



PLANNING APPLICATIONS WEEKLY LIST NO. 1723
Week Ending 16th August 2024

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 26 September 2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **21st August 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

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Application No :	24/00223/FUL Zoning : Metropolitan Green Belt and Rochford Conservation Area
Case Officer	Mr. Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Rochford Sports Club, Church Walk, Rochford.
Proposal :	Change of use from a tennis club to a place of worship.

SITE AND PROPOSAL

1. The application site is accessed from Church Walk and lies to the immediate west of Rochford train station. The site is currently occupied by Rochford Tennis Club and comprises three tennis courts and a clubhouse along with a small parking area. The clubhouse is a single storey building, which is utilitarian and functional in appearance. The building has a roughly rectilinear footprint with a Gross External Area (GEA) of 95m² (approx.)
2. To the north of the site is the local scout hall with the golf course to the south-west. Church Walk links into Hall Road with a ribbon development of modest houses to the north. The site lies within the Rochford Conservation Area and within the vicinity of Saint Andrew's church, a listed building, which is south-west of the site. The site is also situated within the Green Belt. Additionally, the application site is situated wholly within flood zone 3 according to the Environment Agency Flood Risk Map.
3. The proposal is for the change of use from a tennis club to a place of worship. According to the submitted planning application forms and accompanying plans no internal or external alterations are proposed to the clubhouse. The tennis courts would be changed into a multi-sports facility.

RELEVANT PLANNING HISTORY

4. Application No. 87/00139/FUL – Extend clubhouse to provide enlarged changing facilities and sports hall – Withdrawn.
5. Application No. 14/00398/FUL - Proposed Replacement of 4No. Lighting Columns with 6No. 10.0-metre-High Ornate Columns with One Lamp/Column – Approved – 19th August 2014.
6. Application No. 14/00891/FUL - Upgrade of Existing Floodlights and Columns by Replacement Of 4 No. Existing Galvanised Columns With 8 No. 10m High Ornate Columns with One/Two Lamps Per Column as Indicated – Approved – 9th February 2015.

7. Application No. 15/00415/FUL - Upgrade of Existing Floodlights and Columns by Replacement Of 4 No. Existing Galvanised Columns With 8 No. 10m High Ornate Columns with One/Two Lamps Per Column as Indicated – Approved – 24th September 2015.
8. Application No. 23/00137/FUL - Demolition of existing pavilion and erection of new club house and replacement fence – Withdrawn.

MATERIAL PLANNING CONSIDERATIONS

9. 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.
10. The relevant parts of the adopted Development Plan are the Rochford District Council Local Development Framework Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Background Information

11. According to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 the proposed change of use would constitute changing the current use of the building from Use Class F2 (Local Community) to F1 (Learning and non-residential institutions), the proposed use would accord with criterion (f) uses in connection with public worship or religious instruction.
12. According to the community statement, the place of worship proposed would be a Hindu Temple. The need for this place of worship arises from the burden faced by the Rochford Hindu community to travel to Ilford or East Ham for religious gatherings which is costly and time consuming. The current application would have a significant benefit for the Hindu community providing a much-needed nearby building for religious gatherings.

Principle of the Development

13. As previously mentioned, the site is in the Rochford Conservation Area and the Metropolitan Green Belt. The current use of the site is F2.
14. 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 (Conservation Areas) of the Core Strategy.

15. Policy DM23 of the Council's Development Management Plan (2014)
states:

*“Redevelopment will be considered acceptable within Conservation
Areas situated in the Green Belt, provided that:*

- (i) it will make a positive contribution to the character and
appearance of the Conservation Area and will contribute to the
recommendations of the relevant Conservation Area Appraisal
and Management Plan;*
- (ii) the proposal would not adversely impact areas of biodiversity
and geodiversity importance; and*
- (iii) the proposal does not undermine the purposes of including the
land within the Green Belt and is such that the impact on the
openness of the Green Belt has been minimised.*

*Any development which is permitted should be of a scale, design and
siting such that the character of the countryside is not harmed, and
nature conservation interests are protected.”*

16. Both policies GB1 and GB2 of the Core Strategy seek to direct
development away from the Green Belt as far as practicable and
prioritise the protection of the Green Belt based on how well the land
helps achieve the purposes of the Green Belt, whilst allowing rural
diversification in appropriate circumstances. Both policies pre-date the
current National Planning Policy Framework (December 2023) (NPPF)
but can still attract weight in proportion to their consistency with it.
These policies reflect the aims of those parts of the framework which
seek to protect the Green Belt from inappropriate development.

17. With the site being located wholly within the Metropolitan Green Belt,
paragraph 137 of the NPPF expresses that the fundamental aim of
Green Belt policy is to prevent urban sprawl by keeping land
permanently open; the essential characteristics of Green Belts are their
openness and their permanence. Para. 138 repeats the five purposes
of the Green Belt, which include:

- i) To check the unrestricted sprawl of large built-up areas;
- ii) To prevent neighbouring towns merging into one another;
- iii) To assist in safeguarding the countryside from encroachment;
- iv) To preserve the setting and special character of historic towns;
and
- v) To assist in urban regeneration, by encouraging the recycling of
derelict and other urban land.

18. Paragraph 148 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

19. Consequently, the main issues are:

- Whether the proposed development is appropriate development in the Green Belt and Conservation Area for the purposes of the NPPF and the Development Plan;
- The effect of the proposal on the openness of the Green Belt; and
- The effect of the proposal on the character of the Conservation Area.

20. Paragraph 154 of the NPPF states:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry;*
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of original building;*
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) Limited infilling in villages;*
- f) Limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites) and;*
- g) Limited infilling or the partial or complete redevelopment of previously developed land.”*

21. Paragraph 154 of the NPPF makes it clear that new buildings are inappropriate in the green belt subject to certain exceptions. The proposal will be assessed against exception (b) as it is the most relevant to the current proposal of a change of use.

Assessment against exception (b)

22. As previously attested too exception (b) allows for 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.

23. At the national, regional, and local levels of policy, there are several recurring themes and messages about religious buildings and communities. These include acknowledging the part that social facilities—including places of worship—play in building strong, cohesive communities as well as the demand for these kind of facilities in general.
24. In light of the above, it is necessary to provide for the requirements of the non-Christian religious community. This involves the requirement for houses of worship for tiny, niche religious groups. For the local Hindu community, the proposed development would provide a relatively modest community facility that would include a place of worship. The proposed development is intended to address the needs of the Hindu community residing in the area, which is an important material planning consideration that cannot lightly be put aside.
25. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.
26. Bearing this in mind, it is relevant to refer to recent case law, in particular, *Timmins and Lymn v Gelding Borough Council* 2014 and *Goodman v SSCLG* 2017. Another important case is *John Turner v SoS CLG* [2016] EWCA Civ 466 the Court of Appeal held that: “The concept of “openness of the Green Belt” is not narrowly limited [...] The word “openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents”. The Supreme Court ruled authoritatively on the meaning and application of the concept of “openness” within the Green Belt, in *R (Samuel Smith Old Brewery) v North Yorkshire County Council* [2020] UKSC 3. The case law confirms that:
 - The visual quality of the landscape is not in itself an essential part of the openness for which the Green Belt is protected.

- Rather, openness is the counterpart of urban sprawl, linked to the purposes of the Green Belt, and not necessarily a statement about the about the visual qualities of the land. Applying this broad policy concept is a matter of planning judgment, not law.
- Nor does openness imply freedom from any form of development.
- The concept of openness means the state of being free from buildings. It is open textured and a number of factors are capable of being relevant.

27. In conclusion, the aforementioned cases were all related to proposed developments within the Green Belt, and it was concluded that materiality of visual consideration to openness as well as spatial impact were integral factors when assessing applications. Therefore, to fully appreciate the impact of the proposal on the Green Belt it is important to address other factors, which (not limited to) includes footprint, built volume, height etc.

28. The applicant's agent argues that the proposal will have no discernible impact on the openness of the Green Belt. According to the submitted application form, there would be no change to the existing floor space and volume of the club house. In addition, there are no proposed changes either internally or externally.

29. The case officer of the opinion that the proposal will not cause any demonstrable harm the Green Belt either visually or spatially. As such it considered that the proposal is in accordance with exception (b) as the change of use would not adversely affect the openness of the Green Belt.

Loss of the tennis courts

30. Policy DM16 of the Development Management Plan (2014) states:

“Proposals for football, rugby, cricket or hockey playing pitches will normally be expected to be located within an area where a deficit in supply has been identified in the Playing Pitch Strategy SPD. Proposals for the siting of these playing pitches and other leisure and recreational activities will be permitted provided that:

- (i) *they are proposed in an area where a deficit in supply has been identified. Alternative locations where a deficit has not been identified may be acceptable where more up-to-date evidence on supply and demand is available, where it would involve the replacement of a lost playing field or where it can be demonstrated that it is not feasible to share facilities or utilise other existing facilities in the locality, for example school playing fields; or where it can be demonstrated that the deficit location would not be viable to meet the teams/activities needs;*
- (ii) *they are well related to a defined residential settlement. Regard must be had to the potential impact on the best and most*

- versatile agricultural land, and the landscape character area in which the proposed pitches reside. Such leisure and recreational activities may be considered more appropriate in the South Essex Coastal Towns landscape character area, however, their location should be determined by demand, where appropriate;*
- (iii) they are accessible via a variety of alternative transport options such as cycle and bus routes, as well as ensuring opportunities for walking. Provision for cycling routes alongside footpaths and roads will need to be considered; and*
 - (iv) the proposal would not have an undue impact on the openness of the Green Belt, character of the countryside, the historic environment, generate undue levels of noise, be detrimental to residential amenity, have an undue impact on nature conservation interests or have an adverse impact on the visual amenities of the area.”*

31. The tennis club and its related courts would be lost as a result of the proposed development, but a multi-sport facility would occupy their spot. In the planning statement the agent indicates the proposed multi-sports facility would be available to the users of the community facility as well as the wider community. Therefore, rather than resulting in the closure of a facility, the suggested development would yield a suitable alternative offer.

Sustainability

32. Policy DM10 of the Development Management Plan states:

33. The Council will favour proposals for the redevelopment of previously developed land in the Green Belt which accord with Policy GB2 of the Core Strategy.

34. Proposals for the development of residential, retail and other uses not promoted by Policy GB2 of the Core Strategy, such as office, commercial, leisure, and community uses, on previously developed land that is located in the Green Belt may be appropriate if it can be demonstrated that it would constitute sustainable development (i.e. all of the below criteria are met).

35. In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:

- (i) is well related to a defined residential settlement;
- (ii) is well related to local services and facilities;
- (iii) has good connections to the strategic road network;
- (iv) would promote sustainable transport modes;

- (v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;
- (vi) is located within the South Essex Coastal Towns landscape character area.

36. In line with the above, previously developed land as defined in the NPPF appendix is:

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

37. Although the above criteria relates particularly to residential development, the current proposal may also be assessed on this sustainability criteria as it is proposed on previously developed land. The site is within reasonable distance to the residential area to the west and north-west. Concerning the site being well related to local services and facilities, the site is in close proximity to the Rochford town centre as it is 130m away from the nearest part of the town centre.

38. Concerning the site's connection to the road network, Church Walk is accessed from Hall Road which links the Rochford town centre and the western part of the Rochford Conservation Area comprising the golf course and cluster of dwellings. The site is adjacent to the Rochford train station and has access to other forms of public transport.

39. The site would not adversely affect the historic environment and is not situated within the South Essex Coastal Towns landscape character area or an area of international, European, or local nature conservation value. The application site broadly complies with the criteria listed in policy DM10 and is considered to be sustainable development.

Design

40. 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.

41. 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'.
42. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings.
43. Furthermore, policy DM1 seeks to ensure that any alterations or extensions are harmonious in character, scale, form and proposed materials with the existing dwelling, have an acceptable relationship with adjacent properties and have an acceptable visual impact in terms of the streetscene. Whilst the NPPF advocates and infers that proposals should create high quality places which maintain a strong sense of quality and place.
44. According to the submitted plans there are no internal or external changes to the existing building proposed under the remit of this application. Consequently, there are no objections from a design perspective as there would be no changes to the character or appearance of the building from the surrounding area and as such the proposal complies with policy DM1 and guidance advocated within the NPPF.

Impact on residential amenity

45. 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 the Council's 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.
46. Amenity is defined as a set of conditions that one ought to reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of

a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.

47. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 191 states:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and*
- *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

48. The sounds produced by a use can usually be muffled by high ambient noise levels, but they can be clearly heard in quieter places, like behind stores, on the outskirts of towns where residential development is nearby, and on quieter instances like Sundays and evenings. It is considered to be necessary that the residents should be able to anticipate a period of time, both during the week and on the weekends, during which they can enjoy their properties in a reasonably calm and peaceful manner.

49. The agent stated that the proposed Hindu temple would operate 7 days a week from 07:30am to 9:00pm. The case officer therefore sees it prudent and reasonable to attach an hours of operation condition to safeguard neighbouring residential amenity.

50. The current site features outdoor tennis courts and is used lawfully as a tennis club. It is expected that the flow of traffic and the use of the outdoor spaces would be similar to the intended use as a community facility, which includes a place of worship. Therefore, the proposal would not have a significant negative effect on the noise and disturbance levels of any nearby neighbours.

Impact on Setting of Listed Building

51. The application site is located on the approach of three designated heritage assets. To the southwest of the site is the Grade II* listed Church of St Andrew (list entry number: 1112585), a Grade II listed

headstone (list entry number: 1475902) and another individually Grade II listed headstone south of the church (list entry number: 1168138). Therefore, the site is considered to be within the setting of these designated heritage assets. Moreover, the site is located within the Rochford Conservation Area.

52. Colleagues in Essex County Council's Place Services Built Heritage have been consulted regarding the proposal and their advice is "*The proposed change of use from a tennis club to a place of worship would have neutral effect on the significance of any designated heritage assets as no material changes are proposed to the site.*"

To conclude, the proposals would preserve the special interest of the listed buildings, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Additionally, the proposals would preserve the character and appearance of the Rochford Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the NPPF (Dec 2023) the proposals will cause no harm to the significance of the listed buildings and Conservation Area."

53. In light of the above comments, the case officer agrees with the assessment and asserts that there is no sufficient justification to mandate another view.

Impact on Highway Safety

54. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
55. In line with paragraph 111 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
56. The case officer is aware that concerns have been raised about possible highways implications arising from the proposal. According to the submitted planning application forms and accompanying plans the existing parking arrangements on site are proposed for retention. Moreover, pedestrian and vehicular access remains unchanged to the application site. It was observed during the case officers site visit there are two parking areas close to the property; however, only one parking area is within the applicant's control. The remaining informal parking area is situated just outside the application site. Nevertheless, it is important to understand the parking regulations that the Rochford

District Council has adopted for the current and proposed use classes in order to accurately assess the proposal. While the proposed use would be categorised under F1, the current use would be under F2. Both of these use classes would need one vehicle parking space for every 10m² of interior area under planning policy. Thus, it is believed that in terms of parking, the proposed development would be no worse than the existing as the same parking standard applies to the existing and proposed uses. The application site is located in a sustainable location neighbouring Rochford train station and there are regular bus routes in the immediate locality. Moreover, given the size and scale of the building which is relatively small measuring approximately 95m² will help to curtail the size of congregation using the place of worship.

57. Furthermore, colleagues in Essex County Council Highways Department have assessed the proposed change of use and confirm there are no highway implications associated with the proposal. As of a matter of fact they state *“The proposal includes change of use of the site from a tennis club to place of worship and will retain use of the outdoor sports facilities. Two areas are identified for parking, however, only one of them is within the applicant’s site boundary. The proposal site is in a private road and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, walking and cycling facilities and public parking facilities”*. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable subject to the imposition of conditions relating to cycle parking and the public’s rights and ease of passage over public footpath No. 35 (Rochford) shall be maintained free and unobstructed at all times, which will be conditioned in the event that planning permission is approved.
58. There is no reason for the Local Planning Authority to take an alternative view and the proposal complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

Flooding and Drainage

59. According to the Environment Agency flood risk map the application site is located wholly within flood zone 3. The Environment Agency website goes on to state that Land within flood zone 3 has a high probability of flooding from rivers and the sea. The applicant has submitted a Flood Risk Assessment (FRA) with the application.
60. The Environment Agency have been consulted about the current proposal and did not object subject to certain flood risk considerations to be undertaken by the planning officer.
61. As the proposal is to change the current use of the club house to a place of worship and the provision of a multi-sports facility, the Flood Risk Vulnerability Classification would remain “Less Vulnerable” (as

defined by NPPF). According to the Environment Agency's Risk of Flooding from Rivers and the Sea (RoFRaS) database, there is a "Very Low" chance of a maximum possible fluvial flooding across the site. Surface and groundwater flooding pose a "Low" and "Moderate" potential risk, respectively. The Eastwood Brook's EA flood extent modelling indicates that the subject site will not be impacted by the 1 in 100 (1%) AEP, and that the 1 in 1,000 (0.1%) AEP will only cause modest infiltration near the western site perimeter. After taking mitigation measures into account, the FRA recommends keeping the current building's finished floor level.

62. With no additional building footprint being proposed and a flood evacuation plan being provided in the FRA, the planning officer agrees with the EA planning advisor to no objections for the proposed development.

Trees

63. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. In particular policy DM25 states:

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

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

64. The proposed change of use is considered to have no impact on the existing trees on site.

CONCLUSION

65. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: Highway access and parking suitability. Parking should enable vehicles to leave access road in forward movement.

Essex County Council Highways Department:

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes change of use of the site from a tennis club to place of worship and will retain use of the outdoor sports facilities. Two areas are identified for parking, however, only one of them is within the applicant's site boundary. The proposal site is in a private road and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, walking and cycling facilities and public parking facilities in Rochford. No objections subject to conditions relating cycle parking and public's rights and ease of passage over public footpath no 35 (Rochford) shall be maintained free and unobstructed at all times.

Essex County Council Place Services Historic Buildings and Conservation Advice:

The proposed change of use from a tennis club to a place of worship would have neutral effect on the significance of any designated heritage assets as no material changes are proposed to the site.

To conclude, the proposals would preserve the special interest of the listed buildings, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Additionally, the proposals would preserve the character and appearance of the Rochford Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the NPPF (Dec 2023) the proposals will cause no harm to the significance of the listed buildings and Conservation Area.

Environment Agency:

We have inspected the application as submitted and have no objection providing that you have taken into account the flood risk considerations which are your responsibility

Neighbour representations: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – CP1, CP2, GB1, GB2, T1.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – DM1, DM3, DM10, DM16, DM23.

Essex County Council and Essex Planning Officers Association Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010).

Rochford District Council Local Development Framework Supplementary Planning Document 6 (January 2007) – Design Guidelines for Conservation Areas.

Rochford Conservation Area Appraisal and Management Plan (2007).

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 02 (Proposed Plans and Elevations) received by the Local Planning Authority on the 21st March 2024 and the Location plan with reference PP-12888919v1 received by the Local Planning Authority on the 21st March 2024.

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

3. The recommendations and enhancement measures given in the Flood Risk Assessment by BOLD Environmental dated 23rd April 2024 shall be followed at all times when implementing the development.

REASON: To manage the risk of flooding.

4. The public's rights and ease of passage over public footpath No. 35 (Rochford) 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.

5. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

6. The development hereby approved shall be restricted to hours of operation as per the application form and submitted documentation. For clarity these are noted below.

Monday – Sunday (including bank holidays) 07:30 hrs to 21:00 hrs.

REASON: In the interests of safeguarding residential amenity.

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

Application No:	24/00105/FUL Zoning :Metropolitan Green Belt
Case Officer	Mrs. Elizabeth Milne
Parish:	Hockley Parish Council
Ward:	Hockley
Location:	La Vallee Farm Wadham Park Avenue, Hockley.
Proposal:	Application to vary condition 3 (approved plans) of planning consent ref. 20/00988/FUL (replacement of agricultural buildings with three bungalows (in lieu of Prior Approval for four dwellings subject of application 19/00760/DPDP3M) to allow for changes to the layout of the site and the design of dwellings to plots 1 and 2.

SITE AND PROPOSAL

1. The application site is located within the Metropolitan Green Belt, along Wadham Park Avenue (off Lower Road), east of the settlement boundary of Hullbridge. The application site is situated within the holding of La Vallee Farm and is accessed via the main entrance to the farm off Wadham Park Avenue. Lower Road is characterised as a form of ribbon development, with large gaps of intermitting open fields along its length. Some sections of Lower Road are built up in appearance and some sections are predominantly more rural in nature. Wadham Park Avenue itself is characterised by agricultural buildings and sporadic plotland dwellings.
2. The buildings the application proposes to replace are agricultural in nature. The Planning Statement refers to the main cattle yard and

pens as Building 1. The former chicken shed is described as Building 2. Building 1 comprises two portal ranges containing 12 bays and a further lean-to addition on the western elevation. It has a concrete floor totalling an area of 500m² according to the planning statement, although this measures at 591m² on drawing no. WLF-02 and 464m² not including the lean to. Building 2 is a timber clad portal framed building previously used for rearing chickens with a floor totalling an area of 266m² according to the planning statement, although this measures at 280m² on drawing no. WLF-01.

3. The previously approved application, 20/00988/FUL obtained consent for the replacement of the aforementioned agricultural buildings with three bungalows featuring a combined ground floor area totalling 344m². The previously approved scheme included two dwellings would have a floor area of 113m² each and one slightly larger with a footprint of 118m². The dwellings were to be located on the site of the existing agricultural buildings and would be oriented perpendicular to the access road. The height of the existing Building 1 is 5.0m to the ridge whilst Building 2 is 4.75m to the ridge. The height of the bungalows proposed in application 20/00988/FUL at Plots 1 & 3 would be 5.4m whilst Plot 2 would be 5.3m. The dwelling at Plot 2 also featured an integrated garage. The dwellings would be finished in facing brickwork with concrete tile roofs. The site was previously the subject of a deemed consent under the Permitted Development rights for the conversion of agricultural buildings and for four dwellings.
4. Planning permission is now sought for the variation of condition 3 of application 20/00988/FUL. The proposed amendments, as set out on drawing number WLF-101 Revision A, would allow for plot 1 to become a handed version of plot 2 which features an integral garage, which in turn would allow for courtyard tandem parking to this plot. Plot 3 has been reduced in width by 500mm and the dwellings have been moved to the west by some 2350mm. The application has been submitted under the provisions of Section 73 of the Town and County Planning Act 1990 as amended that allows for material changes to be considered by way of an application to vary the approved plans and that a new permission be issued if found acceptable. Condition 3 of the planning consent reads as follows:

3. The development hereby permitted shall be carried out in complete accordance with the following approved plans: Location plan, WLF-101, WLF-01 and WLF-02.

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.

RELEVANT PLANNING HISTORY

5. Application No. 20/00988/FUL. Replacement of agricultural building with three bungalows (in lieu of prior approval for four dwellings subject of application 19/00760/DPDP3M). APPROVED.
6. Application No. 19/00760/DPDP3M - Notification for prior approval for proposed change use of two agricultural buildings into four dwellings. APPLICATION NOT DETERMINED.
7. Application No. 87/01021/FUL - Erect Hay And Straw Barn. APPROVED.
8. Application No. 87/00929/FUL – Detached Double Garage. APPROVED.
9. Application No. /00239/FUL – Side Extension to Form Shop. APPROVED.
10. Application No. 6/00223/FUL – Erect Detached Two Storey Dwelling. APPROVED. This has a S106 legal agreement which prevents any parts of the land from being disposed of separately.

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).

Green Belt – Principle of Development

13. The proposal must be considered with regard to relevant Green Belt policy. The NPPF sets out, at paragraph 149, that the construction of new buildings is inappropriate in the Green Belt unless the proposal would fall under one of the specified exceptions which 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;

- 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);
- 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.

14. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
15. The proposal was considered acceptable in the previously approved application, 20/00988/FUL, and this was largely due to a permitted development fallback position obtained through application 19/00760/DPDP3M. It was not considered that the dwellings proposed in application 20/00988/FUL would have any greater impact upon the Green Belt than the PD fallback position, in other words the construction of the scheme possible under Permitted Development Rights if Planning Permission were refused.
16. With regard to the height of the development proposed in this current application, the amendments proposed would represent a slight reduction to Plot 1, which was 5.4m in height in the previously approved application and would be 5.3m in height should this application be approved. It is therefore considered that there is no material harm in terms of the impact of the openness of the Green Belt in this regard.
17. The combined ground floor area approved in the previous planning application was calculated at some 349sq. m, however on revision of this calculation it is measured at some 344sq. m. The combined floor space proposed by way of the prior approval application (19/00760/DPDP3M) measured some 363sq. m. The buildings to be

demolished, Building 1 and Building 2 are stated in the planning statement as measuring 500sq. m and 266sq. m respectively, although these were measured at 591sq. m and 280sq. m on the submitted plans.

18. The proposed changes are set out in the table below:

	20/00988/FUL Floorspace	Proposed floor space	Change in floorspace
Plot 1	113sq. m	118sq. m 22sq. m garage	+ 27sq. m
Plot 2	118sq. m 22sq. m garage	118sq. m 22sq. m garage	No change
Plot 3	113sq. m	106sq. m	-7sq. m
Total	344sq. m	342sq. m	-2 sq. m
Total including garages	366sq. m	386sq. m	20sq. m

19. As set out above, the previously approved application had a ground floor area of 344sq. m with the addition of a garage with a floor area of 22sq. m. Whilst there would be a reduction of the internal floor space of some 2 sq. m by way of the proposed amendment, with the inclusion of the additional integrated garage the changes proposed would result in an overall increase of some 20sq. m from the previously approved application, which would exceed the floorspace proposed in the prior approval application by some 23sq. m.

20. Whilst the proposed amendment would result in a proposal with a footprint which would slightly exceed that set out in the permitted development fallback scenario, when taking into consideration the slight reduction in height of the dwelling at Plot 1 and the extent of the built form to be replaced, it is not considered that the proposed amendment would be material to the consideration of the planning application. The footprint of built form proposed in this application remains considerably less than the existing buildings and therefore it is not considered that the proposed dwellings would have any greater impact on the Green Belt than the existing built form, nor would it have a materially greater impact than the permitted development fallback position.

Impact on residential amenity

21. In respect of existing residential development, the proposed dwellings would be sited within a secluded location in relation to other existing dwellinghouses in the area. The proposed dwellings would be orientated to the north, facing the existing farmhouse and would all feature south facing gardens. A separation distance of approximately 50 metres would be retained between the proposal

and this existing dwelling. The proposed amendments, including the re-siting of the dwellings some 2350mm to the west would not be considered to cause any adverse impacts in relation to overshadowing, overbearing, overlooking or harm to privacy to this existing dwelling.

22. Other dwellings within Wadham Park Avenue and Lower Road are considered to be of sufficient distance away to ensure that the proposal would not generate an unacceptable impact.
23. The proposed dwellings are all single storey and are therefore not considered to create an overbearing impact upon one another. The proposed amendments to plot 1 would not be considered to result in unacceptable overlooking to the neighbouring dwelling due to the separation distance between the two garages serving plots 1 and 2, and the omission of windows to the side elevation of bedroom 2 to each plot.
24. Overall, the proposed development is considered to comply with policies DM1 and DM3 of the Development Management Plan.

Design, effect on street scene and character of the area

25. With regard to the detailed appearance of the proposed dwellings, a traditional design has been applied which has a vertical and horizontal emphasis to its massing and scale and is generally well articulated with vertically proportioned fenestration creating well-balanced buildings. The amendments proposed would not be considered to significantly alter the design of the proposed development and are considered acceptable.
26. It is considered that the scale, bulk and height of the development is acceptable here and in accordance with policies DM1 and DM3 of the Development Management Plan and the National Planning Policy Framework (December 2023) (NPPF).

Garden sizes

27. 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.
28. SPD2 – Housing Design requires a minimum 100m² garden area for all new dwellings with two-bedrooms or more. The amendments proposed in this application would alter the garden sizes to plots 1 and 3, however the garden areas to each plot as amended would measure between 167-204 sq.m, therefore satisfying the outdoor requirements required.

Parking

29. The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010, requires dwellings with one bedroom to provide a minimum of one off street parking space and dwellings with two bedrooms or more should have a minimum of two off street parking spaces. These spaces would serve the residents of the dwellings.

30. All of the proposed dwellings would have 3 bedrooms and would therefore all require two off-street parking spaces. Such spaces have been provided. As a result of the proposed amendments, the parking provision at Plot 1 would increase to 3 spaces due to the inclusion of the integral garage.

31. The quantum of parking provision as a result of the proposed amendments is considered acceptable at the site.

National Technical Housing Standards and Sustainability

32. 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. 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.

33. 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. The proposal is assessed against the standards in the table below.

Dwelling	Bedrooms + Persons	Technical Standards requirement (Floospace)	Storage requirement	Proposed Floorspace	Proposed Storage	MET
Plots 1 & 2	3b5p	86m ²	2.5m ²	118m ²	1.2m ²	Floospace YES, Storage NO
Plot 3	3b4p	74m ²	2.5m ²	106m ²	1.8m ²	Floospace YES,

						Storage NO
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34. The proposed dwellings as amended provide the necessary minimum internal floorspace. Whilst they do not quite provide the necessary minimum storage, a requirement to meet the minimum internal storage requirement was imposed by way of condition 6 in the previously approved application which remains applicable.

Other Considerations

35. It is worth noting which conditions of the reserved matters application would still apply. At the time of writing this report none of the conditions attached to application 20/00988/FUL have been discharged and all remain relevant to this application.

36. There is a pending application to discharge condition 2 (application No. 24/00292/DOC), however as this application is yet to be determined these conditions are still relevant to this application.

37. The decision notice to approve this current application would need reflect the conditions previously set out, as well as the amendment to condition 3 detailed within the report to replace drawing number WLF-101 with drawing number WLF-101 Revision A.

CONCLUSION

38. Approve subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council: None received.

Neighbour representations: None received.

Essex CC Highways:

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

1. Prior to first occupation of the development and as shown in principle on planning drawing WLF 101 Rev A, two onsite vehicle parking spaces shall be provided for each dwelling. Each parking space shall have dimensions in accordance with current parking standards. The vehicle parking and turning areas shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023)

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies H1, H6, CP1, GB1, ENV1, T1, and T8

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM2, DM3, DM4, DM10, DM11, DM25, DM27, DM28 and DM30

Essex County Council and Essex Planning Officers Association Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010).

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

The Essex Design Guide (2018).

Technical housing standards – nationally described space standard (March 2015).

Natural England Standing Advice.

RECOMMENDATION: **APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the 1st November 2024.

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 works commencing to construct the dwellings hereby approved, details of all external facing (including windows and doors) and roofing materials to be used in the development shall be 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, WLF-101 Revision A, WLF-01 and WLF-02.

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. Prior to first use of the dwellings hereby permitted, details of a cycle store to plot 3 shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, such cycle stores shall be implemented and retained solely for use for storing bicycles.

REASON: To ensure the necessary covered cycle parking storage is provided in accordance with the Parking Standards SPD 2010.

5. Prior to first use of the dwellings hereby permitted, details of an unallocated visitor parking bay shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, such visitor parking bay shall be implemented and retained solely for visitor parking.

REASON: To ensure the necessary unallocated visitor parking bay is provided in accordance with the Parking Standards SPD 2010.

6. Prior to first use of the dwellings hereby permitted, the minimum internal storage requirement of 2.5m² shall be provided in accordance with the DCLG Technical Housing Standards - nationally described space standard March 2015.

REASON: To ensure that sufficient internal storage space is provided to provide good quality internal spaces for occupiers in accordance with the DCLG Technical Housing Standards - nationally described space standard March 2015.

7. Part G (water efficiency) of the Building Regulations (2010) shall be met for each dwelling on the site and be permanently retained thereafter.

REASON: In order that the development achieves compliance with the national water efficiency standard as set out in the Building Regulations in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

8. Prior to first use of the dwellings hereby permitted, details of on-plot bin storage shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, such on-plot bin storage shall be implemented and retained solely for use for bin storage.

REASON: To ensure sufficient bin storage is provided at the site.

9. Prior to first occupation of the development, and as shown in principle on planning drawing WLF 101 Revision A, two onsite vehicle parking spaces shall be provided for each dwelling. Each parking space shall have dimensions in accordance with the parking standards SPD. The vehicle parking and turning areas shall be retained in the agreed form at all times.

REASON: To ensure sufficient parking and turning areas are provided in the interests of highway safety.

10. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

REASON: To ensure sufficient storage areas are identified clear of the highway in the interests of highway safety.

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no extensions shall be erected on any elevations of the dwellings hereby approved or outbuildings erected within the curtilage of the dwellings hereby approved.

REASON: To enable the Local Planning Authority to retain adequate control over such extensions and outbuildings, in the interests of protecting the open character of the Metropolitan Green Belt.

The local Ward Members for the above application are Cllr. A. H. Eves, Cllr. J. R. F. Mason and Cllr. P. Capon.

Application No :	24/00028/FUL Zoning : No allocation
Case Officer	Ms Elise Davis
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	Land Rear Of 10 Castle Drive Mount Close Rayleigh
Proposal :	Construct 1 no. one bedroomed detached dwelling and vehicular access with associated amenity space and landscaping

SITE AND PROPOSAL

1. The application site is located within central Rayleigh but is however outside of the Town Centre boundary. The land is unallocated and unconstrained however is close to the Rayleigh Conservation Area (approximately 70 metres to the west) and Rayleigh Mount (which is a scheduled ancient monument). Notwithstanding the proximity of the site to the Conservation Area and Scheduled Monument, the application site does not fall within the setting of these as the residential roads of Mount Close and Hillview Road intervene between the designated sites and Rayleigh Mount is not visible from the application site.
2. The application site refers to land rear of No. 10 Castle Drive which equates to an area of 0.018 hectares (182m²) and which currently is part of the existing rear garden to No. 10 Castle Drive. The application seeks permission to subdivide the land and erect a one bedroomed bungalow which would have access from Mount Close and would face southeast.
3. The proposed bungalow would have maximum dimensions of 9.25m in depth, 9.25m in width, a height of 5 metres to the ridge of the roof and 3m in height to the eaves. The roof of the dwelling would be of hipped form with a pitch angle of approximately 30 degrees and would be finished in grey roof tiles. The elevations of the dwelling would consist of mainly white render walls with anthracite grey UPVC frames for the windows and doors.
4. The proposed dwelling would be supported by an 'L'-shaped garden area totalling approximately 78m² and an area of hardstanding approximately 20m² to the southwest corner of the site which would provide vehicular access for off-street parking for one vehicle. The site boundary of the dwelling is proposed to be enclosed by 1.8m high close boarded fencing.

RELEVANT PLANNING HISTORY

Land rear of 10 Castle Drive (the site) – No relevant history.

No.10 Castle Drive:

5. Application No. 24/00022/FUL - Side extension and rooms in the roof incorporating flat roofed rear dormer – Approved.
6. Application No. 22/01026/FUL - Removal of existing single storey rear conservatory and replacing with single storey rear extension – Approved.
7. Application No. 88/01008/Ful – Detached garage – Approved.
8. It is noted there is no planning history to the parcel of land rear of No. 10 Castle Drive which forms the application site because the land currently forms part of the residential garden to No. 10 Castle Drive, and therefore any relevant history is closely associated with the existing dwellinghouse.

MATERIAL PLANNING CONSIDERATIONS

9. 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.
10. The relevant parts of the adopted Development Plan are the Rochford District Local Development Framework Core Strategy (2011), the Rochford District Local Development Framework Allocations Plan (2014) and the Rochford District Local Development Framework Development Management Plan (2014).

Principal of Development

11. Section 5 of the National Planning Policy Framework (December 2023) (The framework) – Delivering a sufficient supply of homes 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 (including residential gardens). Additionally, the Framework sets out the requirement that housing applications should be considered in the context of the presumption in favour of sustainable development and paragraph 131 of the Framework asserts that good design is a key aspect of sustainable development.
12. The application site is located within an area of no allocation under the Council’s adopted Allocations Plan (2014) as under those rules of preparation existing uses not subject to change were not required (unlike former local plans) to have a distinct policy designation. The site

is however within the existing residential settlement of Rayleigh and therefore where the efficient use of land for housing provision is acceptable in principle, subject to policy compliance and other material considerations.

13. Policy H1 of the Council's Core Strategy confirms that the Council will prioritise the reuse of previously developed land. Additionally, in order to protect the character of existing settlements, the Council will resist the intensification of smaller sites within residential areas but that limited infilling will be considered acceptable and will continue to contribute towards the housing supply, however, this is subject to the requirement that it relates well to the existing street pattern, density and character of the locality.
14. Paragraphs 135 and 139 of the framework also advise that planning decisions for proposed housing development should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions; this is also emphasised by Core Strategy Policy CP1.
15. 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. Amongst other criteria, Policy DM3 of the Development Management Plan seeks demonstration that residential intensification and back land development positively address the existing street pattern and density of the locality, and whether the number and types of dwellings proposed are appropriate having regard to existing character.
16. In terms of housing need, the Council's published Annual Monitoring Report (AMR) (2022-2023) sets out the Council has a 5.15 year Housing Land Supply. However, additional windfall sites such as this would add to housing provision within the district.
17. The main issues for consideration therefore relate to the acceptability of the development as infill development, including issues of design, scale and impact on character, as well as impacts on residential amenity; these and other considerations are explored below.

Design, Character and Layout

18. 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).

19. The pattern and grain of urban development should be sympathetic to the existing in order to secure the appropriate characteristics and density of the surrounding area. The Council's Supplementary Planning Document 2 – Housing Design (section 5) sets out that in the case of housing development on small vacant frontage plots comprising infilling, site frontages shall ordinarily be a minimum of 9.25 metres for detached properties or 15.25 metres for semi-detached pairs of 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.
20. Section 7 of SPD2 also outlines that new dwellings should maintain a minimum 1m separation to plot boundaries and that in all cases, building separation will be required to be compatible with the location of the residential development and the character of the existing neighbourhood.
21. The application site would have a plot frontage (facing southeast) measuring approximately 13.9m across. The dwelling would be set back approximately 1.4m from the front boundary at the closest point and would maintain a separation distance of 3.76m to the northeast side plot boundary and this side isolation space would form the largest elongated rectangular parcel of private outdoor amenity space. The dwelling is annotated on the proposed site plan to maintain 1 metre from the southwest elevation to the side boundary, although the elevation plan submitted shows this to measure approximately 0.8m to the boundary, and to the northwest corner the rear of the dwelling would maintain a distance of approximately 2.7m to the rear boundary at the closest point.
22. The proposed dwelling would comply with the guidance in respect of the minimum 1 metre separation distance to side plot boundaries from the flank wall to the northeast boundary, however, according to the elevation plans the separation distance to the southwest would fall short of this. Notwithstanding this shortfall of 0.2m, the adjoining occupier to the southwest No. 2 Mount Close is sited approximately 2.25m to the shared boundary and therefore the buildings would not appear to coalesce unreasonably as a distance of over 2 metres would separate the dwellings and built form which is the main purpose of the guidance.
23. It is noted that the dwellinghouse would occupy a small plot such that the outdoor amenity provision would not form a traditional rear garden arrangement but would instead wrap around the side and rear of the dwelling in a narrow 'L' shape, which would at most measure a depth of

3.76m to the northeast side and 3.15m to the rear boundary at the deepest point.

24. The proposed new dwellinghouse would be sited further forward in proximity to the highway compared with its adjoining occupiers which front Mount Close. Although there is not a traditional linear building line for the dwellings on Mount Close, the dwellings do share similarity in their siting, in that they are set back from the highway so as to follow the curvature of the road with parking and/or landscaping to the front. The closest adjoining occupier to the proposed dwelling, No. 2 Mount Close, is set back approximately 7.65m from the highway with other dwellings maintaining a similar set back position. The dwelling proposed would not reference this pattern and layout as it would be sited very close to the highway and significantly forward of the building line formed by No. 2 Mount Close and the flank wall of No. 10 Castle Drive.
25. Furthermore, the dwellings on Mount Close maintain traditional rear extending gardens with a minimum depth of approximately 15 metres. The proposed dwelling would not reflect this character, and as such would appear cramped and contrived within the plot it would be sited upon.
26. The proposed dwelling would require occupancy and severance of the rear part of the existing garden which serves No. 10 Mount Close. In consequence of this, the existing garden to No. 10 would be reduced from a depth of approximately 20 metres, to a remaining 6.4 metres of shallow depth. In this regard, the proposal would diminish the character and quality of amenity space serving No. 10 Castle Drive, uncharacteristic with the general pattern and layout of dwellings which front Castle Drive.
27. The proposed dwellinghouse of its siting and on a plot of limited size would not successfully reflect the pattern and grain of development within the area, to the detriment of the existing dwelling No. 10 Castle Drive and would not enhance the overall quality of the area. The proposed development is not considered to accord with the high-quality design strived for in the Council's local design guidance or objectives for achieving well-designed places and would thus be contrary to section 12 of the National Planning Policy Framework and Policies DM1 and DM3 of the Council's Development Management Plan.

Impact on Residential Amenity

28. Policy DM1 seeks to ensure that new developments avoid overlooking, ensure privacy, promote visual amenity and create a positive relationship with existing and nearby buildings. Policy DM3 seeks that proposals for infilling, residential intensification and back land developments are carefully considered. In more general terms, amenity is defined and understood as the prevailing set of environmental

conditions that occupiers would reasonably expect to enjoy on a daily basis.

29. It is noted by the case officer that the application site sits on significantly higher ground than neighbouring dwellings on Castle Drive as the land increases in slope from west-northwest to east-southeast. The adjoining occupier of No. 8 Castle Drive has raised concern and objection to the proposed development and has submitted photographs for consideration which demonstrate the sloping ground level of the rear garden of No. 8 in comparison to the rear garden of No. 10 where the proposed dwelling would be sited. For clarity, the proposed dwelling would be sited on higher land than the adjoining occupier No. 8 Castle Drive.
30. With regard to overlooking, it is noted that the rear elevation of the proposed dwelling would feature only one window to the wall directly facing the adjoining occupier No. 8 Castle Drive. The neighbour has raised that despite only one window to the rear wall (which serves a bathroom), due to the difference in ground level there is concern the intervening boundary fence will not sufficiently mitigate overlooking from the window. It is considered that overlooking arising from this window could be mitigated by securing a condition for the window to be obscure glazed in perpetuity and to be non-opening below a height of 1.7m from the finished floor level of the room it serves.
31. The adjoining occupier also raises concern with regards to overlooking from the windows to the flank wall of the proposed dwelling which the floor plans show would serve the Kitchen/Lounge/Dining room which is a habitable room whereby protracted periods of time are likely to be spent by future occupiers.
32. The outlook from the northeast flank windows would directly face the proposed boundary treatment opposite at a distance approximately 3.75m away. Given the short distance of this boundary treatment (1.8m fencing) in proximity to the window, it is considered this would sufficiently obstruct and mitigate unreasonable direct overlooking between the proposed dwelling and No. 10 Castle Drive.
33. It is also noted that the edge of the nearest window to this elevation is approximately 1.5m from the north corner of the proposed dwelling and would therefore be set back approximately 4.75m from the intervening boundary between the proposed dwelling and No.8 castle Drive. Despite the difference in ground level between the proposed dwelling and No. 8, rendering the height of the intervening boundary treatment less effective, the proximity of the window away from the boundary would not allow direct views into the rear of the adjoining occupier but an oblique angle is considered to be possible. As the full height French door-windows on the same elevation would be set further back from the intervening boundary (at a distance of approximately 8.2m), it is not considered that this set of windows would give rise to unreasonable

levels of overlooking. It could therefore be a solution to mitigate unreasonable overlooking from the nearest flank window to the adjoining occupier by obscure glazing this nearer window as a condition of consent. Because the room is served by other windows (the French doors and front bay windows) the room would still receive sufficient light with obscure glazing in place and the occupiers of the room would still have an outlook.

34. With regards to overlooking and overbearing, it is not considered that the proposed dwelling would give rise to unreasonable impacts on No. 2 Mount Close. The proposed new dwelling would be of a limited height (5m to the ridge), with hipped roof form which mitigates mass and bulk within the roof form of the dwelling.
35. With regards to No. 8 and No. 10 Castle Drive, whilst it is considered that overshadowing to these neighbouring occupiers would be limited, the proposed dwelling would be in close proximity to the rear private spaces of these dwellings.
36. Specifically in relation to No. 8 Castle Drive, the proposed dwellinghouse would be sited approximately 12 metres from the rear wall of the dwelling at the closest point (and approximately 10.5m from the rear patio area). The distance from the rear wall of the dwellinghouse to the shared site boundary would measure 2.7m at the closest point and 3.15m at the deepest point, of which the length of the dwelling would occupy approximately 9.1m in parallel with this boundary.
37. Although of limited mass and bulk due to its bungalow form, taking into account the combined siting and the difference in ground levels of the site, it is considered that the proposed dwelling would give rise to intensification and a resulting sense of overbearing which are not considered to be reasonably endured by the adjoining occupiers of No. 8 Castle Drive.
38. It is considered that the proposed dwelling on a plot of such small size and with uncharacteristic separation to adjoining occupiers within the locality would not have a positive relationship with existing nearby dwellings contrary to Policy DM1 and DM3 of the Council's Development Management Plan.

Sustainability - *Living Conditions for future occupiers*

39. 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.

40. 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). Policy DM4 pre-dates the Ministerial Statement and until such a time as existing Policy DM4 is revised, 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. ¹
41. As measured from the submitted floor plans, the proposed dwelling would have a gross internal floor area (GIA) of 56.6m² and would consist of one bedroom, a bathroom, entry hallway and an open plan kitchen, lounge and dining room.
42. The Technical Housing Standards require a one bedroom (2 person) single storey dwelling to have a GIA of at least 50m² and to have 1.5m² of built in storage space. A double bedroom is required to have a floor area of at least 11.5m² and a minimum width of 2.75m.
43. The bedroom would have a minimum width of approximately 3.85m and a floor area of 14.63m² and the dwelling would comply with the standards such the future occupiers of the proposed dwelling would have acceptable internal living standards.

Garden Size

44. The Council's SPD2 requires two-bedroomed properties to provide 50m² of garden area with three bedroomed properties providing 100m². The required garden sizes are the minimum set out for new dwellings which will ensure the provision of adequate outdoor space for recreation and to support the running of households and any possible future extensions of the dwelling.
45. The proposed dwelling is a one-bedroomed bungalow, and therefore is required to provide a minimum of 50m² garden space. The proposed site plan demonstrates that the amenity area serving the proposed dwelling would amount to approximately 78m² which is the total amenity space when combining the garden space to the rear and to the side as the proposed dwelling does not benefit from a traditional rear garden shape. Taking the side parcel of amenity space in isolation (which is the larger rectangular shape) this would amount to approximately 50.1m² which is acceptable.
46. Whilst the total area for the garden does exceed the 50m² requirement, there is concern that the layout of the garden is not a sufficient useable

¹ [Technical housing standards – nationally described space standard - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

space and would not function well due to its narrow passage-like formation.

47. Another point of consideration, is that the proposal would result in a reduction in amenity space to the dwelling No. 10 Castle Drive. Recent planning history relating to No. 10 Castle Drive clarifies that the existing dwelling is a one-bedroomed bungalow – although it should be noted that this dwelling has received permission for development which is extant and which would increase the bedrooms to at least two within the loft with a third annotated as ‘bedroom/office’ on the ground floor which if implemented, would require the dwelling to have a total of 100m² private amenity space for a three-bedroom dwellinghouse.
48. At the time the case officer conducted the site visit, it did not appear that development relating to the loft conversion (reference 24/00022/FUL) and formation of additional bedrooms within the loft had been implemented. Notwithstanding this, the rear garden of No. 10 Castle Drive with the proposed development in place would be of a shallow depth some 6.25m from the rear wall to the rear boundary. There would remain a useable rear amenity space of 80m² (and a total of approximately 128m² including the side amenity space) to support the dwellinghouse.
49. With regard to the area of private amenity space to support the proposed new dwelling, and that which would remain to the existing dwelling No. 10 Castle Drive, on technicality the proposal would be considered acceptable as would meet the minimum requirement for garden sizes of the dwelling’s respective sizes.
50. It should be noted however, that the resultant garden size compared with dwellings in the locality is not considered favourable and is a consideration of the proposal with regard to design, character and layout as set out in the above-named section of this report.

Parking & Highway Safety

51. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two or more bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m, garage spaces should measure 7m x 3m to be considered usable spaces.
52. The proposed new dwelling would not affect the existing parking provision to No. 10 Castle Drive as this is within the front curtilage of the dwellinghouse.
53. The proposal includes cycle storage within the west corner of the site and provision for one off-street vehicle parking space at the required dimensions and which would be accessed perpendicular to the highway. The Highway Authority consulted on the application raise no

objection to the proposal but have recommended conditions should consent be granted.

Refuse and Recycling

54. The submitted site plan demonstrates there is sufficient space for bin storage for the Council's 3-bin system within the northeast side amenity area serving the dwelling.

Trees & Ecology

55. No trees of significance or with preservation orders placed upon them are located within the site. The Council's arboricultural officer has noted a small, 3rd party cypress tree/ hedge adjacent the site however is unlikely to be affected by the development proposed and the tree would be classed as low value (BS 5837 classification) with little arboricultural merit (category C).
56. A bat declaration survey has been supplied which indicates that the proposal is unlikely to result in harm to bats or their habitat as a result of the proposed works.
57. 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.
58. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one dwelling

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

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

- No

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

- No

59. 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.

60. 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.

A letter addressing requirements for the application to be made valid sent by Rochford Council on the 6th February 2024, requested the RAMS fee payment be made unless alternative mitigation is secured. The letter advises that whilst not a point on which the application was made invalid, failure to provide appropriate mitigation may result in the application proposal being contrary to relevant planning policy.

61. No RAMS fee has been provided, and no details of securing alternative mitigation have been provided. Therefore, due to the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure on the special protection area, the Local Planning Authority is unsatisfied that the proposal would not result in an adverse effect on the integrity of the SPA contrary to the requirements of the Regulations as well as Paragraph 186(a) of the National Planning Policy Framework.

Biodiversity Net Gain

62. Further to the above consideration, Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. 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). This statutory framework is referred to as 'biodiversity net gain' in Planning

Practice Guidance to distinguish it from other or more general biodiversity gains.

- 63.** Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
- 64.** Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the local authority and have the condition discharged prior to commencement of development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.
- 65.** At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.
- 66.** In this case, the developer considers the development would not impact upon any protected and priority species, designated sites, important habitats or other biodiversity features and features of geological conservation importance.
- 67.** Government guidance on Biodiversity Net Gain exempt developments confirms that if a planning application for a development was made before day one of mandatory BNG on the 12th February 2024, the development is exempt. Although the application was validated in June 2024, the application was submitted (‘made’) in January 2024 and is therefore exempt.

Flood Risk & Drainage

- 68.** Paragraph 173 of the Framework sets out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 69.** The application site is located within Flood Zone 1, the area at the least risk of flooding and to where development should be directed. However, the site does fall within an area at high risk of surface water flooding and is within a critical drainage area. Surface water flooding occurs when intense rainfall is unable to infiltrate into the ground or overwhelms the drainage system. The surface water runs across the surface of the ground causing flooding.

70. Proposed developments must not increase flood risk elsewhere and Policy ENV4 and national policy encourage the use of sustainable urban drainage systems (SuDS). A flood risk assessment (FRA) and Drainage Strategy has been submitted with the application which sets out recommended mitigation measures would suitably address the flood risk.
71. The application form indicates that surface water will be disposed of via a soakaway. The drainage strategy document sets details as to the proposed sustainable drainage system, maintenance and management plan and the Appendix A plan demonstrates the use of permeable paving to the front/side curtilage which would accommodate the parking bay and an access drain.
72. The Lead Local Flood Authority (LLFA) were consulted on the application and responded that as the application is for minor development, the LLFA do not wish to provide formal comment, however, they would recommend the use of water butts, permeable paving, and storage with outflow matching the 1 in 1 greenfield rate for the 100-year event or 1l/s whichever is higher.
73. Application permitting, the mitigation measures set out in the FRA and recommendations of the LLFA could be secured by way of appropriately worded conditions.

CONCLUSION

31. REFUSE.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No representation received.

Essex County Council Highway Authority: No objection. Application is acceptable to the Highway Authority subject to recommended highway conditions.

Essex County Council Lead Local Flood Authority (SuDS): No formal comment provided. However, as the site lies within an area where there is a high risk of flooding and in a Critical Drainage Area, we would recommend the use of water butts, permeable paving and storage with an outflow matching the 1 in 1 greenfield rate for the 100-year event or 1l/s, whichever is higher

Rochford District Council Arboricultural Officer: There is a small, 3rd party cypress tree/ hedge adjacent, it is unlikely to be affected by the development proposal. The tree would be classed (BS 5837 classification) as low value with little arboricultural merit (category C).

Neighbour representations:

1 response has been received from the following address;

Castle Drive: 8.

And which in the main makes the following comments and objections;

- Objection to design; scale, increased density
- Will appear disproportionate to neighbouring property's size, create an imposing presence
- Out of character with surrounding properties
- Overlooking to No. 8 castle drive, some 8m between living room doors and rear of No. 8 at an oblique angle.
- Will disrupt privacy and the peaceful enjoyment outdoor space and living/family rooms to No. 8 castle drive
- The plans do not represent the steep gradient at the application site and the relationship the proposed dwelling would have with adjoining properties.
- The floor level of the new property would be approximately level with the top of No. 8 garden fence which is 1.5 - 1.8m tall. This would then give the effect of a two-story house set no more than 2.5m from the boundary, where I enjoy the benefit of open space.
- Additionally, the increased density resulting from the new house will lead to issues such as noise, which will negatively impact the quality of life in the neighbourhood and decrease property values.

Officer Comments: Photographs have been provided by the neighbour of No. 8 Castle Drive which have been viewed.

The above concerns and objections have been considered; however, it should be noted that noise is generally controlled by other legislation (Environmental Health) and the impact of development on property values is not a material consideration to the planning application.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) Policy CP1, H1, ENV1, ENV9.
Rochford District Council Local Development Framework Development Management Plan (December 2014) Policy DM1, DM3, DM4, DM27, DM30.

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

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

The Essex Design Guide (2018).

RECOMMENDATION: REFUSE

1. The proposed dwellinghouse due to its siting and on a plot of limited size would not successfully reflect the pattern and grain of development within the area to the detriment of the character of the area and would diminish the quality of the amenity provision and openness of the site of No.10 Castle Drive. In this regard the proposed development would not achieve the high-quality design strived for in the Council's local design guidance or objectives for achieving well-designed places contrary to section 12 of the National Planning Policy Framework and Policies DM1 and DM3 of the Council's Development Management Plan.
2. The proposed dwelling by way of its mass scale and bulk sited on a plot of small size with uncharacteristic separation distance to adjoining occupiers within the locality would give rise to residential intensification and a resulting sense of overbearing not considered to be reasonably expected or endured by the adjoining occupiers and would not have a positive relationship with existing nearby dwellings contrary to Policies DM1 and DM3 of the Council's Development Management Plan.
3. The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Zone Of Influence for the Crouch and Roach Estuaries Special Protection Area and Ramsar site (SPA) and the Essex Estuaries Special Area of Conservation (SAC) and the proposed development falls within the scope of the RAMS as relevant development. No mitigation has been secured by way of RAMS fee payment contribution made or alternative mitigation proposed and the Local Planning Authority is therefore unsatisfied that the proposal would not result in an adverse effect on the integrity of the SPA contrary to the requirements of the Conservation of Habitat and Species Regulations as well as Paragraph 186(a) of the National Planning Policy Framework.

The local Ward Members for the above application are Cllr. R. C. Linden, Cllr. M. Sutton and Cllr. A. G. Cross.

Application No :	23/01064/FUL Zoning : Metropolitan Green Belt
Case Officer	Mr. John Harrison
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	“Marsh View” Lower Road, Hockley.
Proposal :	Demolish the existing chalet bungalow and buildings on site, sub-divide the plot and construct 5No. 5 bedroomed detached new build half chalet style houses with 3 private parking spaces and a garage each.

SITE AND PROPOSAL

1. The application property is a relatively large chalet bungalow on the north side of Lower Road between Church Road and Rosilian Drive. It has a large plot, roughly rectangular but for the front boundary following a curve in the road. It has an average width of approximately 135 metres and an average depth of approximately 75 metres. The western part of the site, slightly less than half of the site, is relatively built-up with the chalet bungalow and various stables, stores and other outbuildings. One building also includes a store and a second two bedroomed dwelling with double garage.
2. The eastern part of the site is open, mainly comprising paddocks but also having a surfaced menage area. The chalet bungalow has an in-out drive and this part of the site has a brick wall along its frontage. The rest of the frontage has a mature hedge along it which is several metres high.
3. The section of Lower Road that “Marsh View” fronts on to is rural in character with sporadic development. On the opposite side of the road are two farms with a number of commercial uses in their buildings, fishing lakes and some dwellings.
4. The application submitted is to demolish the chalet bungalow, the second dwelling and the other buildings and to erect five houses on the site. The two existing vehicular accesses to the site would be retained and the proposed houses would take access and each front on to a service road which would be roughly parallel to Lower Road across the site width. The five houses would be identical, though some would be mirror images / handed of the others. Each would have a detached single garage adjacent. The floor plans show four bedrooms at first floor and a fifth at ground floor., The front elevations would have a two-storey gabled element in the centre flanked by a dormer on each side. The master bedrooms have a first-floor balcony area to the rear giving views across farmland and the Crouch Valley. There would be a

drainage pond in the south-west corner of the site. The existing hedge along the front of the site is shown as being retained.

RELEVANT PLANNING HISTORY

Application No. 96/00161/FUL Single Storey Side and Rear Extensions, Side and Front Ground Floor Bay Windows and First Floor Rear Facing Dormer. Erect Front Wall and Construct Vehicular Access. Refused.

Application No. 96/00162/FUL Single Storey Rear Swimming Pool Extension. Granted.

Application No. 96/00317/FUL Single Storey Side and Rear Extensions With Ground Floor Front Bay Windows, Erect Front Wall and Construct Vehicular Access. Granted.

Application No. 97/00096/FUL Erect Single Storey Rear Swimming Pool Extension (Incorporating Plant Room, Sauna and Balcony). Granted.

Application No. 16/00266/FUL Retrospective Application for Retention of an Outbuilding. Granted.

Also of relevance is the following planning history to the site of "Ricbra" a former garden centre specialist Bonsai retail use that has been redeveloped for four dwellings further east from the site and also within the Metropolitan Green Belt.

Application No. 18/00398/FUL Demolish Existing Buildings and Construct Four 4-bedroom Dwellings with Vehicular Access Granted 3rd January 2019.

Officer comment: This development was for four bungalows low rise in nature comparable to the existing buildings and of less footprint and volume in comparison to existing buildings to be removed and so beneficial to the openness of the Metropolitan Green Belt.

Application No. 19/00446/FUL Demolish existing buildings and construct 2No. four bedroom chalets and 2No. four bedroom bungalows and new access. Refused 10th July 2019.

Officer comment: This alternative proposal included additional height to the end plots 1 and 4 and garages to the middle plots 2 and 3 such as to have a greater impact upon the openness of the Green Belt such as to attract the refusal of permission.

Though dismissing the appeal due to the then lack of a mechanism to consider the mitigation in respect of the potential impact upon the Crouch and Roach estuaries Special protection Area (SPA) and

Ramsar site (now RAMS payments) the inspector disagreed with the Council and instead gave weight to the increased openness of the back of the site in the complete removal of existing buildings, despite the added volume and built form by the height increase and added garaging. Comparison was made to the forward siting and height to neighbouring frontage development adjoining the site. Appeal dismissed 5th August 2020.

Application No. 20/00774/FUL Demolish existing buildings and construct 4 No. four bedroomed chalets and revised site access. Granted 2nd December 2020.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt considerations

7. The site is within the Metropolitan Green Belt as identified in the Council's adopted allocations plan. The applicant has justified the proposal on the basis of it being previously developed land and calculations have been submitted which indicate the volume of new building will be the same as the volume of the existing house and outbuildings on the site. The National Planning Policy Framework (NPPF) accepts the redevelopment of previously developed land provided it "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 identifiable affordable housing need within the area of the Local Planning Authority". The second scenario does not apply in this case as affordable housing is not proposed, so it is only necessary to consider the first one.
8. The Council's Development Management Plan policy DM10 provides criteria for the development of previously developed land in the Green Belt and this specifies that the development "should be of a scale, design and siting such that the openness of the Green Belt and character of the countryside is not harmed.". At the moment the development on the site is restricted to the western part of it, but the

proposal would spread the development across the whole site. This adversely affects the site's openness.

9. The existing built form on the site is stated to have a footprint (not to be confused with internal floorspace over multiple floor levels) of 922.1 square metres. The proposed dwellings would have a footprint almost the same at 920 square metres (a reduction of 2.1 square metres).
10. The existing built form is stated to have a volume of 2825.3 cubic metres. The proposed dwellings would have a volume of 2,764 cubic metres (a reduction of 61.3 cubic metres).
11. The reduction of 2.1 square metres floorspace 61 cubic metres in volume would not be appreciably different between the existing and proposed built form in Green Belt terms. Furthermore, the new development would be taller than what currently exists, again detracting from the site's openness. The tallest building on the site at the moment, the main house is approximately 6 metres high – the applicant gives the height of the new houses as 7.22 metres an increase of 1.22m. A "Street Scene" drawing has been submitted with the application comparing the existing and proposed views of the site frontage and this shows, literally quite graphically, how the openness of the site will be impaired. It is recognised that retaining the hedge along the site frontage which the applicant proposes would to a degree mitigate this impact, but there would still be harm to the openness of the Green Belt from other views and notwithstanding, the hedge might be removed at some stage in the future. The residential nature of the proposed development as opposed to the existing development of dwellings and outbuildings more agricultural or rural in appearance would instead give the site a more urban appearance.
12. In support of their proposal the applicants have cited a nearby development at "Ricbra" Lower Road (19/00446/FUL). Here what were described in the application report as "buildings including a dwelling and ancillary accommodation, commercial buildings, glasshouses and hardstanding" were replaced by two bungalows and two chalet bungalows. The application was refused by the Council on Green Belt grounds and because of impact on the Crouch and Roach Estuaries Special Protection Area and Ramsar Site (SPA). The applicant provided calculations that the volume of development proposed was slightly less than what was on the site previously. An appeal was lodged against the refusal. The Inspector dismissed the appeal on SPA grounds. She, however, considered the proposal acceptable in Green Belt terms, saying "The dwellings would be located within a row of similar residential dwellings, the majority of which are bungalows or chalet bungalows, similar to the proposal". In the current application there is however no adjoining development on either side. Furthermore, what is proposed in this application includes full two-storey height elements. It is considered there is sufficient difference between the two proposals. The current application has a different context unrelated to

any neighbouring development and whilst removing the outbuildings and development in depth, would instead develop the site frontage further to the detriment of the openness of the Green Belt

Impact on Character

13. Although there is sporadic development along Lower Road, it is basically a rural road with no footpaths, open in character. What is proposed is a suburban form of development. This would be out of character with the surroundings. Policy CP1 of the Council's Core Strategy says the Council will promote good, high quality design and policy DM1 of the Council's Development Management Plan says new developments should promote the character of the locality. The National Planning Policy Framework (NPPF) also promotes good design in the section headed "Achieving well-designed and beautiful places" and one of the objectives of the December 2023 update is to improve the quality of new development. What is proposed is not therefore appropriate to this location and is not considered to be good design therefore. The design of the houses themselves is considered acceptable though they are considered inappropriate for this location. Similarly, the proposed external finishes are considered acceptable.

Impact on Residential Amenity

14. There are no neighbouring dwellings to be significantly affected by this proposal. Whilst there are dwellings on the opposite side of the road, these are far enough across the public realm for there not to be issues such as overlooking or loss of light. There is, however, an issue relating to the impact of the new houses on their proposed neighbours within the scheme. The rear first-floor balconies have potential to overlook neighbouring houses and their gardens. Whilst it could be argued that potential new residents would be aware of this and would have the choice whether to accept it, it is still not satisfactory. It is, however, considered that, if the application were to be recommended for approval, a condition could be imposed requiring the approval of a scheme for screens along the balcony sides and this would mean unacceptable overlooking would be avoided.

Road Safety and Parking

15. The Highway Authority has objected to the application on the grounds that the applicants have not demonstrated that adequate visibility splays could be achieved at the site entrance. Lower Road is a busy road with only the national 60mph speed limit applying. The Design Manual for Roads and Bridges would require a visibility distance of 215 metres in each direction for a safe access. The way their objection is worded suggests it might be possible to achieve this, but as there are other objections to the proposal it is not considered appropriate to ask the applicants to demonstrate whether they can overcome this objection. The NPPF stipulates that for new developments safe and

suitable access to the site should be achieved for all users. It has not been demonstrated that this is achievable.

16. Each new dwelling will be provided with three parking spaces (there is a hardstanding 12.6 metres x 13 metres) and a garage (external measurement 6.5 metres x 4.5 metres). Through the garage would be undersize by not having the 7m internal depth, this failing is overcome by the large hardstanding providing way in excess of three parking spaces to each plot. The requirements of the Essex County Council Parking Standards would be met.

Sustainability Issues

17. The access from the site onto a 60mph unlit road with no pavements raises an important sustainability issue. Within this context residents of the houses would seem to be unlikely to consider undertaking journeys on foot or by cycle from the properties. The NPPF is keen to promote developments where the occupiers have a choice of transport methods. Policy T1 of the Core Strategy states, "Developments will be required to be located and designed in such a way as to reduce reliance on the private car." This policy would clearly be breached. Also, policies T6 of the Core Strategy and DM1 of the Development Management Plan promote non-car means of transport. It is considered refusal for this reason is justified.
18. In the context of this issue, it should be noted that the report on the application relating to Ricbra stated the site was "close to Plumberow Avenue, which although unmade in its northern part, provides access by foot and cycle directly to the schools and facilities of Hockley to the south including the railway station 1.7km to the south." It is possible to differentiate between the two sites as non-car transport was more feasible at Ricbra.

Wildlife and Ecology Issues

19. The application was submitted before the requirements for biodiversity net gain (BNG) under the Environment Act 2021 applied to developments of this type, but nevertheless, it is necessary to consider wildlife and ecology issues. The NPPF has a section entitled "Conserving and enhancing the natural environment". The Council's Core Strategy policy ENV1 seeks to protect and enhance natural habitats and Development Management Plan policy DM27 states proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities Act 2006. A document entitled "Preliminary Ecological Assessment" has been submitted with the application. This finds no evidence of protected species on the site and makes some recommendations for actions that could be taken to minimise any harm to other wildlife which might be affected by the development. These could be used as a basis for conditions if approval were being

recommended. It should be noted that the provision of the pond on the site is likely to improve biodiversity. Within this context it is not considered the application could be refused for these reasons.

20. The appropriate RAMS payment for the four additional houses required under the SPA has been made.

Tree/ Arboricultural Issues

21. Policy DM25 to the Council's Development Management Plan states that development should seek to conserve and enhance existing trees and woodlands. The NPPF stresses the importance of trees. The application has been accompanied by an Arboricultural Report. The Council's Arboricultural Officer has been particularly keen to see the retention of the prominent hedge on the stie frontage and the applicants have indicated it is their intention to do this. There is, however, no legal mechanism available to ensure its permanent retention. Other trees on the site are of less visual importance. Some would need to be felled but the Arboricultural Officer accepts their loss could be made up with replacement planting. Thus, there is no fundamental objection to the proposal on the basis of tree loss.

Infrastructure and Utilities

22. The Hullbridge Parish Council has expressed concern about possible impact on local infrastructure. Only four additional houses are proposed and their impact on infrastructure such as schools, the road system, doctors' surgeries, etc. will be minimal. Regarding the reference to drainage issues, the site is not in a location subject to flood risk, being in Flood Zone 1, the zone of the east risk and to where development should be directed. The new houses would not be connected to the public sewers but would be provided with package treatment tanks each with a drainage field and there is no objection to this.

Standard of Accommodation

23. The Council's Supplementary Planning Document 2 – Housing Design requires a minimum garden size of 100 sq. metres for most new dwellings. The applicants indicated the smallest garden is 908 sq. metres, so this requirement would be well exceeded. Policy DM4 of the Development Management Plan requires the floorspace of new dwellings to be assessed against the Government's "Technical housing standards" document. For a two-storey eight-person four-bedroomed house a minimum floor area of 117 sq. metres would be required which would include 3 sq. metres built-in storage. The ground floor area of the dwellings alone would in fact exceed the 117 sq. metres and the 3 sq. metres storage area would be exceeded. The applicant gives the area of the bedrooms as 16.5, 17.7, 14.8, 11.8 and 16.0 sq. metres (double bedrooms should be at least 11.5 sq. metres) and, apart from one room, meet the specified 2.75 metre and 2.55 metre widths. The room

which does not meet the standard is the first-floor bedroom at the front of the house in the centre. This would be L-shaped because the stairs intrude into it and one arm of the “L” is only 1.9 metres wide. Whilst this is not ideal, given the houses have four other bedrooms and overall the houses are of substantial proportions, it would be difficult to justify refusal for this reason, especially as an occupier might choose to use the room for other purposes such as a study.

CONCLUSION

24. It is considered the proposal is unacceptable for reasons summarised as unacceptable impact on the Green Belt, an inappropriate suburban form of development in a rural location, the applicants failure to demonstrate adequate visibility splays are achievable and the development likely to be car dependant. Refusal is therefore recommended.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hullbridge Parish Council: Object to the application by reason of: Over development of the site, unacceptable high density and the open aspect of the neighbourhood. Concerns regarding impact on local infrastructure, especially drainage services. Query sufficiency of water attenuation measures.

Neighbour representations: No comments received.

Anglian Water: Advise that there is no connection to the Anglian Water sewers, we therefore have no comments to make.

Rochford District Council Arboricultural Officer: Advises that the site consists of a boundary hedgerow of native mixed species, early mature age range with occasional, slightly older Oak within. The hedgerow offers good visual amenity value and provides a positive contribution to local landscape character. Retention of the hedgerow is desirable to maintain the character of the area and provide screening for the built form beyond. Beyond the hedgerow is mostly native coniferous and semi evergreen species Monterey cypress, eucalyptus etc. The trees are mostly obscured from view by the existing hedgerow to the front and the built form, their loss will not have a significant detrimental impact on local landscape character. Tree loss should however, be restored with suitable replacement planting as part of the detailed landscape design. It is suggested native species Oak, Hornbeam, Field Maple, Wild Cherry. The trees should be planted on the front boundary as standard trees slightly beyond the boundary hedgerow.

It would be useful to know if any part of the boundary hedgerow requires removal for visibility purposes when exiting the proposed site.

Essex County Council Highways and Transportation:

The proposal is unacceptable to the highway authority for the following reason:

- 1. The applicant has failed to demonstrate that an appropriate visibility splay in accordance with the current standards could be achieved at the vehicular accesses. The proposal would lead to the intensification of substandard accesses onto Lower Road resulting in an unacceptable degree of hazard to all road users to the detriment of highway safety. 2. The proposal, if permitted, would set a precedent for future similar developments which is detrimental to the safety of all highway users. The proposal is therefore contrary to policy DM1 and DM3 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) – CP1, ENV1, GB1, T1, T6.

Development Management Plan (December 2014) – DM1, DM4, DM10 DM 25, DM 28, DM 30, DM 31.

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

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

The Essex Design Guide (2018).

RECOMMENDATION: REFUSE

1. The proposal by reason of its development spreading across the site in contrast to existing development that is confined to the western portion of the site, together with the general increase in height of the dwellings proposed, would be of a scale and siting such that the proposal would adversely affect and reduce the openness of this part of the Metropolitan Green Belt, contrary to the provisions of policy DM10 of the Rochford District Council – Local Development Framework Development Management Plan (2014).
2. The proposed suburban form and design in a rural relatively free standing location would if allowed result in a development poorly related to a defined residential settlement which would be out of character to its surroundings, contrary to the need to provide local flavour in design approach and the provisions of policies CP1 of the Rochford District Council Local Development Framework Core Strategy Adopted Version (2011) and lacking an appropriate scale and form

appropriate to the locality contrary to part (xi) to policy DM1 and parts (i) (ii) and (iii) of Policy DM3 of the Rochford District Council – Local Development Framework Development Management Plan (2014).

3. The applicant has failed to demonstrate that an appropriate visibility splay in accordance with the current standards could be achieved at the vehicular access. The proposal would lead to the intensification of substandard access onto Lower Road resulting in an unacceptable degree of hazard to all road users to the detriment of highway safety.
4. The provision of new houses with access to an unlit derestricted road with no pavements will discourage residents to use alternative means of transport to the car making the development contrary to the provisions of policies T1 and T6 of the Rochford District Council Local Development Framework Core Strategy Adopted Version (2011) and part (i) to policy DM 1 and part (ii) of Policy DM10 of the Rochford District Council – Local Development Framework Development Management Plan (2014).

The local Ward Members for the above application are Cllr. M. Hoy, Cllr. S. A. Wilson and Cllr. Mrs. T. D. Knight.