



PLANNING APPLICATIONS WEEKLY LIST NO. 1717
Week Ending 28th June 2024

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 25 July 2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **3rd July 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

Index of planning applications: -

- 1. 22/01193/FUL – 44 Golden Cross Road Ashingdon PAGES 2-20
- 2. 22/01180/FUL - Rainbows End Beeches Road Rawreth PAGES 20-30
- 3. 23/00949/FUL - Land West Of 4 Spruce Drive Hawkwell
PAGES 31-59

Application No :	22/01193/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Ashingdon Parish Council
Ward :	Hockley And Ashingdon
Location :	44 Golden Cross Road Ashingdon Essex
Proposal :	Demolition of existing two-bed detached bungalow, construct 2no detached bungalows to rear of site with new access road from Golden Cross Road and 1 No. detached bungalow to front of existing site.

SITE AND PROPOSAL

1. The application site is situated on the eastern side of Golden Cross Road. The site constitutes a sizeable plot in which there is located a small brown pebble dashed bungalow served by three car parking spaces to the front and a long private garden space to the rear occupied by a number of small outbuildings. According to the submitted plans the plot measures in excess of 1200m². The existing bungalow which is diminutive in size by comparison to the development around it appears to be one of the last of its kind as the street has been subject to a number of knock down and rebuild developments in more recent times which has improved the visual amenity of the street scene.
2. The area is predominately residential in character and is located wholly within the built envelope of Ashingdon. There is an eclectic mix of properties on Golden Cross Road comprising bungalows, 1.5 storey properties, detached and semi - detached dwellinghouses. A wide palette of materials has been used in their construction including differing facing brick, render and various roof tiles. The roofscape is not homogeneous in this locality and comprises gables and hips. It is noted that all the properties are well set back from the public highway in good sized plots, which gives the area a spacious feel. Some of the properties are set further back into their plots than others and as such there is no distinct regimented building line.
3. According to the submitted planning application forms and accompanying plans the existing property will be demolished, and the land cleared. The proposal is then to subdivide the site into 3 separate distinct plots. The applicant is proposing to erect 1No. detached bungalow adjacent to 42A Golden Cross Road. A newly formed access road separating the flank elevation of the proposed dwellinghouse, and No. 46 Golden Cross Road will be created. This proposed private drive will be located perpendicular to Golden Cross Road. Located towards the rear of the site the applicant is then proposing to erect 2No. detached bungalows which will be accessed via the proposed private

drive. Each of the properties will be served by private rear amenity space and car parking on the plot frontage.

RELEVANT PLANNING HISTORY

4. Application No. 22/01192/FUL - Demolition of detached two-bedroom bungalow and erection of semi-detached bungalows – Approved – 21st February 2024.
5. Application No. 92/00401/FUL - Single Storey Rear Conservatory – Approved – 20th August 1992.
6. Application No. 91/00343/FUL - Single Storey Side and Rear Extensions Including New Pitched Roof Over Part, Alterations and Front Porch – Approved – 16th July 1991.
7. Application No. 90/00720/FUL - Detached Garage and Add Single Storey Extensions to Rear and Sides – 22nd November 1990.
8. Application No. 88/01041/FUL – Two Semi Detached Bungalows – Approved – 29th December 1988.
9. Application No. 88/00490/FUL – Pair of Semi Detached Chalets with Part Integral Garages – Approved – 2nd September 1988.
10. Application No. 88/00151/FUL – Erect a Pair of Semi Detached Houses – Refused – 22nd April 1988.

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).

Principal of Development
13. The National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.

14. The NPPF also advises that planning policies and decisions should ensure that developments:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
 - e) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
15. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
16. Policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached properties or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and plot boundaries.
17. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development

Management Plan seeks demonstration that infill development positively addresses existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality.

18. The applicant has submitted a full planning application and the proposal involves the demolition of the existing detached bungalow and the erection of three detached single storey dwellinghouses on the plot. The proposed development will require the subdivision of the existing plot and one dwelling will be erected on the site frontage maintaining a similar building line to the properties on either flank (Nos. 42A and 46 Golden Cross Road) and the remaining two dwellinghouses will be situated towards the rear of the plot in a tandem form of development. These properties will be accessed by a private drive which is perpendicular to Golden Cross Road and traverses the flank elevation of the proposed dwellinghouse located at the site frontage.
19. The development is one that proposes re-development of the site for an intensified residential purpose. National and local policies encourage the effective use of land. As the site lies within a designated primarily residential area policies DM1 and DM3 allow for new residential development where it is consistent with other Local Plan policies. Therefore, on the basis of the above assessment, the broad principle of the proposed development is considered acceptable. Other material considerations relating to the acceptability and design of the development as an infill development, the living conditions of the future and neighbouring occupiers, ecology and highways issues etc. are assessed below.
20. In terms of housing need, the Council has an up to date 5-year housing land supply; however, additional windfall sites such as this would add to housing provision in the district.

Design Principles: Appearance and Scale

21. The National Planning Policy Framework which sets out the government's planning policies for England was revised in December 2023. The revisions increased the focus on design quality, not only for sites individually but for places as a whole. Terminology is also now more firm on protecting and enhancing the environment and promoting a sustainable pattern of development. The Framework at Chapter 2 highlights how the planning system has a key role in delivering sustainable development in line with its 3 overarching objectives (Economic, Social and Environmental) which are interdependent, and which need to be pursued in mutually supportive ways such that opportunities can be taken to secure net gains across each of the different objectives.

22. The social objective of national policy is to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The National Planning Policy Framework at Chapter 12 emphasises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
23. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. Policy DM1 specifically states that *"The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative"*. It also states inter alia that proposals should form a positive relationship with existing and nearby buildings.
24. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
25. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
26. According to plan references 2105 04 and 2105 09 the proposal is for the erection of three single storey detached properties. According to the submitted plans plot No.1 will be constructed on a similar footprint (albeit located closer to the flank elevation of no 42A Golden Cross Road), whilst the remaining plots 2 and 3 will be situated towards the rear of plot No.1, thus forming a tandem form of development. Access to plots 2 and 3 will be via block paved drive which would traverse the whole of plot No.1. There will be a communal bin store located adjacent to No. 46 Golden Cross Road. Located at the front of the proposed properties will be two car parking spaces and towards the rear will be private amenity space, which incorporates a cycle store.

27. As previously stated, the Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached dwellinghouses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and the plot boundary.
28. It is demonstrated that the quantum of development can be accommodated within the site. The case officer has measured the plot which amounts to approximately 1293m². It is the case officer's opinion that the proposed dwellings would be situated in a relatively large level plot and as such will not appear cramped. Furthermore, the proposed dwellinghouses will be sited a minimum of 1m off the plot boundaries in those elevations which have habitable rooms. Moreover, the plot width measures roughly 16.4m which is commensurate with other neighbouring plots and as such the development will not appear overly cramped or constrained and as such broadly accords with guidance advocated within the SPD.
29. As previously stated, the NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed. Moreover, according to the SPD 2 Housing Design and policy DM1 infers that proposals should respond positively to the character, local distinctiveness and form of its surroundings and that significant importance is given to layout considerations and that proposals should be respectful of the urban grain. Consequently, any redevelopment of a site, which especially where it forms a significant part of local character, and disrupts the urban grain may be considered unacceptable.
30. According to the submitted plans plots Nos. 2 and 3 at the rear of the site will be identical. The plans indicate that the proposed dwellinghouses will have a roughly elongated rectilinear footprint. The proposed dwellinghouses will roughly measure 15.9m long by 6.5m deep (as measured at the widest points) with a footprint of 83m². The proposal will measure 2.6m high to the eaves and to the highest part of the roof is 6.3m. The proposals will incorporate a pitched roofed design. Furthermore, it is considered that the projecting gable elements on the front/rear elevations helps to break up the scale and massing.
31. The applicant is proposing to utilise a relatively simple palette of materials. The bungalows will be constructed out of facing brick with elements of Cedral click composite cladding, which will be black in colour under a concrete interlocking tile roof. The proposed bungalows

will incorporate apertures of various sizes, and the fenestration helps to make the proposal appear less stark and stolid.

32. Internally the property will comprise open plan kitchen/lounge, hall, 2No. bedrooms (1 will be en-suite), storage cupboard and family bathroom.
33. According to plan reference 2105 05 plot No.1 fronting Golden Cross Road will have a footprint which is shaped like a letter 'L'. The proposed dwellinghouse will measure approximately 9.4m deep by 11.5m long (as measured at the widest points) with a footprint of 80m². The proposal will measure 2.4m high to the eaves and to the highest part of the roof is 5.9m. The development will incorporate two box bay windows on the front elevation and projecting gable elements, which help to alleviate the scale and mass of the building and make it appear less stark. Generally, it is considered that the heights and massing of the proposed dwellings are not as such that the development will appear excessive or dominant by reason of scale.
34. Once again, the proposal will be constructed out of facing brick with elements of Cedral click composite cladding, which will be black in colour under a concrete interlocking tile roof. The proposal incorporates apertures of various sizes, and the fenestration helps to make the proposal appear less stark.
35. The internal accommodation will comprise open plan kitchen/lounge, hall, 2No. bedrooms (1 will be en-suite), storage cupboard and family bathroom.
36. It is noted that the surrounding area has a broad building typology as stipulated earlier in this report. It is considered that the design of the proposed dwellings is quite modern and contemporary in nature. Furthermore, it is reasoned that the design of the proposed dwellings is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. Whilst it is seemingly not being innovative in any particular way it would not be considered to be tantamount to alien built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. It is considered given the nature and design of the proposal the materials which will be used to construct the dwellings will be pivotal and these will be secured by the imposition of an appropriately worded planning condition. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the NPPF and policy DM1.

Layout

37. Both the Rochford Development Management Plan and the NPPF promulgate that developments should function well and add to the

overall quality of the area. The documents also advise that developments should be visually attractive due to good architecture and layout. Furthermore, the Councils SPD 2 Housing Design infers that a development which is out of scale and unduly obtrusive...will be refused.

38. Typically, this locality is defined by dwellings having a strong frontage and presence in the streetscene. This characteristic is further strengthened by the spaciousness of the plots generally which have matured to give an attractive and distinctive quality. Generally, the sizeable rear gardens to these properties and the spacing between the properties are a prominent feature which gives a sense of spaciousness to this particular group of dwellings.
39. The proposal is considered to cause significant harm to local distinctiveness of the area by introducing a backland residential development and the benefits arising from the proposal do not outweigh the harm. The proposal would fail to either reinforce or enhance the identity of the neighbourhood nor result in a visual positive impact. Overall, it is considered that the arrangements of buildings and space within the site would appear as incompatible and incongruous by harming the sense of spaciousness and would fail to achieve a high standard of design and that would not respect the pattern, character or form of the surrounding area. As such the proposal would form an unacceptable form of backland development.
40. The case officer is aware of other developments within the immediate locality, for example the group of dwellinghouses forming 1 to 3 Golden Cross Mews which are situated towards the south of application site. These properties form a small distinct cul-de-sac arrangement, and the built form spreads out beyond the rear elevations of the neighbouring properties and thus form of backland development and it has been inferred by the applicant that this should carry significant weight to the determination of this application. The existence of this development is not an appropriate justification for permitting the proposed development here. It is the case officers' opinion that examples of disharmonious development should not be used for justification for similar discordant proposals. Furthermore, the application pertaining to that development was considered prior to the adoption of Rochford District Council Development Management Plan 2014 and prior to the adoption of the Councils SPD2 Housing Design (2007) and the National Planning Policy Framework (2023), which are all significant material considerations. Both Marry Court further south and Golden Cross Mews demonstrate a greater degree of fit to the surrounding buildings. Becket Close would appear to adopted standard or very close to it. Policy H1 to the Council's Core Strategy seeks to resist the intensification of areas where harmful but allow in merit redevelopment that would relate well to the existing street pattern and character of the locality. The existing examples of development in depth near to the site described above, enjoy a good relationship to their surroundings.

However the current proposal would have a cramped appearance reflecting the plot width limitations of only 8.23m width for Plot 2 and a lack of suitable sidespace between both dwellings to plots 2 and 3 of 1.17m.

41. To conclude the proposal would lead to a form of backland development which would create an incongruous feature in an area characterized predominately by frontage development in spacious plots. Whilst the removal of the existing detached bungalow is welcomed as it has very little architectural merit and its removal would help to improve the area, it is considered that the development of the site in the manner proposed would not harmonise or make a positive contribution to the character of the area and will appear as alien form of development in this locality therefore failing to comply with policies H1, DM1, DM3, SPD 2, and advice advocated within the NPPF.

Impact on Residential Amenity

42. 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.
43. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
44. It has been accepted that the development of the site for housing is unlikely to result in noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
45. Para 7.1 of the Councils SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.

46. The application site is flanked by two neighbouring properties. The application site is adjoined by No. 46 Golden Cross Road to the north and No. 42A Golden Cross Road to the south. To the east (rear) of the application site are open fields which form part of the wider Metropolitan Green Belt designation.
47. The impact that the proposal will have on the neighbouring property No.46 Golden Cross Road is considered to be negligible. It was observed that this property (No.46) is a relatively large 1.5 storey detached property. The case officer noted that the boundary delineating this property from the application site comprised mature ornamental hedgerow approx. 1.8m high (at the time of the site visit). According to the submitted plans there will be a distance of approximately 8.2m separating the flank elevation of plot No.1 from the flank elevation of No.46. It appeared that there is a window in the flank elevation of No.46 facing the application site (however, this is obscured by the boundary hedge but the headers above the assumed aperture could be seen). Nevertheless, side windows are commonly overshadowed in residential areas due to the proximity of neighbouring properties. In relation to plot No. 1 the only aperture on the flank elevation facing No.46 will be a personnel door which will serve the open plan kitchen/dining room. In the opinion of the case officer given the separation distances, boundary treatment/landscaping (subject to the imposition of conditions) will all help to mitigate any negative externalities caused by the proposed development. Furthermore, given the nature and scale of the proposed development it is considered that the proposal will not result in any over domination, over bearing or loss of privacy issues and as such the proposal broadly complies with policy DM1.
48. In relation to plots 2 and 3 there is a distance in excess of 25m separating the front elevations of these plots from the rear elevation of No.46. However, due to the nature and scale of the proposed dwellings and given their location and juxtaposition in relation to No.46 these apertures will not be directly overlooked. Furthermore, it is considered that the boundary treatment, which will be conditioned accordingly will help to alleviate any negative externalities associated with the proposed development.
49. The case officer notes that the applicant is proposing to install a communal bin store adjacent to the flank elevation of No.46. This bin store will serve all three proposed properties. The case officer is concerned about noise, smells etc. emitting from the bins especially during hot weather and the impact that this would have upon residential amenity. The officer notes that there is sufficient space within the rear gardens of all the plots for the bins to be secured discreetly, and in the event that planning permission is approved it will be conditioned for the bin store to be omitted.
50. According to the submitted plans (plan reference 2105 04) the access to the plots 2 and 3 will be via a newly created shared private drive,

which would run the full length of plot No.1 culminating in a turning area serving plots 2 and 3. This shared access drive will also be located adjacent to the boundary separating the application site from No. 46. It is considered that the additional vehicular comings/goings attributable to the proposal will cause some noise and disturbance to the residential amenities of the occupiers of No.46. However, as the access drive will only serve two dwellings it is not considered that the resultant noise and disturbance are sufficient to warrant a refusal and substantiate it at any future Appeal.

51. Due to the articulated design of the proposed dwellings (plots 2 and 3), it is considered that the proposal will have a minimal impact on the residential amenities of the occupiers of No. 42A Golden Cross Road, which is located to the south. There is a distance in excess of 18m separating the front elevations of these properties from the rear elevation of No.42A. Furthermore, plot No.3, which is closest to the boundary with No.42A is set off the boundary by roughly 1m. The boundary treatment comprises a 1.8m high close boarded timber fence. Given the nature and scale of the proposal, intervening boundary treatment and separation distances will all help to mitigate any negative externalities caused by the proposed development. Overall, it is not considered that the proposed development would cause any significant issues with regard to loss of light or privacy to this property (No.42A) nor that it would have an overbearing impact.
52. In relation to plot No.1 it is noted that the proposal will be situated approximately 1m from the common boundary shared with no. 42A Golden Cross Road. It was observed that this property (No.42A) is a large semi detached two storey dwellinghouse. Furthermore, the case officer witnessed that there were several apertures on the flank elevation of this property (all at ground floor level) facing the application site. The boundary treatment demarcating the properties comprised a 1.8m high close boarded timber fence.
53. There is an established principle that primary windows such as those serving lounges, kitchens and bedrooms are more appropriately located in the principal elevations of the dwelling, and secondary windows, such as those serving bathrooms, en-suites, staircases, and landings are more appropriately located on the subordinate elevations, such as flanking side walls of dwellings. According to the submitted plans the proposal will incorporate two small windows one to serve kitchen space and the other a bathroom. Given the relative positions of these windows and the treatment of the gable elevations of neighbouring properties it is considered that there are no significant overlooking issues. Furthermore, given the scale, design and nature of the proposal it will not result in any significant overshadowing nor given the juxtaposition of the properties will it appear to be overbearing.
54. Overall, it is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring

properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties. The proposal is compliant with policies DM1 and DM3 of the Development Management Plan.

Living Conditions for Future Occupiers

Garden Size

55. The NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
56. The Council's guidance in SPD2 requires the provision of a minimum useable private garden area for new dwellings of 100m². An exception for this is one and two bedroomed dwellings where a minimum private garden area of 50m² is considered acceptable when the second bedroom is not of a size that would allow subdivision into two rooms.
57. The proposed development would erect three 2-bedroomed dwellings. The garden areas for the proposed dwellings would each measure over 100m² and would be compliant with SPD2.

Technical Housing Standards: Overview

58. New dwellings must comply with the Technical Housing Standards introduced in March 2015, as cited by the Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards which sets out minimum space requirements for the gross internal area as well as required floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
59. A dwelling with two or more bed spaces should have at least one double room. In order to provide two bed spaces, a double or twin room should have a floor area of at least 11.5 square metres. One double or twin room should have a width of at least 2.75 metres and every other double room should have a width of at least 2.55 metres. Any area with headroom of less than 1.5 metres is not counted within the gross internal area. 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. The minimum floor to ceiling height should be 2.3 metres for at least 75% of the gross internal area.
60. The minimum gross floor space for a single storey dwelling is 50m² which is exceeded whilst the bedroom space and storage space is provided.

Drainage

61. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

Flooding

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

Impact on Highway Safety

63. Policies DM1 and DM3 of the 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.
64. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
65. 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.
66. The proposed layout plan (Plan Reference 2105 04) shows two new vehicular accesses onto Golden Cross Road. One of the new accesses will solely serve plot No.1, whilst the remaining access will serve plots 2 and 3. A shared private drive will traverse the flank elevation of plot No.1 culminating in a turning area. Colleagues in Essex County Council

Highways Department have been consulted on the current application and state *“The proposal includes the demolition of the existing dwelling, subdivision of the site and creation of three new dwellings. Two new vehicle accesses are included and a shared driveway and turning area are proposed for the two dwellings at the rear. Any redundant part of the existing central access shall be closed”*.

67. The Highways Engineers go on to state that they have no objection to the proposal subject to conditions relating to accesses to be constructed at right angles, accesses to be provided with appropriate dropped kerbs, any redundant accesses to be closed, two off street car parking spaces to be provided, cycle parking, residents travel information pack, reception and storage of building materials and standard informatives, which will all be secured by the imposition of appropriately worded planning conditions, in the event that planning permission is approved.
68. It is considered that there is sufficient car parking arrangements and appropriate access to serve the proposed dwellings. In conclusion, the proposal is acceptable 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.

Trees

69. 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.’

70. It is noted that there were several trees and shrubs around the periphery of the application site. It is acknowledged that the existing trees/shrubs are of no high amenity value and subsequently their removal will be no real concern.

On Site Ecology

71. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
72. A Bat survey is submitted which indicates that the roof void was accessed via a hatch in the centre of the property. There was no evidence of bats on the partly boarded floor of the loft or along the internal eaves of the property. Externally, there was a tight seal to the PVCu barge boards and soffits, and also to the roof slates. A detached single-garage with a tiled roof and pebble-dashed walls was almost completely obscured by Bramble. There was a shallow-pitched roof void and, although there was evidence of rodents, there was no evidence of the presence of bats. Since there was no evidence of bats at the site, a European Protected Species Licence will not be required for this project.

Off Site Ecology

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two additional dwellings

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

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

- No

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

- No

75. As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.
76. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. The case officer notes that the applicant has made a RAMs payment in relation to planning application 22/01192/FUL. This application related to one additional dwellinghouse and requisite financial contribution had been paid. However, this proposal is for two additional dwellinghouses and an additional fee will be required for the extra property. The required financial contribution has not been paid to the Local Planning Authority and this will form an additional reason for refusal.

Other Matters

77. Concerns have been raised regarding the submitted plans are not a true reflection of the adjoining properties. In particular the submitted plans show that No. 42 is a detached dwellinghouse. However, this is inaccurate, what was the detached dwellinghouse has since been demolished and replaced with a pair of semi detached dwellinghouses (42 and 42A). The plans do not reflect these changes and as such it is difficult to scale off the plans and ascertain what impact the proposal will have on the occupiers of this property (No. 42A). In response it is usually expected that the proposed site layout plan has accurately shown the relative positions of other existing properties as at the time of submission of the planning application. The case officer can confirm that he has attended the site and whilst it is acknowledged that the submitted layout plans do not depict the neighbouring properties as they are currently built, a full and impartial assessment has been conducted.

CONCLUSION

78. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Ashingdon Parish Council: No comments received.

Essex County Council Highways:

No objections subject to conditions accesses to be constructed at right angles, accesses to be provided with appropriate dropped kerbs, any redundant accesses to be closed, two off street car parking spaces to be provided, cycle parking, residents travel information pack, reception and storage of building materials and standard informatives.

Neighbour representations:

Three responses have been received from the following addresses;

Golden Cross Road: 42A (2 letters received) 46.

And which in the main make the following comments and objections:

- The new proposed footprint/plan for plot 1 will be far closer to the property boundary (between 44 and 42A). This will impact privacy and reduce current afternoon/evening sunlight into 42A's kitchen window and living room space, including reducing early evening sunlight into the garden area at 42A;
- The new proposed footprint/plan for plot 1 will be far closer to the current boundary/fence/property at 42A. This will impact privacy due to

- the two windows (bathroom and kitchen) proposed for plot 1 i.e. the proposed side elevation facing property 42A;
- Plot 2/Plot 3 no comments, except this is close to the boundary fence and will overlook 42A living, kitchen and garden area;
 - The submitted plans have not been drawn correctly. In particular no.42 has shown the submitted layout plans is a detached property. However, this is inaccurate, the original property has been replaced with a pair of semi detached dwellinghouses and as such it is difficult to ascertain what impact the proposal will have;
 - We feel that, as the neighbouring property at 46 Golden Cross Road, having three bungalows on this plot would create additional noise and light pollution for us, particularly in respect of the access road to the side, adjacent to our property. We also feel that we would be overlooked, particularly by the two bungalows set back on the plot, and would lose the privacy we currently enjoy in our garden;
 - We also have concerns regarding the gardens of the two bungalows to the rear, as they would be adjacent to the currently unattended plot of land to the rear of our property which contains some large trees, meaning that the gardens would have limited light, even at the height of summer, making them virtually unusable for the occupants.
 - We also feel that the application to put three properties on this plot would not be in keeping with the surrounding properties / other properties in the area, as they would all have very small gardens for the size of the properties.
 - Finally, we are also unhappy with the proposed location of the bin storage as noted per the plans, as this would be next to our fence and would create unwelcomed noise and nasty smells for us, plus may also attract vermin / unwelcome wildlife activity on our property.
 -

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) – CP1, ENV1, T8.

Development Management Plan (December 2014) – DM1, DM3, DM4, DM8, DM9, DM10, DM25, DM27 and DM30.

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

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

The Essex Design Guide (2018).

Natural England Standing Advice.

RECOMMENDATION: REFUSE

1. The proposed siting of plots Nos. 2 and 3 towards the rear of plot No.1 would result in a cramped form of tandem development causing significant harm to the character of the area and local distinctiveness. The proposal would disrupt the urban grain and would not relate well to the character of the locality and would not integrate successfully contrary to Policy H1 of the Council's Core Strategy. It is considered that the proposal would not achieve a high standard of design and layout and would if approved, detract from the established character of the development pattern resulting in an intensification of the site failing to relate well to the existing street pattern and tantamount a form of backland development and would have a materially harmful effect on the character and appearance of the area contrary to the requirements of the Council's Local Development Framework, particularly policies H1 , DM1 and DM3, SPD2 Housing Design and would if allowed fail to raise the standard of design more generally in the site area in failing to fit with the site surroundings contrary to paragraph 139 b) to the National Planning Policy Framework.
2. The application does not include a sufficient mechanism to secure suitable mitigation in the form of a standard contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. Based on the precautionary principle, it is considered that the proposed scheme would be likely to have a significant adverse effect on the SAC and SPA due to the potential increased disturbance through recreational activity. The proposal would therefore fail to comply with the requirements of the Regulations. It would also fail to accord with Policy ENV1 of the Rochford District Council, Local Development Framework Core Strategy which seeks to maintain, restore and enhance sites of international, national and local nature conservation importance. It would also be contrary to Paragraph 180(a) of the National Planning Policy Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.

The local Ward Members for the above application are Cllr. M. R. Carter, Cllr. Mrs. D. L. Belton and Cllr. R. P. Constable.

Application No:	22/01180/FUL	Zoning: Metropolitan Green Belt
Case Officer:	Mr Arwel Evans	
Parish:	Rawreth Parish Council	
Ward:	Downhall And Rawreth	
Location:	Rainbows End Beeches Road Rawreth	
Proposal :	Retention (incorporating relocation) of 16no. shipping containers for storage purposes for a temporary 5 year period only.	

SITE AND PROPOSAL

1. This application is in effect a retrospective planning application seeking approval for a temporary period of 5 years for the siting of 16 metal containers (to serve a stated B8 use) (storage and distribution) within a yard area next to 2 buildings which were erected on the original premise that they would serve an agricultural use (which is highly questionable given the internal layout of one of the buildings as observed by the case officer in connection with a separate application to regularise a currently unauthorised commercial use) at the time of visiting the site in connection with this current undetermined application.
2. Planning permission is required for the containers on two counts. The first is due to the consideration that the containers constitute operational development as defined by Section 55 of the Town and Country Planning Act 1990 and this is a position which is confirmed in case law as although these containers do not constitute 'bricks and mortar' or foundations in planning terms and although they are not technically buildings, however they are akin to a building operation as such containers often bring to bear the same effects despite being moveable by a hydraulic crane. Planning permission is also required on the basis that the unauthorised B8 use constitutes a material change of use as compared to the authorised agricultural use approved by a previous prior approval process under Part 6 of the Town and Country Planning (General Permitted Development) (England) Order as amended 2015.
3. The case officer cannot verify whether the buildings have ever been used in connection with agriculture (their original intended use), however this would have needed to be the case to secure lawful implementation of any permitted development rights under Part 6 (Agriculture and Forestry Operations) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order as amended 2015 which confers rights to erect agricultural buildings subject to limitations or indeed any formal planning permission.
4. The application is supported by drawing reference 22/446-201 (Site Location & Site Layout Plan) which indicates where the containers were originally located (along the north and north west perimeter of a yard area) and how it is proposed that these containers be re located next to and abutting 2 existing buildings. At the time of the case officer's site visit the containers were mainly aligned along the perimeter of the site. The red line defining the area subject of the application includes the entire length of private access road from its junction with Beeches Road to and including a yard area but excluding the 2 buildings which are shown to directly adjoin the planning application site boundary. These buildings are subject of a separate planning application (reference 22/01181) (Retrospective application

for change of use of 2no. former agricultural buildings to a mix of storage (Units 1-4 and Unit 6) and B2 uses (Unit 5) (Site known as Riverside Farm) which is currently undetermined.

5. The Site Layout Plan indicates the length of the containers to be approximately 6 m and 2.4 m in width. The Site Layout Plan indicates an arrangement where 16 containers (8) are set headlong against the long elevation of 2 buildings and set parallel to one another. No elevation plans of the containers are submitted whilst plan reference 22/446-202 (Existing Floor Plans & Elevations) are those relating to the 2 adjacent buildings which are not considered relevant to this application.
6. The supporting statement submitted indicates that It is proposed that the existing shipping containers to the north of the site are relocated adjacent to the existing buildings to the south-east of the site as effective extensions of the buildings themselves. This is to remove the containers from the 8m stand off from the toe of the landward-side of the defences as required by the Environment Agency. It is indicated that the containers are to be aligned with the buildings and will be painted the same colour to blend in.
7. It is explained that the application was triggered as a result of ongoing dialogue with the council's Enforcement Officer. The supporting statement indicates that 'the applicant purchased redundant agricultural buildings and land from the previous landowner when they were no longer required for agricultural purposes. The two agricultural buildings have since been re-used for other purposes without first having obtained planning permission. It is indicated that the property was purchased with several containers already on it. The applicant's submission explains that further containers have been brought into the site as it is stated 'our clients have added to these – having relocated them from elsewhere'. The intention is to be able to use these for storage purposes – to satisfy an evident strong demand for secure (small-scale) storage in the local area'.

RELEVANT PLANNING HISTORY

8. 17/00331/DPDP3M: Application for Prior Approval for Two Agricultural Buildings, One for Housing Livestock and One for Storage of Machinery (Land North of Beeches Road): WDN - Application Withdrawn 13.04.2017.
9. 17/00524/FUL: Erect Two Agricultural Buildings, Associated Access Track, Hardstanding and Gates Associated With Goat and Livestock Enterprise (Land North of Beeches Road): Application Permitted 4.09.2017

- 10.18/00379/FUL: Retention of Siting of a Mobile Home (replacement of the mobile home existing on the site) for Residential Use, Occupied by an Agricultural Worker. (Revised siting) Permission Granted 16.10.2019
- 11.20/01146/FUL: Construct pitched roofed building for weaning and finishing kid goats: Permission Granted 17.03.2021.
- 12.22/00579/FUL: Siting of 2 no. storage containers for the storage of tools in connection with the agricultural use of the site. Construction of open sided hay store. Erect section of 2m high fencing to partly enclose an area of the site and use of this area for open storage of materials in connection with agricultural use of the site and to house and protect the apiary. Application Withdrawn 14.09.2022.

MATERIAL PLANNING CONSIDERATIONS

13. 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.
14. 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).
15. The key issues are :
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
 - Flooding Risk and principle of acceptance

The Principle of Development and the Metropolitan Green Belt

16. The site is located within the Metropolitan Green Belt as defined by the Council's adopted Allocations Plan (2014). The key issues for consideration are:

- (i) Whether the proposal is inappropriate development in the Green Belt
- (ii) The effect on the openness of the Green Belt
- (iii) Other considerations and;
- (iv) If the development is inappropriate, 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 necessary to justify the development.

Consideration (i) Whether inappropriate development by definition

17. Section 13 – Protecting Green Belt land of the National Planning Policy Framework (NPPF) (The Framework) states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

18. For the purposes of consideration these containers although technically not buildings have the same effect as buildings and the fact that the siting of such constitute operational development - their considered harm in Green Belt openness should be considered accordingly. There is a case that paragraph 154 and 155 totally excludes containers from any possibility of being acceptable development from a definitional point of view. Even if taken for the purposes paragraph 154 that these containers amount to buildings they would not serve and agricultural use which paragraph 154 does make some provision for subject to certain criteria. These containers do not fall within any of the exceptions (a) to (g) of the Framework. The development despite any case placed forward by the applicant which is weak in policy terms is considered inappropriate development by definition which infers a definitional harm to the Metropolitan Green Belt thereby conflicting with policy.

19. The application fulfils no criteria set out within Paragraph 154 or 155 of the 'Framework' which makes the development proposed exceptional or acceptable in Green Belt policy terms as therefore the development is considered inappropriate development by definition. The application seeks to set out that the development is an extension of a building but the containers although amounting to operational development they are not buildings and they are not within the same use or intended for the same use as the current buildings. Therefore the development constitutes inappropriate development by definition which implies therefore a definitional harm.

Consideration (ii) The effect of the proposed development on Green Belt openness.

20. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the absence of development and has both spatial and visual dimensions. The effect on openness is not only related to the size of the proposal but also its purpose and the intensity of its use. The introduction of 16 containers to this site would reduce spatial and visual openness compared to the existing use of the site. The 5 year period of intended siting, their location and proposed colour finish does not mitigate the finding of unacceptability in terms of the effect of these containers on Green Belt openness.
21. It is widely recognised that openness is characterised by the absence of built development. This principle is established by planning case law including *Timmins v. Gedling Borough Council* [2014] EWHC 654 (Admin) in which it was considered “[any] construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities”. This decision also on review emphasised the notion that “there is a clear conceptual distinction between openness and visual impact” “it is wrong in principle to arrive at a specific conclusion as to openness by reference to its visual impact” These latter sentences were called into question in the case of *Turner and Sam Smith*.
22. Planning case law has established that harm is caused to the spatial aspects of openness by new structures impacting in the same way as buildings would irrespective of the visual context, scale, siting and appearance. It is the case however that these stated factors either alone or in conjunction with one another can be the aggravating cause of further harm which would further undermine the fundamental and underlying objective of Green Belt policy.
23. The applicant’s case is fundamentally flawed and has sought to compare the development against existing buildings which are subject to an unauthorised use. The applicant’s justification for the development is illogical and flawed.
24. The applicant seeks to justify the development and states ‘ In this instance, the relocation of the shipping containers in this manner will not only address the Environment Agency’s concerns , but will also increase the sense of openness of the Green Belt (in comparison to the retention of the same number of shipping containers in situ) by consolidating built form in preference to a proliferation of structures spreading across the entire site. This also means that rather than the shipping containers being visible as freestanding structures within an otherwise open part of the site, those same containers will instead be

viewed as a single form against and within the context of the existing buildings'. In comment the fundamental point is that these containers are inappropriate development by definition and harmful to the Openness of the Metropolitan Green Belt whilst their relocation from one part of the yard to another part of it and finishing in a Green colour does not address the fundamental policy position and harm found in this regard.

Very Special Circumstances.

25. The case progressed by the applicant is noted, however little weighting can be given to these economic arguments as there are private storage facilities located within sustainable locations within the district whilst at no risk of flooding as there exists in this case. The circumstances of the site nor the planning arguments do not amount to the very special circumstances which would need to prevail to outweigh the harm in all other respects.

Other Material Planning Considerations

Flood Risk

26. The site lies immediately to the south of the banks of the River Crouch, a tidally influenced river that flows from west to east through this area discharging to the North Sea approximately 25.5km to the east. Local records and observations indicate there are numerous unnamed watercourses across this area with one such watercourse following the line of the site access road from north to south.
27. The current storage and distribution use is classified as 'Less Vulnerable' in accordance with NPPF Annex 3 3 . The mapping indicates, for planning purposes, that the site is classified as being in Flood Zone 3. The reorganisation of the site can be considered to be a minor development and as such is exempt from the Sequential Test. Notwithstanding this, the development is classified as Low Vulnerability and for the purposes of retrospective assessment reference is made to Table 2 of the NPPF which shows the Flood risk vulnerability and flood zone 'incompatibility' for various development classifications. The table is included below. This shows that the development type is appropriate for this location.
28. Residual risk linked to adjacent watercourses, Flat general topography with several intermediate watercourses, Low lying land, Likely increase in tidal sea level change. Although the temporary nature of the siting would mitigate the risk, this is not to say that its acceptable.
29. High risk - means that each year this area has a chance of flooding of greater than 3.3%. This takes into account the effect of any flood defences in the area. These defences reduce but do not completely stop the chance of flooding as they can be overtopped, or fail. Medium

risk - means that each year this area has a chance of flooding of between 1% and 3.3%. This takes into account the effect of any flood defences in the area. These defences reduce but do not completely stop the chance of flooding as they can be overtopped, or fail. Low risk - means that each year this area has a chance of flooding of between 0.1% and 1%. This takes into account the effect of any flood defences in the area. These defences reduce but do not completely stop the chance of flooding as they can be overtopped, or fail. Very low risk - means that each year this area has a chance of flooding of less than 0.1%. This takes into account the effect of any flood defences in the area. These defences reduce but do not completely stop the chance of flooding as they can be overtopped, or fail.

The Sequential Test

30. Paragraph 165 of the 'Framework' indicates that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
31. The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.
32. The Environment Agency advises in its consultation response and as reflected by the Framework the requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. These tests are the responsibility of the Local Planning Authority. This development is subject to the sequential test and is not exempt from consideration as set out by the planning practice guidance which defined what minor development is in terms of application of the

Sequential Test. This development fails the Sequential Test and therefore the withholding of planning permission on this basis is justified.

Highways and Parking

33. In terms of the use which infers a B8 use (although not expressly set out in the section of the application form which describes the development) the storage use will generate traffic movements. However on consultation with Essex Highways it does not object to the development in that the access is not adequate. It has recommended conditions should planning permission be granted

CONCLUSION

34. The development is inappropriate development which would be harmful to the Green Belt by way of inappropriateness and the other harm. There are no very special circumstances which outweigh this harm. The development is in a flood zone and fails the Sequential test and contradicts policy in this regard also.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: Objection

Having considered the application noted above, Rawreth Parish Council now look to the District Council of Rochford to determine under the relevant planning policies if very special circumstances are met which override the inappropriate development in the Green Belt and that the applicant can demonstrate that the harm by way of inappropriateness and any other harm is clearly outweighed by other considerations such as amount to very special circumstances.

Council would ask if this site is already subject to Enforcement Action, and if so, would ask that this be taken into consideration.

The number of storage containers on site is already greater than the Council thought and the applications states that the development cannot be seen from a public road or footpath however the site is very prominent from the north bank of the River Crouch where the footpath is on the sea wall. It can also be seen from Beeches Road and further up the Hill at Goose Cottages. There is a very vital drainage ditch which is piped underneath the buildings , this drains Chelmsford Road , Goose Cottages and land beyond , Timber wharf Cottages , Telfords Farm and Beeches Road, this drainage ditch has been highlighted on the drainage plan that the Parish Council submitted to the RDC Flood Forum who stated that no further action should be taken . This piped ditch was once the borrow dyke which was able to take and store large amounts of water . It is still open both sides of the property although silted . Council can see there is already an increase in vehicle movements from the site . **The entrance is not suitable with visibility both east and west not good , the**

road at this point is de restricted. It is adjacent to the new proposed crossing for the new Coast Path unless on appeal it is routed along the river bank adjacent to the development. This site is in the Coastal protection zone and should not have been developed previously . The site is adjacent to important wetlands which support significant wading birds.

Environment Agency: No objection

Having inspected the submitted documentation, we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

However, it provides the following advice: Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for Retention (incorporating relocation) of 16no. shipping containers for storage purposes for a temporary 5-year period only. Storage is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site-specific Flood Risk Assessment (FRA).

Flood Risk Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for Retention (incorporating relocation) of 16no. shipping containers for storage purposes for a temporary 5-year period only. Storage is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site-specific Flood Risk Assessment (FRA).

Essex County Council Highways: No objection subject to conditions.

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes retention of shipping containers. The existing and established vehicle access shall be used and subject to conditions, the visibility splays shall be provided in accordance with the current standards, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Neighbours: None received

Relevant Development Plan Policies:

National Planning Policy Framework (2023)

Rochford District Council Local Development Framework Core Strategy
(Adopted December 2011) Policies: GB1

Rochford District Council Local Development Framework Development
Management Plan (Adopted December 2014) Policies DM1, DM30

RECOMMENDATION: REFUSE

Conditions:

1. The Rochford District Council Local Development Framework Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt where permission will not be given, except in very special circumstances. The development is considered inappropriate development by definition whilst the development would reduce spatial and visual openness compared to the existing use of the site. The 5 year period of intended siting, their location and proposed colour finish does not mitigate the finding of unacceptability in terms of the effect of these containers on Green Belt openness which would undermine Green Belt Policy. There are considered to be no very special circumstances capable of being attributed any weight to outweigh this harm thereby conflicting with paragraph 154 of the National Planning Policy Framework.
2. The site lies within Flood Zone 3 which is at a high probability of risk to flooding. Paragraph 168 and 169 of the Framework requires Local Planning Authorities as the responsible and determining body to sequentially Test development proposed in locations identified to be at significant risk of flooding regardless of the mitigation and defences in place. The principle behind the sequential test is that a development or use if not exempt should not be allowed in areas identified to be located within Flood Zone 3 if there are other locations within the district capable of providing such a development but which are at no risk in terms of flood risk. This development is not exempt from the requirements of the application of the Sequential Test which is failed. As such the development is considered contrary to paragraphs 168 and 169 of the National Planning Policy Framework.

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

Application No :	23/00949/FUL Zoning : SER4
Case Officer	Mrs Elizabeth Milne
Parish :	Hawkwell Parish Council
Ward :	Hawkwell West
Location :	Land West Of 4 Spruce Drive Hawkwell
Proposal :	Erection of 4 detached dwellings with associated parking, garaging, servicing, open space, landscaping, drainage and utilities. Formation of new vehicular access onto Rectory Road.

SITE AND PROPOSAL

1. The site is located on the northern side of Rectory Road and within the residential site allocation SER4 (South Hawkwell) of the Rochford District Council Allocations Plan (2014). This allocated site has been built out under application 12/00381/FUL; houses constructed under this planning permission border the sites north-eastern and north-western boundaries. The western boundary of the site is bordered by houses on Rectory Road which fall within the green belt designation.
2. The application site is undeveloped and features trees, hedges and other vegetation and is well screened from Rectory Road.
3. The proposal is for four detached dwellings with car barns, and for the formation of a new vehicular access onto Rectory Road to serve three of the proposed dwellings. An existing access to the site would be retained as the access for plot 1. The dwelling proposed to plot 1 would be set back from the road, sited just forward of the existing nearby dwelling to the east. The dwelling to plot 2 would be sited closer to Rectory Road and oriented at 90 degrees to the road. The dwellings to plots 3 and 4 would be set behind the dwellings to plots 2 and 1 respectively.
4. The proposed dwellings would be traditional in design and have ridge heights ranging from 8.45m to 10.95m. Plot 1 would have a ridge height of some 10.2m with an eaves height of some 5.4m. Plot 2 would have a ridge height of some 8.45m and eaves height of some 4.3m. Plot 3 would have a ridge height of some 10.95m with an eaves height of some 5.5m. Plot 4 would have a ridge height of some 10m with an eaves height of some 5.25m. The proposed car barns for plots 1 and 2 would have a ridge height of some 4.8m.
5. Open space is proposed within the site to the north and west of the proposed dwellings which would also accommodate new tree planting.

6. The proposal would retain all existing protected trees and supplement them with new tree planting, as shown in the submitted landscape strategy, and as described in the arboricultural assessment.

RELEVANT PLANNING HISTORY

7. Application No. 13/00709/FUL - Application to vary condition 20 to permission granted on 17 December 2012 under application reference 12/00381/FUL to allow development to be implemented in accordance with revised flood risk assessment. Permission Granted.
8. Application No. 13/00035/FUL- Application to vary condition No. 4 to application No. 12/00381/FUL for development of 176 dwellings approved on 17 December 2012 and (summarised) to vary those plots to which obscure glazing of side windows would otherwise be required in favour of two alternative conditions 4 and 4A. Permission granted on 30 April 2013 subject to alternative variation Condition 4R which adds to existing condition 4, a further 18 No. plots with outward facing side windows that need not be obscure glazed
9. Application No. 12/00381/FUL - Demolish Existing Dwelling And Construct Development Of 176 Houses With Access Off Thorpe Road, Access Off Clements Hall Way, Access For One Plot Off Rectory Road, Road Network, Cycle Way And Footpath Network, Public Open Space, Landscaping And Location Of High Pressure Gas Main. Permission granted 17 December 2012.
10. Application No. 11/00259/FUL - Demolish existing dwelling and construct development of 176 houses with access off Thorpe Road, access off Clements Hall Way and access for one plot off Rectory Road, road network, cycle way and footpath network, public open space, landscaping and location of high pressure gas main. Permission refused on 10 January 2012 but granted on appeal on 26 June 2012.
11. PA/22/00011/PREAPP – Pre-application advice in respect of a proposal for 12 dwellings.
12. PA/23/00005/PREAPP – Follow up pre-application advice for residential development.

MATERIAL PLANNING CONSIDERATIONS

Principle of Development

13. 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.

14. 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).
15. The application site falls within Policy SER4 (South Hawkwell) of the Rochford District Council Allocations Plan, which has since been developed under planning permission reference 12/00381/FUL. The concept statement for allocation SER4 identified that:
 - Development of this site should provide 175 dwellings, of which at least 61 should be provided as 'tenure blind' affordable housing units. The site will accommodate no more than 175 dwellings, unless it can be demonstrated that:
 - o The additional number of dwellings are required to maintain a five year-land supply; and
 - o The additional number of dwellings to be provided on the site is required to compensate for a shortfall of dwellings that had been projected to be delivered within the location identified in the adopted Core Strategy.
16. This application seeks to increase the number of dwellings by four compared to the 176 originally approved (net 175) and built out at the wider site under Policy SER4. The total number of dwellings that would result across the wider site if this application were approved would therefore be a maximum of 180 (net 179).
17. The Council has accepted uplifted dwelling numbers at other site allocations (for example within allocation SER3 in Hockley) on the basis that this would make best and most efficient use of land.
18. Providing that the proposed number of dwellings could be accommodated at an appropriate density, all of the necessary infrastructure requirements still be delivered, appropriate parking, amenity space and landscaping all still be delivered, the scheme achieve a high standard of design which would create an attractive high quality place to live, and impacts arising from the increased population of the site be appropriately mitigated, then in principle the delivery of more dwellings on this allocated site would make best use of land and could be accepted regardless of the current need for such additional housing based on maintaining a 5 year housing land supply.
19. At the density proposed of 5 dwellings per hectare, the scheme would still meet policy requirements relating to parking and amenity space provision and could achieve the required high standard of design to create a good quality place for people to live.
20. Notwithstanding the fact that the Council can currently demonstrate a 5-year supply of housing, there are significant advantages to achieving greater capacity on existing allocated sites insofar as it helps to

safeguard the Council's housing supply beyond 5 years and in so doing makes it more probable that the Council can resist inappropriate development elsewhere whilst it progresses with its new Local Plan. Furthermore, a clear requirement of the NPPF is a presumption in favour of sustainable development and the requirement to make efficient use of land and the proposal would meet these aims.

21. In conclusion, the proposal would result in 180 dwellings being delivered in total within the SER4 allocation (four more than the original application 12/00381/FUL allowed) and this would not be objectionable.

Infrastructure Provision – relating to Policy SER4

22. Even though the large scale residential development within the SER4 allocation of which this site is a part was completed some time ago, as the site relates to land within this allocation, some of the principles and requirement of Policy SER4 remain applicable.
23. ECC Highways, ECC Infrastructure and Planning (education) and the RDC Environment team have been consulted and asked to confirm whether a financial contribution would be required from this application in line with the improvements/facilities identified to be delivered at this allocated site as detailed in Policy SER4.
24. The ECC Highways and Education teams have advised that this application for four dwellings would be considered de minimis in relation to education and highways improvements, and that no contribution would be sought.
25. The requirements for local areas for play and provision of youth facilities are set out in the concept statement of Policy SER4 and the wording of the policy makes clear that these calculations are based on the provision of 175 dwellings on the site. If a greater number are provided, the provision of such facilities should increase proportionately.
26. Paragraph 3.119 of the concept statement sets out that at least a local area for play (LAP) on a minimum of 0.02 hectares should be provided on the site, but developers should look to provide local equipped areas for play (LEAP) and/or neighbourhood equipped areas for play (NEAP) which require a minimum of 0.04 hectares and 0.1 hectares respectively. Two local equipped areas for play are provided on the site which equate to approximately 0.07ha, and therefore the site has provided in excess of the minimum requirement. The section 106 legal agreement associated with the housing development approved for SER4 (12/00381/FUL) also required that between eight and ten pieces of play equipment were provided across these areas in total.
27. Whilst the site allocation has met its requirement in this regard by way of application 12/00381/FUL, the proposed development would not benefit from a direct link to these areas by way of pedestrian

- connectivity. Therefore, it is considered reasonable to require that the proposed site provides a proportionate provision of play space within its own open space for the benefits of its occupants. This would equate to a local equipped area for play, which would be achievable within the open space to be provided within the application site. A planning condition to require this provision is recommended.
28. Clause 3.3.1 of the Section 106 agreement relating to planning consent reference 12/00381/FUL sets out that the owner shall pay to Rochford District Council £80,189 to use for the provision of sports facilities in Hawkwell and/or Hockley to be applied towards at least two of the following:
- a) *Levelling and improving the drainage of two football pitches at Clements Hall Playing Fields*
 - b) *Providing a new polyurethane floor surface at Clements Hall Sports Centre*
 - c) *Providing a 'third generation' synthetic turf carpet for the multi use games area at Clements Hall Sports Centre*
29. It has been confirmed that contributions for a) are still required, and therefore a proportionate contribution of £1,832.80 (£458.20 per dwelling) would be required by way of this planning application to be used towards these improvements. It is recommended that a s106 legal agreement be entered into to secure this contribution.
30. The NPPF requires that affordable housing be required in respect of proposals for 10 or more dwellings. There would therefore be no requirement for the proposed development to provide affordable housing as the proposal is for four dwellings and is therefore a minor development. The affordable housing requirement for the allocation (61 dwellings) has already been met through application 12/00381/FUL and has been established for some time.

Design Principles and Impact on Character

31. The National Planning Policy Framework (2023) has seen an increased focus on design quality, not only for sites individually but for places as a whole. Terminology is also now firmer on protecting and enhancing the environment and promoting a sustainable pattern of development.
32. The social objective of national policy is to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The National Planning Policy Framework at Chapter 12 emphasises that the creation of high quality, beautiful and sustainable buildings and

places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

33. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. Policy DM1 specifically states that *“The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative”*. It also states inter alia that proposals should form a positive relationship with existing and nearby buildings.
34. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2 – Housing Design, as well as to the Essex Design Guide.
35. As previously stated, the NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (para 139).
36. To the southwest of the site along Rectory Road the built form is characterized by bungalows in fairly uniform plot sizes, whilst to the east of the site along Rectory Road the built form consists of two storey dwellings set within larger plots. The proposed dwellings would be detached two storey dwellings set within relatively large plots, with one access serving three of the proposed dwellings and an individual access for Plot 1, which is considered acceptable. It is not considered that the development in terms of its layout would appear out of character, as plot widths and depths are in keeping with the surrounding development whilst remaining set back from the frontage to Rectory Road.
37. A variety of materials are proposed with each plot varying in design and materiality. Plot 1 would be finished in red multi-brick, cream weatherboarding and render and a brown roof. Plot 2 would be finished in red brick, contrasted with cream render and a brown roof. Plot 3 would be finished in buff brick, cream weather board and render with a brown roof. Plot 4 proposes a grey roof and buff brick. The proposed

materials are considered acceptable and in keeping with the design of the surrounding residential development. The design of each plot varies with differing architectural features proposed which create visual interest to the properties.

38. The two and two and a half storey dwellings built following the granting of application 12/00381/FUL had ridge heights ranging from 8.2m to 9.9m and wall heights to eaves of between 4.7m and 5.1m. The dwellings proposed in this application would have ridge heights ranging from 8.45m to 10.95m and eaves heights ranging from 4.3m to 5.5m. The height difference would equate to around 1m higher than those dwellings approved to the neighbouring development.
39. Comparing these heights to those approved on the 12/00381/FUL application it is not considered that the height differential is significant from the heights of those dwellings approved. Plot 4 of the proposed development would be located adjacent to Plot 107 of the original scheme. It is noted that the ridge height of plot 107 is some 8.89m, whilst the ridge height of Plot 4 is some 10m. Plot 1 of the proposed scheme would be located adjacent to plot 176 of the original scheme, which has a ridge height of some 8.7m, whilst Plot 1 would have a ridge height of some 10.2m. It is noted that Plot 2 of the proposed development, which would lie in close proximity to the bungalows to the west, would have the lowest ridge height of 8.45m, thus softening the transition from bungalows and chalet bungalows into two storey dwellings.
40. SPD2 guidance discusses that site frontages shall ordinarily be a minimum of 9.25 metres for detached properties or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. Each plot would have a site frontage in excess of 15m, therefore satisfying the requirements of the SPD2 guidance. In addition, the dwellings would maintain a minimum of 1m separation between habitable rooms and plot boundaries, therefore satisfying this part of the SPD2 guidance.
41. Within the Concept Statement for Policy SER4 in the Allocations Plan, it sets out that the paddocks along Rectory Road and other existing trees along the boundary of the site should be retained to preserve the setting of Rectory Road in this location. The land subject of this particular application forms part of what remains of the existing paddock areas within SER4 allocation. Of particular relevance to this proposal is paragraph 3.116 of Policy SER4 which reads: -

‘There is a Woodland Tree Preservation Order area towards the central area of the site and other trees subject to Preservation Orders on site which should be retained. The paddocks along Rectory Road and other

existing trees along the boundary of the site should also be retained to preserve the setting of Rectory Road in this location. The loss of any trees on site or in the vicinity of the site should be appropriately mitigated against, with the provision of replacement trees on a like-for-like basis.'

42. This application follows pre-application advice given in July 2022 in relation to a proposal for the erection of 12 residential properties at the site and further pre-application advice given in March 2023 in relation to a proposal for 4 dwellings.
43. Advice given by officers was that a scheme of 12 dwellings would not likely be considered to preserve the setting of Rectory Road as required by paragraph 3.116 of Policy SER4 (as set out above) but development of a reduced scale may be considered acceptable. Officers highlighted the unequal plot widths, large plots sizes and development at very low density which characterises residential development along this section of Rectory Road.
44. The development from a built form perspective is of a traditional design, whilst the proposed landscaping enhances the development further creating a high level of amenity. The buffer zone along Rectory Road would provide an opportunity to retain existing vegetation and for new landscaping to give privacy to the development and also to help soften the appearance from the road.
45. The proposed dwellings would be set back from the highway with a significant frontage allowing for soft landscaping which would serve to preserve the setting of Rectory Road. Following the pre-application advice provided, the proposed built form has been set back further within the site in order to allow for a wider landscape buffer to the site frontage. Furthermore, the applicant has enhanced the landscaping strategy to the site frontage. At the proposed density of 5 dwellings per hectare and with the areas of open space and soft landscaping proposed, it is considered that the proposal for four dwellings would enable the setting of Rectory Road to be retained and would be in keeping with the surrounding area.
46. The proposed dwellings would add built form to a currently relatively undeveloped site, however given the scale of the development proposed it is considered that the proposed massing would not be out of character for the area. The dwellings would integrate well and would be proportionate to the site. The proposal would therefore be compliant with Policy DM1 and DM3 of the Development Management Plan.

Impact on Residential Amenity

47. The NPPF seeks the creation of places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
48. The site is located between existing residential development and as such the impact of the proposal on the amenity of neighbouring dwellings should be taken into consideration. Plot 1 is located adjacent to residential development on its eastern boundary in a conventional arrangement. One window is proposed to the first floor which would serve a bedroom, however due to the separation distance of some 10m between the two dwellings, the siting of the window towards the front of the proposed dwelling in addition to the siting of Plot 4 forward of the neighbouring dwelling, it is not considered that there would be a risk of unacceptable degree of overlooking into this property by way of this proposed window.
49. Plot 4 would be located adjacent to No. 4 Spruce Drive. Two windows are proposed to the first elevation facing this property; however, these would serve an en-suite bathroom and obscure glazing is proposed to the windows. It is therefore not considered that the proposed dwelling would result in a significant loss of residential amenity by way of this proposal.
50. SPD2 – Housing Design requires a minimum 100m² garden area for all new dwellings with two bedrooms or more. The proposed development provides substantial rear private amenity space for each dwelling in excess of the Council's requirements. Plot 1 would have a garden area of 305m², plot 2 would have a garden area of 277m², plot 3 would have a garden area of 312m² and plot 4 would have a garden area of 336m². Furthermore, a large area of communal open space is proposed to the north and west of the dwellings in addition to the private amenity space provided.
51. The proposal is not considered to have a significant detrimental impact upon the amenity of the neighbouring occupiers in terms of overlooking, overshadowing and over dominance. The proposal is compliant with Policy DM1 and DM3 of the Development Management Plan.

Landscaping and Trees

52. Paragraphs 3.116 and 3.117 of the Concept Statement for Policy SER4 set out that:

'There is a Woodland Tree Preservation Order area towards the central area of the site and other trees subject to Preservation Orders on site which should be retained. The paddocks along Rectory Road and other existing trees along the boundary of the site should also be retained to preserve the setting of Rectory Road in this location. The loss of any

trees on site or in the vicinity of the site should be appropriately mitigated against, with the provision of replacement trees on a like-for-like basis.'

'Trees and hedges should be developed in garden areas along the boundaries of the site to create a green buffer in perpetuity between new and existing development, whilst promoting integration.'

53. The preservation of the setting of Rectory Road is a key consideration in the determination of this application by way of its inclusion in the concept statement for allocation SER4, and therefore the proposed landscaping strategy forms a key aspect of this application. Landscaping is defined as the improvement or protection of the amenities of the site and the surrounding area which could include planting trees or hedges as a screen. Alongside the application the applicant has submitted outline landscaping proposals on drawing no. PR250-01F and a Landscape Strategy Report.
54. The accompanying Landscape Strategy Report sets out that the site is currently generally well screened from Rectory Road to the south, other than where partial, clear views can be seen into the southern paddock from the gap in the Rectory Road. The following landscape principles are proposed;
- A linear 'green gateway' corridor in association with the main access driveway that will come forward to serve Plots 2, 3 & 4 of the proposed new development. This new green corridor would be seen when looking from Rectory Road into the main site entrance and would be located to the western side of the proposed access.
 - A line of tree planting along the frontage to Plot 2 to screen the plot from users of Rectory Road, along with an evergreen hedge to the frontage of Plot 2. This would consist of two no. silver birch trees and one no. field maple.
 - The front gardens of all four of the new homes should either comprise of white painted picket fences with white painted timber gates or white painted estate fencing with matching white painted metal gates. Plot 4 that fronts directly onto the play area to the north would feature an additional boundary hedgerow delineating its front garden as well.
 - B Category English Oak T27 (8m tall), A Category English Oak T29 (8m tall); B Category English Oak T32 (8m tall); B Category English Oak T33 (8m tall) in the centre of the Site and B Category English Oak T38 (6m tall) near the site's northern boundary would all be retained.
 - The existing mature treed hedgerow and ditch along the Rectory Road frontage are important landscape elements which make a positive contribution to the semi-rural character of this local section of Rectory Road. The retention of the existing mature tree hedgerow and ditch along the Rectory Road frontage. The hedgerow would benefit from management but would be kept to a minimum height of 2.4m to ensure it retains its semi-rural characteristics.

- New parkland scale trees are to be planted within the new green corridor open space that is to be created within the site to mitigate for the loss of trees that would be removed to facilitate the new site access and associated visibility splays. A total of 8 no. new trees are proposed to the open space, consisting of 4 no. field maple trees, 2 no. silver birch trees and 2 no. hornbeam trees.
55. It is noted from the accompanying Landscape Plan that a buffer strip of some 11m is proposed between the site frontage along Rectory Road and the development frontage. It is proposed that along with the retention of the majority of the existing mature tree hedgerow which would be retained and kept to a minimum height of 2.4m, that this buffer would consist of wildflower grassland behind which there would be a narrow, uneven element of flowering mix grassland. A total of 7 no. fruit trees are also proposed within this buffer strip, along with an additional proposed Hornbeam tree to the east of the proposed access to plots 2,3 and 4.
 56. It is considered that the proposal, by way of the proposed siting of dwellings within their plots, the set back of built form from the frontage with Rectory Road, the retention of existing vegetation and the proposed new vegetation, would result in a development that continues to preserve the semi-rural character of this section of Rectory Road in accordance with the principles set out within the concept statement for allocated site SER4. It is therefore considered that whilst this development does not retain the full extent of these paddocks in their existing use, that the proposal is in keeping with the intentions of paragraph 3.116 in preserving the setting of this part of Rectory Road and is therefore considered acceptable.
 57. An arboricultural assessment has been submitted alongside this application which confirms that all trees protected by a Tree Preservation Order would be retained. The initial consultation response received from RDC's arboricultural officer raising concerns about tree T33, an early mature Oak, and its proximity to Plot 3. Concern was also raised about the lower value trees which fell within the garden of plot 4 as it was considered that the amenity space for this plot was constrained, and it was recommended that this group of trees should be thinned/removed in order to improve the amenity space.
 58. Since receiving this response, revised plans have been submitted and reconsulted on; the changes include the re-siting of Plot 3 away from tree T33, and the removal of trees T23, T24, G25, T26 and T28. A subsequent consultation response found these amendments to be acceptable, and that whilst tree T33 would likely require management /target pruning in the future, that this would be accepted should it arise.

59. In addition, the proposed layout would require the removal of two scrub/shrub groups marked as G18, S21 and S31 on the Tree Protection Plan. Removal of G18 and S21 is required in order to accommodate the site access, whilst removal of S31 is required to accommodate Plot 3. All three are categorised as category C trees (low quality/value). The landscape plan submitted indicates that a total of 23 new trees are proposed as part of the development and therefore it is considered that the loss of trees as indicated has been mitigated by way of the proposed tree planting.

Heritage Assets

60. Paragraph 3.130 of Policy SER4 in the Allocations Plan sets out that the potential impact on a nearby grade II Listed Building ('The Old Rectory, Rectory Road, Hawkwell') would need to be taken into consideration at the planning applications stage to ensure there is no adverse impact on the setting of this listed building. Essex County Council Place Services (Built Heritage) were consulted in this regard and have no objection to the proposal. It was considered that the addition of greenery and open green space within the proposal would serve to mitigate the impact of the proposed development on the grade II Listed building, with the level of harm to the Grade II listed The Old Rectory considered to be at a very low level. Therefore, Paragraph 208 of the National Planning Policy Framework (NPPF, 2023) is relevant, and harm should be weighed against the public benefits of the proposal. It is considered that with a very low level of harm identified, that the public benefit of additional housing would outweigh this, and the proposal would be considered acceptable in this regard.
61. Paragraph 3.131 of Policy SER4 in the Allocations Plan sets out that the site may have potential to be of archaeological interest and that no development shall commence within the area of interest before the applicant has secured the implementation of a programme of archaeological work. Specialist Archaeological Advice was sought from Essex County Council Place Services which recommends conditions in line with the above.

Drainage Strategy

62. The applicant sought pre-application advice from Essex County Council as the Lead Local Flood Authority on the Surface Water Drainage Strategy for this scheme. The proposed drainage strategy incorporates an attenuation basin which would be sited in the northern part of the site, a swale to the western side of the proposed access and permeable paving to the proposed access road and parking areas. A SuDS Maintenance and Management Plan has also been submitted

alongside this application. The Lead Local Flood Authority (LLFA) were consulted on this application and have raised no objection.

Flood Risk

63. The site is located in Flood Zone 1, where there is very low risk of flooding from rivers and the sea and is in an area of very low surface water flood risk. In the response to the pre-application enquiry submitted by the applicant, the LLFA confirmed that ground conditions on site are unlikely to be suitable for infiltration, and that their records indicate that the proposed development is within a Critical Drainage Area.
64. The pre-application response provided by the LLFA set out that primary storage would be provided by an attenuation basin close to the outfall of the new Surface Water Drainage System, and a swale would be utilised at the side of the spine road and permeable paving. Furthermore, the on-going maintenance of any features would be necessary to ensure that flooding does not occur due to failure of components, and as such a maintenance plan should be provided as part of the planning application process. This has been provided and is considered acceptable.

Sustainability

65. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards such that now planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.
66. 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.
67. Policy DM4 requires new dwellings to meet minimum internal space standards, However, until such a time as existing Policy DM4 is revised, this policy must now be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
68. The proposed residential units would comprise three four bedroomed 8 person dwellings, and one 4 bedroomed 7-person dwelling.

69. All four units would have a gross internal floor area in excess of 215 sq metres, therefore exceeding the minimum gross internal floor space for this type of unit of 124 sq metres. The dwellings would be provided with the required 3 metres square of built-in storage.
70. 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 is recommended to ensure compliance with this Building Regulation requirement.
71. 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 Recycling

73. It is set out in the submitted Design and Access Statement that refuse collection arrangements remain to be agreed, however the layout accommodates both kerbside collection on Rectory Road for all four plots and the potential for a refuse vehicle to enter the site, turn and leave in a forward gear.

Parking and Access

74. The existing entrance to the site would be retained and reused to serve plot 1, with a new access point created to serve plots 2, 3 and 4. The access proposals are detailed on drawing ZD481 PL-SK-202 P2 which details the continued use of the existing gated access to serve a single dwelling, and the construction of a shared private drive access. Essex County Council Highways have been consulted on this plan and it has been found to be acceptable. A condition is recommended to require that a visibility splay be achieved from the new access which would likely require the trimming back of the lateral growth of a section of the existing hedge that runs along the site boundary.
75. The Parking Standards Design and Good Practice guide (2010) states that dwellings with two (or more) bedrooms require two car parking spaces with dimensions of 5.5m x 2.9m and garage spaces should measure 7m x 3m to be considered usable spaces. Quality urban design dictates that care should be taken that the parking layout would not result in streets dominated by parking spaces in front of dwellings or by building facades with large expanses of garage doors.

76. The proposed layout shows sufficient space for a minimum of two off-street parking spaces per dwelling measuring 2.9m by 5.5m, in addition to a car barn for each dwelling providing an additional two parking spaces.

Ecology

77. An Ecological Impact Assessment was submitted alongside this application. It was concluded that overall, the site was considered to be largely of low ecological value, with the exception of the hedgerows on site. The assessment found that the site may provide suitable habitat for a number of protected and/or notable species including bats, slow worms, badgers, and hedgehogs.
78. The ecological report set out that the building on site had moderate suitability for roosting bats, and as such mitigation would likely include careful demolition of the building, with the provision of bat boxes to compensate for the loss of a roost of lower conservation concern. In addition, the neutral grassland, boundary trees and hedgerows were considered to provide a suitable habitat for reptiles, with 5 no. slow worms found through surveys carried out. The report set out that sensitive clearing of the site at appropriate times of year would be appropriate, and the site would be enhanced for reptile through the retention, provision, and enhancement of rough grassland within the site. Further mitigating measures recommended in the accompanying report include the retention of boundary habitats, wildlife friendly landscaping and sensitive practices during construction.
79. In conclusion it is considered that the measures proposed would mitigate any potential adverse impacts upon specific protected species and habitats in line with relevant wildlife legislation, chapter 15 of the NPPF; and policy DM27 of the Rochford District Council Development Management Plan.

Off-site Ecology

80. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures of future residents to the dwellings proposed.
81. The development for four additional dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice, the 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 four additional dwellings

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

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

- No

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

- No

82. 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.
83. 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.
84. The applicant has agreed to the inclusion within a Section 106 legal agreement of the suggested financial contribution of £163.86 per new dwelling to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

CONCLUSION

The proposed development would impact on the setting of Rectory Road but it is considered that the scale and design of the proposal would not cause harm to the setting such as to be contrary to paragraph 3.116 of Policy SER4. Any harm must be weighed against benefits of the scheme including in terms of delivering new houses. In weighing the planning balance the proposal is considered acceptable in relation to relevant planning policy.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hawkwell Parish Council: My Council objects to this application on the grounds that the site is situated within the Green Belt. The site forms a 'green corridor' within the Clements Gate estate, which should be protected for the benefit of biodiversity and the environment; the site is not derelict as described in the planning application papers. (December 2023 and April 2024)

Neighbours: 12 responses from the following addresses;

Rectory Road; 72, 384

Beehive Lane; 10, 25

Spruce Drive; 5, 6

Christmas Tree Crescent; 33

Aaron Lewis Close; 12

Unknown

Clements Gate (Hawkwell) Residents Company Ltd

Summary of responses received: -

- Building on paddock
- Access road over drainage ditch
- Impact on environment, wildlife and drainage
- Green Belt
- Development would exacerbate existing drainage issues
- Driveways already prone to waterlogging which would be intensified
- Potential property damage from drainage issue
- Paddock important for rain water run off
- Building 4 large houses will impede drainage
- Contamination report should be submitted
- 384, 384a and 382 Rectory Road already have problems of flooding to front and rear gardens, worsened by Clements Gate development
- Don't see need for large unaffordable housing
- Strict guidelines around number of houses being built and inclusion of a green belt
- Loss of view over green space
- View of imposing properties
- Concern over mature trees
- Compromises the objective of the Clements Gate Residents company to create an open space environment with a variety of open space

- Concern over proposed footpath linking the access road and making a right of way on the footpath linking Beehive Lane and Spruce Drive
- A new footpath is unnecessary
- Feel strongly that it is not for one neighbour to arbitrarily decide they will create an access to an adjacent neighbour onto private land where there is currently a physical barrier
- Proposed footpath complicates the current management arrangements of the open space
- Support the application, the design will integrate well with existing housing stock
- The park is a safe area for children and extra entrances will compromise this and make it less safe, increasing the likelihood of antisocial behaviour
- Residents pay maintenance towards the park so to allow others to use it without contributing would be unfair
- Increase in noise from shooting range due to loss of vegetation
- Estate does not need another path
- Estate was built with promise of green space and the paddocks were part of the green living promise
- Home security will be compromised
- Approval of Clements Gate development included a number of open spaces/paddocks which was an incentive to purchasers of properties on the estate
- Application site was designated as a possible home for horses, cannot be right that this application can override the original consent
- Oppose the removal of the fence between the developments
- Regularly see birds, badgers, foxes and muntjac deer
- Would spoil the ambience of the area
- Noise and dust pollution while building
- This application compromises the objective of the original application
- Already a perfectly good footpath linking Rectory Road to Christmas Tree Crescent
- Whilst most spaces within Clements Gate are accessible to the public, the land is in private ownership
- Disrupting this ecosystem by tearing down the paddock would displace these animals and disturb the delicate balance of the local environment
- Removal of shrubbery and greenery would worsen drainage problems
- Fear for safety of children in park
- Negative impact on trees, shrubs and landscape
- Overdevelopment should be avoided
- Parking problems would be exacerbated
- Will new residents contribute to service charge

RDC Arboriculture:

(T33) will likely require management in the future/target pruning but we can accept this should this arise. I would suggest some of the lower value trees within the garden of plot 4 be thinned/removed to improve the end use of the amenity space.

The rear garden of plot 4 is heavily constrained by the retained trees, it will not be a useable amenity space. It may be prudent to look at thinning the group by selective removal of some of these trees T23, T24, G25, T26 and T28. This will need to be shown on the TPP.

Lead Local Flood Authority: No objection

Built Heritage Advice (April 2024):

The proposed plans have been amended since our previous advice dated 21st Dec 2023. In the amended plans the house located in Plot 2 has been moved to the northwest and the cart barn at Plot 2 has also been relocated and is now adjoining to the cart barn on Plot 1. Moreover, more greenery has been added to the garden areas and along Rectory Road. The relocation of the house and car barn on Plot 2 and result in more open green space has been created in the centre of the site, which, among the added greenery can be considered as a further mitigation of the potential harm to the significance of designated heritage asset. However, it is noted that to set back Plot 2, the 'car barn' for Plot 2 has been relocated to adjoin that for Plot 1.

In conclusion, the level of harm to the Grade II listed The Old Rectory has been reduced to a very low level. Therefore, Paragraph 208 of the National Planning Policy Framework (NPPF, 2023) continues to be relevant, and harm should be weighed against the public benefits of the proposal.

Health and Safety Executive:

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

ECC Highways:

The submitted information also includes a Highway Technical Note with additional supporting plans which propose a suitable shared vehicle access to enable two-way vehicle movements clear of the highway, and provision of visibility splays in accordance with the permitted vehicle speeds.

The new private drive will serve three of the dwellings and the proposal includes a pedestrian connection at the rear of the site. Each dwelling will have adequate off-street parking and turning, therefore:

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors,

- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development,
- iv. wheel and underbody washing facilities.

2. Prior to first occupation of the development and as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, the proposed site access, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

3. Prior to first occupation of the development and as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, the proposed vehicle access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres and shall be retained at that width for 6 metres into the site from the back edge of the footway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge and ditch. *

4. Prior to first occupation of the development and as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, the existing highway footway to the west of the proposed access at the site frontage shall be widened to a minimum width of 2 metres as measured from the back edge of the carriageway and shall connect to the existing footway at the western boundary. The highway footway to the east of the access shall be provided at 2 metres and shall taper into the existing footway avoiding tree root protection areas. All such works to be provided entirely at the developer's expense and full details to be agreed in writing with the Highway Authority prior to commencement of any highway works.

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

6. The proposed inward opening gates for plot 1 shall be provided with a minimum set back of 6 metres as measured from the back edge of the footway.

7. Prior to first occupation of the development, each dwelling shall be provided with a minimum of two off-street parking spaces and a turning area. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times. Full layout details to be agreed with the Local Planning Authority.

8. Prior to first occupation of the development, 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.

9. Prior to first occupation of the 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.

Specialist Archaeological Advice:

The following recommendations are in line with the National Planning Policy Framework, paragraph 205.

Recommendation: Full condition

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above

London Southend Airport: No Objection

LLFA (Watercourse Regulator Engineer):

The new vehicular access which is proposed to be formed over an existing watercourse/ditch. This will require a S23 consent from us as the LLFA and the consent must be in place prior to any works to the ditch taking place. I would be very grateful if this could be attached as a condition to any planning permissions.

Cadent Gas: No objection

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Rochford District Council Allocations Plan (2014) Policy SER4

Core Strategy Adopted Version (2011) Policies H1, H6, CP1, T8, ENV1 and ENV9

Development Management Plan (2014) Policies DM1, DM3, DM4, DM5, DM25, DM26, DM27 and DM30.

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

Supplementary Planning Document 2 (2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION

That planning permission be **APPROVED**, subject to the recommended conditions and the completion of a **LEGAL AGREEMENT under Section 106 of the Act** for the heads of terms set out below:

1. Financial contribution of £163.86 per new dwelling to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.
2. Financial contribution of £1,832.80 to Rochford District Council towards levelling and improving the drainage of two football pitches at Clements Hall Playing Fields
3. Delivery and maintenance of the open space within the site proposed to the north and west of the proposed dwellings by a management company in perpetuity.

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 Prior to use in the construction of the development hereby approved, details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

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

- 3 The development hereby permitted shall be carried out in complete accordance with the following approved plans: Location Plan reference OC198-OP3-PL-01, Development Layout reference OC198-PL-02b Rev N, Development Layout with Existing Retained Trees reference OC198-OP2-PL-03 Rev M, Constraints Plan reference OC198-OP3-PL-02 Rev A, Plot 1 Floor Plans and Elevations reference OC198-HT-PL-HT-01 Rev C, Plot 2 Floor Plans and Elevations reference OC198-HT-PL-HT-03 Rev D, Plot 3 Floor Plans and Elevations reference OC198-HT-PL-HT-05 Rev F, Plot 4 Floor Plans and Elevations reference OC198-HT-PL-HT-06 Rev G, Plot 1-2 Car Barn Floor Plan and Elevations reference OC198-HT-PL-HT-02 Rev D, Proposed Site Cross Sections A-A & B-B reference C198-SCS-02, Easement Zone Plan reference OC198-OP3-PL-02a Rev B.

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.

- 4 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- i. the parking of vehicles of site operatives and visitors,
 - ii. loading and unloading of plant and materials,
 - iii. storage of plant and materials used in constructing the development,
 - iv. measures to control the emission of dust during construction,
 - v. wheel and underbody washing facilities.

REASON: To ensure that the construction traffic is managed and to minimise on-street parking of these vehicles in the adjoining streets and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. In the interests of residential amenity. PRE-COMMENCEMENT REASON: the required construction management plan seeks to agree details to control matters that will affect all stages of the development including relating to initial ground works.

- 5 Prior to first occupation of the dwellings approved to plots 2, 3 and 4 the site access to serve the driveway to these dwellings as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 6 Prior to first occupation of the dwellings to plots 2, 3 and 4 the vehicle access to serve these dwellings as shown on planning drawing ZD481 - PL - SK - 202 Rev P02 shall have been constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres and shall be retained at that width for 6 metres into the site from the back edge of the footway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge and crossing of the ditch. Full details of the vehicle access including the dropped kerb vehicular crossing and works to the ditch shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with

the Highway Authority and LLFA watercourse engineer) prior to commencement of any highway works to form this new access.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety. To ensure works are carried out appropriately to the watercourse (ditch) at the site such that it would not be impeded.

- 7 Prior to first occupation of the development and as shown on planning drawing ZD481 - PL - SK - 202 Rev P02, the existing highway footway to the west of the proposed new access at the site frontage shall be widened to a width of 2 metres as measured from the back edge of the carriageway and shall connect to the existing footway at the western boundary as shown on the aforementioned plan. The highway footway to the east of the new access shall be provided at width of 2 metres, tapering into the existing footway which shall be maintained at the existing width of between 1.1m and 1.0m as shown on the aforementioned plan (to avoid any impact on tree root protection areas). All such works to be provided entirely at the developer's expense and full details to be submitted to and agreed by the Local Planning Authority prior to commencement of the highway works.

REASON: To make adequate provision within the highway for pedestrians in the interest of highway safety.

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

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

- 9 The proposed inward opening gates for plot 1 shall be provided with a minimum set back of 6 metres as measured from the back edge of the footway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

- 11 The driveway parking, turning and access areas to serve each dwelling hereby approved shall be completed prior to first occupation of the relevant dwelling in accordance with details shown on drawing no. OC198-PL-02b Rev N. Driveway parking shall remain available solely for use for the parking of vehicles in perpetuity.

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

Development Framework's Development Management Plan policies DM1 and DM30 and the requirements of the Essex Parking Standards (2009) adopted 2010.

- 12 Prior to first occupation of the 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.

- 13 Prior to the commencement of the development approved, a method statement and protection plan (in accordance with BS 5837 2012) for those trees and hedges within and adjacent to the site, shall have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with those details agreed. The tree protection methods shall be retained until all building materials have been cleared from the site.

REASON: To ensure that the development does not impact adversely on existing trees subject to a TPO and other trees/hedges to be retained, in accordance with Policy DM25. PRE-COMMENCEMENT REASON: Initial ground works/storage of materials have the potential to impact adversely on trees and hedges to be retained.

- 14 Prior to first occupation at the site, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, 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 and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artifacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground

level (eg. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

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 visual amenity.

- 15 The first-floor window serving the proposed en-suite to Plot 4 on drawing number OC198-HT-PL-HT-06 Rev G, shall be obscure-glazed and shall be of a design not capable of being opened below a height of 1.7 metres above finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.

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

- 17 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: To safeguard the archaeological integrity of the site in accordance with the provisions of The National Planning Policy Framework 2023 and Policy ENV1. PRE-COMMENCEMENT

REASON: Initial ground works have the potential to impact adversely on the underground historic asset.

- 18 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 17 above.

REASON: To safeguard the archaeological integrity of the site in accordance with the provisions of The National Planning Policy Framework 2023 and Policy ENV1. PRE-COMMENCEMENT

REASON: Initial ground works have the potential to impact adversely on the underground historic asset investigation of which must be completed before any ground works commence.

- 19 Prior to first occupation within the site, plans showing precise details of play equipment (to form a LAP) to be installed in the open space to be provided within the site, shall have been submitted to and agreed in writing by the Local Planning Authority. The play equipment as agreed shall be installed prior to first occupation at the site and maintained in perpetuity.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in accordance with the provisions of Policy SER4 of the Rochford District Council Allocations Plan 2014.

- 20 Prior to the commencement of the development, a landscape and biodiversity management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the Ecological Impact Assessment (October 2023) submitted with this application and include full details of the landscape and ecological management objectives for the site, including but not limited to, the following points:

- i) The retention and enhancement of boundary habitats, including protection of boundary habitats during construction as far as possible.
- ii) The implementation of a wildlife sensitive strategy for proposed lighting
- iii) A reptile mitigation strategy
- iv) A pre-construction badger survey and the implementation of standard precautionary measures to avoid risk of harm to badgers during construction
- v) Planting of productive native species for site enhancement
- vi) Enhancements for invertebrates through the provision of bug houses / hotels / hibernacula
- vii) Provision of trees, shrubs and plants which offer a value to nesting and foraging birds.
 - i) Installation of bird boxes on retained trees to further enhance the site.
 - ii) Provision of bat boxes recommended to further enhance the site.
- i) Adherence to NE licence during demolition
- ii) Retention of boundary habitats and avoidance of light spill.
- i) A timetable for the implementation of all of the landscape and biodiversity enhancement measures listed in the management scheme.

The scheme shall include full details of measures required to deliver the long-term maintenance of all the areas providing landscape and ecological management. The landscape and biodiversity management plan shall be implemented in accordance with the agreed timetable, and thereafter maintained in accordance with the agreed details.

REASON: To mitigate against the loss of existing biodiversity and nature habitats, in accordance with Policy DM25, DM26 and DM27 of the Rochford District Council Development Management Plan and Chapter 15 of the National Planning Policy Framework.

- 21 Surface water drainage shall be installed in accordance with details shown on the Drainage Strategy drawing SPD203-E-300 (September 2023) and be operational prior to first occupation at the site. Management and maintenance of the surface water drainage at the site shall be undertaken in accordance with details in the Suds Management and Maintenance Plan (September 2023), to be read in conjunction with the Drainage Statement (September 2023) and Drainage Strategy drawing SPD203-E-300 (September 2023) over the lifetime of the development.

REASON: To ensure the sustainable management of water, minimise flood risk and to minimise the discharge of surface water outside the curtilage of the site in accordance with Policy DM28 of the Rochford District Council Development Management Plan.

22. Notwithstanding any permitted development rights that may apply by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no additional hard surfacing, new built form (operational development) or boundary treatments (e.g., fences walls) other than as shown approved on drawing no. OC198-PL-02b Rev N of any kind shall be laid or erected within the area of the site which extends across the entire site frontage with Rectory Road for a depth of 14.5 metres measured from the carriageway edge.

REASON: In the interests of preserving the undeveloped character to the site frontage to comply with paragraph 3.116 of Policy SER4.

23. All dwellings at the site shall meet the optional building regulations requirement relating to water efficiency (Part G) of 110 litres/person/day (unless this would not be viable in which case details to demonstrate this shall have been submitted to and agreed in writing by the LPA prior to completion of the relevant dwelling where this standard would not be met) and evidence to confirm that this would be achieved shall have been submitted to and agreed in writing by the LPA prior to completion of the relevant dwelling on site.

REASON: To comply with Policy ENV9 of the Core Strategy.

INFORMATIVE

1. Works to the existing watercourse (ditch) to the front of the site to form the new vehicular access will require a S23 (of the Land Drainage Act (1991)) consent from the Lead Local Flood Authority at Essex County Council.