



PLANNING APPLICATIONS WEEKLY LIST NO.1738
Week Ending 13th December 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 30th January 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **18th December 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. 24/00534/FUL – 31 Kingswood Crescent Rayleigh

Application No :	24/00534/FUL Zoning: Residential
Case Officer	Mr Thomas Byford
Parish:	Rayleigh Town Council
Ward:	Wheatley
Location:	31 Kingswood Crescent Rayleigh
Proposal:	Subdivide site and construct 1no. 1-bed self-build dwelling attached to No. 31 Kingswood Crescent. Extend 2no. existing vehicular accesses. Additional hard standing to create additional driveway parking. Construct pitched roof dormers, single storey rear extension and new porch to No 31

SITE AND PROPOSAL

1. The site is located to the south of No 31 Kingswood Crescent, within the existing curtilage of the aforementioned dwellinghouse.
2. No 31 Kingswood Crescent is a two storey chalet style dwellinghouse, featuring a first floor level at the rear, with a large turfed amenity area set to the south of the site. The immediate street scene presented is somewhat mixed, with dwelling styles ranging from bungalows, to large two storey dwellinghouses. The immediate street scene has a clear residential character, with the dwellings to the east, sited further back from the highway with substantial green verges to their site frontages.
3. Planning consent is sought for the construction of a new 1 bedroom dwelling to the side of and attached to the existing dwelling at 31 Kingswood Crescent. The dwelling would have a private garden and off-street parking. The proposal also includes two pitched roofed front dormers, a single storey rear extension and a new porch to No 31. Both dwellings (the existing 31 and the proposed 31a) have been included within the red line site. The two existing vehicular accesses are proposed to be extended with the proposal, with the inclusion of additional hardstanding to create new parking for No 31a.
4. This application follows pre-application advice in which a new 2 bedroom 1.5 to 2 storey dwelling to the side of and attached to the existing dwelling at 31 Kingswood Crescent is proposed. It was advised on the case officers site visit and the following advice letter that the scheme proposed significant challenges and that a 1 bedroom dwelling may be more appropriate in the setting and to comply with the Council's local policies and guidance. A second letter of pre-application advice was then requested and issued, in which the proposal here follows an almost identical scheme. The letter was followed up with correspondence clarifying the Council's position and that the proposal is likely to be acceptable in principle.

5. The existing site features its parking towards the rear / west of the site, with a detached garage sited adjacent to the garden area with a small access road and crossover providing access.
6. The proposed dwelling would be attached to the existing dwelling, converting the existing semi-detached pair into a trio of terraced houses with the proposed dwelling being at the end of the terrace and closest to the adjacent highway.
7. It is noted that the application has been revised to include alterations to the existing dwelling (No 31). A re consultation has taken place on the basis of this revision.

RELEVANT PLANNING HISTORY

8. No recent planning history other than pre-application advice.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development – Infill, Residential Intensification & Impact on Character

11. The National Planning Policy Framework 2023 (NPPF) and as updated 12th December 2024 advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Whilst the development of under-utilised land and buildings is encouraged, this must be balanced against the visual and other impacts of development.
12. The application site is located within a residential area, and more efficient use of land for housing provision is considered acceptable in principle. However, Core Strategy Policy H1 confirms that, in order to protect the character of existing settlements, the intensification of smaller sites within residential areas will be resisted, but that limited infilling will be acceptable provided that it relates well to the existing street pattern, density and character of the locality.

13. Core Strategy Policy CP1 and Policy DM1 of the Development Management Plan (DMP) both seek to promote high quality design in new developments that would promote the character of the locality. In this context, Policy DM3 provides specific criteria against which infilling and residential intensification are considered. This report will start by looking at the acceptability of the scheme and whether it would be considered to comply with Policy DM3.

Policy DM3 – Infilling and Residential Intensification

Reference to Policy DM1 alongside other local and national policy has also been made within this assessment.

14. Proposals for infilling, residential intensification or 'backland' development must demonstrate that the following have been carefully considered and positively addressed.
- (i) The design of the proposed development in relation to the existing street pattern and density of the locality;
15. Although the immediate street scene is mixed, the character of the existing dwellings adjoining the application site consists of similarly designed semi-detached dwellings facing Eastern Road which although featuring dormers, retain an open character with the most southern dwelling of the semi-detached pair (no.31), retaining an open character to the site frontage and to the side. Other similar dwellings in terms of layout and design include those to the west of the application site which face the western bend of Kingswood Crescent. It is noted that the southmost of these dwellings has been subject to alterations / extensions incorporating dormers which extends to the south and onto the former area which previously would have been open. This extension is considered within character and is complementary to the form and design of the dwelling on the site.
16. The National Planning Policy Framework which sets out the government's planning policies for England was revised on 20th July 2021 and more recently on 19th December 2023 and further on the 12th of December 2024. The revisions increased the focus on design quality, not only for sites individually but for places as a whole. Terminology is also now firmer on protecting and enhancing the environment and promoting a sustainable pattern of development. The Framework at Chapter 2 highlights how the planning system has a key role in delivering sustainable development in line with its 3 overarching objectives (Economic, Social and Environmental) which are interdependent, and which need to be pursued in mutually supportive ways such that opportunities can be taken to secure net gains across each of the different objectives.
17. The social objective of national policy is to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of

homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The National Planning Policy Framework at Chapter 12 emphasises that the creation of high quality, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

18. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. Policy DM1 specifically states that *“The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative”*. It also states inter alia that proposals should form a positive relationship with existing and nearby buildings.
19. 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 the proposals should contribute positively to making places better for people (para 131).
20. As previously stated, the NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (para 139).
21. Policy H1 of the Council's 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 the site locality. 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 is no measurement here dictated for terraced dwellings and therefore each case should be considered on its own merits taking into account the proposed dwelling size. The proposed site has a frontage of 6.6m which is considered quite narrow in the context of the area. It is however considered that this is not so far shy of the 7.625m in width which each plot would be required to have if this application were for a pair of semi-detached dwellings. It is of course noted this is proposed as a one bedroom dwelling and therefore only requiring one parking space and a reduced garden size, would likely be designed to fit a narrower plot size than a two bedroom dwelling or greater. In this case, it is not considered, taking into account the orientation of the three resultant dwellings which are not highway fronting, that this end of terrace dwelling and the row of resultant dwellings as a whole would be so jarring and detrimental to the street scene such that the withholding of planning permission would be justified, taking into account a development of similar bulk which has occurred to the west. It is considered that the proposed materials and roof tiles mitigate significant impact into relation to this and this has been included within this assessment later in this report.

22. The redevelopment of existing private gardens, especially where it provides a significant contribution to local character, often disrupts the grain of development and will be considered unacceptable.
23. This site is adjacent to several grass verges to the east which presents an area of openness alongside the existing open area just south of the application dwelling.
24. Of relevance is also the existing area to the site frontage, which faces the grass verges to the east. To the site frontage, the existing dwelling comprises a narrow footpath, with a soft landscaped area which again, creates an open and soft appearance with this being turfed, with attractive bushes and small trees which lines the boundaries. This feature is enabled by the fact that the parking is located towards the rear of the existing dwelling which enables the site to currently benefit from an attractive soft landscaped frontage.
25. Although this is the case, it is considered that much of the existing soft landscaped area would remain in front of the existing dwelling, a small proportion would be lost with the development in front of the new dwelling for parking. Much of this existing area however is enclosed within the existing boundary fencing and therefore it is considered that there is suitable development which could occur on this site, as well as an acceptable hardstanding area for parking for the new dwelling. It is not considered that the loss of a small proportion of the frontage would warrant a refusal of a planning application on these grounds.
26. The proposal would entail the need for additional parking with an additional dwelling proposed and this would be sited to the frontage of

the new dwelling. In this case, this does create some urbanising effect to this edge, however the single space proposed means this is minimal compared to the two parking bays which have been previously proposed. Further comment on the parking proposed at the site will be included in the parking section of this report.

27. The design of the dwelling, in principle, is considered to meet the guidance in the Essex Design Guide in terms of form and external finishes. A previous proposal included a dwelling set back further into the site which would create a dwelling that would not be considered complimentary to its terraced neighbours however the proposed dwelling, now smaller, sits flush with the existing neighbour and is not considered detrimental to the existing dwelling. It is noted that the proposed development would incorporate similar materials to the existing dwelling with this proposed to be finished in render. It is also stated that the tiles of the proposed dwelling would match those of No 31 which again would lead to a more seamless and harmonious development as a whole and with the adjacent neighbours at No 31 and 33.
28. During the course of the application, it has been confirmed that the rear extension to No 31 and the pitched front dormers proposed are to be included within this proposal, as well as a new porch. New plans were submitted and a re consultation was undertaken. In this case, it is considered that the scheme is acceptable with or without the proposed dormers or single storey rear extension proposed to No 31. If the front dormers to No 31 were not constructed and the scheme partially implemented, a lack of complete symmetry between the proposed dwelling and its adjoined neighbours is not a reason solely for refusal, nor would be the difference in the size of the dormers in comparison to the neighbour at No 33, taking into account the lack of local policy relating to this. Taking into account the lack of local policy regarding symmetry is it not considered necessary to impose a condition relating to the construction of these dormers to the front roof slope, and therefore any such condition is considered to fail at least one of the six tests relating to the correct approach to the imposition of conditions on a planning consent.
29. The same is said for the single storey rear extension proposed. The consideration in terms of overshadowing from the new dwelling to No 31 has been included within the residential amenity assessment and in this case, it is considered that because of the chalet form and low eaves height, the resultant dwelling would not cause unreasonable overshadowing impacts on No 31, whether this single storey rear extension was constructed or not. Furthermore, in this case a condition relation to the construction of this prior to any development starting for No 31a is not considered necessary and will therefore not be imposed on any granting of planning consent. The proposal also includes a new porch to No 31 which is considered modest and of good design. The porch proposed to the new dwelling, is smaller than that proposed at

No 31, however it is considered that this reflects the dwellings smaller size and plot width overall. This is considered acceptable.

30. Due to the smaller dwelling proposed, the amenity space of the new dwelling on the site would be approximately 65m², complying with the requirement for a 1 bedroom dwelling. The area in front of the garage and the part of the area to the south of the proposed dwelling which is less than 2m in width, is not considered within the amenity space calculations with this not being a suitable area that can be enjoyed as part of the garden. Sideways are generally not considered as part of the residential garden where they act more as pathways than usable amenity space. The existing dwelling would have a garden area of approximately 116m² which would also comply with the guidance for a dwelling of this size.
31. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2 – Housing Design, as well as to the Essex Design Guide.
32. It is noted that the proposed parking space is close to the proposed porch of the dwellinghouse proposed, however generally the bay sizes provided within the guidance are generous in order to allow clearance for doors opening and movement around the car. This parking space is not considered to significantly impact access into the dwelling from the porch and it is considered an acceptable arrangement.
33. In this case, the site is considered of sufficient scale and context to accommodate an additional one bedroom dwelling of this size and therefore taking into account the built form of a similar dwelling set to the west of the application site (albeit this has been extended by virtue of a side extension and not an additional dwelling) the proposal is not considered so out of character with the existing street pattern to warrant a refusal. Consideration has been given to the proposed materials and the sites ability to meet the parking, garden and technical space standards criteria with which this proposal complies.
 - (ii) whether the number and type of dwellings being proposed are appropriate to the locality having regard to existing character;
34. The local area is characterised by a mix of bungalows, chalets and two-storey dwellings. The dwelling itself it is of a scale that is considered appropriate, with sufficient land available to accommodate a dwelling of this size with existing and proposed garden areas, meeting the minimum required by the Council's standards. The application is for one additional dwelling which is considered appropriate.

- (iii) the contribution to housing need, taking into account the advice and guidance from the Council, based on the most up-to-date evidence available;
35. The Council can demonstrate a five year supply of deliverable housing sites, but this is a minimum target, and 'windfall' sites make a recognisable contribution towards supply. The latest published household data for the Council indicates that the greatest demand is for 3-bedroom properties.
- (iv) an assessment of the proposal's impact on residential amenity
36. This will be considered in a separate section later in this report.
- (v) avoiding a detrimental impact on landscape character or the historic environment;
37. The location of the site means that the proposal would have no material impact on landscape character or the historic environment.
- (vi) avoiding the loss of important open space which provides a community benefit and/or visual focus in the street scene;
38. As a private garden and side amenity area within the ownership of the applicant, the site has no community benefit, nor significant visual focus in the street scene. Although neighbouring residents may currently benefit from an outlook across this area which provides an open appearance, in planning terms there is no right to a view across land owned by a third party.
- (vii) the adequate provision of private amenity space for the proposed dwelling as set out in Supplementary Planning Document 2: Housing Design;
39. The proposed dwelling would meet the amenity space requirement as would the host dwelling.
- (viii) the availability of sufficient access to the site and adequate parking provision; and
40. The highway authority have been consulted on the application and have not objected to the proposal subject to conditions. It is considered that the existing and proposed sites would have adequate parking provision and this will be covered in greater detail within the highway safety section of this report.

41. The existing dwelling would include suitable parking that would meet the parking standards with 2 bays measuring 5.5m x 2.9m as well as the new dwelling which comprises a suitably sized parking bay meeting the current standards.
- (ix) avoiding a tandem relationship between dwellings, unless it can be satisfactorily demonstrated that overlooking, privacy and amenity issues can be overcome as set out in Supplementary Planning Document 2: Housing Design.
42. The proposal would not generate a tandem relationship whereby one dwelling looks immediately upon the rear of another which is more common in backland development proposals.
43. In general design terms, the proposal would not be considered to unbalance the semi-detached pairing in such a significant way that would be detrimental or jarring, with the proposal flowing harmoniously from the host dwelling.

Impact on Residential Amenity

44. Paragraph 135 (f) of the NPPF 12th December 2024 seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
45. I note that the applicant has stated that they currently live in No. 31, but the impact on future occupiers of the property should also be taken into account alongside adjacent neighbours.
46. The single storey extension proposed at the rear of no 31 ensures that the proposal would comply with the Council's guidance in terms of overshadowing (SPD2), if that were to be applied, which looks at the impacts of first floor extensions on the ground floor habitable windows of adjacent neighbours. In any case, with the rear of the dwellinghouse proposed not being a conventional first floor, but having a low eaves with a dormer, it is not considered that even if this single storey element were not to be constructed, that it would not impact the neighbour at No 31 significantly in terms of overshadowing. The advice stated in SPD2 relates to extensions only and is guidance and therefore applications should be determined with consideration given to this.

47. The outlook to the rear of the proposed dwelling is considered acceptable, with a separation distance of approximately 33.5m to the rear elevations of the neighbouring dwellings to the west. The Essex Design Guide generally accepts that a distance of 25m is acceptable between rear elevations of dwellings and therefore this is considered an acceptable distance where significant overlooking would not result. It is noted that none of the neighbouring dwellings to the west have objected to the proposed. The dormers to the front elevations look onto the grass verges to the east and the highway. It is considered that the outlook here is of public realm and not detrimental to neighbouring amenity. Similarly the side elevation window proposed would serve a bathroom and will be conditioned to be obscure glazed for the privacy of the new and future occupiers.
48. In this case, it is not considered that the proposed dwelling would have a detrimental impact on residential amenity.
49. With a low potential for both overlooking and overshadowing, the proposal is considered to have positive relationship with existing and nearby buildings, complying with this element of Policy DM3.

Garden Area

50. SPD2 requires two bedroomed properties to provide 50m² of garden area with three bedroomed properties providing 100m². The resultant dwellings would both have the required garden sizes as per the guidance in SPD2. No 31 would have a garden of approximately 116m², whilst the proposed dwelling (No 31a) would have a garden area of approximately 80m² with 65m² of this useable rear garden (some of the amenity area is to the south and side of the proposed dwelling). Both of these garden areas are considered suitable amenity spaces for the proposed dwellings and in a suitable arrangement and layout.

Sustainability

51. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
52. 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.

53. 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.
54. The proposed dwelling would be a 1 bedroom, two person dwelling.
55. A dwelling of this size would need a gross internal area of 58m², with 1.0m² of built in storage to meet the above standards. The proposed dwelling would exceed the GIA required, with this far exceeding the 58m² required and also having built in storage in excess of the required 1.0m².

Impact upon Highway Safety

56. The Parking Standards Design and Good Practice guide (2010) states that dwellings of more than two bedrooms require two car parking spaces with dimensions of 5.5m x 2.9m and garage spaces should measure 7m x 3m to be considered usable spaces. Policy DM30 has adopted the EPOA parking standards. Quality urban design dictates that care should be taken that the parking layout does not result in streets dominated by parking spaces in front of dwellings or by building facades with large expanses of garage doors.
57. The proposal includes a new extended crossover to the south of the garden areas, which would serve two parking spaces which would each have a bay size of 5.5m deep by 2.9m wide. This is therefore considered adequate and in line with the parking standards for No 31 which has at least two bedrooms. A street light is proposed to be relocated to facilitate this new extended crossover and access. The proposed dwelling would only have one bedroom and therefore this requires just one parking space. The existing frontage of No 31 would be used for the parking for the new dwelling. A parking space proposed here also meets the parking requirements being 2.9m wide and 5.5m deep. The existing crossover which serves dwellings to the north east is also proposed to be extended to allow access.
58. The Highway Authority have been consulted on the scheme and have no objection subject to conditions.
59. The proposal is considered to comply with Policies DM1 and DM30 in this regard and the proposal would not be of detriment to highway safety.

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

60. 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.

61. 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 t types?

- Yes. The proposal is for one additional dwelling

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

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

- No

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

- No

62. 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.

63. 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.

64. The applicant has paid the required financial contribution to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

Ecology

65. The National Planning Policy Framework at paragraph 193 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.
66. 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.
67. Given the site characteristics, it is not considered that the proposal would impact or harm protected species or habitats.

Trees

68. 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. There are no trees subject to Tree Preservation Orders that would be affected by the proposal. It is therefore concluded that the proposal would be acceptable in this regard.

69. Given the site characteristics, there are no other ecological considerations of note that would be impacted by the development.

Refuse and Waste

70. 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).
71. The Council operate a 3-bin refuse and recycling system. According to the submitted plans there is sufficient space within the applicant's curtilage/garage to accommodate the refuse bins.

Flood Risk

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

Biodiversity Net Gain

73. 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).
74. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, with the development stated on the planning application form being a custom/self-build development.
75. The applicant has not therefore been required to provide any BNG information.
76. 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.

77. It is however recommended that a condition be imposed on any granting of planning consent to secure the discharging of the statutory gain condition if the development and resultant dwelling no longer meets the custom/self build exemption.

Foul drainage

78. Development on sites must ensure that the foul drainage on the site is dealt with safely and effectively and in a way that would not lead to contamination.

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

Equality and Diversity Implications

80. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

81. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

82. Taking account of the nature of the proposed development and representations received, it is considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council – no comments received.

RDC Recycling Officer – no comments received.

Neighbour Objections – Objection from No 33 Kingswood Crescent, Rayleigh with comments summarised below:

- Dwelling out of character and detrimental to street scene
- Plot width too narrow
- Dormers should be built to ensure balanced roofscape
- All development should be included within the application site
- Street scene elevations required to assess impact
- Two storey extension at rear should be omitted
- Proposed porch is underscaled
- Accessibility to the porch is impeded by parking and bathroom position less than ideal.
- Side gate and fence should be stepped back
- Entrance for the new dwelling should be on the side elevation.
- Front dormers are smaller than those at No 33

Neighbour: No objection – No 29 Kingswood Crescent, Rayleigh

Essex County Highway Authority:

No objection subject to the below conditions:

1. Prior to first occupation of the development, and as shown in principle on planning drawing 007 Rev C, the vehicle accesses shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided as follows:
 - i. Plot 31, the existing vehicle access shall be widened to the east to no more than 6 metres at its junction with the highway to accommodate the proposed parking layout.
 - ii. Plot 31A, the new vehicle access shall be provided by extending west from the existing access for No.35 and shall be a minimum width of 3 metres at its junction with the highway.

Each access shall be provided with an appropriate dropped kerb vehicular crossing of the footway and highway verge. * Full details to be agreed with the Highway Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety in accordance with policy DM1.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. Prior to first occupation of the development and as shown in principle on planning drawing 007 Rev C, the host dwelling 31, shall be provided with two off-street parking spaces and the proposed dwelling 31A, shall be provided with one off-street parking space. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

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

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

5. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10

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

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

Relevant Development Plan Policies:

National Planning Policy Framework 2024

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

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

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development shall be undertaken in strict accordance with the plans referenced 23509 – 009 and 005 (Rev C) both (dated 30/08/23), 008 Rev B (dated 10/07/2024), 007 Rev C (dated 15/01/24), 006 Rev D (dated 30/08/23) and SK05 Rev A (dated 15/01/2024).

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

3. The external facing materials to be used in the construction of the new dwelling hereby permitted, shall be those as listed on the approved plan 23509- 006 Rev D dated 30/08/23 with roof tiles to match the existing dwelling (No 31 Kingswood Crescent), unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

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

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

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;

- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections (including level-thresholds) if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;

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

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

5. Prior to first occupation of the development hereby permitted, the vehicle accesses shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided as follows:
 - i. Number 31, the existing vehicle access shall be widened to the east to no more than 6 metres at its junction with the highway to accommodate the proposed parking layout.
 - ii. Plot 31A, the new vehicle access shall be a provided by extending west from the existing access for No.35 and shall be a minimum width of 3 metres at its junction with the highway.

Each access shall be provided with a dropped kerb vehicular crossing of the footway and highway verge prior to first occupation of No 31a.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety in accordance with policy DM1 of the Rochford Council Development Management Plan.

6. The dwelling hereby approved shall be first occupied by the applicant for a period of not less than 3 years from the date of first occupation.

REASON: The development hereby approved was declared to be exempt from the mandatory Biodiversity Net Gain (BNG) condition as a result of the dwellings being self-build. The dwellings must be delivered as self-build dwellings because otherwise the mandatory BNG condition would

apply as would have the need for the applicants to supply the necessary pre-planning consent BNG information which was not provided in relation to the planning application.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

8. Prior to first occupation of the new dwelling hereby permitted, new driveways shall be provided for both dwellings (31 and 31a) as shown on plan 23509 -007 Rev C dated 15/01/24, accommodating two car parking spaces each measuring 5.5m deep x 2.9m in width for No 31 and one car parking space for No 31a measuring the same. The driveways and spaces shall be retained for the use solely for the parking of vehicles in perpetuity thereafter.

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

9. The driveways hereby approved and shown in drawing 23509 -007 Rev C dated 15/01/24 should be constructed in either porous materials or details of sustainable urban drainage measures shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of No 31a. The details relating to driveway surfaces shall be implemented as agreed.

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

10. The highway shall not be used for the purpose of the reception and storage of building materials.

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

11. The side elevation window serving the first floor bathroom to the new dwelling (No 31a) shall be obscure-glazed and shall be of a design not capable of being opened below a height of 1.7 metres above finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.

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

12. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the council's Local Development Framework's Development Management Plan.

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