



**PLANNING APPLICATIONS WEEKLY LIST NO.1708**  
**Week Ending 19th April 2024**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Next Development Committee.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **24th April 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team [pbctechnicalsupport@rochford.gov.uk](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Emma Goodings Director of Place. A planning officer will then set out these planning reasons in the report to the Committee.

Index of planning applications: -

- 1. 24/00093/FUL – 155 Rawreth Lane Rayleigh PAGES 2-14
- 2. 24/00038/FUL - Annexe Adjacent 66 Lower Road Hullbridge PAGES 14-34
- 3. 22/00712/FUL - Meadow Cottage Little Stambridge Hall Lane Stambridge PAGES 34-59

Application No :	24/00093/FUL      Zoning : Residential
Case Officer	Mr Thomas Byford
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	155 Rawreth Lane Rayleigh Essex
Proposal :	Demolish Existing Bungalow and Construct 1 no. 4-Bed Detached House

## **SITE AND PROPOSAL**

1. The application site is located on the south side of Rawreth Lane. It is currently occupied by a detached bungalow which sits back from the building line of Rawreth Lane. The site is unusually large for the area, with both a greater width and depth than other adjoining plots. Along the frontage is a dense area of landscaping which restricts views of the application property from the street scene.
2. The application site encompasses a generous frontage along Rawreth Lane. This part of Rawreth Lane consists of an eclectic mix of architectural styles. The dwellings on the southern side of Rawreth Lane are predominantly in two storey form replicated by the proposed houses. In considering the mixed character, appearance and scale of built form within the vicinity there is no one prevailing design form which pre determines the acceptability of proposed dwellings which are subject of planning control.
3. The site has a rich recent site history, listed below. The most relevant of the recent history however is that of application reference 23/00847/FUL which was approved by the local planning authority. This proposed the creation of a new first floor, involving a roof extension, with single storey front, side and rear extensions and alterations to fenestration/openings. The existing side extension rear conservatory would be demolished as part of the proposal.
4. The relevance therefore of this consent (reference 23/00847/FUL), lies in that the fact that the resultant dwelling that could be constructed from this consent, and is externally and internally identical to the proposed replacement dwelling.
5. The applicant seeks in this planning application to gain planning consent to demolish the existing dwelling and construct a replacement four bedroomed detached dwelling on the site. The existing garage on the site would be retained.

## RELEVANT PLANNING HISTORY

6. Application No. 22/00461/FUL - Demolish existing 3 bed detached bungalow, sub-divide plot into 4 and construct 2no. 4 bed detached houses and 2no. 3 bed detached bungalows with private parking and access road. – Refused.
7. Application No. 22/01061/FUL - Demolish existing 3-bed detached bungalow, sub-divide plot into 3 and construct 3no. 5-bed detached houses with private parking. – Refused.
8. Application No. 23/00847/FUL - Creation of first floor, involving roof extension, single storey front, side and rear extensions and alterations to fenestration/openings, following the demolition of existing side extension rear conservatory – Permitted.

## MATERIAL PLANNING CONSIDERATIONS

9. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. 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.
10. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### Impact on Character

11. The National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people (para.126).
12. The NPPF also advises that planning policies and decisions should ensure that developments:
  - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
  - e) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and
  - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
13. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (para. 139).
14. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.
15. Although the resultant dwelling is of significant scale, the plot subject to this application is more generous than many of the surrounding plots and is considered capable to accommodating a dwelling of this size in the mixed street scene. In this case, the principle of a dwelling of this scale, in this location and with an identical external appearance has already been approved under consent 23/00847/FUL and therefore it has already been established that the proposed development would not have a significant nor detrimental impact on the site or on the surrounding character and appearance of the area.
16. Although new dwelling is significant in terms of the change to the appearance and scale in comparison to the existing dwelling on the site, including the increase height, this nevertheless is not significant in that the development when implemented would appear as an overly dominant visual influence within the street scene. The proposal is therefore in accordance with policy DM1 of the Council's Development Management Plan and the NPPF.

## Impact on Residential Amenity

17. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in the Council's Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact upon residential amenity.
18. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development the subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
19. The application site is adjoined by housing at No. 153 Rawreth Lane to the east, No. 159 Rawreth Lane to the west, Nos. 3 and 4 Sycamore Close to the south and a block of flats serving Temple Way to the south-east, all comprising two storey in form.
20. The level of fenestration to the front and rear, although adding additional glazing in comparison to the existing dwelling on the site and from a first floor, would result in a typical arrangement for a residential dwelling, with acceptable outlooks to both the front and rear. The outlook to the highway is that of public realm and therefore this is not considered to cause significant harm in terms of loss of privacy or overlooking. At the rear, although this would comprise additional first floor fenestration, the separation to the rear site boundary is approximately 31.5m with the neighbouring opposing garden beyond and would be considered a suitable distance to the rear boundary as not to impact the neighbouring sites in an adverse manner. As the first-floor side facing windows would serve non-habitable rooms, it would be reasonable to impose a condition requiring these windows be obscure glazed and non-opening below 1.7m were the application being recommended for approval. This is considered to mitigate any harm that may occur on the adjacent neighbours to the east and west in terms of overlooking.
21. Although the existing relationship to the east, west and adjacent sites relates to an existing bungalow on the site, with a low eaves height and of lesser scale than the proposed, the separation to the closest neighbour to the east (No. 153) would be approximately 9.0m, with the

proposed dwelling sat back significantly deeper into the site, than adjacent neighbours.

22. The Council's guidance in terms of overshadowing in SPD2 relates to extensions to dwellings only, and although the rear corner of the proposed dwelling is considered to breach a 45 degree angle with the rear elevation habitable windows of No. 153, taking into account the south facing gardens and the significant light that the rear of this dwelling and garden at 153 would enjoy throughout the day, it is not considered that there would be a reason for refusal on these grounds.

#### Garden Size

23. The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
24. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwelling house.
25. Supplementary Planning Document 2 requires a minimum 100m<sup>2</sup> garden area for all new dwellings except one and two-bedroom dwellings where a minimum private garden area of 50 m<sup>2</sup> would be acceptable. The proposed development would provide a four bedroom, dwelling with a garden area way in excess of 100m<sup>2</sup>.

#### Sustainability

26. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
27. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
28. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as

set out in the DCLG Technical housing standards – nationally described space standard March 2015.

29. A two storey dwelling which would comprise of four bedrooms accommodating eight people would require a minimum Gross Internal Floor Area (GIA) of 124m<sup>2</sup>. Additionally, the dwelling must have a minimum of 3m<sup>2</sup> of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m<sup>2</sup> internal floor space while double bedrooms must equate to a minimum of 11.5m<sup>2</sup>, with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwellings would measure approximately 334m<sup>2</sup> with internal storage exceeding the 3m<sup>2</sup> requirement, exceeding the overall minimum requirement.
30. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the Internal floor area requirements.

#### Drainage

31. Development on sites such as this must ensure that the foul drainage on the site is dealt with safely and effectively and in a way that would not lead to contamination.
32. In this case and due to the nature of the proposal which includes a replacement dwelling – it is considered that the site is capable of disposing of the foul drainage of the site and the method for this would be covered during the application for consent under the Building Regulations that would be required for the proposal.

#### Refuse and Recycling

33. The Council operate a 3-bin refuse and recycling system. The proposed front and rear garden areas would provide sufficient storage space for the three bins.

#### Impact on Highway Safety

34. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an

accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.

35. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
36. In accordance with paragraph 115 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
37. The proposed site has sufficient space within the proposed curtilage and existing hardstanding driveway to provide at least two car parking spaces per dwelling at the required dimensions as stated in the EPOA parking standard (5.5m deep x 2.9m wide). The existing double garage is proposed to remain on the site, although it is noted that the spaces this would provide do not meet the current standards (3m wide x 7m deep). Properties of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking given that the needs are met on site without being dependent upon the retained garage. It is noted that a recent update to the NPPF and the introduction of associated design guidance have emphasised the use of soft landscaping ensuring that schemes are visually attractive. In this case, the existing trees (save T6) on the site are proposed to remain and it is not proposed to make any changes to the landscaping on the site.
38. Essex County Council as the local Highway Authority have reviewed the submitted information and have raised no objection to the proposal subject to conditions.
39. Although the Highway Authority have recommended two conditions, one of these is not considered to meet the test of necessity because of the retention of existing frontage trees and landscaping retained and there are no proposed changes to the existing access.
40. Overall, it is considered that the proposal would comply with the relevant policies contained within the Development Management Plan and the NPPF and as such there is insufficient justification to warrant a refusal on these grounds.



## Trees

41. Policy DM25 of the of the Council's Development Management Plan 2014 states that development should seek to conserve existing trees.
42. A tree report and protection plan has been submitted with the application. These documents show most trees being retained and protected in accordance using a combination of the existing hard surfacing and temporary barriers. T6 to the northwest of the dwelling is understood to be removed however this is not considered of significance, nor does it add any significant value to the site. On any granting of planning consent, compliance with the detail in the tree protection plan will be conditioned to ensure protection of the surrounding trees.
43. The Council has sought further clarity from the Arboricultural Officer who has stated that he would have no objection if this were to be removed.

## On Site Ecology

44. No ecological appraisal has been submitted with the application however the site is a domestic garden and although shows some signs of minor overgrowth, it was apparent on the case officer's site visit, much of this had already been cleared. It is considered unlikely that the site would support protected species. The applicant has submitted a bat declaration survey which indicates that the site is not likely to support a habitat for bats.

## Off Site Ecology

45. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
46. A RAMS fee is not required as this is for a replacement dwelling and therefore there is not an increase of footfall that would have a significant effect on the sensitive interest features of coastal European designated sites.

## Flood Risk

47. The dwelling would be sited within Flood Zone 1 which has the lowest risk of flooding and to where development should be directed. The site however does present a risk of surface water flooding lying within a Critical Drainage Area according to the Environment Agency Flooding Maps.
48. The proposal does not include any additional hardstanding on the site with a large proportion of the new dwelling constructed on the existing footings of the original dwelling.
49. Proposed development must not increase flood risk elsewhere. Local Core Strategy Policy ENV4 and national policy seek the use of sustainable urban drainage systems (SuDS). Surface water flooding occurs when intense rainfall is unable to infiltrate into the ground or overwhelms the drainage system. The surface water runs across the surface of the ground causing flooding.
50. The application site has been identified as at a low, medium and high risk of surface water flooding. The submitted Flood Risk Assessment (FRA) shows the majority of the site at a high risk of surface water flooding. The FRA encourages the use of permeable paving and other SuDS features to reduce the risk of surface water flooding. The FRA states that all drainage systems should be routinely maintained to reduce the risk of blockage and surface water flood risk.
51. The Essex County Council Flooding team have been consulted regarding the application and have commented that the site does not present a significant flood risk and therefore they would not formally comment on the application. They do explain that the site lies in a critical drainage area and therefore encourage the use of water butts and permeable paving.
52. It is considered that there are mitigation measures stated in the FRA that would be suitable to mitigate the flood risk on site and without increasing the amount of hardstanding on the site, it is not considered that the site would increase risk of flooding on the site or elsewhere.

## CONCLUSION

53. Approve.

## CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No response received.

Rochford District Council Arboricultural Officer: 'The tree report and protection plan shows all trees being retained and suitably protected in accordance with

5837 using a combination of the existing hard surfacing and temporary barriers.

The tree protection should be conditioned as part of the planning approval if minded to permit the development.'

Essex County Council Flooding: 'Thank you for consulting us on the above application, having reviewed the information that has been provided it is considered that the development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features, therefore we do not wish to provide formal comment on this application.'

As the site lies within a Critical Drainage area, please consider the use of water butts and permeable paving.

However, if you have specific concerns, please do not hesitate to contact us.'

Essex County Highways Authority:

'The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal includes the demolition of the existing dwelling, and provision of a replacement dwelling. No changes are proposed to the existing access and adequate off-street parking and turning is retained, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for: i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. wheel and underbody washing facilities

Reason: To ensure that the construction traffic is managed and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. Any new boundary planting along the frontage shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative: • Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway. • The applicant should be made aware of the potential relocation of the utility apparatus and/or highway signs in the highway; any relocation shall be fully at the applicant's expense. • The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate. • All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. • The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

Neighbour Representations:

There have been no objections from neighbouring sites.

**Relevant Development Plan Policies:**

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011) Policy CP1, H1, H6, ENV1, ENV9

Development Management Plan (December 2014) Policy DM1, DM3, DM4, DM25, DM30

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide

**RECOMMENDATION: Approve** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans: 23.165/04 Rev A dated February 2024, 23.165/03 Rev B dated February 2024, 23.165/02 Rev B dated February 2024, 23.165/01 Rev B dated February 2024 and 23.165/05 dated February 2024.

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with details considered as part of the application.

3. The external facing materials to be used in the construction of the development hereby permitted, shall be those as listed on the application form and or those shown on the approved plans unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: To ensure the external appearance of the building/structure is acceptable having regard to Policy DM1 of the Council's Local Development Framework's Development Management Plan.

4. Prior to first occupation of the dwelling hereby approved, the proposed first floor side elevation windows both serving ensembles, shall be obscure-glazed and shall be of a design not capable of being opened below a height of 1.7 metres above finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over the approved fenestration, in the interest of privacy between adjoining occupiers.

5. Prior to any demolition or preliminary groundworks of the development hereby approved, all trees indicated to be retained according to the Arboricultural Report submitted in support of the application dated 28<sup>th</sup> February 2024 by Andrew Day shall be protected by means of temporary barriers in accordance with the details as set out on the aforementioned plan and on pages 16-20 of the Arboricultural Report dated 28<sup>th</sup> February 2024 by Andrew Day. Works at the site shall adhere at all times to the Method Statement for Tree Protection Measures as set out on pages 16-20 of that Report. The tree protection measures shall be retained as such until development is complete and all building materials and machinery associated with the development have been removed from the site.

REASON: To ensure the protection of trees in the interest of visual amenity in accordance with policy DM25.

6. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities.

REASON: To ensure that the construction traffic is managed and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

The local Ward Members for the above application are Cllr. J. Newport, Cllr. C. Stanley and Cllr. J. E. Cripps.

Application No :	24/00038/FUL      Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	Annexe Adjacent 66 Lower Road Hullbridge
Proposal :	Erect new one-bed bungalow and form new vehicular access off Kingsway.

## SITE AND PROPOSAL

1. The application site is located on the southern side of Lower Road, Hullbridge at the junction made with Kingsway. The area is predominately residential in character with a supermarket opposite. The application site is located wholly within the settlement limits of Hullbridge but immediately adjoins the Metropolitan Green Belt to the south. There is an eclectic mix of properties on Lower Road comprising two storey dwellings, bungalows and chalet style properties. A wide palette of materials has been used in their construction including differing facing brick, render and various roof tiles.
2. The application site is No.66 Lower Road. The existing property is a single storey detached bungalow and former cycle shop which is rendered under a concrete interlocking tile roof, which directly faces Lower Road. The proposal is to sever the plot and construct a new single storey one bedroomed property at the rear. The existing No.66 Lower Road will be retained. Located at the side of the applicant's property is Kingsway a private unmade road, which runs perpendicular to Lower Road and traverses the entire flank elevation of the applicant's property. The plot is shaped roughly in the shape of a letter 'L' and measures roughly 20.3m long by 19.5m deep (at the widest points) and the site area is given as 328m<sup>2</sup> on the application forms.

3. On the site at present is a mobile home understood to be provided for the duration of the construction. Officers consider it prudent to require this to be removed to provide the garden area required for the dwelling once occupied. A Planning condition as part of the consent would be appropriate to secure this.

## **RELEVANT PLANNING HISTORY**

4. Application No. 92/00588/FUL - Single Storey Rear Extension and Front Porch – Withdrawn - 08.12.1992.
5. Application No. 93/00142/FUL - Single Storey Rear Extension and Porch to Side, Part Change of Use from Domestic to Retail and Erect Detached Games Room/Ancillary Commercial Storage – Approved - 17.06.1993.
6. Application No. 16/01104/DPDP3J - Application for prior approval for change of use from shop to dwelling house – Permitted - 16.01.2017.
7. Application No. 17/01037/FUL - Demolish existing building and construct three storey building comprising 2 no. one bedroomed and 6 no. two bedroomed flats with parking and additional access to front – Refused - 26.09.2018.
8. Application No. 19/00227/FUL - Demolish Existing Building and Construct Three Storey Building Comprising 3 No. One Bedroomed and 5 No. Two Bedroomed Flats with Parking and Access to Front and Rear – Refused - 18.09.2019.
9. Application No. 19/01185/FUL - Demolish existing building and construct two storey building comprising 3 no. two bedroomed and 4 no. one bedroomed (7 flats) with new access onto Lower Road and off Kingsway – Approved - 15.05.2020.
10. Application No. 23/00002/FUL - Proposed demolition of existing dwelling and construction of 2 No. two storey dwellinghouses with one new vehicular access from Kingsway – Approved – 08.03.2023.
11. Application No. 23/00524/FUL Land Rear Of 66 Lower Road Kingsway Hullbridge Essex Demolish part of existing bungalow and erect a two-bedroom single storey dwelling – Refused – 27.09.2023. Reasons for refusal:

*“Due to the absence of an Arboricultural Impact Assessment, it has not been possible to assess what constraints the trees pose on the proposal and the potential impact that the proposed dwelling may have on the retained tree stock. Therefore, insufficient information has been*

*submitted to support the development, contrary to Policy DM25 of the Council's Development Management Plan and relevant parts of the National Planning Policy Framework which seek to ensure that development appropriately mitigates impacts on biodiversity".*

*"The application does not include a mechanism to secure suitable mitigation in the form of a standard contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. Based on the precautionary principle, it is considered that the proposed scheme would be likely to have a significant adverse effect on the SAC and SPA due to the potential increased disturbance through recreational activity. The proposal would therefore fail to comply with the requirements of the Regulations. It would also fail to accord with Policy ENV1 of the Rochford District Council, Local Development Framework Core Strategy which seeks to maintain, restore and enhance sites of international, national and local nature conservation importance. It would also be contrary to Paragraph 175(a) of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused".*

12. Application No. 23/00848/FUL - Demolish part of existing bungalow and erect a two-bedroom single storey dwelling – Approved – 22<sup>nd</sup> November 2023.

## **MATERIAL PLANNING CONSIDERATIONS**

13. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. 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.
14. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### Background Information

15. The case officer is aware that planning permission was recently granted for a detached single storey two-bedroomed dwellinghouse at this location (application No. 23/00848/FUL). The case officer notes that the red edged site demarcation on the current application is similar to red edge on the recently approved development. The proposed dwellinghouse which is being assessed as part of this application will be sited on a similar footprint (albeit smaller) to the approved



dwellinghouse. Consequently, given both properties will share a similar footprint only one of the dwellinghouses can realistically be constructed.

#### Principal of Development

16. The National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.
17. The NPPF also advises that planning policies and decisions should ensure that developments:
  - g) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - h) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - i) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  - j) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
  - k) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and
  - l) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
18. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.

19. Policy H1 of the Council's Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached properties or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and plot boundaries.
20. Policy CP1 of the Core Strategy and Policy DM1 of the Council's Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively addresses existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality.
21. The applicant has submitted a full planning application and the proposal involves the erection of a one bedroomed detached single storey dwellinghouse on land to the rear of No.66 Lower Road, Hullbridge. The proposed development will require the subdivision of the plot and the proposed development will be constructed in the rear garden of this existing property. According to the Council's GIS database the application site is located wholly within the settlement boundary of Hullbridge. Therefore, given that the application relates to a developed site within the settlement zone, the broad principle of development is acceptable.
22. In terms of housing need, the Council has an up to date 5-year housing land supply of 5.15 years; however, additional windfall sites such as this would add to housing provision in the district.

#### Impact on the Green Belt

23. According to the submitted plans the proposed dwellinghouse will be situated wholly within the residential envelope of Hullbridge. According to the Council's GIS database a small section of the private amenity will encroach into the Green Belt. However, this section of land is already utilised as garden area by the current occupiers of No. 66 Lower Road. Nevertheless, the case officer considers it prudent to attach a condition relating to removal of PD rights and boundary treatment. It is not considered that the proposal as submitted will not have any significant impact either spatially or visually than the current arrangements in

regards to the Green Belt impacts and as such the proposal complies with the relevant policies within the Council's Development Management Plan and the NPPF.

## Design

24. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
25. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
26. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.
27. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, form and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
28. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.

29. The surrounding area is characterised by a variety of housing types which includes bungalows, chalet type bungalows, 1.5 storey high detached dwellinghouses and two-storey semi - detached properties, some of which incorporate projecting gables, flat roof and/or pitched roofed dormer windows. Furthermore, the roofscape is heterogenous with a mix of hips, gables and half hips. A rich palette of materials has been used to construct these neighbouring properties including render, facing brick (of various colours and textures), cladding under concrete tile roofs.
30. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
31. According to the submitted plans and supporting Design and Access Statement the site frontage of the proposed development measures approximately 19.5m in width and as such complies with the abovementioned policy. Furthermore, according to the submitted plans the proposed development is located minimally 1m off the common boundaries shared with No.66 Lower Road (to the north) and No.64 Lower Road (to the west). There is a minimum 1m passageway which traverses the entire flank elevation of the proposed dwellinghouse which allows for easy access to the private amenity area located at the rear/side. Overall, the case officer is of the opinion that the simple rectilinear footprint with private amenity space located to the rear/side and car parking to the frontage is in keeping with the local vernacular.
32. According to the submitted plans the proposed dwellinghouse would be located towards the rear of No.66 Lower Road. The case officer notes that the proposed dwellinghouse is set back slightly into its plot, so that the flank elevation roughly aligns with the flank elevation of No.66 Lower Road. According to the submitted plans there will be an area of hardstanding located in between No.66 Lower Road and the proposed dwellinghouse, which can accommodate two vehicles. In the opinion of the case officer the proposal will not cause demonstrable harm to the character and appearance of the streetscene. Whilst on the opposing side of the proposed will be an additional drive, which is also accessed directly off Kingsway.
33. It is demonstrated that the quantum of development can be accommodated within the site. It is considered that the proposed dwelling will be sited within quite a large plot and as such it will not appear cramped. Additionally, the density and character of the proposed dwelling is in keeping with the locality, so the proposed development is still considered compliant with Policy H1 of the Core Strategy.

34. The wider street scene comprises a combination of semi-detached and detached bungalows and two storey properties. The application site is flanked by a detached bungalow (No.66) and to the west by a two storey semi - detached dwellinghouse (No.64) It is therefore considered that a detached single storey property is in keeping with the character of the area and would not appear as dominant, overbearing or alien within the context of the street scene. It is considered given the prevailing character and nature of neighbouring properties the proposed dwellinghouse is commensurately scaled and will not appear as over dominating or overbearing within the context of the local vernacular.
35. According to plan references 130 10A and 130 11A the submitted plans, the footprint of the proposed dwellinghouse is rectilinear in form and measures approximately 5m deep by 14.3m long with a footprint of roughly 71m<sup>2</sup>. The proposal will measure 2.4m high to the eaves and to the highest part of the roof would be 4.5m. The proposal will incorporate a pitched roof. As previously mentioned, the proposal is most intimately related with No.66 Lower Road following the severance of the plot. In reference to plan No. 130 13 (streetscene) the existing bungalow (No.66) has a maximum ridge height of approximately 5.4m. Therefore, the proposal measuring 4.5m high will appear subservient and given the orientation and juxtaposition, the existing built form will help to screen the majority of the development from Lower Road.
36. The proposed dwellinghouse will be constructed out of block (presumably) and the elevation will be under a red clay roof tile, which will be secured by the imposition of appropriately worded planning condition, in the event that planning permission is approved. It is considered that this relatively simple palette of materials is in keeping with the wider vernacular and will not cause any demonstrable harm to the character and appearance of the wider streetscene. The proposal incorporates apertures of various sizes, and the fenestration helps to make the proposal appear less stark. Additionally, there will be 4No. rooflights (3No. in one roof plane and 1No. in the remaining roof plane) no objections are raised to this element of the proposal.
37. Internally the property will comprise open plan kitchen/lounge and dining area, one bedroom, and bathroom.
38. Overall, it is considered that the design of the proposed dwellinghouse is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. Whilst it is seemingly not being innovative in any particular way it would not be considered to be tantamount to alien built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be

considered unacceptable by way of design and appearance. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the NPPF and policy DM1.

#### Impact on Residential Amenity

39. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
40. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
41. It is considered that the redevelopment of the site for housing within an existing residential area is compatible with the surrounding land uses. The proposal is unlikely to result in significant noise, air or water pollution beyond the temporary construction phase. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
42. Paragraph 7.1 of the Council's SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments, is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.
43. The application site is flanked by three neighbouring properties. The application site is adjoined by No. 64 Lower Road to the west, No. 66 Lower Road to the north and on the opposite side of Kingsway No. 68 Lower Road to the east.
44. The impact that the proposal will have upon the neighbouring property No. 68 Lower Road is considered to be negligible. It was observed that

there is an un - adopted highway which is perpendicular to Lower Road and traverses the entire front aspect of the application site. Consequently, there is a gap of approximately 7m separating the application site from No.68. Due to the disposition of the existing built form and the proposal, the flank elevation of the proposed dwellinghouse will face the flank elevation of No.68 Lower Road. Situated on the gable of the proposed dwellinghouse is a kitchen window, which will overlook the public realm and beyond that No.68. It was also noted that there were a few windows on the gable of No. 68 (one at ground floor level and two at first floor level) facing the application site. Generally, side windows are commonly overshadowed in residential areas due to the proximity of neighbouring properties. In the opinion of the case officer given the separation distances, boundary treatment/landscaping (subject to the imposition of conditions) will all help to mitigate any negative externalities caused by the proposed development. Furthermore, given the nature and scale of the proposed development it is considered that the proposal will not result in any significant over domination, over bearing or loss of privacy issues and as such the proposal broadly complies with policy DM1.

45. Due to the articulated design of the proposed dwelling, it is considered that the proposal will have a negligible impact on the residential amenities of the occupiers of No. 64 Lower Road, which is situated to the west of the application site. According to the submitted plans there is a distance of approximately 3.5m separating the flank elevation of the proposed dwellinghouse from the flank elevation of this property. The case officer noted that there were two windows at ground floor level and one window at first floor level in the flank elevation of No.68 Lower Road. However, due to the location and juxtaposition of the proposed dwellinghouse in relation to no.68 these apertures will not be directly overlooked. Furthermore, it is considered that the boundary treatment, which will be conditioned accordingly will help to mitigate any negative externalities associated with the proposed development.

46. Regarding No.66 Lower Road, it was noted that there are a couple of apertures proposed in the rear elevation of the proposed bungalow, which will face the rear elevation of No.66. According to the submitted plans there will be a personnel door which serves the kitchen and 1No. window which serves the bathroom and is classified as a non-habitable room. Once again, it is considered that the boundary treatment (which will be conditioned accordingly) will help to alleviate some of the problems which may be associated with the proposed development. It is not considered that the proposal will result in any significant overshadowing nor given the juxtaposition of the properties will it appear to be overbearing. It is considered that the proposal will have a marginal impact on the residential amenities of the occupiers of this property.

47. It is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties. The proposal is compliant with policies DM1 and DM3 of the Development Management Plan.

#### Living Conditions of Future Occupiers

##### Garden Sizes

48. The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
49. Supplementary Planning Document 2 requires a minimum 100m<sup>2</sup> garden area for all new dwellings except one and two-bedroom dwellings where a minimum private garden area of 50 m<sup>2</sup> would be required. As previously stated, the proposal is for a new one bedroomed single storey dwelling. The existing garden for both the proposed new dwelling and the existing dwelling will be subdivided. According to the submitted plans, the proposed new dwellinghouse will have a private rear space measuring approximately 175m<sup>2</sup>, which is in accord with the guidance advocated within the SPD.
50. The existing property (No.66) if planning permission is approved for the proposed dwellinghouse following the severance of the garden will result in No.66 having a private amenity space of roughly 119m<sup>2</sup>, which is in excess of the required 100m<sup>2</sup> and would satisfy the outdoor amenity space requirements as set out in SPD2.

##### Sustainability

51. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
52. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.



53. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015.

54. A single storey dwelling which would comprise one bedroom accommodating for either one or two people would require a minimum Gross Internal Floor Area (GIA) of 39m<sup>2</sup> or 50m<sup>2</sup>, respectively. Additionally, the dwelling must have a minimum of 1.5m<sup>2</sup> of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m<sup>2</sup> internal floor space while double bedrooms must equate to a minimum of 11.5m<sup>2</sup>, with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 58m<sup>2</sup>, and as such in terms of overall GIA the proposal complies specified technical standards.

55. The table below shows the Gross Internal Floor area for the proposed bedroom.

Bedroom No.1	15m <sup>2</sup>
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56. According to the submitted plans the bedroom complies with aforementioned policies and exceeds the gross internal floor area requirements. Furthermore, it was noted that no storage areas were indicated on the submitted plans; however, the proposal substantially exceeds the recommended minimal GIA for a one bedroomed property and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal.

57. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.

58. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for

Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

#### Drainage

59. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

#### Flooding

60. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the NPPF.

#### Refuse and Waste Storage

61. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20 m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

#### Impact on Highway Safety

62. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide

sufficient parking facilities having regard to the Council's adopted parking standards.

63. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
64. In accordance with paragraph 111 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
65. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces at the required dimensions as stated in the EPOA parking standard. A property of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking. It is noted numerous neighbouring properties have hard-surfaced their frontages in order to provide vehicular parking, a recent update to the Framework (2023) and the introduction of associated design guidance, have emphasized the use of soft landscaping ensuring that schemes are visually attractive. Therefore, it would be reasonable for the Council to impose a condition relating to soft landscaping scheme to be submitted in order to avoid the complete hard surfacing of the site frontage.
66. Colleagues in Essex County Council Highways Authority have reviewed the submitted information and state "*The proposal includes subdivision of the site and provision of one detached dwelling with off-street parking. Kingsway is a private road; the applicant should seek permission from the landowner for the provision of the crossovers... From a highway and transportation perspective the impact of the proposal is acceptable*". Colleagues in the Highways Department stipulate that if the application is to be approved, they would require the imposition of the following conditions cycle parking and residential travel information pack.
67. There is no reason for the Local Planning Authority to take an alternative view and any intensification resulting from the provision of one dwelling in this area is not deemed to be of such severity that would warrant refusal of the application.
68. Overall, it considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

Trees

69. Policy DM25 of the of the Council's Development Management Plan 2014 states that:

*'Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.'*

*'Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.'*

70. During the case officers site visit it was observed that there were numerous trees located immediately towards the rear of the site. The case officer considered it prudent to consult the Councils Arboricultural Officer. The Councils tree officer confirms that he has no objection to the proposed development providing barrier/tree protection measures are conditioned, in order to prevent any soil compaction occurring. The case officer agrees with the recommendation of the Arboriculturist and will condition the tree protection measures accordingly, should planning permission be approved.

#### Impact on Biodiversity

71. No ecological appraisal has been submitted with the application. The case officer observed that the site consists primarily of hardstanding (following the demolition of the annex) and what was previously maintained lawn, it is therefore unlikely to support the establishment of protected species. Furthermore, the applicant has submitted a bat declaration survey which indicates that there is no presence of bats at the site.

#### Off Site Ecology

72. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.

73. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's

requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 – the significant test

Is the development within the zone of influence (Zol) for the Essex Cost RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

Proceed to HRA Stage 2: Appropriate Assessment - Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)?

- No

Is the proposal within or directly adjacent to one of the above European designated sites?

- No

74. As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.

75. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution has been

paid to the Local Planning Authority. Furthermore, the case officer notes that there is an extant permission for the erection of 1no. two bedroomed detached dwellinghouse. However, as previously alluded to the footprint of the proposed dwellinghouse (which is the subject of this application) will partially overlay the footprint of the property which already has permission. Therefore, as only one permission could be implemented the mitigation payment can be considered paid.

#### Other Matters

76. Several neighbours have previously raised concerns regarding removal of trees and vegetation in an area immediately adjacent to the application and the siting of a static caravan. The case officer was aware that a tree located on the periphery of the application was protected by a Tree Preservation Order. Following the concerns raised by the neighbours the case officer requested that the Councils Arboriculturist attend the site to ensure that no damage had been done to the tree protected by a TPO.

77. The Councils Tree Officer has inspected the site and stated *“I am happy that no damage has occurred to the tree, I can see that a tracked vehicle has been over the site and the ground had been rutted, although the soil does still retain a loose structure. It would seem whoever carried out the works is aware of the protected status of the tree (or they are just careful) as no damage to the stem has been sustained etc.”*. Furthermore, when the case officer conducted the site visit, he spoke to the applicant whom stated that the siting of the static caravan was purely temporary until the proposed dwelling has been constructed, and then it will be removed.

#### **CONCLUSION**

78. Approve.

#### **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Hullbridge Parish Council: Out of keeping with the character of the neighbourhood, lack of evidence of the existence of an arboricultural impact assessment. Concerns over the loss of garden land and the open aspect of the neighbourhood. Unacceptable intrusion into the green belt.

Rochford District Council Arboricultural Officer: No objection subject to tree protection measures being conditioned.

Essex County Council Highways: No objection subject to conditions relating to cycle parking and residential travel information pack.

Neighbour representations:

Two responses have been received from the following addresses;

Keswick Avenue: 74.

Lower Road: 62.

And which in the main make the following comments and objections:

- Next door there is a small wooded area and there are badgers living there any building work would have a huge impact on them; and
- We have no objection to these plans, our only concern would be if they pushed the rear boundary further out than the red line on these plans show.

**Relevant Development Plan Policies:**

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011) – CP1, ENV1, T8

Development Management Plan (December 2014) – DM1, DM3, DM4, DM25 and DM30.

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

**RECOMMENDATION: APPROVE**

Conditions:

**Conditions**

7. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

8. The development shall be undertaken in strict accordance with the plans referenced 10A (Proposed Block Plan) (as per date stated on plan 22<sup>nd</sup> May 2023), 11A (Proposed Site Plan) (as per date stated on plan 22<sup>nd</sup> May 2023), 12 (proposed Floor Plan and Elevations) (as per date stated on plan 22<sup>nd</sup> May 2023), 13 (Proposed Streetscene Plan) (as per date stated on plan 22<sup>nd</sup> May 2023) and 01A (Location Plan) (as per date stated on plan 22<sup>nd</sup> May 2023).

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with details considered as part of the application.

9. No development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless any variation is agreed in writing by the Local Planning Authority.

REASON: To ensure the external appearance of the building/structure is acceptable having regard to Policy DM1 of the Council's Local Development Framework's Development Management Plan.

10. Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:

- A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
- Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to the Local Planning Authority prior to discharge.
- Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

REASON: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable.

11. Prior to its use, details of the positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the details as may be approved.

REASON: To ensure that boundaries within the development are adequately formed and screened in the interests of the appearance of the development and the privacy of its occupants Policy DM3 of the Council's Local Development Framework's Development Management Plan.



12. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site shall be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. The developer shall consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer. It is recommended the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out.

REASON: To ensure continued control over the extent of further building on the site given the limitations of the site and likely impact upon the amenity of adjoining occupiers.

14. Prior to the first occupation of the development a scheme of landscaping for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted shall be submitted to and approved by the Local Planning Authority, and shall be carried out in the first planting season following the commencement of the development,. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: To secure a high standard of landscaping in the interests of the appearance of the development and visual amenity in the locality.

15. No works or development shall take place before a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local

Planning Authority. Such a scheme will comply with the provisions of BS5837 (“Trees in relation to construction – 1990”) and BS 3998 (“Recommendations for tree works – 1989”). The approved scheme for the protection of the existing trees shall be implemented before development commences and be maintained in full until the development has been completed.

REASON: To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.

16. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. The pack (including tickets) shall to be provided by the Developer to first occupiers of the dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The local Ward Members for the above application are Cllr. M. Hoy, Cllr. S. A. Wilson and Cllr. Mrs. T. D. Knight.

Application No :	22/00712/FUL          Zoning : Metropolitan Green Belt
Case Officer	Ms Elise Davis
Parish :	Stambridge Parish Council
Ward :	Roche North And Rural
Location :	Meadow Cottage Little Stambridge Hall Lane Stambridge
Proposal :	Change of use of stable into a one self-contained annexe for use as a holiday let and extension to the existing garage to create a new indoor BBQ space.

**SITE AND PROPOSAL**

1. The application site is located firmly within an area of designated Metropolitan Green Belt within Stambridge. The application site is

located north of a cluster of agricultural farm buildings serving 'Little Hall Farm' off the Stambridge Road.

2. "Meadow Cottage" is a two-storey detached dwellinghouse accessed from Little Stambridge Hall Lane. The principal elevation of the dwelling faces south and parking for the site is located rear of the dwelling. The dwellinghouse features a detached garage, with an office and bar room and also has a separate store with log store which is attached to an elongated structure containing four stables.
3. The proposal seeks permission to change use of the stable into a self-contained one bedroomed annexe for use as a holiday let. The proposal also seeks permission for an extension to the existing garage building in order to create an indoor barbeque area.

### **RELEVANT PLANNING HISTORY**

4. No relevant planning history.

### **MATERIAL PLANNING CONSIDERATIONS**

5. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. 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.
6. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
7. Section 13 – Protecting Green Belt land of the NPPF states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of its inappropriateness and any other harm, is clearly outweighed by other considerations.
8. The site is designated as Metropolitan Green Belt. The site falls within Flood Zone 3, the area most at risk as shown on the Environment Agency Flood Risk Maps.

## **Consideration of the Proposed Holiday Let**

9. The proposed change of use of the stable building as an annexe, is described within the proposal description as 'self-contained' and would consist of primary functions such as a bedroom with ensuite, an open plan kitchen and lounge area, a separate shower room and a lobby entrance. Given that proposal description makes clear that the annexe is proposed to be self-contained for use as a holiday let, and not as a traditional annexe in relation to the host dwelling, this description is considered acceptable. A traditional annexe in relationship with a residential dwellinghouse would usually require a degree of dependency on the dwellinghouse to which it relates, whereas the annexe proposed for use as a self-contained holiday let would need to function independently.
10. The NPPF should be considered alongside the Council's Development Plan Policies. Section 6 - The Green Belt of the Council's Core Strategy containing policies GB1 and GB2 set out the Council's short- and medium-term vision for the Green Belt. One aspect of this is the ongoing support of green tourism projects and rural diversification. In particular the acceptance of greater flexibility towards rural diversity, has led to a number of bed and breakfasts and hotels facilitating stays within the countryside. One of the long-term visions for the district is to be recognised as a tourist destination with good access to the rivers and waterways and increase the number of visitors to the nationally recognised RSPB nature reserve at Wallasea Island. Rural diversification is considered to be of particular importance in allowing other forms of economic activity that is necessary if existing and other rural enterprises are to remain viable.
11. Existing rural buildings already have an impact upon Green Belt openness and therefore the Government and the Council's policies consider it appropriate to encourage the conversion of existing rural buildings for small scale employment use in preference to the construction of new buildings. The conversion of rural buildings for bed and breakfasts/small scale hotels is considered to be an appropriate way to realise green tourism within the district.
12. Green tourism in appropriate locations would need to balance the need to protect the character and openness of the Green Belt with the desire to support and enhance the local rural economy. It is also important to consider the potential ecological value of the site and the potential to support biodiversity.
13. These sentiments are also reflected in the Council's Development Management Plan Policies DM10 to DM23 in which compliance is not, by definition, considered to be inappropriate development. The relevant policies in this case are set out below:

14. Policy DM12 - Rural Diversification, which states that, 'rural diversification will be supported so long as it involves an appropriate form of rural activity, as outlined in the Core Strategy, and having regard to the following:
- (i). the need to ensure that the proposed use would not have an undue impact on the openness of the Green Belt, character of the countryside, nature conservation interests, the historic environment, visual amenity or residential amenity;
  - (ii). the need to ensure that the proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt or character of the countryside, or place unacceptable pressures on the surrounding highway network;
  - (iii). the sensitivity of the landscape character area to the proposed development;
  - (iv). the impact of the proposal on the agricultural value of the land;
  - (v). where rural diversification for employment opportunities is proposed, the area should have good links to the highway network particularly taking account of highway safety;
  - (vi). where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:
    - (a) not negatively impact on the quality of the listed structure;  
and
    - (b) not affect the integrity of the existing structure.
15. Policy DM13 - Conversion of Existing Agricultural and Rural Buildings in the Green Belt.
16. The reuse or adaptation of existing agricultural and rural buildings will be supported provided that, in addition to the criteria within DM12:
- (i). the application relates to an existing building of permanent and substantial construction;
  - (ii). the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11;
17. Policy DM14 - Green Tourism goes on to state that the conversion of existing agricultural and rural buildings to bed and breakfasts/small-scale hotels/holiday lets will be permitted in appropriate locations subject to the above policies and:

- a) the application relates to an existing building of permanent and substantial construction; and
  - b) the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11.
18. The proposed development does not include any proposed changes to the external footprint of the existing stable block which would remain to have dimensions of some 14.35m in length, and a depth of some 3.65m (not including roof overhang). The form and height of the existing stable block would also remain unaltered as the proposed unit would have a height of some 3.25m with a pitched roofed form. In this regard, the proposal is considered to have an acceptable impact on the openness of the Green Belt.
19. The external facing materials proposed would comprise cladding in a dark colour and the existing clay pan tiles are to be reused with replacements as necessary. The windows to the rear wall facing the open fields would appear of modest size and of appropriate residential character. The windows to the south principal elevation of the unit would feature the same windows as proposed to the rear wall, with Bi-fold doors serving the kitchen-lounger room. A faux door mimicking the look of a stable door would be fixed shut to the western side of the south facing elevation but would appear characteristic of the existing stable type doors, and a stable door to the east of the unit would serve as the main entryway. The south facing roof slope is also proposed to feature four Velux style rooflights.
20. The more contrasting contemporary elements to the unit would be sited upon the south elevation, which faces inwards towards the host dwelling, the conversion is not considered to be prominent or highly visible. The form, external facing materials and overall design of the unit would be sympathetic to the stable characteristics and considered to be suitable according to the locality of the area, thereby having acceptable impact upon the character of the countryside and visual amenity of the surrounding area in accordance with parts (i) and (ii) of Policy DM14.
21. The submitted plans show that the proposed holiday unit would not benefit from its own garden with any soft landscaping, however, as verbally confirmed and viewed on the site visit, there would be a seated outdoor area in front of the south elevation, providing some level of outdoor amenity space and the applicant intends to provide plant arrangements in tubs from reclaimed materials. There is sufficient parking space as the site features large areas of hardstanding, however, access to the unit would rely on passing through the site to the west side of the dwelling to access the rear parking arrangements.

(i) *the amenity of local residents;*

22. The proposed unit is sited in close proximity to the host dwelling, however, there are no other adjoining occupiers within the nearby vicinity and the proposed unit and dwellinghouse are considered to be located in relative isolation. The proposed holiday unit is considered to have a tandem relationship with the host dwelling which would not be considered favourable were the existing stables proposed for use as a separate dwelling however this relationship is considered reasonable for its use as a holiday let.

23. The nearest adjoining occupiers are sited south of the application site by some 270m. The closest adjoining occupiers identified on the allocations map known as 'little Stambridge hall cottages' sit within close proximity to the existing group of agricultural and commercial buildings within Little Hall Farm. The residents are already considered to endure a reasonable impact on their amenity arising from agricultural traffic from the use of the existing intervening buildings. The proposed holiday unit would only be able to accommodate a small number of people (some two persons given the unit only contains one bedroom) and the use of the unit as holiday let is not considered to significantly impact the amenity of the local residents in accordance with part (iii) of Policy DM14.

(ii) *important areas of nature conservation, including any potential disturbance to nearby sites recognised for their importance for biodiversity or geodiversity;*

24. The site is not under any allocation of local wildlife sites or of geological significance. There is a modest sized local wildlife site located some 300m to the northwest of the site, however this is considered to be a reasonable distance away from the application site. The proposal seeks to convert the existing stable structure, and the conversion of the building to a small scale holiday let which is not considered to significantly impact upon biodiversity or geodiversity. The submitted bat declaration survey indicates that although the agricultural building (stable) is of traditional construction, there is no known presence of bats and the proposed development is not likely to disturb bats or their habitat.

25. Furthermore, the development proposed would be to areas of existing hardstanding. It is not considered that the proposed works to the site would result in a detrimental impact upon the biodiversity or geodiversity of the site and surrounding area. The preliminary bat roost assessment also concludes that the site contains little potential for harm to bats or their habitat as a result of the proposed development.

26. The aforementioned report sets out in section 6.4 that the site's buildings and structures offer limited potential to support nesting birds and no evidence was found at the time of reporting. The report produced does specify it is valid for a period of 18 months from the time it was submitted (September 2022), which at the time of consideration of this assessment is within this expiry date and therefore the document is valid.
27. Section 6.5 of the report sets out that biodiversity enhancements will include the installation of one externally-mounted bat box on the residential property, or one bat box on a suitable tree within client ownership. The box will be suitable for crevice-dwelling species such as *Pipistrellus*, which are most likely to utilise on-site and surrounding habitat. These enhancements are considered acceptable given the small scale nature of the development proposed, and details could be secured by way of condition. Although Biodiversity Net Gain was recently made mandatory in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), which sets out that developers must deliver a net gain of 10% to ensure that development will result in more or better quality natural habitats than there were before development, as the application was made before such a time as the BNG came into effect, BNG conditions would not apply in this case.
- (iii) *the landscape character area in which the proposal is situated, having regard to the area's sensitivity to the development proposed;*
- (iv) *the historic environment, taking into consideration the sensitivity of the different Historic Environment Character Zones set out in the Rochford District Historic Environment Characterisation Project (2006);*
28. The site is not located within an area of historic significance as identified by the allocations plan 2014. The Rochford District Historic Environment Characterization Project (2006), describes Stambridge and the area North of the Roach as characterised by a gently undulating landform and arable fields north of the Roach and west of Rochford and Ashingdon. The geology is mixed, with London Clay overlain with patches of brickearth, loam and sand and gravels. There has been a small amount of mineral extraction, however it is likely that extensive archaeological deposits survive.
29. The historic settlement pattern was originally dispersed and polyfocal with church/hall complexes, farmsteads and moats. This largely survives, although in the northern part of the zone, roads have become a focus for ribbon development. The zone possesses a strong grid structure, which is ancient and planned, with north to south and east to west roads and many dog-leg tracks around



existing fields. In many places recent boundary loss has created large prairie fields, although the strong historic grid structure has been maintained. There is a focus of prehistoric and Roman activity centred on the settlement of Great Stambridge, which itself possesses a church of Saxon origin.

30. As the proposed development is small in scale and would be a conversion of the existing stable building within the site, the proposal is not considered to give rise to detrimental impact upon the character of the landscape and is not considered to affect the sensitivity of the historic environment.

(v) *on the agricultural value of the land;*

31. The agricultural land value of the area as presented on the Agricultural Land Classification Map Eastern Region (ALC008) provided by Natural England, identifies the land as being Very Good or of Excellent value.

32. The proposed development would occur within areas of the application site already developed and on areas of existing hardstanding and would not occur upon land of existing agricultural use. The proposed development is therefore not considered to significantly impact the agricultural value of the land.

(vi) *on the highway network, having regard to the likely scale of tourism that the proposal would generate; and*

(vii) *where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:*

*(a) not negatively impact on the quality of the listed structure; and*

*(b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.*

33. The proposed change of use of the stable to holiday let is considered capable of only accommodating a small number of persons at any one time. This is because the unit only contains one bedroom with one double bed. It can therefore be reasonably assumed that the proposed holiday let would be accessed by persons travelling together using one vehicle, or perhaps two.

34. The site is accessed via only one road which passes through the cluster of agricultural buildings of Little Hall Farm, via Little Stambridge Hall Lane. The increase in vehicular traffic to the surrounding area is not considered to result in detrimental impact upon the highway network. The scale of tourism generated to the area is considered to be of small scale.

35. The existing stable block and dwellinghouse are not nationally or locally listed. The proposal is considered to accord with parts (viii) and (ix) of Policy DM14.
36. Policy DM14 goes on to state that 'where ancillary facilities are proposed for the purposes of green tourism, it must be demonstrated that such facilities are necessary for the functioning of the activity. Existing agricultural and rural buildings should be reused and converted for the accompanying uses, wherever possible. Any new structures must be the minimum size, height and bulk to accommodate the proposed use. Ancillary facilities should not have an undue impact on the openness of the Green Belt or character of the countryside.'

*The conversion of existing agricultural and rural buildings to bed and breakfasts/small-scale hotels/holiday lets will be permitted in appropriate locations provided that all of the above criteria are met and:*

- (a) the application relates to an existing building of permanent and substantial construction; and*
- (b) the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11.*

Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.'

37. The proposed conversion of the existing stable building to holiday let would not alter the existing external footprint of the building. The proposed holiday unit is also located within close proximity to the dwellinghouse known as 'Meadow Cottage', which is an existing building of permanent and substantial construction.
38. The proposal for the change of use of the existing stable to holiday let is considered to be favourable in accordance with Policy DM14 of the Development Management Plan.
39. Given that the converted stable building contains enough primary habitable rooms and facilities so as to function independently as a separate planning unit, the proposed holiday unit has been assessed against the technical housing standards – nationally described space standard which requires 1-bedroom 2 person dwellings of a single storey to have 50m<sup>2</sup> of gross internal floor area, with 1.5m<sup>2</sup> of built in storage space. A double bedroom requires 11.5m<sup>2</sup> of floor space with a principal room being at least 2.75m in width. The proposed unit would have a bedroom with a floor area of some 11.5m<sup>2</sup> and would have a width over 3.25m. The unit as a whole would have a gross internal floor area of some 45.6m<sup>2</sup> and does not feature an area of built in storage. The unit

would not meet the requirement for a one bedroom two-person dwelling however as the proposal does not seek conversion to a new dwelling but as a holiday let, this minor shortfall is considered acceptable given that the users of the holiday let would not be living within it over any great length of time or depending on the self-contained annexe as primary accommodation.

40. Application permitting, it would be considered necessary to impose condition prohibiting the use of the converted holiday let for use as a separate dwellinghouse in the interests of amenity and because the unit has not been considered or assessed against it being used as a dwellinghouse.

### **Consideration of the Proposed Garage Extension**

#### **Impact on Green Belt**

41. The proposal seeks permission to extend the existing garage outbuilding so as to accommodate an indoor barbeque area for the applicant's hobby which although associated with the functions of a kitchen, is not considered an extension of the facilities of the host dwelling and is considered to be a use incidental to the enjoyment of the dwelling. The proposed extension to the garage building would project from the south flank wall of the garage building by some 3.16m and would have a width of 5.4m. The height of the extension would measure some 3.86m and the roof would be pitched with the ridgeline not exceeding the height of the ridgeline of the existing garage building.
42. The construction of new buildings within Green Belt locations is regarded as inappropriate development with exceptions listed under paragraph 154 of the Framework and should not be approved except in very special circumstances. As the proposed works do not relate to the creation of a new building, but an extension to an existing one, the proposal is therefore considered as an exception as listed under part (c) of the aforementioned paragraph.
43. Paragraph 154(c) of the Framework states that the extension or alteration of a building would be regarded as appropriate development provided that it does not result in disproportionate additions over and above the size of the original building.
44. There are no policies within Rochford's adopted Development Management Plan relating to outbuildings within the Green Belt, however, regard must be had to any harm upon the openness of the green belt. In order to assist consideration of what may be regarded as 'disproportionate' development, policy DM17 of the Development Management Plan relates to extensions to dwellings in Green Belt locations.

45. Policy DM17 explains that applications for extensions to dwellings in the Green Belt will be considered favourably provided that the proposal would result in no more than a 25% increase in internal floorspace of the original dwelling, and provided that:

(i) the proposal does not involve a material increase in the overall height of the dwelling; and

(ii) the proposal has been designed so as to avoid a negative impact on the character and appearance of the Green Belt through its scale, mass and orientation.

46. Policy DM17 goes on to explain that any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.

47. Aerial images of the site show that the existing garage outbuilding had a minor extension to the east flank wall erected around 2005. The extended area now serves a bar according to the submitted existing floor plans. Historic Ordnance Survey maps show that there was an outbuilding of the same siting and orientation at the site to the rear of the two dwellinghouses which later merged to form one unit. A 25% increase of the 'original' internal floor space of the existing outbuilding (which has been calculated to equate to some 32.67m<sup>2</sup>) would allow for an increase in floor area of some 8.17m<sup>2</sup>. The internal floor area of the proposed extension equates to some 16.3m<sup>2</sup>. If the principal of the policy were directly applicable to outbuildings, the proposed addition to the garage building would result in a total internal floor area over the allowance permitted under Policy DM17.

48. The proposed extension to the outbuilding would not increase the overall height of the outbuilding, and the extension to the south flank wall of the garage, facing the rear of the dwelling, would be sited and orientated such that it would remain grouped with the existing structures within the site. It is therefore considered that the proposed extension to the outbuilding would not result in an unduly harmful visual impact upon the character and appearance of the Green Belt in this regard.

49. As Policy DM17 is not directly applicable to outbuildings within Green Belt locations, the policy has been given limited weight.

50. Another point of consideration is that the site benefits from permitted development rights. An additional outbuilding of up to 4m in height of similar dimensions to the proposed extension and for use incidental to the enjoyment of the dwellinghouse such as that proposed could be considered lawful under permitted development allowances (as a separate outbuilding). The scale of the proposed

extension as an isolated outbuilding and for its function of hosting an indoor BBQ space could be considered capable of being a purpose incidental to the enjoyment of the dwelling to which it relates.

51. If the proposed extension were built as an isolated outbuilding under permitted development allowances, separate to the existing group of development at the site, it would be considered to result in greater spatial and visual harm to openness of the Green Belt. Whilst no very special circumstances have been presented by the applicant, it is considered that in permitting the extension to the existing garage building rather than the applicant erecting a new building and of different siting and location within the application site, the proposal is considered to limit the spatial and visual harm to openness of the Green Belt and in this regard there is considered to be a fallback position amounting to a very special circumstance.

### **Impact on Character**

52. The proposed extension to the garage outbuilding is considered to be of a scale, mass and form that is harmonious to the existing garage building and appropriate to serve the function of the room. The proposed external facing materials of dark coloured cladding are considered appropriate and reflective of the stable structure at the site and is not considered to have a significant impact upon the character of the host dwelling or character of the area in accordance with Policy DM1 of the Development Management Plan and the Framework.

### **Impact on Residential Amenity**

53. The proposed garage extension by reason of its scale, depth, height, bulk and siting is considered acceptable. The proposed extension would not be considered to have a detrimental impact upon the amenity of the neighbouring occupiers in terms of overlooking, overshadowing and over-dominance. The proposal is compliant with DM1 of the Development Management Plan.

### **Flood Risk**

54. The application site outlined in red on the submitted location plan is identified as being located within Flood Zone 3 on the Environment Agency Flood Risk Map for Planning. Flood Zone 3 is categorised into zones (a) and (b), with zone (a) comprising land as having been assessed as having a 1 to 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. Flood Zone 3b – the functional floodplain comprises land where water has to flow to be stored in times of flood.

55. Section 14 of the NPPF discusses meeting the challenge of climate change, flooding and coastal change and sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk (whether existing or future) (paragraph 165).
56. The NPPF at paragraph 173 explains that where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- (a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overruling reasons to prefer a different location;
  - (b) The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - (c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate
  - (d) Any residual risk can be safely managed; and
  - (e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan
57. Paragraph 174 of the Framework explains that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59. Footnote 60 of the Framework provides further clarification on types of minor applications that should not be subject to the sequential or exceptions test. The footnote states 'this includes householder development, small non-residential extensions (with a footprint of less than 250m<sup>2</sup>) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate'.
58. On the advice of footnote 60, as the proposal involves the change of use of the stable to a holiday let and is of small scale so as not to constitute a mobile home or park home site, the sequential and exceptions test are not considered applicable. The application should however provide a site-specific flood risk assessment in line with footnote 59 and demonstrate that the development satisfies consideration points (a) – (b) of paragraph 173 of the Framework.
59. The Environment Agency raised an initial holding objection to the proposed development. Their consultation response (received in October 2022) outlined that the submitted preliminary flood risk assessment (FRA), does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change,

Reference ID: 7-030-20140306. The FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

60. In particular, the submitted FRA failed to; Identify the impacts of fluvial flood risk from the watercourse to the East of the site; assess the impact of climate change using appropriate climate change allowances. In this instance, according to 'Flood risk assessments: climate change allowances', the allowance that should be used is the Central allowance. Provide details of flood depths in and around the building, demonstrating that floor levels can be raised above the flood level, and that refuge can be provided within the dwelling.
61. The National Planning Policy Framework is clear that where appropriate, applications should be supported by a site-specific flood risk assessment.
62. Following the consultation response from the Environment Agency (EA) during the course of 2023, the applicant has produced updated Flood Risk Assessments. In June 2023 an updated FRA and cover letter was submitted however the Environment Agency having reviewed these documents (GWPR5133/FRA/ 2023 V1.03 and cover letter dated 14<sup>th</sup> June 2023) found the type of modelling carried out to assess the flood risk from the adjacent watercourse was inadequate, and further explained that the methodology used did not fully represent the flood risk from the watercourse, and that the applicant should be undertaking flow analysis such as FEH and 1D modelling to establish the flood level.
63. Following this response from the EA in July 2023, the applicant liaised with the agency directly, however, the agency have maintained their holding objections. The holding objection raised by the EA is based consistently on the lack of detailed modelling for the Greater Stambridge Brook which means that the full extent of flooding from all sources is unknown.
64. The applicant has been informed by the EA that in order to overcome their objection, the EA require the appropriate modelling of the Greater Stambridge Brook to be undertaken which would then be used to inform the Flood Risk Assessment, showing the extent of flood risk at the site and demonstrating how this could be managed.
65. The applicant is not forthcoming to undertake the flood modelling, however, has brought to the case officer's attention for consideration an application permitted in August 2023 for a scheme at Waterside Farm Paglesham sharing similarities to the application proposed, which was for the change of use of an existing barn to two holiday lets and whereby the EA acknowledged the submitted FRA for Waterside Farm did not comply with the requirements set

out in the Planning Practice Guidance. The application (reference 23/00261/FUL) has been considered.

66. It is noted that although the application site for Waterside Farm falls within Flood Zone 3, Waterside Farm is not located within the functional flood plain and the area benefits from existing flood defences and more flooding data concerning sea defences. The Environment Agency raised holding objections to this application but indicated that these could be overcome, and the case officer subsequently imposed conditions which were considered capable of overcoming the holding objections to the EA.
67. The conditions imposed which were considered to alleviate the flooding concerns, were considered appropriate given that there was enough site-specific data in the case of Waterside Farm. Although the scheme proposed at both sites (Waterside Farm and this application) share similarities, each case is to be considered and determined on its own merits.
68. From email correspondence the case officer for this application has had sight of between the agent and the Environment Agency liaising directly on the Flooding Matters during the course of 2023, and having reviewed the consultation responses from the EA, there is a consistent maintaining of a holding objection from the Environment Agency, whom have expressed they do not have enough modelling on the flood risk of the site, and the EA require this specific flood modelling in order to gauge an understanding of whether mitigation proposed within the submitted FRA would suitably address and alleviate the flood concerns.
69. The latest response from the Environment Agency in April 2024 after further enquiry from the case officer, is that the main issue with this application is the lack of modelling – which means the flood risk is unknown. Although undertaking modelling would have a financial implication for the applicant, this is the approach that the Environment Agency apply to any development regardless of size.
70. It is considered that although conditions similar to that imposed on the consent for Waterside Farm (reference 23/00261/FUL) may be suitable for the development proposed under this application, their appropriateness and success in alleviating and addressing the flood risk in the current application cannot be confidently considered because of the unknown flood risk of the application site by way of the lack of modelling undertaken. Due to this, the Local Planning Authority is not satisfied the flood resistance, resilience, mitigation and management of the proposed holiday let is satisfactory in accordance with paragraph 173 of the National Planning Policy Framework and the application should subsequently be refused.



## Highways & Parking

71. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
72. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
73. In accordance with paragraph 115 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
74. It is considered as the proposed holiday let would use the existing access to the host dwelling, which has an area of hardstanding within the site, capable of accommodating the additional parking provision required for 1 parking space, the proposed development is not considered to affect the existing parking provision at the site. Application permitting, details of the parking layout and arrangements within the hardstanding for the holiday let could be requested to be submitted and agreed as a condition to any grant of planning permission.

## Foul Sewage, Surface Water & Refuse

75. The application form states that surface water is to be disposed of via the existing water course and foul sewage is to be disposed of via an existing cess pit which is located beneath the concrete stable yard.
76. No trade effluent would be generated as a result of the proposed development, and recyclable waste can be incorporated into the household's normal recycling of which the Council operates a 3-bin system.

## Trees

77. Policy DM25 of the of the Council's Development Management Plan 2014 states that:

*'Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would*

*adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.*

*Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.'*

78. The case officer viewed when attending the site visit there were no trees of significance within the site or that would be impacted by the proposed development.

## **CONCLUSION**

1. Refuse.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Stambridge Parish Council: No representation received.

Neighbour representations: No comments received.

Environment Agency: 12<sup>th</sup> October 2022

2. Thank you for your consultation dated 20 September 2022. We have reviewed the application as submitted and are raising a holding objection on flood risk grounds. Our objection and advice detailing how the applicant can overcome this are included in our response.

### Flood Risk

Our maps show the site is located in fluvial Flood Zone 3, the high probability zone. However, we have not undertaken any detailed modelling for the nearby watercourse which flows in to Great Stambridge Brook, so this source of flood risk has not been assessed for the purpose of the flood map.

### Flood Risk Assessment

The submitted preliminary flood risk assessment (FRA), unreferenced and undated, does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. This FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and we are raising a holding objection. In particular, the submitted FRA fails to:

- Identify the impacts of fluvial flood risk from the watercourse to the East of the site.
- Assess the impact of climate change using appropriate climate change allowances. In this instance, according to 'Flood risk

assessments: climate change allowances', the allowance that should be used is the Central allowance.

- Provide details of flood depths in and around the building, demonstrating that floor levels can be raised above the flood level, and that refuge can be provided within the dwelling.

### Overcoming our Objection

The applicant can overcome our holding objection by submitting an FRA that covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

For flood risk assessments and strategic flood risk assessments, the Environment Agency, as a statutory consultee, uses the management catchment climate change allowances from the peak river flow map as benchmarks.

To work out which management catchment allowances to use, you need to:

- access the climate change allowances for peak river flow map
  - search for your location by postcode, national grid reference or town in the 'find address or place' search box
  - select the management catchment for your location – the allowances appear in a pop-up box
- The Environment Agency also provide these allowances in the peak river flow climate change allowances by management catchment table – you have to know your management catchment to get the information you need.

Further information and advice for the applicant in respect to flooding is included in an appendix at the end of this letter.

### Modelling Guidance

The Flood Zone maps in this area are formed of national generalised modelling, which was used in 2004 to create fluvial floodplain maps on a national scale. This modelling was improved more recently, using a more detailed terrain model for the area. This modelling is not a detailed local assessment, it is used to give an indication of areas at risk from flooding.

JFLOW outputs are not suitable for detailed decision making.

Normally, in these circumstances, an FRA will need to undertake a modelling exercise in order to derive flood levels and extents, both with and without allowances for climate change, for the watercourse, in order to inform the design for the site. Without this information, the risk to the development from fluvial flooding associated with the watercourse is unknown.

In order to have fully considered all forms of flooding and their influence on the site, it will be necessary to identify the fluvial flood risk. Fluvial flood levels will be required for the watercourse to the east of the site. It may be appropriate to undertake some flow analysis such as FEH and 1D modelling to establish the level. Any revised FRA will need to

consider this source of flooding and demonstrate appropriate mitigation against fluvial flood risk.

We advise that modelling should be undertaken to accurately establish the risk to the proposed development in terms of potential depths and locations of flooding. The watercourse should be modelled in a range of return period events, including the 1 in 20, 1 in 100 and 1 in 1000 year events, both with and without the addition of climate change. The flood levels on the development site should be determined and compared to a topographic site survey to determine the flood depths and extents across the site.

Please refer to the attached documents:

- OI 379\_05 Computational modelling to assess flood and coastal risk
- Flood Estimation Guidelines
- 'Using Computer River Modelling as Part of a Flood Risk Assessment - Best Practice Guidance' for further advice regarding modelling submissions. We acknowledge that some of the documents above refer to outdated planning policy. However, the technical guidance and our requirements regarding computer modelling remain relevant.

We would recommend that FRAs at all levels should be undertaken under the supervision of an experienced flood risk management specialist (who would normally be expected to have achieved chartered status with a relevant professional body such as the Institution of Civil Engineers (ICE) or the Chartered Institution of Water and Environmental Management (CIWEM)).

Paragraph 167 of the NPPF states:-

“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

1. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different locations; the development is appropriately flood resistant and resilient;
2. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
3. any residual risk can be safely managed; and
4. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Some areas of land within the site are likely to be subject to a higher risk of flooding than other areas within the site and an understanding of the susceptibility/vulnerability of land to flooding should be delivered through flood modelling and risk assessment in order to influence the layout of housing areas to avoid siting housing on areas of land that are

susceptible to higher chances of flooding. This will allow a sequential “risk-based” approach to be applied to development within the site as directed by the National Planning Policy Framework.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

### Environment Agency Response 9<sup>th</sup> January 2023

Thank you for your re-consultation dated 12 December 2022. We have inspected the new information and are maintaining the holding objection which was detailed in our previous response, referenced AE/2022/127484/01, dated 12 October 2022. We have provided further details in regards to flood risk in this response.

#### **Flood Risk**

We refer to the Flood Risk Assessment Report, prepared by Ground and Water, referenced GWPR5133/FRA/December 2022, V1.02 and dated December 2022 which has now been submitted in support of this application. We have reviewed this document and are maintaining our objection on flood risk grounds as it does not adequately address the issues raised previously.

The site is shown to fall within flood zone 3, according to our flood maps, which are based upon national generalised modelling. Unfortunately, we do not have detailed modelled flood levels of this watercourse, and it is therefore the responsibility of the applicant to provide details of the probable flood risk associated with this watercourse, which is also shown to be at risk of flooding from surface water sources.

The information submitted in support of this application to date, does not provide sufficient detail of the flood risk at the site and how this will be managed. It does not demonstrate that users of the site would be safe over the development’s lifetime.

As a minimum the FRA should provide detail of the modelled flood level for the 1% and 0.1% flood events, inclusive of climate change, and then demonstrate that the development will be built with refuge above the 0.1% climate change flood level.

Flood levels should be compared to ground levels, which have been derived from a topographical survey, which is GPS verified and measured in metres above ordnance datum.

The comments in our previous response, dated 12 October 2022 provide information on the level of detail required to support a planning application.

## Environment Agency Response 19<sup>th</sup> April 2023

We have inspected the application as submitted and are raising a holding objection to the application on flood risk grounds. We have detail this in our objection and provided details showing how the applicant may address this in our response. **Flood Risk** Our maps show the site is located in fluvial Flood Zone 3, the high probability zone. However, we have not undertaken any detailed modelling for the nearby ordinary *watercourse*, so this source of flood risk has not been assessed for the purpose of the flood map. The submitted flood risk assessment (FRA), referenced GWPR5133/FRA/March 2023 V1.02 and dated March 2023, does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. This FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and we are raising a holding objection. In particular, the submitted FRA fails to:

- Identify the impacts of fluvial flood risk from the ordinary watercourse adjacent to the development.
- Assess the impact of climate change using appropriate climate change allowances. In this instance, according to 'Flood risk assessments: climate change allowances', the allowance that should be assessed is the Central allowance of 25% (Combined Essex Management Catchment peak river flow allowances).

### **Overcoming our Objection**

The applicant can overcome our holding objection by submitting an FRA that covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

## Environment Agency Response 6<sup>th</sup> July 2023

Thank you for your re-consultation dated 15 June 2023. We have inspected the application as submitted and are maintaining our holding objection to the proposal, set out in our response referenced AE/2023/128167, dated 19 April 2023. We have provided further information related to flood modelling in this response.

### **Flood Risk**

We have reviewed the revised FRA (GWPR5133/FRA/ 2023 V1.03) and supporting document (covering letter dated 14 June 2023). The type of modelling carried out to assess the flood risk from the adjacent watercourse is inadequate.

The methodology used does not fully represent the flood risk from the watercourse, the climate change allowance of 25% (Combined Essex

Management Catchment) has been added to the current water level to determine the flood level (1%, 0.1%) and projected on to their site topography, which is not accurate. The applicant should be undertaking flow analysis such as FEH and 1D modelling to establish the flood level. Please refer the applicant to our modelling guidance in our previous response AE/2023/128167/01-L01.

Email Correspondence:

**Agent - October 2023**

Hi Elise, Leigh, Pat,

I hope everyone is well.

Simon would like to try and find a way forward with the above planning application and the concerns are:

The flood modelling is likely to cost around £10k.

After this expenditure, and based on very worst case scenarios, he may end up with a situation where the modelling indicates he needs to raise floor levels. This will be impractical.

As a result, Simon has been considering the installation of Shepherds Huts and a typical example is shown below:

Shepherd Huts For Sale UK | The Shephard's Hut Company (shepherd-hut.co.uk)

These would be raised, are mobile and, as you can see from the attached scan, they would be located on existing hard standing.

This would also result in the outbuildings no longer needing to be sleeping accommodation and they would be left purely as lounge/ shower areas.

Would you be able to conform your thoughts on this and any implications on the existing application. Happy to arrange a Teams call if easiest.

Email Correspondence:

**Agent - November 2023**

Appreciate that this scheme appears to have reached an impasse where:

Nothing can get unlocked without some expensive flood modelling.

None of us are sure what the implications of this will be but most seem to be of the opinion that it will identify a need to raise any accommodation above ground level. This is a challenge in this instance as the plan was to refurbish/ convert the old stables. Raising floor levels would require a whole new building.

Simon has considered other options including:

Installing mobile caravans which would be raised off the floor.

Using the old stable block for amenities rather than sleeping.

It appears that this would require a new planning application.

Simon has lived in the property since 2020 without any flooding. In view of this I think he is slightly bewildered by the complications of converting the old stables into a more pragmatic use.

An opportunity for a Teams call with everyone would be appreciated but, if not possible, some definitive feedback on how to progress would be appreciated. I've looped Simon in on this e-mail as I think we would all like to move forward (one way or another).

Email Correspondence:  
**Environment Agency - November 2023**

Thank you for your message regarding the development at Meadow Cottage. Whilst I can understand that the situation regarding flooding at the site feels frustrating, our position has been detailed in our various responses to the applications at the site. These are referenced AE/2022/127484 (dated January 2023), AE/2023/128167 (dated April 2023) and AE/2023/128460 (dated July 2023).

To reiterate, the development site lies in Flood zone 3. Therefore, the development must be accompanied by a site-specific flood risk assessment, demonstrating the development will be safe and will not increase flooding elsewhere. The NPPF, states that 'all sources of flood risk and current and future impacts of climate change' must be considered. Our objection is based on the lack of detailed modelling for the Greater Stambridge Brook. This means that the full extent of flooding from all sources is unknown.

In order to overcome our objection, we require modelling of the Greater Stambridge Brook to be undertaken. This is detailed in our previous comments. Unfortunately, amending the proposal, such as the suggested installing of mobile homes at site, will not overcome our objection, we would still require modelling to be undertaken showing the flood extent. This would then be used to inform the Flood Risk Assessment, showing the extent of flood risk at the site and demonstrating how this could be managed.

This is consistent with the other sites where the sources of flooding are unknown and follows national planning policy. A meeting would not progress the proposal as we would be reinforcing the need to undertake modelling. We would remain open to discussions following the completion and review of any modelling, where we could have more understanding of the flood risk and what sort of development would be appropriate for the site.

Email Correspondence:  
**Agent to Case Officer - December 2023**

Further to Pat's comments below we have seen the Officers report for the scheme at Waterside Farm (23/00261/FUL). This appears to be very similar in nature to the proposal at Meadow Cottage and the scheme has an Officer's recommendation for approval despite:



The projected flood levels being significantly higher. This is projected at 2.46m in 1 in 100 year events.

The EA advising that this FRA also does not comply with their requirements.

Based on the principle being established at Waterside Farm, is there any reason that Meadow Cottage cannot receive an Officers recommendation for approval but with a similar condition to the proposed condition 8? There will inevitably be ongoing discussion to agree the floor level as:

The high level data seems to anticipate a 1:100 and even a 1:1000 year event at the site could result in 300mm to 1m of flooding. There does not appear to be a life safety issue.

GW have modelled as best as they possibly can based around a lack of EA numerical modelling. The Shoreline Management Plan appears to be in the process of being updated for 2025 through to 2055 so the long term situation regarding flood defences appears unknown.

GW have suggested a ground floor level of 8.34m for the stables conversion along with flood resistance measures elsewhere. This is roughly 1.6m higher than the existing floor level.

It should also be noted that:

A refuge point, which is higher than projected flood levels, is available on the first floor of the existing Meadow Cottage. Waterside Farm does not appear to have this.

The lets could be evacuated in the event of EA flood warnings being issued. To avoid overwhelming Rochford's services any guests could return home.

I hope the above appears sensible but please do not hesitate to get in touch in the event of any queries.

Email Correspondence:

#### **Case Officer to Environment Agency - March 2024**

I hope you are well, it has been a while since we last spoke – in particular on this application for Meadow Cottage Stambridge Hall Lane. Between the long periods of wait on the FRA and my capacity this year I have unfortunately been unable to progress on this as anticipated hence my email to you now.

The agent got back to me on whether I could consider the application similar to another (Waterside Farm application reference 23/00261/FUL). My understanding of the Waterside Farm application is that their FRA had enough information to enable to you consider the application which although raised objections, could be overcome by securing planning conditions to ensure evacuation of the users of the holiday let.

Although the scheme is not too dissimilar – I find the particulars of the flooding issues different in that what we are saying here with this application is that there is not enough information available for your to consider fully as there is

not enough existing data or flood modelling for the area. As the agents are not forthcoming with producing modelling for the FRA due to the financial expense of undertaking the modelling, this leaves us in a position of the unknown.

What I would appreciate is your advice as to whether you would support refusal of the application should it be taken to appeal? Or, would you be supporting of the planning conditions imposed, similar to that of the waterside farm application even though the particulars of the site are different?

From my perspective, with climate change worsening, I find that if the FRA is inadequate with regards to the modelling required, and therefore as your holding objection still stands, I am not confident in recommending approval for the application. Although a similar scheme to waterside farm, and similar conditions could be secured (for the owners of the holiday let to ensure that visitors receive Environment Agency Flood Warnings and will evacuate the property on receipt of the warnings), I am unsure how suitable such conditions would be in the event of a flood due to the lack of data available and that the EA maintains their holding objection.

I appreciate this has taken some time for the applicant to work on with you and now the delay is on my part - ultimately I need to determine the application. Any further assistance or clarification you could provide me would be very helpful.

Email Correspondence:

**Environment Agency to Case Officer - April 2024**

As promised, I have had a look at this application this morning. The issue with Meadow Cottage is the lack of modelling as you indicate – this means the flood risk is unknown. Although undertaking modelling would have a financial implication for the applicant, this is an approach that we would apply to any development, regardless of size. Thus, if this application was refused we would maintain our stance at an appeal.

**Relevant Development Plan Policies:**

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014) DM1, DM3, DM13, DM14, DM25, DM27, DM30.

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

**RECOMMENDATION: REFUSE**

1. The application site is located within Flood Zone 3 and therefore the application should be accompanied by a site-specific Flood Risk Assessment in accordance with section 14 of the National Planning Policy Framework and Planning Practice Guidance. The Environment Agency maintain holding objection to the proposal by way inadequate flood modelling of the site and therefore the flood risk of the site is unknown. The Local Planning Authority is therefore not satisfied that the proposal demonstrates compliance with paragraph 173 of the National Planning Policy Framework and it is not considered that conditions following the grant of planning permission could suitably alleviate and address the flood risk of the site without first fully understanding and considering the Flood Risk of the site from the Greater Stambridge Brook.

The local Ward Members for the above application are Cllr. S. Wootton, Cllr. I. A. Foster and Cllr. Mrs. L. Shaw.