



PLANNING APPLICATIONS WEEKLY LIST NO.1726
Week Ending 6th September 2024

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 26 September 2024

- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **11th 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. 24/00506/REM – Kennels and Cattery at Crofters Beke Hall Chase South Rayleigh PAGES 2-19
- 2. 24/00457/FUL – Brookfields Farm Church Road Rawreth PAGES 20-27
- 3. 24/00459/FUL - Site Of 63 To 67 High Street Rayleigh PAGES 27-36
- 4. 24/00465/FUL - Land End Of Oakfield Road Cavendish Road Hockley PAGES 36-64

Application No :	24/00506/REM Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Kennels And Cattery At Crofters Beke Hall Chase South Rayleigh
Proposal :	Application for Reserved Matters relating to Appearance, Landscaping, and Scale pursuant to outline planning consent reference 23/00496/OUT for proposed demolition of cattery buildings and construction of 2No. bungalows.

SITE AND PROPOSAL

1. The application site is located on the eastern side of Beke Hall Chase South. The site is occupied by buildings which were previously used in association with the kennels and cattery business known as “Crofters Rescue”. The use has ceased a number of years ago (2017) whilst there is no evidence of any intervening uses having taken place. The site includes an existing access off a narrow highway, a gravelled hardstanding, grassed areas, trees and two main buildings and four smaller ancillary buildings. The application site is located wholly within the Metropolitan Green Belt.
2. The site which is shown by the submitted plans to constitute an area approximately 57m in width by 42m in depth in addition to the access route is adjoined to the west by the dwelling known as “Crofters” and beyond to the west is the A1245. The surrounding character to the north, east and south maintains a strong sense of a rural setting, however, there are sporadic placements of dwellings and other buildings along Beke Hall Chase South and St Johns Drive to the east.
3. To the eastern section of the south boundary is a mature wood while the western half of the boundary borders two long and narrow grass fields. The Grade II listed Beke Hall is located a field length in distance from the boundary of the application site and does not have a direct visual association with the application site which is enclosed by the verdure and vegetation which is prevalent during the summer months.
4. On 26th July 2023 outline planning permission (ref: 23/00496/OUT – hereafter OPP) was granted for: - Outline application for erection of 2 x detached, 2-bed bungalows and demolition of existing cattery and kennel building, seeking determination of means of access and layout with all other matters reserved
5. As previously stated, the application was for outline planning permission with all matters reserved apart from access and layout. The

matters reserved would be determined via a reserved matters application at a later stage. The OPP was subject to a number of planning conditions which are summarised below: -

- Details of the reserved matters application to be applied for;
 - A reserved matters application should be submitted for within 3 years from the date of the Outline Planning Permission (OPP);
 - The development to be undertaken in strict accordance with the plans;
 - Remove Permitted Development Rights;
 - Provide a Residential Travel Information Pack;
 - If any contamination (not previously known) is found this shall be reported to the LPA;
 - Restrict height and floor area of the proposed dwellinghouse;
 - Development to be in accord with the recommendations submitted in the PEA;
 - Development to be in accord with the recommendations submitted in the AIA and TPP;
 - Vehicle access to be implemented in accord with approved drawings;
 - Access to be piped or bridged and retained at all times;
 - No unbound materials;
 - No discharge of surface water from the development onto the Highway; and
 - Reception and storage of building materials.
6. This application has been submitted to deal with all reserved matters following the OPP.
7. This reserved matters application seeks consent for details relating to appearance, landscaping and scale.
8. A reserved matters application is not an opportunity to re-examine the principle of development which has already been established by the granting of the OPP. The OPP was supported by a number of parameter plans which set out the key design principles to be followed. These parameter plans included:-
- Proposed site plan
 - Indicative elevations and floor plans
9. This reserved matters application has been prepared in full accordance with these parameter plans.

RELEVANT PLANNING HISTORY

10. Application No. 23/00496/OUT - Outline application for erection of 2 x detached, 2-bed bungalows and demolition of existing cattery and kennel building, seeking determination of means of access and layout with all other matters reserved – Approved - 26.07.2023.

11. Application No. 17/01026/OUT - Outline application with some matters reserved for the demolition of the cattery and kennel buildings and erection of 2 No bungalows – Refused - 21.12.2022.
12. Application No. 16/01234/OUT – Outline application to demolish cattery and kennel buildings and enclosures and redevelop site to provide two dwellings – Refused.
13. Application No. 88/00242/FUL – Renewal of permission for animal convalescence and boarding home – Approved.
14. Application No. ROC/00172/75 - Pets Burial Ground. Not clear if decision made.

MATERIAL PLANNING CONSIDERATIONS

15. 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.
16. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Background to the application

17. In relation to the OPP Application 23/00496/OUT this application sought outline planning permission for the erection of two detached, two bedroomed bungalows and the demolition of the existing cattery and kennel building, seeking determination of means of access and layout with all other matters reserved. According to the submitted information and from the case officers site visit the application is occupied by buildings which were previously used in association with the kennels and cattery business known as “Crofters Rescue”. However, this use has ceased a number of years ago (2017) and there is no evidence of any intervening uses having taken place. The site includes an existing access off a narrow highway, a gravelled hardstanding, grassed areas, trees and two main buildings and four smaller ancillary buildings. The application site is located within the Metropolitan Green Belt.
18. The applicant proposed to demolish the existing structures that are on site and replace them with 2No. dwellinghouses. In order to establish the principle of development the applicant submitted an outline application (23/00496/OUT) with all matters reserved apart from access and layout arrangements. The other matters left for future consideration

were Appearance, Scale and Landscaping, which are the subject of this current application.

19. Under the remit of the previous application, it was acknowledged that the application site constituted Previously Developed Land (PDL). Consequently, it was accepted that the proposal would not be inappropriate development and there would be no definitional harm. It was appreciated that a part of the site comprised of an open area which the layout plan shows will remain open such that proposed built form is limited to the approximate location in which the current buildings are located.
20. According to the supporting information the footprint and volume of the existing buildings totals 253m² and 588m³ respectively. The submitted plans illustrated that the proposed single storey development has a proposed total footprint area of 146m² and volume of 576m³. It was considered that the upper parameters of scale could be controlled by an appropriately worded planning condition. Furthermore, according to the indicative plans the proposed bungalows would have a roof height of 5.5m. It was considered that keeping the height to 5.5m ensures there is no change from the existing development in this regard
21. In conclusion in terms of layout and indicative scale it was considered that the development proposed would have no greater harm than that of the existing development in Green Belt terms. Furthermore, it is considered that the layout of the proposed bungalows would be considered to have less of an impact upon the Green Belt than the existing buildings given the reduction in cumulative floor space and the principle of development was accepted.

Principle of Development

22. The outline planning permission (ref: 23/00496/OUT was approved on 26th July 2023) established the acceptability of the principle of the development proposed and the following matters 'Access' and 'Layout'. Therefore, the main issues which require consideration as part of the determination of this application are Reserved Matters relating to 'Appearance', 'Scale', and 'Landscaping' of the development.
23. In the National Planning Practice Guidance, Paragraph: 006 Reference ID: 14-006-20140306 and The Town and Country Planning (Development Management Procedure) (England) Order 2015, it clearly states that for Reserved Matters applications the following would have to be submitted in support of the application: -
 - 'Appearance' — the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- 'Landscaping' — the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features; and
- 'Scale' — the height, width and length of each building proposed within the development in relation to its surroundings.

24. In light of the above, the principal of residential development at the site has been approved and outline planning permission with some matters reserved was granted. At the outline stage the applicant submitted a layout plan showing that the plot was to be subdivided into two. According to the layout plan each plot would be located side by side with the principal elevations facing the access road serving the plots with an area allocated for car parking separating the plots in conjunction with a turning area located at the front of each of the proposed dwellinghouses.

Design

Appearance and Scale

25. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and that proposals should contribute positively to making places better for people (para. 131).

26. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (para. 139).

27. Policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to existing street patterns, density and character of locality. The Supplementary Planning

Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25m for detached dwellinghouses or 15.25m 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 1m between the outside face of the wall to habitable rooms and the plot boundary.

28. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
29. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
30. Generally, the dwellings in the surrounding area are characterised by a variety of housing types which includes bungalows, chalet type bungalows, 1.5 storey high detached dwellinghouses and two-storey semi detached properties, some of which incorporate projecting gables, flat roof and/or pitched roof dormer windows. Furthermore, the roofscape is heterogenous with a mix of hips, gables and half hips. A rich palette of materials has been used to construct these neighbouring properties including render, facing brick (of various colours and textures), cladding under concrete tile roofs, which all add to the rich tapestry of the area.
31. According to plan reference BH/NAK/01 Revision A (proposed layout and elevations) the applicant is proposing to erect two detached dwellinghouses. In reference to the submitted plans the site frontage of the proposed development measures approximately 34m (plot No.1) and 21m (plot No.2) in width and as such the proposal complies with the aforementioned policy. Furthermore, the layout plan submitted shows a generous frontage to the bungalows with garden area also to the rear. A portion of the site along the eastern boundary is not shown as included within the gardens. Nevertheless, the garden areas on the whole would be proportionate to the bungalows. As previously attested to the front elevations of the proposed bungalows will face the access road which serves the proposed dwellinghouse. There will be an area of hardstanding separating the two properties, whereby vehicles can park in a tandem formation and to the front of each dwellinghouse will

be a further area of hardstanding to allow vehicles to manoeuvre so that they can access/egress the site in a forward propelling gear.

32. The proposed development would result in a pair of single storey detached dwellings, both of which would have a roughly rectilinear footprint. Each of the units will measure approximately 7.7m long by 9.5m deep (as measured at the widest points) and will be roughly 2.3m high to the eaves and 5.4m high to the apex of the pitched roof. According to the submitted plans each bungalow would have a footprint of approximately 74m². In order to break up the bulk and mass of dwellings, the applicant is proposing two floating bay / bow windows with a centralized projecting porch canopy. On the rear elevation there will be a projecting gable element. The proposal will incorporate a pitched roof, which is in keeping with roofscape within the general vicinity.
33. The applicant is also proposing to use various sized apertures on the elevations in order to help alleviate the scale and massing of the proposed development. Furthermore, the applicant is proposing to utilise a relatively simple palette of materials including facing brick (Imperial Soft Red Handmade Facing Brick) under a concrete tile roof (Sandtoft Humber Plain Clay Roof Tile Natural Red), which are in keeping with the local vernacular and as such will not appear out of place. The dwellings are also located in quite large plots and as such they will not appear overly cramped. It is demonstrated that the quantum of development can be accommodated within the site.
34. According to the submitted plans the internal accommodation will comprise open plan kitchen/lounge, bathroom, hall, and two bedrooms.
35. It is noted that the surrounding area has a broad building typology as stipulated earlier in this report. It is considered that the design of the proposed dwellinghouses is quite modern and contemporary in nature. Furthermore, it is reasoned that the design of the proposed dwellinghouses is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. Whilst it is seemingly not being innovative in any particular way it would not be considered to be tantamount to alien built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. It is considered given the nature and design of the proposal the materials which will be used to construct the dwellings will be instrumental. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the NPPF and policy DM1.

Impact on Residential Amenity

36. 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.
37. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
38. It has been accepted that the development of the site for housing is unlikely to result in noise, air or water pollution. Nevertheless, a principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
39. The site is only adjoined by the dwelling known as 'Crofters' to the west (a distance of roughly 35m separates this property from the side elevation of plot No.2 – which is the closest of the proposed dwellinghouses) and there are no other residential properties which adjoin the site. The proposed dwellings would be orientated to face northwards and away from this property. The proposed boundary treatment demarcating the side and rear aspects of each of the plots will comprise 1800mm high timber boundary fencing. It is considered that the proposed boundary treatment, separation distances and scale and design of the proposed dwellings will all help to mitigate any negative externalities associated with the proposal. In addition, it is not considered that the intensification of comings and goings of the residents/visitors of the proposed dwellinghouses will result in significant demonstrable harm to the residential amenities of the occupiers of 'Crofters'. Overall, it is considered that the proposed development would not cause any significant impact on residential amenity in respect to loss of light, overlooking or privacy to the and the surrounding properties neither would they have a significant overbearing impact.
40. In relation to plots 1 and 2 there is a distance of approximately 5.5m separating the opposing flank elevations. The case officer noted that according to the submitted plans there is a window in the side elevation of plot No. 2 which directly faces the side elevation of plot No.1. The

plans indicate that this window serves a bathroom and thus will be obscurely glazed. In conclusion, it is not considered that the proposals would cause any significant issues with regard to loss of light or privacy or that they would have an overbearing impact.

41. Overall, it is considered that the proposal would not give rise to any material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the siting and the separation distances that would be achieved. As such the proposal is compliant with policies DM1 and DM3 of the Council's Development Management Plan.

Landscaping

42. As part of the Reserved Matters application for 'Landscaping', hard and soft landscaping details have been submitted for consideration. Drawing no. BH/NAK/01 Revision A details that the site would be mainly laid to grass which will wrap around both properties and a number of existing trees are shown. A 1800mm high timber fence would enclose the rear garden area of the properties and a similar fence would be erected on the western and eastern aspects. The driveway and parking areas to the front of the plots would be formed of 10mm gravel in stabilization grid. At the rear of the proposed dwellinghouses will be a small patio area and the adjoining paths will be constructed using permeable block paving.
43. In the opinion of the case officer, the submitted landscape plan appears limited in scope and lacks flavour. The case officer considers that there is sufficient space within the curtilage of the proposed properties for additional landscaping compared to what is shown on the submitted plan. This additional landscaping will help to ameliorate any negative externalities and assimilate the proposal into the local environ. Furthermore, clarification of the proposed boundary treatments could be sought by way of a landscaping condition. In any event, it is considered that the proposed boundary treatment delineating the boundaries comprising of 1800mm high timber fence is very suburban in nature and is not in keeping with the rural vernacular.

Living Conditions for Future Occupiers

Garden Sizes

44. Policy DM3 of the 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.

45. The Council's guidance in SPD2 requires the provision of a minimum useable private garden area for new dwellings of 100m². An exception for this is one and two bedroom dwellings where a minimum private garden area of 50m² is considered acceptable when the second bedroom is not of a size that would allow subdivision into two rooms.
46. The proposed development would erect two 2-bedroomed dwellings. The garden areas for the proposed dwellings would each measure over 100m² and would be compliant with SPD2.

Technical Housing Standards

47. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
48. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
49. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015.
50. A single storey dwelling which would comprise two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 61m² or 70m², respectively. Additionally, each dwelling must have a minimum of 2m² of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed bungalows equates to 74m². It is considered in terms of overall GIA the proposal complies with the specified technical standards.
51. The table below shows the Gross Internal Floor area for each of the bedrooms.

Plot No.1		Plot No.2	
Bedroom 1	10.07m ²	Bedroom No.1	10.07m ²
Bedroom 2	12.24m ²	Bedroom No. 2	12.24m ²

52. According to the submitted plans all the bedrooms for all the units comply with aforementioned policies and exceed the Internal floor area requirements. Furthermore, it was noted that no storage areas were indicated on the submitted plans; however, the proposal substantially exceeds the recommended minimal GIA for a one bedroomed property and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal.
53. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.
54. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Flooding

55. 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

56. 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.

Refuse and Waste Storage

57. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). 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 20m (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.

Car Parking and Access

58. Policy DM30 of the Council's 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.

59. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.

60. In accordance with paragraph 111 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

61. The outline permission considered the access and parking in the development. According to the approved plans a single access point is provided to Beke Hall Chase South. The OPP stated that the existing access was used regularly on a daily basis by those visiting Crofters Rescue (kennels and cattery) and will remain for the sole use of Crofters dwelling. It was considered due to the proposed development and change in nature of the site, there would be a significant reduction in the level of traffic generated by the proposed development when compared to the existing lawful use. The site plan shows the access remaining in the position it is at present. It was considered that the

proposed development would constitute a scaling down as compared to the historic commercial use and no highway issues would arise as a result of the proposal.

Potential Impact on nearby Listed Building

62. This matter was covered by the previous application and no harm was found to the setting of Beke Hall which is a Grade II listed building. It is noted that Place Services Built Heritage and Conservation previously had no objection to the development on the basis of which acceptance in the light of the guiding policies has already been established. It is not necessary therefore in acknowledgment of this fact to revisit this issue.

Biodiversity Net Gain

63. 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.
64. 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.
65. More specifically the original outline planning permission (23/00496/OUT) was granted planning consent on the 26th July 2023, which is before the BNG requirement came into force. This application is a Reserved Matters which builds upon the principle of development. Given the nature of this application BNG requirements are not applicable.
66. 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.

Trees

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

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

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

68. As part of the OPP the applicant submitted an Arboricultural Impact Assessment (AIA) that outlined that the proposal would preserve, 10 individual trees, 2 hedges, 9 groups and 3 partial groups. The proposal would also result in the loss of 14 individual trees, 2 trees within 2 groups, 1 group and sections of trees within 3 groups.
69. In addition to the above, as part of the OPP a Method Statement and Protection Plan prepared by Writtle Forest Consultancy and a Tree Survey prepared by Writtle Forest Consultancy were submitted.
70. The previous advice received from the Council's Arboricultural Officer who had no objection, was that the loss of such trees constituted generally lower value trees and suggested a condition requiring the development to be carried out in accordance with the submitted method statement and tree protection plan. The case officer has read the previously submitted Arboricultural Impact Assessment there appears to be no change in the proposals therefore the advice previously received still stands.

On-site Ecology

71. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.

72. 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.
73. 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.
74. A Preliminary Ecological Appraisal was submitted with the OPP to support that application which in summary indicated no evidence of use of the buildings by roosting Bats recorded as the buildings were considered unsuitable for roosting due to their construction and condition. The surrounding site comprises species-poor grassland, most of which is regularly mown. The small patch of unmanaged vegetation is managed to benefit wildlife however the log piles can be relocated to elsewhere in the site where surrounding vegetation can be left unmanaged. The case officer can confirm that there has been no change in circumstances and previously it was considered that the buildings on site were found to be unsuitable for roosting bats.

Off-Site Ecology

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

HRA Stage 1: Screening Assessment – Test 1 – the significant test Is the development within the zone of influence (Zol) for the Essex Coast RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two additional dwellings

Proceed to HRA Stage 2: Appropriate Assessment - Test 2 – the integrity test Is the proposal for 100 houses + (or equivalent)?

- No

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

- No

77. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by Rochford District Council on the 20 October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.

78. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline.

79. The applicant paid the suggested financial contribution as part of the outline planning consent to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

CONCLUSION

80. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No reply received.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – H1, CP1, GB1, GB2, T8, ENV9, T3, T6, ENV11.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – DM1, DM2, DM3, DM4, DM25, DM30, DM26, DM27.

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

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

The Essex Design Guide (2018).

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

1. The approval of details relates to development for which outline permission 23/00496/OUT dated 26th July 2023 was granted. The development shall be carried out in strict accordance with the conditions set out in the relevant outline planning permission, except as modified by this permission.

REASON: For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

2. The development hereby approved shall be carried out in total accordance with the approved plans as follows:

BH/NAK/01 Revision A (Proposed Elevations, Layout and Location Plan) (as per date stated on plan 17th July 2024) and BH/NAK/02 Revision A (Cross Sections) (as per date stated on plan 17th July 2024).

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

3. The materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the building/structure is acceptable.

4. Notwithstanding the plans hereby approved prior to occupation of the development hereby approved, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the intended retention of any existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- means of enclosure and other boundary treatments

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

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

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

Application No :	24/00457/FUL Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Brookfields Farm Church Road Rawreth
Proposal :	Alterations to existing building in sui generis use (as a dog grooming salon), to include alterations to the fenestration and the installation of new doors and windows.

SITE AND PROPOSAL

1. The building the subject of this application is part of a wider estate known as Brookfields Farm. The building is a barn style building towards the west of the wider site.
2. Although the Council does not have any planning history that shows any change of use of this building has been permitted or is Lawful by virtue of a Lawful Development Certificate, the applicant has stated that the use of this building has changed use under Class R of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development Order) 2015. Class R under Schedule 2, Part 3 allows for a change of use of a building or any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution) Class C1 (hotels) or Class D2 (assembly or leisure) of the Scheule to the Use Classes Order.
 - (a) Condition R.3 (1) (a) states: Where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority –
 - (i) The date the site will begin to be used for any of the flexible uses;
 - (ii) The nature of the use of uses and
 - (iii) A plan indicating the site and which buildings have changed use

From correspondence on the case file, this information has been submitted or the Local Planning Authority has records detailing the above information, such that the Local Planning Authority is satisfied that this change of use is lawful under Class R.

3. This application therefore relates to the alteration of the existing building comprising the installation of new doors and windows only.

4. Four new windows and a set of new doors are proposed to the north facing rear elevation of the building, as well as five new windows to the south facing front elevation, with a new central door. A side door is also proposed to the west facing side elevation.

RELEVANT PLANNING HISTORY

5. Application No. 08/00594/FUL - Single Storey Side and Rear Extension and Pitched Roofed Conservatory – Refused.
6. Application No. 11/00410/FUL - Single Storey Side and Rear Extension – Refused.
7. Application No. 12/00176/FUL - Construct Single Storey Side Extension – Refused.
8. Application No. 14/00599/FUL - Construction of a single storey side extension – Refused.
9. Application No. 22/01153/DPDP3M - Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Building to Dwellinghouse (Class C3) – Refused.
10. Application No. 23/00207/DPDP3M - Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Building to Dwellinghouse(Class C3). – Refused.
11. Application No. 23/00301/LDC - Application for a Certificate of Lawfulness for the proposed siting of a caravan within the curtilage of the existing dwelling and its use for purposes that are ancillary to the existing dwelling – Permitted LDC.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt considerations

14. Section 13 of the National Planning Policy Framework (December 2023) (NPPF) states that great importance is attached to Green Belts.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Taking into account that the proposal affects an existing building, does not increase the existing footprint and proposes alterations to fenestration only, it is not considered that the proposal would impact the openness of the Green Belt. The proposal therefore is not considered to conflict with national Green Belt policy and complies with the aims within the NPPF in relation to the Green Belt.

Impact on Character

15. Policy CP1 of the Core Strategy and policies DM1 of the Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the preservation of an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. 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.
16. In this case, the alterations proposed to the existing building which would affect the apertures only, are not considered to significantly impact the character, taking into account the siting of the building, away from residential neighbours and off Church Road, only accessible by a private road. It is therefore considered that the modest alterations proposed are not considered to significantly impact character, nor would the resultant development be detrimental to the overall site in terms of its design.

Residential Amenity

17. Paragraph 130 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and that create a positive relationship with existing and nearby buildings.
18. Taking into account the existing siting of the building and existing fenestration, especially to the north elevation in which the existing building already has openings of a significant scale, it is not considered that the proposal within this use would lead to overlooking or a loss or privacy to neighbouring sites.
19. Given the existing footprint and height, which would not be increased, it is not considered that the proposed site would lead to overshadowing or be overbearing to neighbouring sites.

Impact upon Highway Safety

20. Given the use permitted under Class R, it is not considered that the addition of new windows and doors would create a different impact on highway safety compared to the existing arrangement. It is therefore not considered that the proposal would lead to highway safety impacts.
21. The proposal is considered to comply with Policies DM1 and DM30 in this regard and the proposal would not be of detriment to highway safety.

Ecology

22. Paragraph 180 to the NPPF 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. The council's Local Development Framework Development Management Plan at Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
23. 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.
24. In this case, the proposal involves the existing footprint and therefore it is not considered that there would be a significant impact on ecology on the site with the proposal.
25. A bat declaration survey has been submitted which states that the building has weatherboarding and or hanging tiles and is within 200m of woodland or water (ponds, lakes, rivers and streams).
26. In this case however, the proposal does not affect the roof and therefore even though a box has been ticked on the bat declaration form, it is not considered that the proposal would have an impact on bats or their habitats.

Trees.

27. Policy DM25 (Trees and Woodlands) of the of the Council's Development Management Plan indicates that development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features. No trees are proposed to be removed with the proposal solely seeking to alter and add new windows and doors to the existing building.
28. Given the site characteristics, there are no other ecological considerations of note that would be impacted by the development.

Biodiversity Net Gain

29. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 subject to some exceptions).
30. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Taking into account the nature of the proposal where there is no increase in the footprint of the building, officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria. The proposal meets the de-minimis exemption where the development does not impact a priority habitat and impacts less than 25m² of onsite habitat, or 5m of linear habitats such as hedgerows.
31. The applicant has not therefore been required to provide any BNG information.
32. As the proposal is for development to which the statutory biodiversity gain condition would not apply, an informative would advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

Flood Risk

33. The Environment Agency Flooding Maps show the application site is Flood Zone 3 with a high risk of flooding. In this case, the nature of the

scheme is important as to whether the proposal would be acceptable in flood risk terms.

34. Paragraph 173 of the NPPF (2023) states: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
35. In this case, with the proposal affecting fenestration only to an existing building, the proposal would not need to pass the sequential test as the footprint is not increased.
36. A flood risk assessment has been submitted which states that the existing building does not include specific flood protection measures for either water exclusion or water entry flood protection strategy.
37. The applicant states that they will use the following measures to mitigate flooding impacts:
- Existing ground bearing floor slab will be retained
 - DMP will be at least 1200 gauge and without joints and laid over the floor slab
 - Floor insulation shall be closed-cell and installed above the floor with a reinforced sand cement screed
 - Sacrificial timber skirting boards shall be used
 - No services laid under the floor
 - Existing walls will be retained
 - Dense concrete blocks shall be used for any internal walls
 - Walls will be painted rather than plasterboarded
 - Building will not be heated and no insulation is required. Any insulation used will be rigid closed cell insulation boards
 - External doors and windows will be UPVC and sills well sealed to the fabric of the building
 - Internal doors shall be either UPVC, aluminium or solid wood.
 - Services shall not be installed in the ground floor slab
 - Electrical sockets will be mounted above the anticipated flood level
 - All wiring will be dropped from the ceiling and run above anticipated floor level
38. These measures are considered acceptable taking into account the nature of the development approved which does not increase flood risk on the site.

Foul Drainage

39. The planning application form states that the proposal would use the existing sewerage connection to the mains sewer. This is considered acceptable and the proposal would be able to adequately dispose of the foul sewage from the site.

CONCLUSION

APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council – No comments received.

Neighbour representations – No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011).

Development Management Plan (December 2014) .

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

RECOMMENDATION: APPROVE

Conditions:

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

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

- 2 The development shall only be undertaken in accordance with the following approved plans: BRSS118SG-DR3.2A (dated 20th June 2024), BRSS118SG-DR3.2B (dated 20th June 2024), BRSS118SG-DR3-2C (dated 20th June 2024), BRSS118SG-DR3.2D (20th June 2024), BRSS118SG-DR3.2E (dated 20th June 2024), BRSS118SG_BP1.2 and BRSS118SG_SP1.3).

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.

- 3 The external facing materials to be used in the construction of the development hereby permitted, shall be those as listed on the application form and or those shown on the approved plans unless alternative materials are proposed in which case details shall be

submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: In order to ensure that the development harmonises with the character and appearance of the existing building, in the interests of visual amenity.

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

Application No :	24/00459/FUL Zoning : Conservation Area AND Town Centre
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	Site Of 63 To 67 High Street Rayleigh
Proposal :	Alterations to front elevation to create new shop front including infilling of existing open canopy entrance and installation of re-positioned windows and doors. Alterations to side and rear elevations including the installation of new windows and doors to facilitate the formation of larger retail floorspace.

SITE AND PROPOSAL

1. The site is located on the eastern side of High Street, Rayleigh. The subject property is 63 to 65 High Street, which is a large prominent 3 storey building constructed partially out of facing bricks and marble façade at ground floor level. The building is flanked on either side by other commercial/retail units, which are relatively modern. Located directly to the front of the applicants building is a layby which can be used for parking.
2. The application site is located wholly within the Rayleigh Conservation Area. The applicants property was formerly Barclays Bank and at the time of the case officers site was vacant. The building itself is modern in design terms. Situated to the side of the property is a passageway which traverses the flank elevation of the building linking High Street and Websters Way. The surrounding area is predominantly commercial with many shops, restaurants and banks and other town centre uses.
3. The proposal is for alterations to the front elevation to create a new shop front including the infilling of the existing open canopy entrance and the installation of re-positioned windows and doors. There are also alterations to the side and rear elevations including the installation of new windows and doors to facilitate the formation of a larger retail floorspace.

RELEVANT PLANNING HISTORY

4. Application No. 83/00689/FUL - Add portcullis roller shutters to secure rear parking area – Approved - 07.12.1983.
5. Application No. 87/01039/FUL – Second cash dispenser and ancillary alterations to façade – Approved - 26.02.1988.
6. Application No. 88/03005/ADV – illuminated sign to cash dispenser – Approved - 25.03.1988.
7. Application No. 01/00436/ADV - Consent to Display Internally Illuminated Lettering and Projecting Globe Signs – Withdrawn - 24.07.2001.
8. Application No. 02/01117/ADV - Display Two Internally Illuminated ATM Fascia Panel Signs – Approved - 12.02.2003.
9. Application No. 03/01008/FUL - Single Storey Front Extension to Accommodate Disabled Access and Re-positioned ATM – Approved - 27.01.2004.
10. Application No. 04/00855/FUL - Ground Floor Extension to Front of Building. Relocate Existing ATM and New Main Entrance Doors – Approved - 16.11.2004.
11. Application No. 09/00500/FUL - Install One Additional Air Condenser Unit to Rear and One Security Camera and New ATM Surround to Front – Approved - 17.12.2009.
12. Application No. 09/00501/ADV - Replacement of Existing Signage to Front Elevation with Internally Illuminated Fascia Sign and Internally Illuminated Projecting Sign and New Internally Illuminated Sign to Rear Elevation – Refused - 10.11.2009.
13. Application No. 10/00042/ADV - Replacement Externally Illuminated Fascia Sign and Replacement Non-illuminated Projecting Sign – Approved - 13.04.2010.
14. Application No. 24/00135/FUL - Proposed removal of existing external CCTV camera and signage. Removal of external ATMs and the existing apertures to be infilled with marble to match existing. Removal of existing night safe and existing aperture to be infilled with marble to match existing. – Approved – 08/05/2024.

MATERIAL PLANNING CONSIDERATIONS

15. 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.

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

Background Information

17. According to the applicants Design and Access Statement the original retail shop to the building closed in 2019 and following the closure of the bank the building has been completely vacant and needs to be renovated to attract tenants and suit modern high street requirements. In order for the building to return to being utilised for its intended commercial use, the applicant is proposing alterations to the building.

Assessment

18. The relevant policy in this instance is policy DM1 (Design of New Developments) of the Council's Development Management Plan (2014) which indicates 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.
19. Other affiliated policies include the Local Development Framework Core Strategy (2011) CP2 (Conservation Areas) which seeks to preserve the special character of Conservation Areas and to promote good design. Other important documents to be used in the determination of this application are the Council's SPD4 (Shop Fronts) and SPD6 (Design Guidelines for Conservation Areas).
20. The Council's SPD4 (Shop Fronts) advocates design must "*...be considered as an intrinsic part of the overall appearance of a building. It should appear to be perfectly related to the upper floors in structural concept, proportion, scale and vertical alignment*". It goes on to enunciate that "*the overall appearance of an elevation suitable for a traditional location, thought must be given to its relationship with neighbouring existing buildings. The new elevation should be compatible with its context in materials, scale and visual intricacy in order to take its place within a harmonious street scene*". The SPD6 (Design Guideline for Conservation Areas) builds upon on this and states that "*new development...must reflect the characteristics of the neighbourhood*".
21. Section 72 of the Planning Act (Listed Buildings and Conservation Areas) imposes a duty to pay special attention to the desirability of

preserving or enhancing the character or appearance of a Conservation Area. Paragraph 203 of the NPPF states that in determining applications, local planning authorities should take account of:

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

22. Additionally, the NPPF discusses that new development should make a positive contribution to the local character and distinctiveness and opportunities should be taken to draw on the historic environment to the character of place. Furthermore, it advises that *'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'* (para 85).

23. Furthermore, the area is covered by the Rayleigh Conservation Area Appraisal and Management Plan (2007). The appraisal specifically mentions the application site stating: -

"Barclays Bank and Savers (Nos. 63-67) are an excessively tall three storey block, the first floor in a good small brown stock brick. The bank has reinforced its status by constructing a dark marble façade which looks smart but incongruous next to the adjacent shopfront. A footpath down the side of Barclays leads through to Websters Way and the public car park".

24. The Rayleigh Conservation Appraisal goes on to enunciate that *"Outside Barclays, the great width of the High Street, and the corresponding width of the pavement, has made it possible to create a parking bay for taxis and motorbikes. Although doubtless essential in many ways to the viability of the High Street, this is an unfortunate intrusion into the pedestrian area".*

25. Consequently, the main issues are:

- Whether the proposed development is appropriate development in the conservation area for the purposes of the NPPF and Development Plans; and
- The effect of the proposal on the character of the conservation area.

Design and Impact on the Character of the Area

26. 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.

27. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that: *“The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative.”*
28. Policy DM1 seeks to ensure a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings and regard must also be had to the detailed advice and guidance in the Essex Design Guide.
29. In the Rayleigh Conservation Area Appraisal and Management Plan (2007) the site is in the Mainly 1950s – 1970s Character Zone which is described as:

“...predominant architectural style is of the third quarter of the 20th century. It includes the space around the Mill Hall and the windmill, and a block of sheltered housing, Homeregal House.”
30. According to the Conservation Area Appraisal, the building is indicated to have a negative contribution to the Conservation Area in the south-west half and a neutral contribution at the north-east half. A negative contribution is described as:

“...buildings of no architectural quality detrimental to the character of the area, either by reason of mass, design, materials or siting. Buildings of indifferent design or unsuited to the character of the conservation area.”
31. A neutral contribution is described as:
32. Buildings that fit satisfactorily into the Conservation Area and buildings which have suffered unsympathetic alteration or improvement.
33. High Street is characterised by buildings of various sizes shape, design and roof type. The common feature on most of them is the facing brick on their external envelopes either alone or included with render.
34. According to the submitted plans, the existing roller doors at the rear and the south-west side elevation would be replaced with a render infill.

The existing windows and doors at the ground floor would be replaced with brown powder coated aluminium. The building is proposed to have a new frontage with a powder coated infill panel to base and aluminium frames glass.

35. Colleagues in Place Services Built Heritage have been consulted regarding the proposal. The conservation officer states that he has no objections subject to a condition pertaining to the submission and approval of the colour of the render and the colour of the shopfront, windows and doors. It is considered that as the proposal seeks to enhance a building that needs refurbishing, the proposal would not significantly alter the character and appearance of the Conservation Area or its historical worth. Owing to these factors, the proposal is considered as complying with Policy DM1 of the Development Management Plan, SPD6: Design Guidelines within Conservation Areas and SPD 4: Shop Fronts Security and Design

Impact on Amenity

36. 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.
37. 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.
38. The NPPF states at paragraph 180 planning policies and decisions should contribute to and enhance the natural and local environment criterion (e) stipulates “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution”.
39. Furthermore, paragraph 191 states Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and
 - identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
40. The building has a lawful designation of a retail use. The building is adjoined by other commercial buildings. The proposal would not increase the footprint of the building. It is not considered that the proposal would cause any demonstrable harm to the amenity of occupiers in the adjoining buildings. Furthermore, there are numerous commercial processes taking place within the High Street. Overall, given similar types of uses in the High Street, neighbouring occupants already experience quite high ambient noise levels. It is not considered that the proposal would significantly affect the amenities of the neighbouring occupiers and the proposal complies with policy DM1 and advice advocated within the NPPF.

Highways

41. 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.
42. 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.
43. The applicant confirms that the access and egress arrangements into the site and parking provision remain unaltered. Furthermore, colleagues in Essex County Council Highways Authority have reviewed the submitted information and state '*The proposal includes alterations to an existing building and retains three off-street parking spaces. Therefore, the Highway Authority has no objections to the proposal*'.
44. 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.

Biodiversity Net Gain

45. 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).
46. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets the exemption criteria, i.e., relating to de-minimis development. The applicant has not therefore been required to provide any BNG information.
47. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning condition to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

CONCLUSION

48. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No reply received.

Essex County Council Place Services Built Heritage :

Upon the review of submitted documents I raise no concerns regarding the proposal, which, in my opinion, will cause no harm to the significance of the Rayleigh Conservation Area in terms of the National Planning Policy Framework (NPPF, December 2023). Therefore, the proposal will preserve the character and appearance of the Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The colour of the painted render infill panels has not been provided, therefore, if the application is approved, it is recommended that a condition requires the submission and approval of the colour of the render and the colour of the shopfront, windows and doors.

Essex County Council Highways Authority:

The proposal includes alterations to an existing building and retains three off-street parking spaces. Therefore, the Highway Authority has no objections to the proposal.

Cadent Gas: No objection subject to the imposition of the standard informative

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) – policies CP1, CP2.

Development Management Plan (December 2014) – policy DM1.

Supplementary Planning Document 4 (January 2007) - Shop Fronts Security and Design.

Supplementary Planning Document 6 (January 2007) – Design Guidelines for Conservation Areas.

Rayleigh Conservation Area Appraisal and Management Plan (2007).

The Essex Design Guide (2018).

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the following approved plans 22.185.15 Revision A (Proposed Elevations) (as per date stated on plan 29th May 2024), 22.185.PL01 (Site Plan) (as per date stated on plan 10th June 2024), 22.185.105 (Proposed Ground and Basement Floor Plans) (as per date stated on plan 10th June 2024) and 22.185.PL02 (Block Plan) (as per date stated on plan 10th June 2024).

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

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

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

4. Prior to the commencement of development, the colour of the render to be used on all the external surfaces of development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: To ensure that the external appearance of the building/structure is acceptable in the interests of the character of the conservation area.

5. Prior to the commencement of development, the colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: To ensure that the external appearance of the building/structure is acceptable in the interests of the character of the conservation area.

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

Application No :	24/00465/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Ashingdon Parish Council
Ward :	Hockley And Ashingdon
Location :	Land End Of Oakfield Road Cavendish Road Hockley
Proposal :	Proposed removal of existing units and provide single storey dwelling and associated parking and amenity.

SITE AND PROPOSAL

1. The application site lies to the north east of Hockley and more specifically to the south of Cavendish Road. The application site is located wholly within the Metropolitan Green Belt. The application site is accessed off Cavendish Road, via a single width private road, which is called Oakfield Road. The application site itself is irregular in shape and the boundaries to the site are demarcated by mature

native hedgerows which are punctuated at sporadic intervals by mature trees.

2. According to the submitted plans the application site contains numerous outbuildings of various sizes. The applicant stresses that these buildings have been used for storage purposes. Additionally, there is an extensive area of hardstanding, which wraps around the existing outbuildings. To the west of these outbuildings and within the application site are the remnants of a former dwellinghouse. It would appear that only the foundations are visible and the property itself has been demolished for some considerable time.
3. The applicant is proposing to demolish/remove the existing structures/outbuildings and erect a single storey dwelling and associated parking and amenity area.

RELEVANT PLANNING HISTORY

4. Application No. 22/00058/FUL - Retain Existing Driveway – Approved – 29th June 2022.
5. Application No. 11/00106/COU - Retrospective Application for the Use of the Site for Siting of Mobile Home for Residential Use Including Retention of Hardstanding for Parking of Domestic Vehicles, Hardstanding Base for Mobile Home and Access Track – Refused – 5th July 2012.

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 considerations

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 Council's 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. Paragraph 142 of the framework 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. Paragraph 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 this latter exception (g).
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 in light of the case (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:
- The redevelopment and optimisation of a brownfield site;
 - New residential dwelling helping to meet the Council's housing targets and delivery family housing;
 - A high-quality architectural design which addresses the Green Belt context. It will remove unsightly buildings with limited architectural merit and replace them with a well designed home which seeks to reflect the context in which it will sit;
 - A sensitive landscaping proposal which helps to integrate the proposed development into its surroundings and results in visual enhancements; and
 - The creation of new jobs associated with the construction process.

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 NPPF 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. The application relates to an irregular shaped parcel of land which measures in excess of 5000m². The case officer observed that the application contained six buildings in various states of repair, which were all relatively low key and functional in design terms. The majority of the buildings are located towards the southern aspect of the application site. Additionally, there was a large area of hardstanding. The application site is accessed via Oakfield Road, which is a single width access road that enters the site in the north eastern corner. The nearest residential properties are located approximately 80m to the east and north east of the application site. The boundaries to the application site are demarcated by mature native hedgerows which are punctuated at sporadic intervals by large mature trees. There are no residential dwellings currently in-situ on the application site. According to the Design and Access Statement and accompanying plans the proposal is for one detached bungalow type dwellinghouse, given the factors cited above it is considered that the exceptions a) to f) do not apply.

22. The proposed site is currently occupied in part by the six buildings/structures of various size and condition. The majority of the buildings are constructed out of timber. The buildings on site are of simple utilitarian and functional appearance. Furthermore, the buildings appear to have been in-situ for a considerable degree of time (in excess of 10 years) and given their method of construction there is a degree of permanence to them. When the case officer

conducted his site visit, he noted that buildings No.3 and No.6 were relatively simple structures constructed out of timber and they resembled garden sheds.

23. In addition to the above, building No.2 as identified on plan reference CS.301/03 (as per date stated on plan March 2024) is a storage container. It is debatable whether this structure complies with definition of development as defined in s.55 of the TCPA 1990 as it could be moved around the site. The agent contends that the storage container should be considered a chattel and a structure in terms of planning law. Furthermore, they go on to enunciate that the structure is utilitarian and functional in nature. The presence of the structure on site is a negative feature to the Green Belt and the removal would be a positive improvement to the Green Belt. The case officer agrees that the shipping container does detract from the local environ and its removal would be a benefit to the Green Belt. The case officer also agrees with the applicant's assertion that given the amount of time of structure has been on the site and taking into account the tests identified in R (Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council (2012) that the shipping container can be used in the calculations.
24. The agent contends that the application site has been used for the purposes of a storage yard, and that it has been operated in this manner for 10 years and such complies with the first limb of para 154 exception g) in that the application constitutes PDL. This application is not for a Certificate of Lawfulness and therefore is not a determination on the lawfulness of the use of the land. However, for the purposes of this application and to determine if the land is considered to be previously developed, the evidence can be a material consideration in the determination of the application.
25. Apart from the applications cited with the planning history section the Council does not hold any other relevant planning records. As such whilst no evidence exists in respect of previous approvals of planning permission, it would be difficult to come to a contrary view on the subsequent uses that operated from the site. Given the extent of hardstanding and size and scale of buildings that exist or potentially any previous buildings that might have occupied the site it is conceivable that it would not be fit for agricultural use. Although the site may have been used periodically for possibly housing animals or for storage of agriculture equipment/ produce there is no evidence to suggest otherwise and it is considered difficult to categorically reach a view that the site was used for agricultural purposes or indeed a use to fall outside of the definition of PDL. Therefore, for the purposes of this application it is considered that the proposal constitutes PDL.
26. In the opinion of the case officer the existing built form is stark and stolid and does not contribute positively to the wider rural vernacular.

All of the buildings on site are single storey in height. Furthermore, it was observed that there was an extensive area of hardstanding around the majority of the buildings. In the opinion of the case officer the presence of these buildings/structures on site is a negative feature to the Green Belt and their removal would be a positive improvement to the Green Belt. The applicant's agent contends that these buildings etc. are all dispersed around the southern aspect of the application site and the proposal would tidy up a poorly laid out site by the coalescence of the built form in the proposal.

27. In the justification for the proposal as part of the applicants Design and Access Statement and accompanying plans the agent infers that the proposal complies with part (g) of para. 154 of the framework as the proposal would constitute the partial or complete redevelopment of previously developed land. The agent also intimates that the proposal will not have any adverse impact on the openness of the Green Belt either visually or spatially due to the existing built form, which will be demolished in order to make way for the proposed dwellinghouses. The agent has calculated the floor area/volume of the existing built form and then the proposed use (1No. detached 2-bedroomed dwellinghouse), which are summarised below:

Existing Building/Structures	Floor Area (m²)	Volume (m³)
Building No.1	23.44m ²	57.71m ³
Building No.2	21m ²	50.26m ³
Building No.3	12m ²	29.32m ³
Building No.4	20.53m ²	51.31m ³
Building No.5	70.82m ²	200.92m ³
Building No.6	5.5m ²	12.10m ³
TOTAL	153.29m²	401.61m³

28. Both buildings No.3 and No.6 are garden shed like structures and the case officer does not consider that these structures ought to be used in the aforementioned calculations. The applicant's agent acknowledges that both structures No.3 and No.6 are temporary in nature and has agreed that neither of these buildings should be used in the calculations. Therefore, excluding these buildings from the abovementioned floor/volume calculations will equate to a cumulative floor/volume of 135.79m² and 360.2m³ (taken cumulatively for buildings 1, 2, 4, and 5). In addition to the above, the agent states that the existing hardstanding amounts to 1075m², if the proposal is approved the applicants seeks to remove 347m² of hardstanding (which equates to a 32% reduction) and replace with soft landscaping and grass.

29. In addition to the above, the applicant's agent stresses that the existing built form has varying ridge heights which range from 2.4m

to 3.1m (approx.). According to plan reference CS.301/05 (Proposed Site Plan) the proposed dwellinghouse will have a footprint of approximately 95.01m² (reduction of 30%) and a volume of 316.75m³ (reduction of 12%). The agent goes on to state that the proposed dwellinghouse will have a maximum ridge height of 4.7m (approx.).

30. The agent contends the reduction in volume and floor area will help to mitigate any impact that the proposed development may have on the openness of the Green Belt as the existing built form is more intrusive than the current proposal.
31. Paragraph 154 exception (g) of the framework states an exception may comprise an “partial or complete redevelopment of previously developed land”. As previously stated, it is accepted that the site constitutes PDL. Notwithstanding the above, 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.
32. 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).
33. 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.
34. 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 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. 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.

35. 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.

36. In terms of openness of the Green Belt, the proposal would involve the demolition of numerous buildings/structures and removal of large areas of hardstanding, due to the construction of 1No. single storey detached dwelling. All of the existing buildings which are to be demolished are single storey in height (according to the submitted plans the heights of these existing buildings/structures vary from 2.4m to 3.1m). The proposal would introduce 1No. single storey dwelling (the maximum height of the proposed dwellinghouses would be roughly 4.7m). Therefore, the maximum ridge height of the proposed dwellinghouse is substantially greater than the height of the tallest building currently on site.

37. It is acknowledged, the total volume of the existing built form is 360.2m³, which is substantially greater in comparison to the proposal, which is 316.75m³ (a difference of 43.45m³), the reduction in volume on the site is welcomed. There will also be a reduction in cumulative floor area, the existing footprint of structures/buildings on site equates to 135.79m² and this will be reduced to 95.01m², in the event that planning permission is approved.
38. 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.
39. Therefore, crucial to the assessment of this application, is whether or not the proposed dwelling would be materially larger.
40. As previously attested to the heights of the existing buildings range between 2.4m and 3.1m, whilst the height of the proposed dwellinghouse will measure 4.7m. It is acknowledged that the footprint and volume 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 existing outbuildings the height of the proposed dwellinghouse would be materially larger and visually will have a detrimental impact on the openness of the Green Belt. Whilst it is acknowledged that there will be a reduction in footprint/volume of the existing built development, this does not outweigh the harm that the increase in height would cause.
41. In conclusion, it is considered that the proposal would erode the openness of the Green Belt in visual terms with the development having a greater impact on the openness of the Green Belt and so would not benefit from exception g) of the Framework. Consequently, in the opinion of the case officer the proposed development would therefore fail to comply with relevant policies in the Local Development Management Plan, Core Strategy and paragraph 154 of the framework.

Sustainability

42. 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.
43. 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.

44. 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. 1250m south west from Ashingdon 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.

45. In respect of connections to the road network, the subject site benefits from good highway connections. The surrounding roads are relatively level and cycling is a potential mode of transportation. Furthermore, the London urban conurbation is within easy commute from nearby Hockley.

46. 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.

47. The agent infers that this windfall site will help to create an 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.

48. The agent also infers that the proposal will achieve a high-quality architectural design which addresses the Green Belt context. Furthermore, it will remove unsightly buildings with limited architectural merit and replace them with a well-designed home which seeks to reflect the context in which it sits. The agent goes on to state that the proposal will be sensitively landscaped which helps to integrate the proposed development into its surroundings and result in visual enhancements. In the opinion of the case officer any development should be sensitively landscaped so that it fits into the

local environ and this is not a sufficient justification to warrant an approval. Additionally, whilst the design of the proposed dwellinghouse is of a reasonable standard it is not particularly innovative; and the design of the proposed dwellinghouse does not justify the special circumstances needed for the development to be considered acceptable in this Green Belt location.

49. The agent considers that an important material consideration is the creation of new jobs associated with the construction process. It is acknowledged that there would be an economic benefit arising during both the construction and occupation stages from the additional spending and the employment this would support. Additional dwellings could also support use of facilities within the surrounding area. However, the case officer attaches limited weight to these benefits given the small scale of the proposed development.
50. Furthermore, numerous environmental benefits can be attributed to the development, which include environmental and biodiversity factors, and the use of renewable technology etc. Whilst these are material considerations, they are not considered sufficient justification to outweigh the harm created by the proposed development.

Design

51. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's 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. The Framework 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.
52. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
53. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its

identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.

54. The surrounding vernacular has a pastoral view which is punctuated at sporadic and intermittent intervals by a variety of housing types which includes bungalows, chalet type bungalows, two storey high detached dwellinghouses, some of which incorporate projecting gables. Furthermore, the roofscape is heterogenous with a mix of hips, gables and half hips. A rich palette of materials has been used to construct these neighbouring properties including render, facing brick (of various colours and textures), cladding under concrete tile roofs. The case officer also observed that there were several commercial enterprises within the vicinity of the application site.
55. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
56. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25m for detached dwellinghouses or 15.25m 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 1m between the outside face of the wall to habitable rooms and the plot boundary. The proposal complies with the aforementioned criteria.
57. It is demonstrated that the quantum of development can be accommodated within the site. It is considered that the proposed dwelling will be sited within quite a large plot and as such it will not appear cramped. Additionally, the density and character of the proposed dwelling is in keeping with the locality, so the proposed development is still considered compliant with Policy H1 of the Core Strategy.
58. According to plan reference CS.301/05 the proposed dwellinghouse will be sited towards the south of the application site. The proposal will be constructed on the footprint of some of the outbuildings which will be demolished, in the event that planning permission is approved. The access road which serves the existing outbuildings will be maintained and following the removal of the extensive area of hardstanding, a proportion will remain in-situ. This area of hardstanding is located immediately to the north of the proposed dwelling and measures roughly 5.8m deep by 11.3m wide and is sufficient to accommodate several vehicles.
59. As previously stated, the NPPF also advises that planning decisions for proposed housing development should ensure that developments

do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed. Moreover, the SPD 2 Housing Design and policy DM1 infer that proposals should respond positively to the character, local distinctiveness and form of its surroundings and that significant importance is given to layout considerations and that proposals should be respectful of the urban grain.

60. According to plan reference CS.301/06 there is a minimum 1m passageway which traverses the entire flank elevation of the proposed dwellinghouse which allows for easy access to the private amenity area. In reference to the submitted plans the private amenity space would wrap around the entire dwelling. The footprint of the proposed dwellinghouse is roughly in the shape of a letter 'L' and would measure 13.8m long by 9.4m deep (as measured at the widest points) with a footprint of roughly 95m². The proposal will incorporate a projecting gable element (on the shorter range) which will measure 2.65m high to the eaves and 4.7m high to the apex of ridge. Located within the front elevation of the gable will be a large-glazed aperture. The longer range will include a flat roof, which will incorporate a modular sedum roof (green roof). This element of the proposal will measure approximately 3.2m high.
61. It is considered given the prevailing character and nature of neighbouring properties the proposed dwellinghouse is commensurately scaled and will not appear as over dominating or overbearing within the context of the local vernacular.
62. The proposed dwellinghouse will be constructed out of block (presumably) and will be clad in timber under a grey composite interlocking tile roof (projecting gable element), which will be secured by the imposition of appropriately worded planning condition, in the event that planning permission is approved. It is considered that this relatively simple palette of materials is in keeping with the wider vernacular and will not cause any demonstrable harm to the character and appearance of the wider streetscene. The proposal incorporates apertures of various sizes, and the fenestration helps to make the proposal appear less stark. Additionally, there will be 11No. photovoltaic panels each measuring 1100mm by 1700mm. No objections are raised to this element of the proposal.
63. Internally the property will comprise open plan kitchen/lounge and dining area, 2No. bedrooms, utility room, bathroom and hall.
64. Overall, it is considered that the design of the proposed dwellinghouse is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. Whilst it is seemingly not being innovative in any particular way it would not be considered to be tantamount to alien built form in the vicinity which is

characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the NPPF and policy DM1. However, this does not overcome the previous concerns cited within this report.

Impact on Residential Amenity

65. 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.
66. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
67. It is considered that the development of the site for housing is unlikely to result in noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
68. The nearest residential properties are located approximately 80m away to the east and north east of the application site.
69. It is noted that the proposed dwellinghouse will have apertures on all of its elevations which will serve habitable rooms. Nonetheless, it is considered that due to the separation distance between the proposed development and the surrounding residential dwellings and the single storey nature of the building, in addition to the boundary treatment, which will be conditioned accordingly, the proposal is not considered to significantly impact on the residential amenity of neighbouring occupiers in terms of having an overbearing impact, overlooking or overshadowing.
70. Overall, it is considered that the proposed development would not cause any significant impact on residential amenity in respect of noise, light, overlooking or privacy to the surrounding properties, neither would it have a significant overbearing impact.

Living Conditions for Future Occupiers

Garden Size

71. Policy DM3 of the 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.
72. The Council's 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.
73. The layout submitted shows that the proposed dwelling could be provided with private amenity space way in excess of the requirements. It is considered that amount of private amenity attributable to the proposal exceeds the requirements of policy DM3 and guidance advocated in SPD2.

Technical Housing Standards

74. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access and a new national space standard.
75. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
76. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015.
77. A one storey dwelling which would comprise two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 61m² or 70m² respectively.

Additionally, the dwelling must have a minimum of 2m² of built-in storage.

78. The standards above stipulate that double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated.
79. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 95m², and as such in terms of overall GIA the proposal complies with the minimum specified technical standards.
80. The table below shows the Gross Internal Floor area for each of the bedrooms (all measurements are approximate).

Bedroom No. 1	14.2m ²
Bedroom No. 2	11.6m ²

81. All the bedrooms comply with aforementioned policies and exceed the Internal floor area requirements. Furthermore, it was noted that there was only 0.6m² storage area identified on the submitted plans; however, the proposal substantially exceeds the recommended minimal GIA for a two bedroomed property and as such it is considered insufficient justification for the slight shortfall in storage space to warrant a refusal and substantiate it at any future Appeal.
82. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.
83. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Impact on Highway Safety

84. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the

Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.

85. 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.
86. 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.
87. According to plan reference CS.301/05 there will be 3 No. car parking spaces which will be situated immediately to the north of the proposed dwellinghouse and they will be located wholly within the area edged red. There is ample space for vehicles to manouvre so that they can access/egress the site in a forward propelling gear. The case officer considered it prudent to consult Colleagues in Essex County Council Highways Authority regarding the proposal and they state "*The proposal site is located in a private road that is shared with a Public Right of Way bridleway. The proposal includes removal of old buildings and provision of a new dwelling... From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority*".
88. The Highways Engineers have stated that they have no objection to the application subject to the imposition of conditions relating to the public's rights and ease of passage over public bridleway No. 24 (Ashingdon) shall be maintained free and unobstructed at all times, provision of cycle parking and standard informatives.
89. Overall, it is considered there is sufficient car parking arrangements and appropriate access arrangements to serve the proposed dwelling. Furthermore, it is not considered that one additional dwelling at this locality will cause demonstrable harm to the highway network. The additional comings and goings of vehicles as a result of this proposal will not result in significant disturbance to neighbours via noise and dust which can be substantiated and warrant a refusal on this issue. Generally, it is considered that the proposal is acceptable in highway terms and would not have an adverse impact upon highway safety. The proposed development therefore accords with the Parking Standards and policies DM1, DM3, DM9 and DM30 of the Development Management Plan and the Framework.

Refuse and Waste Storage

90. 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 20m (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.

Flooding & Drainage

91. The application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such the development is compatible with the advice advocated within the NPPF.

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

Trees

93. 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.”

94. An Arboricultural Report produced by Andrew Day Arboricultural Consultancy, dated 25th March 2024, has been submitted to support the planning application. The report provides information to consider the effect of proposed development on local character from a tree perspective relating to the proposed development under this application.

95. The Arboricultural Report concludes that: -

- To implement this development no trees will need to be removed or worked on.
- The construction zone for the new dwelling and most of the other construction activities will be outside of the constraints of the trees shown to be retained and protected.
- Only a small part of the outer RPA is crossed by the existing vehicular access. If this surface is to be modernised and the existing surface cannot be constructed on top, any shallow excavation will be completed using hand tools under arboricultural supervision.
- Protective fencing will be set up in locations shown on the tree protection plan to prevent access in the RPA where it is not required and ensure the trees are protected from construction pressures.
- The trees can be adequately protected from construction pressures by implementing and adhering to the protection measures provided in the method statement.
- The scheme presents a good opportunity to have new understory planting installed to enhance species diversity and benefit wildlife, this can be conditioned as part of a planning consent.

96. The case officer considered it prudent to consult the Councils Arboricultural Officer who states that *“All trees are to be protected in accordance with the tree protection plan and method statement received from Andrew Day consulting”*.

97. The case officer does not consider that there is sufficient justification/reason to proffer an alternative view and substantiate it any future Appeal. It is considered that the proposed development subject to the above being conditioned complies with policy DM25.

Ecology

On Site

98. Paragraph 180 to The National Planning Policy 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. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
99. 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.
100. 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.
101. To accompany their planning application the applicant has submitted an Ecological Survey and Assessment Report, produced by John Dobson, Essex Mammal Surveys and is dated March 2024. The report reaches the following conclusions: -
- Bats: The survey buildings comprise a range of single-storey storage units and animal shelters with sheet metal roofs. The main building also has metal sheet walls to the east, west and south. The survey found that the interiors received daylight illumination from open doors, conditions in which bats seek out dark areas or cavities in which to roost. The lack of such features in the walls and roofs made the buildings unsuitable as roosting places for bats. No

evidence of their presence was found on the walls and floor of the buildings or on items stored within them. Externally, there were no cavities in the walls that might offer potential roosting places for bats. There is no vegetation affected by the project that has crevices, loose bark or woodpecker holes that might be colonised by bats. No evidence of their presence was found at this site. The lack of potential roosting places and absence of any evidence of the presence of bats means that no further surveys are required for these buildings.

- Badgers: There were no latrines or digging by badgers found at the site, or within 30m of its boundaries.
- Reptiles: The site is currently in use for storage and receives daily disturbance. It is a large site, and the proposal area is bordered by woodland to the east, west and south and to the north by the drive to the site with a former pig farm beyond. The site is predominantly of gravel hardstanding and maintained grass, with trees present to the east, south and west. There are no features that might be attractive to basking by reptiles and there is no suitable habitat nearby from which the site could be colonised by reptiles. There are no ponds at the site or in the vicinity and there is no terrestrial dispersal habitat for great crested newts. The Essex Field Club has no records of great crested newts in this tetrad during the last fifteen years.
- Barn owls: The lack of suitable trees and buildings made it unsuitable for occupation by barn owls and no evidence of this species was found.
- Priority species: Both Hedgehog and Common Toad are likely to be present in the area.

102. However, the report makes a number of recommendations which includes: -

- Four bird nesting boxes to be sited on trees or buildings at the site.
- A hedgehog nesting box to be sited along vegetated boundary.
- A Tawny Owl nesting box to be erected in the woodland.
- Two solitary bee hives to be erected at the site.
- Gaps in the boundary treatment to allow hedgehogs and toads to forage.

103. The case officer consulted the Councils Ecologist in regards to the Ecological Survey and Assessment Report and no objections were raised to this element of the proposal. Consequently, there are no objections to this element of the proposal and the aforementioned ecological recommendations will be secured by approximately worded planning condition, in the event that planning permission is approved.

Off Site Ecology

104. 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.

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one dwelling

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

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

- No

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

- No

106. As the answer is no, it is advised that a proportionate financial contribution of £163.86 per dwelling 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.

107. 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 not been paid to the Local Planning Authority and this will form a subsequent reason for refusal.

Biodiversity Net Gain

108. 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).

109. 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. Nevertheless, the case officer considered it prudent to consult the Councils Ecologist who states that *"we have reviewed the Biodiversity Net Gain Statement (ACJ Ecology Ltd, July 2024) and are not satisfied that this statement sufficiently justifies [those] habitats on-site and that the development is exempt from mandatory biodiversity net gains.*

110. *As a result, we recommend that a habitat plan should be submitted for the pre-development baseline of the entire red line boundary. This should ideally use UK Habitats Classification v2, which is the habitats classification which underpins the Statutory Biodiversity Metric. Further clarification should then be provided on how these habitats will be impacted as part of the proposals, including any changes of land use (e.g. modified grassland to vegetated garden)".*

111. In light of the comments received by the Councils Ecologist this will form an additional reason for refusal.

Other Matters

112. During the course of the planning application a neighbour has raised concerns regarding land ownership and whether the applicant owned all of the subject site. The neighbour states that *'During the past 2 years he [the applicant] has put up a long-paddock gate*

saying River View and banned me from using the road saying its his private road resulting in my land becoming overgrown'. According to the submitted planning application forms the applicant has completed Certificate A, which states 'that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding'.

113. Typically issues revolving around land ownership are private matters and as such are not considered to be a material planning consideration. However, it is imperative that the applicant complete the correct Certificate. As a planning application is a legal document and if the incorrect Certificate has been completed then there is a risk that the permission granted may be made invalid and it is possible that the High Court may quash any permission. In any event, by granting planning permission does not remove or negate the rights of the legal landowner. Furthermore,

114. In addition to the above, the objector is concerned about access to their property/land being prohibited. Issues revolving around private property rights and obligations, such as those found within restrictive covenants, easements and wayleaves etc. are not considered material planning considerations. This is for numerous reasons, which includes under the Town and Country Planning Act 1990 s.70(2) and the Planning and Compulsory Purchase Act 2004 s.38 (6). These sections of the Acts forward the notion of 'material considerations'. Private rights under covenants, etc., are not within those words. Additionally, the interests of society and the public usually take priority over private rights—for example, the general presumption in favour of permitting development under the National Planning Policy Framework (NPPF), para 11. Finally, because the regulation of private rights and obligations is governed by different rules from those regulating planning matters, outcomes are different.

CONCLUSION

115. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Ashingdon Parish Council: No reply received.

Essex County Council Highways Authority:

No objection to the application subject to the imposition of conditions relating to the public's rights and ease of passage over public bridleway No. 24 (Ashingdon) shall be maintained free and unobstructed at all times, provision of cycle parking and standard informatives.

Essex County Council Place Services Ecology: Object for the following reason:

We have reviewed the Biodiversity Net Gain Statement (ACJ Ecology Ltd, July 2024) and are not satisfied that this statement sufficiently justifies that habitats on-site and that the development is exempt from mandatory biodiversity net gains.

As a result, we recommend that a habitat plan should be submitted for the pre-development baseline of the entire red line boundary. This should ideally use UK Habitats Classification v2, which is the habitats classification which underpins the Statutory Biodiversity Metric. Further clarification should then be provided on how these habitats will be impacted as part of the proposals, including any changes of land use (e.g. modified grassland to vegetated garden).

Where mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. As a result, government have recommended that it is not included in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be implemented via a separate section of the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the finalised full Small Sites Metrics or Statutory Biodiversity Metric – Calculation.

In addition, a Habitat Management and Monitoring Plan should be secured for all significant on-site enhancements, as well as off-site enhancements. This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Neighbour representations:

One response received from the following address;

Address Unknown

- I have no objection to the single storey dwelling being erected but do have about the road.
- Originally my front door was in Oakfield Road but I also have land at the end of Oakfield Road and to the right hand side adjoining Mr.

Wheatley. and need to access it. During the last 2 yrs he has put up a long-padlocked gate saying river view and banned me from using the road saying it is his private road resulting in my land being well overgrown and needs urgent clearance;

- Also there should be 3mtrs edge at side of road for the bridleway which there isn't; and
- My water meter is also down the bottom of Oakfield Road.

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.

RECOMMENDATION: REFUSE

1. From the information provided with the application, the proposed development would result in a materially larger building, particularly in terms of a significant height increase 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 in the Local Plan or the National Planning Policy Framework. 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 Policy of the Local Plan and 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. The application does not include a mechanism to secure suitable mitigation in the form of a standard contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. Based on the precautionary principle, it is considered that the proposed scheme would be likely to have a significant adverse effect on the SAC and SPA due to the potential increased disturbance through recreational activity. The proposal would

therefore fail to comply with the requirements of the Regulations. It would also fail to accord with Policy ENV1 of the Rochford District Council, Local Development Framework Core Strategy which seeks to maintain, restore and enhance sites of international, national and local nature conservation importance. It would also be contrary to Paragraph 180 of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.

3. It has not been demonstrated, through the submission of robust or cogent information that the submitted Bio - Diversity Net Gain statement sufficiently justifies the habitats on-site to prove the development is therefore exempt from mandatory biodiversity net gains. As such the proposal is contrary to guidance advocated within Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Net Gain Requirements (Exemptions) Regulations 2024.

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