

Issue 2/BFR3
Inner London Group (9917)
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**EXAMINATION OF THE ROCHFORD ALLOCATIONS SUBMISSIONS
DOCUMENT**

HEARING SESSION AT 11AM ON WEDNESDAY 11TH SEPTEMBER 2013

HEARING STATEMENT ON BEHALF OF INNER LONDON GROUP

Issue 2 (Others): Are the allocated housing and employment sites (both brownfield and settlement extensions) justified, deliverable within the plan period and consistent with national policy?

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Policy BFR3 – Stambridge Mills Rochford

1. Inner London Group (ILG) owns this disused mill complex located at the southern end of Mill Lane, Rochford.
2. ILG support the allocation of Stambridge Mills for housing but consider Policy BFR3 to be over-prescriptive in a number of respects. This statement responds to the Inspector's questions as follows:-

Q(i): Is the site selected justified when compared to other reasonable alternatives?

3. The allocation of BFR3 for residential use is justified when considered against reasonable alternatives because the site constitutes previously developed land, and the site has passed the Sequential Test with regard to development within Flood Zone 3 and will pass the Exception Test. The provision of improved flood defences will provide enhanced flood protection for existing residents of the houses in Mill Lane and the Broomhills Care Home situated to the east of the Mill site. The proposed flood defences will also protect access along Mill Lane up to the junction with Stambridge Road from flooding. These collateral benefits of development at Stambridge Mills underline the justification for the site allocation. The re-use of the site also reduces the need for the release of land within the green belt where residential use is intrinsically inappropriate. Stambridge Mills is one of only four brownfield sites in Rochford identified for development under Core Strategy Policy H1.
4. With regard to the principle of allocation for housing, ILG therefore fully supports Policy BFR3 and considers the policy to be sound. However, the highly detailed and prescriptive form of various sections of the associated 'Concept Statement' is considered to be unsound in certain respects for the reasons set out below.

Q(ii): Is the proposed development deliverable over the plan period having regard, amongst other things, to land ownership issues and infrastructure constraints?

5. The site is available for development, and is in the sole ownership of ILG. The river frontage to the developed plot requires upgraded flood defences. Other land required for improved flood defences to the west and east of the developed site is owned by third parties who have indicated in-principle agreement to the construction and maintenance of the improved flood defences at ILG's expense. A planning application (ref: 11/00494/FUL) is currently lodged with the Council for the demolition of all existing buildings, the provision of 96 dwellings (45 houses & 51 flats) on the developed plot with associated landscaping and parking, and for improvements to the flood defences to the east and west. The application has been the subject of extensive discussions with the LPA, the Environment Agency (EA), Essex County Council (ECC) Highways and Design Officers, Natural England, and other agencies. Agreement has been reached with ECC that necessary improvements to Mill Lane, including a new footway, can be provided on highway land.
6. With regard to flood issues, in-principle agreement has been reached with the EA on the technical design of the flood defence, and pre-application agreement was reached with the emergency services on the flood evacuation plan. The Sequential Test has been passed, and the Exceptions Test will be passed following formal approval of the flood evacuation plan.
7. The application scheme has also been subject to viability testing, and following renewed discussions with the Council's viability consultants, may provide up to 20% affordable housing along with a range of S.106 contributions to enhance local infrastructure. Full compliance with affordable housing policy is unlikely.
8. The Council has recently indicated to the Inspector that five matters remain

outstanding on the planning application. Two of these are related to the flood issues, and are in the process of being resolved with the EA and the Emergency Planner following the in-principle agreement of third parties to the construction and maintenance of the improved defences on their land. Two of the remaining matters involve consultation responses awaited from other parties, and the final matter relates the need to incorporate a sub-station within the site. The latter will be provided in the existing parking area adjacent to the site entrance of Mill Lane. Discussions with planning officers are ongoing at the time of writing, and further up-dates can be provided at the hearing session.

9. Following the grant of planning permission, development of the site is expected to commence promptly following the prior completion of the flood defence improvement works. The development of site BFR3 for housing is therefore considered to be deliverable over the plan period.

Q(iii): Are the detailed site boundaries appropriate?

10. The detailed site boundary correctly shows the extent of the previously developed plot.

Q(iv): Is the detail about the form, scale and access and quantum of development appropriate having regard to policies in the Core Strategy?

11. With regard to capacity, BFR3 envisages that the site could accommodate 98 dwellings as identified in the SHLAA. This figure is slightly higher than the current planning application. The proposed quantum is therefore considered appropriate, and will make effective use of the site.

12. With the exception of public open space and play space requirements (see below), the detailed requirements of the Concept Statement with regard to the form and scale of development, including the need to respect the adjacent listed building, are appropriate. In addition, requirements with regard

to enhanced access and public transport improvements are appropriate in principle, as are requirements relating to SUDS, drainage and the protection of wildlife. These matters are consistent with the Core Strategy, and have been addressed in the current planning application.

13. However, the Concept Statement unnecessarily repeats Core Strategy Policies H4 and H6, and prescriptively requires compliance with affordable housing, Lifetime Homes and accessible housing policies. There is no reference within BFR3 to the need for scheme viability to be taken into account in the application of these Core Strategy policies (as the policies note). This is a particularly striking omission in the context of development at Stambridge Mills where full compliance is unlikely to be achieved due to the abnormal costs associated with demolition, decontamination and flood defence improvements.
14. The requirement within BFR3 for associated infrastructure improvements, whether provided on-site or off-site, including improved flood defences, is consistent with Core Strategy Appendix H1.

Q(vi): Are the requirements for public open space and play space justified for brownfield sites given the likely development costs?

15. The planning application for this site includes a compliant level of private amenity space provision, and combined areas that provide circa 2000 square metres of communal amenity space including river side paths along the frontage of the developed site. The Concept Statement lays down a series of prescriptive requirements relating to the form and layout of development across the entire site including specific quantitative requirements for public open space and play space (LAP, LEAP & NEAP). The Core Strategy does not set down specific standards of provision.
16. The Concept Statement's specified public open space requirement (0.3ha for 98 dwellings) equates to 31 square metres of open space per dwelling

excluding the required provision of a LAP, LEAP and/or NEAP. The quantitative requirements of the Concept Statement in so far as they relate to open space and play space are considered overly prescriptive and unjustifiable.

17. Natural England recommends that natural green spaces should be at least 2 hectares in size, this being the smallest category of a hierarchy of five types of open space. At just 1.84 hectares, site BFR3 clearly could not accommodate a natural or semi-natural green space of this size. Furthermore, the Concept Statement acknowledges that this site can be developed at a relatively high density having regard to the scale of existing buildings. This factor, allied to the substantial costs of bringing the land forward for residential use, indicates that a flexible approach to the provision of on-site open space is appropriate. Similarly, the prescriptive requirement to incorporate a LEAP and a NEAP is considered unreasonable. The Open Space Study indicates that play areas and youth facilities are provided in and around Rochford town centre within the pedestrian catchment of the Stambridge Mills site. The Council's Open Space Study 2009 indicates that the Canewdon settlement area, in which site BFR1 is located, includes the reasonable provision of such facilities.

18. Above all, the prescriptive requirements for open space and play space would render development of the Stambridge Mills site unviable by decreasing the developable area. Any reduction in the quantum of development below that sought by Policy BFR3 would, in the first instance, further reduce the site's ability to deliver affordable housing, and would ultimately render development at the site unviable. Such requirements might be justifiable on larger, greenfield sites where layout and provision of green space can be strategically planned and where site acquisition and preparation costs are typically lower but greater flexibility needs to be applied to brownfield sites to reflect site-specific development costs and constraints.

Conclusion on soundness

19. ILG consider that Policy BFR3 is largely sound. However, its overly prescriptive approach to the provision of public open space and play space is not considered to be sound when assessed against the relevant criteria, namely:-

- It has not been positively prepared because the open space requirements would be better met, in the case of a relatively small and peripheral site of this kind, through improvements to/provision of larger and more accessible off-site facilities of appropriate size in and around Rochford;
- It is not justified because its prescriptive approach would obstruct development whereas a more flexible approach would facilitate the delivery of the site for new housing;
- It is not effective because it would prevent the delivery of a brownfield site identified within the Core Strategy as a priority location for new housing;
- It is not consistent with national policy that seeks a flexible, proactive and realistic approach to plan-making and decision-taking, and because the overly prescriptive approach would stifle the sustainable development of a brownfield site. Paragraph 173 of the NPPF states that *'...the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'*.

20. Policy BFR3 could be made sound by removing the need for this site to deliver natural and semi-natural green space, or a LEAP or a NEAP, none of which is appropriately located here. Furthermore, re-wording should

emphasise the need for the realistic and flexible application of policy and standards having regard to the brownfield status of the site and the need to ensure that viability is not threatened. Requirements for (i) the provision of affordable housing (paragraph 2.63), (ii) compliance with Lifetime Homes Standards and wheelchair accessibility (paragraph 2.64), and (iii) amenity open space and a LAP (paragraphs 2.66), should be caveated by the words '*subject to such provision not threatening the viability of the development*'.

(Length: 1798 words)

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