



PLANNING APPLICATIONS WEEKLY LIST NO.1739
Week Ending 20th 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 30/01/2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **8th January 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

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Application No :	23/00736/FUL Zoning : MGB
Case Officer	Mrs Elizabeth Milne
Parish :	Rayleigh Town Council
Ward :	Lodge
Location :	Land Opposite Woodside Disraeli Road Rayleigh
Proposal :	Erection of single detached bungalow

SITE AND PROPOSAL

1. The site constitutes an area of vacant land located at the western end of Disraeli Road, an unmade road. The application site is in the Metropolitan Green Belt on the outskirts of the established settlement threshold. A number of trees are present on the site, including a number of mature trees protected by a tree protection order.
2. The locality is characterised by linear residential development extending along one side of Disraeli Road. Most dwellings in the vicinity are single storey, arranged in pairs of semi-detached properties with enclosed gardens to the rear.
3. Planning permission is requested for the construction of a new two bedroomed single storey dwelling. The site benefits from an existing access off Disraeli Road which would be utilised for this proposal. The proposed dwelling would be sited largely centrally within the plot and would be set back from the road frontage in order to align with the neighbouring dwellings to the east of the site. The design of the proposed dwelling features two mono-pitch roofs at differing heights, with a maximum height of some 4.1m and a minimum height of some 2.55m. Painted timber cladding is proposed to the external walls of the proposed dwelling.

RELEVANT PLANNING HISTORY

4. None.

MATERIAL PLANNING CONSIDERATIONS

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

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

Green Belt

7. The proposal must be considered with regard to relevant Green Belt policy. The NPPF sets out that the construction of new buildings is inappropriate in the Green Belt unless the proposal would fall under one of the specified exceptions which are;
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
 - g)) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
8. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
9. Only parts (e) and (g) require consideration in relation to the current proposal.

Exception under part (e); limited infilling in a village

10. The NPPF does not provide a definition of what constitutes being in a village or what constitutes limited infilling. It is therefore a matter of judgement taking into account various factors.
11. Account should be taken of the boundaries of urban areas and the boundaries of the Metropolitan Green Belt set in the Proposals Map. A

village boundary defined in a Local Plan is a relevant consideration, but not necessarily determinative, particularly if it does not accord with an assessment of the extent of the village on the ground. The Council's Core Strategy sets out a settlement hierarchy with the largest settlements being Tier 1 consisting of Rayleigh, Hockley and Rochford. Some settlements in the district are too large to be reasonably considered a village. The distance of an application site from the nearest village/urban centre is a consideration as is the character of the area immediately surrounding the site. Consideration must be given to whether the site is more closely related to and part of an area between and separating settlements or clearly part of a village. There is often an abrupt change in character and appearance beyond urban areas where sites would not be considered to form part of an existing village. Some villages may have significant linear form but some areas of such could be significantly more rural in character and as such may not be considered as part of a village. Instances of small clusters of buildings strung out along a rural road in a sporadic pattern with areas of countryside in between would not likely represent a village; the instance of pavements, facilities and services to the 'village' are all relevant considerations; instances of small clusters of rural buildings separate from larger settlements by areas of countryside are unlikely to be considered part of the village. Whilst generally outlying dwellings would unlikely be considered part of a main village, each case should be considered on its own merits.

12. The appeal site is located at the end of a row of linear development fronting Disraeli Road. There is development nearby in Rayleigh Avenue and beyond to the east of the appeal site, to the north there is largely open land. There is sporadically placed development to the south and woodland to the west. It is not considered that the site is situated in a village location and therefore, criterion (e) at paragraph 145 of the National Planning Policy Framework does not apply in this instance.
13. It is concluded that the application site could not be considered to be part of a village.
14. Turning to the question of whether the proposal would amount to infilling, the size of the application site and its characteristics in terms of whether there is existing development and built form immediately surrounding is relevant to this consideration. One of the key purposes of Green Belt policy is to prevent urban sprawl. Sites on the edge of existing villages but where they directly border open countryside would not generally be considered to constitute infilling. If however a site forms a gap between existing built form immediately neighbouring the site to all or most sides a proposal could constitute infilling.
15. The site is located at the end of a linear form of development along the southern side of Disraeli Road, with woodland located immediately to

the west of the site. The site does not form a gap between existing built form and could not therefore be considered to constitute infilling.

16. It is concluded that the proposal could not be considered to be infilling.
17. In summary it is concluded that the proposal could not be considered to be for limited infilling in a village.

Exception Under part (g): limited infilling or development of PDL

18. The exception under part (g) allows for limited infilling outside of a village location but in this case the proposal must not have a greater impact on the openness of the Green Belt than the existing development.
19. This part also allows for the development of PDL but only where a proposal would not cause substantial harm to the openness of the Green Belt and where the proposal would contribute to meeting an identified affordable housing need within the area of the local planning authority.

Consideration of site as PDL

20. Previously Developed Land (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 land subject of this application is vacant and there is no evidence of any permanent structures on the site. The site has been recently cleared of trees and whilst some remain, there is no evidence that this site has ever been considered to be developed land.
22. The application site would not be considered to constitute PDL.

Impact on Openness

23. 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.

24. Whilst the proposed single storey dwelling is considered to be relatively modest in size, the proposed location of development is an area of previously undeveloped land and therefore any development on this site would have a considerable impact on the openness of the Green Belt. It is concluded that the proposed development would have a greater impact on/result in substantial harm to the openness of the Green Belt than the existing development and could not therefore be considered as appropriate development in the Green Belt under exception (g).
25. The proposed development would therefore constitute inappropriate development which must only be allowed if very special circumstances clearly outweigh the harm to the Green Belt that would arise by definition and any other harm. In this case the other harm would result from the very presence and scale of development proposed and the adverse impact on the openness of the Green Belt that would result. The proposal would also give rise to harm by way of encroachment into the countryside and urban sprawl.
26. The applicant has not put forward any case of very special circumstances.
27. It is concluded that there are no very special circumstances that would clearly outweigh the harm to the Green Belt.

Impact on Character

28. The application site is currently vacant and encompasses a generous plot at the end of Disraeli Road. The existing street scene consists of largely single storey detached and semi-detached dwellings.
29. The Council's Supplementary Planning Document 2 – Housing Design requires a plot width of 9.25m for detached dwellings. The plot would have a plot width of some 32.9m, far in excess of this minimum and large in comparison to the majority of dwellings on Disraeli Road.
30. The proposed single storey building is considered proportionate to the neighbouring dwellings to the east and would not be considered to dominate or have an overbearing appearance as a result.
31. The articulated design of the dwelling would create visual interest, and the architectural style of the dwelling would not appear out of character within the street scene.

32. The proposed scheme to provide a new dwelling to the site frontage along Disraeli Road would therefore not be objected to with regard to the built form of the area.

Impact on Residential Amenity

33. It is not considered that the proposed dwelling would result in a significant impact on the residential amenity of neighbouring dwellings. To the east, the site neighbours 1 Disraeli Road. Due to the size of the plot and the siting of the proposed dwelling within the plot, there would be a distance of over 6m from the side elevation of the proposed dwelling to the plot boundary. Furthermore, as the proposed dwelling would be single storey it is not considered that it could result in an unacceptable degree of overlooking to the neighbouring dwelling.

Living Conditions for Future Occupiers

Garden Sizes

34. The NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
35. Policy SPD2 (3) 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.
36. The proposal is for a two bedroomed bungalow. The proposed dwelling would be provided with a garden area well in excess of the minimum standards, in accordance with SPD2.

Refuse and Waste Storage

37. The Council operate a 3-bin refuse and recycling system. The proposed dwellings would be capable of providing ample storage space for the three bins.

Sustainability

38. 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.
39. 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.

40. 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.
41. A two-bedroomed, 3-person single storey dwelling would require a minimum Gross Internal Area of 61m² with 2m² of built in storage. The proposed two bedroomed bungalow would have a GIA of some 74m². The standards require that the main bedroom must be at least 2.75m wide and have a floor area of at least 11.5sqm. Whilst the width is achieved for the main bedroom, the floorspace of the main bedroom falls below that required by the standards, measuring some 10.85 sq m. Adequate built in storage has also not been provided. The proposal would therefore not comply with the national space standard.

Highway Safety

42. The Parking Standards Design and Good Practice guide (2010) states that dwellings with 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. Quality urban design dictates that care should be taken that the parking layout would not result in streets dominated by parking spaces in front of dwellings or by building facades with large expanses of garage doors.
43. The proposed layout depicts two off-street parking spaces per dwelling measuring 2.9m by 5.5m. The proposed parking would be considered acceptable.

Trees and Ecology

44. Policy DM25 of the Rochford District Council Development Management Plan 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.
45. It is stated within the accompanying Preliminary Ecological Appraisal that the site is a former woodland which has recently been cleared, this is evident when viewing satellite images of the site. It is stated that this was previously lowland deciduous woodland, a priority habitat. Aside

from a small number of trees to be retained, including those subject to a TPO, a significant number of trees appear to have been cleared from the site. During the process of this application, the Forestry Commission were consulted and found that trees had been felled on the site without a felling licence, in contravention of the provisions of the Forestry Act 1967. As such, a restocking notice was issued. The restocking notice requires that 75 trees must be planted on the felled area of the site and properly protected for a ten year period. This equates to the majority of the application site, excluding the areas containing retained trees and hedges.

46. The proposal is therefore contrary to Policy DM25 of the Rochford Council Development Management Plan, having failed to conserve and enhance the existing trees and woodlands.
47. It is of relevance to note that whilst the restocking notice effectively prevents the ability to develop the site, that the planning legislation is separate to the forestry legislation and therefore it is possible to issue a decision notice independently, regardless of the outcome of a forestry commission investigation. The two statutory schemes can each impact on the progress of development on a site independently.
48. The Preliminary Ecological Appraisal found two trees with potential bat roost features on the site, mitigation measures are proposed to ensure that these would be appropriately retained and protected.

Off-site Ecology

1. 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 dwellings proposed.
2. The development for one additional dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice, the 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 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

3. 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.
4. 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.
5. The applicant has not paid the suggested financial contribution per new dwelling 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.

EQUALITIES AND DIVERSITY IMPLICATIONS

6. 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.
7. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
 8. Taking account of the nature of the proposed development and representations received, it 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

9. The proposal would amount to inappropriate development in the Green Belt. The development does not meet the Technical Standards relating to adequate bedroom space and storage space, there is also a detrimental impact on trees conflicting with Local Plan DM25, whilst the RAMS mitigation payment is not made to mitigate the adverse impacts from the proposed development on the European designated sites by way of increased recreational disturbance.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Parish Council: Based on the information provided to this Planning Committee, Rayleigh Town Council objects to this application due it being on green belt land and overdevelopment of site. The Town Council are aware of the concerns raised by the Forestry Commission to this proposal

Neighbours/Third Party Representations

5 representations have been received from the following addresses

Woodside, Disraeli Road
 2 Disraeli Road
 34 Woodstock Road, Broxbourne
 Hillview, The Drive
 Grahamdene, Rayleigh Avenue, Eastwood

Points raised are as follows:

- This area was cleared illegally and as such should not be granted planning permission as this would set a precedent for other areas, such as Connaught Road where trees have been cleared illegally with the intention of flouting laws for material gain. I believe green belt should be protected.
- The land owners failed to gain permission for tree felling and removal.
- The exact number of mature trees lost is impossible now to say, but it was many alongside land grabbing from the road to gain further space.

- Had the application been made to fell trees, and undoubtedly refused, a building application could not have been made
- Further damage to this area will have even more impact on the local wildlife in this area.
- The access to this site is an unmade road and maintained by the local residents, and in parts is single traffic, the disruption that is likely to ensue if permission is granted will be horrendous for the local neighbours and access from Rayleigh Avenue will be further compromised.
- This particular site and area also suffers from frequent flooding, the drainage and sewage system has for a long time not been fit for purpose and I am aware neighbours suffer from this at times
- As a member of this community, I truly object and want to protect the existing wildlife and trees in this area.
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Forestry Commission (29th Sept 2023)

We would like to notify you that the Forestry Commission are currently investigating this site for potential breaches of felling licence and EIA regulations, the case has been referred to our National Office for consideration.

We will update you further when we have completed our investigations. However, we would advise that you may wish to await the results of our investigations before making a decision on this application.

Please find attached our felling licence guide, which will explain when a licence is and isn't required with information on potential restocking and enforcement notices.

Relevant Development Plan Policies:

National Planning Policy Framework 2024

Core Strategy Adopted Version (December 2011): GB1

Development Management Plan (December 2014): DM1, DM3, 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)

RECOMMENDATION: REFUSE

1. The Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt within which planning permission should not be granted for inappropriate development unless very special circumstances exist to clearly outweigh the harm by definition of inappropriateness and any other harm. The proposed development would amount to inappropriate development within the Metropolitan Green Belt which is harmful by definition. The application site would not be considered to meet any of the exceptions listed within paragraph 154 of the National Planning Policy Framework. No very special circumstances have been presented that clearly outweigh the harm to the Green Belt, and any other harm, and the proposal would therefore conflict with Green Belt policy contained within Section 13 of the National Planning Policy Framework.
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 193(a) 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 that the proposed dwelling is capable of being a 2-bedroom single storey dwellings of 3-person occupancy in accordance with the national Technical Housing Standards 2015. The failure to accord with the national space standards would represent an unacceptable and restricted form of residential accommodation that would be meaningfully injurious to the occupants. The development would therefore fail to provide sufficient minimum space for acceptable living conditions for future occupiers with particular reference to internal living standards and would be contrary to Policy DM4 of the Council's Development Management Plan.
4. The proposal, by way of the significant loss of trees on the site, would fail to conserve and enhance existing trees and woodlands, contrary to Policy DM25 of the Rochford District Council Development Plan 2014.

The local Ward Member(s) for the above application is/are Cllr I H Ward Cllr R Milne Cllr R Lambourne

Application No :	24/00651/FUL Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	La Vallee Farm Wadham Park Avenue Hockley
Proposal :	External alterations in conjunction with prior notification for the change of use of a former farm office into a dwelling.

SITE AND PROPOSAL

1. The application relates to an office building, sited at La Vallee Farm, Hockley.
2. The building is one of a row of buildings with access of Wadham Park Avenue.
3. It is noted that a change of use of the building in question was recently considered to be Lawful under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (application reference: 24/00657/DPDP3J)
4. It is considered that with that decision only recently issued, that this change of use has not yet been implemented. The proposal description however states a clear intention that the proposed fenestration alterations are to be carried out in conjunction with the lawful change of use of the building and therefore it is important to establish as to whether these changes would be acceptable in any regard, whether the change of use was implemented or not.
5. Although new front and rear fenestration is proposed, the greatest volume of new fenestration is proposed to the east, looking towards the side elevation of an existing barn style building.

RELEVANT PLANNING HISTORY

6. 86/00223/FUL - ERECT DETACHED TWO STOREY DWELLING – Permitted
7. 86/00239/FUL - SIDE EXTENSION TO FORM SHOP – Permitted
8. 87/00929/FUL - DETACHED DOUBLE GARAGE – Permitted
9. 87/01021/FUL - ERECT HAY AND STRAW BARN – Permitted

- 10.19/00760/DPDP3M - Notification for prior approval for proposed change use of two agricultural buildings into four dwellings – Deemed Consent
- 11.20/00988/FUL - Replacement of agricultural buildings with three bungalows (in lieu of Prior Approval for four dwellings subject of application 19/00760/DPDP3M). – Permitted
- 12.22/00257/DPDP3J - Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouse (Use Class C3) - conversion of shop into dwelling – Prior approval not required
- 13.22/00581/OBL - Modification of a Legal Agreement - Restriction of disposal of estate in connection with the erection of a replacement dwelling under planning reference ROC/223/86 – Agreed
- 14.24/00019/FUL - The erection of one self-build dwelling in lieu of the prior approval for the conversion of a former farm shop into one dwelling (reference: 22/00257/DPDP3J). – Refused
- 15.24/00105/FUL - Application to vary condition 3 (approved plans) of planning consent ref. 20/00988/FUL (replacement of agricultural buildings with three bungalows (in lieu of Prior Approval for four dwellings subject of application 19/00760/DPDP3M) to allow for changes to the layout of the site and the design of dwellings to plots 1 and 2. - Permitted
- 16.24/00292/DOC - Discharge of condition no 2 (Materials) of planning permission 20/00988/FUL dated 02/11/2021 – Discharged
- 17.24/00657/DPDP3J - Application for determination as to whether Prior Approval is required for the proposed change of use of the building from former farm office (Use Class E) to a dwellinghouse (Use Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). – Lawful

MATERIAL PLANNING CONSIDERATIONS

18. 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.
19. 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

20. Section 13 of the NPPF (2024) 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.
21. This application is not testing appropriateness of the dwelling as this is confirmed as being lawful under the separate DPDP application whilst in this case, it is considered that with the only change to the building being that of fenestration, this would not have a material impact on the openness of the Green Belt. The proposal would therefore be acceptable in Green Belt terms.

Impact on Character

22. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people.
23. Given the existing site, which is set back significantly from the highway, it is not considered that the additional fenestration proposed to the building would have any marked visual impact such as to find the alterations unacceptable. The permitted development regime does make some provision for alterations in connection with the change of use of a building such as to make it capable of providing a functional end use, but it excludes additions such as staircases and extensions and although there is a case to consider that the additional fenestration does not necessarily need separate planning permission they are however considered acceptable.

Impact on Residential Amenity

24. 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 that create a positive relationship with existing and nearby buildings.

Policy DM3 also requires an assessment of the proposal's impact on residential amenity.

25. Taking into account the context of the existing site with a lack of existing adjacent residential properties, it is not considered that the proposed fenestration, which is proposed at ground floor only by virtue of the existing building height would lead to unacceptable overlooking impacts. It is considered that within the contexts of the site, the proposal would not lead to a loss of privacy to other buildings or sites. It is not considered that there would be detrimental overlooking whether the lawful change of use was implemented or whether the building remains in the existing office use.

Ecology and Biodiversity Net Gain

26. The proposal does not propose the removal of trees, nor does it seek to increase the built form on the site.
27. 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).
28. 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 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 de minimis.
29. The applicant has not therefore been required to provide any BNG information.
30. 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.

Equalities and Diversity Implications

31. 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.

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

33. 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

34. APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hockley Parish Council – no comments received.

Neighbours – no comments received.

Essex County Highways – no comments received.

Relevant Development Plan Policies:

National Planning Policy Framework 2024

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

RECOMMENDATION: 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 WLF-301 dated 01.2024 and Location Plan (undated)

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

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

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

The local Ward Member(s) for the above application is/are Cllr A H Eves Cllr J R F Mason Cllr P Capon

Application No :	24/00721/FUL Zoning : Conservation Area and Town Centre
Case Officer	Mrs Elizabeth Milne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	Site Of 63 To 67 High Street Rayleigh
Proposal :	Install 4no. air conditioning units and an air supply grille and extract terminal grilles in relation to a mechanical ventilation system.

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. 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. 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 the installation of plant and extraction equipment on the ground floor of the building to provide for a bar and kitchen area. The proposal includes the installation of a new ventilation system including grille terminals and four new air conditioning condenser units on the south east and south west elevations of the building.

RELEVANT PLANNING HISTORY

4. 83/00689/FUL - Add portcullis roller shutters to secure rear parking area – Approved - 07.12.1983.
5. 87/01039/FUL – Second cash dispenser and ancillary alterations to façade – Approved - 26.02.1988.
6. 88/03005/ADV – illuminated sign to cash dispenser – Approved - 25.03.1988.
7. 01/00436/ADV - Consent to Display Internally Illuminated Lettering and Projecting Globe Signs – Withdrawn - 24.07.2001.

8. 02/01117/ADV - Display Two Internally Illuminated ATM Fascia Panel Signs – Approved - 12.02.2003.
9. 03/01008/FUL - Single Storey Front Extension to Accommodate Disabled Access and Re-positioned ATM – Approved - 27.01.2004.
- 10.04/00855/FUL - Ground Floor Extension to Front of Building. Relocate Existing ATM and New Main Entrance Doors – Approved - 16.11.2004.
- 11.09/00500/FUL - Install One Additional Air Condenser Unit to Rear and One Security Camera and New ATM Surround to Front – Approved - 17.12.2009.
- 12.09/00501/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.
- 13.10/00042/ADV - Replacement Externally Illuminated Fascia Sign and Replacement Non-illuminated Projecting Sign – Approved - 13.04.2010.
- 14.24/00135/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.
- 15.24/00459/FUL - 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. Approved – 12/09/2024

MATERIAL PLANNING CONSIDERATIONS

16. 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.
17. 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).
18. The National Planning Policy Framework (December 2024) indicates that 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 a place. It is considered that the development would have a neutral effect in visual and amenity terms.

Design

19. The proposed grille terminals and air conditioning condenser units would be located on the side and rear elevations of the building. The rear elevation of the building sits amongst the service areas for the retail units along the high street and faces a public car park. The four air conditioning units would be located on the rear elevation of the building. It is not considered that these would appear significant in this location, where it is noted that there are a number of similar units located on the rear of buildings in close proximity to the application site due to the commercial nature of the area. In addition, three ventilation terminal grilles would be located on the side elevation of the building which faces onto the passageway which connects Websters Way to the High Street. No works are proposed to the front elevation of the building which fronts the High Street, and therefore it is considered that the impact on the public realm would be limited.
20. Overall, it is considered that the proposed air conditioning units and ventilation terminal grilles are a typical feature associated with this type of use. The units will not appear overly stark and will not cause any demonstrable harm to the character and appearance of the street scene and as such the proposal complies with policy DM1 of the Development Management Plan and CP1 of the Core Strategy.

Impact on Residential Amenity

21. 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.
22. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
23. The NPPF states at para. 187 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". Furthermore, para. 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.

24. The location of the proposed plant equipment is located on a prominent building on the High Street in Rayleigh, along with numerous other retail units within the immediate vicinity. Consequently, the ambient noise levels in the locality given the existing uses, are already quite high.

25. Rochford District Council's Environmental Health team were consulted on this application and have recommended conditions which require the noise from the plant and equipment proposed to measure at least 10dB(A) below the underlying background noise level, along with the installation of anti-vibration mounts in order to prevent the transmission of structure borne noise and vibration which could impact any adjacent or adjoining properties.

26. In conclusion, the EHO has reviewed the submission information and concludes that, subject to compliance with the recommended conditions, there would be no unacceptable impact on residential amenity attributable to the proposal.

Heritage Considerations

27. The site is located within the Rayleigh Conservation Area. This conservation area consists of a wide variety of styles of building with many buildings having been rebuilt post 2nd World War. The more modern buildings are largely out of scale with the remaining historic buildings. The extraction plant equipment would be confined to the side and rear elevation of the premises and would not be considered to result in residual impacts greater than the current impacts upon the Conservation Area setting. Essex Built Heritage and Conservation have no objection to the proposals.

Air Quality Management Area

28. The application site is located wholly within the Air Quality management Area. However, given the scale and nature of the proposed development, it is not considered that the proposal will have a detrimental impact on air quality in the immediate locality as a result of this proposal.

EQUALITIES AND DIVERSITY IMPLICATIONS

29. 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.

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

31. 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

32. The proposal is considered to be acceptable in this location, subject to the recommended conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Parish Council: None received.

Neighbours: None received.

Environmental Health:

Noise from plant and equipment(s) stated above, when measured at a position one metre external to the nearest noise sensitive premises shall be at least 10dB(A) below the typical underlying background noise level (LA90) when all plant (s)/equipment(s) is in operation. The underlying background LA90 shall be determined in accordance with BS4142:2014 +A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Anti-vibration mounts shall be installed, to prevent the transmission of structure borne noise and vibration causing nuisance within any adjacent or adjoining premises.

Historic Buildings:

The building affected by this application is a late twentieth century large retail and office building. The building is located within the Rayleigh Conservation Area and is not considered to contribute to the significance of the Conservation Area.

The proposals include installation of 4no. air conditioning units and 2no extract terminal grilles to the southeast, rear elevation, facing the Websters Way, and installation of fresh air supply grille to the southwest, side elevation, facing the side alley.

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 2024). 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.

Relevant Development Plan Policies:

National Planning Policy Framework 2024

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Core Strategy Adopted Version (December 2011): CP1

Development Management Plan (December 2014) DM1

The Essex Design Guide (2018)

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 approved Elevation plan numbered LNG4872.12C

(as per date stated on plan Sept 2024), Ground Floor Plan numbered LNG4872.03C (as per date stated on plan August 2024), Floor Plan 01B (as per date stated on plan 24th October 2024) and Section Plan 02B (as per date stated on plan 24th October 2024).

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

3. Noise emitted by the hereby approved plant and equipment(s), when measured at a position one meter external to the nearest noise sensitive premises, shall be at least 10dB(A) below the typical underlying background noise level (LA90) when all plant (s)/equipment(s) is in operation. The underlying background LA90 shall be determined in accordance with BS4142:2014 +A1:2019 'Methods for rating and assessing industrial and commercial sound'.

REASON: To ensure a standard of installation to protect the amenity of nearby residential properties.

4. All building services plant located externally within the development shall be supported on adequate proprietary anti vibration mounts to prevent the transmission of vibration and regenerated noise to adjacent or adjoining properties and these shall be maintained in perpetuity.

REASON: To ensure a standard of installation to protect the amenity of nearby residential properties.

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