



**PLANNING APPLICATIONS WEEKLY LIST NO. 1713**  
**Week Ending 31<sup>st</sup> May 2024**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 27<sup>th</sup> June 2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **5th June 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. 24/00207/FUL – Glenville Stambridge Road Stambridge PAGES 2-22
2. 24/00121/FUL - Land Adjacent Mulsanne Malyons Lane Hullbridge PAGES 22-39

Application No :	24/00207/FUL      Zoning :Unallocated
Case Officer	Mr. Richard Kilbourne
Parish :	Stambridge Parish Council
Ward :	Roche North And Rural
Location :	Glenville Stambridge Road Stambridge
Proposal :	Demolish existing dwelling and construct replacement bungalow.

## **SITE AND PROPOSAL**

1. The application site is located on the western side of Stambridge Road. The area is predominately residential in character but immediately to the north of the application site is The Royal Oak public house. Whilst, to the south is another large detached bungalow, similar in scale and mass to the applicants property. The western boundary of the site's residential curtilage is demarcated by The Great Stambridge Brook and beyond that are open fields. Generally, there is an eclectic mix of properties on Stambridge 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. The application site is located wholly within the settlement limits of Great Stambridge.
2. The application site is known as Glenville. The existing property is a single storey detached bungalow which is rendered under a concrete interlocking tile roof, which directly faces Stambridge Road. Located at the front of the applicants dwellinghouse is a large area of hardstanding, which can accommodate several vehicles. The proposal is to demolish the existing dwelling and construct a replacement bungalow. The plot is elongated rectilinear in form and measures roughly 46m long by 13m deep (at the widest points) and the site area given on the application forms is 631m<sup>2</sup>.

## **RELEVANT PLANNING HISTORY**

3. No relevant planning history pertaining to this site.

## **MATERIAL PLANNING CONSIDERATIONS**

4. 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.

5. The relevant parts of the adopted Development Plan are the Rochford District Council Local Development Framework Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

#### Principal of Development

6. 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 in favour 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.
7. 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.
8. 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.

9. Policy H1 of the 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 the outside wall of habitable rooms and plot boundaries.
10. Policy CP1 of the Core Strategy and Policy DM1 of the 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.
11. The proposed development involves the demolition of the existing detached bungalow currently in-situ and the replacement with an two bedroomed detached bungalow; the application site is located wholly within the settlement boundary Stambridge. Therefore, given that the application relates to a brownfield site within the settlement zone, the broad principle of development is acceptable.

#### Impact on the Green Belt

12. According to the submitted plans the proposed dwellinghouse will be situated wholly within the residential envelope of Stambridge. Located at the rear of the applicant's residential curtilage is a stream, which delineates the western boundary of the plot. According to the Council's GIS database the eastern bank of the stream (and beyond) is located within the Metropolitan Green Belt (MGB). According to the submitted plans the proposed development will be contained wholly within the applicant's residential curtilage and there will be no encroachment into land designated as MGB. Consequently, it is not considered that the proposal as submitted will result in any difference either spatially or visually than the current arrangements in regards to the Green Belt and as such the proposal complies with the relevant policies within the Development Management Plan and the NPPF.

## Design

13. 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.
14. 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).
15. 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.
16. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms 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.
17. 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.
18. The collection of dwellings around the application site have been constructed over a number of years and provide an eclectic mix of architectural styles. As a matter of fact, the surrounding area is characterised by a variety of housing types which includes bungalows,

1.5 storey high detached dwellinghouses and two-storey semi detached properties, some of which incorporate projecting gables, hipped roofed 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), under concrete tile roofs.

19. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
20. According to the submitted plans and supporting Design and Access Statement the site frontage of the proposed development measures approximately 13.9 m in width and as such complies with the above mentioned policy. Furthermore, according to the submitted plans the proposed development is located roughly 1m off the common boundaries shared with Wadeville (to the south) and the Royal Oak public house (to the north). There is a 1m passageway which traverses the entire flank elevation of the proposed dwellinghouse which allows for easy access to the private amenity located at the rear. Overall, the case officer is of the opinion that the simple rectilinear footprint with private amenity space located to the rear and car parking to the frontage is in keeping with the local vernacular.
21. According to the submitted plans the proposed dwellinghouse would be set back into its plot (having a similar configuration to the existing arrangements). According to plan reference 3184/05 Revision B shows that the front elevation of the proposed dwellinghouse roughly aligns with the front elevation of Wadeville (which is located directly to the south of the application site). The proposed dwellinghouse will be set back approximately 14m from Stambridge Road. Situated at the front of the proposed dwellinghouse will be an area of hardstanding, which can accommodate several vehicles. In the opinion of the case officer the proposal will not cause demonstrable harm to the character and appearance of the streetscene.
22. 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 considered compliant with Policy H1 of the Council's Core Strategy.
23. As previously stated, the applicant is proposing to demolish the detached bungalow which is currently in-situ and replace it with another detached bungalow. The wider street scene is comprised by a combination of semi-detached and detached bungalows and two storey properties, the application site is flanked by a detached bungalow



(Wadeville) and to the north is a large part two storey part single storey detached building, which is a public house The Royal Oak. This property is set well back into its extensive plot, with a large area of hardstanding to the frontage serving as a car park. To the south of the pub and adjoining the applicant's boundary is a beer garden, which contains some children's play equipment. There is a distance in excess of 25m separating the flank elevation of the public house from the flank elevation of the proposed dwellinghouse. Overall, 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.

24. According to plan references 3184/03 Revision E and 3184/04 Revision E the proposed dwellinghouse will roughly form an elongated rectilinear footprint and will measure approximately 11.3m deep by 15.1m long with a footprint of roughly 166m<sup>2</sup>. The proposal will measure and is 2.5m high to the eaves and to the highest part of the roof is 6.6m (the existing property has a maximum ridge height of 6.1m. Therefore, the proposed dwellinghouse will be approximately 500mm higher). The proposal will incorporate a hipped roofed design.
25. The proposed dwellinghouse will be constructed out of block (presumably) and the elevations will be rendered; whilst the roof will be formed out of clay roof tiles, 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. Located on the front of the property is a simple storm porch which helps to break up the monotony of this elevation.
26. Internally the property will comprise two bedrooms, family bathroom, w.c., lounge, utility room, hall and open plan kitchen/dining room.
27. It is noted that the surrounding area has a broad building typology as stipulated earlier in this report. It is considered that the design of the proposed dwellinghouse is quite modern and contemporary in nature. Furthermore, it is reasoned 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. It is

considered given the nature and design of the proposal the materials which will be used to construct the dwelling will be pivotal and these will be secured by the imposition of an appropriately worded planning condition. 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

28. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, 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 on residential amenity.
29. Amenity is defined as a set of conditions that one ought reasonably to 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.
30. It has been accepted that the development of the site for housing is unlikely to result in significant noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
31. Para 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.
32. The application site is adjoined by Wadeville to the south and The Royal Oak public house which is situated to the north of the application site.
33. The impact that the proposal will have on the neighbouring property Wadeville is considered to be negligible. The case officer observed when he conducted his site visit that there were no windows in the flank elevation of this property facing the application site. Furthermore, the boundary treatment currently comprises a mix of 1.8m high close



boarded fencing with trellis on top and a similar height brick wall. The case officer also noted that on the neighbours side of the boundary was planted with ornamental shrubs and bushes. According to the submitted plans the applicant is proposing to insert two windows on the flank elevation of the proposed dwellinghouse (one of the windows will serve a bathroom which is classified as non-habitable and the remaining window will be a secondary window serving a lounge). 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 over domination, over bearing or loss of privacy issues and as such the proposal broadly complies with policy DM1.

34. Turning to the neighbouring property (The Royal Oak public house) it is considered that the proposed development will not cause any demonstrable harm to the amenity of this building. According to the submitted plans there is a distance in excess of 25m separating the proposed dwellinghouse from this building. 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 proposal will it appear to be overbearing. It is considered that the proposal will have an inconsequential marginal impact on this property.
35. 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

36. 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.
37. The Council's guidance in SPD2 requires the provision of a minimum useable private garden area for new dwellings of 100m<sup>2</sup>. An exception for this is one and two bedroom dwellings where a minimum private garden area of 50m<sup>2</sup> is considered acceptable when the second bedroom is not of a size that would allow subdivision into two rooms.

38. The proposed development would erect 1 No. two bed roomed dwelling. The garden area for the proposed dwelling would measure over 100m<sup>2</sup> and would be compliant with SPD2.

#### Sustainability

39. 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.
40. 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.
41. 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.
42. A single storey dwelling which would comprise two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 61m<sup>2</sup> or 70m<sup>2</sup>, respectively. Additionally, the dwelling must have a minimum of 2m<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 148m<sup>2</sup>, and as such in terms of overall GIA the proposal complies specified technical standards.
43. The table below shows the Gross Internal Floor area for the proposed bedrooms.

Bedroom No.1 (Master)	21m <sup>2</sup>
Bedroom No.2	14.5m <sup>2</sup>

44. According to the submitted plans the bedroom complies with the aforementioned policies and would exceed the internal floor area requirements. Furthermore, it was noted that there would be roughly 0.6m<sup>2</sup> of storage space, which prima facie does not comply with the aforementioned policy. However, the proposal substantially exceeds the recommended minimal GIA for a two bedroomed property and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal as there would be ample surplus space for storage options.
45. 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.
46. 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

47. 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

48. According to the Environment Agency Flood Risk Map the application site lies wholly within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. As previously stated the proposal is for a replacement dwelling which is classed as a more vulnerable development as defined in Annex 3: Flood Vulnerability classification of the Planning Practice Guidance. Therefore, to comply with national

policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

49. To accompany the planning application the applicant has submitted an FRA which has been produced by Evans Rivers and Coastal and is dated April 2024. The report concludes that: -

- It is the Client's intention to demolish the existing dwelling and replace it with a new single-storey dwelling.
- The replacement dwelling will be positioned across the site which is currently occupied by the existing dwelling and the ground floor will be set the same as existing and at 4.15m AOD.
- The site is located within Flood Zone 3.
- The "actual risk" to the site from overtopping is high during climate change events and there is also a "residual risk" of flooding from a breach in the defences.
- The design updated climate change 1 in 200 year flood level at the site has been estimated to reach 5.7m AOD. During the extreme updated climate change 1 in 1000 year event the flood level would be 5.89m AOD.
- A Water Entry Strategy should be adopted across the ground floor area of the building to reduce the differential depth to safe limits during the design and extreme event and to protect property. It is proposed that the mitigation measures are established up to 0.3m higher than the design flood level and to 6m AOD.
- A warning and evacuation strategy has been developed within this assessment. It is proposed that the occupants register with the Agency's Flood Warnings Direct and prepare a Family Flood Plan.
- It is considered that there is an overall low risk of groundwater flooding at the site from underlying deposits.
- There is a very low to high surface water flooding risk, however, the Water Entry Strategy will reduce the risk further.

50. Section 14 of the NPPF discusses meeting the challenge of climate change, flooding and coastal change. Paragraph 173 states that local planning authorities should ensure that development would not result in increased flood risk elsewhere. A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.

51. As previously stated, the application site is entirely within Flood Zone 3. As the proposal would relate to a site at risk of flooding, it should only be allowed where the criteria within paragraph 173 of the NPPF would be satisfied:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding 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.

52. In regards to part (a), the application site is entirely within Flood zone 3 and there is no area at lower flood risk.

53. In relation to part (b), due to the application site's proximity to the Great Stambridge Brook and its location within Flood Zone 3, the building would not be capable of being made flood resistant. The NPPG outlines that flood resistant construction can prevent entry of water or minimise the amount that may enter a building where there is short duration flooding with water depths of 0.6m or less. It is not possible to exclude flood waters in this circumstance and therefore flood resistant methods are not an appropriate strategy.

54. On the other hand, flood resilient buildings are designed and constructed to reduce the impact of flood water entering the building so that no permanent damage is caused, structural integrity is maintained and drying and cleaning is easier.

55. The submitted Flood Risk Assessment recommends that A Water Entry Strategy should be adopted across the ground floor area of the building to reduce the differential depth to safe limits during the design and extreme event and to protect property. It is proposed that the mitigation measures are established up to 0.3m higher than the design flood level and to 6m AOD.

56. To ensure that the building would withstand the pressures and forces associated with flood water, the EA has advised that supporting information and calculations should be submitted to the Council to provide certainty that the building would withstand water pressures in a flood event, which will be secured by the imposition of an appropriately worded planning condition, in the event that planning permission is approved.

57. With regards to part (c), as there would be no increase in hardstanding over the development which has been approved previously, it is not considered necessary of the development to provide any additional sustainable drainage system.

58. In relation to part (d), it has been highlighted that the residual risk of the site includes extreme rainfall events, extreme fluvial/tidal events and the failure of water main or sewer infrastructure. It has previously been

confirmed that these risks would be dealt with by the Emergency Plan that has been submitted.

59. To address part (e) a flood warning and evacuation plan has been prepared by Evans Rivers and Coastal which is dated April 2024.
60. Colleagues in the Environment Agency have also been consulted and state that: -

#### Actual Risk

- The replacement dwelling is of similar size and layout to the existing dwelling, so there is no increase in vulnerability at the site and the flood risk to the proposed development remains the same as the risk faced by the existing development. The proposed replacement dwelling also provides betterment through the inclusion of flood resistant/resilient construction and Flood Evacuation Plan as detailed in the below bullet points.
- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does not benefit from the presence of defences.
- Finished ground floor levels have been proposed at 4.15m AOD. This is below the 0.5% annual probability flood level including climate change of 5.43m AOD and therefore dry/at risk of flooding by 1.28m depth in this event.
- The site levels are a minimum of 3.7m AOD and therefore flood depths on site are 1.73m in the 0.5% (1 in 200) annual probability flood event including climate change.
- Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- This proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant, but you should determine its adequacy to ensure the safety of the occupants.
- Compensatory storage is not required.

#### Residual Risk

- Finished ground floor levels have been proposed at 4.15m AOD. This is below the 0.5% annual probability breach flood level including climate change of 5.70m AOD and therefore at risk of flooding by 1.55m depth in this event.
- There is not refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change of 5.89m AOD.
- Flood resilience/resistance measures have been proposed.



- A Flood Evacuation Plan has been proposed.
61. The case officer considered it prudent to consult with the Councils Emergency Planner who states, “*As we are only talking about small numbers of properties, they do not represent a major issue if flooded for either the Emergency Services or Rochford District Council, as such I have no objections*”. The Emergency Planner does advise that applicants should check on the flood risk through the Environment Agency website and consider actions to improve the flood resilience of the properties depending on the nature of the flood risk. Flood resilience measures could include raising the level of the buildings, the inclusion of property level flood protection and internal flooding measures such as solid floors, raised electrics and waterproof wall plasters.
62. Overall, it is concluded that the replacement dwelling is of similar size and layout to the existing dwelling, so there is no increase in vulnerability at the site and the flood risk to the proposed development remains the same as the risk faced by the existing development if permission were denied. The proposed replacement dwelling also provides betterment through the inclusion of flood resistant/resilient construction and Flood Evacuation Plan.

#### Refuse and Waste Storage

63. 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

64. 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.

65. 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.
66. 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.
67. 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 (December 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.
68. Colleagues in Essex County Council Highways Authority have reviewed the submitted information and state *“The proposal includes the demolition of the existing dwelling and provision of a replacement dwelling, the vehicle access remains unchanged and adequate room is available for off-street parking for a minimum of two vehicles... From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority”*. Colleagues in the Highways Department stipulate that if the application is to be approved, they would require the imposition of a condition requiring the reception and storage of building materials to be clear of the public highway.
69. 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.
70. Overall, it considered that the proposal subject to the aforementioned condition 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.

#### Impact on Trees

71. Policy DM25 of the of the 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.'*

72. It is noted that there are no trees on the site and as such raises no arboricultural implications. However, in order to help assimilate the proposal into the local and wider environ it is considered reasonable to attach conditions relating to landscaping and boundary treatment.

Impact on Biodiversity

On Site Ecology

73. No ecological appraisal has been submitted with the application however the site is maintained domestic garden featuring mown lawn and various shrubs and plants and it is therefore unlikely to support protected species.

Off Site Ecology

74. 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.
75. 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:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one 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

77. 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.

78. 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, would not be necessary in this case. The proposal is for a replacement dwelling and as such will not exacerbate or result in additional recreational disturbances.

## **CONCLUSION**

79. Approve.

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

**Stambridge Parish Council:** No comments received.

**Essex County Council Highways:** No objection subject to condition relating to storage and reception of building materials and standard informatives.

**Environment Agency:** We have inspected the application as submitted and have no objection, providing that you have taken into account the flood risk considerations which are your responsibility. You should consider whether the proposed replacement dwelling could include any more flood risk betterment, such as raising floor levels above flood levels or providing a safe refuge.

Emergency Planner: As we are only talking about small numbers of properties, they do not represent a major issue if flooded for either the Emergency Services or Rochford District Councils, as such I have no objections.

**Neighbour representations :** No responses received.

### **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:

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 shall be undertaken in strict accordance with the plans referenced 3184/04 Revision E (Proposed Elevations) (as per date stated on plan April 2024), 3184/03 Revision E (Proposed Floor Plans) (as per date stated on plan April 2024), 3184/01 Revision A (Location Plan) (as per date stated on plan December 2023) and 3184/05 Revision B (Site Plan) (as per date stated on plan January 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. 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.

4. 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 this office 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.

5. Prior to its use, details of the positions, design, materials and type of boundary treatment to be erected 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 approved details.

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.



6. 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 in the locality.

7. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

8. Prior to the first occupation of dwelling hereby approved, details of the flood resilient construction methods to be used shall be submitted to the local planning authority for agreement in writing. Those details agreed in writing shall be implemented in full during the construction of the development and maintained thereafter.

REASON: To ensure that the approved dwelling would be appropriately flood resilient, in the interests of the safety of the future occupiers.

9. Prior to the first occupation of the dwelling hereby approved, calculations which detail that the dwelling could withstand the hydraulic pressures of a flood event, shall be submitted to the local planning authority for agreement in writing. The calculations shall be accompanied by the details of any further works which would be required to ensure the building could withstand these hydraulic pressures. Any such details as may be agreed shall be carried out prior to first occupation of the dwelling hereby approved and maintained thereafter.

REASON: To ensure the approved dwelling could provide safe refuge at the upper storeys during a flood event, in the interests of the safety of the future occupiers.

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

Application No :	24/00121/FUL      Zoning : No allocation
Case Officer	Mr Thomas Byford
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	Land Adjacent Mulsanne Malyons Lane Hullbridge
Proposal :	Erection of 2 semi-detached dwellings and associated parking and landscaping. Creation of new vehicular access off Malyons Lane.

### **SITE AND PROPOSAL**

1. The application site is located on the northern side of Malyons Lane and is occupied by a semi-detached dwelling known as 'Mulsanne'. The application site forms part of the residential garden of Mulsanne. The application site adjoins the Settlement Extension allocation known as SER6a which is currently being developed. To the north and east of the site is the established residential area of Hullbridge.
2. Planning permission is sought for the sub-division of the site serving Mulsanne and the construction of a pair of semi-detached two-storey dwellings. The dwellings would be located within the garden area to the side of Mulsanne and which abuts the SER6a site. The dwellings would each have a pitched roof with gable ends to both side elevations, with each also having a front gable projection. Each dwelling would have a single storey element to the rear with a central rooflight into the proposed flat roof. The dwellings would front Malyons Lane and would be served with accesses onto this street.
3. It is noted that the principle of two dwellings on the site has been accepted under application reference 23/00196/FUL and this application seeks an alternative design to the dwellings in terms of materials, form and internal layout. With the revisions increasing the size of the dwellings, it is noted that there are therefore resultant changes such as a reduction in the proposed garden sizes approved under application 23/00196/FUL and these matters will be assessed as to their compliance with local and national policy.

### **RELEVANT PLANNING HISTORY**

4. Application No. 22/00509/FUL – Proposed two number detached three bedroom dwellings with associated parking and vehicle access. As a result of the failing of inadequate plot width and side spaces the application was refused for the following reasons:

1. The proposed development, by virtue of its layout and setting, would create building plots and dwellings which would not successfully reference the prevailing character of the area proving out of keeping with the more spacious established pattern of development and detrimental to the character and appearance of the site and the surrounding area contrary to policy CP1 of the Councils adopted Core Strategy. The proposal would fail to achieve a positive relationship with nearby dwellings contrary to policies DM1 and DM3 of the Council's adopted Development Management Plan and would fail to add to the overall quality of the area in conflict with paragraph 130 a) and 134 a) to the NPPF.
  2. 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.
5. Application No. 23/00196/FUL – Erection of 2 x semi-detached, 3-bed dwellings with associated parking – Approved.

## **MATERIAL PLANNING CONSIDERATIONS**

6. 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.
7. 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).

Principle of Development

8. The application site is located within the residential envelope of Hullbridge and where the more efficient use of land for housing provision is acceptable in principle; however, consideration must be given to whether the proposed infill development is appropriate in terms of scale, character and other considerations.
9. Policy H1 of the Council's Core Strategy confirms that the Council will prioritise the reuse of previously developed land. Additionally, in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas, but that limited infilling will be considered acceptable, and will continue to contribute towards the housing supply. However, this is subject to the requirement that it relates well to the existing street pattern, density and character of the locality.
10. The NPPF at paragraphs 131 and 135 also advises that planning decisions for proposed housing development should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions; this is also emphasised by Core Strategy Policy CP1.
11. Policy CP1 of the Council's 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. Amongst other criteria, Policy DM3 of the Development Management Plan seeks demonstration that residential intensification and backland development positively address the existing street pattern and density of the locality, and whether the number and types of dwellings proposed are appropriate having regard to existing character.
12. Paragraph 129 of the NPPF is clear that the National Design Guide, National Model Design Code and the Essex Design Guide should be used to guide decisions on applications.
13. In terms of housing need, the Council has an up to date five year housing land supply; however, additional windfall sites such as this would usefully add to housing provision in the district.
14. The development is one that proposes re-development of the site for an intensified residential purpose. National and local policies encourage the effective use of land. Whilst the principle of developing the site for a residential purpose is not objected to at this site, the main issues for consideration relate to the acceptability of the development as infill development, including issues of scale and impact on character, as well as impacts on residential amenity; these and other issues are explored below.

## Impact on Character

15. Both previous planning applications for two dwellings on the site were regarded as in keeping within the street scene in so far as it respected the existing building line and the appearance of the dwellings were considered complimentary to the existing character. The previously detached nature of the previously proposed dwellings was contrary to the requirement of SPD2, however this was revised to incorporate a pair of semi-detached dwellings in the subsequent approval under application reference: 23/00196/FUL. The Council's Supplementary Planning Document 2 – Housing Design requires a distance of 9.25m for detached dwellings or 15.25m for semi-detached pairs, or for the development to be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. The refused development for detached dwellings did not comply with these standards and was considered to be incompatible with the existing form and character of the area resulting in dwellings that would appear overly cramped and at odds with the more spacious character of the locality.
16. The approved development and this revised scheme has sought to overcome this by amending the development to form a semi-detached pair to better fit the plot size. The proposed development would maintain its acceptability in terms of the building line and design/appearance. In addition, it would comply with the plot frontage requirements of SPD2 which are 15.25m for a semi-detached pair. The resulting property of Mulsanne would also be compliant with this requirement. The proposed dwellings would maintain a 1m separation between the outside wall to habitable rooms and common boundaries as also required by SPD2.
17. This scheme would therefore be considered to overcome the objections raised by the refused scheme and continues to comply with national and local policy and guidance as did the subsequently approved scheme. The proposed development would be more in keeping with the pattern of development along Malyons Lane and although it is acknowledged that the revised materials proposed are far more contemporary and modern in design than the existing dwellings surrounding the site, many of which are of significant age. It is noted that there is a new build development to the east. Even though the proposed styling, materials and architectural form is contemporary, this is not considered to warrant a refusal on these grounds alone, taking into account that any dwelling on Malyons Lane could update their external materials without planning consent to a similar style.
18. Although the revisions to the design of the proposed dwellings incorporates an additional front gable ended projection and single

storey element at the rear, it is not considered that the modest depth of the front projection, nor the single storey elements which each span some 4.85 deep, some 7.010m wide and a height of some 3.15m from ground level would be so detrimental to character to refuse the application. The proposal would be compliant with Policy CP1 of the Core Strategy, Policy DM1 and DM3 of the Development Management Plan and the NPPF.

#### Impact on Residential Amenity

19. 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.
20. Overall, it is considered that the proposed development would not cause any significant impact on residential amenity in respect to loss of light, overlooking or privacy to the and the surrounding properties neither would it have a significant overbearing impact to the proposed adjacent SER6a development currently at an advanced stage in implementation.
21. It is noted that there are first-floor windows proposed on both side elevations. It is recommended that a condition be imposed to require these windows to be obscure glazed and non-opening below 1.7m above floor level to preserve the privacy of the neighbouring properties to the west and east.
22. Located directly opposite the proposed dwellinghouses are several single storey bungalows and the separation distance between the opposing front elevations would be some 11.2m. Given this, it is considered that the proposal would not cause any demonstrable harm to the residential amenities of the occupiers of these properties.
23. It is noted that a number of concerns were raised previously with regard to the noise and dust impact of the development. It is understood that neighbours concerns have resulted from the impact of the construction of SER6a. The proposed development is not of the scale of this development and is only for two dwellings which would not result in a significant dust impact to warrant a condition to manage this. A condition was previously imposed on the approved decision notice with regards to the hours of operation to ensure that the cumulative impact with the development of SER6a is not unacceptable to neighbouring occupiers. The same condition will be imposed on any granting of planning consent here.



24. The development would not be considered to give rise to significant material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the siting in relationship to and the separation distances that would be achieved between properties. The proposal is compliant with DM1 and DM3 of the Development Management Plan.

#### Impact on Highway Safety

25. The Parking Standards Design and Good Practice guide (2010) states that for dwellings of more than two bedrooms requires two car parking spaces with dimensions of 5.5m x 2.9m and garage spaces should measure 7m x 3m to be considered usable spaces. Quality urban design dictates that care should be taken that the parking layout does not result in streets dominated by parking spaces in front of dwellings or by building facades with large expanses of garage doors.

26. The application site has sufficient space within the proposed curtilages to provide at least two car parking spaces at the required dimensions as stated in the EPOA parking standard to serve each dwelling, including the existing dwelling. Properties of the size proposed 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 emphasised the benefit of the use of soft landscaping and tree planting to ensure that schemes are visually attractive. Therefore, it would be reasonable for the Council to impose a condition relating to a soft landscaping scheme to be submitted in order to avoid the complete hard surfacing of the site frontage. The scheme shall include the planting of at least two trees which shall utilise tree pits to ensure their success. The revised scheme does show landscaping comprising of Pittosporum at 0.7m high however does not include any information regarding the tree pits which was conditioned under the previous approval.

27. According to the submitted plans/application forms, new vehicle accesses shall be provided for the proposed dwellings. Although Essex County Council as the local Highway Authority have not commented on the scheme in relation to parking, it is noted their comments on the previously approved scheme where they had no objections to the proposal subject to conditions, considering that there would be no unacceptable impact on highway safety or a severe impact on the highway network. There is no reason for the

Local Planning Authority to take a different view and any intensification resulting from the provision of two dwellings in this area would not be deemed to be of such severity that would warrant refusal of the application. It is considered that the comings and goings associated with the proposal will not cause significant demonstrable harm to the residential amenities of adjacent properties as the proposal is only for two additional dwellings.

28. A construction management plan has been submitted with the application and The Highway Authority have been consulted on the acceptability of that document.
29. The Highway Authority concluded that the Construction Management Plan is acceptable subject to conditions which have been included in the consultations section of this report.

#### Garden Sizes

30. 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. Paragraph 135 criterion (f) of the NPPF seeks the creation of 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.
31. 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. The proposed development would provide two, three-bedroomed dwellings. Both of the properties would be provided with rear private amenity spaces of approximately 102m<sup>2</sup>, in excess of the required 100m<sup>2</sup> which would satisfy the outdoor amenity space requirements, as set out in SPD2. Furthermore, as the proposal would result in the subdivision of the plot the host property would still maintain a private rear amenity space of some 172m<sup>2</sup>.

#### Sustainability

32. The Ministerial Statement of the 25<sup>th</sup> 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.
33. 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.

34. 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.
35. A two-storey dwelling which would comprise of 4 bedrooms accommodating six people would require a minimum Gross Internal Floor Area (GIA) of 106m<sup>2</sup>, respectively. 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 2.55 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 each of the proposed dwellings would measure approximately 184.5m<sup>2</sup>.
36. According to the submitted plans all the bedrooms for both units comply with the aforementioned requirements and exceed the Internal Floor area. Furthermore, it was noted that the storage areas proposed exceed 3m<sup>2</sup> for both plots, which complies with the recommended minimal requirements as specified in the Technical Housing Standards.

#### Refuse and Waste Storage

37. The Council operate a 3-bin refuse and recycling system. The proposed dwellings would provide sufficient storage space for the three bins within their site boundaries.

#### Archaeology

38. The Historic Environment Advisor has been consulted and states that the proposed development area lies within a potentially sensitive area of archaeological deposits. To the north-east of the development site, now the area east of Elm Grove, a former medieval moated site existed indicating the potential for preserved medieval remains at along Malyons Lane (EHER 13861). Excavations in 2018

at Malyons Farm, to the west of site, have identified a feature dating from the medieval period immediately to the west. There is the potential for archaeological remains to extend into the development area.

39. Although this was raised in the previous approval with a prior to commencement condition recommended, this unfortunately was not imposed on the decision for 23/00196/FUL. Development has commenced relating to the previous consent and therefore it is not considered reasonable to impose a pre-commencement condition in relation to the works.

#### Trees

40. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. Trees on site are restricted primarily to the boundaries. Overall, it is considered that the proposal would not result in the loss of any trees of high amenity value such as to warrant refusal of the proposal.

#### On Site Ecology

41. No ecological appraisal has been submitted with the application; however the site is maintained domestic garden featuring mown lawn and various shrubs, plants and an established hedge and it is therefore considered unlikely to support protected species.

#### Off Site Ecology

42. The application site 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 of future residents to the dwelling proposed.
43. The development for two dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice, an 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 Coast RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two dwellings

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

44. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by Rochford District Council on the 20 October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.

45. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. The applicant has paid the suggested financial contribution per new dwelling to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance. This overcomes the previous reason for refusal in respect of this matter.

Flood Risk

46. 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 also does not present risk of surface water flooding according to the Environment Agency Flooding Maps.

## Other Matters

47. During the course of this application the applicant submitted new plans to propose new materials. The applicant wished to alter much of the proposed white render to Chelsea Smoke Red Brick. In this case and taking into account the history, namely approved application reference: 23/00196/FUL which proposed red brickwork, it is not considered that new plans received showing the alterations required a reconsultation of the scheme. The neighbouring objections do not relate to the materials used on the development.

## CONCLUSION

48. Approve subject to conditions.

## CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hullbridge Parish Council: No objection to raise.

Essex County Council Highway Authority: Although Essex County Highways have not commented on the revised scheme, with this not impacting the approved parking provision on the site from application reference 23/00196/FUL, their comments have been brought forward from that approval.

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. Prior to first occupation of the development, each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. Each access shall align with the parking area and at its junction with the highway shall not be less than 3 metres and shall



be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. Full layout details and final widths to be agreed with the Highway Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

4. Prior to first occupation of the development, the vehicle parking areas shall be provided as shown on planning drawing 250 Rev P2, this includes two off-street parking spaces for each dwelling. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. Prior to first occupation, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

6. 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. These packs (including tickets) are to be provided by the Developer to each 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.

7. The public's rights and ease of passage over public footpath no. 7 (Hullbridge) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

8. The proposed new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the 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.

Further Conditions relating to the Construction Management Plan from Essex County Council Highway Authority:

9. An area within the site shall be allocated for materials storage and a jet wash shall be provided for wheel washing. The approved details shall be adhered to throughout the construction period.

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 and DM30

Essex County Council Archaeology:

The Historic Environment Record indicates that to the west of proposed development area there was an archaeological excavation on the land around Malyons Farm (EHCR 49519). This Revealed a settlement that was Bronze Age to Roman in date. Enclosure and cremations discoveries have the potential to continue being identified within the proposed development area. Archaeological investigation and cartographic information close to the proposed development have identified probable moated sites of medieval date (EHCR 13861 & EHCR 13604). The presence of these implies the potential for a Medieval settlement to be located around this localised area of Hullbridge. To the north of the proposed development area is The River Crouch. The river has a number of historical assets associated. A Prehistoric settlement (EHCR 13570) has been identified on the southern banks of the river, to north of the site. Bronze Age habitation evidence has been identified on the other side of the riverbanks (EHCR 13714). The Hullbridge Brickfields (EHCR 15534), is situated close to the proposed development area, next to the river. The brickworks dates back as far as the Post Medieval period and utilised the ferry and ford across the river. There is the potential for further remains to be identified within the proposed development which will require recording prior to the commencement of the development. The archaeological work would comprise a phase of initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if significant archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

## Recommended Conditions

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report

## Neighbour Representations:

- 4 responses have been received from the following addresses;  
12 Malyons Lane (2 replies) and 16 Malyons Lane (2 replies).

In the main, the comments and objections received can be summarised as follows:

- Road is narrowing and no pavement on frontage of the site.
- Road has Chevrons and this is dangerous and needs investigation by highways.
- Reversing off neighbouring site is already difficult.
- Insufficient drainage.
- No parking on neighbouring sites for visitors.
- Objections based on lorries passing relating to the adjacent allocated site.
- Increase in traffic.
- Too many new houses no reprieve.
- People coming through as a cut through when main roads are controlled or congested.
- More intolerable mess and disruption.

## Comments on neighbouring objections

With the above comments not relating to the revisions to the scheme such as the materials and front and rear projections proposed, the comments are considered to have already been addressed and considered within the previous application or are outside the scope of this application and relate mostly to construction affects to the adjacent allocated site which is near completion. The principle of two dwellings in this arrangement has already been approved on the site.

### **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2023).

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

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

### **RECOMMENDATION: APPROVE**

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: 4084-01-1 B dated January 2024 and 4084-01-2 dated January 2024.

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

3. All external facing materials (including windows and doors) and roofing materials (including rainwater goods, fascias and soffits) to be used in the development hereby permitted shall be those stated and annotated on plan 4084-01-1 B dated January 2024 and shall be implemented prior to first occupation of the dwellings hereby approved.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of visual amenity.

4. All trees as annotated and shown on plan 4084-01-2 dated January 2024 shall be implemented in their entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased agreement as may be agreed in writing by the local planning authority. If the trees (including

replacements) are removed, uprooted, destroyed or be caused to die or become seriously damaged or defective, within five years of planting, shall be replaced by the developer (s) or their successors in title, with species of the same type, size and in the same as those removed, in the first available planting season following removal.

REASON: To provide an adequate provision of landscaping on site, in accordance with Policy DM25 of the Development Management Plan and paragraph 131 to the NPPF.

5. Prior to occupation of either dwelling hereby approved the hard and soft landscaping on the site shall be implemented as shown and annotated on plan 4084-01-2 dated January 2024, unless otherwise agreed with the local planning authority which includes:
  - schedules of species, size, density and spacing of all shrubs and hedgerows to be planted. Ensuring any boundary planting is set back a minimum of 1m from the highway boundary and any visibility splay;
  - existing trees to be retained;
  - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
  - paved or otherwise hard surfaced areas;
  - existing and finished levels shown as contours with cross-sections if appropriate;
  - means of enclosure and other boundary treatments. Ensuring that no boundary treatment within 2m of the boundary measures no greater than 1m in height;

The agreed details shall be implemented in their entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

6. The first floor side windows serving the proposed en - suites and bathrooms to the approved dwellings, depicted in drawing 4084-01-01 B dated January 2024 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 this form.

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

7. No construction works shall take place outside of the following operation hours: Monday to Friday 8:00am – 17:00pm and Saturday 8:00am – 13:00pm, with no working on Sundays or bank holidays. No vehicle connected with the site shall arrive before 7.30am or leave after 19:00pm. The construction of the development shall be carried out in complete accordance with these construction/operation hours unless otherwise agreed in writing by the local planning authority.

REASON: To limit the disturbance of construction upon neighbours adjoining and in close proximity to the site.

8. The Construction Method Statement: Project Name: Land Adjacent Mulsanne, Company: Rayleigh Developments (no date) shall be adhered to throughout the construction period where it relates to details of the following:
  - 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 including dust suppression measures.
  - iv. wheel and underbody washing facilities which shall be the provision of a jet wash used in a manner that would not allow for water to drain off site onto the highway.
  - v. use of a road sweeper to clear any debris that may enter the highway.

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

9. Prior to first occupation of the development, each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. Each access shall align with the parking area and at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety.



10. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

11. Prior to first occupation of the development, the vehicle parking areas shall be provided as shown on planning drawing 4084-01-2 dated January 2024, this includes two off-street parking spaces for each dwelling. The approved parking spaces on the site shall be in accordance with the materials as stated on plan 4084-01-2 dated January 2024 (Tobermore Hydropave Pedesta Paving Slab in Charcoal) unless otherwise agreed with the Local Planning Authority. Each parking space shall have dimensions in accordance with current parking standards (5.5m deep x 2.9m wide) and shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

12. The requirement at 36(2)(b) of Part G2 of the Building Regulations (2010) as amended shall be met for the dwelling(s) hereby approved such that the optional requirement of a maximum potential consumption of wholesome water by persons occupying the new dwelling(s) shall not exceed 110 litres per person per day and measures to secure ongoing compliance with this requirement shall be permanently retained thereafter.

REASON: In order that the development achieves compliance with the national water efficiency standard as set out in the Building Regulations in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

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