



PLANNING APPLICATIONS WEEKLY LIST NO. 1742
Week Ending 24th January 2025

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 27 February 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **29th January 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

Index of planning applications: -

1. 24/00857/FUL – Llamudos Southend Road Great Wakering
PAGES 2-9
2. 24/00808/FUL -National Grid London Road Rawreth PAGES 9-18
3. 24/00733/FUL – 33 North Street Rochford – PAGES 18-32

Application No :	24/00857/FUL Zoning : MGB
Case Officer	Mrs Elizabeth Milne
Parish :	Great Wakering Parish Council
Ward :	Foulness And The Wakerings
Location :	Llamudos Southend Road Great Wakering
Proposal :	Removal of condition no 4 (Occupation of dwelling) pursuant to outline planning permission reference 98/00727/OUT.

SITE AND PROPOSAL

1. The site is located on the northern side of Southend Road to the west of the settlement of Great Wakering.
2. This application seeks to remove condition 4 of the consent for application reference 98/00727/OUT under Section 73 of the Town and Country Planning Act, which granted outline permission to erect an Agricultural Manager's dwelling and demolish the existing bungalow.
3. Condition 4 of this consent reads as follows:

The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working or last working before retirement, in the locality in agriculture or forestry, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) or a widow, widower or dependents of such a person.

RELEVANT PLANNING HISTORY

4. Application No. OL/0013/98/ROC. Outline application for Application No. 98/00727/OUT. Outline Application to Erect Agricultural Manager's Dwelling (Demolish Existing Bungalow) Revised application following OL/0013/98/ROC). Approved.
5. Application No. 00/603/REM. Erect Agricultural Managers Dwelling (Demolish Existing Bungalow) Reserved Matters Application following 98/00727/OUT. Approved.
6. Application No. 00/816/REM. Erect Agricultural Managers Dwelling with Detached Double Garage (Demolish Existing Bungalow) Resubmitted Reserved Matters Application following 98/00727/OUT and 00/00063/REM. Approved.

7. 23/00704/LDC. Application for a lawful development certificate for existing use. Continued occupation in excess of ten years in breach of 98/00727/OUT and 00/00816/REM. Permitted.

MATERIAL PLANNING CONSIDERATIONS

8. This application seeks to remove condition No. 4 of consent for application reference 98/00727/OUT under Section 73 of the Town and Country Planning Act, which granted outline permission to erect an Agricultural Manager's dwelling and demolish the existing bungalow.
9. Condition 4 of this consent reads as follows:

The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working or last working before retirement, in the locality in agriculture or forestry, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) or a widow, widower or dependents of such a person.

Reason: The development hereby permitted is located within the Metropolitan Green Belt and outside any area where planning permission would normally be forthcoming for development not essential for the purposes of Agriculture or Forestry.

10. This application to remove condition 4 relates to whether or not the dwelling being occupied by a person solely or mainly working in agriculture.
11. The Planning Practice Guidance (hereafter PPG) explains that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable.
12. The PPG also explains that conditions should be tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary conditions.
13. The National Planning Policy Framework and PPG are clear that conditions should be kept to a minimum. Planning conditions should satisfy all 'six tests', not just one of the 'tests' which are listed below:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects

14. Generally, the proposal to remove a condition is not an opportunity for the local planning authority to reassess an application, but to allow for changes in local or national policy that may cause a condition prior to become unreasonable or redundant in relation to new policy or guidance. In this instance, the applicant has previously submitted a lawful development certificate (application number 23/00704/LDC) for existing use which set out that there had been continued occupation of "Llamudos" in excess of ten years in breach of Condition 4 (relating to occupation) of the original consent.

15. The evidence submitted within application 23/00704/LDC was considered and it was determined that the evidence provided in that application was clear and unambiguous, and that the Local Planning Authority had no evidence contrary to the evidence submitted by the applicant. The application was therefore permitted and it was considered that on the balance of probability, the occupation of the dwellinghouse known as "Lladumos" by persons in breach of condition 4 of the original consent, was lawful through the passage of time and subsequently a Lawful Development Certificate was issued.

16. As a result of the outcome for application 23/00704/LDC, condition 4 of the original consent is now considered to be immune from enforcement action. As set out above, planning conditions should satisfy all 'six tests', not just one of the 'tests'. One of the tests is that the condition imposed is enforceable, and as a result of the decision for 23/00704/LDC condition 4 of the original consent is now no longer enforceable. As the condition cannot satisfy all six tests. The condition is therefore no longer considered necessary.

17. It is noted that the issuing of the certificate does not preclude future compliance by an agricultural worker, which would then mean the condition retakes effect. It is however considered unlikely that this situation would occur due to the financial loss that would be made in this situation as a result of the reduction in sale price for an agricultural workers dwelling, and by way of the fact that the decision notice would no longer be restricted in such a way and could therefore sell for full market value.

18. Taking this into account, it is considered that Condition 4 of application 98/00727/OUT is not enforceable and therefore no longer necessary.

EQUALITIES AND DIVERSITY IMPLICATIONS

1. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
 - To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.
2. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
3. Taking account of the nature of the proposed development and representations received, it is considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

4. Condition 4 of application 98/00727/OUT is not enforceable and therefore no longer necessary and should be removed from this permission.

CONSULTATIONS AND REPRESENTATIONS

- None received.

Relevant Development Plan Policies:

National Planning Policy Framework 2024

Core Strategy Adopted Version (December 2011) Policies CP1, GB1, GB2, H6, ENV3, ENV9

Development Management Plan (December 2014) Policies DM1, DM4, DM10, DM11, DM13, DM22, DM25, DM27, DM30

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Essex Parking Guidance (2024)

RECOMMENDATION: APPROVE

Conditions:

1. No development shall commence, before plans and particulars showing precise details of Siting, Design and External Appearance of the dwelling hereby permitted and the Landscaping of the site, (herein after called the “Reserved Matters”) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to Local Planning Authority to secure an orderly and well designed development in accordance with the character of the locality.

2. Application for approval of all “Reserved Matters” referred to in Condition 1 above, shall be made to the Local Planning Authority before 4th April 2003. The development hereby permitted, shall be begun before 4th April 2005 or two years from the date of the final approval of “Reserved Matters”, whichever is the later.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no enlargement, improvement, alteration or addition to the dwellinghouse hereby permitted, including its roof, shall take place without the written consent of the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain adequate control over such development in the interests of minimising the impact of the development on the Green Belt.

4. No development shall commence, before plans and particulars, which shall have been submitted to the Local Planning Authority concurrently with the “Reserved Matters” referred to in Conditions 01 and 02 above, showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected on the boundaries of the site, have been agreed in writing by the Local Planning Authority, shall be erected prior to the dwelling to which they relate first being occupied and thereafter maintained in the approved form, notwithstanding the

provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).

REASON: To enable the Local Planning Authority to retain adequate control over such details of screening and/or means of enclosure, in the interests of the visual amenities of the area.

5. No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted and be submitted concurrently with the Reserved Matters referred to in Conditions 1 and 2 above, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

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

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 1995, (including any Order revoking or re-enacting that Order, with or without modification) all access to this site shall be from the existing access between The Bungalow and Grosvenor House, in accordance with the approved drawing no. MOR.1/1197. No pedestrian, vehicular or other means of access shall be formed on the Southend Road frontage of the site.

REASON: To enable the Local Planning Authority to retain adequate control over access to the site, in the interests of highway safety.

7. No development shall commence, before precise details (including surface finish) of the provision for the parking and garaging of vehicles within the site have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied before any scheme of details as may be agreed in writing by the Local Planning Authority, has been implemented in its entirety and made available for use. Thereafter, such provision shall be retained and maintained in the approved form and used for no other purpose which would impede the parking and garaging of vehicles.

REASON: To enable the Local Planning Authority to secure satisfactory provision for the parking and garaging of vehicles, in the interests of amenity and highway safety.

8. The gross internal floorspace of the dwelling shall not exceed 150sq metres in area.

REASON: To minimise the visual impact since the site is situated within the Metropolitan Green Belt where development is not normally permitted.

9. Prior to the occupation, or within three months of completion (whichever date is sooner) of the dwelling hereby permitted, the existing dwelling including the air raid shelter marked 'A' on the plan (no. MOR.1/1197) returned herewith, shall be demolished and removed from the site. In any event, the existing dwelling shall be demolished and removed from the site within 15 months of commencement of construction of the new dwelling.

REASON: To minimise the visual impact since the site is situated within the Metropolitan Green Belt where development is not normally permitted.

10. The septic tank and associated soakaway system shall not be sited within 10 metres of any ditch, pond or watercourse or within 50 metres of any well or borehole.

REASON: To avoid pollution and contamination of any watercourse or water supply in the interests of the public health and amenities of the area.

11. The existing trees and hedgerows shown between the points X,Y and Z on the approved drawing MOR.1.1197, shall hereafter be retained and not pruned, removed or otherwise reduced in height, without the prior written agreement of the Local Planning Authority.

REASON: To enable the Local Planning Authority to secure the retention of the trees and hedgerows, in the interests of the visual amenities of the area.

The local Ward Members for the above application are Cllr. D. S. Efde, Cllr. G. W. Myers and Cllr. Mrs. J. McPherson.

Application No :	24/00808/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	National Grid London Road Rawreth
Proposal :	Proposed development of a drainage connection pipe and headwall for the electrical substation approved under Planning Permission reference 23/00389/FUL on land adjacent to National Grid Rayleigh Substation, Off London Road.

SITE AND PROPOSAL

1. The subject site is a vacant flat green field directly north of the existing National Grid Rayleigh substation complex, which comprises of a number of large transformers, office buildings, plant buildings and large-scale transmission pylons. The site is bound by a hedgerow and trees to the north, beyond which lies an agricultural field containing an electricity pylon. The site is bound by vegetation to the east, as well as a hardstanding area used for storage and an access road. In addition, the site is bound by an electricity substation building surrounded by palisade fencing to the south, beyond which lies National Grid's main Rayleigh Substation, and is bound by vacant grassland to the west, beyond which lies the A130 (circa 110m west of the site boundary).
2. The closest residential properties to the site are located circa 280m to the north east off Beke Hall Chase North. The site is not visible from these properties due to the intervening distance and the presence of a dense area of woodland to the south of the properties. Furthermore, there are properties off the A129 London Road circa 410m to the north of the site. Again, views from these properties into the site would be screened by existing field boundary vegetation.
3. This application proposes a drainage connection pipe and headwall for the electrical substation approved under Planning Permission reference 23/00389/FUL on land adjacent to National Grid Rayleigh Substation, Off London Road.

RELEVANT PLANNING HISTORY

4. Application No. 23/00389/FUL - Erection of an electrical substation – Approved – 6th March 2024.

5. Application No. 21/00522/FUL - Containerised battery storage facility and associated infrastructure including access track and boundary treatment. Land to the south of the A129 London Road (directly adjacent to the northern boundary of the application Site) - Approved - 5th November 2021.
6. Application No. 18/00305/FUL - Construction of a new hard standing access track and gated entrance to the consented Dollyman's Power and Storage Facilities off London Road and construction of gas kiosk – Approved - 20th September 2018.
7. Application No. 17/00939/FUL - Development of a 49.99 MW Battery Storage Facility with associated infrastructure and landscaping. Land to the south of the A129 London Road (directly adjacent to the northern boundary of the application Site) – Approved - 20th December 2017.
8. Application No. 17/00942/FUL - Development of a 49.99 MW Gas Fired Electricity Generating Facility with Associated Infrastructure and Landscaping. Land to the south of the A129 London Road (directly adjacent to the northern boundary of the application Site) - Approved - 20th December 2017.
9. Application No. 95/00345/FUL - Ground Floor Side Extension of Reception and Office Out to Line of Main Building Encompassing Existing Recessed Main Entrance Area. National Grid Substation - Approved - 16th August 1995.
10. Application No. 91/00456/FUL - Extension to office. National Grid Substation – Approved - 24th July 1991.
11. Application No. 84/00571/FUL - Erection of storage building. National Grid Substation - Approved - 5th October 1984.

MATERIAL PLANNING CONSIDERATIONS

12. 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.
13. 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
14. The latest version of the National Planning Policy Framework ('the framework') was revised in December 2024. Like earlier versions it

emphasizes 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.

15. 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.
16. The principle of erecting an electrical substation within the immediate locality has already been approved under planning reference 23/00389/FUL. Therefore, given the characteristics of the immediate and wider area, specifically the precedent set due to previously approved and implemented energy related developments, the proposed development does not conflict with any immediate land uses in proximity. The applicants supporting statement infers that supporting infrastructure is required to provide a drainage connection pipe to serve the approved drainage system for the substation and this would run from the access road to a watercourse to the north of the access road. This infrastructure is necessary to allow the benefits of the proposed substation to be delivered.

Green Belt

17. The subject site is located within the designated Metropolitan Green Belt, as identified in the Council's adopted Allocations Plan (2014), therefore the proposed development needs to be assessed against local Green Belt policies and in relation to the framework. There is a general presumption against inappropriate development within the Green Belt and development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
18. 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. 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.

19. Paragraph 143 of the framework outlines the five purposes of the Green Belt;
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
20. As previously stated, the subject site itself is located in direct proximity to other energy related infrastructure, also located within the Green Belt. One of the key objectives of the designated Green Belt is to restrict any material merging of neighboring towns (in this case, Rayleigh and Wickford) – and it is noted that the relatively modest parcel of land is located circa 1.3km east of the built-up area of Wickford and approximately circa 1km west of the built-up area of Rayleigh.
21. Notwithstanding the above, for the following reasons it was accepted that the erection of the substation amounted to ‘very special circumstances’ due to enabling of a connection to the National Grid Rayleigh Substation for future renewable energy development (in addition to the stated justification of location, which is best suited due to the location beside an existing substation to avoid transmission losses, and the existing substation’s suitability to accommodate future connections due to capacity) at a time of national need for energy security and supporting the deployment of renewable energy generation.
22. Consequently, it had been demonstrated that ‘very special circumstances’ existed for the consented substation scheme, where the benefits of delivering infrastructure required to enable future energy connections for renewable energy to National Grid’s Rayleigh Substation have been accepted to clearly outweigh any harm to the Green Belt.
23. Whilst the proposal would comprise new development adjacent to the consented site it is considered very modest in extent. According to the submitted plans the proposed drain will have a 5m run (approx.) and be set underground (except for the headwall to allow outfall into the adjacent watercourse, which would be set on its bank and thus not widely visible) and thus having no discernible visual impact on the openness of the Green Belt, and no conflict with purposes of the inclusion of the land within the Green Belt. Accordingly, it is considered

that there would be no harm arising from the proposed development to the openness or purposes of including land within the Green Belt.

24. Furthermore, it is considered that the benefits of facilitating the consented supporting infrastructure for net zero development (the consented substation) would clearly outweigh the limited harm as a result of the proposed development.
25. The drainage connection pipe is necessary for the operation of the approved substation and would allow the wider benefits of this scheme to be delivered. The benefits of the substation scheme have been recognised in its approval, and this proposal would contribute toward those benefits and thus would also comply with policy GB1 of the Rochford Core Strategy and guidance advocated within the NPPF.

Design and Impact on the Character of the Area

26. Policy CP1 of the Core Strategy and Policy DM1 of the 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 of the framework).
27. Paragraph 135 of the framework states that planning policies and decisions should ensure that developments inter alia are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and are sympathetic to local character and history, including the surrounding built environment and landscape setting etc.
28. The proposed drainage connection pipe is required to connect the approved surface water drainage system for the substation and access road to a suitable discharge point. The proposed discharge point is the watercourse to the north of the site. The proposed drainage connection pipe would be entirely underground within a dug trench. As such, the impacts on the existing grassland would be temporary while the trench is dug and following this the above ground vegetation would be reinstated with species rich grassland, which would be conditioned accordingly, in the event that planning permission is approved.
29. According to the submitted plans and supporting information the proposed drainage connection pipe would be approximately 5m in length from the access road to the watercourse to the north, to a headwall on the bank of the adjacent watercourse. The proposed headwall will be constructed predominately out of concrete and the drainage pipe will slightly protrude. The proposed headwall will butt up to an existing headwall. As such the design of the headwall is similar to the adjacent headwall with a utilitarian and functional appearance.

30. The design of the development is primarily led by its functional requirements and would be complimentary to existing development at the adjacent National Grid substation. It is therefore considered that the proposal is of a compatible scale and appearance to the existing infrastructure and accords with Policies DM1 and CP1.

Impact on Residential Amenity

31. 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.

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

33. The closest residential properties to the site are located circa 280m to the north-east off Beke Hall Chase North. Furthermore, there are properties off the A129 London Road circa 370m to the north of the site. Views from these properties into the site would not be visible due to the intervening distance and screening afforded through the existing field boundary vegetation and the presence of a dense area of woodland to the south of the properties.

34. It is considered given the scale and nature of the proposal it will not have any significant detrimental impact upon the residential amenities of other properties in the locality in terms of overlooking, overshadowing, and over dominance. Therefore, it is considered that the proposal is compliant with Policy DM1 of the Development Management Plan.

Built Heritage

35. The closest designated heritage assets to the proposed development are the Grade II listed 'Beke Hall' located circa 350m south east and the Grade II listed 'War memorials at Dollyman's Farm' located 390m south west.

36. The Council's Historic Environment Team were consulted on the previous application for the sub-station, and they raised no objection to that application, stating that "due to distance and lack of visibility/intervening development is not considered to contribute to the significance of the heritage assets". Consequently, given that the majority of the proposal will be situated below ground and only element visible is the proposed headwall, which measures approximately 2.2m wide by 0.6m high and will be located within a bank adjacent to a similar sized headwall. Therefore, given the scale and nature of the proposal and the intervening distances the proposal is not considered to result in harm to their significance.
37. The proposed development is therefore in accordance with the guidance contained within the framework and Planning Practice Guidance (PPG) in relation to built heritage.

Drainage & Flood Risk

38. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.
39. The case officer considered it prudent to consult colleagues in SuDs who stated that "*As the discharge location does not appear to have changed, we would not be able to comment*". The development and Flood Risk Officer goes on to enunciate that "*The applicant should still apply for Ordinary Watercourse Consent*", and an informative will be attached to the decision notice bringing this to the applicants attention, in the event that planning permission is approved.

Trees

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

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

Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental

impact through the replacement of equivalent value and/or area as appropriate.'

41. No trees or existing landscaping features would be lost as a consequence of the proposed development.

Biodiversity Net Gain

42. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 subject to some exceptions).
43. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
44. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

EQUALITIES AND DIVERSITY IMPLICATIONS

45. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.
46. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

47. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

48. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments or observations to make.

Essex County Council (Lead Local Flood Authority): As the discharge location does not appear to have changed, we would not be able to comment. The applicant should still apply for Ordinary Watercourse Consent.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - Policies GB1, GB2, CP1, T1, T8

Rochford District Council Local Development Framework Development Management Plan (December 2014) – Policies DM1, DM5, DM11, DM25, DM27, DM30

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

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced 2792-02-04 (Headwall Detail) (as per date stated on

plan December 2024), 2792-02-03 (Statutory Plan) (as per date stated on plan November 2024) and 2792-02-02 (General Arrangement Plan) (as per date stated on plan November 2024).

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

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

Application No :	24/00733/FUL Zoning : Conservation Area
Case Officer	Mr Thomas Byford
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	33 North Street Rochford Essex
Proposal :	Proposed change of use from an office (Class E(g)(i)) to a mixed use as office (Class E (G)(i))/residential (Class C3) to operate as a work/live unit by retaining front office space with 1 bedroom flat to the rear and above.

SITE AND PROPOSAL

1. The applicant seeks planning consent for a change of use from an office (Class E(g)(i)) to a mixed use as office (Class E(G)(i))/residential (Class C3) to operate as a work/live unit by retaining front office space with a self-contained 1 bedroom flat to the rear and above at 33 North Street Rochford.
2. The application building is a modest two storey commercial unit with a shopfront at ground floor. The last use of the unit was as a physiotherapist's clinic, although the unit has been vacant for some time. The application building forms a short terrace with a public house (The Golden Lion) to one side and two small cottages to the other. Its surroundings are mixed in character, and it is in a part of North Street where short rows of houses intermingle with commercial uses. The application site is within Rochford Town Centre and is identified by the Rochford Town Centre Area Action Plan (RTCAAP) as being within the secondary shopping frontage. The overall character of this part of the secondary shopping frontage of North Street is of a commercial area with shopfronts and businesses predominating at ground floor.
3. The building is also Grade II listed. It is an eighteenth-century cottage part of a terrace of cottages and a Public House (list entry number: 1112591). It is also located within the Rochford Conservation Area.

4. The proposal would see the existing office space at ground floor level retained with a living room and kitchen area to the rear. The first floor would have a bedroom and an additional storage room, with an upper mezzanine used as additional storage.

RELEVANT PLANNING HISTORY

5. Application No. 06/00516/FUL - Demolish Existing Addition and Construct Pitched Roofed and Sloped Roofed Single Storey Rear Extensions and Change Use of Buildings From Shop to Residential. – Refused.
6. Application No. 06/00517/LBC - Demolish Existing Addition and Construct Pitched Roofed Single Storey Rear Extension, Provide Replacement First Floor Window, Repair Shop Front and Change Use to Residential – Permitted.
7. Application No. 06/00726/FUL - Demolish Existing Addition and Construct Pitched Roofed and Sloped Roofed Single Storey Rear Extensions. – Permitted.
8. Application No. 06/01026/FUL - Installation of New Shop Front – Permitted.
9. Application No. 19/00795/FUL - Convert existing office and shop to two bedroomed dwelling – Refused.
10. Application No. 19/00796/LBC - Proposed conversion of existing office /shop into original two bedroomed dwelling - Permitted LBC.
11. Application No. 20/00182/FUL - Convert existing office and shop to two bedroomed dwelling – Refused.
12. Application No. 20/00692/DOC - Application for discharge of conditions 3 (details of doors and windows) and 4 (door colour) on 19/00796/LBC. – Discharged.
13. Application No. 22/00217/FUL - Proposed change of use from office (Class E(g)(i)) to a mixed use as office (Class E(g)(i))/residential (Class C3) to operate as a work/live unit by retaining front office space with separation to flat – Refused.
14. Application No. 23/00720/DPDP4D - Application for Prior approval for proposed change of use from office (Class E(g)(i)) to a mixed use as office (Class E(G)(i))/residential (Class C3) to operate as a work/live unit by retaining front office space with self contained 1 bedroom flat to the rear and above – Refused Prior Approval
15. The reasons for refusal from the most recent FUL application (reference: 22/00217/FUL) are given below:

1. It is considered that the proposed use is not compatible with the immediate neighbouring use which is that of a Public House. If implemented, it is likely the public house would give rise to noise and disturbance that would be potentially detrimental to the amenity of the future occupants of the unit of accommodation proposed. No noise survey has been submitted with the application meaning the local authority are unable to properly analyse the noise levels and no heritage statement has been provided to know whether any mitigation would be suitable or required. The proposal is therefore considered to have the potential to result in unacceptable noise levels upon the future occupiers which would be contrary to the principles laid out by policy DM1 of the Local Development Framework's Development Management Plan.

2. It is considered that the proposed would be incompatible with the adjoining public house as without suitable noise mitigation, it is possible that future occupiers may seek actions from the Council to deal with noise and disturbance. This could lead to the public house being unviable and could reduce choice in the town centre's evening economy in the face of the RTCAAP aims to strengthen it. The development would consequently be contrary to Policy RTC1 of the Core Strategy to enhance and strengthen the town centre with a strong mix of uses. The proposal would not achieve the RTCAAP the key objective of providing a diverse range of uses, activities and facilities for local people and strengthening the evening economy.

3. It has not been demonstrated that the 2-bed two storey dwelling would be capable of according with the national Technical Housing Standards 2015. The failure to accord with the national space standards would represent an unacceptable and restricted form of residential accommodation that would be meaningfully injurious to the occupants. The development would therefore fail to provide sufficient minimum space for acceptable living conditions for future occupiers with particular reference to internal living standards and would be contrary to Policy DM4 of the Council's Development Management Plan.

It is therefore considered that with any resubmitted scheme, all three reasons for refusal would need to have been addressed with the proposal.

MATERIAL PLANNING CONSIDERATIONS

16. 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.

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

Impact on the Town Centre

18. The site is located in Rochford Town Centre, where policies from the Core Strategy would apply. Additionally, the proposal should be assessed in accordance with the National Planning Policy Framework (NPPF).

19. Rochford Town Centre is a thriving centre which offers a range of commercial uses including retail alongside a range of other uses which attract people to the area. There are very few vacant commercial premises. Paragraph 88 of the NPPF recognises the role that the planning system plays in ensuring the vitality of town centres and requires that decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth. Policy RTC5 seeks to produce an Area Action Plan for Rochford Town Centre which delivers an enhanced retail offer for Rochford. The Council's Rochford Town Centre Area Action Plan (RTCAAP) policies set out local requirements to ensure the success of this centre. The site is designated as Secondary Shopping Frontage in this action plan.

20. Policy 2 of the RTCAAP identifies that development involving the loss of town centre uses will be permitted where it would:

- Not have a detrimental impact on, or undermine, the vitality, viability and retail character of Rochford's Primary Shopping Frontage;
- Not create a cluster of uses within the same use class in a locality that undermines the character of the centre; and
- Entail the provision of a non-A1 use which is considered to positively contribute to the overall offer and encourage people into the centre.

21. It is clear that application reference 22/00217/FUL sought to align the description of the development (as a Live / Work Unit) with policy and on face value prove compliant. However, this was / is not the case.

22. It is however noted that this should be a use which is accessible to the public, such as the previous physiotherapist which operated from the site. It is not considered favourable for this office space to be used as a work from home style office as this would not meet the core function and objective of planning policy relating to retaining service or retail of some kind on the street. The frontage should remain active to the street which would thereby maintain the character of the centre as a result. Whilst there would be some loss of retail space with the proposal, it is considered that by maintaining some commercial element, the scheme would meet the aims and objectives of the RTCAAP and Policy RTC1.

23. The Council's Economic Regeneration Officer has been consulted regarding the scheme in order to understand the impact that the scheme might have on Rochford Town Centre. The officer has commented on the objections to both 19/00795/FUL and 20/00182/FUL for context. It was concluded that the proposals would have caused a loss of a further commercial frontage in this part of North Street and would add to an existing cluster of non-retail uses, particularly residential dwellings and that the creation of further residential uses in this location would contradict point 2 of the Policy 2 of the RTCAAP. The response does comment that residential development can add to town centres, but this should be limited to floors above ground level, to preserve the existing commercial uses and attract footfall to commercial frontages. This stance is consistent with other schemes, including the Kings Head and Grey Goose public house residential conversions, where requirements to retain the retail frontages were included. Other examples such as that at 45 West Street (16/00468/COU) have been refused as a matter of consistency, with the decision upheld by The Planning Inspectorate at appeal. The decision recognised the importance of retaining small business space and a diversity of uses in secondary retail frontages.
24. Other concerns were raised regarding the impact on the adjacent historic public house, made more complicated by the adjoining structures being listed and the difficulty in soundproofing. There are concerns regarding the potential to jeopardise a public house at a time where three public houses have closed in the vicinity (The King's Head, White Horse and Grey Goose).
25. With the current proposal, many of the same concerns are considered relevant. The application site falls within the Secondary Shopping Frontage within the AAP. Policy 3 of the same states that new development Class A and D uses and other uses considered appropriate in town centres will be acceptable. The proposal for a C3 residential use does not fall within this. The policy also states *development involving the loss of town centre uses will be permitted where it would:*
1. *Not have a detrimental impact on, or undermine, the vitality, viability and retail character of Rochford's Primary Shopping Frontage.*
 2. *Not create a cluster of uses within the same use class in a locality that undermines the character of the centre.*
 3. *Entail the provision of a non-A1 use which is considered to positively contribute to the overall offer and encourage people into the centre.*
26. Although within the vicinity there is a cluster of non-retail uses, the creation of further residential use in this location is considered to contradict point 2 of the above. The proposed scheme however does look to retain *part* of the ground floor for a commercial use, although it is not stated what kind of business this would be.

27. The applicant seeks a use being that of a live / work unit, potentially attractive for some business owners with the convenience of residential accommodation on the same site as dedicated business space. Although the size of the commercial unit to be retained is small, it could lend itself to a small professional office or services. It is considered however that this could limit the future use of the building, with a smaller commercial footprint.
28. The Council does not have a policy that specifically looks at live-work units and although this is looking to be addressed through its emerging Local Plan, approaches from other Local Authorities have been considered as part of this policy drafting.
29. It is considered that the workspace element of proposals should be the primary function, rather than ancillary to the dwelling. As such, live/work units may be appropriate in residential, town centre or employment areas, subject to consideration of impacts on neighbouring uses to the business activity, as well as from neighbouring uses on the residential amenity of the live/work unit. Any proposals in a town centre or employment area should have consideration of the wider economic impact of a live/work unit in this area, and its appropriateness alongside the existing or intended mix of commercial uses.
30. It is recognised that, in the past, some proposals for live/work units have been used as a means of securing residential planning permission. Any proposals for this use will be conditioned to ensure the residential occupancy is restricted to those involved in the business, whilst business space is phased to be delivered first/simultaneously, rather than as a future phase.
31. It is considered that although there is some scope for a live-work unit in this location, the commercial element is small thus limiting the use and future occupiers who might consider such a unit for business.
32. The retention of the active street frontage however is a positive, although the type of shop or service that would occupy this has not been stated within the application. It is recommended therefore by the Council's Economic Regeneration Officer that it is recommended for the applicant to demonstrate bona fide interest or put forward proposals for a business to occupy the unit in advance. Conditions would need to be imposed to prevent the separation of the commercial unit from the residential aspect, as well to prevent subsequent proposals to convert the live-work unit to a full residential dwelling after a cursory marketing exercise to demonstrate lack of demand.
33. It is also considered that due to the lack of vacant ground floor shop units in Rochford currently, it would be beneficial for the applicant to demonstrate that the preferable scenario of the operation of the unit as a full business unit, being that it has greater potential to appeal to a wider range of occupiers and generate more employment due to its

larger floorspace, is not possible and that this scenario is not possible. It is acknowledged that the unit has been marketed previously but is not at present.

34. The potential risk to the ongoing operation of the adjoined Golden Lion public house is also a concern, in which noise levels, if not mitigated and acceptable, having regard to the significance of the listed building, could jeopardise the future operations of the pub. If noise cannot be mitigated in an acceptable manner, the Economic Regeneration Officer has stated that they would object to the proposal given the risk it may pose to the wider vitality of Rochford Town Centre and the evening economy.

Impact on The Conservation Area

35. Paragraph 203 of the NPPF (National Planning Policy Framework 2024) states that: 'plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- (a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - (d) opportunities to draw on the contribution made by the historic environment to the character of a place.'
36. With the alterations proposed understood to be internal only, it is not considered that the proposal would be of significant detriment to the Rochford Town Centre Conservation Area by way of altered materials or design.

Impact on the Listed Building

37. Paragraph 213 of the NPPF (2024) explains that any harm to, or loss of, the significance of designated heritage assets (from alteration or destruction, or from development within its setting, should require clear and convincing justification.
38. Paragraph 215 of the NPPF (2024) states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

39. Place Services Heritage Advice has been consulted on the scheme and it was concluded that following pre-application advice, that were soundproofing to be considered necessary following a noise assessment, there would be principle concerns as to how this could be achieved within the listed building without causing harm to its significance.
40. There is some proposed mitigation for noise reduction including the infilling of a hole between the wall and ceiling adjacent to the main entrance, the insertion of a door between the shop and residential area, and the installation of secondary glazing to the first floor single glazed sash window.
41. The Heritage Advice has indicated that there is minimal detail provided regarding the method or materials proposed for this and without these details provided, there is the potential for harm to the listed building. Further information is required in relation to this in order to assess whether this would be acceptable.
42. The advice also states that in principle, it is considered that the insertion of a new door and secondary glazing would be acceptable, however again, further detail is required in relation to this albeit there is the possibility of this being addressed by condition. Given the lack of detail regarding the method and materials of the infilling above, it is considered that with any resubmission this detail should be included within the planning application stage.
43. It is noted that the advice from this first Heritage Advice response was sent over to the Local Planning Authority, prior to the Council's Environmental Health Officer looking at the submitted noise report.
44. Following the Environmental Health Officer's consultation response in relation to the noise assessment, the Heritage Consultant was reconsulted. In summary, it was considered by Environmental Health officers that conditions would be required to mitigate noise impacts relating to the following; 1) through the shared wall with the Golden Lion public house, 2) internal noise mitigation (commercial to residential) and 3) external noise intrusion (from road traffic and pub activities). It is therefore considered that the soundproofing measures required by condition are fundamental to the acceptability of the scheme. The soundproofing measures comprise the insertion of wall linings and sound absorbing materials, between the floors and materials, a sound reducing internal door between the commercial and residential areas, the installation of double glazing to the bedrooms' single glazed sash window and infilling any sealing of any gaps within the shared wall.
45. The installation of soundproofing however is considered unacceptable in this case and it is concluded that soundproofing would be detrimental to the special interest of the listed building. The installation of sound

absorbing materials would likely cause harm to the historic fabric by way of its placement and attachment as well as have an adverse impact on the appearance of the listed building and its historic room proportions. It is also considered that the proposed soundproofing could impact the technical performance of the listed building, exacerbating or creating moisture related problems.

46. Taking into account the required soundproofing which would need to be installed to make the proposal not only acceptable in terms of noise for occupiers but also to minimise the potential risk to the adjacent Golden Lion public house and wider economy as discussed in paragraph 34 of this report, the proposal is considered unacceptable. With the required soundproofing, the proposal would cause less than substantial harm to the significance of the Grade II listed 33 North Street. Paragraph 215 of the NPPF (2024) is relevant here, and it is considered that that the public benefits of the scheme do not outweigh the less than substantial harm the proposal would cause to the designated heritage asset. The proposal therefore falls contrary to Paragraph 213 of the NPPF.

Impact on Residential Amenity

47. Paragraph 135 of the NPPF (2024) states that planning policies and decisions should ensure that developments (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Part (f) to the same states that policies and decisions should 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.
48. Although there are no additional external openings proposed, albeit with an intensification of the use, it is not considered that the proposal would be significantly detrimental in terms of overlooking upon neighbouring sites, given the existing fenestration and outlook which is of existing public realm to the front elevation, and the distance to the neighbouring dwellings to the west, visible from the room proposed to be storage at first floor. A need for obscure glazing for this window isn't considered necessary in this instance.
49. It is considered that there is suitable soundproofing which could occur to make this change of use acceptable in terms of residential amenity. The issue however arises in that (as already discussed) the installation of the soundproofing would directly conflict with the buildings listed status and is considered to cause harm to the listed building.
50. With the proposed soundproofing therefore not considered acceptable because of No. 33 North Street's listed status, and without the soundproofing installed, it is considered that the building and occupants would experience an unacceptable level of noise through the shared wall with the Golden Lion public house, internal noise from the commercial uses within the building and through external noise

intrusion such as that from road traffic and pub activities, the proposal is not acceptable.

51. It is therefore considered that without soundproofing in place, although proposed, because of the buildings listed status where this is unacceptable, the noise impacts as listed above would be detrimental to occupiers of the building therefore not functioning well and failing to provide a high standard of amenity for existing and future users. The proposal is therefore, without the installation of the soundproofing, considered to fall contrary to parts (a) and (f) of Paragraph 135 of the NPPF.

Highway Safety

52. Policy DM30 outlines that the EPOA Parking Standards will be applied for all new developments, although this may be relaxed in residential areas near town centres and train stations.
53. The Council has recently adopted the Essex Parking Guidance (2024), which now supersedes the previous 2009 guidelines used by Rochford District Council.
54. Notwithstanding the parking normally required for a dwellinghouse use, it is considered that given the site's sustainable location, it is considered that the proposal could operate as a car free scheme. The live/work unit would be in close proximity to local amenities, shops and have good public transport links. The Highway Authority have not objected to the proposal and have accepted the scheme as car free.

Sustainability

55. 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.
56. 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.
57. 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.

58. A 1-bedroomed 2 person dwelling would require a Gross Internal Area of 58m² with 1.5m² of in built storage. The internal floor space of the dwelling would be approximately 60.21m². Although the dwelling does not have built in storage per se, it is considered that the mezzanine area is unlikely to be used for anything but storage given its size. It is therefore considered that this can be used towards the built in storage calculations. The proposal is considered to meet the above dwelling and room sizes required.

Garden Size

59. Rochford Council's Supplementary Planning Document 2 (Housing Design) sets criteria for minimum garden spaces which where possible should be sought in connection with changes of use as the principled residential occupation is the same. The Design Guide criteria for minimum garden areas has been adapted as a result of changing household sizes. The range of house types now required includes a considerable proportion of small dwellings.
60. The site is within a town centre location such that there is access to areas of open public space. Although a concern, it is not considered that this issue would form a robust position such as to justify refusal of the application on these grounds.

Off Site Ecology

61. 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.
62. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

63. 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.

64. 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.

65. The applicant has 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.

Flood Risk

66. The application site is in flood zone 1 with the lowest low risk of flooding and to where development should be directed. A flood risk assessment has not been required in this instance.

BNG

67. 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 for most development. As the proposal includes a change of use where there is no impact on habitats, it is not considered that BNG applies in this case.

Equalities and Diversity Implications

68. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

69. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

70. Taking account of the nature of the proposed development and representations received, it is considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

71. REFUSE.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comments received.

Essex County Council Highways: No objection subject to conditions.

Rochford District Council Environmental Health: No objection subject to soundproofing mitigation.

Essex County Council Place Services Historic Buildings Advisor: It is considered that the insertion of soundproofing in the manner proposed would cause less than substantial harm to the significance of the Grade II listed 33 North Street.

Rochford District Council Economic Regeneration Officer: The view would be that there is potential for a live-work unit to be a positive, however this would need significant safeguards through condition. Also, ideally it should be demonstrated that this could not be retained as a full Class E unit rather than

just having a small portion of it as such, whilst the real critical issue is the potential risk to the neighbouring pub through perceived noise disturbance from a future resident.

Neighbour representations:

One response from 35 North Street (Golden Lion) summarised below;

- The walls between No 33 and No 35 are thin and future occupier's potential complaints could have an adverse impact on the pub meaning a loss of earning potential.

Relevant Development Plan Policies:

- National Planning Policy Framework 2024.
- Core Strategy Adopted Version (December 2011) - CP1, H1, RTC1, RTC2.
- Development Management Plan (December 2014) – DM1, DM2, DM4, DM5, DM25, DM27, DM30.
- Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010).
- Supplementary Planning Document 2 (January 2007) – Housing Design.
- The Essex Design Guide (2018).
- Rochford Town Centre Area Action Plan.

RECOMMENDATION: REFUSE

Reasons for Refusal:

1. The installation of the required soundproofing to the building by condition, if approved, is considered necessary to mitigate noise impacts not only from the adjacent Golden Lion public house but also from the commercial use of the building and other external noise that could impact future occupiers' residential amenity. The soundproofing required however would be incompatible with the buildings listed status. The required soundproofing would be detrimental to the special interest of the listed building with the installation of sound absorbing materials likely to cause harm to the historic fabric by way of its placement and attachment as well as have an adverse impact on the appearance of the listed building and its historic room proportions. It is also considered that the proposed soundproofing could impact the technical performance of the listed building, exacerbating or creating moisture related problems. With the required soundproofing, the proposal would cause less than substantial harm to the significance of

the Grade II listed 33 North Street. There is little public benefit that would outweigh the harm on the building and therefore the proposal would fall contrary to Paragraphs 213 and 215 of the NPPF (2024). A failure to install soundproofing would mean the proposal would have adverse impacts on the residential amenity of occupiers of the building, conflicting with Paragraph 135 (a) and (f) of the NPPF. Failing to adequately soundproof the building could also lead to the adjacent Golden Lion public house being unviable and could reduce choice in the town centre's evening economy in the face of the RTCAAP aims to strengthen it. The development would consequently be contrary to Policy RTC1 of the Core Strategy to enhance and strengthen the town centre with a strong mix of uses. The proposal would not achieve the RTCAAP the key objective of providing a diverse range of uses, activities and facilities for local people and strengthening the evening economy.

2. No information has been provided to show that the building is not able to retain its full Class E use or that it is currently marketed in an attempt to retain that use. It is considered necessary for the applicant to demonstrate bona fide interest or put forward proposals for a business to occupy the unit in advance. Without doing so, it is considered that the proposal conflicts with the aims of the Rochford Town Centre Area Action Plan.

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