



PLANNING APPLICATIONS WEEKLY LIST NO.1724
Week Ending 23rd August 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 26/09/2024.

- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **28th August 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.

- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

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Application No :	24/00370/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Land Rear Of Flightspares Aviation Way Rochford
Proposal :	Excavate old stock pond and incorporate it into the existing fishing lake (retrospective).

SITE AND PROPOSAL

1. The application site comprises a fishing pond. The site is in close proximity to the London Southend Airport and lies to the rear of industrial and commercial buildings that front the eastern extent of Aviation Way. The airport and solar farm exist to the east. The site is accessed from Aviation Way and has a container at the gate. The surrounding area is predominantly industrial with open land and fields and a golf course further north. The site area is 2830m² and in the Metropolitan Green Belt. The site is also in flood zone 3.
2. The proposal, which is retrospective, is for the pond to be enlarged by excavating a stock pond and merging it with the main pond that is used for fishing. As the works proposed have already been completed, the proposal is to formalise the works by way of a planning application as the applicants were unaware that extending the pond required planning permission.

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. The latest version of the National Planning Policy Framework (NPPF) 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.
7. 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 NPPF. Paragraph 11 of the NPPF 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 NPPF (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 NPPF taken as a whole.
8. The Council's Core Strategy addresses the Green Belt under Section 6. Outdoor recreation and leisure activities are deemed appropriate in the Green Belt according to Policy GB2 (Rural Diversification and Recreational Uses). It states: *“The Green Belt provides leisure opportunities for the District’s residents and visitors. Development that is essential for outdoor sport and recreation activities considered appropriate in the Green Belt (e.g. changing rooms connected with a sports use) will be permitted. Such essential facilities will be expected to have a minimal impact on the openness of the Green Belt.”*

Impact on Green Belt

9. 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 NPPF but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the NPPF which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed in the NPPF which would also be a material consideration.

10. Consequently, the main issues are:

- Whether the proposed development is inappropriate development in the Green Belt for the purposes of the NPPF and Development Plan; and
- The effect of the proposed development on the openness of the Green Belt.

11. Paragraph 142 of the NPPF expresses that the primary goal of the Green Belt policy is to stop urban sprawl by maintaining open space on land; the openness and longevity of Green Belts are their key characteristics. Paragraph 143 outlines the purposes of Green Belts, which are:

- 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.*

12. Paragraph 154 of the NPPF states that local planning authorities should consider the development of new buildings as inappropriate in the Green Belt. Exceptions 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 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.

13. Paragraph 155 of the NPPF also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: mineral extraction; engineering operations; local transport infrastructure which can demonstrate a requirement for a Green Belt location; the re-use of buildings provided that the buildings are of permanent and substantial construction; material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order. It is considered that the proposed development would not fall under any of the exceptions listed.
14. By virtue of paragraph 154 of the NPPF, the construction of new buildings in the Green Belt should be regarded as inappropriate. The proposed development is exempt from the criteria of paragraph 154 as it is for the extension of a pond, with no buildings proposed. The site is open with an existing lawful recreational use of angling. Overall, the proposed development is considered to not adversely impact the openness of the Green Belt.

Design and Impact on the Character of the Area

Layout, Scale and Appearance

15. 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. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people (paragraph 131).
16. According to NPPF Chapter 12, achieving high-quality structures and environments is essential to the goals that the planning and development process should pursue. It also says that a crucial component of sustainable development is excellent design.
17. The proposed extension to the pond is in the shape of a trapezium with an area of 83.80m². As stated previously that the surrounding area is industrial and the Green Belt. There is no architectural significance to be considered as the application relates to a water use. The proposed works are considered to not alter the Green Belt's landscape and the development does not appear peculiar or inappropriate. The proposed scheme is considered to have no adverse impact on the area's character as it is enhancing a water use that was already existing.

Impact on Residential Amenity

18. 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.
19. 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.
20. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment. Criterion (e) stipulates:

“Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution”. Furthermore, paragraph 191 states: *“Planning policies and decisions should also 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

 - *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and*
 - *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*
21. Angling is a permitted use of the site. The inflow and outflow of club members and guests from the current layout of the site is considered to be similar to the previous layout of the site.
22. Overall, it is believed that the works would not significantly affect the occupants of nearby properties' ability to enjoy their amenity spaces because of the restricted height of the proposed development and the

area generally being an area of commercial and industrial land uses rather than residential.

Impact on Highway Safety

23. 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.
24. In accordance with paragraph 111 of the NPPF, 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.
25. The Highways Officer was consulted to comment on the proposal and raised no objection. Furthermore, colleagues in The County Councils Public Rights of Way team (PROW) also state that they have no objections to the proposal. It is considered given that the proposal is for the extension of a fishing pond, it is not likely that the traffic that the proposed development creates negatively affects highway safety. It is not considered that the proposed development negatively affects the local highway system or the unimpeded flow of traffic, given the site's current authorised use for fishing.

Flooding and Drainage

26. According to the Environment Agency flood risk map the application site is located wholly within flood zone 3. The Environment Agency website goes on to state that Land within flood zone 3 has a high probability of flooding from rivers and the sea. The applicant has submitted a Flood Risk Assessment (FRA) with the application.
27. The Environment Agency was consulted about the current proposal and did not object to the proposal. Colleagues in the Environment Agency stated *"No comments from us, a small area of the site is flood zone 3 but this is the pond itself, also the development is water compatible development, water based recreation would be covered by LFRSA"*.
28. Therefore, since fishing is a water-based recreational activity, the planned development is designated as a water-compatible development. It is considered that the proposal accords with guidance advocated within the NPPF.

Trees and Ecology

29. 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.”

30. Whilst it is regrettable that trees have been felled prior to the submission of this application, the felled trees were not Tree Preservation Order trees and as such permission to fell them is not required from the Local Planning Authority. The trees may be protected by a covenant which will be found on title deeds. Issues revolving around private property rights and obligations, such as those found within restrictive covenants, easements and wayleaves etc. are not considered material planning considerations. This is for numerous reasons, which includes under the Town and Country Planning Act 1990 s.70(2) and the Planning and Compulsory Purchase Act 2004 s.38 (6). These sections of the Acts forward the notion of ‘material considerations’. Private rights under covenants, etc., are not within those words. Given the nature and scale of the proposal and to help assimilate the development into the wider local environment, the case officer considers it necessary to attach a landscaping condition.

Archaeology

31. Colleagues in Conservation and Archaeology section of Essex County Council have been consulted and state that *“evidence suggests that below ground archaeological potential is damaged. The Historic Environment Record shows that there are some archaeological features directly within the proposed development, but as stated, the damage will be too severe. Additionally, as the proposed excavation is an extension of the existing pond, the water would impact any potential archaeological investigations. Therefore, no archaeological recommendation is being made on this application”*.

Biodiversity Net Gain

32. 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).
33. 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.
34. 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

35. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No objections raised.

Essex County Council Public Right of Way: No objection.

Environment Agency: No comments from us, a small area of the site is flood zone 3 but this is the pond itself, also the development is water compatible development, water based recreation would be covered by LFRSA

Essex County Council Place Services Archaeology: Evidence suggests that below ground archaeological potential is damaged. The Historic Environment Record shows that there are some archaeological features directly within the proposed development, but as stated, the damage will be too severe. Additionally, as the proposed excavation is an extension of the existing pond, the water would impact any potential archaeological investigations. Therefore, no archaeological recommendation is being made on this application.

London Southend Airport: Our calculations show that, at the given position and height, the following planning application will have no effect upon our operations. We therefore have no safeguarding objections.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

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

Development Management Plan (December 2014) – DM1, DM25, DM26.

The Essex Design Guide (2018).

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

1. The development shall be undertaken in strict accordance with the plans referenced Location Plan (as per date stated on plan 1st June 2024) and TQRQM24153131655391 (as per date stated on plan 1st June 2024).

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

2. Within three months of the grant of permission a landscape plan for the application site hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall include planting plans, written specifications and schedules of plants, noting species, planting sizes and the proposed numbers and densities. The landscape plan shall be implemented within the next available planting season and maintained thereafter to the satisfaction of the Local Planning Authority, unless otherwise first agreed in writing.

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

3. Within 3 months of of the grant of permission the specification and details for the provision of bat and bird boxes on the site shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, these shall be erected on site and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of protecting and enhancing biodiversity in the area.

The local Ward Members for the above application are Cllr. Angelina Marriott, Cllr. M. J. Steptoe and Cllr. A. L. Williams

Application No :	24/00005/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Stable Block The Dell Madrid Avenue
Proposal :	Demolition of existing stables and creation of a 4-bedroom bungalow with associated basement amenity space

SITE AND PROPOSAL

1. The application site is located on Madrid Avenue which is a private street off Rawreth Lane. The road serves two bungalows and a stable block which is the subject of the application. There is a gated entrance off Rawreth Lane and therefore it serves more as a driveway than a road. The application buildings comprise two groups of stables which once served the equestrian use of the application site. Part of the stables were converted in 2018 as a residential unit. The stables benefit from planning permission to demolish and re-build as three residential bungalows.
2. The application site is located within the Metropolitan Green Belt of Rayleigh. Albeit the site is opposite to the strategic development site on London Road/Rawreth Lane, the area adjoining maintains an appearance which is distinctively open. This is a characteristic and notable feature of the Green Belt which planning policy seeks to safeguard. The plot is bordered by undeveloped agricultural fields offering limited boundaries which contribute to the overall sense of openness of this land as it does the character of the wider area.
3. Planning permission is sought for the demolition of the existing stable block and the construction of 1 no. new dwelling. The proposed dwelling would be constructed in a barn style, comprising a main building with a pitched roof and two further pitched roofed projections. The footprint of the proposed dwellinghouse will occupy a larger footprint than the existing stable block. The building would be finished externally in vertical timber weatherboarding painted black. In addition, the applicant is proposing to erect a basement level.

RELEVANT PLANNING HISTORY

4. Application No. 22/00338/FUL - Demolish existing buildings and construct one four bedroomed dwelling – Approved – 3rd August 2022.

5. Application No. 21/01196/FUL - Demolish existing buildings and construct 1 No. new-build dwelling house – Refused – 13th January 2022. Reasons for refusal:
 1. The 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. The proposed development would amount to inappropriate development within the Metropolitan Green Belt which is harmful by definition. The proposed dwelling would have a scale and massing that would result in a greater visual and spatial impact upon the openness of the Green Belt, by way of the excessive height and footprint in comparison to the buildings that would be replaced. No very special circumstances have been presented that clearly outweigh the harm to the Green Belt, and any other harm, and the proposal would therefore conflict with Green Belt policy contained within the NPPF and Policy DM10 of the Council's Development Management Plan. 2.
 2. The proposed development would result in the change of use of green belt land to residential garden. The garden area would be excessive and disproportionate to the application building. The proposal would result in the change in character of important green belt land given its open and green character fronting Rawreth Lane. The introduction of the residential and urban appearance by way of the presence of garden paraphernalia associated with such a change of use would be detrimental to the character and appearance of the green belt. Therefore, the development would be contrary to Policy DM22 of the Development Management Plan and the NPPF. 3.
 3. The proposed dwelling would be considered to form a poor design by way of its incongruous appearance. The proposal would combine two architectural styles that would create an awkward and uncomfortable arrangement, both of which would appear out of character with the surrounding rural character. The dwelling would emulate a utilitarian and industrial appearance and the bland elevations would further emphasise this poor design. Overall, the appearance of the dwelling would be considered out of character with the traditional rural appearance of the application site and surrounding area, contrary to part (x) and (xi) of Policy DM1 and part (i) of Policy DM3 of the Development Management Plan.
6. Application No. 19/01026/FUL - Re-build conversion of existing stables as approved on 14th November 2018 under application No. 18/00843/FUL to provide 3 No. two bedroomed dwellings – Approved – 3rd January 2020.

7. Application No. 18/00843/FUL - Extend approved dwelling (Unit 1) Ref 18/00267/FUL and convert remaining stables to provide two additional dwellings – Approved – 14th November 2018.
8. Application No. 18/00267/FUL - Change of Use of Stable Building to Residential Use – Approved – 4th July 2018.
9. Application No. 15/00837/DPDP1 - Householder Prior Approval for Single Storey Rear Extension. Projection 8m from Original Rear Wall, Eaves Height 2.40, Maximum Height 3.80m – 22nd December 2015.
10. Application No. 10/00585/LDC - Application for Lawful Development Certificate for Proposed Single Storey Rear Extension - LDC Permitted – 20th December 2010.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development

13. 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.
14. 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 considerations

15. Both policies GB1 and GB2 of the Council's 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.
16. 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.
17. As previously stated, the application site is located wholly within the Metropolitan Green Belt. Paragraph 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. Paragraph 143 repeats the five purposes of the Green Belt, which include:
 - vi) To check the unrestricted sprawl of large built-up areas;
 - vii) To prevent neighbouring towns merging into one another;
 - viii) To assist in safeguarding the countryside from encroachment;
 - ix) To preserve the setting and special character of historic towns; and
 - x) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
18. 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.

19. 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.

20. 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). The proposal would be assessed against exception (g), paragraph 154 of the Framework.

Exceptions under part (g): limited infilling or development of PDL

21. The exception under part (g) allows for limited infilling outside of a village location but in this case the proposal must not have a greater impact on the openness of the Green Belt than the existing development.

22. This part also allows for the development of PDL as long as the criteria identified above is met.

Consideration of site as PDL

23. Previously Developed Land (PDL) is defined in the appendix to the framework as *'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.'*
24. In order to establish whether or not the site constitutes PDL, it is important to consider the existing uses on the site. The current outbuildings were last used for equestrian purposes and as a result do not fall under the traditional use of an agricultural building. This is because horses kept for recreation, sport and business are not classed as an agricultural activity. It was clear upon visiting the site that the application site provided an equestrian facility, which would therefore not fall under agricultural activity. It is therefore clear that the application does not replace buildings of agricultural or forestry building and therefore does represent PDL.
25. The existing stable block is of permanent and substantial construction, consisting of a wooden framed building set on a concrete base. Aerial imagery indicates that the building has been on the site since at least 2010. It is therefore considered that the application relates to an existing building of substantial and permanent construction and would qualify as previously developed land. Moreover, the framework is clear that "it should not be assumed that the whole of the curtilage [of a PDL site] should be developed'. Built development on the site is currently limited to the stable block which is located within a 'C' shape facing westwards. The proposed development would compress the built form, still taking on a 'C' shape to an extent but creating a greater width to the projections and slightly infilling the courtyard centre. The development would be concentrated over land which is occupied by lawful and existing built form and the development would therefore not extend over land which is currently undeveloped. The principle of the development is therefore not considered to constitute inappropriate development within the green belt as it would be considered as PDL.
26. With regards to policy DM10, the following criteria needs to be adhered to for PDL to be considered acceptable:

- (i) is well related to a defined residential settlement;
- (ii) is well related to local services and facilities;
- (iii) has good connections to the strategic road network;
- (iv) would promote sustainable transport modes;
- (v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;
- (vi) is located within the South Essex Coastal Towns landscape character area.

27. It is considered that the development is well related to a residential settlement, local services and facilities with good highway connections (links directly to Rawreth Lane). Rawreth Lane has direct bus routes which are sought to be increased by the services provided by the strategic site that is being carried out south of the application site (Land North of London Road). The proposal is not considered to have a negative impact upon areas of nature conservation importance or the historic environment. The site is located within the South Essex Coastal town landscape character area. Policy DM10 does seek to ensure that the design, scale and siting does not harm the openness of the Green Belt and character of the countryside, this has relevance within the section below.

Impact on Openness

28. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.
29. The existing floorspace is made up of the existing buildings and measures 202m². The footprint of the stables has been taken from the submitted plans for ref: 18/00843/FUL as those submitted with the application do not appear to be accurate with what is on site. As a result of the proposal the floor space would be increased to 285m² (approx.) and the overall footprint of the building (excluding the proposed basement level which will be discussed later) is roughly 327m². The previously approved application 22/00338/FUL which is still extant had a floor space of 265.84m² and overall footprint of 296m². Therefore, according to the submitted plans the proposal will see an increase of 20m² in relation to floor space and the overall footprint of the proposal will increase by 31m² (approx.).
30. In addition to the above, the applicant is proposing to construct a basement which will be used as a gym, dressing room, storage (x2),

plant room and playroom. The proposed basement will have a floor area of approximately 188m² and the overall footprint would be roughly 214m². However, given that the basement would be below ground level, this is not taken into account within the calculations of the proposed floorspace. Furthermore, as the basement is situated underground it will not result in any demonstrable harm to the openness of the Green Belt.

31. The existing stables vary in height between 3m and 4.6m. The majority encompass a height of 3m with only one section comprising the 4.6m height. The stables are therefore low key and single storey. The proposed dwelling would have a maximum height of 5m with the pitched roof projections measuring a lower height of 4.44m. The ground would be dug out 1m below the existing land level height, meaning that from the existing ground level the development would be no greater in height than the existing stables.
32. As previously intimated the proposal will be assessed against Paragraph 154 part (g) of the framework which states that an exception may comprise a “partial or complete redevelopment of previously developed land”. As previously stated, it is accepted that the site constitutes PDL. Notwithstanding the above, exception g) should be read as a whole and goes onto to state the following:
 - 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.
33. The framework identifies the fundamental aim of the Green Belt as “...to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.
34. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.
35. In terms of openness of the Green Belt, the proposal would involve the demolition of the stable block and the construction of a detached dwellinghouse (incorporating a basement). The principal of development has already previously been approved. However,

according to the submitted plans the current proposal intends to increase the scale and mass of the proposal.

36. Consequently, as previously stated, the existing stable block measures 202m². There is an extant planning permission in existence (22/00338/FUL) which granted approval for the demolition of the existing building and the construction of a detached dwellinghouse which had a floor area of 265.84m² and an overall footprint of 296m². The current proposal (excluding the basement) would increase the floor space to 285m², and the overall footprint would measure approximately 327m². As such the proposed dwellinghouse would be roughly 20m² larger in floor space terms and 31m² greater in footprint terms than the extant approval. Subsequently, it is considered that the proposal would have a greater impact upon the openness of the Green Belt by way of its greater spatial (by way of the increased floorspace) impact. The case officer considers an increase in floor space of 20m² and footprint 31m² are not inconsequential. The development proposal would result in an increased scale, massing and bulk to the detriment of the aims and character of the Green Belt. In the opinion of the case officer the proposal would erode the openness of the Green Belt in spatial terms with the development having a greater impact on the openness of the Green Belt and so would not benefit from exception g) of the Framework. Consequently, in the opinion of the case officer the proposed development would therefore fail to comply with relevant policies in the Local Development Management Plan, Core Strategy and Policy 154 of the Framework.

Change of use from green belt to residential garden

37. Policy DM22 of the Council's Development Management Plan allows for extensions of domestic gardens in the green belt provided that they do not impact upon the openness or character of the green belt, amongst other criteria. Whilst the proposal does not relate directly to this policy, it does help to inform the consideration which should relate to ensuring the land remains rural in character and preventing urbanisation outside of the residential areas.
38. The application site is occupied by two stable blocks and a large paddock which fronts onto Rawreth Lane. The proposed site demonstrated on drawing No. 2 of 2 Revision 02 (as per date stated on plan January 2024) has depicted an area of garden adjacent to the dwelling. The garden area would measure some 925m². Appropriate boundary treatments could be erected to separate the garden from the adjoining land, including the other land that would remain within the same ownership but outside of the residential garden. These boundary treatments could be agreed by way of condition.
39. Whilst the proposed garden would not feature outbuildings which would impact on the openness of the green belt, garden use would likely introduce garden paraphernalia which would alter the character and

appearance of the site compared to the existing use of this area of the site. However, a proportionate garden area to serve dwellings would be expected to feature in a proposal for change of use of an existing rural building to a dwelling. To accord with Policy DM22 and guard against large outbuildings which would detract from the openness of the green belt here, it is recommended that permitted development rights for outbuildings are removed if the application is approved.

Design and Impact on the Character of the Area

Layout, Scale and Appearance

40. 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 framework 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 the proposals should contribute positively to making places better for people (para. 131).
41. The framework also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (para. 139).
42. Previously the applicant has worked with officers to achieve an improved design from what had been previously proposed. The resultant dwelling would reflect a barn style typical for the Essex countryside. The proposed dwelling would incorporate proportionate glazing to wall ratio. The dwelling would successfully create an attractively designed building that would stand in its own right, without detracting from the rural appearance of the area. The development would be considered compliant with Policy DM1 and DM3 of the Development Management Plan. However, this does not overcome the previous concerns cited within this report.

Impact on Residential Amenity

43. 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.

44. 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 occupiers to adjacent properties.
45. It is considered that the development of the site for housing is unlikely to result in significant noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
46. The application site is bordered by two bungalows to the north of the stables. There is substantial separation between the application building and the two bungalows so that it is not considered that the proposal would result in material overshadowing. Comparatively to the existing stable blocks, the proposal would be considered to have a greater impact upon the outlook of the bungalows given the massing and use of dark materials. However, the separation between the bungalows and application building would be some 41m and therefore the impact would not be considered unreasonable enough to detrimentally impact the residential amenity of the occupiers. In addition, whilst some fenestration is proposed facing the bungalows, this would serve rooms at ground-floor and therefore the windows would not provide a commanding view. The ground-floor windows could be screened by a boundary treatment which could be imposed by way of condition. Given the factors cited above, it is considered that the proposed development would not cause any significant impact on residential amenity in respect to loss of light, overlooking or privacy to these properties neither would the proposal result in any significant overbearing impact. The proposal would be compliant with Policy DM1 and DM3 in this regard.

Living Conditions for Future Occupiers

Garden Sizes

47. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of 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.

48. The Council's 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-bedroomed dwellings which shall have an area of 50m² minimum.
49. 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.

Technical Housing Standards

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 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.
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. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
54. The proposed scheme is for a single storey 4-bedroomed 6-person dwelling. A dwelling of this size would be required to provide an internal floor space of 99m² with 3m² of built in storage.
55. The standards above stipulate that 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.

56. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 285m², and as such in terms of overall GIA the proposal complies with the minimum specified technical standards. In reference to the submitted plans all the bedrooms comply with aforementioned policies and exceed the Internal floor area requirements and there would be sufficient storage space.
57. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.
58. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Refuse and Waste Storage

59. The Council operate a 3-bin refuse and recycling system. The proposed garden area would provide sufficient storage space for the three bins.

Impact on Highway Safety

60. 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.
61. 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.
62. 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.

63. The site would provide an area off street parking to the west and a further area to the north (rear) of the proposed dwelling. Each area would have the potential to provide at least two off-street car parking spaces measuring to the preferred bay size in accordance with the Parking Standards. The area proposed would be adequate to accommodate at least two car parking spaces in accordance with the parking standards. Details of the exact area of hard-standing and the landscaping proposed could be dealt with by way of condition.
64. No visitor parking is proposed but on a small-scale development this is normally acceptable if adequate parking is provided per unit for the intended residents.
65. It is considered that any intensification resulting from the provision of one new dwelling in this area is not deemed to be of such severity that would warrant refusal of the application. Furthermore, colleagues in Essex County Council Highways have been consulted and raise no objection to the proposed development, stating that *“Madrid Avenue is a private road, adequate room is available to provide the dwelling with a minimum of two off-street parking spaces... the impact of the proposal is acceptable to the Highway Authority”*.
66. Overall, 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.

Flooding

67. 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 framework.

Drainage

68. 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 framework 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, in the event that planning permission is approved, 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

69. 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.”

70. The Council's Arboricultural Officer has been consulted regarding the proposal and raises no objection.

On Site Ecology

71. Paragraph 180 to the framework 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 is required. Policy DM27 of the Council's Development Management Plan states that proposals should not cause harm to priority species and habitats. 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.
72. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.

73. 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. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.

74. The case officer can confirm that a Preliminary Ecological Appraisal has not been submitted in support of this application. As the proposal involves the demolition of a relatively large stable block, which could potentially be a roost for bats, the case officer considered it prudent to consult the Council's Ecologist. Colleagues in Essex County Council's Place Services Ecology state that:

"We have reviewed the submitted documents and note that no ecological assessment has been undertaken for this site. Therefore, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species & habitats. This included a review of Magic Maps (<https://magic.defra.gov.uk>) and aerial photographs of the site.

The desk study concluded that the proposed works are unlikely to impact upon designated sites or Priority habitat. However, as the proposal will involve demolition of a stable block, we consider there is a risk that the works could impact upon roosting bats, which are European Protected species.

Therefore, we are not satisfied that there is sufficient ecological information available for determination of this application and recommend that a Preliminary Roost Assessment for bats is conducted, following standardised methodologies, by a suitably qualified ecologist. Additional information on how to engage an ecologist to complete a Preliminary Roost Assessment is available via the following links: <https://cieem.net/i-need/finding-a-consultant/>. Alternatively, further photographs of the building may be sufficient to scope out the need of this further ecological assessment.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats, European Protected Species. The survey is required prior to determination because Government Standing Advice indicates that you should "Survey for bats

if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”.

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.”

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998”.

75. As no ecological survey of this particular site has been provided it cannot be determined whether there is the presence of protected species on the site. The application is supported by insufficient information to determine the acceptability of the proposal with regard to impact on ecology and the proposal would therefore fail to accord with Policy DM27. The proposal would also be contrary to that part of the framework which requires that development minimises impacts on and provides net gains for biodiversity.

Off-Site Ecology

76. 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.
77. 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 Coast 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

78. 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.

79. 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.

80. On the previous application the applicant paid the suggested 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.

Biodiversity Net Gain

81. 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.

82. 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.

83. Colleagues in Essex County Council Place Services Ecology have been consulted in regard to the proposal and in relation to BNG they state *“we are satisfied that mandatory biodiversity net gains are not required for this application. This is because the development is exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024 as the scheme was submitted prior to the 2 nd April 2024. However, biodiversity enhancements should still be provided for protected and Priority species, to secure measurable net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework 2023. Therefore, a Biodiversity Enhancement Layout should be secured as a condition of any consent for the delivery of bird or bat boxes”*.

CONCLUSION

84. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No objections raised

Essex County Council Highways: No objection. Madrid Avenue is a private road; adequate room is available to provide the dwelling with a minimum of two off-street parking spaces.

Rochford District Council Arboricultural Officer: No objection.

Place Services Ecology: Object for the following reason;

We have reviewed the submitted documents and note that no ecological assessment has been undertaken for this site. Therefore, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species & habitats. This included a review of Magic Maps (<https://magic.defra.gov.uk>) and aerial photographs of the site.

The desk study concluded that the proposed works are unlikely to impact upon designated sites or Priority habitat. However, as the proposal will involve demolition of a stable block, we consider there is a risk that the works could impact upon roosting bats, which are European Protected species.

Therefore, we are not satisfied that there is sufficient ecological information available for determination of this application and recommend that a Preliminary Roost Assessment for bats is conducted, following standardised methodologies, by a suitably qualified ecologist. Additional information on how to engage an ecologist to complete a Preliminary Roost Assessment is available via the following links: <https://cieem.net/i-need/finding-a-consultant/>. Alternatively, further photographs of the building may be sufficient to scope out the need of this further ecological assessment.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats, European Protected Species. The survey is required prior to determination because Government Standing Advice indicates that you should “Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”.

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.”

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

It is indicated that we are satisfied that mandatory biodiversity net gains are not required for this application. This is because the development is exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024 as the scheme was submitted prior to the 2nd April 2024. However, biodiversity enhancements should still be provided for protected and Priority species, to secure measurable net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework 2023. Therefore, a Biodiversity Enhancement Layout should be secured as a condition of any consent for the delivery of bird or bat boxes.

The site location is within the Zone of Influence for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and the development is for residential purposes, so it is relevant to the advice issued by Natural England to the Council. The LPA should seek a financial contribution from the developer in line with the per dwelling tariff, with the

measures secured via S111. payment or legal agreement. The Essex Coast RAMS identifies necessary measures to avoid and mitigate for adverse effects on the integrity of Habitats sites from recreational disturbance in combination with other plans and projects.

Neighbour representations: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

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

Development Management Plan (December 2014) – DM1, DM2, DM3, DM4, DM10, 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 proposed development would result in inappropriate development in the Metropolitan Green Belt. The scale, mass and bulk of the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing built form contrary to policy DM10 to the Council's adopted Development Management Plan and paragraph 154 g) to the National Planning Policy Framework (December 2023). There are no considerations of sufficient weight that would clearly outweigh the harm to the Green Belt and very special circumstances do not exist. The proposed development would therefore fail to comply with Policy of the Council's Development Management Plan and the National Planning Policy Framework and if allowed would cause an incremental loss of openness detrimental to the character of the metropolitan Green Belt.

2. 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. The proposal involves the demolition of a stable block which could potentially be used by bats. No ecological survey has been submitted with the application to establish the presence or absence of protected species at the site or determine appropriate mitigation should it be required. It can therefore not be determined whether the proposal would result in harm to protected species. Insufficient information has therefore been submitted to support the development, contrary to Policy DM27 of the Council's Development Management Plan and relevant parts of the National Planning policy Framework which seek to ensure that development appropriately mitigates impacts on biodiversity.

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

Application No :	24/00250/FUL Zoning:No allocation/Metropolitan Green Belt
Case Officer	Mr John Harrison
Parish :	Hawkwell Parish Council
Ward :	Hawkwell West
Location :	Land West Of 53 The Westerings Hawkwell
Proposal :	Construct 1 No. 4-Bed Detached House with associated driveway, parking and garden.

SITE AND PROPOSAL

1. The application site is located at the right-angled bend where The Westerings and Claybrick Avenue meet. There are houses and bungalows in a variety of styles in The Westerings. Near to the site, the houses in Claybrick Avenue are of more uniform design. With one exception, the properties in the two roads close to the site can be described as “typical suburban” in size. The exception is 53 The Westerings which is more substantial. Access to 53 and the application site is a shared access directly off the outer side of the bend. The application property is an irregular-shaped vacant site between 53 and another substantial house, 10 Tyrells. Tyrells is a cul-de-sac which takes access off Woodlands Road. The site comprises mown grass with some trees on it. The application as submitted only included the part of the site not in the Green Belt . The Green Belt boundary roughly follows a line drawn between the rear of the building at No. 53 The Westerings and that of No. 10 Tyrells. Excluding the Green Belt area from the application meant the house had a very limited rear garden area. The application was amended to extend the site into the Green Belt area. The rear site boundary is now the line of an existing post and wire fence beyond the rear boundaries of the two adjacent houses. Beyond this is other open land and Hockley Woods.
2. The application is to build a substantial two-storey house between 53 The Westerings and 10 Tyrells. Accommodation on the ground floor comprises a lounge, a “study/playroom”, a large kitchen, dining area and “family living area”, a large hall and an undercroft parking area and at the first floor four bedrooms, the master bedroom having a wardrobe area and en-suite, a bathroom and again a large landing area. Parts of the house are two-storey and parts “one and a half” storey and part at the rear is single-storey. It would have a hipped roofed design. The front elevation would have two prominent gables and there would be a dormer above the undercroft. A chimney is shown at the eastern end. There would be two first-floor balconies in the rear elevation. The house would be finished in facing brick, featheredge weatherboarding and “country cream” render with a tiled roof. A Y-shaped driveway will provide access into the site.

RELEVANT PLANNING HISTORY

3. The following planning applications have been submitted on this site:

Application No. 239/49 – Pig sties and greenhouses – Approved 6 September 1949.

Application No. 31/50 – additional poultry house – Approved 7 March 1950.

Application No. 357/60 – outline application for residential development. Permission refused 11 August 1960 for reasons (summarised) as being outside area allocated for development, inadequate drainage and access road not fully made up.

Application No. 337/63- outline application for residential development. Permission refused 10 September 1963 for reasons (summarised) as being outside area allocated for development and private road.

Application No. 124/73 – outline application for residential development. Permission refused 14 June 1973 for reasons (summarised) as being outside area allocated for development and sewerage system overloaded.

Application No. ROC/571/80 – Construct new access road, erection of six detached houses and garages. Permission refused for reasons (summarised) part of site in extended Green Belt, loss of trees, wildlife and intrusion into Hockley Woods. Appeal dismissed – 26 February 1982.

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).

Green Belt considerations

6. As explained above, part of the site is within the Green Belt, part is not. The proposed dwelling is on the residential part of the site so that clearly does not infringe Green Belt policy. Most of the rear garden is within the Green Belt. This proposal came to the Council initially as a request for pre-application advice with the Green Belt land included as

garden. The initial view of officers was the proposal was unacceptable because of the encroachment of the garden into the Green Belt. It was then realised that a dwelling could be built on the front non-Green Belt part of the site. This would have needed a different design from what is currently proposed as it would need to be smaller or further forward so a minimum 100 sq. metre garden could be provided but such modifications would be readily achievable. Once such a house was erected, an application could be made to add the land to the rear to the garden and under the terms of policy DM 22 this would almost certainly be approved as residential gardens surrounded most of the land. When the planning application was made, the Green Belt land was not included in the site, but this left the dwelling with an inadequate-sized rear garden and the application was amended at officers' suggestion. The circumstances relating to this application are unusual, but it is considered appropriate to accept this proposal under the terms of Green Belt policies. A condition removing Permitted Development Rights restricting the erection of further outbuildings on the land would be appropriate.

Impact on Character

7. The proposal is for a large house between two existing large houses. The proposal would be of comparable size so as to relate satisfactorily to adjoining development. The form of the house with gables on the front elevation and other features which break up its mass is acceptable in appearance and design terms. In principle, the proposed external finishes to the house are acceptable, though a condition requiring full details of the materials to be used will be needed. The design of the dwelling is considered to comply with policies CP1 and DM1, therefore.

Impact on Residential Amenity

8. The proposed house is to be sited directly between the two neighbouring houses (No. 53 The Westerings and 10 Tyrells) with the only windows in the neighbouring dwellings likely to be affected would serve landings and bathrooms, and not habitable rooms. Two first-floor balconies are proposed on the rear elevation, but these have side screens so would not unduly overlook neighbouring occupiers. There is one side-facing window in the proposed dwelling which serves a bathroom. It would be appropriate to impose a condition requiring this to be obscure glazed. The occupier of 17 Tyrells has raised objection at overlooking of their house and garden. The distance between 17 and the proposed house at their closest points is 68 metres, way in excess of the 35m distance considered acceptable for flatted development with upper floor habitable rooms and even more than the 25m acceptable distance between houses as set out in the Essex Design Guide. As such there would not be significant overlooking between the two dwellings. There would be some overlooking of their rear garden from one of the front first-floor bedroom windows and to a lesser extent from

another bedroom window which also has a juliette balcony, but this is not considered sufficient to justify refusing permission on privacy grounds, especially as it would only overlook part of the garden. The proposal is considered to comply with policy DM1 in this respect therefore.

Road Safety and Parking

9. Essex County Council as Highway Authority have raised no objection to the proposal but recommend conditions which should be imposed on any permission granted. The vehicular access to the site is on the outside of a bend so has good visibility. Parking provision in accordance with the Essex standards is made and vehicles will be able to turn in the site so as to drive out forwards. Although the Highway Authority has requested a condition requiring areas for the storage of building materials, it is not considered that this is necessary as the dwelling is set back well into the site in a spacious plot. Whilst some materials might be left on the highway for a short period, it would be reasonable to expect the builders to move them onto the site close to where they are working relatively quickly and to avoid theft. There would be little or no passing traffic to be impeded. The proposal is considered acceptable in these respects therefore and considered to comply with policies T1, T8 and DM30.

The Acceptability of the Accommodation

10. The application has been amended to ensure the minimum 100 sq. metres garden area required by the Council's Supplementary Planning Document 2 is well exceeded. The proposed accommodation also needs to be assessed for compliance with the government's Nationally Described Space Standard under the terms of the Council's policy DM4. The dwelling meets the criteria for a four bedroomed/eight person dwelling. The total floorspace of the house excluding the undercroft for parking cars and areas with a ceiling height of less than 1.5 metres (as the standard requires) is 270 sq. metres and well in excess of the minimum 124 sq. metres required. The bedrooms all exceed the 11.5 sq. metre floor size standard. The applicant gives their floor areas as 26.9, 24.2, 15.8 and 19.6 sq. metres and they provide the necessary 2.75 metre and 2.55 metre widths. The standard requires a minimum 3.5 sq. metres of built-in storage space and 5 sq. metres is provided. The proposal is therefore considered to comply with policy DM4.

Drainage

Although the site is in Flood Zone 1, the area of the least risk and to where development should be directed, it is in an area where there is a high risk of flooding from surface water. A flood risk assessment has been submitted with the application and a condition is recommended specifying the ground floor datum and also requiring a flood-resistant electricity supply. Under the Building Regulations provision should be

made in constructing the house for the acceptable runoff of surface water from the house itself and a condition relating to hardstanding on the site and drainage issues is recommended. Runoff from the house should not significantly affect any nearby water courses therefore.

Arboricultural Issues

There are a number of preserved trees overhanging the site in addition to other trees on the site. The footprint of the proposed dwelling avoids their root protection areas, but part of the driveway would need to be constructed within the root protection area of a tree that overhangs the site. An arboricultural report has been submitted with the application and this provides for fencing the tree root protection areas during construction and hand digging where the driveway is being provided. Appropriate conditions to reinforce this and thus protect these trees are recommended.

Wildlife Issues

11. This application was submitted before the date (2nd April 2024) on which the mandatory 10 percent biodiversity net gain condition came into effect in relation to applications for minor development. Consequently, this development would not be subject to the mandatory condition. Nevertheless, it is appropriate to consider biodiversity issues as required by Core strategy policy ENV1 and Development Management Plan policy DM27. An ecological survey has been submitted with the application. There is no evidence of badgers, great crested newts, barn owls or bats on the site, though it is likely that bats forage on the site. There are, however, wood piles on the site and it is possible that hedgehogs inhabit these. The ecological report makes various recommendations and these are reflected in the conditions listed below. Subject to these conditions being imposed, the proposal is considered to comply with policies ENV1 and DM27. The appropriate payment has been made for Essex Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

CONCLUSION

The site is a logical infill site, a gap between existing houses in a residential area large enough to take a new dwelling. The complication in dealing with this particular proposal is part of the site which would be garden area, not built upon, is in the Metropolitan Green Belt. As explained above, it is considered allowing it notwithstanding this is justified, as most of this Green Belt land is adjacent to existing gardens. The dwelling would not unduly affect neighbours in terms of loss of light, overlooking and the relationship between built forms.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council: None received.

Neighbour representations:

Two responses have been received from the following addresses and which make the following comments and objections;

10 Tyrells - application says there are no water courses within 20 metres, but there is one on their boundary with the site. Concern at where run off and surface water drainage will impact.

17 Tyrells - overlooking of house and garden, other nearby houses have been designed to avoid overlooking, plans do not show drainage pipe that runs along end of back garden, plans do not seem to have taken this into account and this could result in gardens flooding; foxes, badgers and barn owls are likely to be disturbed by the development.

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

1. Prior to first occupation of the development and as shown in principle on planning drawing 23.162/02. The dwelling shall be provided with a minimum of two off-street parking spaces, which shall each have minimum dimensions in accordance with current parking standards. The vehicle parking and turning areas shall be retained in the agreed form at all times. Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.
2. Prior to first occupation, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.
3. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

4. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway. Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

Essex County Council Place Services Ecology- No objection subject to securing: a) a financial contribution in line with the Essex Coast RAMS b) ecological mitigation and enhancement measures.

Rochford District Council Arboricultural Officer - A suitable tree impact assessment, method statement and tree protection plan is provided that demonstrates how the tree amenity will be protected during the construction phase.

I would recommend the TPP is an approved document / or conditioned.

A further condition should be applied, further details of the no / reduced dig constructed driveway (addition to the existing) is to be provided. This should be provided prior to any development / demolition occurring at the site. The construction is to be completed as a starting phase of development to allow access whilst protecting the roots of the trees. The method statement should include details of arboricultural supervision, reports and photos will be required to ensure compliance.

London Southend Airport – No safeguarding objections.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – H1, CP1, GB1, T1, T8.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – DM1, DM3, DM4, DM5, DM22, DM25, DM27, DM30.

Essex County Council / Essex Planning officers association Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010).

Rochford District Council Local Development Framework Supplementary Planning Document 2 (January 2007) – Housing Design.

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 proposed development shall be carried out in accordance with drawing numbers 23.162/01 Revision A, 23.162/02, 23.162/03 Revision B.

REASON: For the avoidance of doubt and to define the scope of the permission.

3. Prior to the commencement of any construction work above damp proof course details of the proposed external finishes to be used on the proposed building shall be submitted to and approved by the Local Planning Authority. The building shall then be constructed using the approved finishes.

REASON: To ensure a satisfactory appearance for the proposed development.

4. The construction of the proposed house shall be carried out in full accordance with the Recommendations contained within the Arboricultural Report by the Andrew Day Arboricultural Consultancy dated 29 March 2024 submitted with the application. Prior to the commencement of any work on site, the tree protection fencing shall be put in place as shown on the plan in the document. It shall then be maintained in position until construction is complete. Apart from where it is necessary to construct the driveway in the root protection area for T3, it shall not be moved and no construction staff shall enter into the protected areas or materials be stored within them. When the driveway in the root protection area for T3 is constructed, the work shall be carried out as specified in the Arboricultural Report.

REASON: To ensure the protection of the trees on site.

5. The proposed dwelling shall be constructed with the ground floor set no lower than the datum of 8.060 and the electricity supply shall be installed in accordance with the Flood Risk Assessment by BDA Architecture submitted as part of this application.

REASON: To minimise flood risk.

6. The proposed side bathroom window shall be glazed with obscure glazing and fitted with a restrictor stay preventing opening by more than 15 cms and it shall be permanently retained in that condition for the duration of the development.

REASON: To prevent undesirable overlooking of adjoining property.

7. Prior to first occupation of the proposed development, the developer shall provide free of charge to the occupants a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development.

8. Prior to the first occupation of the proposed dwelling the bird nesting boxes, the bat box, the hedgehog nesting box and the solitary beehives shown on the approved plans shall be provided as shown on the approved plans.

REASON: To ensure the promotion of biodiversity.

9. None of the wood piles on the site shall be removed until the hedgehog nesting box referred to in the previous condition has been installed. The removal of the woodpiles shall be carried out by hand and, if any hedgehogs are disturbed, they shall immediately be relocated to the nesting box.

REASON: To ensure the promotion of biodiversity.

10. The existing gaps in the side fences on the site shall be permanently retained. If the fences are replaced, gaps of the same size in the same position shall be incorporated in the new fences.

REASON: To ensure the promotion of biodiversity by the retention of access to the site for wildlife.

11. The hardstanding areas shown on the approved plans shall be constructed using porous materials. Prior to the first occupation of the proposed dwelling, the driveway in front of the house shall be constructed as shown on the approved plans. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no other hardstanding shall be constructed on the site unless planning permission has been obtained for it.

REASON: To protect the trees on the site and the open character of the Metropolitan Green Belt part of the site, to ensure the provision of

parking space on the site and to minimise the risk of unacceptable surface water runoff from the site.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no extensions projecting beyond the rear of the house shall be constructed or buildings, enclosures or pools constructed to the rear of the house unless planning permission has been obtained for them.

REASON: To protect the open character of the Metropolitan Green Belt .

INFORMATIVES

- 1 The applicant should be made aware that any departure from the approved plan is likely to result in the development being unauthorised with the requirement for a further application to be submitted, which will be dealt with on a "without prejudice" basis. Early contact with the planning department where a change is contemplated is strongly advised although even minor changes are likely to require a new application.
- 2 Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com . Alternatively you can register on www.beforeyoudig.cadentgas.com.

REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

The local Ward Members for the above application are Cllr. N. Booth, Cllr, Ian Wilson and Cllr. Mrs. J. R. Gooding.