



**PLANNING APPLICATIONS WEEKLY LIST NO.1719**  
**Week Ending 12th July 2024**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 29 August 2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **17th 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](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

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

Index of planning applications: -

1. 24/00351/FUL - Office Adjacent Car Wash Golden Cross Parade Ashingdon Road Rochford PAGES 2-8
2. 24//00364/FUL - Fire Station South Street Rochford PAGES 8-13
3. 24/00255/FUL - Piggeries Lincoln Road Rochford PAGES 13-30
4. 24/00377/FUL - Site Of 123 To 153 High Street Rayleigh PAGES 30-36

Application No :	24/00351/FUL      Zoning : No allocation
Case Officer	Ms Elise Davis
Parish :	Hawkwell Parish Council
Ward :	Hawkwell East
Location :	Office Adjacent Car Wash Golden Cross Parade Ashingdon Road
Proposal :	Change of Use from Car Sales office to Barber Shop including amended fenestration.

## **SITE AND PROPOSAL**

1. The application site is within an area of land of no allocation to the west junction of Rectory Road and Ashingdon Road, Rochford. The site is to the southeast corner of the wider site of the Golden Cross Parade, and more specifically is adjoined to the west side of the building which serves the Golden Cross Hand Car Wash.
2. The application seeks to change the use from a former car sales area and office to a Barber Shop. The car sales area occupies space approximately 95m<sup>2</sup>) for vehicles to be displayed to the west hardstand verge adjacent the building. The office space is part of the internal space of the rectangular shaped building which is the Car Wash business, and the office occupies a gross internal floor area of approximately 13m<sup>2</sup> and has a west facing frontage.
3. The proposal seeks permission for the change of use of the Car Sales Office to a Barber Shop and includes proposed changes to the fenestration to serve a small scale Barber Shop.
4. External changes to the appearance of the building include a replacement entrance door, and the insertion of full height uPVC windows (2.1m height) to the west and north elevation.

## **RELEVANT PLANNING HISTORY**

5. No relevant history.

## **MATERIAL PLANNING CONSIDERATIONS**

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

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

### **Principle of development**

8. Chapter 6 – ‘Building a strong, competitive economy’ of the National Planning Policy Framework (NPPF) states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Paragraph 85 of the NPPF confirms planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
9. The application site and wider Golden Cross Parade is not located within a Town Centre. Policy RTC3 of the Core Strategy sets out that the Council will protect existing retail uses within residential areas outside of the defined town centres. The Council will encourage and support the provision of additional small-scale retail development in conjunction with new residential development, as long as such retail development will not undermine the role of the District’s town centres. The loss of such retail uses within residential areas will only be permitted where it has been clearly demonstrated that a retail use in the location is not viable and that the proposed alternative use will still offer a service to the local community that meets day-to-day needs.
10. The proposal would not result in a loss of a retail unit nor does it seek to provide or convert the premises to residential accommodation. The last known existing use of the premises is as a Car Sales Office. Car Showrooms are generally considered to be ‘Suis Generis’ whilst ‘Offices’ tend to fall within Use Class E of the Use Classes Order (commercial, business and service). Hairdressers and Barbers are considered to fall within Use Class E.
11. Paragraph 7.16 of the Council’s Development Management Plan explains that non-retail uses within villages and neighbourhoods, such as offices, hair dressers, takeaways and pubs, perform an important function in meeting local need, and promoting vitality in local areas. Such uses can complement adjacent retail uses and increase local choice.
12. Policy DM36 of the Council’s Development Management Plan relates to Village shops and neighborhood shopping areas. The policy sets out that the Council will seek to ensure that retail premises in villages and neighbourhood shopping areas outside town centres are retained. The change of use of the ground floor of existing retail premises to non-retail

use outside town centres will be permitted providing that the following conditions are met:

- (i) the loss of the retail unit is justified because the unit is vacant or that an A1 retail use is not financially viable. In either case, applicants should be able to demonstrate that all reasonable attempts have been made to sell or let the premises for retail use, but without success;
- (ii) the proposed use would serve the day-to-day needs of local residents;
- (iii) the proposed use would not reduce the quality of life of residents living in the immediate vicinity of the premises, as a result of noise, on-street parking, disturbance, cooking smells, litter or other factors;
- (iv) the proposal would not result in the removal of any independent means of accessing the upper floor(s) of the premises or otherwise prevent an effective use being made of the upper floor(s); and
- (v) where the proposal relates to premises with an existing shopfront, the shop window would continue to be used for display purposes.

13. It is considered that the proposal would not conflict with any of the above criteria to Policy DM36 as the proposal would not result in the loss of a retail unit, and the proposed use would serve the needs of local residents. The proposal is also not considered to reduce the quality of life of adjoining residents. Parts (iv) and (v) are not considered applicable to the proposal as the existing building has no first floor nor a traditional shop window for display purposes.

14. The change of use of the site is considered acceptable in this location due to the site being located within an appropriate neighbourhood shopping area which would not detract from the overall function of the area. It is considered that the proposed use would not conflict with nearby uses and would have a positive contribution to the Golden Cross Parade by providing a service complimentary to other businesses within the locality.

15. The principle of development is therefore accepted, subject to other planning policy provision.

### **Design & Impact on the Character of the Area**

16. It is considered the external changes to the existing building by way of the insertion of uPVC windows and replacement door are acceptable and would not appear out of keeping to the building or within the wider Golden Cross Parade area. The subject site is also not within proximity to

any Listed Buildings and is not located within a conservation area. It is noted that any material changes to the façade such as signage will require separate consent.

17. Internally, the floor plans demonstrate there would be a toilet area for customers/employees and provision (sinks, enough space for chairs) for two customers receiving service. Although not annotated, it is considered there is potential for sufficient storage space for equipment etc. within the building given the small-scale nature of the business.

### **Impact on Amenity**

18. Paragraph 135 of the National Planning Policy Framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promote visual amenity, and create a positive relationship with existing and nearby buildings.
19. It is noted that the hours of operation have not been specified within the application form, however, it is considered that the use is a compatible use within this neighborhood shopping area and has no material consequence either in terms of visual or residential amenity.
20. Furthermore, the proposed change of use is not considered to have the potential for any significant detrimental impacts, such as unreasonable noise or disturbance to the amenity of neighboring properties given that the nearest property is located some 17m from other buildings which provide local amenities and services on the ground floor with residential accommodation above, and that the business is of a small scale which by nature is unlikely to give rise to significant impacts associated with its use such as noise, dust, fumes etc.

### **Parking**

21. The application form states that the existing business accommodates 5 parking spaces, and the proposal would result in a reduction of 2 spaces.
22. It is considered that whilst 5 vehicles are able to technically park within the area of hard standing west of the building as demonstrated on the existing block plan, this parking arrangement is for the display of vehicles for sale, and would not allow for the vehicles to maneuver and independently access the parking bays; which are not to the EPOA dimensions of 2.9m x 5.5m per bay. It is therefore considered that in this regard, the existing site does not benefit from 5 parking spaces.

23. The proposal demonstrates that the Barber Salon would accommodate parking provision for three vehicles however the bay dimensions would be to a minimum size of 2.5m in width but which could accommodate the required length of 5.5m. These parking spaces would be capable of being accessed independently. Furthermore, outside of the application site but within the Golden Cross Parade location, there is an area of general free parking for customers of the shops and amenities on Golden Cross Parade (1 hour, no return within 3 hours Mon – sat between hours of 07:00 – 19:00) which customers of the Barbers could use. As the existing site does not benefit from specifically allocated parking provision, the proposal does assist with providing some parking provision. Supported by the general parking provision within Golden Cross Parade, it is considered that the parking arrangement is sufficient to support the business given its small scale which would comprise of 2 employees and only 2 customers at any one time.

### **Biodiversity Net Gain**

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

## CONCLUSION

27. APPROVE subject to conditions.

## CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hawkwell Parish Council: No objection to this application.

Neighbours: No comments received.

Cadent Gas: No objection, informative note required to decision notice.

### Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011), CP1, RTC3

Development Management Plan (December 2014) DM1, DM30, DM36

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

### RECOMMENDATION: APPROVE

Conditions:

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

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

2. The external surfaces of the development hereby approved including fenestration shall be constructed of materials and finish as detailed in the application, unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 of the Development Management Plan, in the interests of visual amenity.

3. The development hereby permitted shall be carried out in complete accordance with the following approved plans: Proposed Change of Use Details Inclusive of Exterior Alteration, Drawing No. 200, dated 8<sup>th</sup> May 2024.

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

The local Ward Members for the above application are Cllr. Mike. Webb, Cllr. Mrs. D. P. Squires-Coleman and Cllr. E. O. Mason.

Application No :	24/00364/FUL      Zoning: No allocation.
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Fire Station South Street Rochford
Proposal :	Replacement of existing single steel sliding Euro folding shutter appliance bay doors with new to match existing fabric

## **SITE AND PROPOSAL**

1. The application site comprises a fire station in the Roche South ward of the Rochford District Council along South Street on the boundaries of the Rochford town centre. The surrounding area is predominantly industrial with residential areas to the immediate north and south-west of the fire station. The Rochford Reservoir lies west of the site. The fire station is single storey and of brown brick, with white framed windows, and red painted doors. The building has two large retractable doors to service the appliance bay within, one to the front and one to the rear. These doors are single steel sliding Euro folding shutter doors in red with vision panels. The site is in the Rochford Conservation Area.
2. The proposal seeks to replace the front shutter door to the appliance bay at the Rochford Fire Station. According to the planning statement, the condition of the door is poor, and it has had to be repaired multiple times, yet continues to fail regularly. Planning permission is sought on the basis that the proposed new door will minimally materially alter the appearance of the building and constitutes development within its meaning as cited by Section 55 of The Town and Country Planning Act. As no permitted development rights pertain to such, planning permission is sought.

## **RELEVANT PLANNING HISTORY**

3. Application No. 07/00815/FUL - Removal of Existing Crittal windows and Timber Sub-Frames and Replacement with White UPVC (Spectus Profile) Windows to Match Existing Fenestration Pattern – Withdrawn – 06/09/2007.



4. Application No. 11/00719/FUL - Replace Existing Timber Front And Rear Folding Doors With Powder Coated Metal Folding Doors With Glazed Vision Panels – Permitted - 25/01/2012.
5. Application No. 20/00909/FUL - Replacement of existing deteriorated windows and doors with new (in aluminium). Remove one existing door and brick up – Refused - 25/11/2020.
6. Application No. 21/00992/FUL - Replacement of existing steel framed 'Crittall' type windows with powder coated steel windows and replacement of existing external timber doors all as a like for like replacement – Refused - 23/02/2022.

The reason for refusal for the above application is as follows:

*“The proposed replacement of the Crittall windows which are in a repairable state would comprise the loss of a traditional appearance sympathetic to the application site’s location within the Rochford Conservation Area. The proposed scheme would equate to less than substantial harm to the historic environment which would not be outweighed by public benefit. Proposals within this context should seek to enhance or better reveal their significance. However, the proposal would fail to preserve the setting of the building and therefore would lie contrary to part (viii) of Policy DM1 of the Development Management Plan and Section 16 of the NPPF.”*

## **MATERIAL PLANNING CONSIDERATIONS**

7. 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.
8. 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).

### Background Information

9. As previously stated, the proposal seeks to replace the front shutter door to the appliance bay at the Rochford Fire Station. The condition of the door is poor, and it has had to be repaired multiple times, yet continues to fail regularly. The applicant’s agent adds that the primary problem is that the leaves’ metal plates are corroding, which makes them fall and grind on the ground. When the door is closed, there is a gap at the bottom that cannot be closed or fixed because of the state of the door. A door leaf that had come loose from the drive chain was the reason for the most recent failure. All that could be done for this is a temporary fix. The door has reached the end of its productive lifespan and cannot be repaired to a level appropriate for operation.

10. The fire station's ability to function depends on its doors. There's a good chance the station will be shut down because of their continuous failure, which would make it impossible for it to function. Therefore, in order to maintain both the building's usage as a fire station and the continuation of this community function, replacement doors are imperative.

#### Principle of Development

11. The site is in the Rochford Conservation Area. The Council's Core Strategy (2011) and Allocations Plan (2014) state that conservation areas are set aside to protect the defined area's character against developments that would not preserve or enhance its character. Conservation Areas have statutory protection through the Planning (Listed Buildings and Conservation Areas) Act 1990. Proposals within these areas must have regard to the overarching Policy CP2 of the Core Strategy.

12. Policy CP2 (Conservation Areas) of the Core Strategy states:  
*"The Council will work closely with its partners to implement the actions recommended in the adopted Conservation Area Appraisal and Management Plans and will have regard to the advice in the CAAs and adopted SPDs when considering proposals for development within Conservation Areas."*

Consequently, the main issues are:

1. Whether the proposed development is appropriate development in the conservation area for the purposes of the National Planning Policy Framework (NPPF) and Development Plans.
2. The effect of the proposal on the character of the conservation area.

#### Impact on Character

#### Design and Impact on the Character of the Area

13. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
14. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that: *"The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment"*

*and residential amenity, without discouraging originality innovation or initiative.”* Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).

15. Policy DM1 seeks to ensure a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings and regard must also be had to the detailed advice and guidance in the Essex Design Guide.
16. The site is within the Rochford Conservation Area. Within the Rochford Conservation Area Appraisal and Management Plan (2007) the site is not included within the same Character Area as South Street, instead it is included in the Bradley Way Area (Character Area No. 5) which is described as:
  17. *“The Bradley Way area is identifiable by large isolated modern buildings surrounded by spaces used for car parking. The Back Lane car park is largely screened from South Street but has strong visual links to the buildings on the south side of West Street.”*
18. Within the appraisal, the Fire Station is indicated to have a neutral contribution to the Conservation Area and is described as:
  19. *“To the north of the river, there is the fire station, a plain rectangular single storey flat roofed municipal building in brown brick and with metal windows dating probably from the 1950s. The large area of asphalt in front of it would benefit from an attempt at landscaping. There is access down the side of it to the Riverside Industrial Estate.”*
20. According to the submitted plans, the proposed door would be built using the same materials as the existing which are angle steel sliding Euro folding shutter, powder coated to RAL 3000 Red, with 2no. vision panels to each shutter leaf.
21. The conservation officer was consulted to comment on the proposal and had no objections. It is considered that as the proposal seeks to replace a non-historic door, the proposal would not significantly alter the character and appearance of the Conservation Area or its historical worth. Moreover, the suggested door would be identical to the current door in terms of size, colour, material, and folding design. Owing to these factors, the proposal is considered as complying with SPD6: Design Guidelines within Conservation Areas. The doors would not affect any characteristic of Character Area 5 as described within the Conservation Area Appraisal and Management Plan.

## Impact on Residential Amenity

22. Paragraph 130 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
23. The site is currently used lawfully as a fire station. Given that the proposal is for a new door to a public facility it is considered to not have a negative effect on the noise and disturbance levels of any nearby neighbours. Therefore, it is considered that the proposal is compliant with Policy DM1 of the Development Management Plan.

## Flooding

24. According to the Environment Agency flood risk map the application site is located wholly within flood zone 3. The Environment Agency website goes on to state that Land within flood zone 3 has a high probability of flooding from rivers and the sea.
25. The proposed development's nature implies that it has no bearing on the current flood risk and won't make the site or its surroundings any more vulnerable to flooding.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

26. Conservation Officer: No objections to raise.

## **Relevant Development Plan Policies:**

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

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

## **RECOMMENDATION: APPROVE**

Subject to the following conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the following approved plans:
  - Location and Block plan (RABDR-IWD-XX-XX-DR-A-1100 Revision P01)
  - Existing and proposed elevations (RABDR-IWD-XX-XX-DR-A-2500 Revision P01)

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

3. The materials to be used in the construction of all external surfaces of the extension hereby permitted shall match those of the existing building or be those specified in the application unless alternative materials are otherwise first approved in writing by the Local Planning Authority.

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

The local Ward Member(s) for the above application are Cllr Angelina Marriott  
Cllr M J Steptoe Cllr A L Williams

Application No :	24/00255/FUL      Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Hawkwell Parish Council
Ward :	Hawkwell West
Location :	Piggeries Lincoln Road Rochford
Proposal :	Demolish all existing buildings and erect 2no. three bedroom bungalows with garages, new boundary treatments and associated residential gardens and form new vehicular accesses and driveways.

**SITE AND PROPOSAL**

1. The application site relates to a parcel of land which is located within the Green Belt as defined by the Council’s Local Development Framework Allocations Plan.
2. The site comprises a stable block of solid construction, two storage units, one of them being built out of 9” solid block, 591m2 menage, 100m2

horse walker and a 2 bedroom bungalow. The bungalow is a converted unit, which took place over 15 years ago.

3. The proposal is to demolish all existing buildings and erect 2 in number 3 bed bungalows with garages frontage access and rear amenity space.

## **RELEVANT PLANNING HISTORY**

PA/23/00027/PREAPP- Demolish all existing buildings and erect 2 no three bedroom bungalow with garages and stables - With the changes made during the course of the pre-application enquiry, the proposal for 2 new dwellings with garages and driveways/landscaping is not considered likely to have a detrimental impact on the openness of the Green Belt and is therefore likely to be considered acceptable. The advice and guidance provided within this pre-application response should be adhered to when submitting an application.

22/00926/FUL - Proposed 60m x20m Menage. APPROVED

22/00679/FUL - Demolish part of the existing buildings to erect a four-bedroom bungalow with double garage and stable. APPROVED

22/00123/FUL - To demolish all existing buildings to erect 2no four-bedroom bungalows with garages and stables. REFUSED and APPEAL DISMISSED.

21/00271/FUL - Erection of a Building Used in Connection with Storage Purposes (B8 use) (retrospective). REFUSED

10/00574/FUL - Construct Horse Exercise Menage. APPROVED.

It is noted that the plans submitted with the pre-application advice under reference PA/23/00027/PREAPP in which the proposal was found acceptable in principle are identical to what has been submitted with this application and therefore the acceptability and the view of the Council in terms of the proposed development has already been established.

## **MATERIAL PLANNING CONSIDERATIONS**

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

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

### Green Belt

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

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

9. In respect of exception (g), the Council has already assessed and confirmed that the application site represents previously developed land in other planning applications relating to the site and in the given pre application advice (reference PA/23/00027/PREAPP). Therefore, the key consideration remains as to whether the current proposal has any greater impact on the openness of the Green Belt in comparison to that already approved but also giving weight to a previous refusal for 2 dwellings at the site.
10. In principle there is no objection to two dwellings on the site, as long as the impact of the proposed on the openness of the Green Belt is no greater than the existing development.
11. The existing buildings to be demolished includes a stables block measuring approximately 20.2m<sup>2</sup>, one outbuilding measuring approximately 78.8m<sup>2</sup>, a second outbuilding measuring approximately 42.2m<sup>2</sup> and a bungalow measuring 76.6m<sup>2</sup>.
12. There are two mobile homes existing on the site, however it is understood that these are only existing to provide accommodation to the owners who would live there whilst the dwellings are being constructed. It is therefore reasonable to condition the removing of these mobile homes from the site prior to first occupation in the interests of maintaining the openness of the Metropolitan Green Belt and to ensure that additional units of accommodation or not inadvertently approved or hold possibility of being considered lawful at any future date. .
13. It is noted that a dwelling has already been approved at this site which would have a floor area of 224.2m<sup>2</sup> and at a height of 4m. The current proposal would have a similar floor area as the existing buildings to be demolished (existing at approximately 217.8m<sup>2</sup> and proposed including the garages at approximately 218m<sup>2</sup> (GIA), however the proposed dwelling would be at a greater height of 5m. Although this is approximately 1.5m greater than the height of the existing buildings on the site (1m greater than the dwelling approved), it is not considered to be significant and the dwellings themselves are modest in form and size with an appearance in accordance with their rural setting.
14. In this case, it is not considered that their height alone is likely to have a greater impact on the openness of the Green Belt. The built form would be repositioned/extended into an area of land that is currently relatively free of built form. It is considered that whilst the proposal would extend the built form further to the South, which was part of the reason for the previous refusal for 2 dwellings that was dismissed on appeal, that these dwellings are much smaller than those previously



considered and thus they would not extend quite as far as previously considered and their siting in a central position within the overall plot would create a more balanced appearance.

15. For this reason, taking all relevant factors into account the positioning is not considered likely to have a detrimental impact on the openness of the Green Belt and therefore is considered to meet exception (g) from paragraph 154 of the NPPF.
16. It is important to note that the garden areas, as shown, are considered to represent a reasonable size to accommodate the dwellings. If they were much smaller this could result in pressure for the other land to be used as over flow garden which would not be considered acceptable. In relation to this, a suitable condition would be imposed on any granting of planning consent to outline the exact curtilage of the dwellinghouses to retain the character and openness of the Metropolitan Green Belt.
17. If planning permission were to be approved, consistent with the previous approach, there would be a restriction placed on constructing any new extensions and outbuildings (Classes A and E of Part 1 to the second schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to prevent enable a future judgement to be made regarding the acceptability of any further built form.
18. It would also be the case that there would need to be a fence or buffer to segregate the garden area from the other land in the same ownership. This land represents agricultural land and could not be used as residential garden.  
Impact on Character
19. 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. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people.
20. 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.

21. The area of Lincoln Road is characterised by detached dwellings, the majority of which are bungalows but there is a detached house present as you enter Lincoln Road. These properties are constructed predominately out of facing brick under a tiled roof with some rendering also present. The majority have gable ended roof forms but hipped roofs are also present. The proposal would include dwellings with a traditional bungalow appearance. This would be suitable for its rural location where properties of this style and square form are commonly found and already present within Lincoln Road.
22. Whilst the dwellings would be sited forward of the dwelling to the South, Lincoln House, this dwelling is not parallel to Lincoln Road and many dwellings within this area have differing proximities to the road. The dwellings would however, be approximately in line with the properties to the North, Balnabreich and no.1. The relationship of the dwellings with the road is considered acceptable. The dwellings would be positioned in a central position within the plot and therefore would create a degree of symmetry with their positioning and style.
23. SPD2 requires new dwellings to provide a 1m separation to the boundary which is provided here. The proposed single garages are of acceptable scale and design.

#### Residential Amenity

24. Paragraph 130 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and that create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
25. According to the submitted plans the proposed dwellinghouses would stand forward of the nearest residential dwelling, which is Lincoln House, and there is a distance of approximately 58m which separates the properties. It is considered the separation distance will help to mitigate any negative impact caused by the proposed development. Furthermore, it is considered the intervening boundary treatment and landscape treatment (which would be conditioned if planning permission was granted) to ensure any impacts to residential amenity are mitigated further.
26. The next nearest dwelling is to the North and known as 'Balnabreich'. There is a separation distance of approximately 39m between the proposed dwelling at plot 2 and the dwelling Balnabreich. The proposed dwelling is set well off the boundary and intervening buildings would also help to ensure no detrimental impact would occur.

27. Overall, it is considered that the proposed development would not be likely to cause any significant impact on residential amenity in respect to loss of noise, light, overlooking or privacy to the surrounding properties neither would it have a significant overbearing impact.

#### Garden Area

28. SPD2 requires two bedroomed properties to provide 50m<sup>2</sup> of garden area with three bedroomed properties providing 100m<sup>2</sup>. The proposal would result in the dwellings having garden areas of 211m<sup>2</sup> each, well in excess of the 100m<sup>2</sup> requirement.

#### Sustainability

29. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.

30. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.

31. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.

32. The proposed dwellings are shown by the applicant as a 3 bedroom dwelling on the submitted plans. The proposed dwelling would be a 3 bedroom, five person dwelling with one. The dwelling is a five person dwelling as one of the bedrooms does not meet the floor area requirement for it to be considered as a double bedroom.

33. A dwelling of this size would need a gross internal area of 86m<sup>2</sup>, with 2.5m of built in storage to meet the above standards. The proposed dwelling would exceed the GIA required. It is noted that only 1.0m<sup>2</sup> is accounted for in terms of inbuilt storage however the dwelling exceeds the GIA required sufficiently to provide the additional 1.5m<sup>2</sup> of built in storage required for this size dwelling.

### Impact upon Highway Safety

34. The Parking Standards Design and Good Practice guide (2010) states that dwellings of more than two bedrooms require two car parking spaces with dimensions of 5.5m x 2.9m and garage spaces should measure 7m x 3m to be considered usable spaces. Policy DM30 has adopted the EPOA parking standards. Quality urban design dictates that care should be taken that the parking layout does not result in streets dominated by parking spaces in front of dwellings or by building facades with large expanses of garage doors.
35. The proposal includes access onto new driveways for both properties. The hardstanding proposed is sufficient for the parking of two cars each with bay sizes which would both meet the above standards of 5.5m x 2.9m. It is also noted that each dwelling would have a garage which internally meets the above standards of 7m deep x 3m wide.
36. The dwellings would both have access to the driveway from Lincoln Road which is a private road.
37. The Highway Authority have been consulted on the application and their comments state that the applicant should seek permission from the landowner for the installation of vehicle crossovers to ensure that adequate visibility is available between users of the Public Right of Way footpath and new accesses.
38. The Highway Authority have also recommended that a condition be imposed on any granting of planning consent which has been included in the consultations section of this report.
39. The proposal is considered to comply with Policies DM1 and DM30 in this regard and the proposal would not be of detriment to highway safety.

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

40. 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.
41. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat

Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two dwellings

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

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

- No

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

- No

42. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by Rochford District Council on the 20 October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.
43. 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.
44. The applicant has paid the required financial contribution to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

## Ecology

45. 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.
46. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England.
47. An ecological survey has been submitted with the application which has summarised the following findings:

*'Bats: All buildings to be affected by the proposal were subject to Preliminary Roost Assessment. No suitable voids/crevices were found, and no signs of roosting bats (e.g. droppings, feeding remains) were identified. All buildings are assigned negligible bat roost suitability (BCT, 2016) and further surveys are not necessary. In the unlikely event that bats are encountered during construction, work must cease until ecological advice has been sought.'*

*Great crested newt: Two ponds were identified within Magnolia Fields Local Nature Reserve. Neither pond was considered to be suitable for breeding great crested newt due to the lack of permanence and absence of egg-laying substrate. The site is unsuitable for terrestrial great crested newt, lacking in habitats suitable for foraging, shelter or hibernation. Further surveys are not required.'*

*Nesting birds: The stables support nesting swallow, and boundary vegetation is likely to attract generalist nesting birds. Vegetation management/clearance and building work will be carried out between October and February inclusive, unless nesting birds are confirmed to be absent by an ecologist. Active nests (e.g. supporting eggs, chicks, young) will left undisturbed with a suitable buffer (normally 5 metres) until the young have fledged.'*

48. It is considered that the site contains limited habitats that are common and widespread, with limited potential for legally protected species, other than nesting birds.
49. A reasonable and necessary condition will be imposed on any granting of planning consent regarding nesting birds.

#### Trees.

50. Policy DM25 (Trees and Woodlands) of the of the Council's Development Management Plan indicates that development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features. No trees are proposed to be removed, nor are there close by trees subject to Tree Preservation Orders that would be affected by the proposal. It is therefore concluded that there would not be any trees adversely affected by the proposal.
51. Given the site characteristics, there are no other ecological considerations of note that would be impacted by the development.

#### Biodiversity Net Gain

52. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 subject to some exceptions).
53. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, with the development stated on the planning application form being a custom/self-build development. The details of two applicants have been provided who would live in those dwellings once constructed.
54. The applicant has not therefore been required to provide any BNG information.

55. As the proposal is for development to which the statutory biodiversity gain condition would not apply, an informative would advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.
56. It is however recommended that a condition be imposed on any granting of planning consent to secure the discharging of the statutory gain condition if the development and resultant dwellings no longer meets the custom/self-build exemption.

#### Refuse and Waste

57. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide).
58. The Council operate a 3-bin refuse and recycling system. According to the submitted plans there is sufficient space within the applicant's curtilage/garage to accommodate the refuse bins. These bins could be brought to the driveway edges on collection day.

#### Flood Risk

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

#### Historical uses and Potential contamination and health risks

60. The National Planning Policy Framework at paragraph 190 (Ground Conditions and Pollution) indicates that where a site is affected by contamination or land stability issues, responsibility for securing a safe environment rests with the developer and/or the landowner. Paragraph 191 indicates that planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Any potential adverse impacts arising from a development should be mitigated.
61. The legislative framework for the regulation of contaminated land is embodied in Part IIA of the Environmental Protection Act 1990, implemented in the Contaminated Land (England) Regulations 2000. This legislation allows for the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment. The approach adopted by UK contaminated land policy is that of "suitability for use" which implies that the land should be suitable for its current use and made suitable for any proposed future use.



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

### Foul drainage

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

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

### **CONCLUSION**

APPROVE subject to conditions.

### **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Hawkwell Parish Council

No comments received.

Essex County Highway Authority:

The information that was submitted in association with the application has been fully considered by the Highway Authority. Lincoln Road is a private road; the applicant should seek permission from the landowner for the installation of the vehicle crossovers and the applicant must ensure that adequate visibility is available between users of the Public Right of Way footpath and the new accesses. Each dwelling will have access to a minimum of two off-street parking spaces, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

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

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development

Management Policies, adopted as County Council Supplementary Guidance in February 2011.

London Southend Airport:

No safeguarding objections

Neighbours:

No comments received.

**Relevant Development Plan Policies:**

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) – H1, CP1, GB1, GB2, T8

Development Management Plan (December 2014) DM1, DM2, DM3, DM4, DM25, 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: APPROVE**

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced 137 01C (dated 26.07.2022), 137 02B (dated 26.07.2022), 137 010 (dated 26.07.2022), 137 04 (dated 26.07.2022), 137 05 (dated 26.07.2022), 137 06A (dated 26.07.2022), 137 07A (dated 22.01.2022), 137 08 (dated 26.07.2022) and 137 09 (26.07.2022).

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

3. The external facing materials to be used in the construction of the development hereby permitted, shall be those as listed on the application form and or those shown on the approved plans unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: To ensure the external appearance of the building/structure is acceptable having regard to Policy DM1 of the Council's Local Development Framework's Development Management Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out.

REASON: To ensure continued control over the extent of further building on the site in the interests of the open character of the Metropolitan Green Belt.

5. Prior to occupation, 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 (including level-thresholds) if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;

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.

6. Prior to first occupation of the development hereby permitted, new driveways shall be provided to the site frontage as shown on plan 137 02B (26.07.2022), each accommodating two car parking spaces each measuring 5.5m deep x 2.9m in width. The spaces shall be retained for the use solely for the parking of vehicles in perpetuity thereafter.

REASON: To ensure the site can accommodate the required parking spaces in compliance with the EPOA parking standards in the interests of highway safety and in accordance with policy DM1 and DM30 of the Rochford Council Development Management Plan.

7. Notwithstanding the details shown on the approved plan/application form details of surfacing materials to be used on the driveways of the development, which shall include either porous materials or details of sustainable urban drainage measures shall be submitted to and approved in writing by the Local Planning Authority prior to the laying of the hard surfaces to form the driveway. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in the locality and drainage of the site.

8. Notwithstanding the area of land within the red lined boundary as shown on plan 137 01C (dated 26.07.2022), The residential garden to each of the dwellings hereby permitted shall be limited to the areas shown and labelled as the amenity area (shaded green), and patio area as shown on approved plan 137-02B dated 26.07.2022. Prior to first occupation, post and rail fencing as shown on plan 137 08 (dated 26.07.2022) shall have been erected around the perimeter of the garden areas to each plot as shown with a dashed green line on plan 137 02B (dated 26.07.2022).

REASON: To ensure continued control over the extent of the gardens and curtilage on the site, in the interests of the open character of the Metropolitan Green Belt.

9. Prior to the removal of any vegetation or the demolition of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place.

REASON: To safeguard nesting birds in accordance with Paragraphs 174, 179 and 180 of the NPPF.

10. Prior to first occupation of the dwellings hereby approved, the two mobile homes labelled as 'static caravans' and shown on the site plan 137 01C (dated 26.07.2022) shall be demolished or permanently removed from the application site.

REASON: To ensure continued control over the built structures on the site, in the interests of the open character of the Metropolitan Green Belt.

11. The public's rights and ease of passage over public footpath no. 26 (Hawkwell) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 (ii) of the Rochford Council Development Management Plan

12. The dwellings hereby approved shall be first occupied by the applicants for a period of not less than 3 years from the date of first occupation.

REASON: The development hereby approved was declared to be exempt from the mandatory Biodiversity Net Gain (BNG) condition as a result of the dwellings being self-build. The dwellings must be delivered as self-build dwellings because otherwise the mandatory BNG condition would apply as would have the need for the applicants to supply the necessary pre-planning consent BNG information which was not provided in relation to the planning application.

13. Prior to first occupation of the proposed dwellings the Developer shall be responsible for the provision and implementation 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. One pack per dwelling.

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

14. Prior to the first occupation of the development approved 1 Electric Vehicle (EV) charging point per dwelling shall be installed and fully operational. The details shall be submitted to and approved in writing by the Local Planning Authority prior to first installation. This provision or an equivalent replacement / or as may be upgraded in future shall be retained in perpetuity over the lifetime of the occupation.

REASON: To ensure that the development achieves sustainability in its design in compliance with Rochford District Council's Local Development Framework Development Management Plan policy DM1 and policy CP1 of

the Core Strategy and Chapters 9 and 12 of the National Planning Policy Framework (2023).

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

Application No :	24/00377/FUL      Zoning : Town Centre
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	Site Of 123 To 153 High Street Rayleigh
Proposal :	Replace existing steel framed windows with new uPVC framed windows to front and rear. Install 2 no. additional windows to the front and 2 no. additional windows to the rear

### **SITE AND PROPOSAL**

1. The site is located on the south eastern side of High Street, Rayleigh. The subject property is 123 to 153 High Street, which is a large prominent 3 storey building constructed partially out of facing bricks and rendered panels. Located at the rear of the building is a service drive which traverses the entire rear of the application site and allows the ground floor retail/commercial units to be serviced. The site is located just outside the Rayleigh Conservation Area, but within the Rayleigh Town Centre as identified in the Local Plan. The property is flanked on one side by Rayleigh Police Station and on the other side commercial/retail units. Whilst located to the rear of application site is the Castle Road car park, the boundary separating the application site from Castle Road car park is demarcated by a 1.8m high (approx.) close boarded timber fencing.
2. The proposal is to replace all existing steel framed windows with new uPVC framed windows to front and rear. Install 2 no. additional windows to the front and 2 no. additional windows to the rear.

### **RELEVANT PLANNING HISTORY**

3. Application No. 21/00601/DPDP3J - Prior approval for the change of use of upper floors from office to residential (use class C3) to create 16 flats – Refused - 20.07.2021
4. Application No. 21/00845/DPDP3J - Prior approval for the change of use of upper floors from office to residential (use class C3) to create 16 flats (Option 1) – Prior Approval Details not Required - 11.10.2021

5. Application No. 21/00846/DPDP3J - Prior approval for the change of use of upper floors from office to residential (use class C3) to create 16 flats (Option 2) – Refused - 20.10.2021
6. Application No. 21/00856/DPDP3J - Prior approval for the change of use of upper floors from office to residential (use class C3) to create 16 flats (Option 3) – Refused - 20.10.2021
7. Application No. 21/00857/DPDP3J - Prior approval for the change of use of upper floors from office to residential (use class C3) to create 16 flats (Option 4) – Refused - 20.10.2021
8. Application No. 22/00640/DPDP3 - Application for prior approval under Schedule 2, Part 20, Class AB of the GPDO (as amended) for proposed new dwellings (12 no. flats) on a terrace building in commercial or mixed use – Approved - 31.08.2022
9. Application No. 23/00380/DPDP3J - Prior Approval for the Construction of a Single Storey Upward Extension to Create 12 Self-Contained Flats – Approved - 28.06.2023
10. Application No. 23/00605/FUL - Replace all steel windows with upvc bay windows – Approved - 16.08.2023

## **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).

### Background Information

13. A similar planning application (23/00605/FUL) was relatively recently granted planning permission for the replacement of all steel windows with UPVc bay windows at 123 to 153 High Street. This current proposal is seeking planning permission to replace all the existing steel framed windows with new UPVc double glazed on the front and rear elevations. In addition, the applicant is proposing to insert 2No. additional windows in both the front and rear elevations.

## Design

14. The main thrust of National Planning Policy and Local Policy is to achieve a high standard of design, respect the pattern, character and form of the surrounding environ, whilst not adversely affecting the street scene by reason of scale, height, proportions or materials used.
15. Guidance advocated within the National Planning Policy Framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states that “*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design*” (para 139). Building upon this is Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. Furthermore, this point expanded in Policy DM1 of the Development Management Plan (2014), which states that “*Design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative*”. Both policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
16. 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.
17. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
18. The subject site is not within proximity to any Listed Building and is not within the Rayleigh Conservation Area.
19. The application site is located directly to the south west boundary of the Rayleigh Conservation Area and there is a distance of approximately 28m separating the site from the boundary of the Conservation Area. Although it is not in the Conservation Area its, principle of development must be analysed such that it does respect the policies associated with the Council’s Designated Conservation Areas. There are no listed buildings in close proximity of the application site.
20. Section 72 of the Planning Act (Listed Buildings and Conservation Areas) imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation



area. Paragraph 203 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

21. Policy DM9 of the Council's Development Management Plan (2014) relates to the development outside, but close to the boundary, of Conservation Areas. Conservation Areas are designated to protect the character and important value of particular townscapes. Conservation Area Actions Plans are in place to aid their protection and enhancement. The policy outlines that development near to the boundary of Conservation Areas must abide by is as follows:

- The development must have regard to the Conservation Area and the overall street scene.
- The development must not alter the appearance of a building and should carefully consider the impact of the changes on proposed on the setting, character, and appearance of the adjacent Conservation Area.
- Account should be taken of all changes proposed including (but not limited to) changing building materials, altering the positioning and design of fenestration and extensions and other alterations.

22. As previously stated, it should be noted that good design is fundamental to high quality new development and its importance is reflected in the National Planning Policy Framework (NPPF) as well as policy DM1 of the Development Management Plan which seeks new development should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment.

23. According to the submitted planning application forms and accompanying plans the applicant is proposing to replace all the steel windows with uPVC bay windows on the front and rear elevation of the host building. The replacement fenestration is required following the grant of application 23/00380/DPDP3J which was for Prior Approval for the Construction of a Single Storey Upward Extension to Create 12 Self-Contained Flats. The existing steel windows are in a poor state of repair will be removed and replaced with more modern and sustainable uPVC windows, the proposal will not require any new additional openings to be made and the existing apertures will be replaced on a like for like basis.

24. Moreover, the applicant is proposing to insert 2no. additional windows on both the front/rear elevations of the host property. The proposed windows will be located directly below 2no. existing windows and will replace 2No. high level windows on unit no.153. The design and proportions of the proposed windows are similar to the replacement UPVc windows. The proposed new windows will vertically and horizontally align with the existing apertures and helps to reinforce the strong sense of place. Overall, it is considered that the new apertures will not appear incongruous and will not have a detrimental impact on the character and appearance of the host property or the street scene.
25. As previously stated, the application site is located approximately 28m away from the Conservation Area and the Police Station acts as a buffer. The front and rear elevations of the application site do not face the Conservation Area. The rear elevation overlooks a service road, which serves the retail units on the ground floor and a car park beyond. Whilst the front elevation overlooks commercial/retail units on the opposite side of High Street. It is not considered given the separation distances, orientation and location of the application site in relation to the Conservation Area that the proposal will have detrimental impact on the Rayleigh Conservation Area and as such the proposal is in accord with CP1 of the Council's Core Strategy (2011) and DM1 and DM9 of the Council's Development Management Plan (2014).

#### Impact on Residential Amenity

26. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
27. 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.
28. The proposed works would not change the existing layout, access, landscaping or the scale, form and bulk of the building. Furthermore, it is considered that the insertion of additional windows on the front/rear elevations of the host property will not result in any overlooking or loss of privacy issues. Consequently, it is considered that there will be no demonstrable impact on residential amenity.

## Biodiversity Net Gain

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

## CONCLUSION

32. Approve

## CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: Based on the information provided to this planning committee, Rayleigh Town Council has no objection to this application

Neighbours: No comments received.

### Relevant Development Plan Policies:

National Planning Policy Framework (December 2023)

Core Strategy Adopted Version (December 2011) – policies CP1, ED1.

Development Management Plan (December 2014) – policies DM1, DM9, DM30, DM34

Allocations Plan (February 2014)

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

The Essex Design Guide (2018)

Rayleigh Centre Area Action Plan (2015)

**RECOMMENDATION: APPROVE**

Subject to the following conditions:

4. 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.

5. The Development hereby approved shall be carried out in total accordance with the approved plans numbered HSR-A-01-001 (Location Plan) (as per date stated on plan 30<sup>th</sup> December 2022), HSR-A-26-103 (Window Details), HSR-A-26-102 (Window Details), HSR-A-26-101 (Window Schedule) and HSR-A-06-101 (Proposed Elevations).

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

The local Ward Member(s) for the above application are Cllr R C Linden  
Cllr Mike Sutton Cllr A G Cross