

<p>Agenda Item 4 SOS/09/01960/FULM London Southend Airport – Runway Extension</p>	<p>Contents</p> <p>1. Copy of letter Received from Press Officer to the Stop Airport Extension Now Organisation Stating:-</p> <p>No doubt you will be incensed at the temerity of the Stobart Group in submitting an application for planning permission to extend the runway at Southend Airport part-way through the Joint Area Action Plan process being conducted at the time by your Council and Southend Borough Council to decide joint policy on, among other things, that very issue.</p> <p>I trust therefore that Rochford District Council's Development Control Committee will be expressing in the strongest terms the Council's anger at this move and insist that Southend Borough Council defers the decision until after the JAAP process has been concluded.</p> <p>I presume also that the Council will want to take the earliest opportunity to instruct the Government Office for the East of England that it is their desire to have the application called in for determination by the Secretary of State for Communities and Local Government, John Denham MP, following a Public Inquiry at which the Council and all other parties will be given the opportunity to test the airport's various assertions as to the benefits of the runway extension and put forward their own views.</p> <p>I look forward to your prompt response.</p>
<p>Schedule Item 1 09/00510/FUL 34 - 36 High Street Great Wakering</p>	<p>Contents</p> <p>1. Corrections to Committee Report 2. Additional Neighbour Comments</p> <p>1. Corrections to Committee Report</p> <p>Please note the following typing errors in the report:- Page 8 paragraph 2.1 insert 'follows' where report incorrectly states 'flocal wildlife site' Page 8 paragraph 2.4 insert 'follows' where report incorrectly states 'flocal wildlife site'</p> <p>2. Additional Neighbour Comments</p> <p>A neighbour adjacent to the site has commented that there have been numerous situations involving damage to both RDC and his property due to the site being a major attraction for vandals and a</p>

	<p>gathering point for local youths.</p> <p>He is in agreement with the general proposals of the application and accepts the need for hand rails to the toilet doors from the highway. However, he feels that there should be a substantial brick boundary wall between the site and his property in keeping with the local/Conservation area and not a 21st century handrail</p>
<p>Schedule Item R3 09/00528/OUT Land South of Coombes Farm, Stambridge Road, Rochford</p>	<p>Contents</p> <ol style="list-style-type: none"> 1. Corrections to Committee Report 2. Biodiversity - Impact on wildlife from increased recreational activity <ul style="list-style-type: none"> - Comments from Natural England - Comments from Essex Wildlife Trust - Comments from Council's Ecological Adviser - Officer comment 3. Biodiversity – Protected species on the application site <ul style="list-style-type: none"> - Officer comment 4. Clarification to report re: Density of housing on the site 5. Additional resident consultation responses 6. Revised recommendation <p>1. Corrections to Committee Report</p> <p>Page 12 – The application site for this application (09/00528/OUT) lies within both Rochford Parish Council and Stambridge Parish Council boundaries.</p> <p>Page 24 Paragraph 3.30 – The consultation response from Rochford District Council (Environmental Services) should read 'No objection' subject to the imposition of requested planning conditions and / or legal agreements.</p> <p>Please note the following typing errors in the report:- Page 21 insert 'flow' where report incorrectly states 'flocal wildlife site' Page 33 insert 'follows' where report incorrectly states 'flocal wildlife site' Page 53 insert 'follows' where report incorrectly states 'flocal wildlife site' Page 60 insert 'allows' where report incorrectly states 'flocal wildlife site'</p>

2. Biodiversity issues - Impact on wildlife from increased recreational activity

Following the first round consultation, the applicant has submitted additional information in an attempt to overcome the objections raised with regard to the effects of the proposed development on biodiversity. Reference to this additional information was included in the Committee report.

The Council re-consulted Natural England, the Council's Ecological Adviser and Essex Wildlife Trust on this additional information and the following responses have been received:-

Natural England

No objection, subject to the imposition of requested planning conditions.

The Urban Greenspace report that the applicants have submitted states that an area of Suitable Alternative Green Space (SAGS) must be provided to adequately mitigate against possible adverse effects on the Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) sites nearby from increased recreational disturbance.

Suitable Alternative Green Space (SAGS) is land which is natural but open to use by the public, which would be a site available to the public as an alternative to the SSSI/SPA site and, if used in preference to these protected sites, would ensure that recreational disturbance to the protected sites did not increase.

The SAGS must be natural land open to the public rather than manicured artificial green space, which would not act as a suitable alternative to visiting the more natural protected wildlife sites. The SAGS cannot therefore be the land that would be provided within the application site as manicured public open space.

Instead the report advises that the area of land which lies outside the application site but within the applicant's control could be provided as SAGS. This area would provide 5.72 hectares and although the advised 6.08 hectares would not be provided, Natural England considers that this amount would be more than adequate mitigation.

Natural England therefore withdraws its objection on the basis that the applicant had not demonstrated that the amount of green space proposed was adequate to mitigate effectively against

	<p>potential recreational disturbance to the SSSI or SPA sites providing:-</p> <ul style="list-style-type: none">- any consent is conditioned or made subject to a legal agreement that the land outside the application site of 5.72 hectares is provided and maintained as SAGS. <p>Essex Wildlife Trust</p> <p>No second round consultation response received.</p> <p>Council's Ecological Adviser</p> <p>Further clarification has been sought by officers from the Council's Ecological Adviser who has verbally confirmed that:-</p> <ul style="list-style-type: none">- the creation of public open space close to and partly within the local wildlife site would not necessarily be at odds with the wildlife in the area, providing the public open space was carefully planned and managed this could work alongside the wildlife and not result in an adverse impact on the wildlife.- there is no specific concern about any lack of adequate information or lack of proposed mitigation in relation to protected species on the application site itself. <p>Officers' comment</p> <p><i>Natural England is now satisfied that if an area of Suitable Alternative Green Space were provided that the proposed development would not give rise to any adverse impacts on the nearby European wildlife sites; SSSI and SPA site.</i></p> <p><i>Natural England has not raised any objection to the proposed development on the ground of any impact that the proposed development would have by virtue of increased residential disturbance on the local wildlife site, which is located much closer to the application site than the European wildlife sites.</i></p> <p><i>Essex Wildlife Trust raised a concern in its initial consultation response that the proposed development may give rise to an adverse impact on the local wildlife site by virtue of increased residential disturbance. Despite repeated requests to provide a response, unfortunately the Essex Wildlife Trust has not provided any second round consultation response that details whether or not it considers that the additional information submitted by the applicant would overcome its concerns in this regard.</i></p>
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The Council's Ecological Adviser has reaffirmed that there is no objection to the proposed development on the grounds of adverse impacts on the local wildlife site by virtue of increased recreational disturbance.

Planning policy guidance does not prohibit recreational use of land that also has wildlife value. Indeed, where appropriate, recreational activity should be encouraged in such areas to enable the public to enjoy wildlife.

Although the land suggested to provide Suitable Alternative Green Space would direct public use close to and partly within the local wildlife site, which lies to the south of the application site, it is considered that this use of the land would not necessarily be at odds with the designation of the land as a wildlife site.

The land that it is suggested be provided as Suitable Alternative Green Space lies outside the red line of the application site and consequently a separate planning permission would be required to change the use of this land from its current use as agricultural land to use as public open space.

A planning application for the change of use of this land to public open space would provide the details of any changes to the land that would be required, i.e. planting, provision of footpaths, etc, and could ensure that only appropriate changes were permitted that would not give rise to any adverse impacts on the wildlife in the area. In addition, it is considered that any planning permission for the use of this land as public open space could be made subject to a legal agreement requiring management of the area to ensure the protection and enhancement of wildlife in the area.

In summary, it is considered that there is no objection to the proposed use of the additional area outside the application site for use as suitable alternative green space on biodiversity grounds.

However, the land proposed for use as Suitable Alternative Green Space lies within the Public Safety Zone for Southend Airport. The acceptability of the use of land within the Public Safety Zone for public open space has been discussed in the Committee report at paragraphs 3.89 - 3.99 and deemed unacceptable.

It is therefore considered that although there is no objection to the proposed use of the additional area outside the application site for use as a suitable alternative green space on biodiversity grounds, this proposal, on the information currently available, is considered unacceptable by virtue of the land being partly located

within the Public Safety Zone due to likely intensity of use.

As the proposed mitigation against increased recreational disturbance to the SSSI and SPA sites is considered objectionable, the application has not demonstrated that adequate acceptable mitigation would be possible or provided. Also it is not known at this stage what other issues may arise from such a proposal, e.g., Environment Agency view, given that some of the land is located within Flood Zones 2 and 3.

3. Biodiversity - Issue of inadequate survey and mitigation information in respect of protected species on the application site itself

Natural England did not raise any objection to the proposed development in its initial consultation response with regard to impact on protected species on the application site, nor did the Council's Ecological Adviser.

Essex Wildlife Trust did, however, raise objection with regard to the inadequacy of survey information provided and mitigation proposed with regard to protected species on the application site.

Following receipt of consultation responses from the above bodies, the applicant provided additional information in an attempt to overcome the objection raised by Essex Wildlife Trust.

Unfortunately, despite repeated requests for their second consultation response, Essex Wildlife Trust has not provided any further comment.

Officers have considered the survey information and proposed mitigation details submitted by the applicant with regard to protected species at the site very carefully and consider that the information submitted is adequate to enable the Authority to be confident that the proposed development would not have any adverse impact on any protected species at the site, which could not be acceptably mitigated against. It is considered that planning conditions and or legal agreements could be used to ensure that adequate mitigation is undertaken. This view is in accordance with the view given by Natural England and the Council's Ecological Adviser in respect of this issue.

It is therefore proposed that the reason for refusal relating to lack of adequate survey and mitigation information is removed.

4. Clarification to report re: Density of housing on the site

To assist Members' consideration of the density of housing that the application site could acceptably accommodate it should be noted that the calculation given in paragraph 3.162 of the Committee report that the provision of 326 dwellings could result in a density of 40 dwellings per hectare is based on a 'worst case scenario'; that there is a requirement to provide an area of 2.68 hectares of public open space within the application site but outside the Public Safety Zone, should its alignment be amended.

However, at present only approximately 1.35 hectares of the proposed public open space within the application site lies within the Public Safety Zone. If the provision of public open space within the Public Safety Zone is considered unacceptable and this amount of public open space is required to be provided in a different area of the application site, i.e., outside the Public Safety Zone, then the site area used for the purpose of calculating overall density would be reduced by 1.35 hectares from 10.84 hectares to 9.49 hectares.

*If the maximum number of dwellings proposed were provided on this reduced developable site area of 9.49 hectares, then the overall site density would be **34 dwellings per hectare** ($326/9.49$ hectares = 34 dwellings per hectare).*

5. Additional resident consultation responses

9 additional consultation responses have been received, with one issue raised in addition to those already listed in the Committee report:-

- Car parking off site – a concern that existing car parks in Rochford town centre could not accommodate the increased number of vehicles and that the developer should be required to contribute towards improving and increasing car parking provision.

6. Revised recommendation

The reasons for refusal as stated on the Committee report have been incorrectly numbered as the paragraph numbered reason 3 should form part of a second paragraph to reason number 2.

In addition, changes have been made to the recommendation involving:-

- The deletion of the second paragraph of reason 4 as stated on the Committee report, as further information has been supplied by the applicant, which on consideration, makes this

reason for refusal no longer necessary.

- Change to the wording of the reason for refusal numbered reason 4 on the Committee report following consideration of additional information from the applicant.
- The deletion of the reference to dust impact on the local wildlife site that was contained in reason for refusal number 4.

In the interest of clarity, the revised recommendation and re-numbering of the reasons for refusal are set out below.

It is proposed that the 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 Core Strategy submission, which is currently at an advanced stage with submission to the Government scheduled for before the end of the year. There are no material planning considerations that indicate that this proposal should be determined favourably and not in accordance with the adopted development plan.
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.

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 that would overcome the harm to the Green Belt and consequently the proposed development would be contrary to Planning Policy Guidance 2: Green Belts.

	<p>3. The applicant has failed to submit information that demonstrates that acceptable mitigation can be achieved to prevent adverse impacts by way of increased recreational disturbance to the Crouch and Roach Special Protection Area (SPA) or the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI). The Local Authority cannot therefore ascertain that the proposed development would not adversely affect the integrity of these wildlife sites, contrary to Regulation 48 (5) of the Habitats Regulations 1994 and Planning Policy Statement 9: Biodiversity and Geological Conservation.</p> <p>4. 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.</p>
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