed dwellings on the application to their properties.
- 3.201 It is not possible from the submitted illustrative layout to undertake a detailed design assessment to assess whether the proposed development would have any detrimental effects on the amenity that ought to be reasonably expected by the occupiers of existing residential properties bordering the application site; this detailed design assessment would be undertaken at the reserved matters stage, if the outline planning consent was granted.
- 3.202 It is considered that the detailed design could be dealt with at the reserved matters stage, if outline planning consent were granted and that at this stage the Council would ensure that the proposed design did not give rise to any detrimental effects on the amenity that ought to be reasonably expected by the occupiers of existing residential properties bordering the application site.

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3.203 *Legal agreement offer from applicant*

This application has been recommended for refusal. However, despite this recommendation, the applicants have submitted details of the proposed heads of terms for a legal agreement that they would be willing to provide if planning permission for this proposal were approved, namely;

- Details of highways and public transport contributions are to be agreed with Essex County Council – this is in accordance with the ECC Highway department's request.
- Provision of 35% affordable housing with a tenure mix of 80/20 social rented/intermediate - this is in accordance with request from Rochford District Council's Strategic Housing department.
- Total education contribution of £1,524,447.72 at the April 2009 cost base (PUBSEC Index) (Secondary and Pre-school contributions only)- this is in accordance with the ECC Education department's request.
- Provision of an open space management agreement – this is an offer forwarded by the applicant.
- Provision of land and/or buildings for community use – this is an offer forwarded by the applicant.
- Health- details of the contributions sought, if, required, are to be provided by the Primary Care Trust prior to the determination of the application. Further details are currently awaited to establish if the applicant proposes to meet the Primary Care Trust's requirement.

3.204 Given the nature of this application and the possibility of it being heard at appeal, discussions with the applicant have considered the heads of terms of the Legal Agreement. In addition to those offered above, officers raised the following points:

- To consider a pro-rata contribution towards the New Primary School with early years and childcare provision to the West of Rochford identified in the emerging Core Strategy submission. On the basis that should planning permission be granted for this development then it is likely that there will be a corresponding reduction in housing allocation elsewhere in the Green Belt around Rochford/Ashingdon resulting in a funding shortfall.
- To consider a proportionate contribution towards the Primary Care Centre requested by the PCT through consideration of the emerging Core Strategy. This is in addition to the requested doctor's surgery provision that has arisen from consultation on this particular application. This request arises for the same reasons as detailed above, namely should planning permission be granted for this development then it is likely that there will be a corresponding reduction in housing allocation elsewhere in the Green Belt around Rochford/Ashingdon resulting in a funding shortfall. There is a difficulty at this stage as no costing is available.

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- The possibility of providing public open space on the southern parcel of land edged blue as implied by the illustrative masterplan via a planning application and future management. However, following consultation on this application, Natural England and EWT have raised concerns about the creation of public open space to the south of the site which might cause increased recreational disturbance to nearby wildlife sites. Consequently, the provision of public open space on the southern parcel of land edged blue as implied by the illustrative masterplan might not be acceptable. The Council considers that this area of land should be provided as some form of open space, appropriate to the locality.

CONCLUSION

- 3.205 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.206 The application site is designated as Green Belt in the adopted Rochford District Replacement Local Plan (2006) and no very special circumstances or other material planning considerations have been demonstrated which would overcome the harm to the Green Belt which would allow the proposed inappropriate development contrary to the adopted development plan.
- 3.207 In addition, the proposed development is also considered to be unacceptable in other respects, in particular with regard to issues relating to effect on biodiversity and proposed development within a Public Safety Zone.
- 3.208 It is therefore recommended that the proposed development is refused planning permission.

RECOMMENDATION

- 3.209 It is proposed that this committee **RESOLVES** to **REFUSE** the application for the following reasons:-
- 1 The proposed development of up to 326 residential dwellings and associated community uses would not accord with the adopted development plan - the Rochford District Replacement Local Plan (2006) - and would also not accord with the emerging Rochford Core Strategy submission which is currently at an advanced stage with submission to the Government scheduled to occur before the end of the 2009. There are no material planning considerations which indicate that this proposal should be determined favourably and not in accordance with the adopted development plan.

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- 2 The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. Within the Green Belt, as defined in Planning Policy Guidance 2: Green Belts, planning permission will not be given for inappropriate development, except in very special circumstances.
- 3 The proposed development by virtue of the proposed change of use of the land from agriculture to residential and community uses would amount to inappropriate development in the Green Belt, which is by definition harmful. In addition, further harm to the Green Belt would be caused as a result of the proposed development including; the sprawl of a large built up area, the encroachment into the countryside, the loss of an open, attractive landscape close to where people live and the loss of opportunities for outdoor recreation close to an urban area. There is no need to release Green Belt in this location in order to retain an up-to-date five year supply of deliverable sites for residential development. No very special circumstances exist which would overcome the harm to the Green Belt and consequently the proposed development would be contrary to Planning Policy Guidance 2; Green Belts.
- 4 The applicant has failed to submit adequate information to enable the Authority to ascertain that the proposed development would not adversely affect the integrity of the Crouch and Roach Special Protection Area (SPA), the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI) or the local wildlife site, namely the River Roach at Rochford (R28), by way of increased recreational disturbance and in relation to the local wildlife site by way of dust effects from construction, contrary to Regulation 48 (5) of the Habitats Regulations 1994 and Planning Policy Statement 9: Biodiversity and Geological Conservation respectively.

Adequate protected species surveys of the site have not been provided with this application to enable the Authority to be confident that the proposed development would not have any adverse impacts on any protected species or on their habitat, or that proposed mitigation would be appropriate, contrary to Planning Policy 9: Biodiversity and Geological Conservation.

- 5 The proposed development would result in a change in the use of an area of land that lies within a Public Safety Zone from use for agriculture to use as public open space which is considered unacceptable because it would result in a significant increase in use of the land by members of the public, especially given the proximity, relationship and association of the public open space with a large new residential development.

Relevant Development Plan Policies and Proposals

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Guidance 2: Green Belts (amended March 2001)
Planning Policy Statement 3: Housing (November 2006)
Planning Policy Statement 7: Sustainable Development in Rural Areas

Planning Policy Statement 9: Biodiversity and Geological Conservation (August 2005)
Planning Policy Guidance 13: Transport
Planning Policy Guidance 15: Planning and the Historic Environment
Planning Policy Guidance 16: Archaeology and Planning
Planning Policy Guidance 17: Planning for open space, sport and recreation
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance Note 24: Planning and Noise (1994)

East of England Plan (2008)

Rochford District Replacement Local Plan (2006)

Department for Transport Circular 1/2002; Control of development in airport public safety zones

Aerodrome Safeguarding Advice Notes;

Safeguarding of Aerodromes – Advice Note 1 – Safeguarding an overview

Safeguarding of Aerodromes – Advice Note 2 – Lighting and aerodromes

Safeguarding of Aerodromes – Advice Note 4 – Cranes and other construction issues

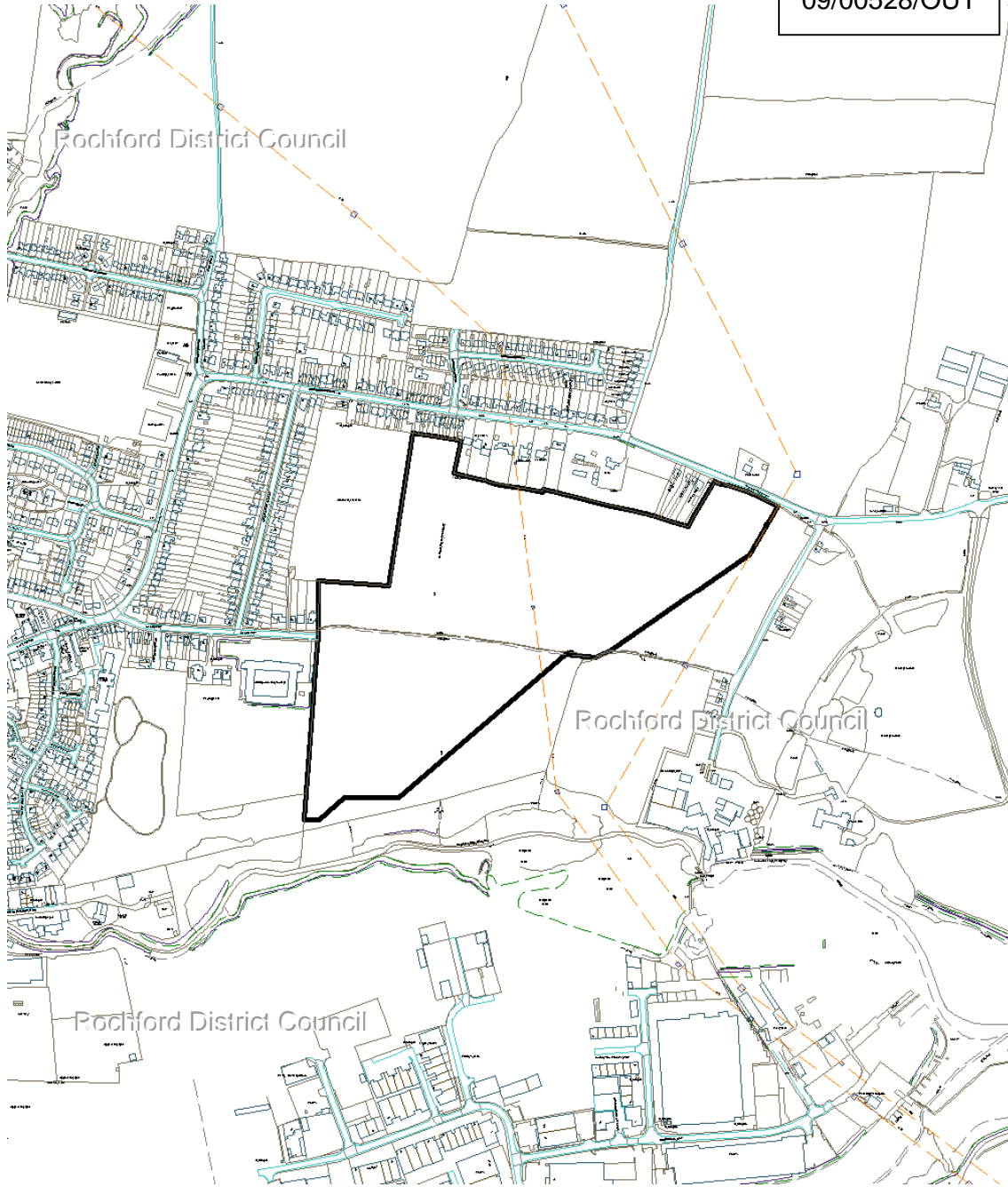


Shaun Scrutton
Head of Planning and Transportation

For further information please contact Katie Rodgers on (01702) 546366.

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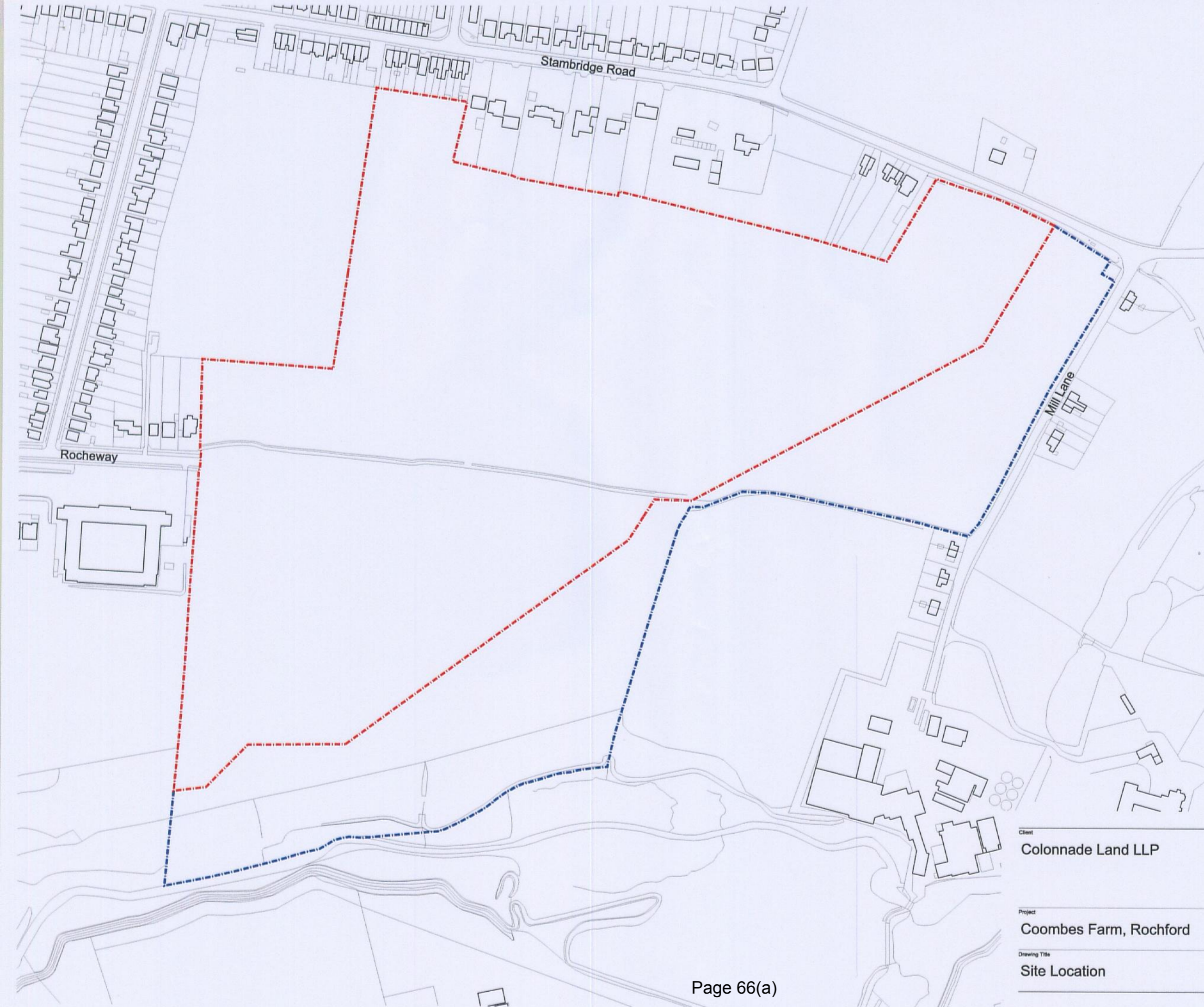
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NOTES


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- - - - - Site Boundary
- - - - - Area controlled by the Applicant

REVISIONS

Date	Rev	Description

<p>Client Colonnade Land LLP</p>	<p>23-25 Great Sutton Street London EC1V 0DN Tel: +44 (0)20 7017 1780 Fax: +44 (0)20 7017 1781 E-mail: info@jtp.co.uk Web: www.jtp.co.uk</p>			
<p>Project Coombes Farm, Rochford</p>	<p>JOHN THOMPSON & PARTNERS</p> <table border="0"> <tr> <td>Job Ref. COL.CFR</td> <td>Drawn NT</td> <td>Checked By</td> </tr> </table>		Job Ref. COL.CFR	Drawn NT
Job Ref. COL.CFR	Drawn NT	Checked By		
<p>Drawing Title Site Location</p>	<p>Scale @A3 1:2,500</p>	<p>Date 05/08/2009</p>		
	<p>Drawing No. SK001</p>	<p>Revision</p>		

Key Features & Benefits to the Local Community:

- 1 Community Meeting Space**
A new community meeting place could be provided for the site to address the needs of the local people. This would be developed through a consultation process with members of the public and the local authority.
- 2 Coombes Green**
The focus for the scheme will be 'Coombes Green - Community Gardens' for outdoor recreation including a 'green gym'. Homes would overlook the space to create a sense of enclosure and also natural surveillance. The existing routes used by dog walkers, ramblers and joggers would be maintained to encourage access to open countryside, and new routes opened down to the River Roach.
- 3 SUDS corridors**
A sustainable drainage system will be used to maintain greenfield infiltration rates, with north/south landscaped corridors providing visual amenity and safe, natural places for play.
- 4 Homezones**
A number of residential areas could be structured as Homezones - shared surfaces with very low traffic speeds that provide pedestrian priority and opportunities for outdoor play.
- 5 Rural Edge**
Along the south east frontage the new neighbourhood will be designed to create an edge to Rochford, with urban roads giving way to more rural bound-gravel surfaces.
- 6 Grassland**
To the south of the development, a large proportion of the site will be kept open as natural grassland or wildflower meadow to preserve the rural character to the south east of Rochford (outside the planning application boundary but under the control of Colonnade).
- 7 Pocket Parks & Play Areas**
A network of pocket parks and play areas will provide local facilities for residents and encourage children to be active and engage with nature, as well as creating a memorable sequence of places.
- 8 Mews and Parking Courts**
Parking levels will be in line with local authority recommendations. A series of different approaches including on plot, garage, parking courts and mews could be used to ensure that the development won't be car dominated.



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project name:
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drawing number:
drawing title:
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