



PLANNING APPLICATIONS WEEKLY LIST NO.1716
Week Ending 21st June 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 25 July 2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **26th 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 .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.

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Application No :	24/00317/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	View Gardens Chelmsford Road Rawreth
Proposal :	Installation of 2 no. electric charge point for electric vehicles EVs only and 1 no. feeder pillar.

SITE AND PROPOSAL

1. This application is to the site of a well-established garden centre situated within the Metropolitan Green Belt. The site occupies a prominent position on the west side of the A1245 near to the junction with Rawreth Lane. The site lies 800 metres north of the Carpenters Arms junction of the A1245 and A129 and less than 3 kilometres south of the Rettendon Turnpike junction of the A1245 and the A130 and A132. The town of Wickford is located approximately 2.5 miles west and the town of Rayleigh is approximately 2 miles south east of the site.
2. The Garden Centre covers an area of approximately 1.2 hectares, comprising a retail garden centre including car parking for 80 vehicles, several retail buildings, a café and an extensive outside retail space. The built form comprise an elongated series of buildings located at the southern and western aspect of the site whilst the covered display areas are located in the central/northern part of the site and rear of the main building. The majority of the area in between is covered by the display of various garden related goods both in the open and under covered walkways. Immediately to the west of the site is the curtilage of Witherdens Farm. The dwelling within this plot is a grade II listed building.
3. The proposal is to install 2 No. electric charge points for electric vehicles (EVs) only which will be able to accommodate up to four vehicles at any one time and 1 No. feeder to the western edge of the car parking area at the front of the site.

RELEVANT PLANNING HISTORY

4. Application No. 05/00500/FUL - Single Storey Pitched Roofed Side Extension to Existing Retail Building – Approved - 12.08.2005.
5. Application No. 09/00751/FUL - Change Use of Part of Site to Provide Extension to Garden Centre, Provide Improved Access for Service Vehicles at Rear, Loading Area, Access Track to Site Perimeter, Retain Hard Landscaping Area – Refused - 11.05.2010.

6. Application No. 10/00363/TIME - Application to Extend Time Limit for Implementation of Planning Approval 05/00500/FUL Approved on 9th August 2005 – Approved - 16.08.2010.
7. Application No. 10/00555/FUL - Change Use of Part of Site to Provide Extension to Garden Centre, Provide Improved Access for Service Vehicles at Rear, Replacement Office and Plant Room, Secure Container Storage, Access Track to Perimeter of Site, Retention of Hard Landscaping Area, Extension of Outdoor Sales Area and Resurfacing of Car Parking Area and Provide Boundary Fencing – Approved - 29.10.2010.
8. Application No. 20/00190/FUL - Erection of new building to extend retail sales area at View Gardens garden centre – Approved - 16.04.2020.
9. Application No. 20/01163/FUL - Application for removal of condition no 4 (BREEAM) of planning approval 20/00190/FUL for 'Erection of new building to extend retail sales area at View Gardens garden centre.' – Approved - 21.04.2021.
10. Application No. 22/00856/FUL - Erection of extension to approved retail sales area at View Gardens garden centre – Approved - 14.12.2022.

MATERIAL PLANNING CONSIDERATIONS

11. 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.
12. 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).

Green Belt considerations
13. The site is located within the Metropolitan Green Belt as defined by the Council's adopted Allocations Plan (2014). Both policies GB1 and GB2 of the Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions

listed within the framework which would also be a material consideration.

14. Consequently, the main issues are:

- Whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (December 2023) (the Framework) and the Development Plan;
- The effect of the proposal on the openness of the Green Belt; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

15. As previously stated, the application site is located wholly within the Metropolitan Green Belt. Paragraph 137 of the framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 repeats the five purposes of the Green Belt, which include:

- i) To check the unrestricted sprawl of large built-up areas;
- ii) To prevent neighbouring towns merging into one another;
- iii) To assist in safeguarding the countryside from encroachment;
- iv) To preserve the setting and special character of historic towns; and
- v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

16. Paragraph 148 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

17. Paragraph 149 of the framework states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of original building;

- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites) and;
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

18. Paragraph 155 of the Framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

19. Paragraph 11 criterion a) of the framework states *“all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”*. Moreover, Chapter 9 Promoting Sustainable Transport is of particular relevance in this case and outlines that policies regarding parking standards for residential and non-residential development should take into account a number of criteria set out within paragraph 116. Of particular relevance is criterion (e), *‘the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.’*

20. Furthermore, the Government confirmed in July 2017 that it will end the sale of all new conventional petrol and diesel cars and vans between 2030 and 2035, as part of the plan to tackle air pollution. The governments ‘Road to Zero Strategy’ July 2018, also sets out plans to enable a massive expansion of green infrastructure across the country,

reduce emissions from the vehicles already on the UK's roads, and drive the uptake of zero emission cars, vans and trucks.

21. Other material considerations include The Climate Change Act 2008 which establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990.

22. The CCA 2008 also requires the government:

- to assess regularly the risks to the UK of the current and predicted impact of climate change;
- to set out its climate change adaptation objectives; and
- to set out its proposals and policies for meeting these objectives.

23. The Energy White Paper (2020) (EWP) sets out the government's policies and commitments to put the UK on course to net zero by 2050. The EWP lists six strategic priorities for the transport decarbonisation plan, to deliver a net zero transport system. One of the strategic priorities is the 'decarbonisation of vehicles'. The government aim to support the transition to zero emission road vehicles through the provision of recharging infrastructure.

24. The proposal will also be assessed against paragraph 155 of the framework which states certain other forms of development are not considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Of relevance is criterion c) which states "*local transport infrastructure which can demonstrate a requirement for a Green Belt location*". The proposed EV charging points will be situated within the applicant's car park towards the rear of the application site and they will be situated against a backdrop of 1.8m high closed boarded timber fencing which demarcates the application site and mature trees and shrubs beyond. The proposed EV Charging points will measure approximately 2m high by 868mm wide and 450mm deep. The agent has inferred that the site is required to provide efficient charging service and encourage greater EV uptake and this particular site has been chosen due to it being located adjacent to the A1245 Chelmsford Road, which is heavily trafficked. Furthermore, patrons of the Garden Centre will be able to charge their vehicles, whilst they are shopping in the garden centre.

25. The case officer considers that the proposal will help to improve the air quality of the district through a reduction in vehicle emissions which is one of the Government's key concerns at present. Furthermore, the proposal will help to meet the challenges of climate change through a reduction in vehicle emissions by promoting and facilitating the use of more sustainable modes of transport. It is not considered that the

proposal due to its location, scale and design will erode the character or the intrinsic qualities of the Green Belt and for the reasons cited above amount to Very Special Circumstances. Overall, it is not considered contrary to the guidance advocated within the framework or the Local Development Management Plan.

Design

26. The main thrust of National Planning Policy and Local Policy is to achieve a high standard of design, respect the pattern, character and form of the surrounding environ, whilst not adversely affecting the streetscene by reason of scale, height, proportions or materials used.
27. Guidance advocated within the Framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design” (para. 134). Building upon this is Policy CP1 of the Rochford District Council Core Strategy (2011) that 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. Furthermore, this point is expanded in Policy DM1 of the Development Management Plan (2014), which states that “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”.
28. As alluded to in the Council’s policy DM1, the proposal should ensure a retained sense of place and management of design quality. Furthermore, design matters which should be considered include height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the streetscene. The proposed electric vehicle charging (EVC) point will be located in the north western corner of the existing car park adjacent to the access road which serves the commercial property. The boundary treatment delineating the applicant’s property at this locality comprises of a close boarded timber fence measuring approximately 1.8m high and beyond the fence are numerous mature trees/shrubs. Consequently, the proposed EVC point, and ancillary equipment will be seen against this back drop.
29. The proposed EVC will be located immediately adjacent to existing car parking spaces and the proposed units will be situated on a concrete base. According to plan references 003 (Proposed Plan) and 004-2 (Proposed Elevations) the proposed EVC points will measure approximately 2m high by 868mm wide and are 453mm deep. Located immediately adjacent to EVC will be some ancillary equipment which will measure roughly 2m high by 2m wide and is 500mm deep.

30. In the opinion of the case officer, it is felt that these relatively small dimensions and minimalist design features would clearly make the additions come across as subordinate and secondary to the other buildings within the immediate locality. The proposed ancillary equipment structure will be painted white and grey. It is not considered that the design of the EVC points and ancillary equipment will have a detrimental impact on the character and appearance of the local environ.

Sustainability

31. It is acknowledged that guidance on electric vehicles or low emission vehicles is lacking in the Development Plan (due to the age of the documents). Nevertheless, the principle of EVC should be supported and the principle of mitigating and adapting to climate change and reducing carbon dioxide emissions broadly reflects the framework policy and more strategic government objectives. It is therefore a significant material consideration weighing heavily in favour of the development.

Impact on Residential Amenity

32. 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.

33. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.

34. According to the Councils GIS database the nearest residential property is located approximately 48m to the north west of the application site. In the opinion of the case officer given the scale and nature of the proposal, the separation distances involved and intervening vegetation cover, the proposal will not appear over bearing or over dominant. Furthermore, the application site is situated in close proximity to A1245 Chelmsford Road which is a heavily trafficked road and in close proximity to a retail unit (Garden Centre) whereby ambient noise levels will already be quite high. Overall, it is considered that the proposal will not have any significant detrimental impact upon

residential amenities and the proposal is compliant with policy DM1 of the Development Management Plan.

Flooding

35. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 2, Land within flood zone 2 has a medium probability of flooding from rivers and the sea. The applicant has submitted a Flood Impact Assessment, and they reiterate that *"The proposed EV charge points would be elevated off the ground, making them more flood resilient and mitigate flood risk. Furthermore, the installation of the EV charge points and feeder pillar at View Centre Car Park would not increase the risk of flooding at this site"*. The case officer considered it prudent to consult colleagues in the Environment Agency given the location of the proposal wholly with FZ2.
36. Colleagues in the Environment Agency state they have no objections to the proposal. However, they do state *"The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the Crouch and Roach, designated a 'main river'"*. Given the nature and scale of the proposal it is considered that the development broadly complies with the advice advocated within the framework and the Local Development Management Plan.

Highways

37. Policy DM1 of the Development Management Plan require sufficient car parking and 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.
38. 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.
39. The proposed EVC points and associated equipment will be located in the north western corner of the application site. It is indicated on the submitted planning application forms, plans and supporting documents that the proposal will not alter the existing access/egress arrangements and the proposal will not necessitate the loss of car parking spaces. It is considered that there is sufficient space for vehicles to maneuver in order to access/egress the site in a forward propelling gear. Moreover, the site will remain broadly unchanged, and the proposal will not exacerbate parking problems in the immediate locality nor will be detrimental to highway safety or cause any congestion. Overall, it is considered that the proposed development complies with the relevant

policies in the Local Plan and guidance advocated within the framework.

Impact upon Grade II Listed Building

40. Adjoining the garden centre boundary to the east is the curtilage of Witherdens Farm. The cottage on this neighbouring site is an 18th Century grade II listed building. The site has a frontage facing Chelmsford Road, which only serves this dwelling and the rear of the application site. Witherdens Farm is surrounded by substantial trees on its north, east, south and west boundaries, which effectively screen the site from the garden centre and the adjacent road. It is not considered that the proposed development would have significant harm upon the setting of the grade II listed building.

Trees and Ecology

41. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. No trees or existing landscaping features would be lost as a consequence of the proposed development.
42. Policy ENV1 advocates the Council will maintain, restore and enhance sites of international, national and local nature conservation importance, which include Special Protection Areas (SPAs) and Ramsar Sites. This is echoed through Policy DM27 where proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.
43. The application site is situated wholly on existing hardstanding and as such it is considered that the application is not a suitable habitat for any protected species and as such the proposal complies with the guidance advocated within the NPPF and the Development Management Plan.

Biodiversity Net Gain

44. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 subject to some exceptions).
45. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal

would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.

46. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

CONCLUSION

47. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments received.

Environment Agency: No objections to raise.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) – CP1, GB1.

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

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

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 plan references 003 (Proposed Plan) (as per date stated on plan 8th May 2024), Location Plan (as per date stated on plan 8th May 2024), FP713

(as per date stated on plan 22nd June 2023) and 004-2 (as per date stated on plan 17th April 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.

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

Application No :	24/00065/FUL Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	A And K Nurseries Arterial Road Rayleigh
Proposal :	Proposed demolition of existing office and associated outbuildings and construction of new chalet bungalow.

SITE AND PROPOSAL

1. The application site is accessed via the lane beside A and K Nurseries, located off of the Southend Arterial Road (A127).
2. The portion of land to the rear of A and K Nurseries comprises an existing building used as a dog groomers and other existing outbuildings and containers.
3. Although on the case officer's site visit, the wider blue line site appeared to be used as a builder's yard for a variety of businesses including a top soil company, the lawfulness of these uses is questioned and the local planning authority does not appear to have any planning history speaking to these uses.
4. The application seeks planning consent for the erection of a dwelling which will replace the existing structures within the red line application site.
5. It is noted that although the existing site plan submitted shows two structures to the eastmost end of the red line site, upon the case officers site visit and from correspondence from the planning agent who was also present on the site visit, these buildings have since been demolished, although the hardstanding that they was supposedly sited on was existing.

RELEVANT PLANNING HISTORY

6. Application No. 21/00356/FUL - Proposed retention of use of site for the siting of a mobile home for use as a residential dwelling. Retain existing boundary fencing and existing storage container for the storage of domestic items associated with the residential use of the site – Refused/

Reasons for Refusal:

1. *The Rochford District Council Local Development Framework Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt. The proposal is considered to be inappropriate development contrary to the National Planning Policy Framework. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The proposed change of use and associated residential paraphernalia in the form of a mobile home, fencing and storage container, would constitute inappropriate development within the green belt. The proposal would result in an isolated home within the countryside which would encourage urban sprawl, contrary to the five purposes of the green belt identified by the framework. Whilst the application site is located within an industrial site, the use is not ancillary to this and would be a separate planning unit. The change of use has not been continually present for a period of over 10 years and therefore is not lawful by passage of time. No other consideration would outweigh the identified harm upon the green belt. The proposal would lie contrary to Policy GB1 of the Core Strategy and the NPPF.*
7. Application No. 21/00732/FUL - Change of use to dog grooming salon – Permitted.

MATERIAL PLANNING CONSIDERATIONS

8. 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.
9. 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).

Green Belt considerations

10. Section 13 of the National Planning Policy Framework (December 2023) (NPPF) states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate except for in a limited number of circumstances including extensions to existing buildings that are not disproportionate. Development that does not fall to be considered under one of these categories will be considered inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
11. Paragraph 154 of the NPPF stipulates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
12. Whether the proposal would meet any of the exceptions above has been carefully considered by the local planning authority. Only parts (e) and (g) require consideration in relation to the current proposal.

Exception under part (e); limited infilling in a village

13. The NPPF does not provide a definition of what constitutes being in a village or what constitutes limited infilling. It is therefore a matter of judgement taking into account various factors.
14. Account should be taken of the boundaries of urban areas and the boundaries of the Metropolitan Green Belt set in the Proposals Map. A village boundary defined in a Local Plan is a relevant consideration, but not necessarily determinative, particularly if it does not accord with an assessment of the extent of the village on the ground. The Council's Core Strategy sets out a settlement hierarchy with the largest settlements being Tier 1 consisting of Rayleigh, Hockley and Rochford.
15. Policy RTC6 looks at an Area Action Plan for Rayleigh Town Centre. In this Rayleigh is identified as being a town not a village in terms of hierarchy.

The Rochford Council Core Strategy states the below:

2.67 - Within the District there are four tiers of settlement. The first tier comprises Rayleigh, Rochford and Hockley. These are all settlements with a range of services and facilities as well as some access to public transport.

2.68 - Of the first-tier settlements, Rayleigh has the best access to services within the District. Rochford and Hockley contain local town centres catering for local need. Management Horizons Europe's (MHE) UK Shopping Index (2008) ranks the top 7,000 retail venues within the UK (including town centres, stand-alone malls, retail warehouse parks and factory outlets) based on current retail provision. This index ranks Rayleigh as a minor district centre, Rochford as a local centre, and Hockley as a minor local.

16. Some settlements in the district are too large to be reasonably considered a village. The distance of an application site from the nearest village/urban centre is a consideration as is the character of the area immediately surrounding the site. Consideration must be given to whether the site is more closely related to and part of an area between and separating settlements or clearly part of a village. There is often an abrupt change in character and appearance beyond urban areas where sites would not be considered part of an existing village. Some villages may have significant linear form but some areas of such could be significantly more rural in character and as such may not be considered as part of a village. Instances of small clusters of buildings strung out along a rural road in a sporadic pattern with areas of countryside in between would not likely represent a village; the instance of pavements, facilities and services to the 'village' are all relevant considerations; instances of small clusters of rural buildings separated from larger settlements by areas of countryside and distinct in

character are unlikely to be considered part of the village. Whilst generally outlying dwellings would unlikely be considered part of a main village, each case should be considered on its own merits.

17. In respect of exception (e) it is not considered that the proposal located east of Raleigh would represent limited infilling in a village and therefore the proposal cannot be considered under exception (e) of the NPPF.

Exception under part (g): limited infilling or the partial or complete redevelopment of previously developed land (PDL)

18. In respect of exception (g), consideration is required to determine the impact of the development on the openness of the Green Belt.
19. The dwelling proposed would have a footprint of approximately 155m², whereas the existing building and containers that would be demolished have claimed to have an existing footprint of some 197m². It is however considered that with the two eastmost buildings no longer existing with the agent stating these have recently been demolished since the planning application was submitted, these cannot be included within the calculations and therefore the structures to be demolished would amount to approximately 138.4m². It is noted this is now an inaccuracy within the existing plans submitted since these structures are no longer existing.
20. Although with these eastern structures demolished, the scale of the existing structures to be demolished falls short of the proposed footprint of the proposed dwelling, it is questioned as to whether the footprint of many of the containers and outbuildings can be used within this assessment at all, taking into account the containers are not fixed structures. Nevertheless, the existing containers do have an existing impact on the Green Belt as a new dwelling would. It is however considered imperative to establish the lawfulness of these structures in order to conclude as to whether these can be used within any Green Belt calculations and to justify their replacement with a new dwelling.
21. From the Council's records, the larger building which is used as a dog groomers is a lawful building relating to consent reference 21/00732/FUL. However, the Council does not have records or planning consents for the other structures or containers on the application site and therefore without this and without establishing the lawfulness of the containers and other buildings proposed to be demolished, these cannot be used within Green Belt calculations to justify a new dwelling on the site. It is therefore considered that if a new dwelling is pursued on the site, that first a Lawful Development Certificate should first be sought for the structures to establish their lawfulness and relevance to the proposed replacement dwelling impact.

22. In relation to the new dwelling proposed, and although it has already been established that the dwelling proposed would have a greater impact on the openness of the Green Belt in comparison to the lawful building on the site in terms of footprint, the spatial impact on the Green Belt is not the sole consideration in principle. The visual impact of the dwelling on the Green Belt is also of importance to establish as to whether the proposal is acceptable on Green Belt terms.
23. The new dwelling would have a ridge height of 6.68m, with this being of chalet form, two front dormers and a rear two storey gable feature. The dwelling spans a width of approximately 14.5m. For comparison purposes, the approximate heights of the structures as shown on the submitted plans (albeit it is noted that containers 4 and 5 no longer exist) are given below:
- Container 1 – 2.23m
 - Container 2 – 2.77m
 - Container 3 – 2.34m
 - Container 4 – 3.15m
 - Container 5 – 2.29m
 - Container 6 and 7 (stacked on top of each other) 4.6m
 - Container 8 – 2.39m
 - Building 1 – 4.24m
24. The proposed dwelling is considered to have a significantly higher ridge height than the existing building and containers on the site with the sole purpose of the ridge height increase is to accommodate the bedrooms in the roof and through the use of dormers and to accommodate the two storey rear gable feature.
25. The proposed dwelling shows a chalet style property compared to the existing building serving the dog groomers which has a low eaves height a height to the ridgeline of approximately 4.24m. The comparison relating to the containers is questioned regarding the lawfulness of these and no calculations in terms of the volume of the dwelling have been submitted to support the application in terms of offsetting the visual impact on the Green Belt that would result because of the height increase. The proposed dwelling would be of substantial volume and although replacing an existing structure serving the dog grooming business, the proposed dwelling is considered significantly larger than the existing structures it would replace. It therefore follows that the proposal could not be regarded as falling under exception (g) within the NPPF as this exception requires that the development would not have a greater impact on the openness of the Green Belt than the existing development.
26. It is therefore considered that the proposal could not be considered appropriate development in the Green Belt as a result of falling within exceptions (e) or (g). The proposal would therefore amount to inappropriate development in the Green Belt which would be harmful

by definition. Further harm would also result from the significant impact on openness that would arise. No very special circumstances have been set out in the submitted statement and it is therefore considered that in the absence of very special circumstances which would clearly outweigh the harm to the Green Belt the proposal would be considered contrary to national and local Green Belt policy.

Impact on Character

27. The main thrust of National Planning Policy and Local Policy is to achieve a high standard of design, respect the pattern, character and form of the surrounding environ, whilst not adversely affecting the street scene by reason of scale, height, proportions or materials used.
28. Guidance advocated within the NPPF places a greater emphasis upon Local Planning Authorities to deliver good designs and not accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design” (para 139). Building upon this is Policy CP1 of the Rochford District Council Core Strategy (2011) which 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. Furthermore, this point is expanded in the Council’s Policy DM1 of the Development Management Plan (2014), which states that “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”. Both policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
29. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2 – Housing Design, as well as to the Essex Design Guide.
30. The dwelling is considered to be well designed in terms of its built form, and although this is likely to be seen from the road and adjacent dwellings, the design of the dwelling is not considered so out of character to refuse the application in this regard.
31. The proposal in terms of its design is considered to comply with Policy DM1 and the guidance advocated within the NPPF in terms of design.

Impact on Residential Amenity

32. The proposed dwelling would retain significant separation to the nearby residential sites and therefore it is not considered that the dwelling would lead to an unreasonable level of overshadowing, overdominance or overlooking upon neighbouring occupiers.
33. The remainder of the blue line site would remain in its current use and with the Council uncertain of the lawfulness of this use, it cannot be ascertained as to whether the uses of this site which would be in close proximity to the proposed dwelling would cause noise and disturbance to the occupiers of that dwelling.
34. Although it is suggested that an acoustic fence could be used to mitigate any noise impacts from the adjacent business yard, no details have been provided regarding this, nor an accompanying noise assessment to provide information regarding the acceptability of this.
35. Paragraph 153 (f) of the NPPF states that places should promote health and well-being, with a high standard of amenity for existing and future users.
36. In this case, the Council cannot ascertain that the proposal would lead to a high standard of amenity for the existing and future occupants of the proposed dwelling and therefore in the absence of a noise assessment, the proposal is not considered acceptable in terms of residential amenity and conflicting with Policy DM1 of the Rochford Council Development Management Plan and the NPPF.

Garden Area

37. The Framework requires the provision 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. Supplementary Planning Document 2 (Housing Design) requires the provision of a minimum useable private garden area for new dwellings of 100m² with the exception of one and two bedroomed dwellings which can provide a minimum garden area of 50m².
38. The proposal is for a five bedroomed dwelling. The amenity area would be some 585m² therefore more than satisfying the garden area requirements set out in the SPD2 which require dwellings of this size to have a garden area of at least 100m². Although this would meet the requirements within SPD2 as above, it must be assessed as to whether this dwelling and its proposed curtilage would be appropriate and proportionate taking into account the sites Green Belt allocation.
39. In this case, the existing area to be used as garden is hardstanding and is not considered to have significant value to the Green Belt. Although this would be used as a residential garden, it is considered this would

still retain an area of openness with permitted development rights relating to the construction of outbuildings (Class E) removed with any granting of planning consent.

Sustainability

40. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise 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.
41. 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.
42. 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.
43. The proposed dwelling is shown by the applicant as a five bedroomed dwelling on the submitted plans. The proposed dwelling would be a five bedroomed, nine person dwelling with two storeys. The dwelling is a nine person dwelling as one of the bedrooms does not meet the floor area requirement for it to be considered as a double bedroom.
44. A dwelling of this size would need a gross internal area of 128m², with 3.5m of built in storage to meet the above standards. The proposed dwelling would exceed the GIA required with built in storage areas also exceeding that required above.

Impact upon Highway Safety

45. The Parking Standards Design and Good Practice guide (2010) states that dwellings of more than two bedrooms require 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. Policy DM30 has adopted the EPOA parking standards. 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.

46. The proposal includes access onto a new generous driveway with two parking spaces which would both meet the above standards of 5.5m x 2.9m.
47. The proposal would have access to a driveway from the west via an existing access off Lynwood Nurseries, understood to be a private road.
48. Considering the existing access and parking provided on the site which is adequate, the proposal is considered to comply with Policies DM1 and DM30 in this regard and the proposal would not be of detriment to highway safety.

Ecology regarding development within the zone of influence (Zol) for the Essex Coast RAMS (Recreational Disturbance Avoidance Mitigation Strategy)

49. 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.
50. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development t types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

51. 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.
52. 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.
53. The applicant has paid the required financial contribution 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.

Ecology

54. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
55. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England.

56. A bat declaration survey submitted with the application has answered 'yes' to one of the declaration options. The option selected 'yes' reads as follows:

Does your proposed development include the modification, conversion, extension, demolition or removal of buildings and structures involving the following:

All buildings with weatherboarding and or hanging tiles that are within 200 m of woodland or water (ponds, lakes, rivers, streams).

If 'yes' is ticked to any of the options listed within the bat declaration survey, a bat survey supplied by a suitably qualified and licensed person must be submitted to the Local Planning Authority for consideration.

57. Subsequently the planning agent has confirmed that this is a mistake upon filling out the form.

58. With this noted, it is not considered likely that the proposal would result in harm to bats or their habitat as a result of the proposed works, and as such the application can move forward with a decision, however, in the event that evidence of bats or harm to bats and their habitat arises as a result of the proposed works, the responsibility of such harm falls firmly on the applicant.

Trees

59. Policy DM25 (Trees and Woodlands) of the of the Council's Development Management Plan indicates 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. No trees are proposed to be removed, nor are there close by trees subject to Tree Preservation Orders that would be affected by the proposal. It is therefore concluded that there would not be any trees adversely affected by the proposal.

60. Given the site characteristics, there are no other ecological considerations of note that would be impacted by the development.

Refuse and Waste

61. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recyclate (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).

62. It is considered that the site is large enough to accommodate the storage of refuse bins and this would not be of detriment to the street scene or character.

Flood Risk

63. The site is located within Flood Zone 1 with the lowest risk of flooding and is indicated on the Environment Agency Flood Maps that the site presents a low risk for surface water flooding and to where development should be directed.

Historical uses and Potential contamination and health risks

64. The National Planning Policy Framework at paragraph 190 (Ground Conditions and Pollution) indicates that where a site is affected by contamination or land stability issues, responsibility for securing a safe environment rests with the developer and/or the landowner. Paragraph 191 indicates that planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Any potential adverse impacts arising from a development should be mitigated.
65. The legislative framework for the regulation of contaminated land is embodied in Part IIA of the Environmental Protection Act 1990, implemented in the Contaminated Land (England) Regulations 2000. This legislation allows for the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment. The approach adopted by UK contaminated land policy is that of "suitability for use" which implies that the land should be suitable for its current use and made suitable for any proposed future use.
66. The site is not understood to have any contamination issues that would impact the development.

Foul drainage

67. Development on sites such as this must ensure that the foul drainage on the site is dealt with safely and effectively and in a way that would not lead to contamination. The submitted foul drainage form states that the use of a septic tank is proposed. This is proposed to be discharged to a drainage field or soakaway following treatment in the tank. This is understood to be proposed as the site does not have a connection to the sewage mains at present.

68. In this case and due to the nature of the proposal which includes a new dwelling – it is considered that there is capability of the site to dispose the foul drainage and the method for this would be covered and agreed during the application for Building Regulations that would be required for the proposal.

CONCLUSION

69. REFUSE.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Southend City Council – No comments received.

Rayleigh Town Council: No comments received.

Rochford District Council Environmental Health: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011).

Development Management Plan (December 2014).

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

Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide (2018).

RECOMMENDATION: REFUSE

Reason for Refusal:

1. The Council's Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt within which planning permission should not be granted for inappropriate development unless very special circumstances exist to clearly outweigh the harm by definition of inappropriateness and any other harm identified. The proposed development by way of the size and impact of the development proposed in relation to the buildings to be removed would amount to inappropriate development within the Metropolitan Green Belt which is harmful by definition. The application site would not be considered to meet any of the exceptions set out in Paragraph 154 with the proposed dwelling having a greater impact on the openness of the Green Belt in comparison to the existing structures, many of which the Local

Planning Authority does not have certainty regarding their lawfulness. The proposal is considered to have both a spatial and visual impact on the openness of the Green Belt taking into account not only the footprint proposed but also the significant increase in height compared to the existing. No very special circumstances have been presented that clearly outweigh the harm to the Green Belt and any other harm. The proposal would therefore conflict with Green Belt policy contained within Section 13 of the National Planning Policy Framework.

2. Insufficient information has been submitted with the application to demonstrate that noise from the adjacent site would not have an impact on the residential amenity of the occupiers of the proposed dwelling. In the absence of a noise assessment, it is considered that the dwelling is incompatible with the location and context taking into account the adjacent use of the site to the south. If allowed the proposal would conflict with Policy DM1 (part x) and Paragraph 153 (f) of the National Planning Policy Framework.

The local Ward Members for the above application are Cllr. I. H. Ward, Cllr. R. Milne and Cllr. R. Lambourne.

Application No :	24/00170/FUL Zoning : No allocation
Case Officer	Mr Thomas Byford
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	1 Weir Farm Road Rayleigh Essex
Proposal :	Demolish existing garages and extensions, subdivide site and construct of 1 no. two-storey house attached to the side of 1 Weir Farm Road (to form a terrace). Alter fenestration to and extend existing dwellinghouse (no. 1 Weir Farm Road). Form new (additional) vehicular access and driveway.

SITE AND PROPOSAL

1. The application site is located towards the east end of Weir Farm Road, some 33m from the junction with Rayleigh High Road.
2. The application site comprises a semi-detached dwelling with a generous side space and side access. To this side space the application site incorporates a garage and a shed. It is also noted that encroaching somewhat into this side space is a side porch and a rear extension which spans past the original side elevation of the dwellinghouse.

3. The applicant seeks planning consent to demolish the existing garages and extensions, and subdivide the existing site, in order to construct a two storey dwelling to the side of No. 1 Weir Farm Road. This would form a terrace with the new dwelling sited on the existing eastern side elevation of No 1. The proposal also includes extending the existing dwellinghouse to the rear along with new fenestration. A new vehicular crossover and driveway is proposed for the new dwelling.

RELEVANT PLANNING HISTORY

4. Application No. 88/00083/FUL – Two storey side extension – Withdrawn.

MATERIAL PLANNING CONSIDERATIONS

5. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
6. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Principle of Development

7. Consideration must be given to whether the proposed infill development is appropriate in terms of scale, character and other considerations.
8. 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.
9. The NPPF at paragraphs 131 and 135 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.

10. Paragraph 139 states that development that is not well designed should be refused with part (b) specifically stating that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in the area, as long as they fit in with the overall form and layout of their surroundings.
11. 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. 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 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. 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. Although the street scene lacks rows of terraced dwellings, semi-detached dwellings are prevalent along Weir Farm Road. Towards the western end of the road, the dwellings do range in styling and form, with the adjacent dwelling being that of a large two storey house, however the soft landscaped verges towards this western end of the road are noted and are considered of importance and contribute to the immediate character. The styling and form of the pair of semi-detached dwellings subject of this application is different from any other semi-detached dwellings on the street, with generous side space to each exposed side of the semi-detached pairing.
16. The appearance of the proposed dwellings is presented as a building with a hipped roof, with a large amount of fenestration to the front elevation. The dwellings do have and would retain a significant separation to the highway although the existing pleasant array of soft landscaping, comprising grass and hedging would be mostly lost with the development and as a result of the proposed parking arrangement.

17. Although the proposal does not seek to enclose this soft landscaped verge to the site frontage, Section 16 of SPD2 refers to grass verges stating that they contribute to the character and appearance of housing estates and intended for public benefit. It also states that these areas are better retained as open areas with soft landscaping. It goes on to consider that grass verges were likely intended to be an integral part of the original estate design and layout and make an important contribution to character. Paragraph 16.2 specifies that the Local Planning Authority will prefer to see their retention rather than enclosure into a private garden, and even though it is acknowledged this is not proposed to be enclosed, the verge would be lost and replaced with hardstanding for parking. SPD2 states that altering grass verges can result in a significant change in the overall design, layout and symmetry of an estate or locality to the detriment of the amenity of all residents.
18. This grass verge to the site frontage is part of a wider swathe of soft landscaping, amenity verge which is integral to the positive character of the street. This soft landscaping swathe extends to the junction at Rayleigh High Road and is also present outside of the adjacent plots to the east (1a Weir Pond Road and No 94 High Road).
19. A removal of this and the replacement of hardstanding is not considered acceptable and is considered to dilute the existing layout, surrounding character and pleasant openness and greenery offered by these verges.
20. 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.
21. It is considered that the existing pair of semi-detached dwellings, offer a spacious character and generous plots, both with large side accesses which in turn, offer a larger garden area. The existing semi-detached pair offers a frontage spanning some 11.7m.
22. Although the existing pair of semi-detached dwellings do not have the 15.25m to comply with this guidance, they do have a generous soft landscaped area to the frontage and a distance from the highway which leads to the pair being a good example of openness on the street scene.
23. Other semi-detached pairs in the locality are similar and are comparable to the existing site. Although this guidance does not include terraced dwellings, it is considered that the distance at the proposed No. 1 would be just 4m. Even though the proposed development relates to terraced dwellings and not semi-detached

dwellings, it is considered that with No. 1 only having a frontage width of 4m, that the development would 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, especially plot 1 which would be a very narrow middle-terraced dwelling. It is acknowledged that many of the dwellings on the street do not meet the above standards but do not fall so far short as that proposed. The NPPF strives for outstanding design, and the proposed is considered to fall significantly short of the standards set out in this national policy guidance.

24. Although the proposed materials are not necessarily objectionable, the front façade of the dwelling and the extension to form the terrace, would feature a large expanse of smaller windows, making the building more akin to a flat block, than terraced dwellings. The design is not considered complementary to the area or existing dwellings. The render choice of an entirely white render for both the existing and new dwelling, is of some detriment, making both sites appear as one unit, instead of individual dwellings in their own right.
25. Given the overly cramped central plot (No. 1), the narrow parking arrangement and garden which again only spans some 4m wide, it is considered that the proposal would result in a plot, out of character and of poor layout and overall design. Although the existing sites fall short of this guidance, new developments should seek to meet the standards outlined in in local and national policy guidance where possible.
26. The proposed layout and setting would not have a good relationship with the surrounding area with the proposed poor plot size of No. 1 resulting in a tightly packed development at odds with the generally more spacious character of the locality.
27. The proposal is considered to fall contrary to Policies, DM1, DM3, SPD2, and Paragraphs 131, 135 (a), (b) and (f) and 139 (b) of the NPPF in this regard.

Impact on Residential Amenity

28. 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.
29. Although the proposal includes new fenestration to the front and rear, this provides either a view of public realm onto Weir Farm Road, or to the applicants own amenity space, in which the gardens are some 33m

long. It is not considered that the proposed two storey fenestration would overlook the sites to the rear of the dwellings to an unacceptable level.

30. The proposal does seek to add a two storey window to the eastern side elevation. The side window however is proposed to be obscure glazed to mitigate impact on the adjacent neighbour. 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 east.
31. The proposal, retaining the existing building line would not breach the Council's 45 degree angle which is used to assess overshadowing impacts on adjacent neighbours. It is noted that this guidance relates to extensions and not to new dwellings, even though the development would comply with this guidance.
32. 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 surrounding properties, nor would it have a significant overbearing impact to the adjacent neighbours, although it is acknowledged the land level does drop significantly towards the neighbour to the east.
33. 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 in this regard.

Impact on Highway Safety

34. 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.
35. The same, does mention that a minimum bay size of 5.0m deep by 2.5m wide will be accepted in exceptional circumstances as determined by the LPA. It is generally considered that this has a greater level of acceptability in areas that are sustainable with close access to local amenities such as a high street.

36. The site has existing access to off-street parking within the curtilage accessed from a crossover and a driveway. The existing site incorporates an area of hardstanding, a garage and open car port.
37. Plot 1b would have the required frontage within the site to accommodate two car parking spaces meeting the 5.5m x 2.9m requirement. In relation to plot 1, the site would be provided with a tandem parking arrangement. The length of the driveway is proposed to be some 9.45m and 3m wide, accessed from the new crossover. Even though the location of the site is close enough to local amenities and Rayleigh High Street to potentially be considered a sustainable location and the minimum bay size accepted as 2.5m x 5.0m, the driveway proposed would not meet the minimum length which would be required to be 10m to meet this minimum dimension for two cars. This is considered a result of the cramped plot sizes proposed as already discussed.
38. It is noted that although a small landscaped area has been proposed to the site frontage, this is a significant decrease compared to what is existing on the site, and the significant increase in hardstanding is again a result of an over cramped development, attempting to meet the parking standards as above.
39. A recent update to the Framework (December 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. In this case, it is considered the soft landscaping proposed is not acceptable taking into account the green frontage that would be lost with the development.
40. The proposal overall fails to meet the minimum bay sizes, conflicts with Policy DM1, DM3 and DM30 of the Rochford Council Development Management Plan and therefore of detriment to highway safety.

Other Parking and Highway Matters

41. An area of landscaping is shown adjacent to the footway. The applicant's red line site boundary includes an area of the verge to the site frontage. The highway record has been examined and although the verge area does not appear to have highway rights over it, it is showing as unregistered land and not as land under the applicant's ownership.
42. The planning application form indicates that a Certificate B has been served to Essex County Council, however it appears based on the Highway Consultation and comments that this has not been served correctly and with any resubmission the applicant would need to ensure

they have the correct details and permission of the landowner and serve this correctly.

43. It is unclear what depth of land at the site frontage is under the applicant's control and without this information, the Highway Authority cannot be certain that the parking spaces proposed can be accommodated entirely on private land. The Highway Authority have concluded in their recommendation that the proposal would encroach onto unregistered land.
44. The Essex County Council Highway Authority have similarly concluded that any application for vehicle access must be able to accommodate any parking space in accordance with the current standards and at least the minimum dimensions for vehicles of 5.0m x 2.5m. The Highway Authority state in their recommendation, that if this parking arrangement was permitted, it would lead to inappropriate parking practices and this would be to the detriment of all highway users.
45. In any case, and based off the submitted layout plan, the fact that the proposal cannot meet the minimum bay sizes, conflicts with Policy DM1, DM3 and DM30 of the Rochford Council Development Management Plan as already stated.
46. The Highway Authority may consider a revised proposal however the applicant is advised to confirm the extent of their land ownership to demonstrate all parking spaces would be within their curtilage only.

Garden Sizes

47. 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.
48. Supplementary Planning Document 2 requires a minimum 100m² garden area for all new dwellings except one and two-bedroom dwellings where a minimum private garden area of 50 m² would be required. The development would result in No. 1 (a two bedroomed dwelling) which would have a garden area of some 115sqm and No. 1b (the proposed dwelling) having a garden area of 240sqm. Both of the properties would be provided with rear private amenity spaces in line with the guidance in SPD2, however there are concerns regarding the usability of the garden space of No. 1. The central terraced dwelling would have a garden area with a width of just 4m, and although it does exceed the requirements for a dwelling of this size because of the

gardens length, it is considered that the proposed garden area is as a result of poor design and layout, again as a result of a cramped form of development, conflicting again with Policy, DM1 and DM3 of the Rochford Council Development Management Plan. The proposed garden which lacks width is not considered to align with the aims of paragraph 135 (f) of the NPPF with this not functioning well and not providing a high standard of amenity for existing and future users.

Sustainability

49. 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.
50. 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.
51. 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.

Existing dwelling No. 1

52. A two-storey dwelling which would comprise of two bedrooms accommodating three people. The second bedroom would have a width of 2.65m however would lack the 11.5m² for this to be considered a double bedroom. The proposal would therefore require No. 1 to have a minimum Gross Internal Floor Area (GIA) of 70m², respectively. Additionally, the dwelling must have a minimum of 2m² of built-in storage.
53. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², 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.

54. According to the submitted plans, the Gross Internal Floor area of each of the existing dwelling as would be retained would measure approximately 80.68m².
55. 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 2m², which complies with the recommended minimal requirements as specified in the Technical Housing Standards.

The proposed dwelling No. 1b

56. A two-storey dwelling which would comprise of three bedrooms accommodating five people. The second bedroom would lack the 11.5m² for this to be considered a double bedroom. The proposal would therefore require No. 1b to have a minimum Gross Internal Floor Area (GIA) of 93m², respectively. Additionally, the dwelling must have a minimum of 2.5m² of built-in storage.
57. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², 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.
58. According to the submitted plans the Gross Internal Floor area of the proposed dwelling would measure approximately 123m².
59. 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 exceeds 2.5m², which complies with the recommended minimal requirements as specified in the Technical Housing Standards.

Refuse and Waste Storage

60. The Council operate a 3-bin refuse and recycling system. The proposed site plan has not indicated how the new central terraced property No. 1 would access or store their bins. It is noted that the

bins could potentially be stored on the driveway, with seemingly no other option available with this being a terraced property, however this is not favourable considering these would be continually in view from the street scene. No detail has been proposed regarding this and again, this speaks to a cramped form of development proposed.

Trees

61. 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

62. No ecological appraisal has been submitted with the application; however, the development area is the site frontage and side space comprising of hardstanding, turf and hedging. It is therefore considered unlikely to support protected species. The applicant has submitted a bat declaration form which indicates it is unlikely that the proposal would lead to the harm of bats or their habitats.

Off Site Ecology

63. 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.
64. 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 Cost RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one new 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

65. 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.

66. 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

67. 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.

CONCLUSION

68. REFUSE.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Essex County Council Highway Authority:

The information that was submitted in association with the application has been fully considered by the Highway Authority. The Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users.

The proposal does not meet Rochford District Council's adopted parking standards and the Highway Authority confirms that the proposal will encroach on unregistered land as explained in the notes below, therefore:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The overall parking provision does not meet the required parking standard.
2. As far as can be determined from the submitted plans, the proposed development would encroach on an area of unregistered land.
3. The proposal, if permitted, would set a precedent for future similar developments which is detrimental to the safety of all highway users.

The proposal is therefore contrary to policy DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Notes: The site is a semi-detached dwelling on Weir Farm Road. The dwelling has access to off-street parking within the curtilage accessed from an existing crossover and driveway. The proposal includes the subdivision of the site and provision of an additional attached dwelling. The host dwelling is to be provided with a new vehicle crossover and is shown with a tandem parking space. The proposed dwelling is shown with a side-by-side parking layout. An area of landscaping is also shown adjacent to the footway. The applicant's red line site boundary includes an area of verge to the site frontage. The highway record has been examined and although the verge area does not appear to have highway rights over it, it is showing as unregistered land and not as land under the applicant's ownership. As submitted, it is unclear what depth of land at the site frontage is under the applicant's control, and without this information the Highway Authority cannot be certain that parking spaces can be provided entirely on private land. Any application for a vehicle access must be able to accommodate any parking space in accordance with the current standards.

1. 'Rochford District Council's parking standards require a minimum depth of 5 metres from the highway boundary to any structure. Private parking spaces shall be provided at right angles to the highway and must meet minimum dimensions of 5.0 x 2.5 metres.
2. Consequently, the proposal does not meet Rochford District Council's parking standards.
3. The plans if permitted, would therefore lead to inappropriate parking practices to the detriment of the safety of all highway users.

The applicant is advised to confirm the extent of their land ownership and demonstrate all parking spaces within their curtilage only, then the Highway Authority may consider a revised proposal.'

Neighbour Representations: No neighbour comments received.

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: REFUSE

Reason for Refusal

1. The proposed parking arrangement to No. 1 Weir Farm Road (the resulting mid – terraced unit) is a result of the proposed dwellings being situated on plots that are tightly knit, with No. 1 in particular being substantially smaller than the neighbouring plots at a width of just 4m. The proposed layout, building design and setting would not have a good relationship with the surrounding area with the proposed poor plot size of No. 1 resulting in a tightly packed development at odds with the generally more spacious character of the locality and resulting in an expanse of extended built form out of character with the existing area. This is considered as a consequence of the proposed number of dwellings on the site which overall fails to be able to accommodate

even the minimum parking bay sizes for two cars on the proposed hardstanding, with this encroaching onto unregistered land outside of the control of the applicant. Although the garden area meets the 50m² requirement, again the narrow plot and resultant garden being only 4m wide would result in an overall development which would be not only incongruous but would create a cramped form of development which would be detrimental to the character and appearance of the site and surrounding environ. The removal of the existing soft landscaped verge which is part of a wider swathe of soft landscaping in the area, required to provide parking for the proposal, would be detrimental to the street character and would dilute the existing layout and openness which currently creates a pleasant existing character. The layout of the proposed dwellings would not successfully reference the prevailing character of the area appearing out of keeping, to the detriment of the surrounding streetscene, contrary to policies H1 and CP1 of the Core Strategy, policies DM1, DM3 and DM30 of the Development Management Plan and Section 16 of SPD2. The proposal would fail to add to the overall quality of the area conflicting with paragraph 139 b) and would fail to raise the standard of design in the area more generally and instead result in a development failing to fit with the existing form and layout of the site surroundings contrary to paragraph 135 a), b) and f) to the National Planning Policy Framework (December 2023).

The local Ward Members for the above application are Cllr. R. C. Linden, Cllr. Mike Sutton and Cllr. A. G. Cross.