



PLANNING APPLICATIONS WEEKLY LIST NO.1720
Week Ending 19th July 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 29 August 2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **24th July 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.

Index of planning applications: -

1. 24/00268/FUL - Rayleigh Lodge The Chase Rayleigh PAGES 2-14
2. 24/00276/FUL - Little Ducklings Barn Paglesham Road Stambridge PAGES 14-29
3. 24/00350/FUL - Street Record Hullbridge Road Rayleigh PAGES 29-35
4. 24/00385/FUL - 15 Eldon Way Hockley PAGES 35-43
5. 24/00206/FUL - Land North Of Threesons Lincoln Road Rochford PAGES 43-55
6. 23/01046/FUL - Camp Farm Canewdon PAGES 55-

Application No :	24/00268/FUL Zoning : No allocation
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	Rayleigh Lodge The Chase Rayleigh
Proposal :	Proposed refurbishment including external works including replacement of 4 no. windows, repair/replacement of lintel above 1 no. window, replace flat roofs on modern extensions, redecorate windows and rendered surfaces and install new external lighting; internal works to include reconfiguration of toilets and built-in shelves/cabinets, re-fitting of bar area and installation of vertical timber boarding. Proposed works in the grounds of the buildings to include the relocation of chalets, siting of new drystore and creation of larger bin store enclosure.

SITE AND PROPOSAL

1. Rayleigh Lodge is a public house/restaurant located within a large plot on the eastern side of The Chase. The building is Grade II listed with original parts dating to the sixteenth century and later additions. There is surrounding residential development on all sides. The site contains a number of trees and many of these are protected by a Tree Preservation Order TPO/00049/08 having been previously protected by ECC TPO 5/57 and re-served as part of the ECC TPO review.
2. This application is one of four current applications for development at the site. There is a tandem application for Listed Building Consent, 24/00269/LBC, and two further applications relating to advertisement consent which are 24/00288/ADV and 24/00299/LBC.
3. The proposal is for the refurbishment including external works including replacement of 4 no. windows, repair/replacement of lintel above 1 no. window, replace flat roofs on modern extensions, redecorate windows and rendered surfaces and install new external lighting; internal works to include reconfiguration of toilets and built-in shelves/cabinets, re-fitting of bar area and installation of vertical timber boarding. Proposed works in the grounds of the buildings include the relocation of chalets, siting of new drystore and creation of larger bin store enclosure at Rayleigh Lodge, The Chase, Rayleigh.

RELEVANT PLANNING HISTORY

4. Application No. 84/00543/ADV – Erect internally illuminated notice board – Refused - 11.10.1984
5. Application No. 86/00231/ADV – Internally illuminated and non illuminated signs - Withdrawn
6. Application No. 86/00296/LBC – Internal Alterations – Approved - 06.06.1986
7. Application No. 88/00938/FUL - Ground Floor Rear (kitchen) and side (restaurant) extensions, enclosed storage area (fenced) and add parking spaces – Approved - 01.08.1989
8. Application No. 88/02025/LBC – Ground Floor Rear (kitchen) and side (restaurant) extensions, enclosed storage area (fenced) and add parking spaces – Approved - 01.08.1989
9. Application No. 90/00033/FUL - Demolish and rebuild kitchen and store and revised detailing to side extension and other alterations under application ROC/938/88 – Approved - 04.04.1990
10. Application No. 90/00465/ADV - Replace four free standing illuminated signs and add gold leaf lettering to building illuminated by cowl and spot lights – Approved - 03.09.1990
11. Application No. 90/02002/LBC - Demolish and rebuild kitchen store and revised detailing of side extension and other alterations under application ROC/2025/88/LB – Approved - 04.04.1990
12. Application No. 92/00612/ADV - Replace Menu Board and Add Roundel Sign and Free Standing Sign Board to Front Elevation With 4ft 6in High Post Board Sign to Rear Boundary – Approved - 09.12.1992
13. Application No. 00/00413/LBC - Install Heritage Plaque – Approved - 07.09.2000
14. Application No. 07/00464/FUL - Creation of External Patio Area with 2 x 4m x 4m Jumbrellas with Lighting and Heating to the Rear of Main Building – Refused - 03.09.2007
15. Application No. 07/00823/LBC - Internal Refurbishment of Existing Public House, Removal of Screens and Bar Servery, Repaint Existing Render and Timber Work to Match Existing Colours, New Paved Area to Rear Garden With Seating, Parasols and New Freestanding Pergola – Approved - 14.11.2007

16. Application No. 07/00824/FUL - New Paved Area to Rear Garden with Seating, Parasols and New Freestanding Pergola – Approved - 14.11.2007
17. Application No. 07/01015/ADV - Non-Illuminated Signage Comprising One Set of Individual Letters with Secondary Letters, 1 no. Menu Case to Front of Building 2 no. Single Sided Remote Signs and 1 no. V Shaped Sign to Site Frontage – Refused - 16.01.2008
18. Application No. 07/01016/LBC - Non-Illuminated Signage Comprising One Set of Individual Letters with Secondary Letters, 1 no. Menu Case to Front of Building 2 no. Single Sided Remote Signs and 1 no. V Shaped Sign to Site Frontage – Refused - 16.01.2008
19. Application No. 15/00044/FUL - Proposed internal and external refurbishment including external lighting alterations – Approved - 23.04.2015
20. Application No. 15/00045/LBC - Proposed internal and external refurbishment including external lighting alterations and removal of several internal modern lightweight sections of walling – Approved - 22.04.2015
21. Application No. 15/00107/ADV - 3 No Externally illuminated post signs, 1 No Externally illuminated set of letters, 1 No Non illuminated door plaque, 2 No Non illuminated panel signs, 1 No Non illuminated area of signwriting, 1 No Lantern – Approved - 15.04.2015
22. Application No. 15/00108/LBC - Remove Existing Signs And Install New – Approved - 15.04.2015
23. Application No. 24/00269/LBC - Proposed refurbishment including external works including replacement of 4 no. windows, repair/replacement of lintel above 1 no. window, replace flat roofs on modern extensions, redecorate windows and rendered surfaces and install new external lighting; internal works to include reconfiguration of toilets and built-in shelves/cabinets, re-fitting of bar area and installation of vertical timber boarding. Proposed works in the grounds of the buildings to include the relocation of chalets, siting of new drystore and creation of larger bin store enclosure – Not Yet Determined
24. Application No. 24/00288/ADV - Installation of replacement signs to include 5x brass cowl lights to existing house name letters, 1x sign written welcome sign, 1x directional sign to fence, 2x refurbished post mounted corex signs each with 2x additional slats - with new trough lighting, and repainting of exterior windows and doors – Approved – 13th June 2024.

25. Application No. 24/00299/LBC - Installation of replacement signs to include 5x brass cowl lights to existing house name letters, 1x sign written welcome sign, 1x directional sign to fence, 2x refurbished post mounted corex signs each with 2x additional slats - with new trough lighting, and repainting of exterior windows and doors – Approved – 12th June 2024.

MATERIAL PLANNING CONSIDERATIONS

26. 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.
27. 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).
28. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'.
29. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2). 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.

Design and Impact on the Character of the Area

30. Policy DM1 requires that proposals should promote visual amenity and have a positive relationship with nearby buildings and a scale and form appropriate to the locality. The policy also notes that specific points of consideration must be addressed through design and layout, including impact on the historic environment including Conservation Areas and Listed Buildings, archaeological sites and the wider historic landscape.

31. As a Grade II Listed Building, the host property is a designated heritage asset as defined in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The main consideration in the determination of this application is whether the proposed alterations would preserve the character and appearance of the building and any of the features of special architectural or historic interest that it possesses.

32. As previously stated, the building to which the signs relate is a Grade II Listed Building which is known as 'Rayleigh Lodge'. The List Entry No. is 1112647 and the list description states: -

"House, now a hotel. C16 or earlier origin with later alterations and additions. Timber framed. C18 red brick front. Grey slate hipped roof. Right, left and rear red brick chimney stacks. Rear wings. The original 3 window range building breaks forward with single bays to right and left. Stone parapet. 3 small paned vertically sliding shutters with gauged brick arches and shutters to first floor, similar window to ground floor left, C19 bay to ground floor right. Central pedimented porch with dentilled soffit supported by plain columns and pilasters with moulded capitals and bases, double 6 panelled doors. Most internal features concealed but heavy flat section ceiling beams and stop chamfered bridging joists visible, also solid arched braces to ground floor bridging joist. Carved 3 panel overmantel dated 1641 with figures to panels. No inspection of first floor at time of resurvey but said to contain part of exposed timber frame. Reputed to have been a Tudor hunting lodge".

33. Paragraph 200 of the Framework states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

34. Paragraphs 203 onwards provide guidance for considering the potential impacts. Paragraph 205 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This should be proportionate to its significance: the more important the asset, the greater the weight should be. This is irrespective of whether the harm is substantial, total loss, or less than substantial.

35. Paragraph 206 goes on to state that any harm to, or loss of, the significance of a designated heritage asset, including through development within its setting, should require clear and convincing justification.

36. Paragraphs 207 and 208 deal with instances of substantial harm to a designated heritage asset. Development causing substantial harm should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or other criteria are met. Paragraph 209 guides that where a development would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
37. It is inferred from the aforementioned policies that proposal should preserve and/or enhance the List Building. According to the applicants Design and Access Statement externally, four modern windows (which are all in late C20th extensions) will be replaced, with the frames being retained. The bottom rail of all four windows is rotten and beyond repair and full replacement of the casements will not impact heritage significance.
38. Furthermore, the applicant is proposing to improve building lighting which will be upgraded in accordance with the details shown on the elevation drawings. The agent affirms that the fittings are small and discrete and in their opinion are not considered to impact heritage significance.
39. A lintel to a first-floor window in one of the rear gable end additions appears to be rotten and needs to either significant repair (most likely splicing) or replacement. There are cracks in the render above and, if not repaired or replaced, the condition of the lintel could cause structural problems in the future. The agent acknowledges that the full extent of the works (repair or replacement) will not be known until the scaffolding is erected but, in either case, the works are required in order to maintain the integrity of this part of the building. Additionally, the flat roofs on a several of the modern extensions are in a poor state of repair and need to be replaced on a like for like basis. Finally, windows and rendered surfaces will be redecorated in complementary colours.
40. Within the grounds of the host building the applicant is proposing that a small dry store and bin enclosure are to be provided to the rear of the property. The dry store (which is a small freestanding structure) will allow more food to be stored on site and thus reduce the number of deliveries that need to be made, whilst the refuse/bin store will allow the requisite number of bins to be provided in accordance with Council guidelines. At the present, the bins are stored in the open.
41. Two existing timber cabins installed during Covid, will be located from the front of the building to the rear garden where they will sit beside a number of existing cabins. The agent contends that this proposal will have a neutral to minor positive impact upon the setting of the listed building.

42. The Case Officer has liaised with colleagues in Place Services Built Heritage, and it is considered that the proposed external works, which involve windows within some of the more modern extensions are proposed for replacement on a like-for-like basis as they are beyond repair. It is considered that as these windows are not historic and their replacement will preserve the appearance of the existing, this is uncontentious. The repair of the lintel to the rear elevation and the replacement of the flat roof covering on the modern rear extension are also considered to be uncontentious necessary repairs.
43. The relocation of the chalets from the front of the building to the rear will enhance the building's setting by better revealing views of the principal elevation. The proposed bin store is discretely located and will provide a tidier solution to the storage of bins than the current arrangement, however, it is noted that the proposed site layout still shows bins located to the rear of the building, outside of the bin store. The proposed storage unit to the rear of the building is relatively small in size and discrete in its position and is not considered to detract from the setting of the listed building.

Impact on Residential Amenity

44. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. This is reflected in 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.
45. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
46. The case officer notes that a letter of objection has been received from an adjacent residential property. The main concern of the objector is that the external lighting will have a detrimental impact upon their amenity. It is noted that the amount of external lighting (on the front elevation) has been reduced following negotiations with the applicant's agent.

47. Nevertheless, the applicant proposes to retain two existing low-level bulkhead lights on the south elevation (garden facing), as well as the festoon lighting on the four existing chalets in the rear garden. According to the submitted plans the proposed new lighting includes three new low-level up and down lights which will be positioned on the single storey projection. The agent has inferred that due to the nature of the proposed lighting they will not shine towards the neighbour's properties (only up and down on the wall of the building). The festoon lighting on the two existing chalets which are proposed to be relocated to the rear garden matches the festoon lighting on the existing chalets. These lights are positioned on the face of the timber chalets which face into the garden, they do not face onto the neighbouring properties. Therefore, the chalet buildings should screen the majority of the light attributable to this proposal.
48. As there is no lighting specification plan submitted it is considered that this matter needs to be addressed by condition in order that these details can be considered in further detail to ensure that the current status quo in this regards in term of impact on amenity is maintained. This will involve the submission of a lighting plan setting out the specifications of the lighting system in term of luminosity, spread and direction of the light.
49. It is accepted that the use of the application site as a beer garden in connection with the public house is an established ongoing use. However, the applicant is proposing to relocate 2no. timber chalet buildings from the front of the property to the adjacent beer garden, which is situated at the side of the host property. It is noted that the beer garden where the additional timber chalet outbuildings are to be located are in close proximity to neighbouring residential properties. The use of the additional chalets by patrons of the public house and given the additional lighting could exacerbate noise, nuisance etc. which in turn may have a detrimental impact on residential amenity. In light of the above, the case officer considers it prudent restricting the hours of operation in relation to the beer garden. It is not considered that any of the other proposed alterations will cause any demonstrable harm to residential amenity.

Highways

50. Policies DM1 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
51. According to the submitted planning application forms and accompanying plans the proposal will neither add nor remove any car parking spaces. Furthermore, the access/egress arrangements into the

site will remain unaltered. It is considered that the proposal is acceptable in highway terms and would not have an adverse impact upon highway safety. The proposed development therefore accords with the Parking Standards and policies DM1 and DM30 of the Development Management Plan and the NPPF.

Trees

52. Policy DM25 of the of the Development Management Plan 2014 states that:

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

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

53. The case officer noted that there were numerous trees located within and around the periphery of the application site. According to the Councils GIS database several of these trees are offered protection by way of a TPO. In light of the above and given nature and scale of the proposed development, the case officer considered it prudent to consult the Councils Arboricultural Officer who confirmed he had no objection to the proposal subject to a tree protection plan being submitted to ensure the protection of trees during the alterations to prevent storage in the soft surface areas and prevent any damage caused by plant operating at the site. The case officer agrees with the recommendation of the Councils arboriculturist and in the event that planning permission is granted for the proposal a condition relating to a tree protection plan shall be attached to the decision notice.
54. The agent was made aware that the LPA would require a tree protection plan in order to ensure that no trees within the immediate vicinity were damaged as a result of the proposal. The agent did not want a pre-commencement condition attached to the decision notice and they submitted a tree protection plan which was produced by Hayden's Arboricultural Consultancy and was received on the 20th June 2024. The Councils Arboricultural Officer was reconsulted in relation to the tree protection plan and stated that "Yes this is okay. There are a lot of TPO trees at this site, will there be supervision to ensure

compliance?”. The case officer suggested that to ensure compliance an appropriately worded planning condition could be utilized.

Biodiversity Net Gain

55. 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.

56. 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.

57. 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

58. Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No objections raised

Arboricultural Officer: I would suggest by way of condition that a tree protection plan be supplied to ensure the protection of trees during the alterations to prevent storage in the soft surface areas and prevent any damage caused by plant operating at the site.

Arboricultural Officer (2nd response – in relation to the tree protection plan): Yes, this is okay. There are a lot of TPO trees at this site, will there be supervision to ensure compliance?

Place Services Built Heritage Conservation Officer: No objection the proposals are not considered to result in any harm to the significance of the listed building, as per Chapter 16 of the NPPF and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbours: 1 response from the following address;

Lodgelands Close; 10

- As a neighbouring property, we have in the past suffered from light pollution from the existing lights in the rear gardens. We are concerned that the installation of any new lighting will exacerbate this. We therefore request that any new lighting is installed with consideration to the neighbouring properties specifically with regards to the positioning and direction of the light and that these lights will be turned off when the rear gardens are closed at 10.00pm.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023)

Core Strategy Adopted Version (December 2011) – policies CP1

Development Management Plan (December 2014) – policies DM1, DM25, DM30

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

The Essex Design Guide (2018)

Natural England Standing Advice

Planning (Listed Buildings and Conservation Areas) Act 1990

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced 2537.216 (as per date stated on plan June 2024), 2537.204 Revision B (as per date stated on plan March 2024) and 2537.202 Revision A (as per date stated on plan March 2024).

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

3. No demolition, ground works or development shall take place until all trees as identified on the tree protection plan as supplied by Hayden's Arboricultural Consultants, which was received by the Local Planning Authority on the 20th June 2024, have been protected in accordance with the plan and method statement as provided. Prior to any demolition and during the construction phase photos shall be sent to the local planning authority showing the barriers and ground protection to ensure compliance.

REASON: To ensure the protection of trees in the locality and in the interest of the area generally.

4. The materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the building/structure is acceptable.

5. The hours of operation of the beer garden hereby approved shall be limited to 09:00 to 23:00 hours on Monday to Friday, 09:00 to 23:30 hours on Saturday and 09:00 to 23:00 hours on Sundays or Public Holidays.

REASON: In the interests of neighbouring occupiers' amenity in compliance with Policy DM 1 of Rochford District Council's Development Management Plan (adopted 16th December 2014).

6. No external lighting on any relocated chalets shall be installed until such time as a lighting strategy has been submitted to and approved in writing by the local planning authority. This lighting strategy shall include details of the number and location (relative to the chalet elevations and orientation) of all lighting units, their height relative to ground level, luminosity (lux) and spread. All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

REASON: To safeguard residential amenity in compliance with Policy DM 1 of Rochford District Council's Development Management Plan (adopted 16th December 2014).

The local Ward Member(s) for the above application are Cllr I H Ward
Cllr R Milne Cllr R Lambourne

Application No:	24/00276/FUL Zoning: MGB
Case Officer	Mr Richard Kilbourne
Parish:	Stambridge Parish Council
Ward:	Roche North And Rural
Location:	Little Ducklings Barn Paglesham Road Stambridge
Proposal:	Erection of new dwelling (retrospective) at Biggins Farm

SITE AND PROPOSAL

1. The application site is an area of approximately 0.35 hectares which is located to the southern side of Paglesham Road. The application site prior to the works which have occurred contained an agricultural building. The area surrounding the site is mainly rural comprising of agricultural fields and Biggins Farm to the west of the site. The application site is located within the Metropolitan Green Belt.
2. The application is seeking retrospective consent for the erection of a dwelling. The dwelling has an internal footprint of 217m² which is a reduction of 42m² from the original agricultural barn. The dwelling has a ridge height of 6.6m and finished in a mixture of brickwork, black stained timber cladding and black zinc roofing sheets.

RELEVANT PLANNING HISTORY

3. Application No. 20/01090/DPDP3M - Application to determine if Prior Approval required for proposed change of use and conversion works for agricultural building to use as a dwelling - Refused - 8th January 2021
4. Application No. 21/00064/DPDP3M - Application for Prior Approval for Change of use from agriculture to dwellinghouse – Approved - 15th March 2021
5. Application No. 22/00244/FUL - Part demolition of existing barn and construct new detached barn for storage purposes. Withdrawn

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development

8. The latest version of the National Planning Policy Framework ('the Framework') was revised in December 2023. Like earlier versions it emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, through three overarching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
9. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Green Belt

10. 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.

11. Consequently, the main issues are:

- Whether the proposed development is inappropriate development in the Green Belt for the purposes of 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.

12. As previously stated, the application site is located wholly within the Metropolitan Green Belt and according to para 142 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. Para. 143 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.

13. Paragraph 153 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.

14. Paragraph 154 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.

15. By virtue of paragraph 154 of the framework the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions. These exceptions include allowance, subject where appropriate to certain criteria being satisfied, for new buildings, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL).
16. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (R (Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances, and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgment made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The applicant must therefore demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm. As previously alluded to, it is well-established that very special

circumstances may arise by reason of cumulative factors, even if those factors are not “very special circumstances” in their own right.

17. In this case the applicant has set out throughout their planning statement that the very special circumstances within this case are: -
- A fall back position relating to the previously approved Class Q prior approval (reference 21/00064/DPDP3M) for the building to be converted into a dwelling; and
 - The design is similar to the previously approved Class Q prior approval and as such the development would have no greater impact upon the openness of the countryside in comparison to the dwelling permitted under Class Q.
18. As such the application must be assessed on whether the application would comply with exception (d) of para. 154 of the NPPF and whether there would be any very special circumstances as per paragraph 152 of NPPF. In this case it is evident to the LPA that the development would not comply with criteria d of Paragraph 154 as the development whilst replacing a building of a similar size involves a material change in the use of the building as the previous building in question was an agricultural building whilst the application is for a dwelling. Given there is a material change of use involved the application would fail to comply with criteria d of the NPPF.
19. The applicant within their planning statement has set out that they believe that the previous Class Q approval offers a legitimate fallback position as it would involve the change of use alongside external alterations to the existing agricultural building to permit its change of use to a dwelling. However, it is considered by the LPA that the application is seeking retrospective consent for the erection of a new dwelling following either the substantial or full demolition of the existing barn and for this reason what has taken place is not limited to a material change of use which falls within the limitations of Class Q but a matter of definition an entirely different development which amounts to a new dwelling case as the building prior to its demolition was not a dwelling. The erection of a new dwelling in simple terms therefore would go beyond the scope of the permitted Class Q prior approval which only permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and any building operations reasonably necessary to convert the building.
20. In this case there is no legitimate fallback position in regards to the Class Q as the previous agricultural barn has either been substantially or fully demolished and as such could not be converted. Consequently,

it is not possible for the applicant to implement the previous Class Q permission and as such it does not represent a legitimate fallback position in this case.

21. To substantiate their assertions the applicant has submitted 4 Appeal Decisions from various LPA's. The case officer does not know the background information to any of these Appeals and as such the amount of weight afforded to them is limited. Nevertheless, three out of four of quoted appeals by the applicant reference cases where the existing barn could in theory or practice still be converted thus offering a legitimate fallback position as if the development was not permitted the previously approved Class Q could be implemented. As noted above the agricultural building in this case has been substantially or fully demolished and as such the Class Q prior approval cannot be implemented therefore these appeals carry no material weight in the assessment of the application.
22. The fourth appeal quoted reference APP/N1025/C/19/3238932 and APP/N1025/C/19/3238933 concluded that this appeal was only permitted due to the extraordinary circumstances which culminated in the deviation from the 2016 Approval, coupled with the considerable personal benefits that arise from the applicant being able to maintain the management of his small holding to clearly outweigh the harm to the Green Belt. In this case there is no land holding to maintain and the development represents a new dwelling in the green belt due to the substantial demolition of the existing building which is not a very special circumstance as it would be considered inappropriate development which by its definition is harmful to the Green Belt and contrary to Paragraph 152 of NPPF.
23. Whilst the applicant has argued that the design of the dwelling is similar to that which was previously approved through the Class Q position this would not constitute very special circumstances. The Class Q was permitted on the basis that it involves the change of use of the existing agricultural building to a dwelling alongside any building operations reasonably necessary to convert the building. However, in this case the substantial or full demolition of the barn and its replacement with a dwelling would go beyond the remits of the permitted Class Q and as such offers no legitimate fallback position or very special circumstances despite the similar designs, and as such the erection of a new dwelling in the Green Belt would constitute inappropriate development. As such it is considered by the LPA that the development would constitute the erection of a new dwelling within a defined Green Belt which is inappropriate and harmful to the Green Belt contrary to paragraphs 152, 153 and 154 of NPPF and as such is not acceptable in principle.

Design and Impact on Character

24. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
25. Policy DM1 of the Council's Development Management Plan 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.
26. The materials and finish of the dwelling are of a modern appearance with the dwelling finished in brickwork with black stained timber cladding and black zinc roofing sheets. It is considered that the dwelling has been designed in a manner which is acceptable within rural areas with the finishes in brick with timber being a common finish within agricultural areas. The dwelling would be visible within the locality as set out in the applications visual impact assessment.
27. It is considered that despite the dwelling being visible within the surrounding locality that the same characteristics and visibility applied for the agricultural barn on site which was of a similar size. As such despite the dwelling being visible it would represent a visual enhancement compared to the previous agricultural building which had no architectural points of merit. In addition, its visual impact to the west is minimised through the existing buildings which make up Biggins farm as it appears as part of a group of buildings. As such it is considered on balance that despite the dwelling being readily visible that it would not be overly dominating or of an unacceptable design so as to warrant refusal especially when comparing its landscape impact in comparison to the previous building on site despite its location within the Green Belt. Despite the specific appearance of the dwelling being considered acceptable, this does not outweigh the harm caused by the development upon Green Belt openness.

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. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development, the subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
30. In this case it is considered that the nearest residential property is located nearly 40m to the west of the application site. It is therefore considered that the dwelling in this case would not result in any loss of light or overbearing to the surrounding property. It is considered that the western elevation of the dwelling which faces the surrounding property only contains two kitchen windows and a dining room window which face towards the neighbouring property. Given the separation distances of nearly 40m and the boundary treatments which have been implemented it is considered that there would be no loss of privacy for the surrounding property.
31. Overall, it is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties. The development is therefore compliant with policies DM1 and DM3 of the Council's Development Management Plan.

Garden Size

32. 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 dwellinghouse. Paragraph 135 criterion (f) of the Framework 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.

33. The SPD2 requires a minimum 100m² garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50 m² minimum.
34. The layout submitted shows that the proposed dwelling could be provided with private amenity space in excess of the requirements. It is considered that amount of private amenity attributable to the proposal exceeds the requirements of policy DM3 and guidance advocated in SPD2.

Sustainability

35. 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. 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.
36. 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.
37. A two-storey dwelling which would comprise of four bedrooms accommodating either six or seven people would require a minimum Gross Internal Floor Area (GIA) of 106m² or 115m² respectively. Additionally, the dwelling must have a minimum of 3m² built-in storage space. 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. According to the submitted plans the Gross Internal Ground Floor area of the proposed dwelling will measure approximately 217m² whilst the first floor will measure roughly 95m².

38. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the Internal floor area requirements. Furthermore, it was noted that no storage area was identified on the submitted plans; however, the proposal substantially exceeds the recommended minimal GIA for a four bedroomed property and as such it is considered insufficient justification for the slight shortfall in storage space to warrant a refusal and substantiate it at any future Appeal.
39. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.
40. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Impact on Highway Safety

41. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
42. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m.
43. 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.
44. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces for the proposed dwelling at the required dimensions as stated in the EPOA parking standard. The case

officer observed when he conducted his site visit that there was a large amount of hardstanding located at the side/front of the proposed dwellinghouse, which could accommodate several vehicles and allow them to manoeuvre so that they could access/egress the site in a forward propelling gear. In addition to the parking provision the application site will utilise an existing access. Colleagues in Essex County Council Highways have been consulted and state *“An existing access will be utilised, and adequate room is available for off-street parking and turning within the curtilage. Therefore...the proposal is acceptable to the Highway Authority”* subject to the imposition of a condition relating to cycle parking and standard informatives, which will be attached to the decision notice, in the event that planning permission is granted.

45. It is considered there is sufficient car parking arrangements and appropriate access arrangements to serve the proposed dwelling. Furthermore, it is not considered that one additional dwelling at this locality will cause demonstrable harm to the highway network. The additional comings and goings of vehicles as a result of this proposal will not result in significant disturbance to neighbours via noise and dust which can be substantiated and warrant a refusal. Generally, it is considered that the proposal is acceptable in highway terms and would not have an adverse impact upon highway safety. The proposed development therefore accords with the Parking Standards and policies DM1, DM3, DM9 and DM30 of the Development Management Plan and the Framework.

Refuse and Waste Storage

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

Flooding & Drainage

47. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is a low probability of flooding from rivers and the sea as such the development is compatible with the advice advocated within the NPPF.
48. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

Trees

49. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. In particular policy DM25 states: -
- “Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.*
- Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.”*
50. The proposal will not have any detrimental impact on trees in the locality and as such the proposal complies with policy DM25.

Ecology

On Site Ecology

51. As part of the application an ecology survey has been submitted by Essex Mammals surveys which was conducted in September 2023. The ecology survey notes that prior to the development of the existing barn, a survey was undertaken of a similar building April 2022 which concluded that there was no evidence of protective species. The newest ecology survey took place in September 2023 found evidence of nesting by Swallows at the site with Barn Owls in the surrounding area.
52. It was concluded that the additional biodiversity has occurred as the development has included ecological enhancements which include two Kent Bat Boxes on the eastern wall of the dwelling, a Swallow and two-House Martin nesting cups on the eastern and southern walls and a solitary beehive ('bug hotel'), also on the eastern side of the building. As the application was received on the 11th of April 2024 biodiversity net gain would normally require developments such as this to deliver a biodiversity net gain of 10%. However, as this development was a self-build it would meet an exception and as such it is concluded no issues are presented in relation to ecology.

Off Site Ecology

53. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
54. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

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

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

CONCLUSION

57. Refuse

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Stambridge Parish Council: No comments received

Essex County Council Highways: No objection subject to condition relating to cycle parking and standard informatives.

Neighbours: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) – CP1, GB1, GB2, ENV9, T3, T6.

Development Management Plan (December 2014) – DM1, DM2, DM3, DM4, DM25, DM30, DM26, DM27.

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: REFUSE

1. The site is located within the Metropolitan Green Belt as defined by the council's adopted Allocations Plan (2014) where strict controls apply to development proposals which shall only be granted planning permission in a limited number of circumstances as set out within paragraph 152, 153, and 154 of the National Planning Policy Framework (December 2023) or in circumstances where despite an identified harm to the Green Belt by reason of inappropriateness or any other harm and very special circumstances prevail sufficient to be capable of being attributed material weighting to outweigh this significant harm. The development is considered to constitute inappropriate development by definition as the dwelling will constitute a further harm to Green Belt openness by the very reason of its presence thereby fundamentally conflicting with paragraphs 152, 153 and 154 of the National Planning Policy Framework (December 2023).

It is not considered in this instance that the matters progressed by the applicant as very special circumstances amount to or constitute very special circumstances including the applicant's permitted development

fall back position which is fundamentally flawed. There are considered to be no very special circumstances in this instance sufficient to be capable of being attributed material weighting to outweigh this significant harm by reason of inappropriateness and the other harm identified thereby fundamentally conflicting with paragraphs 152, 153 and 154 of the National Planning Policy Framework (December 2023).

The local Ward Member(s) for the above application is/are Cllr S Wootton
Cllr Phil Shaw Cllr Mrs L Shaw

Application No:	24/00350/FUL Zoning : MGB
Case Officer:	Mr Richard Kilbourne
Parish:	Rayleigh Town Council
Ward:	Downhall And Rawreth
Location:	Street Record Hullbridge Road Rayleigh
Proposal:	Proposed installation of new wall with electric vehicle gate and secure footpath gate to existing vehicular access to private road entrance serving No.'s 74-84 Hullbridge Road.

SITE AND PROPOSAL

1. The application site is in the Downhall and Rawreth ward of the Rochford District Council along Hullbridge Road in the residential area of Rayleigh. The site comprises a private road that services houses number 74-84 Hullbridge Road with access to a fishing lake behind. The site forms part of the Metropolitan Green Belt. The area is residential to the south-east and surrounded by open fields to the west beyond Hullbridge Road.
2. The proposal is for the erection of a new wall with an electric vehicle gate and secure footpath gate.

RELEVANT PLANNING HISTORY

3. No planning history pertaining to this site.

MATERIAL PLANNING CONSIDERATIONS

4. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

Principle of Development

6. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
7. 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.
8. Section 13 – Protecting Green Belt land of the National Planning Policy Framework (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.

Design

9. Good design is promoted by the NPPF as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

10. Given the location of the site within the Metropolitan Green Belt the issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
11. According to the submitted plans, the proposed works would span a width of 21.09m at the front elevation with a height of 1.37m for the walls. There would be 6 columns in total supporting the proposed wall. The columns at the far ends of the wall would be 1.67m in height and the columns supporting the gates would be 1.97m in height. Both the vehicle and pedestrian gates would be black metal gates and the facing brick wall design would be retained.
12. The dwellinghouses that the proposed gates would serve mostly have facing brick external envelopes which would complement the proposed wall. The existing wall at the access to the estate is shorter in height than the proposed wall and has no gates. The proposed alterations including an increased height and the addition of gates are not considered to be disharmonious and detrimental to the area's character. The palette of materials which are to be utilised in the construction of the proposed boundary treatment will not appear incongruous or obtrusive and will not have a detrimental impact on the character and appearance of the streetscene. Overall, in the opinion of the case officer the proposed development therefore complies with policy DM1 and guidance enunciated within SPD2.
13. The size and scale of the proposed development is noted and is given particular attention to its position wholly within the Green Belt, and thus any potential detrimental impact this may have on the openness of the Green Belt and all of its intrinsic qualities. According to the submitted plans the proposed development would have a modest footprint. The NPPF does not have specific guidance pertaining to the erection of walls and gates, however the tenet of considering the impact of development on the openness of the Green Belt remains paramount.
14. The proposed development is considered to have no adverse impact on the openness of the Green Belt given its modest scale and as such would not be inappropriate development in the Green Belt and would not harm Green Belt openness by reason of its presence.

Impact on Residential Amenity

15. 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.
16. Amenity is defined as a set of conditions that one ought to 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.

17. Given the simple nature of the proposed development, it is not considered to have any detrimental impact upon the residential amenities of other properties in the locality in terms of overlooking, overshadowing, and over dominance. Therefore, it is considered that the proposal is compliant with policy DM1 of the Development Management Plan.

Impact on Highway Safety

18. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
19. 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.
20. The Highways officer was consulted to comment on the proposed development and raised no objections. The proposal is considered to not alter the current parking requirement at the site. Moreover, the Highways Engineer considers that the proposal will not have a detrimental impact on highway safety. Due to the scale and nature of the proposal, the case officer concurs with the advice of the Highway Engineer and considers that there is insufficient justification to warrant a refusal and substantiate the grounds at any future Appeal.

Trees

21. Policy DM25 of the of the Development Management Plan 2014 states that:

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

measures can be provided for, which would reinstate the nature conservation value of the features.

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

22. The arboricultural officer was consulted to comment on the proposal and raised no objections. There are trees located on the site but are not considered to be impacted by the proposal.

Biodiversity Net Gain

23. 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.
24. 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.
25. 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

26. Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No objections raised

Essex County Council Highways: No objections

Arboricultural Officer: No objections

Cadent Gas: No objections, subject to informative.

Neighbours: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023)

Core Strategy Adopted Version (December 2011) – policies CP, GB1, GB2

Development Management Plan (December 2014) – policies DM1, , DM25

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the approved plans numbered 200 Revision 01 (Existing and proposed block plans) (as per date stated on plan 11th April 2024) and 201 Revision 00 (Proposed plans and elevations and location plan) (as per date stated on plan 11th April 2024).

REASON: For the avoidance of doubt and to specify the plans to which the permission/consent relates

3. The materials to be used in the construction of the development hereby permitted shall be those specified in the application form unless alternative materials are otherwise first approved in writing by the Local Planning Authority.

REASON: To ensure that the external appearance of the building/structure is acceptable in the interests of visual amenity.

The local Ward Member(s) for the above application are Cllr J Newport
Cllr C Stanley Cllr J E Cripps

Application No :	24/00385/FUL Zoning : Existing Employment
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	15 Eldon Way Hockley Essex
Proposal :	Proposed Change of use from B8(industrial/storage) to a Mortuary use (Sui Generis)

SITE AND PROPOSAL

1. The application site is located within the Foundry Business Park. This part of Hockley is defined largely by the area's light industrial uses. The buildings here are predominately commercial in character, mainly taking the form of bulky two to three storey industrial sheds. The public realm and building frontages are dominated by parking and service areas.
2. As previously stated, the site is within existing employment land in Hockley and in the area covered by the Hockley Area Action Plan. The host site is a two-storey industrial building. To the front of the building is an extensive area of hardstanding which can accommodate several vehicles. The site boundaries are demarcated by 2m high (approximately) palisade fencing. Located immediately beyond the applicant's boundary are areas of informal parking. To the rear (west) there is a footpath with residential properties on Woodstock Crescent beyond. To the south are numerous industrial and commercial enterprises and to the east are other employment units.
3. The proposal is for a Change of use from B8 (industrial/storage) to a Mortuary use (Sui Generis) at 15 Eldon Way, Hockley. According to the submitted planning application forms and supporting documents the proposal would involve no alterations to the external façade of the building.

RELEVANT PLANNING HISTORY

4. Application No. 15/00030/FUL - Extension to Existing Distribution Warehouse – Approved - 10.04.2015
5. Application No. 14/00063/FUL - Flat Roofed Extension Existing Warehouse – Approved - 26.03.2014
6. Application No. 98/00456/FUL - Variation of Condition 5 of Planning Permission F/0208/90/ROC to Allow Use of Approved Factory

Extension for Manufacturing of Metal Fabrications (Class B2) –
Approved - 08.04.1999

7. Application No. 90/00208/FUL - Extension to joinery works – Approved
- 21.11.1991
8. Application No. 87/00054/FUL – Erect Light Industrial Building –
Refused - 04.09.1987
9. Application No. ROC/72/67 Erection of two warehouse units and
construction of car park. APPROVED

MATERIAL PLANNING CONSIDERATIONS

10. 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.
11. 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).
12. The site is within the Existing Employment zone in Hockley and is an
area of critical drainage.

Need

13. According to the applicants Design and Access Statement the
proposed mortuary use would be used to support and honour existing
contracted overflow storage support in the surrounding community
areas for the 3 MSE hospitals (Broomfield, Basildon and Southend)
and also ECC 'Essex County Council' that requires mortuary storage
facilities. The proposed mortuary use would only be accessed by
authorised staff.
14. The applicant stresses that the existing storage facilities are at full
capacity and are constantly in use. This has resulted in an urgent
requirement for additional capacity whereby the deceased can be
stored in a correct temperature-controlled facility. The proposal if
allowed would accommodate up to 290 deceased in total.
15. The agent goes on to enunciate that the proposed mortuary use would
only be to the warehouse part of the building which is accessed by an
existing vehicular front entrance, the ambulance can be reversed in
and the roller shutter would close behind them keeping operations
discreet.

Principle of Development

16. As previously stated, the current proposal is for change of use from B8(industrial/storage) to a Mortuary use (Sui Generis). No alterations are proposed to the external façade of the building. According to the Design and Access statement the proposed mortuary would be used in connection with the applicant's existing funeral home and mortuary, Adam & Greenwood, 185 New London Road, Chelmsford.
17. The application site is located within the Existing Employment zone within Hockley and falls within the core area for the Hockley Area Action Plan. It is sited on Eldon Way within the Foundry Business Park off of Spa Road. The current use of the business is B8(industrial/storage).
18. Chapter 6 – Building a strong, competitive economy of the National Planning Policy Framework (NPPF) states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. In particular, para 85 states “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
19. Whilst Policy H1 of the Core Strategy (2011) seeks the redevelopment of the Foundry Business Park, which should also include a mix of employment uses appropriate to the site's central location. Policy ED1 of the Core Strategy (2011) states that the Council will encourage development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity. Furthermore, policy ED3 promotes existing employment sites to be protected from uses that would undermine their role as employment generators and discusses that in the case of Eldon Way/Foundry Industrial Estate the nature of any redevelopment will be determined through the Hockley Area Action Plan (HAAP) and will include employment uses. The Hockley Area Action Plan focuses on the development of Foundry Business Park for a mixed-use site; however, it does recognise the need to protect some existing employment and leisure uses within the Eldon Way site.
20. Building upon the aforementioned policies is Policy DM32 'Employment Land' of the Council's Development Management Plan states that employment development will be expected to be predominantly B1 (Business) and/or B2 (General Industrial) employment uses. Alternative uses will be considered having regard to:

- (i) the number of jobs likely to be provided;
 - (ii) the viability of retaining B1 and B2 uses;
 - (iii) the compatibility with existing uses;
 - (iv) the impact on the vitality and vibrancy of the District's town centres;
 - (v) the proportion of alternative uses present; and
 - (vi) wider sustainability issues (such as available transport methods)
21. Employment development should be of a high quality, incorporate safe and inclusive design and any associated infrastructure should be appropriately phased. Potential noise and light pollution generated by proposed uses should be adequately mitigated against.
22. According to policy DM32 'Employment Land' employment development will be expected to be predominately B1 (Business) and/or B2 (General Industrial). The broad objective of this policy (is an attempt to prevent alternative uses becoming the dominant use within the locality) is noted and acknowledged.
23. The case officer observed that the majority of premises within the immediate locality fell within either Class B1 and/or B2 employment uses or B8. It is accepted that the application will not fall within any of the aforementioned use classes. The agent has inferred that the premises have been empty for some time and the proposal will bring an empty and redundant unit back into use, which is an important material planning consideration. According to the applicants Design and Access Statement the proposal will generate 2 full time positions. However, given the nature of the proposal access will be required on a 24-hour basis and access will be strictly controlled. Furthermore, the proposal is located within a sustainable location and will not have a detrimental impact upon the vitality and vibrancy of the District town centres.
24. Considering the above, it is considered that the change of use of a building to a mortuary would allow the building to remain in employment use although low in number. The need to provide overflow storage capacity for the deceased is a material consideration which when balanced (weighed in the planning balance) against the employment objectives of the council justifies the granting of planning permission in this instance. The proposal therefore is considered acceptable in principle, subject to compliance with other development plan policies discussed below.

Design

25. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

26. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'.
27. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings.
28. Furthermore, policy DM1 seeks to ensure that any alterations or extensions are harmonious in character, scale, form and proposed materials with the existing dwelling, have an acceptable relationship with adjacent properties and have an acceptable visual impact in terms of the street scene. Whilst the NPPF advocates and infers that proposals should create high quality places which maintain a strong sense of quality and place.
29. There are no external changes to the existing building proposed under the remit of this application. In reference to the submitted plans all of the proposed works are internal. The internal arrangement remains largely similar to the existing, with the exception of the existing mezzanine floor and staircase will be removed as will the first-floor storage area. Additionally, several internal partition walls will also be removed.
30. The proposal would involve the installation of NHS specification thermal cold rooms (2no. 8m x 7m) which will not require any external or air conditioning units. The cold rooms would be installed to the warehouse part of the premises only.
31. Considering the above, there are no objections from a design perspective as there would be no changes to the character or appearance of the building from the surrounding area and as such the proposal complies with policy DM1 and guidance advocated within the NPPF.

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 to 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. Foundry Business Park is a long-standing industrial estate, and although borders some residential areas, the building has been in existence for many years. This is reflected by its allocation as employment land. Furthermore, the case officer noted that ambient noise levels were already quite high in the immediate locality due to the existing commercial enterprises on Eldon Way and given the neighbouring roads are heavily trafficked.
35. The application site is discretely located towards the end of Eldon Way. However, given the nature and scale of the proposed development, its location and separation distances from neighbouring residential properties the proposal is not considered to have a detrimental impact upon the amenity of the neighbouring occupiers in terms of overlooking, overshadowing and over-dominance. The proposal is compliant with DM1 of the Development Management Plan.

Highways

36. Policy DM1 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
37. 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.
38. The proposed development would not affect existing parking provision at the site, which is to the front of the building. It is not considered that the proposal would be detrimental to parking or highway safety.

39. Furthermore, Colleagues in Essex County Council Highways Authority have reviewed the submitted information and state “The proposal will utilise an existing gated vehicle access and loading and unloading will be behind the roller shutter door... the proposal is acceptable to the Highway Authority”.
40. There is no reason for the Local Planning Authority to take an alternative view and the proposal complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

Flooding

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

Biodiversity Net Gain

42. 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).
43. 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.
44. 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

45. Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council: No objection

Essex County Council Highways: No objection, the proposal will utilise an existing gated vehicle access and loading and unloading will be behind the roller shutter door.

Cadent Gas: No objection subject to the imposition of standard informative

Neighbours: No responses received

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023)

Core Strategy Adopted Version (December 2011) Policies CP1, H1, ED1, ED3

Development Management Plan (December 2014) Policies DM1, DM30, DM32

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

Hockley Area Action Plan (adopted February 2014)

The Essex Design Guide (2018)

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the approved plans numbered 2741/3 (Proposed Floor Plans and Block Plan) (as per date stated on plan May 2024) and 2741/1 (Location Plan) (as per date stated on plan April 2024).

REASON: For the avoidance of doubt and to specify the plans to which the permission/consent relates.

The local Ward Member(s) for the above application are Cllr A H Eves
Cllr J R F Mason Cllr P Capon

Application No :	24/00206/FUL Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Hawkwell Parish Council
Ward :	Hawkwell West
Location :	Land North Of Threesons Lincoln Road Rochford
Proposal :	Construct 1no. 3-bed bungalow with associated parking and residential garden including alteration of ground levels.

SITE AND PROPOSAL

1. The application site is located towards the northern end of Lincoln Road. The site is understood to be used for the keeping of horses and is separated into paddocks by post and rail fencing. The site is currently devoid of any buildings. The site is allocated within the Metropolitan Green Belt and is at present, undeveloped.
2. The applicant seeks planning consent to construct a 1no. 3-bed bungalow with associated parking and a residential garden including the alteration of ground levels.

RELEVANT PLANNING HISTORY

3. ROC/330/84 – reinstatement of existing bungalow following fire damage and subsequent vandalism, together with works of improvement – Refused
4. The applicant has included details of other permissions for the site: 01/00894/DPDP24 and 05/00260/FUL however with both of these being for works associated with telecom masts, these are not relevant to the determination of this application.
5. Although not recent, the reasons for refusal with application ROC/330/84 were as follows:
 1. *'The site is outside the areas allocated for development in the Approved Review County Development Plan and, furthermore, is situated within the Metropolitan Green Belt approved as part of the Essex Structure Plan which indicates in Policy S.9 that, within the Green Belt permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing dwellings) or for purposes other than agriculture, mineral extraction, or forestry, small scale facilities*

for outdoor participatory sport and recreation , institutions in large grounds, cemeteries or similar uses which are open in character.

In the opinion of the local planning authority and notwithstanding the details shown on the submitted documents, the proposal amounts to the rebuilding of the dwelling for the reasons that insufficient of the structure which existed prior to the fire in 1981, still remains which would fall within the reasonable definition of an existing dwelling which could, as a dwelling, be repaired, renovated or partly reinstated.

2. *The local planning authority is not satisfied that the proposed reinstatement works can be confined only to those areas of the building which were damaged by the fire, or that the other works of reinstatement would not be necessary, amounting to replacement of substantial sections of the former building, which together, would constitute to the replacement of the entire building contrary to the above policy.'*

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt

8. Section 13 of the NPPF (2023) explains that 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.

9. 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.
10. Whether the proposal would meet any of the exceptions above has been carefully considered by the local planning authority. Only part (g) requires consideration in relation to the current proposal.

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

11. Annex 2 of the NPPF gives the following definition of Previously Developed Land (PDL):

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

12. In this case, the site plan from the 1984 application and the site plan for this application do not correlate, with the application site in application reference ROC/330/84 not within the same parcel of land as this

application and outside of the blue line boundary as indicated in the site plan submitted with this application. The application site from the former application is sited in a parcel of land to the northeast and adjacent to the parcel submitted with this application. In this case, it is not considered that the land in question as outlined within the blue line boundary is previously developed and there is no history or evidence to suggest otherwise.

13. The planning statement submitted compares the dwelling that is understood to have been on the adjacent site prior to the application in 1984 in terms of the footprint and the surrounding curtilage. It is the view of the Local Planning Authority and by virtue of the definition of previously developed land in the NPPF, that even if the dwelling on the adjacent site was located within this blue line boundary giving it a greater degree of relevance, this land has been undeveloped for such a length of time (some 40 years) that this is now part of the blended landscape as quoted in the above definition.
14. In this case, it cannot be considered that the land in question is previously developed, taking into account the siting of the previous bungalow located on another parcel of land to the northeast corner, whereas the proposed is to the south on a different parcel of land, understood to be under different ownership. This southern parcel of this land is understood to have remained undeveloped and at no point has it been developed by way of a dwelling or otherwise.
15. In respect of exception (g), the proposal would have a significant impact on the openness of the Green Belt. At present the land in question presents an absence of built form and has a clear open character, naturally associated with Green Belt land.
16. Exception (g) of the NPPF states that the redevelopment of previously developed land cannot impact the openness of the Green Belt. With no dwelling on the site and no history of a dwelling being located on this site at any period of time, the proposed development would fundamentally have a significant impact on the openness of the Green Belt, with an increase of hard surfacing proposed, alongside the built form of a dwelling.
17. It is noted that the garden area of the proposed dwelling is stated as being 803m². This presents a significant issue and in this case, and considering the sites allocated within the Metropolitan Green Belt, this is considered excessive in terms of the area to be utilised as a garden and within the dwellings residential curtilage. It is considered that with any resubmission of this scheme, the garden area should be reduced significantly to mitigate any impact on the Green Belt that the associated curtilage and garden area of a residential dwelling may lead to. This view is provided regardless of the mechanisms which exists through withdrawal of permitted development rights for garden

buildings (Schedule 2 Part 1 Class E of the GPDO) and other development should planning permission be granted in future.

18. It is therefore considered that the proposal is clearly inappropriate development by definition implying a definitional harm. Further harm would also result from the significant impact on openness that would arise by reason of the very presence of the proposed development. No very special circumstances have been set out in the submitted statement and none are considered to exist to counter the harm identified and therefore the development is considered contrary to national and local Green Belt policy.

Impact on Character

19. 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.
20. Guidance advocated within the National Planning Policy 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 139). Building upon this is Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. 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).
21. 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.
22. The dwelling is considered to be well designed in terms of its built form, with a low eaves height and traditional roof forms, suitable in the character and context.

23. 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. However this in itself does not materially outweigh the harm in Green Belt terms as only limited weighting can be attributed to this consideration.

Impact on Residential Amenity

24. The site and proposed dwelling is single storey only and would retain significant separation to the nearby dwellings to the south (some 80+ metres) and therefore it is not considered that the dwelling would lead to an unreasonable level of overshadowing, overdominance or overlooking upon neighbouring occupiers.

Garden Area

25. 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 bedroom dwellings which can provide a minimum garden area of 50m².
26. The proposal is for a 3-bed dwelling. The amenity area would be some 803m² therefore 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. It is noted, comments on the selected and proposed garden and curtilage of the dwelling have been made within the Green Belt section of this report.

Sustainability

27. 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.
28. 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.
29. 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.

30. The proposed dwelling is shown by the applicant as a 3 bedroom dwelling on the submitted plans. The proposed dwelling would be a three bedroom, five person dwelling with one storey. The dwelling is a five person dwelling as one of the bedrooms does not meet the floor area requirement for it to be considered as a double bedroom.
31. A dwelling of this size would need a gross internal area of 86m², with 2.5m of built in storage to meet the above standards. The proposed dwelling would have a GIA of some 108m² with built in storage areas also exceeding that required above.

Impact upon Highway Safety

32. 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.
33. 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.
34. Essex County Highways Authority have been consulted on the application and have concluded that the proposal is acceptable subject to a condition regarding the public footpath No 26 (Hawkwell). Lincoln Road is a private road, that the applicant should seek permission from the landowner for the installation of a vehicular access, ensuring adequate visibility for the users of the Public Right of Way footpath and the new access.

The proposal therefore 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 (Zoi) for the Essex Coast RAMS (Recreational Disturbance Avoidance Mitigation Strategy)

35. 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.

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

37. 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.

38. 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.

39. 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

40. 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.
41. 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.
42. An ecological assessment has been carried out for the application site and submitted with this application and it is concluded that as the site is a small area of grazed paddock, it has low ecological value. With the outlined avoidance, mitigation, compensation and enhancement, the proposal is not considered to have a significant impact on biodiversity. With any approval, a condition would be imposed on any planning consent relating to mitigating the impacts of biodiversity as a result of the proposed scheme and in line with the submitted report/assessment by Hybrid Ecology.

Trees.

43. 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. Although there are some trees to the site frontage

these are not proposed to be removed, nor are they subject to Tree Preservation Orders. It is therefore concluded that there would not be any trees adversely affected by the proposal.

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

Refuse and Waste

45. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide).
46. 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

47. The site is located within Flood Zone 1 with low risk of flooding and is indicated on the Environment Agency Flood Maps that the site does not present a risk for surface water flooding.

Historical uses and Potential contamination and health risks

48. 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.
49. 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.
50. The site is not understood to have any contamination issues that would impact the development.

Foul drainage

51. 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 a package treatment plant is proposed which would discharge solely to a watercourse. This is understood to be proposed as the site does not have a connection to the sewage mains at present.

52. 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

53. REFUSE

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Parish Council: Objection due to the site being in the Green Belt.

London Southend Airport: No safeguard objections.

Essex County Council Highway Authority:

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

Lincoln Road is a private road; the applicant should seek permission from the landowner for the installation of the vehicle access and the applicant must ensure that adequate visibility is available between users of the Public Right of Way footpath and the new access.

The dwelling will have access to a minimum of two off-street parking spaces, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

1. The public's rights and ease of passage over public footpath no 26 (Hawkwell) shall be maintained free and unobstructed at all times. Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

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

Informative: • The applicant should be made aware of the potential relocation of the utility apparatus; any relocation shall be fully at the applicant's expense.

Neighbours: Two responses from the following addresses where the concerns have been summarised below:

West Winds, Durham Road – Concerns regarding wildlife such as badgers and deer. Concerned that water supply to their property runs through this land although the owners have been made aware of this.

1 Lincoln Road – Site is within the Green Belt as Agricultural Land. This has never been residential accommodation. The original dwelling was on an adjacent plot of land owned by the landowner. The site has recently had scrub clearance prior to the ecological survey. Objection in relation to bats and that the proposal would impact current bat activity. Loss of natural green space. Loss of outlook and view from No 1 Lincoln Road. New property would overlooking, be overpowering and imposing to No 1 Lincoln Road as well as increasing traffic along the road.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) GB1, CP1

Development Management Plan (December 2014) : DM1, DM25, DM27
DM30

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION: REFUSE

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 would amount to inappropriate development within the Metropolitan Green Belt which is harmful by definition and by reason of the other harm caused by the very presence of the development within the Metropolitan Green Belt. The proposed development does not meet any exceptions as cited by paragraph 154 of the Framework whilst no very special circumstances are considered to prevail such as to be capable of countering the harm identified, thereby fundamentally conflicting with Section 13 of the National Planning Policy Framework.

The local Ward Member(s) for the above application are Cllr N Booth
Cllr Ian Wilson Cllr Mrs J R Gooding

Application No:	23/01046/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish:	Canewdon Parish Council
Ward:	Roche North And Rural
Location:	Camp Farm Canewdon Essex
Proposal:	Demolish existing buildings, remove areas of hardstanding and redevelopment for two no. detached 5 bedroomed dwellings

SITE AND PROPOSAL

1. The application site comprises land and buildings at Camp Farm off Scaldhurst Lane which is to the north of Lark Hill Road, Ashingdon, Essex.
2. The site measures approximately 0.9ha and although currently vacant is occupied by existing building shells and area of hardstanding. Two principal single buildings (labelled A and B on the habitat survey plan) are located along the southern boundary adjacent to the access track leading into the site. Two further building shells (labelled C and E) are located in the northeast corner of the site. In the intervening space are two smaller buildings/structures (D and G) with two further buildings/structures in the westerly part of the site (F and H).
3. The buildings are single storey in various state of disrepair with the intervening spaces a mixture of bare earth, hardstanding with sporadic vegetation.
4. Beyond the westerly boundary is a patch of woodland which comprise semi mature species with dominant ash *Fraxinus excelsior* and some elder *Sambucus nigra* and elm *Ulmus*. Ground cover included scattered hawthorn, cow parsley.

5. Planning permission is sought for the removal of the existing buildings, structures and hardstanding to then erect two dwellings with landscaping and means of access.
6. The two proposed dwellings are positioned in the northernly (East Barn) and southern part of the site (West Barn) surrounded by garden space. Access would be taken from the existing track leading into the site where a spur would be formed to then serve each individual dwelling.

East Barn

7. The proposed dwelling measures 36.9 metres along its northern building line with a return of 13.18 metres. The dwelling is 'L' shaped in footprint with the interior side (south elevation) facing onto a sunken garden. The resulting building has a split level arrangement set on a lower ground, ground and upper floor level. The lower ground has the majority of sleeping accommodation providing five bedrooms, bathroom space and storage space. The ground provides ancillary spaces such as a workshop, utility room and boot room and hall. The upper ground provides the living space (dining, lounge, kitchen, games room).
8. The height of the roof ridge taken from the existing ground level is 4.68 metres. The roof profile comprises a pitch with cross gabled features above full height glazed windows. Other fenestration is on the north and east side with the majority of full height glazed windows inwardly facing towards the sunken garden.
9. An open sided ground floor level is on the west side of the barn provided covered parking spaces with the main driveway on the north side which curves around creating the spur to meet the existing access into the site in the southeast corner of the site.

West Barn

10. The proposed dwelling takes a similar approach to having a sunken garden, however, the building differs in dimension and is more rectangular in planform.
11. The proposed dwelling measures 33 metres in length, although the southeast building line is slightly shorter taking account of a turn in the footprint. The wider part of the dwelling at the north side is 13 metres. The height to the roof ridge above ground level is 4.70 metres with the profile designed with a pitch.
12. The sunken garden is on the southwest side of the property with sleeping accommodation on the lower ground level. Ancillary spaces are again on ground level with the living spaces on the upper floor. Open sided integral parking is in the northern part of the dwelling with the driveway leading from the northside of the property, following the

eastern side to then connect with the spur section and access from the southeast part of the site.

Wider site

13. It is proposed to plant a hedgerow to separate the two plots with further hedgerows at the spur junction within the site. Tree planting is proposed within the central area with two areas identified for biodiversity enhancement. The remaining areas outside of the sunken garden and access tracks are laid with grass. Existing hedgerows are shown along the north and easterly boundary.

RELEVANT PLANNING HISTORY

14. Application No. 19/00766/FUL - Demolish existing buildings and construct four detached dwellings with detached garages. Application withdrawn.

MATERIAL PLANNING CONSIDERATIONS

15. 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.
16. 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

17. The NPPF states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of its inappropriateness and any other harm, and that such harm is clearly outweighed by other considerations. The NPPF establishes that new buildings in the Green Belt are inappropriate, except in certain circumstances including where limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would *inter alia* not have a greater impact on the openness of the Green Belt than the existing development as set out in paragraph 154 criterion g). The Framework does not explain what a greater impact means. An assessment of whether the proposal would have a greater impact on the openness is therefore a matter of planning judgement.

18. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. '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.

Is the site previously developed land

19. The NPPF under the Annex defines previously developed land (PDL) to be:

"...Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape..."

20. The applicant purports that whilst the neighbouring land surrounding the site is in agricultural use the site itself has not been used for the purposes of agriculture. In reaching the view the applicant has provided evidence in the form of aerial photograph, extract of a historical map, photos of the present-day site with a satellite image from Google and supported by an affidavit signed by from the previous landowner.
21. The source of the aerial photograph is from Historic England and is dated 1951 showing the site and leading access from the east.
22. An extract from a 1953 Ordnance Survey Map has been provided showing the site, the outline of buildings on the eastern side of the site with the wooded area populating the western area.
23. Recent photos have been submitted showing the shell of a building in the northeasterly corner and buildings adjacent to the access leading through the site.
24. The affidavit states that it is understood the site was built around 1936-38 to house radar operators that were working at the radar station at Canedon. It was briefly used to house Prisoners of War where in 1945

it was used to house displaced persons, quoting in particular the 1953 flood event.

25. The site was purchased in 1981 from the Fisher Family with the adjacent farmstead Scaldhurst Farm which is beyond the easterly boundary of the site. Between purchase and up to the early 1990s the site was not used for agricultural purposes as it was not fit for farming. The site was rented to Ace Turfland from the early 1990s where it was understood that the fire station was used as a mechanics shop and the hardstanding for outdoor storage of turf. The site was vacated in circa 2000 by Ace Turfland. The remainder of the site was rented to Great Wakering Gun Club where it was used for clay pigeon shooting until 2019. The site has been vacant since.
26. This application is not for a Certificate of Lawfulness and therefore is not a determination on the lawfulness of the use of the land. However, for the purposes of this application and to determine if the land is considered to be previously developed the evidence can be a material consideration in the determination of the application.
27. As such it is not considered a balance of probably needs to be undertaken, however, the supporting information still needs to be considered if to be robust and for it to be a material consideration.
28. The original construction of the complex can be supported by the consultation response provided by ECC Place Services. It is reported that the site comprises a former WWII military camp (EHER 20761). The Historic Environment Record indicates that the WWII military camp at Camp Farm, Canewdon served as a number of different functional purposes both during and post war. The surviving buildings were once part of a greater collection of buildings that formed the original camp and it confirmed that a 1954 Ordnance Survey map shows that originally the camp consisted of a larger number of buildings, potentially 28 in total.
29. Therefore, taking into account the events described in the affidavit, the aerial photograph, extract of Ordnance Survey Map and the Place Services consultation response there are sufficient factors to consider the original buildings were not used or intended for agricultural purposes.
30. The Council does not hold planning records prior to the withdrawn application 19/00766/FUL. As such while no evidence exists in respect of previous approvals of planning permission, it would be difficult to come to a contrary view on the subsequent uses that operated from the site. Given the extent of hardstanding and size and scale of buildings that exist or potentially any previous buildings that might have occupied the site it is conceivable that it would not be fit for agricultural use. Although the site may have been used periodically for possibly housing animals or for storage of agriculture equipment/ produce there is no

evidence to suggest otherwise and it is considered difficult to categorically reach a view that the site was used for agricultural purposes or indeed a use to fall outside of the definition of PDL.

31. Therefore, taking into account the affidavit, site images and the original purpose of the buildings, some of which are still evident on site, supported by the comments of Place Services it is considered the site to be previously developed land.
32. Turning back to Paragraph 154 criterion g) and if the development to not have a greater impact upon the openness of the green belt Planning Practice Guidance (PPG) provides advice on the role of Green Belts in the planning system. With regard to openness, it sets out that three factors, but not limited to those three, can be taken into account when assessing openness. These are the spatial and visual aspects of openness, the duration of the development and the degree of activity likely to be generated, such as traffic generation.
33. With regard to the duration of the development and the degree of activity likely to be generated, it is accepted that the impact of two dwellings is likely to not be greater than an operative agricultural unit, such as Scaldfold Farm to the east.
34. In terms of the spatial impact, the footprint and floor spaces of the proposed units would be comparative to those of the existing units. The footprint of the existing units measures approximately 558sqm and the footprint of the proposed units would measure approximately 468sqm. Similarly, the volume of the existing units measures circa 1879cbm and the proposed units would equate to 1787cbm.
35. In respect of the heights of the proposed dwelling they would be similar to the existing buildings on site. Notwithstanding the sunken garden the land within the site is relatively level. The existing units have an average height of 4.7m. In comparison, the proposed dwellings would have ridge heights which are circa 4.7m. The proposed dwellings would have a similar height with the existing buildings on site.
36. It is considered that the overall floor space, volume, and footprint would be similar to the existing buildings within the site and in terms of the spatial impact upon openness, it is considered that the spatial harm would not be significant.
37. The proposed development would be visible from a public right of way (Canewdon 5) to the northeast of the site; however, views are distant partly obscured by intervening vegetation. Although the main garden falls below ground level there is the potential of urban sprawl through the introduction of residential paraphernalia. Nevertheless, given the height and scale of the buildings sit comfortably within the site and are similar to the existing buildings the harm to the visual aspect of openness would be limited.

38. To enable the amount of accommodation proposed the development result in excavation of the parts of the site to create the lower ground level of each dwelling to face out onto a sunken garden 1.6m below the existing ground level of the site. Notwithstanding Policy DM20 relates to basements it is considered the proposed dwelling would still accord with the spirit of the policy as the resultant building would be below the 25% allowance for exceeding the footprint of the original dwelling and is not shown to be for the use of self-contained accommodation.
39. With the garden space enabling outlook to be achieved at the lower ground level it is considered outdoor activity would not harm the spatial and visual impact of the openness of the area.
40. Therefore, taking into account the site is considered to meet the definition of PDL under paragraph 154 criterion g) of the NPPF, for the reasons above the proposed two dwellings are considered to not be larger than the existing buildings on the site and would not have a significant adverse impact on the spatial and visual dimension of the Green belt.
41. The proposed development would therefore not be inappropriate development within the green belt which is harmful by definition and is considered acceptable.

Design and form

42. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and that proposals should contribute positively to making places better for people.
43. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
44. The two dwellings are spatially comfortable within the site providing a degree of separation from the site boundary and between the built form. The buildings take the form of an atypical agricultural building in the countryside with glazed elements that respect the overall height

above ground level. While there to be a notably change on the elevations that inwardly face the sunken garden the lower ground façade would not have a significant impact on the visual amenity. The upper ground, inevitably more presence within the landscape is considered to not be untoward to the rural character which is prevalent in the wider area.

45. The proposal overall is considered to not significantly harm the character and appearance of the area and in design terms it is considered expedient to secure appropriate material to ensure the external finishes assimilate into the site and wider landscape. Further conditions can secure an appropriate landscape scheme to ensure the building and site edges are harmonious within the surroundings.

Impact on amenity

46. Policy DM1 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. This is echoed in Paragraph 135 (f) of the NPPF which 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.
47. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
48. The proposed dwellings and the intervening relationship by reason of its scale, depth, height, and siting is considered acceptable. The proposed development is not considered to have a detrimental impact upon the amenity of the neighbouring occupiers in terms of loss of light, overlooking or overbearing impact. The proposal is compliant with DM1 of the Development Management Plan 2014.
49. The host property is considered to provide sufficient amenity space to support the dwelling with the proposed development in place to accord with SPD2.

Living Conditions for Future Occupiers

50. 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.

51. Rochford District Council has existing policies relating to 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 2015 Ministerial Statement.
52. 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.
53. The proposed dwellings would have a GIA of approximately 211sqm and the floor area of the bedrooms and built-in storage would exceed the required sizes. The proposed dwellings are therefore compliant with the standards stated within the Technical Housing Standards 2015 document.
54. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.
55. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.
56. 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.

Garden Size

57. Policy DM3 of the Council's 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 of for each type of dwellinghouse. For residential dwellings a minimum garden area of 50m² is required for one and two bedroom dwellings. A garden area of 100 square metres is required for three bedroomed dwellings. This standard may be reduced where the site adjoins a public open space giving easy access to a convenient recreation alternative.
58. According to the submitted plans the proposed development includes 2no. five bedroomed properties, with rear private amenity space which exceeds the standards of the SPD.

Sustainability

59. The applicant's agent acknowledges that the application site is situated down a rural track and amenities and facilities within 800m of the site area limited. The agent also infers that if the application is permitted it will help to contribute to the local economy through the creation of jobs during the construction phase and residents of the properties will be able to utilise local goods and services.
60. In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following:
- allocated town centre;
 - doctors' surgery;
 - school (primary or secondary); or
 - convenience retail store.
61. The applicants supporting statement stipulates that the site location and its connections with the wider area, offer access by bike. With respect to pedestrian access walking offers the greatest potential to replace short car trips, particularly those under 2km and is generally considered the maximum acceptable distance to directly access any local facility or amenity. The supporting statement goes on to state that *"The 800m distance is considered to represent a reasonable and acceptable walking distance to access local retail, education, and employment destinations. There are limited facilities and amenities within 800m of the site and the lack of pedestrian footways is recognised and as such pedestrian access to the site is limited. In consideration of the above, the site is suitably located in accessibility terms by cycle and as such provides opportunities for access via means other than the private car to a wide range of services and amenities and as such confirms its suitability as a reasonably sustainable location for residential development"*.

62. Policy DM10 promotes sustainable transportation modes such as cycling, and it is considered that the surrounding roads in the vicinity are of a good quality and due to the relatively flat nature of the area are considered readily accessible by cyclists. The supporting statement states that within "... five-kilometres [of the application site] ...includes the whole of the built area of Hawkwell, Ashingdon and Hockley and its wide range of associated facilities and services". It is considered that the site is relatively accessible by cyclists which is a sustainable mode of transport, and the case officer considers a condition relating to cycling provision is reasonable and the proposal broadly complies with the aims and objectives of policy DM10.

63. The agent has inferred that an important material consideration is the creation of new jobs associated with the construction process. Whilst it is acknowledged that there would be an economic benefit arising during both the construction and occupation stages from the additional spending and the employment this would support. Additional dwellings could also support use of facilities within the surrounding area. However, the case officer attaches limited weight to these benefits given the small scale of the proposed development.

Highways and parking

64. Paragraph 115 of the NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

65. Vehicular and pedestrian access is taken from Lark Hill Road, a classified road subject to a 40mph speed limit via an existing unmade track. The track also serves Scaldhurst Farm to the east of the site.

66. The access point onto Lark Hill Road has the benefit of visibility in accordance with current standards for the 40mph speed limit along the road. The TRICS trip generation assessment demonstrates that the proposal will not have a material or significant impact in terms of highway safety or capacity on the local highway infrastructure due to very low level forecast movements that will be associated with the development.

67. It is therefore considered the proposed development would not have an adverse effect on highway safety.

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

69. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two or more bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m, garage spaces should measure 7m x 3m to be considered usable spaces.
70. This development would require two off street parking spaces for each dwelling complying with the dimensions as stipulated by the EPOA parking standards. The site can accommodate 2no off street parking spaces within the curtilage of each dwelling and therefore no objection is raised in terms of parking.
71. In addition to the above colleagues in Essex County Council Highways have been consulted and state “*The submitted information includes a reference to the approved Solar Farm application 23/00407/FUL, that application includes improvements to the access. The shared access will be utilised by this proposal. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority*”. In light of the aforementioned comments and factors there is no justification for the Local Planning Authority to take an alternative view and is able to substantiate it at any future Appeal.

Ecology and biodiversity

72. 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.
73. To accompany the planning application the applicant has submitted a Preliminary Ecological Appraisal (PEA) which was produced by Richard Graves Associates Ltd, which is dated September 2022.

Effect on designated sites and Priority Habitats

74. The application site is 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 (SPA and RAMSAR). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
75. The development for two dwellings 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 (Zoi) for the Essex Coast RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two dwellings

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

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

- No

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

- No

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

77. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution has NOT

been paid to the Local Planning Authority and this will form a reason for refusal.

Effect on ecology and habitats within the site

78. A desktop study has been undertaken and findings of an ecological walkover have been included in the submitted PEA. The walkover survey was undertaken on 21st April 2020 (over 4 years ago) and the publication date is September 2022.
79. Colleagues in Place Services (Ecology) have been consulted regarding the proposed development and consider that there is sufficient ecological information available for determination. This is because the Preliminary Ecological Appraisal (Richard Graves Associates, September 2022) is out of date to support this application, in line with CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. The ecologist takes this view due to the initial site walkover being undertaken in April 2020.
80. The Council's Ecologist goes on to state as a result, we recommend that the applicant's ecologist provides an ecological addendum or an updated ecological report to support this application, which should require an additional site visit and may require updated desk study information. The ecologist will be required to provide appropriate justification, on:
- The validity of the initial report;
 - Which, if any, of the surveys need to be updated; and
 - The appropriate scope, timing and methods for the update survey(s).
81. If additional impacts to protected species particularly bats are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination. This is necessary as the Government Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.
82. Furthermore, the Preliminary Ecological Appraisal (Richard Graves Associates, September 2022) has advised further surveys are required to determine if barn owls are still roosting/nesting in some of the buildings on site which will be demolished. Therefore, they have recommended two owl inspection checks combined with deployment of trail cameras in the buildings over a period of 4 weeks to determine the

activity and frequency of use. We highlight that this survey will require a licensed ecologist as Barn Owl has additional legal protection under Schedule 1 of the Wildlife & Countryside Act 1981 as amended.

83. The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
84. Therefore, this further information is required to provide the LPA with certainty of impacts on protected and priority species and enable it to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006 (as amended).
85. In light of the aforementioned comments received from the Councils Ecologist the application will be recommended for refusal due to the PEA being out of date and insufficient ecological information pertaining to a protected species (Barn Owl).

Biodiversity enhancement

86. The PEA recommends four bat boxes to be installed within the site, landscaping to include native species, a sensitively designed lighting scheme, a protection buffer created with the existing woodland and the erection of a barn owl box/tower. Further enhancement measures include planting of native hedgerows and development of rough grass margins to plots within the site, and along the woodland edge.
87. These measures can be secured by planning condition in the event that planning permission is approved.

Drainage

88. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.
89. The proposed buildings will drain via a piped network to an attenuation basin located to the south of the site, before flows are released at 2.0 l/s via a hydro-brake flow control into the existing watercourse. The full external hardstanding area will utilise tanked permeable paving construction which will accommodate voided Type 3 sub-base material

allowing for treatment of runoff and sufficient attenuation storage volume so that the control rate of 2.0 l/s can be ensured. All foul water flows from development will gravitate to a proposed treatment station gravitating to a proposed combined water chamber before being conveyed to an existing watercourse.

90. It is considered the means of drainage are acceptable satisfying Policy DM28 and can be secured by planning condition in the event that planning permission is approved.

Flooding

91. According to the Environment Agency's Flood Risk Map the actual application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the NPPF.
92. However, the access track into the site is situated within Flood Zone 3 and as such as having a high probability of flooding. The case officer has consulted colleagues in the Environment Agency who state *"From the environment Agency point of view, ... we would not comment on the application and thus would obviously not raise concerns. The issue of access and egress fall under the remit of the emergency planner"*.
93. The Councils Emergency Planner states, *"As we are only talking about small numbers of properties, they do not represent a major issue if flooded for either the Emergency Services or Rochford District Councils, as such I have no objections"*. The Emergency Planner does advise that applicants should check on the flood risk through the Environment Agency website and consider actions to improve the flood resilience of the properties depending on the nature of the flood risk. Flood resilience measures could include raising the level of the buildings, the inclusion of property level flood protection and internal flooding measures such as solid floors, raised electrics and waterproof wall plasters.

Refuse and Waste Storage

94. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a

requirement for each dwelling to be located within approximately 20 m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory

Archaeology

95. It has been identified that the site is occupied by buildings that belonged to a former WWII military camp (EHER 20761). The Historic Environment Record indicates that the WWII military camp at Camp Farm, Canewdon served as a number of different functional purposes both during and post war. The surviving buildings were once part of a greater collection of buildings that formed the original camp.
96. To ensure the development accords with the NPPF particularly paragraphs 205 and 211 conditions have been recommended by Place Services should permission be approved for a building record to be secured and a programme of open area excavations to be approved prior to any work carried out on site.

Trees

97. Policy DM25 of the of the Development Management Plan 2014 states that: 'Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features. Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.'
98. The application is supported by an Arboricultural Impact Assessment which identifies the site is very low quality with self-sown patches of scrub and groups of ash and elms trees at various stages of disease. The best tree on site is T24 oak and there is a semi mature woodland to the west.
99. It is proposed to remove 7 trees these is due to their advanced stage of disease, however the remaining 17 trees will be retained. Measures are set out in the AIA to ensure the demolition of a building near T8 oak tree and a new driveway near T18 ash will not affect the root protection area and crown spread of those trees. Remaining trees will be protected by tree protection fencing during construction.

100. As such, subject to the AIA recommendations being secured by planning condition it is considered the proposal would satisfy Policy DM25.

CONCLUSION

101. Refuse

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Canewdon Parish Council: Object the existing buildings have been on site for many years and have some local historical value. As such, the site may be considered a brownfield site in the Green Belt. However, the site is not considered sustainable with regard to the location, access via a single width track, in an area where mains drainage is unavailable, and where no public transport is available, therefore reliant on the use of private motor vehicles. The proposal is therefore considered to be inappropriate and harmful to the aims and objectives of the Green Belt policies.

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

RDC Development & Flood Risk: No comment made on the application

ECC Place Services Specialist Archaeological Advice: No objection subject to building recording and an Archaeological Programme of Open Area Excavations to be secured by planning condition.

Essex County Council Highways: No objections the submitted information includes a reference to the approved Solar Farm application 23/00407/FUL, that application includes improvements to the access. The shared access will be utilised by this proposal. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Environment Agency: No objections

Natural England: Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Place Services Ecology: Holding objection due to insufficient ecological information protected species (Barn Owl) and out of date report (protected species)

Neighbours: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) – policies CP1, GB1, GB2, ENV1, ENV2, ENV3, ENV5, ENV9, ENV11, H1, H2, H3, T1 and T8.

Development Management Plan (December 2014) – policies DM1, DM3, DM10, DM17, DM20, DM25, DM26, DM27, DM28 and DM30.

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: REFUSE

Refuse

1. The application does not include a mechanism to secure suitable mitigation in the form of a standard contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. Based on the precautionary principle, it is considered that the proposed scheme would be likely to have a significant adverse effect on the SAC and SPA due to the potential increased disturbance through recreational activity. The proposal would therefore fail to comply with the requirements of the Regulations. It would also fail to accord with Policy ENV1 of the Rochford District Council, Local Development Framework Core Strategy which seeks to maintain, restore and enhance sites of international, national and local nature conservation importance. It would also be contrary to Paragraph 180 of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.
2. In the opinion of the Local Planning Authority the Preliminary Ecological Appraisal (PEA) which has been produced by Richard Graves Associates Ltd (dated September 2022) is out of date as the initial site walkover was undertaken in April 2020 and has not been updated.

Therefore, the ecological appraisal is contrary to guidance advocated within the NPPF and with CIEEM Guidance 1 and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. Additionally, the PEA has advised further surveys are required to determine if barn owls are still roosting/nesting in some of the buildings on site which will be demolished. This is necessary as the Government Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. In light of the above it is considered that insufficient information has been submitted to support the development, contrary to Policy DM27 of the Development Management Plan and relevant parts of the NPPF which seek to ensure that development appropriately mitigates impacts on biodiversity.

The local Ward Member(s) for the above application are Cllr S Wootton
Cllr Phil Shaw Cllr Mrs L Shaw