



PLANNING APPLICATIONS WEEKLY LIST NO.1740
Week Ending 10th January 2025

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 4th February 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **16th 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.

Index of planning applications: -

1. 24/00126/FUL - Brandy Hole Yacht Club Kingsmans Farm Road Hullbridge PAGES 2-11
2. 24/00809/FUL - Land North Of 46 Purdeys Way Rochford PAGES 11-15
3. 24/00584/FUL - Land Adjacent Brayside Brays Lane Rochford PAGES 15-29
4. 24/00772/FUL - Outbuilding At 172 Rawreth Lane, Rayleigh. PAGES 29-45
5. 24/00807/FUL - The King Edmund School Vaughan Close Rochford PAGES 45-55
6. 24/00794/ADV - 67 High Street Rayleigh PAGES 55-61
7. 24/00796/FUL - Bricklayers Arms Trender Avenue Rayleigh PAGES 62-77

Application No :	24/00126/FUL Zoning : Green Belt and Coastal Protection Belt
Case Officer	Mr John Harrison
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	Brandy Hole Yacht Club Kingsmans Farm Road Hullbridge
Proposal :	Variation of condition No. 3 (approved plans) pursuant to planning permission ref. 17/00750/FUL (Demolition of Existing Holiday Home Caravans and Erect 14 No. Raised Dwellings) to allow for changes relating to design (appearance and scale), layout, and landscaping in respect of plots 7, 8, and 14 and to list amended plans already approved under Non-Material Amendment applications referenced 21/01229/NMA, 21/00784/NMA, and 22/01208/NMA.

SITE AND PROPOSAL

1. This application is to the site of the Brandy Hole Yacht Club which is located at the eastern extent of Kingsmans Farm Road adjoining the southern bank of the River Crouch. On the site previously existed a group of eight holiday type chalets and six caravans located on the western and southern sides of the site. Also on the site was an area in use for the storage of small boats and dinghies. On the northern part of the site is a two-storey club house building with a pitched roofed design and decked area adjoining the sea wall. Beyond the sea wall there are a number of moorings and a floating pontoon. To the west of the site exists an open plot, overgrown with two vacant and derelict buildings beyond which and further west is residential development to plots fronting Kingsmans Farm Road. To the south exist the Shangri-La caravan park and to the south east a caravan park believed to formerly have been part of a greater site previously including the current application site. Two detached dwellings "Tapps Cottage " and "Mundaring" exist to the immediate south of the application site. Tapps Cottage is Grade II listed.
2. The site is currently being redeveloped, implementing planning permission 17/00750/FUL. This is a development to provide 14 raised two-bedroomed chalet dwellings. The dwellings which have been approved and those which are now being proposed are of modern appearance which could perhaps be described as "boxy". They are of trapezoidal shape and have part-flat part-monopitch roofs. They have copper cladding and tree images are to be etched onto them. They will be raised up above predicted maximum flood

heights and will have parking underneath them. They will have first-floor balconies on their fronts facing the river.

3. This application is for amendments to the approved layout. The changes affect plots 7, 8 and 14 and there will be consequential changes to some other aspects of the layout. On plot 7 a different house type is proposed on substantially the same footprint, but it would be set a further approximate 3.7 metres further back. This will be slightly larger than the dwelling presently approved. Similarly on plot 8 a different house type is proposed on substantially the same footprint, but in the case set back approximately 3.3 metres. These changes necessitate a change to the layout of the adjoining turning head and two parking spaces rather than four will now be provided. On plot 14 not only is the house type changed but its orientation is too, so it is now faces almost due north as opposed to almost east facing. The parking layout on the western part of the site will also be changed. At the moment ten space are shown to the west of the north-south access road across the site; including four disabled. Instead, each of the three chalets to the west of this road will be provided with two parking spaces for their exclusive use and in addition there will be two "communal" disabled spaces and one "communal" space. Thus, in this location there will be a net loss of one parking space but there will only be two disabled spaces instead of four.

RELEVANT PLANNING HISTORY

4. The site has an extensive history over many years. The more recent history is set out below;

Planning application No. 02/00099/FUL Erection Of First Floor Extension (To Be Supported On Piers) Comprising Disabled Toilet, Gents Toilet And Rest Room. Permission refused for Green Belt reasons.

Planning application No. 03/00263/FUL Erection Of First Floor Extension (To Be Supported On Piers) Comprising disabled toilets and changing room. Permission granted 24th June 2003. Disabled toilets allowed at first floor due to very special circumstances in that the premises are a registered Royal Yachting Association training centre with the need to provide facilities irrespective of ability/disability.

Planning application No. 11/00375/FUL Alterations to clubhouse building to provide extension to deck incorporating disabled ramp access, construct lock up stores beneath deck area, install solar panels to south roof slope and infill to ground floor. Permission granted 24th August 2011.

Planning application No. 12/00293/FUL Remove Existing Chalets and Caravans and Construct 14 No. Raised Holiday Chalets and Revised Car Parking Layout. Permission refused 11th September 2012
Planning application No. 17/00750/FUL Demolition of Existing Holiday Home Caravans and Erect 14 no. Raised Dwellings. Permission granted 9th November 2017.

Non-material amendment No 21/00784/NMA Non-material amendment to approved application ref: 17/00750/FUL to allow for a layout alteration, internal and external dwelling layout changes, elevation alterations and to vary condition 3 (approved plans). Granted 23rd August 2021.

Non-material amendment No. 21/01229/NMA Non-material amendment to approved application ref: 17/00750/FUL to allow for internal and external changes and revisions to the elevational treatment and to vary condition 3 (Approved Plans) to reflect the proposed changes with condition 3 to read 'The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below; Drawing numbers: 0007 (proposed site plan) , 0130 (proposed floor plans type 3), 0140 (proposed floor plans type 4), 0150 (proposed floor plans type 5), 0160 (proposed floor plans type 6), 0230 (proposed elevations type 3), 0240 (proposed elevations type 4), 0250 (proposed elevations type 5) and 0260 (proposed elevations type 6). Granted 17th March 2022.

Non-material amendment No. 22/01208/NMA Non-material amendment following approved application 17/00750/FUL: Demolition of Existing Holiday Home Caravans and Erect 14no. 2 bedroom Raised Dwellings. Granted 30th January 2024.

Non-material amendment No. 24/00230/NMA Proposed non-material amendment to change the description of development from 'Demolition of Existing Holiday Home Caravans and Erect 14no. 2 bedroom Raised Dwellings' to 'Demolition of Existing Holiday Home Caravans and Erect 14no. Raised Dwellings.' Granted 3rd July 2024.

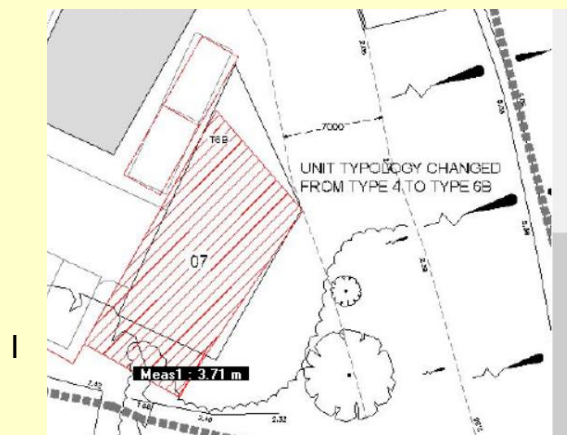
MATERIAL PLANNING CONSIDERATIONS

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).

7. In considering these proposals it is necessary to look at the changes made to the scheme rather than the principle of the proposed development as this is what is under consideration.

Green Belt

8. The original planning permission for this development was granted on the basis of it being previously developed land, though the need to put the new dwellings on stilts to provide flood protection effectively made the new dwellings two-storey ones replacing single-storey ones, so they did detract from the open character of the Green Belt, but this was considered acceptable in the circumstances. The minor changes to house types that are now proposed will not affect the open character of the Green Belt significantly, so the proposals are considered acceptable in terms of Green Belt policy. The dwelling on plot 7 will be slightly larger, but the additional impact on the Green Belt and Coastal Protection Belt will be minimal. The difference in footprint is shown on the plan below – the hatching shows the footprint of the dwelling now proposed.



Impact on Character

9. The dwellings now proposed are of similar character to those already proposed with the architectural features referred to above, so the design ethos of the scheme will not be changed and will be of satisfactory appearance.

Impact on Residential Amenity

10. The changes to the layout, especially where the orientation of dwellings is involved, could result in an adverse impact on adjacent dwellings on the development, but this is not the case. The houses are designed with windows front and rear and in one side, so there is no issue of windows in one property looking into the side windows of another.

11. The occupier of Tapps Cottage has expressed concern about overlooking from the houses' roof terraces. None of the houses have roof terraces. They do have first-floor balconies but none are orientated towards Tapps Cottage. In any case, the front garden area to Tapps Cottage is open to the public gaze generally and the distance between the actual dwelling units and the house at Tapps Cottage would be way in excess of the 25m required by the Essex Design guide to safeguard reasonable privacy conditions between dwellings and thus more than compliant.

Standard of Accommodation

12. Policy DM4 requires the accommodation provided in new dwellings to be assessed against the government's "Technical housing standards – nationally described space standard". In assessing this, as all the living accommodation is on the first floor, it is considered appropriate to make the assessment on the basis they are single-storey properties and the balconies have not been included in the floorspace calculations. Unit 7 house has a gross internal floor area of 101 sq metres and the standards would require 84 sq metres. There is only 1.25 sq metres of internal storage space and the standards would require 2.5 sq metres. There is, however a "utility area" of 4 sq metres at ground floor level and it is envisaged much of this could be used for storage. Thus, refusal for this reason would not be justified. Unit 8 also has a floor area of 101 sq metres, so again is above the standard, and the bedrooms meet the required dimensions. Again there is only 1.25 sq metres of internal storage space, but there is a ground floor storage area that is even larger than Unit 7's. Unit 14 is 101 sq metres. The internal storage provisions are as Unit 7, i.e. only 1.25 sq metres, but a ground floor area of 4 sq metres.
13. The bedrooms are of the required dimensions. The bedrooms of unit 7 are 15.5 sq metres (11.5 sq metres), 12.7 sq metres (11.5 sq metres) and 9.8 sq metres (7.5 sq metres) – the figures in brackets are what the standards require. Units 8 and 14 have bedrooms of very similar size to unit 7's, so they also meet the size requirements.
14. The Council's Supplementary Planning Document 2 normally requires a minimum of 100 sq. metres garden area for dwellings with two or more bedrooms. As previously approved this layout had communal open space rather than separate gardens. The layout has now been amended so Units 12-14 now have their own defined garden areas. This requirement is well exceeded and also, of course, the units have balconies which provide further outdoor amenity space.

Parking

15. The previously approved scheme had 54 communal parking spaces, excluding those underneath or directly adjacent to houses. Of these seven were larger spaces to accommodate disabled people. This proposal provides 47 communal spaces but 6 more “tied” to dwellings. This loss of one space is considered acceptable. There will, however be two less disabled spaces. It should, however, be noted that each house has two spaces underneath it, so this reduction can be accepted.

Wildlife issues

16. As this is a minor material amendment application the 10% biodiversity net required under the Environment Act 2021 is not applicable. The only provision relating to wildlife on the original permission, 17/00750/FUL was a condition requiring the applicant to enter into a planning obligation to pay £1,400 (£100 per house) for the management and mitigation of wild bird disturbance arising from the development, but such a condition is not legally enforceable. Since then the site has been a building site, so it is most unlikely this has now become a habitat for protected species, etc.
17. The occupant of Tapps Cottage has commented that the area on the southern site boundary does not seem adequate to plant trees as shown on the plan. There was no landscaping condition on the original planning permission, so there is no obligation to plant trees here. It seems likely that showing trees in this location was the architect’s “artistic licence”.

Other issues

18. As this is a relatively minor proposal to amend the estate layout, it is not considered reasonable to impose conditions relating to access to the site for construction traffic as recommended by the Parish Council. Similarly flood mitigation measures have already been approved and it is not reasonable to impose additional requirements at this stage.
19. The original permission for this development showed the area of the site where dwellings were not to be built to be communal, i.e. no house would have its own curtilage. Now the dwelling units 12 to 14 will have their own curtilages and this means they would have permitted development rights for extensions, outbuildings, etc and these could be harmful to the open character of the Green Belt and Coastal Protection Belt. Thus, a condition is recommended removing these rights.

CONCLUSION

20. This proposal is a proposal for relatively minor amendments to the approved layout for this scheme. It is considered acceptable and

approval is recommended. The changes would not significantly affect the openness of the Green Belt, adversely affect adjoining properties or cause other plan harm.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hullbridge Parish Council:

No objection but the Council would like to bring to your attention to consider restrictions relating to contractors plant and vehicles accessing site protecting adjacent properties access. This includes delivery of caravans via Pooles Lane. Problem with drainage as ditches filled in by owners in 2015 causing flooding to property in the area. It was pointed out as they filled in one of the swale areas as well as a number of the drainage ditches.

Neighbour representations:

one response from the following address;

Kingsmans Farm Road: "Tapps Cottage"

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

- Overlooking from roof terrace, property's front garden is essentially only private amenity space
- does not seem adequate space to accommodate the amount of trees shown, seeks assurance that extra-heavy standard tree planting is proposed before units are occupied.

Relevant Development Plan Policies:

National Planning Policy Framework 2024

Core Strategy Adopted Version (December 2011) – H1, H5, CP1, GB1, ENV1, ENV3, T8.

Development Management Plan (December 2014) – DM1, DM2, DM4, DM10, 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: APPROVE

Conditions:

1. Unless alternative materials details of which have been submitted to and approved by the Local Planning Authority beforehand are used, the dwellings on this site shall be constructed using materials which match those which have already been erected.

REASON: To ensure a satisfactory appearance for the proposed development.

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans: 642-CDA-AZ-XX-DR-A-00-0001 OS PL – REV01, 642-CDA-ZZ-XX-DR-A-05-0013 PR SP REV05, 642-CDA-ZZ-XX-DR-A-05-0166 PR FP UNIT 7-T6B-Rev00, 642-CDA-ZZ-XX-DR-A-05-0168 PR FP UNIT 8 – Rev00, 642-CDA-ZZ-XX-DR-A-05-0170-PR FP UNIT 14 – REV01, 642-CDA-ZZ-XX-DR-A-05-0265 PR EL UNIT 7 – REV00, 642-CDA-ZZ-XX-DR-A-05-0264 PL EL UNIT 8 – REV00, 642-CDA-ZZ-XX-DR-A-05-0267-PR EL UNIT 14-REV00, 642-CDA-AZ-00-DR-A-01-0100-EX FP LEV 00 REV02, 642-CDA-AZ-00-DR-A-01-0101-EX FP LEV 01-REV01, 642-CDA-AZ-XX-DR-A-01-0200 EX E-REV02, 642-CDA-AZ-XX-DR-A-01-0201 EX EL-REV02, 642-CDA-ZZ-XX-DR-A-01-0001 EX SP-REV00, 642-CDA-ZZ-XX-DR-A-05-0131 PR FP T3-REV01, 642-CDA-ZZ-XX-DR-A-05-0148-PR FP TYPE 4-REV02, 642-CDA-ZZ-XX-DR-A-05-0151-PR FP TYPE 5-REV 02, 642-CDA-ZZ-XX-DR-A-05-0230 PR EL T3-REV01 and 642-CDA-ZZ-XX-DR-A-05-0263 PR EL T6 -REV01.

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

3. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) and FRA Flood Plan approved under the terms of planning permission 17/00750/FUL and the following mitigation measures detailed within the FRA:
 1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 2. Finished floor levels are set no lower than 5.25 m above Ordnance Datum (AOD).
 3. The building shall be designed to withstand the hydrostatic and hydrodynamic pressures of water for all events up to and including the 1 in 200 year flood event inclusive of climate change plus a 300mm freeboard allowance. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or

within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASONS: 1.To ensure safe access and egress from and to the site. 2.To ensure finished floor levels area above the 1 in 1000 year flood event inclusive of climate change plus freeboard, thus allowing the chalets to be a safe refuge for the occupants. 3.To ensure the structural integrity of the chalets thereby ensuring it provides safe refuge for the occupants. Proof of this, along with calculations, should be submitted to the Local Planning Authority and agreed off prior to works starting.

4. Prior to the first occupation of any of the dwellings on the site, the detailed surface water scheme approved under reference 22/00312/DOC shall be fully implemented.

REASONS: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

To provide mitigation of any environmental harm which may be caused to the local water environment.

Failure to do this before occupation of the development may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

5. The scheme to minimise the risk of offsite flooding approved under reference 22/00312/DOC shall be implemented as approved.

REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before excavation for the development.

6. The development shall be implemented in accordance with the revised layout details which provide a clear sea defence maintenance zone of not less than 7 metres in width between the sea defences and the limits of the development hereby approved, approved under reference 22/00312/DOC.

REASON: To provide clarity and to ensure the provision of a 7m wide maintenance strip so that the development would not undermine the existing defences.

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

Application No :	24/00809/FUL Zoning : Employment
Case Officer	Mr John Harrison
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Land North Of 46 Purdeys Way Rochford
Proposal :	Change of Use from sui generis to use for the siting of storage containers (2 no. containers high) for B8 storage use.

SITE AND PROPOSAL

1. This application relates to the Ample Storage self-storage business on the north side of Purdeys Way on the Purdeys Industrial Estate, close to the point where the estate road ends. The site is approached on a single-width access road between two other businesses. This leads to a yard area with former shipping containers stacked two high now used for storage around the edge of the site plus more in the centre. As the yard area is surrounded by other businesses the containers are not readily noticeable from outside the site.
2. At the northern end of the yard is another access road off Brickfields Way between James Waste Management, a skip hire and waste transfer company and Copart, a business auctioning accident write-off cars, an access road of similar width to the entrance road to Ample Storage. This access road is now no longer required and the proposal is to use part of it, approximately the western half, for an extension of Ample Storage's yard with more containers stacked two high. This is an area approximately 8.7 metres x 51.5 metres.

RELEVANT PLANNING HISTORY

Application No. 00/00501/FUL – Approved - Containerised Self Storage Facility with Temporary Road Access and Enclosed by 2.4 Metre Security Fencing.

Application No. 07/00525/FUL – Approved - Extension to Self Storage Site (Use of the Site for the Storage of Steel Containers to be Used for Self Storage) Stacked no Higher Than 5.2m (Two Containers High).

Application No. 20/01168/FUL – Approved - Change of Use from Sui Generis to B8 Storage Yard (Siting of Steel Containers to be Used for Storage) Stacked no Higher Than 5.2m (Two Containers High).

3. It should be noted that application 00/00501/FUL was for the original establishment of the business. 07/00525/FUL was an application to enlarge the yard area. 20/01168/FUL which has not been implemented and has now expired was also for the enlargement of the yard covering a larger land area but including the land which is the subject of this application.

MATERIAL PLANNING CONSIDERATIONS

4. 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.
5. 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).

Impact on Character

6. The proposal is for a commercial use on an industrial estate. Whilst shipping containers are not particularly attractive, the containers on the application site will be no more visible from outside the site as the business's existing containers are. Furthermore, other businesses in the vicinity have containers stacked two high which are much more visible on their site frontages. The proposal is therefore considered acceptable in terms of policies CP1 and DM1. A condition is recommended requiring the containers to be painted.

Road Safety and Parking

7. As generally people do not need to access products they are self-storing regularly, self-storage businesses are low traffic generators. The site is on an industrial estate with roads designed to take industrial traffic, so the proposal is considered acceptable in road safety terms. Apart from office staff, generally the only parking on the site will be for people occasionally loading items into or unloading items from their containers. The business would not be workable if this could not be undertaken satisfactorily, so it is in the applicant's interest for arrangements to provide adequate space for this. The proposed layout does show sufficient space for loading and unloading.

Airport Safeguarding

8. The site is close to the eastern end of the airport runway and almost in direct line of it. The airport originally objected to the application on height grounds. The James Waste Management building adjacent to the site is over twice the height the containers would be at and the existing containers on the site have a very similar relationship to the runway as the proposed ones. After negotiation with the airport authorities, the objection was withdrawn. A condition restricting the height of container storage to two containers is recommended.

Ecology Issues

9. The site is completely hard surfaced, so the requirement for 10% biodiversity net gain under the Environmental Protection Act 2021 does not apply to this proposal. The proposal does not raise any other ecological issues.

EQUALITIES AND DIVERSITY IMPLICATIONS

10. 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.

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

12. 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

13. This is a proposal which is considered to result in no significant harm. It should also be noted that permission has previously been granted for this same proposal but to a larger site area with basically the same policies applying. It would therefore be extremely difficult to justify refusing this application. Approval is therefore recommended.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comments received

London Southend Airport: As long as the containers are in the location indicated and are no taller than the existing, which has been confirmed in the application as 5.18m and ground height in that location is no more than 7.848m, then on this occasion an IFP assessment is not required. Any further containers that want to be added would need to be reviewed.

Relevant Development Plan Policies:

National Planning Policy Framework 2024

Core Strategy Adopted Version (December 2011) – CP1, T1, T8, ED2.

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

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

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The development hereby permitted shall be carried out in complete accordance with the approved plans: 4174-11-1, 2 and 3.

REASON: To ensure that the development is carried out in accordance with the provisions of the development plan.

3. The consent hereby granted permits the stacking of containers not more than two high on the application site. The containers shall be of the dimensions, with regard to height, as set out on the approved plans. That is the containers, individually, shall not be more than 2.6m in height and, where stacked two high, not more than 5.2m in height. Those dimensions shall not include the height of any reasonably required supporting works, or supporting works required between the two containers (if stacked two high).

REASON: To enable the Local Planning Authority to retain control over the height of the containers hereby permitted, for the sake of visual amenity and for the avoidance of conflict with aircraft.

4. Before the first use of the containers for storage purposes their visible faces shall be painted blue to match the adjacent containers.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the development in the interests of visual amenity.

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

Application No :	24/00584/FUL Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Rochford Parish Council
Ward :	Roche North And Rural
Location :	Land Adjacent Brayside Brays Lane Rochford
Proposal :	Demolish Existing Buildings and Construct a Three Bedroomed Bungalow and Garage (retrospective)

SITE AND PROPOSAL

1. The site constitutes a rectangular plot located on the south side of Brays Lane approximately 525 metres from the junction with Ashingdon Road which itself is located approximately 1.25 km north of Rochford Town Centre.
2. The site is located east of the main cluster of residential development established off Brays Lane, which includes a residential development scheme of some 100 dwellings following the release of Green Belt land to provide a settlement extension as part of the Development Plan process and new access for the King Edmund Secondary School. The application site in terms of its area measures approximately 63 metres in length by 20 metres in width at its widest point and is located directly east of a detached property known as Brayside, and west of Little Brays - a two storey dwelling located close to the highway some 30 metres from the application site boundary.
3. Following the grant of planning permission for the dwellinghouse under application reference: 21/01270/FUL, the subsequent variation of condition application (reference: 23/00141/FUL) and 22/00847/NMA which covered non-material amendments to the dwellinghouse, the main structure of the dwellinghouse has been erected with the site overall close to completion.

4. It has come to light that the dwellinghouse has not been constructed according to the approved plans from those applications mentioned above, with the building being constructed more centrally towards the site.
5. The applicant therefore has submitted this application to regularise the works on the site, which includes the slight adjustment of the location of the dwelling, but also covers the garage to the frontage which was approved under application reference: 23/00917/FUL. The garage has also been included within this application with the need to be regularised, taking into account an investigation that concluded that the garage has been built with a 0.02m (20mm) greater height than approved.
6. A reconsultation has taken place in which it was considered that the plans submitted appeared not to be accurate. New plans were submitted and a site visit was carried out by the case officer. The newly submitted plans are considered to be an accurate representation of what has been constructed on the site.

RELEVANT PLANNING HISTORY

<u>Application Reference</u>	<u>Proposal</u>	<u>Decision/Conditions</u>
02/00232/OUT	Outline Application Proposing The Erection Of Three Self Build Starter Homes	Refused 8 th May 2002
19/00179/FUL	Demolish Existing Buildings and Construct a Three Bedroomed Bungalow	Refused. Appeal dismissed 26 th October 2021.
21/01270/FUL	Demolish existing buildings and clear site. Construct one new 3-bed bungalow. (Revised application following application 19/00179/FUL).	Approved 16 th February 2022
22/00847/NMA	Non material amendment following grant of planning permission 21/01270/FUL for -Increase footprint of building by 100mm in each direction. Increase depth of side windows to lounge to floor level.	Approved 25 th October 2022
23/00141/FUL	Variation of condition 2 of Application Reference Number: 21/01270/FUL	Approved 13 th April 2023

	Date of Decision: 16/02/2022 to allow installation of solar panels and two velux windows to the rear elevation (amended plan no.6)	
23/00662/FUL	Proposed Garage	Refused 29 th September 2023
23/00917/FUL	Proposed Garage (Revised)	Approved 9 th February 2024
24/00586/DPDP1	Householder Prior Approval for Single Storey Rear Extension. Projection 4.2m from Original Rear Wall, Eaves Height 2.8m, Maximum Height 4m	Pending Consideration

MATERIAL PLANNING CONSIDERATIONS

7. 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.
8. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Green Belt Considerations

9. The site is located within the Metropolitan Green Belt as defined by the council's adopted Allocations Plan (2014).
10. The principle of the dwelling and garage have already been found acceptable on Green Belt terms as per the application references above. There is therefore no objection to the proposal which seeks to regularise the dwelling positioning, and some minor height increases to the garage.
11. It is considered that the slight repositioning of the dwelling centrally towards the site and the small increase in height of the garage proposed would not be of such detriment to the openness of the Green Belt to refuse the application on these grounds, spatially or visually and would not conflict with the Green Belt Section of the NPPF.

12. Although it appears there is a minor increase in the height of the dwelling, it has been concluded that the site originally was uneven, causing the developer to have to level the site. It has been concluded that this increase in ground level is minimal and was not material.

Impact on Character

13. 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 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.
14. 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.
15. The slight repositioning of the dwelling centrally within the site is not considered to have a significant impact on the street scene, taking into account this is a minor alteration, nor would the slight angle of the construction of the dwelling in relation to the neighbours be so jarring in terms of its street pattern and building line to refuse the scheme.
16. The design of the dwelling in terms of its external materials has already been found acceptable and complementary to the existing character of Brays Lane.
17. This application does include retrospective consent for the garage, in which has been constructed to a greater height than approved. It is noted that an application was recently refused for this garage, prior to its subsequent approval, in which concerns were raised regarding the scale in conjunction with its distance to the highway. The garage however has been pushed back deeper into the site, with landscaping proposed to offset the impact. This landscaping and distance to the highway is considered acceptable, even with this slight increase in height. The alteration is not considered to be so significant that the garage would be jarring, nor detrimental to the area or character as a whole. A suitable landscaping condition will be imposed on any granting of planning consent to ensure the landscaping proposed is implemented to mitigate the impact of the garage on the street scene.

Impact on Residential Amenity

18. 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.
19. Although there has been a minor increase in the height of the dwelling, this dwelling is still single storey and with significant distances to the adjacent neighbours, especially that at Little Brays, this has been considered and has been concluded again as a non-material change to the scheme as a whole.
20. The dwelling at Little Brays is a significant distance away from the application site (approximately 32m).
21. It is understood that a fence that separated the application site and Little Brays to the east may have been removed, with a temporary style fence erected in its place. It is concluded that a fence with a minimum height of 1.8m would suffice along this boundary, starting at the north east corner of the garage, as not to impact highway visibility splays. This will be conditioned as part of any granted planning consent.
22. The agent for the application has stated that the developer wishes to erect a new 1.8m fence along this adjoining boundary and this is considered more than acceptable to mitigate any significant impacts that might result from the new dwelling in terms of overlooking. It is considered that taking into account the location of the proposed dwelling, the vegetation that separates the two sites and the distance, a 1.8m fence would be adequate in addressing any concerns that might arise in relation to this adjacent neighbour.
23. By virtue of distance, and the single storey nature of the proposal it is not considered that the proposal would be overbearing or have overshadowing impacts upon adjacent neighbours. The proposal would be compliant with Policy DM1 and DM3 of the Rochford Council Development Management Plan.

Garden Area

24. SPD2 requires two bedroomed properties to provide 50m² of garden area with three bedroomed properties providing 100m². The proposal would result in the dwelling having garden areas in excess of this requirement.

Sustainability

25. 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.
26. 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.
27. 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.
28. A dwelling with two or more bed spaces should have at least one double room. In order to provide two bed spaces, a double or twin room should have a floor area of at least 11.5m². One double or twin room should have a width of at least 2.75 metres and every other double room should have a width of at least 2.55 metres. Any area with headroom of less than 1.5 metres is not counted within the gross internal area. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. The minimum floor to ceiling height should be 2.3 metres for at least 75% of the gross internal area.
29. Whilst the proposed layout only shows a cupboard of some 1.59 sq. metres, given the excess of gross floor space potential storage is considered adequate given that the gross floor space of the dwelling would equate to 111m², which is sufficiently above the minimum gross floor space requirement for a 5-person 3-bedroom dwelling at 86m² and able to provide for the 1 sq. metre or so storage space shortfall.

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

30. 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.

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one new 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

32. 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.

33. 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.

34. The applicant has paid in a previous application 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.

Biodiversity Net Gain

35. 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.
36. The application is considered exempt under the BNG legislation being that is retrospective. In any case, the dwelling is understood to be occupied by the developer and therefore it is likely the proposal would be exempt in any case with it likely meeting the self/custom build criteria.
37. 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.
38. The applicant has not therefore been required to provide any BNG information.

Refuse and Waste

39. 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).
40. The Council operate a 3-bin refuse and recycling system. According to the submitted plans there is sufficient space within the applicant's curtilage to accommodate the refuse bins.

Foul drainage

41. Development on sites such as this 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. The submitted foul drainage form states that a package treatment plant is proposed.
42. 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.

Highway Safety

43. The Parking Standards and Good design Practice guide (2010) states that for dwellings with 2 or more bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m, garage spaces should measure 7m x 3m to be considered usable spaces.
44. The planning application indicates no change to the existing vehicular access which is hardly evident on site, due to what appears to be a period of little or no use. No access geometry or visibility splays are indicated by the submitted plans demonstrating a clear access visibility in each direction along the highway at a point set back 2.4 metres from the centre of the access. Given the alignment of the site boundary to the highway there is however no cause to consider that the use of this site for residential purposes would prejudice the safe and free flow of traffic along this highway.
45. There is no reason to consider that the development could not comply with Policy DM30 of the Development Management Plan, which aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
46. Additionally, the Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards for residential development. The site frontage has adequate space for the parking of two cars meeting the 5.5m x 2.9m requirement, as well as the garage which although lacks the depth to meet the garage parking requirement, can still be utilised on site. With the frontage offering suitable parking, the failure to provide the garage bay sizes within the proposed garage would not be considered as a reason to refuse the scheme. Therefore, no objection is raised in relation to traffic and transport issues as the proposed development would not have a detrimental impact upon highway safety.

Flooding

47. The site is located within flood zone 1, with the lowest probability of flooding and to where development should be directed. The site also presents a low risk of surface water flooding.

Ecology and Trees

48. It is considered that there is no significant potential for harm in relation to ecology taking into account the site characteristics.

49. The submitted Bat Declaration Survey indicates that there are unlikely to be bats or their habitats present on site.
50. No trees would be affected by the development.

Equalities and Diversity Implications

51. 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.
52. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
53. 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

54. APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comments received.

Neighbour Representations: No objections received.

Essex County Council Highways – Although the Highway Authority have not commented on this application, given the scope of the alterations which are not considered to impact the parking on the site, the comments and recommendations have been included from the original planning application

*Essex County Council Highways Authority: From a highway and transportation perspective the impact of the proposal is **acceptable** to the Highway Authority subject to the following conditions:*

1. *Prior to first occupation of the development, the visibility splays at the existing access shall be restored and retained free of obstruction in perpetuity. The existing vehicle access shall be provided at a width of not less than 3 metres and shall be retained at that width for at least the first 6 metres from the back edge of the carriageway. Full layout details to be agreed in writing with the local planning authority.*

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway and to ensure that vehicles can enter and leave the highway in a controlled manner, in the interests of highway safety in accordance with policy DM1. Note: The applicant must apply to the Highway Authority for the necessary permission for any reconstruction of the vehicular crossing.

2. *Prior to first occupation of the development, the dwelling shall be provided with a vehicle parking and turning area, to include a minimum of two parking spaces. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times. Full layout details to be agreed in writing with the local planning authority.*

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

3. *No unbound material shall be used in the surface treatment of the vehicular access 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.

4. *Any gates provided at the vehicular access at any time shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.*

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy DM1.

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

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

6. *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.

7. *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.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Relevant Development Plan Policies:

National Planning Policy Framework 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:

7. The development hereby permitted shall be begun before the expiration date 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.

8. The development hereby permitted shall be carried out in complete accordance with the following approved plans; DMG/23/30 – No 1g dated June 2023 and DMG/21/075 Drawing No 6 dated Nov 2021.

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

9. The external surfaces to be used on the dwelling and garage hereby approved shall be constructed of materials and finish as detailed in the application form or approved drawings, unless otherwise first agreed in writing by the local planning authority.

REASON: To ensure the external appearance of the development is appropriate to the locality in the interests of visual amenity

10. Prior to first occupation of the development, the visibility splays at the existing access shall be restored and retained free of obstruction in perpetuity. The existing vehicle access shall be provided at a width of not less than 3 metres and shall be retained at that width for at least the first 6 metres from the back edge of the carriageway into the site. Full layout details of the access and parking arrangement shall be submitted to and agreed in writing with the local planning authority. The development shall be implemented in accordance with such details as may be agreed.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway and to ensure that vehicles can enter and leave the highway in a controlled manner, in the interests of highway safety.

Note: The applicant must apply to the Highway Authority for the necessary permission for any reconstruction of the vehicular crossing.

11. Prior to first occupation of the development, the dwelling shall be provided with a vehicle parking and turning area, to include a minimum of two parking spaces. Each parking space shall have dimensions of a minimum 5.5m depth and 2.9m width in accordance with current parking standards and shall be retained in the agreed form at all times. Full layout details shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.

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

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

13. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

8. 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 and provided for the duration of the construction period.

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.

9. The planting shown to the site frontage (north of the garage) hereby permitted shall be implemented in its entirety during the first planting season (October to March inclusive) following the date of this permission, 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.

10. Within 2 months of the date of this permission, a close-boarded fence with a height between 1.8m - 2m in height from ground level shall be erected on the boundary between the application site and Little Brays to the east. This fence shall extend from the boundary adjacent to the northeastern corner of the garage hereby permitted to the rear of the application site.

REASON: To ensure the reinstatement of a boundary fence between the two sites, in the interests of privacy of adjacent occupiers.

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

Application No :	24/00772/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Outbuilding At 172 Rawreth Lane Rayleigh
Proposal :	Sub-divide existing plot and change of use of annexe to use as separate dwelling

SITE AND PROPOSAL

1. This stretch of Rawreth Lane is characterized by single storey detached and semi-detached properties. The properties along Rawreth Lane all have long gardens, the rear parts being within the Green Belt. The host property is an extended semi - detached bungalow with access directly from Rawreth Lane with parking to the frontage. According to the Councils GIS database the application site is located mostly within the residential envelope of Rawreth. Like many other properties along this stretch of Rawreth Lane the rear part of the garden falls within the metropolitan green belt. The site is a rectangular shaped plot and is relatively flat. The boundaries are demarcated by 1.8m high close boarded timber fencing. The site is flanked on the north western aspect by a semi - detached property (the other half semi) and on the opposing elevation Chestnut Drive, which provides a return frontage which traverses the entire plot.
2. The case officer witnessed at the rear of the applicant's garden is an existing outbuilding, which has been used as a residential annexe to 172 Rawreth Lane, Rayleigh. This outbuilding was constructed under the applicant's permitted development rights. The applicant is proposing to subdivide the existing plot and change the use of the annexe to a separate dwelling (Use Class C3).

RELEVANT PLANNING HISTORY

3. Application No. 24/00077/FUL - Sub-divide existing plot and change of use of incidental residential building (Class E development) to a dwelling house – Withdrawn - 22.04.2024.
4. Application No. 23/00425/LDC - Lawful development certificate to erect 3 x outbuildings to rear for use as a log store, apiary store and summer house – Refused - 18.07.2023.
5. Application No. 21/01136/FUL - Conversion of existing out building to annexe – Approved - 23.12.2021.

6. Application No. 18/00725/LDC - Application for a Lawful Development Certificate for a proposed outbuilding within the curtilage of the property – Permitted - 29.10.2018.
7. Application No. 08/00957/FUL - Subdivide Plot and Construct Detached One Bedroomed Bungalow – Withdrawn - 22.04.2009.
8. Application No. 98/00192/FUL - Two Storey/Ground Floor Front, Rear and Side Extensions. Add Rear Dormer. (Revised Submission Following Application F/0553/97/ROC) – Approved - 18.05.1998.
9. Application No. 97/00553/FUL - Two Storey/Ground Floor Front, Rear and Side Extensions – Approved - 21.11.1997.
10. Application No. 96/00602/FUL - Two Storey and Ground Floor Front, Rear and Side Extensions – Approved - 15.01.1997.
11. Application No. 96/00353/FUL - First Floor and Ground Floor Front, Side and Rear Extensions – Refused - 28.08.1996.
12. Application No. 95/00258/FUL - Two Storey Flat Roof Rear Extension with Ground Floor Extensions to Front and Side Construct Two Front Dormers – Refused - 06.07.1995.

MATERIAL PLANNING CONSIDERATIONS

13. 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.
14. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Green Belt considerations
15. The site of the annexe is located wholly within the Metropolitan Green Belt where there is a presumption against inappropriate development. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. This application proposes the conversion of an existing domestic outbuilding to a small one-bedroomed dwelling.

16. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Council's Development Management Plan (2014) which states that 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
17. 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 the Council's Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.
18. The application site is located within the Metropolitan Green Belt as identified in the Allocations Plan. Paragraph 154 of the National Planning Policy Framework 2024 (NPPF) regards the construction of new buildings as inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
19. However, Paragraph 154 of the NPPF provides a list of exceptions where development within the green belt would be appropriate. Part (c) of paragraph 154 states that development within the green belt would be permitted in the case where: *"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"*.
20. Whilst residential conversion of existing agricultural and rural buildings in the Green Belt or the wider countryside can undermine the Council's strategic approach to residential development and overarching sustainability objectives as detailed in the Core Strategy, Policy DM13 of the Council's Development Management Plan states the reuse or adaptation of existing agricultural and rural buildings will be supported provided that:
 - (i) the application relates to an existing building of permanent and substantial construction;
 - (ii) the proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt, or place unacceptable pressures on the surrounding highway network;

- (iii) the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11;
- (iv) would not have an undue impact on residential amenity;
- (v) there would be no detrimental impact on nature conservation or historic environment interests;
- (vi) where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:
 - (a) not negatively impact on the quality and significance of the listed structure; and
 - (b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.
- (vii) The conversion of existing agricultural and rural buildings for residential uses will be permitted provided that the proposal:
 - (a) is well related to a defined residential settlement.
 - (b) is well related to local services and facilities.
 - (c) has good connections to the strategic road network.
 - (d) would promote sustainable transport modes.
 - (e) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment; and
 - (f) is located within the South Essex Coastal Towns landscape character area.

21. Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed, and nature conservation interests are protected. The proposal would be well related to the urban envelope of Rayleigh. The access to the site is via Chestnut Drive, which links directly with Rawreth Lane giving access to the highway network, goods and services and the nearby Asda store. The site is located on the edge of the imprecisely defined South Essex Coastal Towns landscape character area but given that the building has existed a number of years would not adversely impact that established character.

22. The NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In particular criterion (d) states the re-use of buildings provided that the buildings are of permanent and substantial construction is not an inappropriate form of development. This is echoed in policy DM13 of the Council's Development Management Plan. The case officer observed that the boundary treatment separating the applicant's property from the adjacent dwelling - 172 Rawreth Lane (the applicant's property) had already been erected. Furthermore, it is considered that the proposed curtilage serving the new dwelling is relatively modest in

scale. The car parking for the host dwelling, will be located at the side of the property, which is in keeping with the vernacular. It is considered that these changes do not cause any harm to the openness of the Green Belt.

23. In this case, the building is of permanent and substantial construction. The existing building was utilised as an annexe to the adjacent property (No.172). The proposal would retain its existing footprint and architectural features within the proposed conversion to a separate dwelling. The proposal is solely for a change of use and as such no additional bulk is proposed and no alterations are sought to the external appearance of the building. Furthermore, there are no internal alterations proposed. Due to the nature of the proposal, it is not considered that if approved the proposal would introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt.
24. Overall, the development is considered to be appropriate development within the Green Belt through the conversion of the existing annexe into a separate residential dwelling. The proposal would not alter the existing footprint of the outbuilding and therefore result in minimal impact to the openness of the green belt. The proposal would comply with relevant paragraphs of the NPPF, policy GB1 of the Local Development Framework Core Strategy and Policy DM13 of the Development Management Plan.

Design

25. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
26. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
27. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development

blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.

28. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
29. Planning permission is sought to convert an existing annexe into a separate detached dwellinghouse, which appears to be constructed out of facing brick under a concrete interlocking tiled roof. Internally the proposal will comprise 1 No. bedroom, separate bathroom, kitchen, utility, living room. The external footprint of the building measures approximately 66m².
30. The footprint of the existing building is rectilinear in form and measures approximately 6.5m deep (at the widest point) by 22.2m long and is 2.2m high to the eaves and 3.9m high to the apex of the pitched roof. According to the submitted plans no alterations are proposed to the external appearance of the building and the proposal does not seek to add any additional bulk or mass.
31. It is not considered that the proposed development will have a significant detrimental impact on the character and appearance of the area in design terms, which would justify refusing the application and substantiate it at any future appeal and would accord with design and layout guidance advocated within the Framework and the Council's policy DM1.

Impact on Residential Amenity

32. 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. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
33. 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.

34. It is considered that the redevelopment of the annexe for a separate dwelling is compatible with the surrounding land uses. The proposal is unlikely to result in noise, air or water pollution.
35. According to the submitted plans and case officer's site visit the building is located more than 1m off the common boundary shared with 174 Rawreth Road, which is demarcated by a 1.8m high close boarded timber fence. Due to the articulated design of the proposed dwelling and given the scale and nature of the proposal will not result in any undue overlooking or loss of privacy due to the orientation and location of the properties and the boundary treatment. Moreover, the boundary treatment will help to alleviate some of the problems which may be associated with the proposed development. It is not considered that the proposal will result in any significant overshadowing nor given the juxtaposition of the properties will it appear to be overbearing.
36. In relation to No.172 Rawreth Lane which forms part of the property being subdivided the case officer noted that there was no boundary treatment separating the application site from this property and this will be conditioned, in the event that planning permission is approved. The case officer witnessed that there were several windows in the flank elevation of the outbuilding facing no.172 Rawreth Road. These apertures serve a bathroom, kitchen and a personnel door. It is considered subject to the imposition of appropriate boundary treatment will help to alleviate any negative externalities associated with the proposal.
37. Separating the outbuilding from No. 170 Rawreth Lane is Chestnut Drive. It is considered given the separation distances, boundary treatment and given the orientation and location of the buildings no material harm will arise from the proposal in relation to over looking, loss of privacy or over bearing impact.
38. Additionally, it is noted that no letters of objection have been received from any of the neighbouring properties in relation to the proposal, and whilst not a determinative factor it is an important consideration.
39. Overall, it is considered given the nature and scale of the proposal it would not give rise to any material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties and the intervening boundary treatment. Furthermore, no letters of representations have been received from any interested parties, and whilst not a determinative factor it is an important consideration. The proposal is compliant with policy DM1 of the Development Management Plan.

Living Conditions for Future Occupiers

Garden Size

40. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwellinghouse. Paragraph 135 criterion (f) of the 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.
41. The council's SPD2 requires a minimum 100m² garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50m² minimum.
42. The layout submitted shows that the proposed dwelling could be provided with private amenity space in excess of the requirements. According to plan reference 2024/59/01 (C) the proposal would have approximately 100m² of private amenity space. Consequently, it is considered that amount of private amenity attributable to the proposal exceeds the requirements of policy DM3 and guidance advocated in SPD2.
43. The existing dwelling (No. 172 Rawreth Lane) is a semi-detached single storey dwellinghouse. If planning permission is approved for the proposed dwellinghouse following the severance of the garden will result in this property (No.172) retaining a private amenity space in excess of 100m² (there will be roughly 124m²). Therefore, it is considered that the proposal would not result in a cramped form of development and would be compliant with the requirements of SPD2.

Sustainability

44. 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.
45. 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.

46. 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.

47. A single storey dwelling which would comprise of 1 No. bedroom accommodating either one or two people would require a minimum Gross Internal Floor Area (GIA) of 39m² or 50m², respectively. Additionally, the dwelling must have a minimum of 1m² (for one person) or 1.5m² (for two people) of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwelling will measure approximately 66m² and exceed the minimum requirements.

48. The table below shows the Gross Internal Floor area for the proposed bedroom.

Bedroom No.1	12.7m ²
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49. According to the submitted plans the bedroom complies with aforementioned policies and would exceed the internal floor area requirements. Furthermore, it was noted that no storage areas were indicated on the submitted plans; however, as the proposal substantially exceeds the recommended minimal GIA for a one bedroomed property, as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal.

50. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.

51. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Impact on Highway Safety

52. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
53. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with one-bedroom require one space per dwelling. Whilst proposals for two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
54. In accordance with paragraph 111 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
55. As previously attested to the proposal is for the change use of the annexe to a 1-bedroomed separate dwellinghouse. According to plan reference 2024/59/01(C) indicates that there will be 1 No. car parking space located at the side of the applicant's property. It was observed when the case officer conducted his site visit that the hard standing for this parking area was already in-situ. The property itself is accessed via Chestnut Drive, which is a long winding and undulating single track paved shared drive. It is considered that any intensification resulting from the provision of 1 No. new dwelling in this area is not deemed to be of such severity that it would warrant refusal of the application.
56. Notwithstanding the above, the case officer considered it prudent to consult colleagues in colleagues in Essex County Council Highways Authority regarding the proposal and they state that *"The proposal is located in Cheshunt Drive which is a private road. The applicant should seek permission from the landowner for the installation of the crossover. A minimum of one off-street parking space shall be provided for the dwelling. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority"*.
57. The Highways Engineers have stated that they have no objection to the application subject to the imposition of condition relating to cycle parking.
58. Overall, it is considered there is sufficient car parking arrangements and appropriate access arrangements to serve the proposed dwelling. Furthermore, it is not considered that one additional dwelling at this

locality will cause demonstrable harm to the highway network. The additional comings and goings of vehicles as a result of this proposal will not result in significant disturbance to neighbours via noise and dust which can be substantiated and warrant a refusal. Generally, it is considered that the proposal is acceptable in highway terms and would not have an adverse impact upon highway safety. The proposed development therefore accords with the Parking Standards and policies DM1, DM3, DM9 and DM30 of the Development Management Plan and the Framework.

Flooding considerations

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

Refuse and Waste Storage

60. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance to Chestnut Drive is below 20m which is considered satisfactory.

Trees

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

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

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

62. There are no trees located on the site that would be impacted by the proposal and as such the proposal accords with the aims and objectives of Policy DM25.

Ecology

On Site

63. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
64. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
65. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
66. As previously stated, the annexe is already being occupied and as such no further construction works are proposed, there are no further ecological considerations regarding the outbuilding. The area around

the building is laid mainly to manicured lawn. Overall, it is considered that the proposal will have negligible impact on protected species in the locality.

Off Site Ecology

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

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

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for 1 additional dwelling

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

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

- No

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

- No

69. As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMs requirements. Provided this mitigation is secured, it can be concluded

that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.

70. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution has been paid to the Local Planning Authority.

Biodiversity Net Gain

71. 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.
72. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
73. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

EQUALITIES AND DIVERSITY IMPLICATIONS

74. 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.

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

76. 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

77. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No objections raised

Essex County Council Highways Authority: The proposal is located in Cheshunt Drive which is a private road. The applicant should seek permission from the landowner for the installation of the crossover. A minimum of one off-street parking space shall be provided for the dwelling. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

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

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM2, DM3, DM4, DM13, DM25, DM30, DM26, DM27.

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

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

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

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 2024/59/02 (B) Proposed Site Plan and Elevations (as per date stated on plan January 2024) and 2024/59/01 (C) Block, Location Plan Ground Floor Plan and Elevations (as per date stated on plan January 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. Prior to its use, details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

REASON: To ensure that boundaries within the development are adequately formed and screened in the interests of the appearance of the development and the privacy of its occupants Policy DM3 of the Council's Local Development Framework's Development Management Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be

permitted by virtue of Class(es) A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out.

REASON: To ensure continued control over the extent of further building on the site in the interests of the amenity of adjoining occupiers.

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

Application No :	24/00807/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche North And Rural
Location :	The King Edmund School Vaughan Close Rochford
Proposal :	Installation of a single storey substation to allow steady power supply to the school and all associated landscaping works

SITE AND PROPOSAL

1. The site comprises a part of a school located at the end of Vaughan Close, a cul-de-sac located to the north of Rochford town centre. The site is located in a predominantly residential area but is allocated as educational land in the Council's Allocation Plan (2014). The school is a mixed secondary school catering for pupils between 11-18 years. The school has a car park to the main frontage accessed via Vaughan Close and a much larger access, car park and coach drop off and pick up to the side of the school building accessed off Shires Way off Brays Lane. The site location for this planning application relates to a small section of existing hardstanding southwest of the school site which will accommodate the proposed substation.
2. The site comprises a substantial range of detached buildings and extensions. Behind (to the east of) the school buildings are the school playing fields which extend up to the rear gardens of dwellings located adjacent including the curtilages of those properties to the west at Vaughan Close and Spencer Gardens and to the south at Oxford Road. The east aspect of the school site which comprises open grounds adjoins agricultural fields which surround this part of the site. The site is not in the Metropolitan Green Belt.
3. The proposal is for a substation to power the new block at King Edmund School. The substation would be single-storey with a proposed footprint of 9.61m². Due to the DfE requirement for the new block to be Net Zero and the large provision of Photovoltaic (PV) panels on the roof, the existing substation is unsuitable to

accommodate the export – distribution of electricity from the PVs. Due to UKPN restrictions, the new substation cannot be located on the footprint of the existing substation hence it is proposed on the south-west part of the site. The proposed location for the substation meets both UKPN requirements, the schools' needs and the DfE specification.

RELEVANT PLANNING HISTORY

4. Application No. 24/00892/NMA - Application for a Non-Material Amendment to application reference 22/00881/FUL Dated 14th December 2022 to allow relocation of two louvres to east elevation – Not Yet Determined.
5. Application No. 24/0160/NMA - Proposed non-material amendments to planning permission ref. 22/00881/FUL to allow for layout changes (relocation of horticultural area) internal changes and elevation and design changes including change to doors, louvres, electrical and mechanical equipment, solar PV layout and updated plant equipment. – Permitted – 26/06/2024.
6. Application No. 24/00069/NMA - Application for a Non Material Amendment to Planning approval reference 22/00881/FUL – Approved - 21.02.2024
7. Application No. 22/00881/FUL - Variation of conditions 2 (approved plans), 3 (materials) and 7 (BREEAM) following grant of planning permission ref: 21/00837/FUL (Demolition of existing main school building and construction of replacement building with associated landscaping works) – Permitted - 14.12.2022
8. Application No. 21/00837/FUL - Demolition of existing main school building and construction of replacement building with associated landscaping works – Permitted – 03/02/2022.
9. Application No. 21/00592/FUL - Retrospective planning application for 6 no. single storey temporary classrooms and 2 no. two storey buildings for use as classrooms and ancillary school accommodation – Permitted - 01.09.2021
10. Application No. 18/00746/FUL - Single Storey Flat Roofed Building for Use as Children's Day Nursery – Permitted - 17.12.2018
11. Application No. 15/00091/FUL - Erect Glazed Canopy – Permitted - 22.04.2015
12. Application No. 13/00164/FUL - Two Storey Flat Roofed Extension to Form Offices – Permitted - 24.05.2013
13. Application No. 12/00695/FUL - Two Single Storey Flat Roofed Extensions Forming Offices – Permitted - 07.01.2013

14. Application No. 12/00307/FUL - Single Storey Flat Roofed Extension on Inner Wall – Permitted - 04.07.2012
15. Application No. 09/00215/FUL - Remove Existing Pool Enclosure/Cover and Construct New Pool Enclosure Comprising Brick Walls and Wall and Roof Cladding with Roof Lights and Solar Panels to New Roof – Permitted – 09/07/2009.
16. Application No. 08/00927/FUL - Single Storey Flat Roofed Extension to Provide Hairdressing and Beauty Centre Classroom – Permitted - 11.02.2009
17. Application No. 07/00793/CPO - First Floor Extension to Provide Accommodation for Vocational Training Comprising Library, Two Classbases, Office, Storage and Accessible Toilet. (ECC ref CC/ROC/104/07) – Permitted - 12.09.2007
18. Application No. 07/00146/FUL - Single Storey Flat Roofed Front Extension to Library – Permitted - 13.04.2007
19. Application No. 06/00295/FUL - Single Storey Extension to Form a Repographics Room and School Shop to Sell Stationery and School Items – Permitted - 31.05.2006
20. Application No. 06/00277/COU - Change Use of Agricultural Land and Use as Extension to School Playing Field – Permitted - 25.05.2006
21. Application No. 06/00177/CPO - The Continuation of Development Without Compliance with Condition 3 (Hours of Use) Attached to Permission CC/ROC/128/04 to Allow for the All Weather Pitch to be Used During the Following Times: 0900-2100 Hours Monday to Friday; 0900-2100 Hours Saturday; 0900-1800 Hours Sunday. ECC Ref CC/ROC/42/06 – Refused - 19.04.2006
22. Application No. 05/00404/CPO - Single Storey Extension to Provide Four Class Bases, ICT Room, Office, Store and Cleaners Cupboard – Permitted - 21.06.2005
23. Application No. 04/01099/CM - Floodlighting for The Proposed All Weather, Multi-Use Area for The School and Wider Community Use – Permitted - 01.02.2005
24. Application No. 04/01098/CM - Construction of An All Weather Multi-Use Games Area Including Perimeter Fencing and Footpaths For The School and Wider Community Use – Permitted - 01.02.2005
25. Application No. 04/01014/FUL - Construct Covered Walkway Over Existing Footpath East of Swimming Pool and Adjoining Sixth Form Building – Permitted - 17.01.2005

- 26. Application No. 04/00561/FUL - Single Storey Extension – Permitted - 10.08.2004
- 27. Application No. 03/01028/CPO - Single Storey Extension to Provide Changing Facilities for Swimming Pool – Permitted - 31.12.2003
- 28. Application No. 03/00988/CPO - Single Storey Extension to Provide Changing Room for Wheelchair Users – Permitted - 11.12.2003
- 29. Application No. 03/00532/FUL - Erection of Covered Walkway Over Existing Footpath – Permitted - 05.08.2003
- 30. Application No. 02/01147/CPO - Amendments to Sixth Form Building Approved Under Ref: CC/ROC/130/02 – Permitted - 12.02.2003
- 31. Application No. 02/00725/CPO - Single Storey Sixth Form Building – Permitted - 17.09.2002
- 32. Application No. 02/00149/CPO - Two Storey and First Floor Extensions to Link Existing Classroom Blocks – Permitted - 29.05.2002

MATERIAL PLANNING CONSIDERATIONS

- 33. 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.
- 34. 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
- 35. The latest version of the National Planning Policy Framework (NPPF) was revised in December 2024. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three overarching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
- 36. Paragraph 11 of the NPPF explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date

development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

37. Given the characteristics of the immediate and wider area, specifically the precedent set due to previously approved and implemented energy related developments, the proposed development does not conflict with any immediate land uses in proximity. In addition, the stated need for the proposed development would be in support of the Council's objectives in respect of encouraging and enabling renewable energy development.
38. Paragraph 5 of the NPPF states: *“National policy statements form part of the overall framework of national planning policy and are a material consideration in decisions on planning applications.”* As such the Overarching National Policy Statement for Energy (EN-1) (revised draft published March 2023) is a material consideration which must be taken into account in the determination of this planning application.
39. Paragraph 4.6.6 of the EN-1 states that whilst the applicant *“may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation.”* In addition, it notes that *“the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area.”* The design considerations associated with the proposed development are considered later in this report.

Impact on the character of the area

40. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan are applicable to the consideration of design and layout. 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 (paragraph 131 of the NPPF).
41. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments inter alia are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, will function well and add to the overall quality of the area,

not just for the short term but over the lifetime of the development, and are sympathetic to local character and history, including the surrounding built environment and landscape setting etc.

42. The design of the substation infrastructure is typical of similar related developments, with an industrial and functional appearance. The proposed electrical substation building would be built on an area of hardstanding and would measure 3.1m wide by 3.1m deep, which would equate to a footprint measuring roughly 9.6m². The proposed substation would have a maximum height of 2.26m. The building would have a modest mansard roof. At the front there would be a double-door with four louvred blocks comprising one on each side and two at the rear elevation. The substation is considered to be relatively diminutive in scale. Moreover, whilst it is accepted that the structure is utilitarian in appearance, it is situated within a built up area where this type of development does not appear over conspicuous or stridently stark. In addition, the case officer is of the opinion that the public benefits from allowing the proposal clearly outweigh any harm to the character and appearance of the urban vernacular.
43. On balance, given the overall nature, size and scale of the development, it is considered that the development would be of an acceptable overall design and would not result in any material harm to the character and appearance of the site or the wider street scene. The proposal is therefore acceptable and complies with policy DM1 in this regard.

Impact on residential amenity

44. 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.
45. Amenity is defined as a set of conditions that one ought to reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
46. While the proposed development is of a relatively modest scale in comparison to other energy related infrastructure, the principle of maintaining suitable distance from neighbouring residential properties, as well as ensuring no significant impact to their residential amenity, is

a key consideration in the assessment of this proposal. All energy related infrastructure is best located away from residential properties, and safety and security are paramount at an electricity substation.

47. The proposed substation would be located approximately 30m from the rear of the nearest dwellings to the south, No. 29 and 31 Oxford Road and approximately 50m from the rear of no. 2 Spencer Gardens to the west. Given this degree of separation, the limited openings and the small-scale nature and size of the proposed sub-station, it is considered that the development would not result in any material harm to the residential amenity of the adjoining present and future occupiers in terms of dominance, an overbearing impact, material loss of light and outlook, sense of enclosure or undue noise and disturbance and as such the proposal complies advice advocated with policy DM1 and the NPPF.
48. The concern expressed by the occupant(s) of 25 Oxford Rad is noted, however the planning system does not prevail to safeguard a private view or outlook which is subjective and there is no basis despite this expressed concern to find the development harmful or objectionable in this respect.

Flooding

49. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is a low probability of flooding from rivers and the sea as such the development is compatible with the advice advocated within the NPPF.

Trees

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

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

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

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

Ecology

52. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
53. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
54. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
55. According to the submitted plans the proposed substation will be erected on hardstanding. Furthermore, given the scale and nature of the proposal it is not considered that the development will have a detrimental impact on ecology.

Biodiversity Net Gain

56. 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 per cent 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.

57. 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 relating to de-minimis development. The applicant has not therefore been required to provide any BNG information.
58. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

Other Matters

59. Concerns have been raised that if the application is approved it will lead to a loss of a view. Government Guidance on what can constitute a material planning consideration is very wide and so the Courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development, for example, relating to the loss of view are not considered to be material considerations. Consequently, in light of the above, this is not a sufficient justification to warrant a refusal and substantiate it at future Appeal.

EQUALITIES AND DIVERSITY IMPLICATIONS

60. 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.
61. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

62. 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

63. Approve

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No objections raised

Neighbours: 1 response from the following address;

Oxford Road: 25

- The substation is unsightly for Oxford Road residents. The installation of trees and other vegetation would help biodiversity and screen the proposed development.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024)

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - policies H1, CP1 and CLT1.

Rochford District Council Local Development Framework Development Management Plan (December 2014) - policies 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: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans: P-0104050-0001-DWG-010-REV0-PLAN (Electrical Services Layout) (as per date stated on plan 22nd October 2024), SRP1012-HAV-ZZ-ZZ-D-A-1904 (Proposed Site Plan) (as per date stated on plan 2nd September 2022), SRP1012-HAV-19-SS-DR-A-1901 (Location Plan) (as per date stated on plan 18th

August 2021) and POC-SS-0005 Revision 7 (Elevations and Floor Plan).

REASON: To ensure that the development is carried out in accordance with the provisions of the development plan.

3. The external surfaces of the development hereby approved shall be constructed of materials as detailed within the application, unless otherwise submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with Policy CP1 of the Core Strategy and the NPPF.

The local Ward Member(s) for the above application is/are Cllr S Wootton
Cllr Phil Shaw Cllr Mrs L Shaw

Application No :	24/00794/ADV Zoning : Conservation Area AND Town Centre
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	67 High Street Rayleigh Essex
Proposal :	Installation of internally illuminated fascia signage, internally illuminated projection sign and internally illuminated menu board

SITE AND PROPOSAL

1. The application site relates to a commercial building in the Rayleigh town centre of the Rochford District Council along High Street which is an activity corridor comprising many shopfronts. The surrounding area is predominantly commercial comprising many shops, restaurants and banks and uses typically prevalent within town centres. The site is in the Rayleigh Conservation Area.
2. The proposal is for the installation of an internally illuminated fascia signage, internally illuminated projection sign and an internally illuminated menu board on the front elevation of no.63 which faces High Street.

RELEVANT PLANNING HISTORY

3. Application no. 87/00520/FUL – New shop front and side elevations – Approved – 20/11/1987.

4. Application no. 00/00317/ADV - Display 3 Internally Illuminated Fascia Sign – Refused – 10/04/2001.
5. Application no. 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

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

Principle of Development

8. This application seeks express consent for signage, a projection sign and menu board submitted under the provisions of the Town and Country Planning (control of advertisements) (England) Regulations 2007.
9. The regulations referred to indicate that a local planning authority shall exercise its powers under these regulations in the interests of amenity and public safety, taking into account –
 - (a) the provisions of the development plan, so far as they are material; and
 - (b) any other relevant factors.
10. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest and factors relevant to public safety include the safety of persons using any highway and whether the display of the advertisement in questions is likely to obscure or hinder the ready interpretation of any traffic sign.
11. Policy DM5 of the Council's Development Management Plan (2014) outlines the Council's guidance pertaining to light pollution. It seeks to ensure that proposed schemes are appropriately designed and installed to minimise the impact of light pollution on residential and commercial areas, important areas of nature conservation interest,

highway safety and/or the night sky through avoiding unnecessary light spillage and trespass.

12. Policies DM37 and DM38 of the Development Management Plan relate to proposed advertisements in the district. Policy DM37 (Advertisements) requires that the design and siting of advertisements throughout the district must have regard to access and visual impact of the buildings on which they are to be displayed and the character of the surrounding area. The key objective is to ensure that adverts do not add to visual clutter or detract from the visual amenity of the area whilst being well related to the building to which they would be attached in terms of size.
13. Policy DM38 relates specifically to adverts proposed to Listed Buildings and within Conservation Areas. Adverts should be sensitive to the character of the area, visually unobtrusive, well designed and well located. Adverts should not include prominent lettering, lighting, material or colour or prominent externally illuminated signs amongst other things. Illuminated signs should be unobtrusive and benefit rather than detract from the value of the Conservation Area and the character of any Listed Building. The quantity of advertisements within Conservation Areas and on Listed Buildings should also be kept to the minimum necessary to identify the building and its function in order to protect the appearance of the area and individual buildings.
14. Local policy reflects national planning policy which at section 16 of the National Planning Policy Framework (NPPF) seeks to conserve and enhance heritage assets. In determining applications national policy requires that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Impact on the Character of the Area

15. Number 67 High Street forms part of a modern, three-storey commercial block located on the south-east side of High Street. The application building is situated within Rayleigh Conservation Area and in proximity to several listed buildings. Rayleigh is a traditional market town, the original framework and structure of which remain legible today.
16. Advertisement consent is sought for the following:
 - Internally illuminated fascia sign to front measuring 4.28m x 0.3m and 2.50m from the ground. According to drawing no. LNG4872.06, the fascia sign would have white letters with chrome returns in Chakra Petch Bold font.

- Internally illuminated projection sign measuring 700mm x 451mm to a depth of 70mm. The projection sign would be fixed to the fascia and would have a chrome finish surround. The projection sign would be light green with honey yellow lettering.
 - A menu board at the front measuring 700mm x 560mm to a depth of 70mm. The menu board would have a stainless steel finish with a laminated glass and openable.
17. The site is within the Rayleigh town centre where retailer adverts are to be expected, including some which are illuminated. This part of High Street has many adverts. The main adverts along High Street are a number of window vinyls and a mix of illuminated and non-illuminated retailer signs.
18. The conservation officer was consulted to comment on the proposal and responded as follows:
- “It is proposed to install new fascia signage, a projection sign and menu board, which would be internally illuminated and would have chrome frames/surrounds and brackets. The proposed design/layout of the signage is appropriate; however, it is considered that the use of internally illuminated signage would not be in keeping with the traditional character and appearance of the conservation area and would detract from its special interest, therefore resulting in a low level of harm. As such, any internal illumination should be replaced with trough lighting or spotlights, which would be more sympathetic to the significance of the designated heritage asset.”*
- In conclusion, it is considered that the proposals in their current form would fail to preserve or enhance the character and appearance of Rayleigh Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, December 2024), there would be a low level of less than substantial harm, therefore Paragraph 215 would be relevant.”*
19. Paragraph 215 of the NPPF states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
20. The design and layout of the proposed works are considered to be acceptable. Nevertheless, the internal illumination of the proposed signage is considered to bring harm to the conservation area. The case officer agrees with the opinion of the Conservation Officer that the proposed method of illumination will have a detrimental impact on the character and appearance of the Conservation Area. In light of paragraph 215 of the NPPF, the public benefits that the proposal are considered to be limited, and it is considered that proposed benefits

(albeit limited) do not outweigh the harm that the development would bring to the conservation area and as such the development is contrary to advice advocated within the NPPF.

21. Overall, the proposed internal illumination of the advertisement is considered to be harmful to the character of the conservation area and is therefore contrary to policies DM37 and DM38 of the Development Management Plan (2014).

Impact on Highway Safety

22. Policy DM5 of the Council's Development Management Plan requires sufficient provisions to be made pertaining to highway safety. In accordance with paragraph 115 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
23. Colleagues from Essex County Council Highways were consulted to comment on the proposal and raised no objections. It is considered that the provision of new internally illuminated signage in this area would not have an adverse impact on highway safety and as such complies with policy DM5 and provisions in the NPPF in this aspect.

EQUALITIES AND DIVERSITY IMPLICATIONS

24. 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.
25. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
26. 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

27. Refuse

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: No objections raised

Essex County Council Historic Buildings Officer (Place Services): Objects proposed internal illumination, recommends trough or spot lighting.

Essex County Council Highways Authority: No objections.

Neighbours: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024)

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policy CP1

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM5, DM37 and DM38

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

Schedule 2, Regulation 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

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

Rayleigh Conservation Area Appraisal and Management Plan (2007)

RECOMMENDATION: REFUSE

1. It is considered that the proposed method of internal illumination of the signage would have a detrimental impact on the character and appearance of the Rayleigh Conservation Area where methods of external lighting is more traditional and sensitive in approach. The public benefits that the development would bring do not outweigh the harm that the development would bring to the conservation area. As such, the proposal is contrary to policies DM37 and DM38 of the councils Development Management Plan and section 16 of the National Planning Policy Framework.

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

Application No :	24/00796/FUL Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Bricklayers Arms Trenderers Avenue Rayleigh
Proposal :	Demolition of single storey element of existing building. Proposed new self-build bungalow.

SITE AND PROPOSAL

1. The application site located on the western side of Trenderers Avenue, comprises a dwellinghouse which has undertaken various extensions over the years, especially those to the north. Although no existing floor plan has been submitted, the site comprises a great volume of built form on the site, with an outbuilding sited to the north of the single storey extended element.
2. Trenderers Avenue is rural in its character, with the dwellings being sporadic and having characteristics fitting for its allocation. The site is located within designated Metropolitan Green Belt where restrictions on development apply.
3. The site is at the lowest risk of flooding from rivers and the sea, falling within Flood Zone 1 as identified by the Environment Agency (EA) flood risk maps for planning and in an area in flooding terms, to where development should be directed.
4. The site has limited recent planning history with the most recent application involving the dwelling being that of application reference 01/00554/FUL for a proposed first floor extension at the side.
5. The proposal involves the subdivision of the existing plot at Bricklayers Arms, with the demolition of the single storey elements to the rear and the construction of a new single storey dwellinghouse (Bungalow) in that location.

RELEVANT PLANNING HISTORY

6. Application No. 99/00405/COU - Conversion of Existing Domestic Garage into Changing Rooms and Retention of Metal Container as Changing Room Accommodation/Store – Permitted.
7. Application No. 01/00554/FUL - First Floor Extension At Side – Permitted.
8. Application No. 14/00711/FUL - Change Of Use Of Former Football Pitches To Use For The Domestic Keeping Of Horses, Construct

Exercise Manège And Building Comprising Four Stables, Retain Four Storage Building – Permitted.

9. Application No. 22/00371/FUL - Demolish existing dilapidated stables, sub-divide plot into three and construct a one bedroom new build bungalow, with access and drive onto Trenders Avenue – Permitted.
10. Application No. 22/01027/FUL - Variation of condition 3 (drawing numbers) of approved application ref: 22/00371/FUL (Demolish existing dilapidated stables, sub-divide plot into three and construct a one bedroom new build bungalow, with access and drive onto Trenders Avenue) to provide amended drawings showing changes to external materials and fenestration, roof alteration – Permitted.

MATERIAL PLANNING CONSIDERATIONS

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

Green Belt considerations

13. 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. The construction of new buildings in the Green Belt should be regarded as inappropriate except for in a limited number of circumstances including extensions to existing buildings that are not disproportionate. Development that does not fall to be considered under one of these categories will be considered inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. Paragraph 154 of the NPPF stipulates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the

existing use of land or a change of use), including buildings for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would: – not cause substantial harm on the openness of the Green Belt and (h) other forms of development provided they preserve its openness and do not conflict with the purposes of land within it. These include: i. mineral extraction; ii. engineering operations; iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location; iv. the re-use of buildings provided that the buildings are of permanent and substantial construction; v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

15. Paragraph 155 of the NPPF (2024) also states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where: a) the development would utilise grey belt land and not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) There is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to [paragraphs 110 and 115 of this Framework]; and (d) where applicable, the development proposed meets the ‘Golden Rules’ requirement set out in paragraphs 156 and 157 below.

16. Grey Belt is defined within the NPPF (2024) as *‘For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.’*

17. Whether the proposal would meet any of the exceptions above has been carefully considered by the local planning authority. Only parts (e) and (g) require consideration in relation to the current proposal.

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

18. 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.
19. Account should be taken of the boundaries of urban areas and the boundaries of the Metropolitan Green Belt set in the Proposals Map to the council's allocation plan. 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.
20. The Rochford Council Core Strategy states the below:
- 2.67 - Within the District there are four tiers of settlement. The first tier comprises Rayleigh, Rochford and Hockley. These are all settlements with a range of services and facilities as well as some access to public transport.*
- 2.68 - Of the first-tier settlements, Rayleigh has the best access to services within the district. Rochford and Hockley contain local town centres catering for local need. Management Horizons Europe's (MHE) UK Shopping Index (2008) ranks the top 7,000 retail venues within the UK (including town centres, stand-alone malls, retail warehouse parks and factory outlets) based on current retail provision. This index ranks Rayleigh as a minor district centre, Rochford as a local centre, and Hockley as a minor local.*
21. 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 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 and district from in character 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.

22. In respect of exception (e) it is considered that the proposal would not represent limited infilling in a village.

23. It is concluded that the application site is unlikely to be considered to be part of a village and therefore the proposal cannot be considered under exception (e) of the NPPF.

Exception under part (g); limited infilling or the partial or complete redevelopment of previously developed land (PDL)

24. In respect of exception (g), the impact of the proposal on the openness of the Green Belt must be assessed. In terms of footprint, the existing structures to be demolished total some 160m². The proposed bungalow would have a footprint of approximately 125m². This represents an overall decrease in footprint on the site, with a preferable built form taking into account the array of ranging roof forms including a flat roof on the existing structures.

25. The proposed dwelling would have a ridge height of approximately 4.36m compared to the existing extension on the site it would replace which has a maximum height of 3.9m. This is not considered to amount to a significant increase particularly as the design is hipped with the sloping sides to the roof form reducing down from a high point at the central ridge. It is noted some of the existing extension and structures to be removed present a lower ad – hoc flat roofed form. The submitted plan states that the proposed bungalow would present an overall 52m³ volume decrease compared to the existing structure to be removed.

26. In this case it is considered that the overall volume reduction would offset any significant harm on the Green Belt, albeit acknowledging the slight increase in height of the proposed structure. In this case, it is therefore considered that the proposal could be accepted under exception (g) with the proposal not having a substantial impact on the openness of the Green Belt.

27. In this case, with the removal of the existing extensions fundamental to the acceptability of the proposal in terms of Green Belt calculations, in which the proposal seeks to offset the harm the new dwelling would have through the demolition of existing buildings; the Local Planning Authority would need seek to ensure that permitted development rights are removed for the site known as Bricklayers Arms, taking into account that this dwelling could construct development under those rights to the area proposed to be removed as an additional outbuilding or extensions. The Bricklayers Arms has been included within the red line and therefore with any granting of permission, permitted development rights for this site as well as the new resultant site housing the new dwelling would also be removed to control any further impact on the openness of the Green Belt.

Other Considerations

28. Core Strategy Policy CP1 and Policy DM1 of the Development Management Plan (DMP) both seek to promote high quality design that would promote the character of the locality. Policy DM3 provides specific criteria against which infilling, residential intensification and 'backland' development should be considered.

Policy DM3 – Infilling and Residential Intensification (Principle and Impact on Character)

29. 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;

Trenders Avenue does not have an existing street pattern per se, but presents sporadic dwellinghouses and sites, some set back significantly from the road. It is also noted that there are some dwellings and sites which sit adjacent to each other, including some semi-detached pairs. The relationship however between the existing dwelling and the proposed would be one where a two storey dwelling could be considered somewhat dominant compared to the proposed bungalow taking into account the proximity. The proposal however does present significant separation and with the bungalow presenting from the street scene with suitable width and not breaching the Councils 45 degree test which is used to assess overshadowing. The relationship is considered acceptable and is not considered to be so jarring to refuse the application in this regard.

The street scene is mixed with a range of dwelling types and styles. The form and materials proposed is considered appropriate in this setting.

- (ii) whether the number and type of dwellings being proposed are appropriate to the locality having regard to existing character;

The immediate locality is characterised by a mix of dwelling styles, comprising bungalow style dwellings, two storey detached and semi-detached dwellings and modern barn style dwellings from the close by Heron Stream Place estate. The proposed dwelling would therefore not, be out of context in the locality.

The single dwelling proposed is appropriate in the locality taking into account the previous comments regarding the acceptability of a new dwelling in the Green Belt.

- (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;

The Council cannot demonstrate a five-year supply of deliverable housing sites and therefore this assists in justifying the dwelling (taking into account the fact it meets the exceptions relating to Green Belt development) which would have a contribution to supply albeit as a windfall site and limited.

- (iv) an assessment of the proposal's impact on residential amenity

This is considered separately below.

- (v) avoiding a detrimental impact on landscape character or the historic environment;

It is not considered that there are concerns regarding the proposal in respect of the historic environment or impact on landscape character.

- (vi) avoiding the loss of important open space which provides a community benefit and/or visual focus in the street scene;

This part of the site does not offer open space which provides community benefit or visual focus within the street scene.

- (vii) the adequate provision of private amenity space for the proposed dwelling as set out in Supplementary Planning Document 2: Housing Design;

The Council's supplementary planning policy document (SPD2) requires that all new dwellings are provided with a garden of at least 100 square metres. In this case however, the proposed garden area which would be some 200m² is considered acceptable.

- (viii) the availability of sufficient access to the site and adequate parking provision;

Essex County Council Highways Authority have been consulted regarding the application and have no objection to the proposal, including the parking arrangement which would meet the parking standards. This has been assessed in full within the Highway Safety section of this report.

- (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.

The proposal is not considered to result in a tandem relationship between dwellings, with the proposal presenting a traditional side to side relationship, with the existing building line retained.

Impact on Residential Amenity

30. Paragraph 135 f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
31. It is considered that the proposed dwelling would have a positive relationship with existing and nearby buildings. The NPPF also seeks to create places which have a high standard of amenity for future users.
32. The new dwelling only presents one side elevation window at ground floor level serving an ensuite and therefore taking into account the height of the proposed dwelling, it is not considered that the new dwelling would have significant overlooking concerns upon the existing dwelling.
33. The existing dwelling is of significant height at two storey level, however given that the proposed dwelling projects deeper into the site, it is not considered that any outlook from the existing dwelling would be detrimental upon the proposed dwelling, or its garden. Although a rooflight is proposed to the roof slope of the new dwelling, given the separation, it is considered that any outlook from the existing dwelling would be of such an angle that it would not lead to significant overlooking into the new dwelling proposed.

Garden Area

34. SPD2 requires two bedroomed properties to provide 50m² of garden area with three bedroomed properties providing 100m². The proposal would result in the dwelling having a garden area in excess of 100m².

Sustainability

35. 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.

36. 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.
37. 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.
38. The dwelling would have two double bedrooms and a single bedroom. This would therefore be a three bedroom, five person dwelling. This would require a Gross Internal Area of 86m² and 2.5m² of in built storage. The proposed dwelling would have approximately 98m² of GIA with 2.5m of built in storage and exceeding the minimum requirements.

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

39. 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.
40. 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

41. 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.
42. 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.
43. 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.

Trees

44. 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. The planning application form states there are trees or hedges on the site. There are trees that line the northern boundary which would remain with the exception of one small tree. This tree is not subject to TPO preservation. The hedge line would continue behind the proposed post and rail fencing along the roadside edge with the exception of the new driveway access. In this case, it is considered

that the vegetation to be removed is not of such significance to refuse the application and new landscaping can be agreed through condition.

45. With the demolition of the existing structures being fundamental to the proposal, a bat declaration form has been completed by the applicant which indicates that the proposal would be unlikely to lead to the harm to bats or their habitats.
46. Given the site characteristics, there are no other ecological considerations of note that would be impacted by the development.

Biodiversity Net Gain

47. 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.
48. 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 in that the development stated on the planning application form being a custom/self-build development. The applicant has stated within the self/custom build proforma that he is helping design the dwelling for his daughter who would live in the new dwelling.
49. The applicant has not therefore been required to provide any BNG information.
50. 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.
51. 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. A condition to ensure the occupancy of the dwelling by the daughter of the applicant for a period of 3 years will also be imposed on any granting of planning consent as the self/custom build exception has been applied.

Refuse and Waste

52. 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).
53. The Council operate a 3-bin refuse and recycling system. According to the submitted plans there is sufficient space within the applicant's curtilage to accommodate the refuse bins.

Flood Risk

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

Highway Safety

55. A three-bedroomed dwelling would require two parking spaces meeting the 5.5m x 2.9m requirement. An area has been allocated on the proposed new site for the parking of two vehicles on an area of hardstanding which would meet the above requirements.
56. The Highway Authority have been consulted on the application and have concluded that the proposal is acceptable subject to conditions and would not be detrimental to highway safety. It is noted that the applicant should ensure the permission from the landowner for the provision of the crossover as Trenders Avenue is a private road.

Foul drainage

57. Development on sites such as this 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.
58. 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.

Equalities and Diversity Considerations

59. 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.

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

61. 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

62. The proposal is considered to comply with local and national policy and guidance and is therefore considered acceptable.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments received.

Neighbour representations: No responses 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 23.715 – 001 (dated 25.10.2024), 23.715 – 101 (dated 18.10.2024), 23.715 – 201 (dated 18.10.2024) and 23.715 – 202 (dated 28.10.2024).

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. Details relating to the external facing materials to be used in the construction of the development hereby permitted, shall be submitted to and agreed in writing by the Local Planning Authority prior to their first use.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out to the existing dwelling "Bricklayers Arms" or the new dwelling to which this application relates without the prior approval of the Local Planning Authority.

REASON: To ensure continued control over the extent of further building on the site in the interests of the open character of the Metropolitan Green Belt in view of the acceptability of the proposal being based on the reduction in development on the site that would be undermined by future development.

5. 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.

6. Prior to first occupation of the development hereby permitted, a new driveway and parking area shall be provided to the site frontage as shown on plan 23.715 – 201 (dated 18.10.2024) accommodating two car parking spaces each measuring 5.5m deep x 2.9m in width. The spaces shall be retained for the use solely for the parking of vehicles in perpetuity thereafter for the duration of the development.

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 policies DM1 and DM30 of the Rochford Council Development Management Plan.

7. Notwithstanding the details shown on the approved plan/application form details of surfacing materials to be used on the driveways of the development, which shall include 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 the laying of the hard surfaces to form the driveway. The development shall be carried out in accordance with the approved details.

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

8. The public's rights and ease of passage over public bridleway No. 64 (Rawreth) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 (part ii) of the Rochford Council Development Management Plan.

9. The new dwelling (Bungalow) hereby approved shall be first occupied by the person known as Grace Green (stated as the applicant's daughter within correspondence and the submitted self / custom build proforma) 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 dwelling being self / custom build. The dwelling must be delivered as a self / custom build dwelling 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 as under the terms of the application considered would be exempt.

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