



PLANNING APPLICATIONS WEEKLY LIST NO.1725
Week Ending 30th August 2024

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 26.09.2024.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **4th September 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

Index of planning applications: -

- 1. 24/00391/FUL 41 Brook Road Rayleigh pages 2 – 11
- 2. 24/00476/FUL 347 Eastwood Road Rayleigh pages 12 – 18
- 3. 24/00400/OUT Waikato Lark Hill Road Canewdon pages 19 - 45

Application No :	24/00391/FUL Zoning : Employment
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	41 Brook Road Rayleigh Essex
Proposal :	Retrospective application for the change of use to B8 (storage and distribution) including the siting of 3no. storage containers.

SITE AND PROPOSAL

1. The application site is located within the east part of the Brook Road Industrial Estate of south Rayleigh, which is an allocated area of existing employment land.
2. The application site is a narrow but a deep plot of land, measuring some 20m wide, by some 67m deep at the shallowest point. The rear of the site abuts residential gardens. The case officer observed that there were 3No. shipping containers located at the rear of the applicant's property (which are also the subject of this application). It was noted that the boundary treatment separating the applicant's property from the adjacent residential dwellinghouses comprised a block wall approximately 3m high and is painted white.
3. The applicant's property is a large 1.5 storey high detached building which has a rectilinear footprint. Located immediately at the front of the property is a relatively large area of hardstanding and the front boundaries are demarcated by 2m high (approx.) palisade fencing. The applicant's property is flanked on either side by similar sized commercial/industrial buildings. The application site is located outside the Rayleigh Town Centre and Conservation Area.
4. The proposal is for the change of use to B8 (storage and distribution) including the siting of 3No. storage containers (retrospective).

RELEVANT PLANNING HISTORY

5. Application No. 08/00193/FUL - Raise Roof to Part of Building, Form Mezzanine Floor and Create 2 No. Openings with Roller Shutter Doors to be Used as Vehicle Repair/Service/MOT Bays. – Approved - 01.05.2008.
6. Application No. 07/00541/FUL - Raise Roof, Install Mezzanine Floor for Parts Storage and Offices, Single Storey Rear Extension, Roller

Shutter. To be Used as Vehicle Repair/Service/M.O.T. – Approved - 22.08.2007.

7. Application No. 88/00224/FUL – Two Storey Front Extension for Office/Reception Ground Floor Office/Display – Approved - 20.06.1988.

MATERIAL PLANNING CONSIDERATIONS

8. 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.
9. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Principal of Development

10. As previously stated, the application is wholly retrospective in nature and planning permission is sought to regularize the current use. According to the submitted planning forms the previous classification of the building was for a B1 Use and the applicant is currently using the building as a B8 Use (industrial/storage). No alterations are proposed to the external façade of the building. In addition to the above the applicant has installed 3 No. storage containers located at the rear of the building, in what appeared to be a parking area.
11. The application site lies wholly within the Brook Road Industrial Estate, which is primarily in B1, B2 and B8 use and an allocated employment site within the Allocation Plan. The Council's Core Strategy policy ED3 seeks to protect existing employment generating sites which are well used and sustainable and guard against uses that would undermine their role as employment generators.
12. The golden thread of sustainable development entwined throughout the National Planning Policy Framework (December 2023) (NPPF) which comprises three dimensions. These are economic, social and environmental. In relation to the economic dimension, paragraph 8(a) confirms how the economic role is performed in the planning system and states that it should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
13. Whilst more specifically Chapter 6 – Building a strong, competitive economy of the NPPF states that the Government is committed to

ensuring that the planning system does everything it can to support sustainable economic growth. In particular, para 85 states “*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*”.

14. The Rochford District Council's Local Development Framework Evidence Base Employment Land Study (2008) has identified categories of employment areas spatially and recommends that the Brook Road Industrial Estate ‘...*Due to its current poor quality stock we recommend that Rochford District Council considers measures to improve the quality of the estate and consider including high quality office accommodation to ensure it's success as a high quality office/industrial location which is strategically well connected*’. Nevertheless, it is considered that the site is to have a continued value in employment uses and therefore should continue to be protected from loss in the first instance.
15. Policy ED1 of the Core Strategy (2011) states that the Council will encourage development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity. Furthermore, policy ED3 promotes existing employment sites to be protected from uses that would undermine their role as employment generators. Whereas Policy DM32 of the Development Management Plan stipulates that development within the Existing Employment zone is expected to be predominantly B1 or B2, but some alternative uses will be considered acceptable subject to a number of considerations.

Existing Employment

16. An assessment on the impact to the Existing Employment land with regard to Policy DM32 is set out below;
17. Policy DM32 ‘Employment Land’ of the Council's Development Management Plan states that employment development will be expected to be predominantly B1 (Business) and/or B2 (General Industrial) employment uses. Alternative uses will be considered having regard to:
 - (i) the number of jobs likely to be provided;
 - (ii) the viability of retaining B1 and B2 uses;
 - (iii) the compatibility with existing uses;
 - (iv) the impact on the vitality and vibrancy of the District's town centres;
 - (v) the proportion of alternative uses present; and
 - (vi) wider sustainability issues (such as available transport methods)

18. Employment development should be of a high quality, incorporate safe and inclusive design and any associated infrastructure should be appropriately phased. Potential noise and light pollution generated by proposed uses should be adequately mitigated against.
19. Retail use is not normally permitted on employment land. However, where the proposal passes a sequential approach to the location of retail development, then permission may be granted for businesses selling bulky goods.
20. According to policy DM32 'Employment Land' employment development will be expected to be predominately B1 (Business) and/or B2 (General Industrial). The broad objective of this policy is an attempt to prevent alternative uses becoming the dominant use within the locality is noted and acknowledged.
21. The case officer observed that the majority of premises within the immediate locality fell within either Class B1 and/or B2 employment uses. It is accepted that the application site does not fall within either of the aforementioned use classes. Nevertheless, the agent has inferred that the premises were previously empty, and the proposal which is currently operational seeks to retain an employment generating use at the site, which is an important material planning consideration.
22. According to the submitted planning application forms the proposal will retain 5 full time positions and 9 part time positions. As previously stated, the majority of businesses within the immediate locality fall within either class B1 and/or B2 so by allowing this proposal will not undermine the objectives of policy DM32. The application site is located in close proximity to A127, and the surrounding area is well served by public transport. Furthermore, the change of use is considered acceptable in this location, as it will not have a detrimental impact on the vitality and vibrancy of the districts town centres.
23. Consequently, it is considered that the proposal is in principle acceptable, subject to material considerations such as design, impact on neighbours and any other matters, and is considered accordingly below.

Design

24. Good design is promoted by the 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.
25. 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 Council's 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'.

26. 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.
27. 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.
28. There are no external changes to the existing building proposed under the remit of this application and as such no objections are raised.
29. In addition to the above, the applicant is seeking permission for 3 No. storage containers, which have been located towards the rear of the host building. The storage containers are positioned side by side and have been sited on existing hardstanding. The storage containers have a rectilinear footprint. According to the submitted plans cumulatively the containers measure 8.5m wide by 12m long (approx.) with a footprint of 102m². The storage containers will be seen against a backdrop of existing built form and given the nature of the surrounding uses they will not appear unduly out of place. Furthermore, the containers have been located towards the rear of the applicant's property and as such will not be overtly visible from Brook Road. Given their location the host property will screen the majority of the storage containers and as such they will not appear alien or incongruous within the streetscene. Considering the factors cited above, there are no objections from a design perspective and the proposal broadly complies with policy DM1 and guidance advocated within the NPPF.

Impact on Residential Amenity

30. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.

31. 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.
32. Brook Road Industrial estate is a long-standing industrial estate, and although borders residential areas, the building has been in existence for many years. This is reflected by its allocation as employment land.
33. As the proposed use is in line with the neighbouring uses, there is no anticipated conflict in respect of any material impact on its continued use. Furthermore, the case officer noted that ambient noise levels were already quite high in the immediate locality due to the existing industrial/commercial enterprises on Brook Road Industrial Estate and given the neighbouring roads are heavily trafficked. Overall, it is considered given the nature and use of the building and associated storage containers as proposed will not result in any significant demonstrable noise or disturbance which will be injurious to residential amenity.
34. Additionally, the storage containers have a relatively modest height of approximately 2.5m. The height of these containers is comparable to a residential outbuilding. The case officer noted that the boundary treatment separating the application site from residential properties situated on Woodlands Avenue, which backs on to the site comprises a 3m (approx.) high block wall, which appears to be in a poor state of repair. Nevertheless, it is not considered that given the scale and close siting of the containers and given the existing boundary treatment that they result in unreasonable levels of overshadowing or dominance upon residential occupiers.
35. Overall, given the nature and scale of the proposed development, its location and separation distances from neighbouring residential properties the proposal is not considered to have a significant detrimental impact upon the amenity of the neighbouring occupiers in terms of overlooking, overshadowing and over-dominance. The proposal is compliant with policy DM1 of the Development Management Plan.

Highways

36. Policy DM1 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.

37. In accordance with paragraph 111 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
38. According to the submitted plans and accompanying planning application forms the applicant confirms that the access and egress arrangements into the site remain unaltered. Furthermore, colleagues in Essex County Council Highways Authority have reviewed the submitted information and state "*The proposal will reduce the off-street parking provision to the rear of the site, however a minimum of 8 off-street parking spaces are retained... the proposal is acceptable to the Highway Authority*".
39. 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.

Trees

40. 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."*
41. There are no trees of significance located on or close to the proposed development which would be affected by the proposed works.

Biodiversity Net Gain

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

Other Matters

45. Concerns have been raised that the storage containers could be potentially storing flammable products which if they caught fire may endanger neighbouring residential/commercial properties. Whilst the concerns of the objectors are noted, the applicant will be required to comply with all Health and Safety legislation for the storage of their products, for example, Control of Substances Hazardous to Health (COSHH) etc. The planning system is not duplicate other legislation. It is considered that there are adequate safeguards in place.
46. In relation to the storage containers potentially blocking fire doors, there is strict Health and Safety legislation that must be catered for and adhered to, for example, The Regulatory Reform (Fire Safety) Order 2005. Again, there are adequate safeguards in place, and this is not considered to be a sufficient justification to warrant a refusal and substantiate it at any future Appeal.
47. Other concerns have implied that as the application is retrospective how can planning permission be subsequently granted. However, Section 73A of the 1990 Town and Country Planning Act states that planning permission may be granted for development which has been carried out before the date of the application. The act specifically applies to development carried out without planning permission, in

accordance with planning permission granted for a limited period, or without complying with some condition subject to which planning permission was granted. This type of application is more commonly referred to as a retrospective planning application.

CONCLUSION

48. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No reply received.

Essex County Council Highways: No objection. The proposal will reduce the off-street parking provision to the rear of the site, however a minimum of 8 off-street parking spaces are retained.

Neighbour representations:

Four responses have been received from the following addresses;

Brook Road: 33

Woodlands Avenue: 34, 36 (2 letters received)

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

- The only concern we have is about the 3 containers that are being put in the yard, the reason being that our fire exit opens onto their property with a fire exit gate to Brook Road in their front fence. My concern is that these containers may block either of these exits. Temporarily we have an agreement with the tenant while they store racking in the yard, to allow the gate to be padlocked to which we have a key, but this is not ideal long term;
- I have no objection to the change of use of premises. However, I am concerned about the siting of the storage containers in close proximity to my rear garden. The containers are sited to close to our property and in the event that a fire occurred it would put my property and neighbours at risk. I am especially concerned as the business selling hair dressing products and the containers, I presume may hold flammable materials increasing the risk.
- The storage containers are unsightly, and I would like them to be removed, re-sited or have restrictions placed on their contents; and
- The application makes no reference to hours of operation of this new business. Although business has been quiet to this point it is important to ensure that reasonable hours of operations are agreed and enforcement conditions for breaching said hours. The previous business had changed hours of operation and residents were not consulted, banging of metal at 8.45pm is not acceptable.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) Policies CP1, ED1, ED3.

Development Management Plan (December 2014) Policies DM1, DM27, DM32.

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

Rochford District Council's Local Development Framework Evidence Base Employment Land Study (2008).

RECOMMENDATION: APPROVE

Conditions:

1. The development hereby permitted shall be carried out in complete accordance with the following approved plans TQRQM23073114142539 (Block Plan) (as per date stated on plan 14th March 2024) and the Location Plan (as per date stated on plan 28th May 2024).

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

The local Ward Members for the above application are Cllr. I. H. Ward, Cllr. R. Milne and Cllr. R. Lambourne.

Application No :	24/00476/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	347 Eastwood Road Rayleigh Essex
Proposal :	Decking area to front entrance (Retrospective)

SITE AND PROPOSAL

1. The application site is 347 Eastwood Road which is a 2-storey property located in a highly prominent location adjacent to the road junction of Eastwood Road and Lancaster Road. The area surrounding the site is predominately residential in character and the streetscene presents a mix of predominantly bungalows and chalet bungalows and chalet-style, two storey dwellinghouses of different form and appearance. However, there are a number of commercial/retail premises in close proximity to the site. The application is located wholly within the residential envelope of Rayleigh.
2. The proposal is for a decking area to front entrance and at the time of the case officer site visit was entirely retrospective in nature.

RELEVANT PLANNING HISTORY

3. Application No. 88/00294/FUL – Rear Extension for use as Store - 01.11.1988.
4. Application No. 21/00010/FUL - Sub-divide plot of 347 Eastwood Road and construct 2 No. 2 bed bungalows with frontage onto Lancaster Road. Extend existing crossover onto Lancaster Road – Refused - 21.04.2021.
5. Application No. 21/00453/FUL - Sub-divide plot of 347 Eastwood Road and construct 2 No. 2-bedroom new build bungalows with frontage onto Lancaster Road using extended existing crossover – Approved - 17.06.2021.
6. Application No. 24/00481/ADV - Non-illuminated 1.5m by 3m advertisement (fascia sign) to the side wall of the building – Not Yet Determined.
7. Application No. 24/00482/ADV - Fascia sign above the front door (retrospective) – Not Yet Determined.

MATERIAL PLANNING CONSIDERATIONS

8. 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.
9. 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).

Procedural Matters

10. At the time of the case officers site visit, the raised decked and balustrades had already been erected at the front of the premises. Section 73A of the 1990 Town and Country Planning Act states that planning permission may be granted for development which has been carried out before the date of the application. The act specifically applies to development carried out without planning permission, in accordance with planning permission granted for a limited period, or without complying with some condition subject to which planning permission was granted. This type of application is more commonly referred to as a retrospective planning application.

Design Principles: Appearance and Scale

11. The National Planning Policy Framework (the framework) which sets out the government's planning policies for England was revised in December 2023. The revisions increased the focus on design quality, not only for sites individually but for places as a whole. Terminology is also now firmer on protecting and enhancing the environment and promoting a sustainable pattern of development. The Framework at Chapter 2 highlights how the planning system has a key role in delivering sustainable development in line with its 3 overarching objectives (Economic, Social and Environmental) which are interdependent, and which need to be pursued in mutually supportive ways such that opportunities can be taken to secure net gains across each of the different objectives.
12. The social objective of national policy is to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The framework at Chapter 12 emphasises that the creation of high quality, beautiful and sustainable buildings and places is

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

13. Policy CP1 of the Council's Core Strategy and policy DM1 of the Development Management Plan are applicable to the consideration of design and layout. Policy DM1 specifically states that *"The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative"*. It also states inter alia that proposals should form a positive relationship with existing and nearby buildings.
14. As previously attested to, the proposal is entirely retrospective in nature and has been installed at the front of the premises which is known as 'Fred's Coffee Shop', at 347 Eastwood Road. According to the submitted plans and from case officer observations there was a slight fall in the land in a west to east direction. Due to the surrounding topography the raised decked area measures 260mm high rising to 400mm, which gives a flat level surface. Situated on top of the decking is a balustrade which wraps around the perimeter of the decked area and incorporates wooden infill panels. Both the raised deck area and balustrade have been erected out of timber. The area of decking measures approximately 2.1m deep by 7.6m wide spanning the entire front elevation of the host building. The footprint of the decked area equates to roughly 15.4m². Centrally located on the aspect facing towards Eastwood Road is a ramp which gives access into the shop. Situated on top of the decking were several tables and chairs for use by patrons of the coffee shop.
15. The application site is not situated within a Conservation Area. Nevertheless, the application site is located in a highly prominent location adjacent to the junction of Eastwood Road and Lancaster Road. The adjoining property is also a commercial/retail premises. There is an extensive area of paved hardstanding located at the front of the shop, which will be retained. According to the submitted plans the decked area stops approximately 6.8m which tapers down to 2.3m from the edge of the public footpath and is set back 1.4m from the edge of the footpath on Lancaster Road. Consequently, the proposal will not hinder the free flow of pedestrians around the site and there is still sufficient space to accommodate a vehicle at the front of the premises.
16. It is considered given the location and juxtaposition of the property and the surrounding built environ that the decked area will be visible within the streetscene. However, given its relative diminutive scale it does appear subordinate and secondary, and this is further emphasised due to it being set back from the public highway. Additionally, the surrounding area is highly urbanised with little open or green space and

the proposal is seen against a backdrop of commercial enterprises. In the opinion of the case officer the design and scale of the decking and surrounding balustrade is attractive and appropriate in scale to the host property enhancing the existing building. The use of timber is an acceptable material which relates well to the existing building. Furthermore, the decked area occupies a relatively small footprint. Therefore, given the factors cited above it is not considered that the proposal causes any demonstrable harm to the character and appearance of the streetscene and as such the proposal accords with guidance advocated with policy DM1 and the NPPF.

Impact on Residential Amenity

17. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
18. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
19. The case officer observed that the property adjoining the applicant's premises was also commercial in nature. The properties located immediately to the rear of the applicant's premises are also commercial in nature as is 349 Eastwood Road, which is situated to the east of the application site. Consequently, given the position and nature of the development in conjunction with its distance from neighbouring properties it is not considered the proposal will cause demonstrable harm to the residential amenities of occupiers of any surrounding dwellings. Furthermore, Eastwood Road is a heavily trafficked road, and the ambient noise levels are quite high due to the passing vehicular traffic and the presence of commercial/retail enterprises in the general vicinity, it is not considered that patrons using the decked area will generate sufficient noise that will cause harm to nearby residential occupiers.
20. Overall, it is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by

neighbouring occupiers given the good separation distances maintained between properties. The proposal is compliant with policies DM1 and DM3 of the Development Management Plan.

Highways considerations

21. Policy DM1 of the Council's Development Management Plan requires 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.
22. In accordance with paragraph 111 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
23. According to the planning application forms the applicant has indicated that the site does not have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces. The proposed development would not affect existing parking provision within the immediate locality. It is not considered that the proposal would be detrimental to parking or highway safety. Furthermore, colleagues in Essex County Council Highways Authority have reviewed the submitted information and state *"The proposal includes retrospective addition of a decking area to the site frontage. The highway record has been examined and the structure is clear of highway land. Therefore, the Highway Authority has no objections to the proposal"*
24. The Highways Engineers raise no concerns with regards to highway and/or pedestrian safety. Consequently, 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 framework, and as such there is insufficient justification to warrant a refusal.

Flooding

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

Biodiversity Net Gain

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

Other Matters

29. The concerns of the objector are noted regarding patrons of the café parking in a manner which may have a detrimental impact on Highway Safety. Nevertheless, if vehicles are parked which may be hazardous to highway safety these issues can be dealt with by the Police that have the appropriate legislation.

CONCLUSION

30. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No comments received.

Essex County Council Highways Authority: The proposal includes retrospective addition of a decking area to the site frontage. The highway record has been examined and the structure is clear of highway land. Therefore, the Highway Authority has no objections to the proposal.

Cadent Gas: We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low-pressure assets. We have no objection to this proposal from a planning perspective; however, we need you to take the following action standard informative required.

Neighbour representations :

One response has been received from the following address;

Lancaster Road: 8.

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

- The retrospective application for the decking has impacted the parking spaces directly outside, meaning that they will not be required minimal size and will therefore overhang onto the pavement blocking access and visibility for pedestrians;
- The application states there are no parking spaces, yet vehicles are constantly parked there, so this is a contravention of the Highway Code;
- No dropped curb outside the café meaning people have to dive over the curb in contravention of the Highway Code or reverse along the pavement on Eastwood Road creating a highway hazard;
- I object to the application due to the additional dangers this has on pedestrians due to the loss of required parking spaces for the 15 commercial units in-situ.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) Policy CP1.

Development Management Plan (December 2014) Policies DM1, DM30.

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

RECOMMENDATION: APPROVE

Conditions:

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans Location Plan (as per date stated on plan 12th July 2024), Front Elevation (as per date stated on plan 12th July 2024), Existing Elevations (as per date stated on plan 12th July 2024) and Site Plan (as per date stated on plan 12th July 2024).

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

The local Ward Members for the above application are Cllr. I. H. Ward, Cllr. R. Milne and Cllr. R. Lambourne.

Application No :	24/00400/OUT Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Canewdon Parish Council
Ward :	Roche North And Rural
Location :	Waikato Lark Hill Road Canewdon
Proposal :	Outline application with all matters reserved for the demolition of existing outbuildings and erection of 1 no. new dwellinghouse (self-build) with associated amenity space and driveway parking.

SITE AND PROPOSAL

1. The site currently contains a relatively large part single part two storey detached dwellinghouse. The property is set approximately within the centre of the spacious plot, which is roughly rectangular in shape and measures approximately 2227m². The case officer noted at the front of the plot (adjacent to the access) were several single storey outbuildings, which were in a poor state of repair (these outbuildings are subject of this application). Due to the topography of the land, it raises in a northerly direction, so that Waikato (the applicants property) is higher than Lark Hill Road. According to the Councils GIS database the application site is located wholly within the Metropolitan Green Belt.
2. According to the submitted application outline planning permission is sought, with all matters reserved, for the erection of 1No. dwellinghouse following the subdivision of the plot and the demolition of the several outbuildings, which are currently in-situ. Layout is not for determination at this outline stage, but an illustrative site layout plan has been submitted which shows a possible site layout with the proposed new dwelling adjacent to Lark Hill Road.
3. The outline application procedure allows for applicants to identify specific matters for consideration which include the principle of development, access, appearance, landscaping, layout and scale.
4. According to the indicative layout plans the proposed dwellinghouse will be sited in close proximity to Leon Cottage (which is situated to the east of the application site) a Grade II Listed Building. The site frontage is screened by established hedge boundary which gives a sense of relative privacy.

RELEVANT PLANNING HISTORY

5. No relevant planning history pertaining to this site.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt issue

8. The latest version of the National Planning Policy Framework ('the Framework') was revised in December 2023. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three overarching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
9. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
10. 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 Framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development.

However, they do not reflect the exceptions listed within the framework which would also be a material consideration.

11. Consequently, the main issues are:

- Whether the proposed development is inappropriate development in the Green Belt for the purposes of the Framework and the Development Plan;
- The effect of the proposal on the openness of the Green Belt; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

12. As previously stated, the application site is located wholly within the Metropolitan Green Belt and according to para 142 of the framework which states that, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Para. 143 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.

13. Paragraph's 152 and 153 go 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.

14. Paragraph 154 of the Framework states that "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of 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 for rural exception sites) and;
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - Not have a greater impact on the openness of the Green Belt than the existing development; or
 - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

15. By virtue of paragraph 154 of the Framework, the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions. These exceptions include allowance, subject where appropriate to certain criteria being satisfied, for new buildings, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL). The proposal would be assessed against exception (g), paragraph 154 of the framework.

16. Paragraph 155 of the Framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed.

17. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (R (Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances, and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgment made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The onus is upon the applicant to demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm. As previously alluded to, it is well-established that very special

circumstances may arise by reason of cumulative factors, even if those factors are not “very special circumstances” in their own right.

18. These very special circumstances are dealt with in detail in the applicants Planning Statement and include the following:

- It has been inferred that there have been numerous precedents established in the locality;
- The site is in a sustainable location;
- The existing buildings on site are incongruous and the proposed new build will be designed to blend harmoniously with its surroundings, minimizing any adverse visual impact; and
- The site can be delivered immediately and will add to the local housing stock.

Assessment Against Exception (g)

19. Both the applicant’s agent and the case officer agree that the only relevant exception of para 154 of the framework to assess the proposal against is exception (g). The exception under part (g) allows for the partial or complete redevelopment of PDL where either the development would not have a greater impact on the openness of the Green Belt or where the development would not cause substantial harm and would contribute towards an identified affordable housing need.

20. PDL is defined in the appendix to the framework as:

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

21. As previously stated, and according to the submitted plans and the case officers site visit, the application site forms part of the applicant’s residential curtilage and the proposal involves the subdivision of the plot with one section being retained for Waikato (which is the applicants property) and the remainder forms the application site. The topography of the land rises relatively steeply away from Lark Hill Road. During the case officers site visit he noted that there were numerous single storey outbuildings which were predominately constructed out of timber (many of which were situated upon brick plinths) which were located centrally

within the application site. The case officer observed that the buildings appeared to have been in-situ for some time and due to their method of construction and how they were fixated to the ground resulted in a degree of permanence.

22. According to the submitted plans these buildings are used for a variety of purposes which include storage, workshop, snooker and train sheds, greenhouse etc. The cumulative footprint of all the outbuildings measures approximately 282m². Moreover, the buildings on site vary in height ranging from 1.8m to 3.7m, which is exacerbated due to the difference in land levels. There is an access road located in the south western corner of the application site, which serves the host property. According to the submitted planning application forms the application site measures approximately 450m² and is irregular in shape. The boundary treatment delineating the southern boundary (separating the application site from Lark Hill Road) comprises mature native hedgerow, which is 2m high (approx.). Furthermore, the eastern and western boundaries were also demarcated by mature hedgerows, which were punctuated at sporadic intervals by mature trees. The entire site is washed over by the Metropolitan Green Belt.
23. As previously stated, the application is outline in form with all matters reserved. According to the submitted plans and supporting statement the applicant proposes the demolition/removal of the existing structures on site and the erection of 1No. detached dwelling. According to the submitted plans and supporting documentation the applicants agent infers that the existing access arrangements will be utilised to serve the existing property (Waikato) and the proposed dwellinghouse.
24. In order to comply with the first limb of exception g) of para. 154 of the NPPF states that an exception maybe the “...*partial or complete redevelopment of previously developed land, whether redundant or in continuing use*”. However, the definition of PDL specifically excludes ‘...*land in built-up areas such as private residential gardens, parks, recreation grounds and allotments*’. In *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017] EWCA Civ 141 (14 March 2017) a Court of Appeal judge has succinctly considered the words in above. The case involved development in a private residential garden in rural green belt. In this case the Local Planning Authority argued that all private residential gardens are excluded from the definition of previously developed land, whether or not they are in a built-up area. Any other interpretation, so it is said, would give rise to conflicting policies within the NPPF. However, the judge strongly disagreed: “*As a matter of ordinary English I cannot see that any other meaning can be given to this sentence. “Land in built-up areas” cannot mean land not in built-up areas*”. He held that the development was in the curtilage of land that was occupied by a permanent structure (a residential garden) and as the area was rural it should be classed as previously developed land. The appeal by the Council was dismissed. Considering the above, the case

officer acknowledges that the plot is outside the urban area and therefore it would not be excluded from the definition of PDL by virtue of being a private residential garden and as such the proposals complies with the first limb of exception g) of para. 154.

25. In the justification for the proposal as part of the applicants Design and Access Statement, the agent infers that the proposal will not have any adverse impact on the openness of the Green Belt either visually or spatially as the proposal will be well screened from Lark Hill Road and the surrounding area and due to its construction will have a negligible impact on the environment. Furthermore, it is stressed that the application site adds limited benefit to the Green Belt and given the existing built form in the locality the proposal will help to coalesce the built development.

26. Nevertheless, exception g) should be read as a whole and goes onto to state the following:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

27. Paragraph 142 of the Framework states *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. It is patently obvious from the above paragraph that the Government considers the openness of the Green Belt is one of the fundamental characteristics. Whilst the Framework does not clearly define openness it is generally accepted from para. 142 that openness is a spatial designation, which can also have a visual component as attested to by various Court cases (see below).

28. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. The character of the existing site and surroundings will influence the degree of harm to the Green Belt by way of visual intrusion.

29. The applicant’s agent argues that the application site adds limited benefit to the public realm, and it is intimated due to the juxtaposition and orientation of the existing neighbouring properties that the proposal (as shown on the submitted indicative plans) would not cause demonstrable harm to the openness of the Green Belt. 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.

30. Furthermore, in Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin), where the operator of a petrol filling station challenged an Inspector’s decision to refuse retrospective permission for works involving the creation of a fenced storage area on one side of the shop, where an LPG storage tank was before, along with a side extension to relocate an external ATM.
31. In respect of this case the Inspector found that the scheme would result in a 9.2% increase in floor area, and a 5% increase in volume on the existing buildings and “whilst these may be relatively small increases, the scale and mass of the resulting building would still be greater than at present”. She concluded that “*overall, I therefore consider that the scale and mass of the proposals would have a slightly greater impact on the openness of the Green Belt than the site did previously*” A lack of visibility did not, in itself, mean that there would be no loss of openness and “moreover, even a limited adverse impact on openness means that openness is not preserved”.
32. The Court held that “*the only basis on which the Inspector could have reached that conclusion was if she considered that the greater floor area and/or volume necessarily meant that there was a greater impact*”. The flaw in that reasoning was that under the policy “*any infill (however limited) would necessarily result in greater floor area or volume*” but it should “*not be assumed, as the Inspector appeared to, that any change would have a greater impact*”. She ought to have specifically considered “*the impact or harm, if any, wrought by the change*”.
33. 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.

34. 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.

35. At reserved matters stage it would be necessary to further compare the respective impacts on openness of the existing and proposed development at the site; at this stage detailed elevation and floor plans of the existing buildings would be compared against elevation and floor plans of the proposed dwelling.

36. Nevertheless, according to the submitted plans the applicant is proposing to demolish the existing single storey outbuildings, which are relatively simple and diminutive in nature and have a cumulative footprint of approximately 282m². The existing buildings on site vary in height ranging from 1.8m to 3.7m and predominately have either a flat or mono pitched roof. As previously attested too, the applicant is then proposing to erect 1No. detached dwellinghouse. Whilst it is noted that the application is seeking outline planning permission with all matters reserved, the applicant as part of their Design and Access statement state *“The new dwelling will occupy less than half the total of the outbuildings. By reducing the overall mass and footprint of built structures on the site, the development will improve the openness and visual impact on the Green Belt. This reduction in built mass aligns with Green Belt policies aimed at preserving openness and preventing urban sprawl”*.

37. The case officer considers that the application site comprises PDL. Additionally, it was observed that the existing built form is spread out and occupies a relatively large footprint. Therefore, the trading of multiple buildings for one combined and coherent dwellinghouse would enhance the visual impact of development at the site, allowing for better-proportioned, more symmetrical development. The agent also intimates that the removal of these outbuildings and the erection 1No. detached dwellinghouse will help to coalesce the built form.

38. Notwithstanding the above, in terms of openness of the Green Belt, the case officer is mindful that the application scheme is in outline form with all matters reserved, and therefore information in terms of the

precise scale, appearance and landscaping of the development is limited.

39. Concerns of the of Parish Council are noted. However, in relation to para. 154 exception g) there is no requirement for the use to be the same and thus the general principle of replacing existing buildings is acceptable. This is subject to the provision that any redevelopment would not be materially larger than the buildings they replace and would not have a greater impact on the character of the Green Belt than the existing buildings.
40. Therefore, crucial to the assessment of this application, is whether or not the proposed dwelling would be materially larger.
41. The cumulative footprint of the buildings to be demolished is approximately 282m². The agent has inferred as part of their Design and Access statement that '*the new dwelling will occupy less than half the total of the outbuildings*'. The heights of the existing buildings range between 1.8m and 3.7m. It is acknowledged that the footprint of the proposal would be smaller than the existing built form. However, in the opinion of the case officer given the squat nature and relative low height of the majority of the existing outbuildings the height of any proposed dwellinghouse would be materially larger. It is considered that any proposed dwellinghouse would be significantly higher than the majority of outbuildings and whilst it is acknowledged that there will be a reduction in footprint of the existing built development, this does not outweigh the harm that the increase in height would cause.
42. Whilst it is accepted that the application is an outline application and parameters could be conditioned, due to the very low height of the existing buildings it does not appear that the applicant can propose a scheme that is not materially larger and acceptable in design terms. If a flat roof is positioned on what the applicant has indicated as a footprint that might be acceptable in terms of the materially larger test but would raise concerns in design terms. Therefore, it is considered that the proposed development would be materially larger than the existing buildings and as such is contrary to para 154 of the framework.

Sustainability

43. The Council's Policy DM10 (Development of Previously Developed Land in the Green Belt) elaborates on the Council's approach to the determination of planning applications involving previously developed land for a number of uses and including residential redevelopment.
44. 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.
45. In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following: allocated town centre; doctors' surgery; school (primary or secondary); or convenience retail store. The subject building is located approx. 1400m south west from Canewdon primary school, and while this is beyond the example 800m, it is noted that this example is cited as a guide rather than an explicit policy provision.
46. In respect of connections to the road network, Lark Hill Road connects interspersed dwellings and businesses and connects the settlements of Ashingdon and Canewdon with Hockley Town Centre. The site benefits from good highway connections. The surrounding roads are relatively level and cycling is a potential mode of transportation.
47. The site is not located within an area of international, European and local nature conservation importance, or the South Essex Coastal Towns landscape character area, and would not negatively impact the historic environment.
48. The agent infers that this windfall site will help to create additional dwelling which will help to meet the needs of the local community due to the housing shortage and given its proximity to local services is not in an isolated location. The case officer acknowledges that the application site broadly complies with the criteria listed in policy DM10. It is also acknowledged that a small-scale site would be capable of being delivered relatively quickly.

Design and Impact on the Character of the Area

Layout, Scale and Appearance

49. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. The framework encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in

favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people (para 131).

50. The framework also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
51. The Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached dwellinghouses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between the outside wall of habitable rooms and the plot boundary.
52. The illustrative site plan (Drawing No. OUT-0-100) shows an outline of the proposed dwelling which indicates the footprint. At single storey, it is considered that an additional dwelling (of appropriate scale) could be comparable in scale to that of other dwellinghouses in the vicinity of the site and therefore, acceptable.
53. As previously stated, the site layout plan submitted as part of this application is entirely indicative in nature. The redevelopment of a site, especially where it forms a significant part of local character and where the development and subdivision of plots would disrupt the grain of development will be considered unacceptable. Based on the submitted indicative plans and supporting documents the applicant is proposing to erect one detached property. According to the submitted indicative plan the proposed dwellinghouse would be sited towards the site frontage and will be constructed on the footprint of the existing outbuildings (albeit it will occupy a smaller footprint). The case officer noted the building line in the immediate locality is not regimented and some properties are set further back into their plots as opposed to others, for example, Leon Cottage is set back 3.6m and Homeland is set back 5.6m from Lark Hill Road, whilst Briarley is set back 40m and Hillcrest is set back 64m (approx.).
54. It would appear from the submitted plans that one detached dwellinghouse could be accommodated within the application site whilst maintaining the required 1m separation between all habitable rooms and boundaries. It is also considered that a bungalow could be acceptable in this context, subject to appropriate scale, as this would not likely appear over-dominant in its plot given the separation from the dwellings either side that could be achieved and would not appear out of character in the wider street scene context where similar sized

dwellings exist. Moreover, the development would also comfortably accommodate the necessary parking requirements, garden spaces and refuse storage.

Impact on Residential Amenity

55. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and 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. In more general terms, amenity is defined and understood as the prevailing set of environmental conditions that one would reasonably expect to enjoy on a daily basis.
56. As layout, scale and appearance are not matters for determination at the outline stage, a full assessment of the proposed dwelling impact and acceptability in terms of impact on the residential amenity of existing nearby dwellings cannot be made now; this would be considered in a later reserved matters application, if outline consent is granted. Nevertheless, the illustrative site layout shows a possible siting of the proposed dwelling and if a single storey dwelling were proposed in this position, which is in a similar position to the existing outbuildings, it is considered that this could be acceptable regarding impact on existing nearby dwellings in terms of overshadowing and overlooking as sufficient separation to nearby dwellings would be achieved and windows would be limited to ground floor only.
57. If the dwelling were to be sited in the position proposed, given the positioning of the neighbouring dwellings, it is considered that there is a reasonable prospect that the development would be able to occur in a manner that would not cause harm to the amenities of neighbouring residents, subject to suitable attention being made to this matter as the proposal evolves for consideration at reserved matters.
58. In conclusion, it is considered that, subject to consideration given to the scale and design of the proposed dwelling and the positioning of windows, the proposed dwelling could be positioned within the site without having a demonstrable impact on the residential amenity of neighbouring sites complying with policies DM1 and DM3 of the Development Management Plan and the NPPF

Living Conditions for Future Occupiers

Garden Sizes

59. Policy DM3 of the Council's Development Management Plan requires the provision of adequate and usable private amenity space. In

addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwellinghouse. Paragraph 135 criterion (f) of the framework seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

60. The SPD2 requires a minimum 100m² garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50m² minimum.
61. The layout submitted shows that the proposed dwelling could be provided with a private amenity space well in excess of 100m². The proposed dwelling, therefore, could satisfy the outdoor amenity space requirements set out in the SPD2.
62. The existing property (Waikato) is a detached 2 storey dwellinghouse. If planning permission is approved for the proposed dwellinghouse following the severance of the garden will result in Waikato retaining a private amenity space in excess of 800m². Therefore, it is considered that the proposal would not result in a cramped form of development and would be compliant with the requirements of SPD2.

Technical Housing Standards

63. The Council seek compliance with the Nationally Described Space Standard to ensure that new housing in the district meets minimum internal floor space standards with this standard having effectively superseded Policy DM4 as a result of the Ministerial Statement of 2015. This standard sets out minimum gross internal floor areas for dwellings with differing numbers of bed spaces. Taking one example, a 2-bed, 2- person, single storey house would be required to provide a minimum gross internal floor area of 70 square metres. The existing buildings at the site which would be demolished have a total floor area of some 282 square metres and it would therefore be possible to provide a dwelling at the site which would achieve compliance with the Nationally Described Space Standard and not exceed the total floor area of the existing buildings at the site so as to ensure that the new development would not result in increased impact on the openness of the Green Belt in terms of built form.

Refuse and Waste Storage

64. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which

would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20 m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

Highways considerations

65. Policies DM1 and DM3 of the Development Management Plan require sufficient car parking whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
66. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
67. In accordance with paragraph 115 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
68. As stated previously this is an outline planning application with all matters reserved. Nevertheless, colleagues in Essex County Council Highway Authority have been consulted regarding the application and state *"The proposal includes the subdivision of the site and creation of one new dwelling. The proposal will share the existing vehicle access, which shall be widened. Off-street parking is included; However, this is an outline application, and all aspects are considered as indicative"*.
69. The Highways Engineers have outlined that they have no objection to the application subject to the imposition of conditions relating to the shared access shall be provided at a width not less than 5 metres at its junction with the highway and shall be retained at that width for at least 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge and final layout details to be agreed with the Highway Authority, reception and storage of materials, no unbound materials, any gates are to be set back minimum of 6m and open inwards, cycle parking and standard informatives.
70. In light of the above, Essex County Council Highways have raised no objection to the proposed development. There is no reason for the Local Planning Authority to take an alternative view. Consequently, it is

considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained within the Development Management Plan and the framework, and as such there is insufficient justification to warrant a refusal on parking or access grounds.

Landscape

71. 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.”

72. The Councils Arboricultural Officer has been consulted regarding the proposed and raises no objection. The Councils Arboricultural Officer goes on to state that *“the site consists of dilapidated barns and mostly self-sown early mature trees / scrub, elder, bramble, etc. that surround with occasional standard / amenity trees toward the boundaries of the application site – Poplar, Willow and Leyland cypress. The trees have little arboricultural merit, improved amenity would be achieved with suitable tree / hedgerow planting. No objection is raised subject to a tree and hedgerow planting scheme being submitted as a condition / part of reserved matters”*. Given the comments received, there is insufficient justification to warrant a refusal.

Flooding considerations

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

Drainage

74. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site’s response

to rainfall. Advice advocated within the Framework states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, in the event that planning permission is approved, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

Impact on Listed Building

75. The application site does not contain any designated or non-designated heritage assets. However, the site is located immediately west to the Grade II listed Leon Cottage (list entry number: 1112634).

76. In light of the above, the case officer considered it prudent to consult colleagues in Essex County Council's Place Services for specialist advice. The Conservation Officer stated that '*There are no concerns regarding the demolition of the existing outbuildings. There is also, in principle, no concerns regarding the erection of a new single-storey dwelling. However, no details of the proposed elevations have been submitted. Therefore, I am unable to fully assess the potential impact of the proposal on the setting and significance of Leon Cottage.*

77. The Conservation Officer goes on to state that '*The retention of mature landscaping on the site is important in preserving the setting of the listed building. The proposed site plan indicates replacement hedges and trees to the boundaries, including the front boundary, but there is no further detail. Whilst a single-storey dwelling may be acceptable, this is dependent on its scale, massing and design which is currently unknown.*

A scheme could be achieved which would not result in harm to the significance of the listed building, but an unsympathetic design could be harmful to the significance of the building by introducing an inappropriate new building in close proximity. Any scheme would have to be visually subservient to the listed building and ensure that the significance of the setting and the special interest of the listed building are preserved under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

78. As previously stated, the current application is in outline format with all matters reserved for future consideration. In the event that planning permission is approved, the applicant will be required to submit details pertaining to scale, appearance, layout etc. Once this application has been received, the Conservation Officer will be reconsulted, and the proposal will be fully assessed to ascertain whether the proposed

dwellinghouse will have impact on the setting of the neighbouring Listed Building. In regards to landscaping the case officer considers it prudent to attach a landscaping condition in the event that planning permission is approved.

79. Overall, it is considered that the proposal broadly complies with the guidance advocated within the framework in addition to the Listed Building and the Planning (Listed Buildings and Conservation Areas) Act 1990. However, this does not outweigh the harm to the Green Belt which has been cited earlier in this report.

Biodiversity Net Gain

80. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) subject to some exceptions.
81. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
82. More specifically the applicant has indicated the proposal relates to a self-build/custom build development. And an exemption applies to this type of development as it meets the following conditions: consists of no more than 9 dwellings, on a site that has an area no larger than 0.5 hectares and is a self-build.
83. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

On Site Ecology

84. Paragraph 180 to the Framework indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur, appropriate mitigation to offset the identified harm is required. Policy DM27 to the Council's Development Management Plan states that proposals should not cause harm to priority species

and habitats. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.

85. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
86. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
87. The case officer can confirm that a Preliminary Ecological Appraisal has not been submitted in support of this application. As the proposal involves the demolition of numerous outbuildings, which could potentially be a roost for bats, the case officer considered it prudent to consult the Councils Ecologist. Colleagues in Place Services Ecology state that:

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

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

Therefore, we are not satisfied that there is sufficient ecological information available for determination of this application and recommend that a Preliminary Roost Assessment for bats is conducted, following standardised methodologies, by a suitably qualified ecologist. Additional information on how to engage an

ecologist to complete a Preliminary Roost Assessment is available via the following links: <https://cieem.net/i-need/finding-a-consultant/>.

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

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

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

88. In response to the comments received from the Councils ecologist the applicant’s agent enunciates

“I have noted the latest consultation response from Place Services requesting a Preliminary Roost Assessment for bats. I would like to respectfully disagree with this recommendation. We have completed the Rochford Bat Declaration Form, and the results, based on the specific characteristics of our site, indicated that a bat survey was not necessary.

The outbuildings to be demolished do not have pitched roofs or hanging tiles, as confirmed in the bat declaration form. Additionally, other applications along Lark Hill Road have not been required to provide a bat survey, with their assessments also based on the Rochford Bat Declaration Form.

While we believe that a roost assessment is not required, we remain committed to enhancing biodiversity. As suggested, we are willing to incorporate reasonable biodiversity enhancements, such as bird or bat boxes, which could be secured via planning conditions to provide additional reassurance regarding ecological impacts.

The desk study conducted by Place Services concluded that “the proposed works are unlikely to impact directly upon designated sites or

Priority habitat." Furthermore, the letter from Place Services states that the recommendation for further ecological information is advisory. Given that this is an outline application with all matters reserved, we believe the application should be allowed to proceed and any requirement to provide an Ecological Study could be provided as part of any reserved matters application".

89. Following the receipt of these comments the case officer reconsulted the Councils Ecologist who stated that: -

"From the information provided, I can't assess the likely impacts upon roosting bats. Bats can still be present regardless if pitched roofs or hanging tiles are not present. The one picture outbuilding shows this building to have wooden weatherboarding, with clay tiles, which could provide suitable habitat for the European Protected Species.

As a result, I still recommend that a Preliminary Roost Assessment, which can be carried out all year round, should be completed by a suitably qualified ecologist".

90. The applicant's agent has inferred that the consultation response received from the Council Ecologist is only advisory and implies that this matter could be dealt with at a later date.

91. Whilst the comments from the agent are noted, the Local Planning Authority is legally obliged to take into account the representations received from neighbours and other interested parties/consultees when deciding planning applications. Furthermore, the LPA is the arbiter and is responsible for making the final decision on the application and for deciding how much 'weight' representations have.

92. Consequently, the representations received from the Councils Ecologist are an important material planning consideration that cannot lightly be put aside. As no ecological survey of this particular site has been provided it cannot be determined whether there is the presence of protected species on the site. The application is supported by insufficient information to determine the acceptability of the proposal with regard to impact on ecology and the proposal would therefore fail to accord with Policy DM27. The proposal would also be contrary to that guidance advocated within the framework.

Off Site Ecology

93. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.

94. 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 an Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for 1 additional dwelling

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

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

- No

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

- No

95. As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMs requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.

96. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is

considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution has been paid to the Local Planning Authority.

Other Matters

97. Concerns raised by the Canewdon Parish Council are that if the development is permitted it will set a precedent and similar proposals may come forward. However, every planning application must and will be judged on local/national policies of the time and any other material planning considerations.

CONCLUSION

98. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Canewdon Parish Council:

Objects to this proposal for a new, additional dwelling at Waikato, Lark Hill Road for reasons of inappropriate development in the Green Belt. Whilst various outbuildings exist on the site, these are clearly used for purposes ancillary to the occupation of Waikato. To create an additional separate dwelling at the front of the site would be contrary to the aims and objectives of the Green Belt and would have a significant impact on visual amenities and openness of the Green Belt, beyond what currently exists, particularly taking account of all the paraphernalia that would be associated with a new dwelling in such a prominent location. The proposed development is also considered to be in an unsustainable location, remote from the allocated development areas, where no public transport is available and therefore reliant on private vehicles. Furthermore, the precedents quoted in the Planning Statement actually refer to sites in the Green Belt where replacement dwellings have been approved and built in accordance with relevant Green Belt policies. The proposal is to create an additional, not replacement, dwelling in the Green Belt, which itself could set a precedent for other similar development being replicated on the several other sites where the existing dwelling is set back from Lark Hill Road.

Cadent Gas: No Objection subject to standard informative

Essex County Council Place Services Historic Buildings and Conservation advice:

No objection. A scheme could be achieved which would not result in harm to the significance of the listed building, but an unsympathetic design could be harmful to the significance of the building by introducing an inappropriate new building in close proximity. Any scheme would have to be visually subservient to the listed building and ensure that the significance of the setting and the special interest of the listed building are preserved under Section 66(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

Essex County Council Highways:

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes the subdivision of the site and creation of one new dwelling. The proposal will share the existing vehicle access, which shall be widened. Off-street parking is included. No objection subject to the imposition of conditions relating to the shared access shall be provided at a width not less than 5 metres at its junction with the highway and shall be retained at that width for at least 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge and final layout details to be agreed with the Highway Authority, reception and storage of materials, no unbound materials, any gates are to be set back minimum of 6m and open inwards, cycle parking and standard informatives.

Essex County Council Place Services Ecology Specialist advice:

Object for the following reason;

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

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

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

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

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they

may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

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

It is indicated that we are satisfied that mandatory biodiversity net gains are not required for this application. This is because the development is exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, as the application satisfies the definition of a self-build and custom build application as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended), as it consists exclusively of a single dwelling and is to be built on a site area no larger than 0.5 hectares. A condition or legal obligation may be imposed by the council to ensure that the development is used as a self-build and custom housebuilding.

However, biodiversity enhancements should still be provided for protected and Priority species, to secure measurable net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework 2023. Therefore, a Biodiversity Enhancement Layout should be secured as a condition of any consent for the delivery of bird or bat boxes.

The site location is within the Zone of Influence for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and the development is for residential purposes, so it is relevant to the advice issued by Natural England to the Council. The LPA should seek a financial contribution from the developer in line with the per dwelling tariff, with the measures secured via S111. payment or legal agreement. The Essex Coast RAMS identifies necessary measures to avoid and mitigate for adverse effects on the integrity of Habitats sites from recreational disturbance in combination with other plans and projects.

Essex County Council Place Services Ecology Specialist advice: (2nd Response in relation to comments received from the applicants agent):

From the information provided, I can't assess the likely impacts upon roosting bats. Bats can still be present regardless of if pitched roofs or hanging tiles are not present. The one picture outbuilding shows this building to have wooden weatherboarding, with clay tiles, which could provide suitable habitat for the European Protected Species.

As a result, I still recommend that a Preliminary Roost Assessment, which can be carried out all year round, should be completed by a suitably qualified ecologist.

Rochford District Council Arboriculture Officer:

The site consists of dilapidated barns and mostly self-sown early mature trees / scrub, elder, bramble, etc that surround with occasional standard / amenity trees toward the boundaries of the application site – Poplar, Willow and Leyland cypress. The trees have little arboricultural merit, improved amenity would be achieved with suitable tree / hedgerow planting. No objection subject to a tree and hedgerow planting scheme being submitted as a condition / part of reserved matters.

Neighbour representations : No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023)

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

Development Management Plan (December 2014) – DM1, DM2, DM3, DM4, DM25, DM30, DM26, DM27.

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

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

The Essex Design Guide (2018)

Natural England Standing Advice

Planning (Listed Buildings and Conservation Areas) Act 1990

RECOMMENDATION: REFUSE

1. The proposed development would result in a materially larger building than the existing buildings to be replaced which would have a greater impact on the openness of the Green Belt than the existing built form. The development is not considered to meet the criteria and exceptions outlined at paragraph 154 g) to the National Planning Policy Framework and would if allowed result in a replacement development that would have a greater impact , particularly by height and overall mass on the openness of the Metropolitan Green Belt than the buildings it would replace. There are no considerations of sufficient weight that would clearly outweigh the harm to the Green Belt and very special circumstances do not exist. The proposed development would therefore fail to comply with the National Planning Policy Framework and if allowed would cause an incremental loss of openness detrimental to the character of the metropolitan Green Belt.

2. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The proposal involves the demolition of numerous outbuildings which could potentially be used by bats. No ecological survey has been submitted with the application to establish the presence or absence of protected species at the site or determine appropriate mitigation should it be required. It can therefore not be determined whether the proposal would result in harm to protected species. Insufficient information has been submitted to support the development, contrary to Policy DM27 of the Development Management Plan and relevant parts of the National Planning Policy Framework which seek to ensure that development appropriately mitigates impacts on biodiversity.

The local Ward Members for the above application are Cllr. S. Wootton, Cllr. Phil Shaw and Cllr. Mrs. L. Shaw.