

Statement of Common Ground

Coombes Farm

1 Introduction

- 1.1 This Statement of Common Ground has been prepared by Icenl Projects Ltd (Icenl) and Rochford District Council (RDC)
- 1.2 It describes those matters of common ground between the Appellant and RDC relating to the appeal against the decision of RDC to refuse the outline planning application for the residential development of up to 326 dwellings with all matters except access to the site, reserved for subsequent approval.

2 Appeal Proposals

- 2.1 The appeal proposal seeks approval for the development of the site to provide up to 326 residential dwellings, associated accesses and community uses.
- 2.2 The Appellant contends that the proposals would deliver a development density of a minimum of 30 dwellings per hectare on the developable area of the site (10.84ha), which excludes structural landscaping, service runs, points of access and the area identified for potential future community use.
- 2.3 The application was submitted in outline with all matters reserved, apart from means of access to the site.
- 2.4 0.11 hectares of the site is to be reserved for community use and there is open space provision of up to 4.16ha comprising 2.68 hectares of structural landscaping and up to 1.48 hectares of local public open space within the red line area.
- 2.5 Access to the site is proposed from two locations; to the north east from Stambridge Road and to the south west of the site from Rocheway, requiring the provision of two new accesses.
- 2.6 There is an existing public right of way footpath that runs east-west through the centre of the site. Although this public right of way footpath is not identified on the Illustrative Masterplan as being retained in its current position or form the proposed development would retain public access through the site.

- 2.7 The proposed residential development focuses on the provision of family dwellings, with a small proportion of flatted accommodation proposed to provide a balanced housing provision. The mix of dwelling types to be provided on site is the subject of determination at the reserved matters stage, but the Illustrative Masterplan that accompanies the application confirms that the site can accommodate a mix of dwellings of the following order:
- 29% 2-bedroom dwellings
 - 56% 3-bedroom dwellings
 - 15% 4-bedroom dwellings
- 2.8 The proposed development has been designed to provide for up to 35% affordable housing which exceeds the provision targets set out in Policy HP8 of the 2006 adopted local plan.
- 2.9 The application includes an Illustrative Masterplan layout and drawings showing parameters for access and routes through the site, site layout, building heights and level changes.

3 Description of the Site and Surrounding Area

- 3.1 The site (red line boundary) covers an area of 13.68 hectares, 10.84 hectares of which comprises the residential developable area and with 2.68 hectares of structural landscaping. The site is set within a wider site (blue line boundary) that is controlled by the Appellant which covers an area of 19.4 hectares.
- 3.2 The existing site is agricultural land which is currently in active agricultural use. The site is privately owned such that general public access is not currently possible over the entire site, save for the public right of way running through the site.
- 3.3 The wider site is bounded by Stambridge Road and existing residential properties fronting Stambridge Road to the north, Stambridge Mills and Mill Lane to the east and the River Roach to the south. To the west, the site boundary abuts the existing urban area and includes; allotment gardens that are accessed off Stambridge Road and Rocheway, the residential properties to the eastern end of Rocheway, the Adult Education Centre, which lies to the south of Rocheway, and the playing fields to its rear.
- 3.4 The topography of the site is characterised by a gentle rise from the south-east to the north-west, from approximately 5.0m (AOD) to approximately 8.0m (AOD).

- 3.5 There are a number of mature trees located to the western boundary of the site, between the site and the Adult Education Centre and the playing fields to its rear. There are no trees located within the main area of the site. Where existing trees are located within close proximity to the boundary the majority of the healthy tree specimens will be retained.
- 3.6 The site is crossed by overhead power lines, which will be diverted underground by the development proposals.
- 3.7 At its closest point, the site is located approximately 500 metres east of Rochford town centre where local amenities and facilities can be found and approximately 900 metres east of the Rochford Railway Station.
- 3.8 Rochford Railway Station is on the London Liverpool Street to Southend Victoria line with services running approximately every 8 minutes during peak periods and including stops at Hockley, Rayleigh, Wickford, Billericay, Shenfield and London Stratford. The service between Rochford and London Liverpool Street takes approximately 50 minutes.
- 3.9 The nearest bus stops to the site are located to the north of the site on Stambridge Road, with the number 60 service between Southend-on-Sea to Paglesham running five services a day and the number 515 school service.
- 3.10 Rochford contains a number of community facilities in close proximity to the site, including the retail facilities of the town centre, education, leisure and local employment centres. The centre acts predominantly as a top-up retail location, with the majority of retail spending directed towards out of centre retail facilities and Southend.
- 3.11 In addition to the Adult Education Centre, which borders the site, there are a number of educational facilities in the local area including Waterman Primary and Nursery and Stambridge Primary. Also accessible to the site is the Rochford Medical Practice and Rochford Library, both of which are situated near the town centre, between the site and the Railway Station. Whilst the Rochford Medical Practice might be in fairly close proximity to the site, the Primary Care Trust have expressed a view that current health provisions in the area are currently full to capacity and have therefore requested that the possibility of including within the Section 106 offer, the provision of some land.
- 3.12 There are a number of recreation grounds and parks located close to the site including the sports pitches located to the south of the Adult Education Centre.

3.13 There are two principal employment areas in proximity to the site; Purdey's Industrial Estate, situated to the south of the site over the River Roach, and London Southend Airport, which is situated to the south west of the site. In addition to these, Rochford town centre also provides local employment for residents.

4 Relevant Planning History

4.1 There is no relevant planning history.

5 Development Plan Policies

5.1 The East of England Plan (2008) and the Rochford District Replacement Local Plan (2006) form the statutory development plan for the site.

5.2 The following policies are of relevance to the appeal proposals:

i. East of England Plan (2008)

- Policy H1.
- Policy ENV 3.

ii. Rochford District Replacement Local Plan (2006) (Saved Policies)

5.3 Other saved policies of direct relevance to the application proposals include:

- CS1: Moving Towards Sustainable Development;
- CS2: Protecting and Enhancing the Built and Natural Environment;
- CS3: Reducing the Need to Travel;
- CS4: Accessible and High Quality Housing and Services;
- CS6: Promoting Good Design and Design Statements;
- CS7: Conserving and Enhancing Heritage;
- CS8: Retaining Character of Place;
- CS9: Emphasising the Value of Landscaping;
- CS10: Energy and Water Consumption;
- HP 1: Overall Housing Provision

- HP 2: Housing Site Allocations
- HP 5: Infrastructure
- HP21: Planning Obligations
- TP10: Aviation and Noise;
- LT5: New Public Open Space.
- NR 7: Local Nature Reserves and wildlife sites
- Although Policy HP8: Affordable Housing and Policy TP8: Car Parking Standards are saved policies the requirements of these policies have been effectively superseded.

iii. Rochford Core Strategy Submission Draft, September 2009

- 5.4 The Rochford Core Strategy Submission Draft document was published for public consultation between September and November 2009. The Council submitted the Core Strategy Submission document to the Secretary of State on the 14th January 2010 for critical examination by the Planning Inspectorate. The soundness of this document has therefore not yet been tested.
- 5.5 Draft policies and guidance set out within the draft Core Strategy will be considered as part of evidence.

iv National Planning Guidance and Other Documents of Relevance

- 5.6 In addition to the statutory development plan, the following national planning guidance and other strategic planning guidance and advice documents are relevant to the appeal proposals:
- Planning Policy Statement 1 – Delivering Sustainable Development;
 - Planning Policy Guidance 2 – Green Belts;
 - Planning Policy Statement 3 – Housing;
 - 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 16: Archaeology and Planning

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- Planning Policy Statement 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)
- Planning Policy Statement 25 – Development and Flood Risk;
- National Housing and Planning Advice Unit guidance and advice documents;
- Rochford Annual Monitoring Report 2008/9;
- Rochford SHLAA, November 2009;
- Department for Transport Circular 1/2002; Control of development in airport public safety zones;
- Aerodrome Safeguarding Advice Notes 1,2 and 4.
- Suitable Alternative Natural Green Space (SANGS) guidelines. Version dated 12.06.08 supplied by Natural England.
- Parking Standards; Design and Good Practice. September 2009. Essex County Council.
- Third Party Risks Near Airports and Public Safety Zone Policy: A Report to the Department by Consultants, Department of the Environment, Transport and the Regions, October 1997
- Public Safety Zones: A Consultation Document, Department of the Environment, Transport and the Regions, 1997
- Risk Criteria for land-use planning in the vicinity of major industrial hazards, UK Health and Safety Executive, HMSO, 1989
- Reducing risks, protecting people, UK Health and Safety Executive, HMSO, 2001

6 Matters Not In Dispute

6.1 The following matters are not in dispute:

1. General Matters

- The site is located within the Green Belt.

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- The site lies in Flood Zone 1.
- The appeal site is capable of accommodating up to 326 residential dwellings, associated accesses and community uses as proposed in the appeal scheme.
- The Council do not dispute that there is a specific need to release Green Belt land.
- The Green Belt boundary restricts development opportunities within the existing settlement area.
- The proposed development of Coombes Farm would not put Rochford at risk of merging with another town. Beyond the application boundary, the wider landholding controlled by the Appellant is also bounded by Stambridge Mills, the River Roach and to the south of the River Roach by Purdeys Industrial Estate.

ii. Housing Matters

- Under the provisions of the Policy H1 of the East of England Plan, Rochford has a requirement to deliver a minimum of 4,600 (net) new dwellings over the period 2001-2021.
- Within the monitoring year 2006-2007, 449 residential units were delivered.
- Within the monitoring year 2007-2008, 169 residential units were delivered.
- Within the monitoring year 2008-2009, 102 residential units were delivered.
- The total number of housing units delivered between April 2001 – March 2009 amounts to 1531 units at an average annual delivery rate of approximately 191 units per annum.
- The Five Year Housing land supply statistics set out within the AMR for 2008/9 includes the provision of 775 (period 2010/11 to 2014/15) units in broad growth locations set out in the emerging Core Strategy the soundness of which are yet to be tested at EIP.
- Rochford District Council has not delivered any affordable housing in the last year and for the period 2001-2007 112 units were delivered.

iii. Transport Matters

- The proposed site access can be achieved in accordance with standards.
- All traffic generation and distribution is agreed for all modes of travel.
- ECC Highways have no objection to the proposals subject to the imposition of conditions and financial contributions.

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- The proposed increase in traffic as a result of the development would not cause any roads or junctions to exceed capacity (save for the junction at Southend Road).
- Works to the Southend Road junction can be secured by means of conditions and/or legal agreement as appropriate.
- The existing road and junction network can satisfactorily accommodate the increase in traffic which is predicted from the proposed development.
- The fact that traffic volume may increase within the centre of Rochford (including the Conservation Area) is not considered of sufficient concern to warrant refusal of the development.
- Highway safety concerns can be dealt with by means of conditions and/or legal agreement as appropriate.

iv Ecology

- Natural England raised an objection (23 October 2009) to the proposed development following initial consultation⁴ on the proposal because they considered that insufficient information had been submitted with the application to enable them to be able to advise the Local Planning Authority that the proposal would not be likely to have a significant effect on the European and Ramsar sites in accordance with the Habitat Regulations by virtue of increased recreational disturbance during the operational phase of the development.
- Natural England are now satisfied (letter dated 12 November 2009) that subsequently proposed mitigation measures to provide Suitable Alternative Natural Green Space (SANGS) would be sufficient to mitigate any potential impact on the SPA/SSSI/Local Wildlife site
- Wildlife present within the application site would not present any constraints to the proposed development, providing any necessary planning conditions were imposed.
- Badgers and Great Crested Newts are considered likely to be absent from the site and do not, therefore, present any constraints to development.
- Natural England has confirmed that the bat, bird and reptile mitigation outlined in the report produced by Ecology Solutions is adequate and can be secured by means of conditions.

v. SPA Open Space Mitigation

- In principle the provision of land within and to the south/south east of the site would be sufficient to offset any concerns regarding potential impact on the SPA/SSSI and Local Wildlife Site.

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- In principle the area of open space outside of the application red line boundary and which the Appellant has advanced as 'mitigation' against the projected impact on the SPA/SSSI can be secured by means of a Grampian condition together with a legal agreement to ensure on-going maintenance.

vi. Public Safety Zone

- Open space is capable of being a permissible use in Public Safety Zones (PSZ's) in particular circumstances. Children's play grounds, playing fields and sports grounds are some examples of open space uses that would not be permissible within PSZ's.
- New Public Open Space could be considered to be an acceptable use within a PSZ providing there was a reasonable expectation that the use would be low intensity.
- Golf courses and allotments are open space uses that are considered to be acceptable uses within PSZ's.

vii. Other Matters

- Detailed design is a reserved matter.
- The proposals provide an appropriate level of open space.
- Rochford Council has raised no fundamental objection to the proposals on the grounds of air quality impact subject to securing mitigation and monitoring by means of conditions.
- London Southend Airport has confirmed that it has no objections to the proposals subject to the imposition of conditions regarding bird strike, landscape design and noise insulation of properties.
- The issue of the appropriateness of the proposed development within a Public Safety Zone is a matter for the Local Planning Authority to consider and is not a matter on which London Southend Airport has a duty to comment.
- RDC do not consider that a potential (and currently unquantifiable) deficiency in indoor and outdoor sports facilities warrants refusal of the proposals.
- RDC do not consider that the possibility that proposed redevelopment could sterilise brick earth deposits could form the basis of a refusal of planning permission.
- There is no objection from ECC (Education) provided that contributions are made to Secondary School education.

- On the advice of the Environment Agency the proposed development is in accordance with PPS25 and is deemed acceptable in relation to Flood risk and drainage subject to the imposition of planning conditions.
- There is no objection from Anglian Water.
- The Primary Care Trust does not object to the proposals subject to the provision of land for their use.
- The indicative mix (percentages of number of bedrooms) of housing is accepted by RDC (Housing) and the agreement to provide 35% affordable housing is supported.
- RDC consider that the exact proposed dwelling type and size (i.e. flats/houses and number of bedrooms) and tenure mix (shared ownership or social rented) of affordable housing can remain unspecified at this stage and until the final agreement of the proposed Section 106 agreement relating to affordable housing provision, to enable future flexibility and ensure that the mix is resilient to changing local need.
- There are no objections in relation to archaeology subject to the imposition of a condition.
- There is no in principle objection to the diversion of the existing public footpath.
- A public right of way will be maintained through the site.
- There are no in principle objections in relation to trees and landscaping. It is agreed that detailed proposals, measures for protection and construction methodology will be required.
- Issues of potential land contamination can be adequately addressed through the imposition of a condition to secure further intrusive investigation works.
- In principle, the proposed scale of development of 1-3 storeys or a max height of 12 metres, in accordance with the proposed parameters is considered to be acceptable and in keeping with the surrounding context, subject to the proportion of 1-3 storeys proposed in relation to the overall quality of urban design achieved on the site and with regard to the surrounding green belt and residential context.
- There are no overriding considerations in relation to utilities which would prevent the granting of consent.

7 Matters In Dispute

7.1 Principally and in conjunction with the reasons for refusal given by RDC the following matters are in dispute:

- The Appellant disputes that RDC can demonstrate an adequate 5 year housing land supply;
- The Appellant disputes that there are no very special circumstances to overcome the harm of developing in the Green Belt.
- RDC disputes that land at Coombes Farm represents a suitable site to meet growth requirements in Rochford.
- RDC disputes that there are material planning considerations that indicate that this proposal should be determined favourably and not in accordance with the adopted development plan.
- The Appellant disputes that 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.
- The Appellant disputes that they 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 Appellant disputes that 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 would be 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.
- The contribution that the proposed development scheme will make towards the achievement of strategic infrastructure provision as identified in the emerging Core Strategy Submission document and necessary as a result of the district's housing supply requirements.

On behalf of Rochford District Council

Signed *J Whitlock*

Dated *5/2/10*

Printed *John Whitlock*

Position *Planning Manager*

On behalf of the appellant

Signed *DC*

Dated *5/2/10*

Printed *DAVID CHURCHILL*

Position *DIRECTOR*

Addendum Statement of Common Ground

Coombes Farm

1 Introduction

- 1.1 This Addendum Statement of Common Ground has been prepared by Icení Projects Ltd (Icení) and Rochford District Council (RDC)
- 1.2 It describes those additional matters of common ground between the Appellant and RDC relating to the appeal against the decision of RDC to refuse the outline planning application for the residential development of up to 326 dwellings with all matters except access to the site, reserved for subsequent approval. These additional matters of common ground have been established between the Appellant and RDC following the agreement of the previous Statement of Common Ground (submitted to the Planning Inspectorate on 5 February 2010). They have been established to further narrow the focus of the inquiry and establish the matters remaining in dispute.
- 1.3 Accordingly, this Addendum Statement of Common Ground should be read alongside and in unison with the previous Statement of Common Ground.

2 Additional Matters of Agreement

- 2.1 The additional matters of agreement have been established:
- 2.1.1 The appeal site is contained wholly within Flood Zone 1 and its development for residential use is acceptable in flood risk and drainage terms, subject to the imposition of the requisite planning conditions;
- 2.1.2 The potential for increased risk of birdstrike resulting from the proposed development can be mitigated against adequately by the imposition of a suitable planning condition to ensure suitable landscaping;
- 2.1.3 The levels of noise that future residents of the site would experience resulting from existing air traffic or any other existing noise source was not considered to be unacceptable such that planning permission for the proposed development should be refused;
- 2.1.4 The air quality that future residents of the site would experience, was not considered to be unacceptable such that planning permission for the proposed development should be refused;
- 2.1.5 Air pollution resulting from construction dust could be mitigated against effectively by use of planning conditions;

- 2.1.6 Any land contamination issues that might arise during development can be adequately controlled through the imposition of a suitable planning condition;
- 2.1.7 The provision of Alternative Natural Green Space (ANGS) within the 'blue line' area, together with the imposition of the necessary planning conditions and legal agreements relating to the nature of and long term management of this area, would be acceptable mitigation against the increased risk to the nearby European wildlife sites; SSSI and SPA site by virtue of recreational disturbance;
- 2.1.8 The proposed use of the land at the site that lies within the Public Safety Zone (PSZ) as public open space in the form of public open space proposed, is acceptable within the PSZ, subject to the imposition of suitable planning conditions;
- 2.1.9 The proposed use of land within the 'blue line' that lies within the PSZ as public open space in the form of Alternative Natural Green Space (ANGS) is acceptable within the PSZ subject to the imposition of suitable planning conditions;
- 2.1.10 The relevant regulations contained within the Habitats Regulation 1994 have been satisfied both on the part of the Council and Natural England;
- 2.1.11 Following submission of further information to RDC by the developer after the date of refusal of the application RDC no longer contends that the appellant 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). Accordingly, the Council will not be presenting evidence at the inquiry in defence of reason for refusal number 3 and has, by virtue of its letter dated 3 March 2010, withdrawn reason 3 from the decision in relation to application 09/00528/OUT;.
- 2.1.12 Following submission of further information to RDC by the developer after the date of refusal of the application RDC no longer contends that the proposed 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 in the form of public open space proposed would be unacceptable because it would result in a significant increase in use of the land by members of the public. Accordingly, the Council will not be presenting evidence at the inquiry in defence of reason for refusal number 4 and has, by virtue of its letter dated 3 March 2010, withdrawn reason 4 from the decision in relation to application 09/00528/OUT;.
- 2.1.13 The Council does not object to the appeal proposals on the basis of the impact on brickearth deposits based on issues of economically viability;

2.1.14 There is no objection to the appeal proposals on the grounds of the loss of Best and Most Versatile (BMV) agricultural land;

2.1.15 The Council does not object to the appeal proposals on the basis of any potential impact on the local wildlife site adjoining the site by virtue of increased recreational disturbance;

2.1.16 The Council accepts that the evidence presented with the application documentation is sufficient to confirm that there would be no ecological constraints to the residential development of the appeal site.

On behalf of Rochford District Council

Signed.....

Dated.....

Printed.....

Position.....

On behalf of the appellant

Signed.....

Dated.....

Printed.....

Position.....