



PLANNING APPLICATIONS WEEKLY LIST NO. 1743
Week Ending 7th February 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 27 February 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **12th February 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

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

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2. 24/00650/FUL - 62 Great Wheatley Road Rayleigh PAGES 7-18
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| Application No : | 24/00906/FUL Zoning : MGB |
| Case Officer | Mr Thomas Byford |
| Parish : | Rawreth Parish Council |
| Ward : | Downhall And Rawreth |
| Location : | Land Rear Of 128 Rawreth Lane Rayleigh |
| Proposal : | Application to vary planning condition 4 (timeframe for implementation of landscaping works) pursuant to reserved matters consent 24/00138/REM (Application for reserved matters approval relating to access, appearance, landscaping, layout, and scale pursuant to outline planning consent 20/00592/OUT for two detached dwellings). |

SITE AND PROPOSAL

1. This application relates to land rear of 128 Rawreth Lane, Rayleigh in which an application for Reserved Matters was approved on 17th April 2024 following an allowed appeal for Outline Permission for two detached dwellings (20/00592/OUT).
2. The applicant wishes to vary condition 4 from consent 24/00138/REM which relates to the timeframe for the implementation of landscaping works (under Section 73 of the Town and Country Planning Act 1990). Condition 4 from the above reads as follows:

'4. The landscaping scheme (including all hard and soft landscaping works) as shown on drawing 0323543-L05 Revision C (as per date stated on plan August 2023) and the accompanying landscaping schedule received by the Local Planning Authority on 26th February 2024 shall be carried out within 12 months of the date of grant of reserved matters approval (all hard landscaping works) and all soft landscaping works carried out in the first planting and seeding season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority give written consent to any variation.'

REASON: To ensure appropriate landscaping of the site in compliance with policy DM1 and DM3 of the councils Development Management Plan and Supplementary Planning Document (SPD) 2 Housing Design.'

RELEVANT PLANNING HISTORY

3. Application No. 14/00645/FUL - Demolish Semi-Detached Bungalow and Construct One Detached Four Bedroomed Chalet – Permitted.
4. Application No. 20/00592/OUT - Outline application for residential development comprising two detached dwellings. (All matters reserved) – Non Determination – Allowed at Appeal.
5. Application No. 23/01002/DOC - Discharge of conditions no 8 (Construction method statement) and no 9 (electric vehicle (EV) charging points) of planning permission 20/00592/OUT allowed on appeal APP/B1550/W/21/3275474 dated 17/01/2023 – Discharged.
6. Application No. 23/01003/REM - Reserved matters application following grant of planning permission for two detached dwellings (Ref: 20/00592/OUT) considering access, appearance, landscaping, layout and scale – Refused.
7. Application No. 24/00138/REM - Application for reserved matters approval relating to access, appearance, landscaping, layout, and scale pursuant to outline planning consent 20/00592/OUT for two detached dwellings. – Permitted.

MATERIAL PLANNING CONSIDERATIONS

8. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
9. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
10. The applicant has stated that the condition imposed at the Reserved Matters stage is impossible to achieve as it is contradictory with the outline consent at appeal. The applicant has stated that the timescale should be taken from that given within the appeal decision which reads as follows:

‘3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.’
11. The date of approval of the Reserved Matters application was 17th April 2024. The development therefore shall be commenced no later than 16th April 2024. Condition 4 from the Reserved Matters application however states that the hard landscaping works shall be carried out

within 12 months of the date of the granting of Reserved Matters. This would be 16th April 2025 which is inconsistent with the date condition given as part of the appeal.

12. The applicant seeks to therefore revise condition 4 of the Reserved Matters consent (24/00138/REM) so that it would read:

‘The soft landscaping scheme as shown on drawing 0323543-L05 Revision C (as per date stated on plan August 2023) and the accompanying landscaping schedule received by the Local Planning Authority on 26th February 2024 shall be carried out within the first planting and seeding season following the occupation of any building or the completion of the development, whichever is the sooner. The hard landscaping scheme as shown on drawing 0323543-L05 Revision C shall be completed prior to occupation of the development.’

Consideration

13. In this case, the Local Planning Authority acknowledges the contradiction within these two permissions and the proposed variation of condition is acceptable. The landscaping scheme is still required to be implemented and complied with, and it is not considered that the variation of the condition would impact the delivery of the landscaping on the site.

Biodiversity Net Gain

14. 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 for most development. Applications for variations of conditions are exempt from BNG as long as they meet the transitional arrangements set out in the Planning Practice Guidance. This application would be exempt.

Equalities and Diversity Implications

15. 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.

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

17. 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

18. The proposed variation of condition is acceptable and is not considered detrimental to the scheme or site.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments received.

ECC Highway Authority – No comments received with this application.

Neighbour representations: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework 2024.

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

Essex Planning Officers Association Parking Guidance Part1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025)

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

The Essex Design Guide (2018).

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

1. The approval of details relates to development for which outline permission 20/00592/OUT dated 17th January 2023 was granted. The development shall be carried out in strict accordance with the conditions set out in the relevant outline planning permission and those conditions set out below.

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

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

0323543-L05 Revision C Site Plan (as per date stated on plan August 2023), 0323543-L06 Revision B Location Plan (as per date stated on plan August 2023), 0323543-L01 Revision C Proposed Floor Plans (as per date stated on plan August 2023), 0323543-L02 Revision B Proposed Elevations (as per date stated on plan August 2023), 0323543-L04 Revision B Proposed Elevations (as per date stated on plan August 2023) and 0323543-L07 (as per date stated on plan February 2024).

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

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

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

4. The soft landscaping scheme as shown on drawing 0323543-L05 Revision C (as per date stated on plan August 2023) and the accompanying landscaping schedule received by the Local Planning Authority on 26th February 2024 shall be carried out within the first planting and seeding season following the occupation of any building or the completion of the development, whichever is the sooner. The hard landscaping scheme as shown on drawing 0323543-L05 Revision C shall be completed prior to occupation of the development.

REASON: To ensure appropriate landscaping of the site in accordance with Policy DM1.

5. The public's rights and ease of passage over public bridleway no. 69 (Rochford) 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 and DM11.

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

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

7. The proposed first floor windows in the flank elevations of plots no.1 and no.2 shall on first occupation be glazed in obscure glass and to a window design not capable of being opened below a height of 1.7m above finished floor level. The windows shall be retained as such thereafter over the lifetime of the use and occupation.

REASON: In the interests of safeguarding privacy between adjoining occupiers in compliance with policy DM1 of the council's Development Management Plan and the council's Supplementary Planning Document (SPD) 2.

8. Notwithstanding the requirements of condition 4 and the details of plan reference 0323543-L05 Revision C the car parking spaces to serve the development including plots 1 and plots 2 shall be fully constructed such as to be capable of use on first occupation of the development approved by this reserved matters approval.

REASON: To ensure the timely and adequate provision of car parking space to serve the development in compliance with planning policy DM30 of the council's Development Management Plan.

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

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| Application No : | 24/00650/FUL Zoning : MGB |
| Case Officer | Mr Thomas Byford |
| Parish : | Rayleigh Town Council |
| Ward : | Wheatley |
| Location : | 62 Great Wheatley Road Rayleigh Essex |
| Proposal : | Garden extension involving change of use of land from agricultural land to use as residential garden. Demolish existing outbuilding and construct new outbuilding for use as a gym, plant and shower room in connection with the dwellinghouse. |

SITE AND PROPOSAL

1. The application site is located on the north side of Great Wheatley Road, Rayleigh. The site presents a similar relationship as many of the adjacent sites, where the dwelling itself is located within residential zoning, with a part of the garden area allocated within the Metropolitan Green Belt.
2. The rear garden to the site, presents an existing outbuilding just north of the existing swimming pool. This has a footprint of some 11m². This is sited just south of the Green Belt Boundary and therefore is not within the Green Belt.
3. The proposal seeks a garden extension involving the change of use of the existing agricultural land to use as a residential garden, demolish the existing outbuilding and construct a new outbuilding on the land proposed to change use.
4. The building proposed would be used as a store, a plant and shower room and a w/c, stated to be ancillary to the dwellinghouse.

RELEVANT PLANNING HISTORY

5. Application No. 85/00513/FUL – Extend existing garage to front – Approved.
6. Application No 24/00730/FUL - Ground and first floor front and rear extensions with alterations to side elevation and loft extension to create rooms in roof with rooflights to front - Approved 2nd January 2025.

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. Section 13 – Protecting Green Belt land of the NPPF states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently

open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of its inappropriateness and any other harm, and that such harm is clearly outweighed by other considerations.

10. Policy DM22 of the Rochford Council's Development Management Plan states that extensions to domestic gardens onto land within the Green Belt will only be permitted provided that:

- (i) the proposal includes appropriate boundary treatment and would ensure a defensible and robust Green Belt boundary, for example where the extension would infill the designated residential area in line with other gardens adjacent to the dwelling;
- (ii) the size of the proposed garden extension is not out of proportion with the size of the existing garden;
- (iii) the proposal would not impact on the openness or undeveloped character of the Green Belt through the erection of fences, additional buildings and other built structures.
- (iv) The proposal would not encroach on high quality agricultural land (particularly Grade 1 or 2)
- (v) The proposal would not adversely impact on other areas of open space; and
- (vi) The proposal would not adversely impact on the conservation value or protection of natural areas of local wildlife value, or sites of national and international importance, or the historic environment.

11. Policy DM22 also states that with any planning permission granted for garden extensions into the Green Belt, conditions will be imposed withdrawing permitted development rights relating to the provision of buildings and other structures within the curtilage.

12. The intent from Policy DM22 is clear that buildings on land granted by virtue of a change of use from within the Green Belt is generally not acceptable.

13. In reference to Policy DM22 above, a garden extension that is not out of proportion to the existing residential garden may not be objected to as long as it complies with the remaining parts of Policy DM22. Although originally the plans did not show what proportion of the land would change use, the planning agent has since submitted a further plan which does clearly show that this land would be limited to where the

outbuilding would be sited and an area to the east. Considering the size of the site overall, this would likely be considered proportionate. It would be necessary if approved to ensure that a suitable boundary treatment is used to separate any remaining agricultural land from the residential garden area.

14. It appears there is some very minor encroachment in the Green Belt by other sites as stated within the applicants submitted plan (namely that at No. 58). On review of the recent planning history for No. 58, there are no applications relating to this building or the gardens encroachment into the Green Belt. Although not for determination within this application, little weight is given to this encroachment by No. 58, taking into account that the Local Planning Authority (LPA) has no details of that building's lawfulness, nor the change of use. The applicant has also looked at some encroachment by another site to the east however this is again not given significant weight, again with the LPA having no history of consent given for that development. It is considered that the immediate sites along this part of Great Wheatley Road do present and retain a robust Green Belt boundary. In any case, the part of that outbuilding at No. 58 that encroaches onto the Green Belt land (noting no permission granted from the LPA) is minimal and cannot be compared to the area applied for here within this application, which is much larger in scale, with an outbuilding of a much greater size proposed on that land. Part (i) of Policy DM22 also states that extensions into the Green Belt may be acceptable where the extension 'would infill the designated residential area in line with other gardens adjacent to the dwelling'. It cannot be seen that this would be an infill to bring the boundary in line with other dwellings. It is however considered that approving this garden extension would set a precedent for the other gardens adjacent to do the same in line with this change of use, causing further erosion into the Green Belt. This is considered unacceptable and would directly conflict with this part of this policy.
15. The applicant has shown on a supporting letter dated 24th October a clear Green Belt boundary along the immediate row of dwellinghouses, along this side of Great Wheatley Road. The land to the rear of all of these dwellings is understood to be free from development that would significantly impact the Green Belt, save a small part of the building constructed at No. 58 which the LPA have no evidence of its lawfulness. It is considered that this land, taking into account the openness and absence of built form, does strongly contribute to the character and openness of the Green Belt. Although there is no clear boundary fencing for some of the other properties to divide this land, it is clear to see that this land has a level of openness unlike land generally in use as a residential garden such as that closer to the dwellings. The general use / paraphernalia associated with residential gardens is likely to be harmful to this openness.
16. It is therefore considered that the proposed garden extension would deteriorate the existing strong Green Belt boundary which separates

residential and Green Belt land and its character. It is of concern that eroding this Green Belt boundary may lead to further residential infill within the immediate area with detriment to the Green Belt. This is seen to fall contrary to the aims of Green Belt policy (Policy DM22 (i) and Section 13 of the NPPF, potentially causing further eroding of Green Belt land.

17. Part (iii) of Policy DM22 states that garden extensions will not be permitted if it is considered to impact the openness or undeveloped character of the Green Belt through the erection of fences, additional buildings and other built structures.
18. In *Timmins vs Gedling Borough Council* [2014] it was stated that any construction harms openness quite irrespective of its impact in terms of obtrusiveness or its aesthetic attractions or qualities. This is supported by *R (Lee Valley Regional Park Authority) vs Epping Forest DC* [2016] whereby it was outlined that the concept of openness means the state of being free from built development and it is the absence of buildings which creates the absence of any visual impact.
19. It is therefore considered that the construction of a building on Green Belt allocated land would have an impact on the openness and undeveloped character of the Green Belt land at this site and would be seen to fall contrary to part (iii) of Policy DM22.
20. It is noted in the Council's Development Management Plan that any granting of garden extensions into the Green Belt would be conditioned to withdraw permitted development rights relating to the provision of buildings and other structures within the curtilage of the dwelling.
21. It is therefore considered that the granting of planning permission for the extension of the residential garden for the site into the Green Belt to construct an outbuilding would conflict with and be contradictory to, the condition requirement noted under this Policy, undermining the aims of that policy to preserve this land and retain its undeveloped character.
22. Paragraph 154 of the National Planning Policy Framework states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The exceptions to this are given in Paragraph 154 however outbuildings used for storage are not included in this list. It is therefore considered that the outbuilding is inappropriate development in the Green Belt.
23. It is important to draw on recent both recent case law and appeal decisions for proposals of a similar nature. Appeal Ref: APP/B1550/C/20/3256479 and APP/B1550/C/20/3256480 and were dismissed regarding a proposed material change of use of land adjacent to 246 Little Wakering Road to use as domestic garden used incidental to the residential premises known as 246 Little Wakering

Road. It was concluded that even though the applicant stated special circumstances in the form of outbuilding facilities to accommodate a granddaughter with learning difficulties, this needed to be weighed against the totality of the harm to the Green Belt. It is noted in this case that this area of land proposed to change use was larger than that proposed here, however it was considered that the development was inappropriate development in the terms set out in the National Planning Policy Framework and did lead to a loss of openness and harm to the character of the area.

24. There are no very special circumstances put forward regarding the outbuilding that can be weighed against the harm of the development on the Green Belt.
25. It is therefore considered that the development would constitute inappropriate development in the Green Belt and there are no very special circumstances put forward by the applicant that would clearly outweigh the harm upon the Green Belt.

Impact on Residential Amenity

26. Given the site characteristics and low height of the proposal, it is not considered that the proposal would have a significant impact on residential amenity of neighbours, be that overshadowing or overlooking. There have been no objections regarding the proposal on these grounds from neighbours.

Trees and Ecology

27. There are no trees subject to Tree Preservation Orders that would be impacted and therefore it is not considered that the proposal would have a significant impact on trees.
28. Policy DM27 of the Rochford Council Development Management Plan states that 'Proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat. In such cases the Local Planning Authority will impose conditions and/or seek the completion of a legal agreement in order to:
 - (i) secure the protection of individual members of the priority species and/or habitats;
 - (ii) minimise the disturbance to the priority species and/or habitats; and

- (iii) provide adequate alternative habitats to sustain at least the current levels of population for protected species and/or provide a compensatory habitat to offset potential loss or disturbance of a priority habitat.'

29. The proposal includes the demolition of the existing outbuilding.
30. The bat survey declaration form submitted has answered 'yes' to one of the declaration options. The option selected 'yes' reads as follows:
- 'Does your proposed development include the modification, conversion, extension, demolition or removal of buildings and structures involving the following:
- All buildings with weatherboarding and or hanging tiles that are within 200 m of woodland or water (ponds, lakes, rivers, streams).'
31. A pond is shown to the north-east approximately 40-50m from the application site. The building referred to is understood to be the existing outbuilding on the site.
32. Essex County Council Place Services Ecology were initially consulted on the application and have stated that it cannot be ascertained as to whether the building has the potential to provide a roosting habitat for bats. The planning agent has since submitted further comment and documentation in relation to this.
33. Following that information being submitted, Place Services Ecology have reviewed the new information and have stated that upon review of the information bats are unlikely to be present and affected by proposals and the shed clearly contains negligible suitability based on the photographs.

Biodiversity Net Gain

34. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. 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. This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
35. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase

can be achieved through on site biodiversity gains, registered off site biodiversity gains or statutory biodiversity credits.

36. Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the LPA and get the condition discharged prior to commencement of development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.
37. At the planning application stage, an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.
38. In this case the developer has indicated that the statutory biodiversity gain condition would apply, and officers agree.
39. The legislation requires that some BNG information relating to pre-development habitat at the site is submitted with a planning application in order that the application can be validated. The applicant has submitted this required information. The Essex County Council Place Services ecology team have provided a consultation response following their consideration of the application and the BNG information submitted, and this response is summarised below:

‘We are not satisfied that there is sufficient ecological information available for determination of this application. This is because additional information on bats and mandatory biodiversity net gains should be supplied for the application prior to determination.’
40. Place Services have reviewed the submitted Biodiversity Net Gain Assessment and Statutory Biodiversity Metric (Front Architecture, October 2024) and are not satisfied with the information submitted. This is because the Statutory Biodiversity Metric -Calculation Tool should be completed by a competent person, as per the Statutory Biodiversity Metric – User Guidelines. No evidence of this or qualifications have been provided to demonstrate that the user can appropriately identify habitats. It is also noted that the hedgerow within the site is listed as introduced scrub in the metric. Justification should be given on why this has been chosen over listing it as linear habitat. Alternatively, this should be included within the hedgerow unit tab.
41. There are further matters which would also need to be addressed if the proposal were approved which have been highlighted by Place Services in relation to BNG. These are stated below:
 - As the plans involve changing the land from agricultural land (modified grassland) to residential garden, the post development plans should reflect that by making the habitat as ‘vegetated

garden'. As per the statutory metric guidelines, trees therefore cannot be used as a biodiversity enhancement within private gardens, and therefore cannot be included as a means of achieving net gain.

- The proposed hedgerow has been given a high strategic significance and put as good condition, but no justification for why it has been given high strategic significance or how good condition will be achieved has been provided.
- While the BNG assessment mentions the planting of a new native species hedgerow along the western boundary, this is not shown on the post development map.

42. Although the advice from Place Services has not specifically recommended a refusal in relation to BNG at this time, it is indicated that further information is required with a holding objection in relation to Biodiversity Net Gains.
43. Upon receiving these comments in relation to bats and BNG, the planning agent has submitted further documentation, looking to address the issues raised by Place Services Ecology.
44. Place Services have provided further comment regarding the new documentation provided. The agent has submitted a document stating that they believe the BNG is exempt from the application as it is for self / custom build development. This does conflict with the submitted application form which ticks 'YES' to whether the agent believes that the Biodiversity Gain Condition would apply to the development.
45. The LPA and Place Services Ecology do not agree that the scheme is exempt from BNG under the self build / custom build exemption as a new outbuilding does not fall under this exemption. The comments from Place Services again state that it is not considered that a 'competent person' has undertaken the Statutory Biodiversity Metric – Calculation Tool, based on the further competency statement, as the attendance of courses on BNG is not sufficient justification to be able to complete this calculation tool. The government's Planning Advisory Service (PAS) Guidance provides further context on what a 'competent person' is in terms of BNG. This guidance indicates that a 'competent person' is an individual being able to confidently identify the positive and negative indicator species for the range of habitats likely to occur in a given geographic location at the time of year the survey is undertaken.
46. It is therefore considered that the applicant should either submit the Small Sites Metric – Calculation Tool or get the current metric validated by a 'competent person'.
47. Taking into account the concerns in principle in relation to the change of use and outbuilding in which the proposal is considered to conflict

with local policy in relation to garden extensions into the Green Belt and the NPPF, it is considered that it is of no use at this stage to endeavour to obtain further information to solve the issues raised by Place Services in relation to BNG on the site. These reasons will therefore be included as reasons for refusal with the scheme, required to be addressed with a resubmission should one come forward.

Equalities and Diversity Implications

48. 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.

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

50. 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.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council – No comments received.

Neighbouring representations:

One response has been received from the following address:

Great Wheatley Road: 60.

And which in the main makes the following comments and objections summarised as below:

- No objection to the construction of the building
- Concerned however with the precedent a change of use of the garden would set for future changes and other land.
- Could impact other land without any impact assessment on privacy or restriction of views and impact on local wildlife.

Essex County Council Place Services Ecology – Holding objection in relation to BNG.

Relevant Development Plan Policies:

National Planning Policy Framework 2024.

Core Strategy Adopted Version (December 2011) – Policy CP1.

Development Management Plan (December 2014) – Policies DM1, DM3, DM22.

Essex Planning Officers Association Parking Guidance Part1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025).

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

The Essex Design Guide (2018).

Schedule 7A of the Town and Country Planning Act 1990.

Schedule 14 of the Environment Act 2021 (amended by the Levelling Up and Regeneration Act 2023).

Biodiversity Net Gain Planning Practice Guidance (PPG).

RECOMMENDATION: REFUSE

Reasons for refusal:

1. The proposed outbuilding is considered to be inappropriate development in the Metropolitan Green Belt. There are no very special circumstances put forward by the applicant that would outweigh this harm upon the Green Belt. The proposal would fall contrary to paragraph 153 and 154 of the National Planning Policy Framework.
2. The garden extension involving the change of use and outbuilding proposed falls contrary to Policy DM22 (i) of the Council's Development Management Plan with the proposal causing a deterioration of the existing strong Green Belt boundary.
3. The proposal falls contrary to part (iii) of Policy DM22 of the Council's Development Management Plan with the proposal having an adverse impact on the openness of the Green Belt through the erection of a built structure on the land. The proposed development would fall contrary to policies DM1 and DM22 of the Council's Development Management Plan and the National Planning Policy Framework.

- There is no evidence to suggest that the Biodiversity Metric - Calculation Tool has been completed by a competent person as per the User Guidelines with the hedgerow within the site listed as introduced scrub with no justification. The submitted documents are considered to conflict with the necessary biodiversity net gain requirement as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 (inserted by Schedule 14 of the Environment Act 2021 and amended by the Levelling Up and Regeneration Act 2023) and the Biodiversity Net Gain Planning Practice Guidance (PPG).

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

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| Application No : | 24/00655/FUL Zoning: Metropolitan Green Belt |
| Case Officer | Mr John Harrison |
| Parish : | Rochford Parish Council |
| Ward : | Roche South |
| Location : | Land Adjacent 15 Southend Road Rochford |
| Proposal : | Application under s73 to vary the reserved matters consent reference 24/00343/REM (Application for reserved matters comprising landscaping and appearance for the erection of storage structures, office and staff coffee/refreshment hut in association with existing business selling fencing and sheds including associated circulation and parking areas pursuant to outline planning permission reference 23/00357/OUT) by removing planning condition 5 (minimum ground floor levels). |

SITE AND PROPOSAL

- The site is a former nursery which had evolved into a garden centre on the east side of Southend Road, Rochford at the junction made with Tinkers Lane. It is now occupied by a business selling fencing, sheds and similar and related products. The site is L-shaped with the front part which is one arm of the “L” laid out as car park. Beyond that is a single-storey sales building which appears to have been refurbished relatively recently and to the south of this three polytunnels which are used for storage. The rear part of the site which comprises around a third of the site, comprises greenhouses which are in poor condition. Quite a lot of the site is open with some of it being used to display products for sale and some for vehicle circulation purposes.
- To the immediate north of the site is an access track leading to land behind and beyond that the “Horse and Groom” public house with its car park behind and behind that what appears to be a disused

commercial storage yard. To the south on the neighbouring frontage is a small financial services business and beyond that a detached house, 15 Southend Road. To the rear is nursery land. On the opposite side of the road are the Powell Court flats.

3. Application 24/00343/REM was a reserved matters approval following application 23/00357/OUT. Three buildings were proposed:
 - a) A single-storey flat-roofed office building to the north of the existing sales building towards the front of the site. This is rectangular albeit with a corner rounded off, 4.4 metres x 8.45 metres.
 - b) A single-storey staff coffee hut, 2.44 metres x 2.4 metres. This would be located in front of the new office.
 - c) Three storage buildings towards the rear of the site. These will have an eaves height of 4 metres and an overall height of 5 metres, maximum heights stipulated by a condition on the outline permission. These would each be 12 metres x 15 metres.

The proposal also involved alterations to the layout of the site in terms of providing an access way down the centre of the site and new parking areas.

4. This application seeks to remove or vary the following condition:

Condition 5: The proposed buildings shall be constructed with a ground-floor level of at least 5.67 metres above ordnance datum.

REASON To prevent environmental and amenity problems arising from flooding.

RELEVANT PLANNING HISTORY

Application No. 661/82 – Erect greenhouse, sales office/store shed and retain existing greenhouse. Granted.

Application No. ROC/337/92 – Outline application for residential use. Refused.

Application No. 92/00289/FUL - Replacement of Existing Greenhouses With Polytunnels (Stage 1). Granted.

Application No. 92/00290/FUL - Replacement of Existing Greenhouses With Polytunnels (Stage 2). Granted.

Application No. 92/00291/FUL - Replacement of Existing Greenhouses With Polytunnels (Stage 3). Granted.

Application No. 92/00292/FUL - Replacement of Existing Greenhouses With Polytunnels (Stage 4). Granted.

Application No. 4/00268/FUL - Variation of Conditions 4 and 7 of Planning Permission ROC/661/82 Relating to the Display and Sale of Goods Application No. Ancillary to the Four Seasons Nursery. Granted.

Application No. 95/00549/OUT - Outline Application to Erect Block of Eight Flats With Associated Car Parking. Erect New Entrance Arch and Parking Area for Nursery. Refused.

Application No. 19/00554/OUT – Outline application for five detached and four semi-detached dwellings (total of Nine), car parking and garaging. Refused.

Application No. 21/00216/FUL - Proposed height increase to existing wall. Granted.

Application No. 23/00357/OUT - Outline submission to erect storage structures, office and staff coffee/refreshment hut in association with existing business selling fencing and sheds including associated circulation and parking areas with all matters reserved. Granted.

Application No: 24/00343/REM - Application for reserved matters comprising landscaping and appearance for the erection of storage structures, office and staff coffee/refreshment hut in association with existing business selling fencing and sheds including associated circulation and parking areas pursuant to outline planning permission reference 23/00357/OUT. Granted.

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. The condition for which the applicant is requesting a variation was imposed as it was considered necessary by district officers to meet the Environment Agency's requirement on the original application. When this current application was submitted, a revised flood risk assessment was obtained. This is the relevant paragraph from it justifying a lower ground floor level:

“Whilst the SFRA's guidance recommends that FFLs are set 0.6 m above the 1 in 200 year (2115 scenario) flood level of 5.07mAOD, this

would result in a negative impact on the green belt environment the Site is situated in. Therefore, Finished Floor Levels (FFLs) of the proposed development will be set to 5.31mAOD to provide a betterment on the existing level of 5.16mAOD.”

8. There is an issue here regarding balancing impact on the Green Belt and the desirability of having as high a floor level as possible/reasonable. The outline and reserved matters applications included supporting information that on analysis, required the land level to be raised some 1.3m. The current application is supported by a revised flood risk assessment and follows a revised topographical survey requiring an increase in and level of much less of some 0.15m. In responding to this current application the Environment Agency has, perhaps somewhat surprisingly, not indicated they would accept a 5.31 datum which is what the amended flood risk assessment proposes but actually that they do not support the original condition or in revised form as assumed by district officers to be the basis of the Environment Agency not previously objecting given those assumptions in the previous supporting information. This is understood to be because the nature of the development is least vulnerable. On the basis that the Environment Agency have indicated they would not support the original condition and support the removal of this original condition, given this scenario, this is now recommended by district officers and a revised permission be issued reiterating the remaining previous conditions in revised form to reflect as now subsequently discharged following the earlier granting of consent.

EQUALITIES AND DIVERSITY IMPLICATIONS

9. 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.
10. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
11. 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

12. It is recommended that the condition be removed as recommended above. It should be noted that for legal reasons all the conditions on the original planning permission need to be repeated on the decision notice, though some minor updating is necessary as approvals have been granted whereas the original condition required the approval of, for example, a tree protection scheme. If the conditions were not repeated, they would no longer apply.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comments received.

Environment Agency:

Regarding the application to vary the reserved matters to remove condition 12 in relation to the ground-floor Finished Floor Level, we confirm that we have no objection to this condition's removal. Please continue to refer to our previous response, which is still valid. Where the previous letter's bullet points referred to 'Finished ground floor levels', please instead refer to the updated bullet points below:

Actual Flood Risk

- Finished ground floor levels have been assumed to be proposed at same as site level of 4.37m AOD. This is below the fluvial 1% (1 in 100) annual probability flood level including climate change of 4.72m AOD and therefore at risk of flooding by 0.35m depth in this event.
- Finished ground floor levels have been assumed to be proposed at same as site level of 4.37m AOD. This is below the tidal 0.5% (1 in 200) annual probability flood level including climate change of 5.07m AOD and therefore at risk of flooding by 0.70m depth in this event.
- Finished ground floor levels have been assumed to be proposed at same as site level of 4.37m AOD and therefore there is not refuge above the fluvial 0.1% (1 in 1000) annual probability flood level of 5.03m AOD.
- Finished ground floor levels have been assumed to be proposed at same as site level of 4.37m AOD and therefore there is not refuge above the tidal 0.1% (1 in 1000) annual probability flood level including climate change of 5.21m AOD.

Tidal Residual Risk

- Finished ground floor levels have been assumed to be proposed at same as site level of 4.37m AOD. This is below the 0.5% (1 in 200) annual probability undefended flood level including climate change of 5.34m AOD and therefore at risk of flooding by 0.97m depth in this event.
- Finished ground floor levels have been assumed to be proposed at same as site level of 4.37m AOD and therefore there is not refuge above the 0.1% (1 in 1000) annual probability undefended flood level including climate change of 5.55m AOD

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) GB1, ENV3.

Development Management Plan (December 2014) DM10, DM11.

RECOMMENDATION: APPROVE

Conditions:

1. The development shall be carried out in accordance with plan numbers 22691 001, 002, 003, 004, 200 Revision P2, 201, 202, 203 Revision P2 and 204 Revision P2 as supplemented by the external finishes schedule received on 24 June 2024.

REASON: For the avoidance of doubt and to clarify the scope of the application considered.

2. The arboricultural work on site shall be carried out in full compliance with the tree protection scheme and arboricultural method statement approved under reference 24/00750/D0C. The tree protection scheme shall be implemented in accordance with condition 2 (Trees) on planning permission 24/00343/REM. A report on the condition of the trees and protection arrangements, including date stamped site photographs, shall be provided to the Local Planning Authority within a week of each visit by an arboriculturalist as required by the arboricultural method statement.

REASON; To ensure the protection of the trees on site and adjacent to the site.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the premises shall only be used for the sale of the following products; fencing, gates, garden buildings, timber, plants, seeds, garden furniture, soil, compost, garden

equipment, plant pots and troughs, weed and pest killers, fertilisers, landscaping supplies, wood treatment, aggregates, fixings for these products and do-it-yourself tools excluding tools primarily intended for vehicle repair.

REASON: To limit the nature of sales so the business primarily sells bulky goods as the site is not located in a shopping centre and as the site is in the Green Belt and a flood zone to enable the Council to control possible alternative uses within Class E in the interests of maintaining the openness of the Metropolitan Green Belt and mitigation of flood risk.

4. When the vehicle access is altered, it shall be altered as shown on drawing 102 Rev P5. At each side of the access, footways that connect into the site, shall be provided around the kerbed radii. These shall connect to the existing footways in the highway. The footways shall also include any required relocation of the pram crossings and provision of transitions either side of the access.

REASON: To make adequate provision within the highway for pedestrians in the interest of highway safety.

5. 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.

6. The cycle parking scheme shown on the approved plans shall be provided prior to the first occupation of the proposed buildings and thereafter permanently retained.

REASON: To ensure adequate provision of cycle parking.

7. The parking area shown on the approved plans shall be provided prior to the first occupation of any or the proposed buildings and shall thereafter be permanently retained for the use of staff and customers for the duration of the development.

REASON: In the interests of road safety and the free flow of traffic.

8. Prior to the occupation of any phase of the development, the foul water drainage works relating to that phase shall have been carried out in complete accordance with the scheme approved under reference 24/00750/DOC.

REASON To prevent environmental and amenity problems arising from flooding.

- Unless alternative arrangements are agreed with the Local Planning Authority, the proposed buildings shall be constructed in accordance with the flood resistance and resilience specification set out on page 41 of the Flood Risk Assessment document submitted with the application.

REASON: To minimise risk of damage from flooding.

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

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| Application No : | 24/00848/FUL Zoning : MGB |
| Case Officer | Mr Richard Kilbourne |
| Parish : | Canewdon Parish Council |
| Ward : | Roche North And Rural |
| Location : | Waikato Lark Hill Road Canewdon |
| Proposal : | Demolition of existing outbuildings and erection of 1 No. new dwellinghouse (self-build) with associated amenity space and driveway parking |

SITE AND PROPOSAL

- The site currently contains a relatively large part single, part two storey detached dwellinghouse. The property is set approximately within the centre of the spacious plot, which is roughly rectangular in shape and measures approximately 2227m². The case officer noted at the front of the plot (adjacent to the access) were several single storey outbuildings, which were in a poor state of repair (these outbuildings are the subject of this application). Due to the topography of the land, it rises in a northerly direction, so that Waikato (the applicants property) is higher than Lark Hill Road. The application site is located wholly within the Metropolitan Green Belt.
- According to the submitted application full planning permission is sought for demolition of existing outbuildings and erection of 1 No. new dwellinghouse (self-build) with associated amenity space and driveway parking at Waikato Lark Hill Road Canewdon.

RELEVANT PLANNING HISTORY

- Application No. 24/00400/OUT - Outline application with all matters reserved for the demolition of existing outbuildings and erection of 1 No. new dwellinghouse with associated amenity space and driveway parking. Form new vehicular access onto Lark Hill Road – Refused – 4th September 2024. Reasons for refusal:

“The proposed development would result in a materially larger building than the existing buildings to be replaced which would have a greater

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

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

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).

Background Information

6. The previous application (24/00400/OUT) was submitted in outline format with all matters reserved for future consideration. During the determination of this application, it was considered that the proposal would be materially larger than the outbuildings which it sought to replace. Consequently, the proposal would have had a detrimental impact on the openness of the Green Belt contrary to the provisions

cited within the NPPF and the Local Development Management Plan. Moreover, it was considered that the buildings on site could be used by roosting bats and no protected species survey report was submitted with the application. Therefore, it was not feasible to ascertain whether the proposal may result in harm to a protected species. Consequently, to overcome these reasons for refusal, the applicant has submitted a full application, which is accompanied by a protected species survey report. The merits of the case will be fully addressed in the report below.

Green Belt considerations

7. The latest version of the National Planning Policy Framework ('the Framework') was recently 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 over-arching 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.
8. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
9. Both policies GB1 and GB2 of the Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the Framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed within the framework which would also be a material consideration.

10. Consequently, the main issues are:

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

11. Paragraph 142 of the framework states that, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Para. 143 repeats the five purposes of the Green Belt, which include:

- i) To check the unrestricted sprawl of large built-up areas;
- ii) To prevent neighbouring towns merging into one another;
- iii) To assist in safeguarding the countryside from encroachment;
- iv) To preserve the setting and special character of historic towns; and
- v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

12. Paragraph 153 explains that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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

- a) Buildings for agriculture and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;

- f) Limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites) and;
 - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
14. By virtue of paragraph 154 of the Framework, the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to certain exceptions. These exceptions include allowance, subject where appropriate to certain criteria being satisfied, for new buildings, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL). The proposal would be assessed against exception (g), paragraph 154 of the framework.
15. Furthermore, Paragraph 154 exception h) of the framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed.
16. Building upon para 154 is para. 155 of the framework, which enunciates that a number of other circumstances when it is considered that development within the green belt does not constitute inappropriate development, and these are: -
17. 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 would 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' requirements set out in paragraphs 156-157.
18. The guidance stated within paragraphs 156 to 157 are not applicable to the determination of this application.
19. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (R (Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances,

and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgement made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The onus is upon the applicant to demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm. As previously alluded to, it is well-established that very special circumstances may arise by reason of cumulative factors, even if those factors are not “very special circumstances” in their own right.

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

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

Assessment Against Exception (g)

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

22. PDL is defined in the appendix to the NPPF as:

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

previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

23. In order to comply with the first limb of exception g) of para. 154 of the NPPF states that an exception maybe the "...*partial or complete redevelopment of previously developed land, whether redundant or in continuing use*". However, the definition of PDL specifically excludes '*...land in built-up areas such as private residential gardens, parks, recreation grounds and allotments*'. In *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017] EWCA Civ 141 (14 March 2017) a Court of Appeal judge has succinctly considered the words in above. The case involved development in a private residential garden in rural green belt. In this case the Local Planning Authority argued that all private residential gardens are excluded from the definition of previously developed land, whether or not they are in a built-up area. Any other interpretation, so it is said, would give rise to conflicting policies within the NPPF. However, the judge strongly disagreed: "*As a matter of ordinary English I cannot see that any other meaning can be given to this sentence. "Land in built-up areas" cannot mean land **not** in built-up areas*". He held that the development was in the curtilage of land that was occupied by a permanent structure (a residential garden) and as the area was rural it should be classed as previously developed land. The appeal by the Council was dismissed. Considering the above, the case officer acknowledges that the plot is outside the urban area and therefore it would not be excluded from PDL by virtue of being a private residential garden and as such the proposal complies with the first limb of exception g) of para. 154.
24. As previously stated, and according to the submitted plans and the case officers site visit, the application site forms part of the applicants residential curtilage and the proposal involves the subdivision of the plot with one section being retained for Waikato (which is the applicants property and is edged in blue) and the remainder forms the application site (and is edged in red) according to plan reference TPA-00-XX-DR-A-0100 Revision C01. The topography of the land rises relatively steeply away from Lark Hill Road. During the case officers site visit he noted that there were numerous single storey outbuildings which were predominately constructed out of timber (many of which were situated upon brick plinths) which were located centrally within the application site. The case officer observed that the buildings appeared to have been in-situ for some time and due to their method of construction and how they were fixated to the ground resulted in a degree of permanence.
25. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm

to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries.

26. In the justification for the proposal as part of the applicants Design and Access Statement and accompanying plans the agent infers that the proposal complies with part (g) of paragraph 154 of the NPPF as the proposal would constitute the partial or complete redevelopment of previously developed land. The agent also intimates that the proposal would not have any adverse impact on the openness of the Green Belt either visually or spatially due to the existing built form, which will be demolished in order to make way for the proposed development described.
27. According to the submitted plans these buildings are used for a variety of purposes which include storage, workshop, snooker and train sheds, greenhouse etc. The cumulative footprint of all the outbuildings measures approximately 282m². Moreover, the buildings on site vary in height ranging from 1.8m to 3.7m, which is exacerbated due to the difference in land levels and the cumulative volume of all the outbuildings is roughly 603m³. There is an access road located in the south western corner of the application site, which serves the host property. According to the submitted planning application forms the application site measures approximately 450m² and is irregular in shape. The boundary treatment delineating the southern boundary (separating the application site from Lark Hill Road) comprises mature native hedgerow, which is 2m high (approx.). Furthermore, the eastern and western boundaries were also demarcated by mature hedgerows, which were punctuated at sporadic intervals by mature trees. The entire site is washed over by the Metropolitan Green Belt.
28. In reference to the submitted plans the proposal is for a single storey detached dwellinghouse. In comparison ascribing to plan reference TPA-00-XX-DR-A-1000 Revision C02 the proposed dwellinghouse will incorporate a dual pitched roof, which will have a maximum ridge height of 3.66m. Moreover, the proposal will have an external footprint of approximately 122m² and the volume will be 379m³. Consequently, there will be reduction 0.04m in height. The external footprint of the proposed dwelling is 122m² compared to the existing footprint (cumulative) of the outbuildings, which is 282m², there will be a difference of 160m² between the existing outbuildings and the proposal, which equates to a reduction of 56.7% in footprint . Additionally, the existing outbuildings have a cumulative volume of 603m³; whereas the proposal will have a volume of roughly 379m³, there will be a difference of 224m³, which represents a reduction of 37.15% in volume.
29. Paragraph 154 part (g) of the framework states an exception may comprise an “partial or complete redevelopment of previously developed land” (PDL). It is accepted that the site constitutes PDL.

Notwithstanding the above, exception g) should be read as a whole and goes onto to state the following:

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

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

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

32. The applicant’s agent infers that the application site adds limited benefit to the public realm, and it is intimated due to the juxtaposition and orientation of the existing neighbouring properties that the proposed development for the detached dwellinghouse (as shown on the layout plan) would not cause demonstrable harm to the openness of the Green Belt. Bearing this in mind, it is relevant to refer to recent case law, in particular, *Timmins and Lymn v Gedling Borough Council* 2014 and *Goodman v SSCLG* 2017. Another important case is *John Turner v SoS CLG* [2016] EWCA Civ 466 the Court of Appeal held that: *“The concept of “openness of the Green Belt” is not narrowly limited. The word “openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents”*. The Supreme Court ruled authoritatively on the meaning and application of the concept of “openness” within the Green

Belt, in R (Samuel Smith Old Brewery) v North Yorkshire County Council [2020] UKSC 3.

33. Furthermore, in Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin), where the operator of a petrol filling station challenged an Inspector's decision to refuse retrospective permission for works involving the creation of a fenced storage area on one side of the shop, where an LPG storage tank was before, along with a side extension to relocate an external ATM.
34. In respect of this case the Inspector found that the scheme would result in a 9.2% increase in floor area, and a 5% increase in volume on the existing buildings and "whilst these may be relatively small increases, the scale and mass of the resulting building would still be greater than at present". She concluded that "*overall, I therefore consider that the scale and mass of the proposals would have a slightly greater impact on the openness of the Green Belt than the site did previously*". A lack of visibility did not, in itself, mean that there would be no loss of openness and "moreover, even a limited adverse impact on openness means that openness is not preserved".
35. The Court held that "*the only basis on which the Inspector could have reached that conclusion was if she considered that the greater floor area and/or volume necessarily meant that there was a greater impact*". The flaw in that reasoning was that under the policy "*any infill (however limited) would necessarily result in greater floor area or volume*" but it should "*not be assumed, as the Inspector appeared to, that any change would have a greater impact*". She ought to have specifically considered "*the impact or harm, if any, wrought by the change*".
36. The case law confirms that:
 - The visual quality of the landscape is not in itself an essential part of the openness for which the Green Belt is protected.
 - Rather, openness is the counterpart of urban sprawl, linked to the purposes of the Green Belt, and not necessarily a statement about the visual qualities of the land. Applying this broad policy concept is a matter of planning judgment, not law.
 - Nor does openness imply freedom from any form of development.
 - The concept of openness means the state of being free from buildings. It is open-textured and a number of factors are capable of being relevant.
37. In conclusion, the aforementioned cases were all related to proposed developments within the Green Belt, and it was concluded that materiality of visual consideration to openness as well as spatial impact were integral factors when assessing applications. Therefore, to fully appreciate the impact of the proposal on the Green Belt it is important to address other factors, which (not limited to) includes footprint, built volume and height.

38. In terms of openness of the Green Belt, the proposal would involve the demolition of numerous buildings/structures which are spread across the application site and replaced with the construction of 1 No. single storey detached bungalow. It is considered that the existing built form is quite disparate and incongruent resulting in a built form that is spread across a wide section of the application site. The proposal seeks permission to demolish these buildings/structures and coalescence of the built form. This concept is understood.
39. In conclusion it is considered that quantitatively, the perceived visual and spatial effects will be materially and demonstrably reduced. Furthermore, the proposal would not encroach on the openness of the green belt since it would be smaller in volume, overall sprawl and height versus the existing situation. As previously stated, the existing, disparate and incongruent built form, spread across the site is very unattractive, will be demolished. The case officer considers that the current proposal would reduce the feel of sprawl and replace it with a coherent and cohesive built form of high quality. Overall, compared to the existing built form, the current proposal presents a significant improvement in terms of openness and the overall visual and spatial impact of the proposal is vastly improved as against the existing built form.

Other Matters

40. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
41. In light of the above, an important material planning consideration is exception b. of para. 155 which states that development within the Green Belt for homes, commercial and other development within the Green Belt should not be regarded as inappropriate where there is a demonstrable unmet need for the type of development proposed. Unmet need is further explained in the footnote, which states the following *“in the case of applications involving the provision of housing, means the lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years”*.

42. The proposal posits the demolition of numerous outbuildings and replacing them with 1 No. detached single storey dwelling. According to the recent Annual Monitoring Review for Rochford Council states that the Authority has a 5-year housing land supply of 4.53 years and as such the Authority lacks a five-year supply of deliverable housing sites. By allowing this proposal there will be a NET increase in the number of dwellings (albeit by 1 No.) and as such if the proposal was permitted it would contribute to the existing shortfall. Consequently, the proposal will have a positive impact on housing land supply and in the opinion of the case officer exception b. of para 155 is engaged.

Sustainability

43. Policy DM10 (Development of Previously Developed Land in the Green Belt) elaborates on the Council's approach to the determination of planning applications involving previously developed land for a number of uses and including residential redevelopment.

44. In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:

- (i) is well related to a defined residential settlement;
- (ii) is well related to local services and facilities;
- (iii) has good connections to the strategic road network;
- (iv) would promote sustainable transport modes;
- (v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;
- (vi) is located within the South Essex Coastal Towns landscape character area.

45. In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following: allocated town centre; doctors' surgery; school (primary or secondary); or convenience retail store. The subject building is located approx. 1400m south west from Canewdon primary school, and while this is beyond the example 800m, it is noted that this example is cited as a guide rather than an explicit policy provision.

46. In respect of connections to the road network, Lark Hill Road connects interspersed dwellings and businesses and connects the settlements of Ashingdon, Hockley and Canewdon. The site benefits from good highway connections. The surrounding roads are relatively level and in reasonable condition with cycling also a potential mode of transportation.

47. The site is not located within an area of international, European and local nature conservation importance, or the South Essex Coastal Towns landscape character area, and would not negatively impact the historic environment.
48. The agent infers that this windfall site will help to create an additional dwelling which will help to meet the needs of the local community due to the housing shortage and given its proximity to local services is not in an isolated location. The case officer acknowledges that the application site broadly complies with the criteria listed in policy DM10. It is also acknowledged that a small-scale site would be capable of being delivered relatively quickly.
49. The agent has also inferred that the proposal would achieve a high-quality modern architectural design which addresses the Green Belt context. Furthermore, it will remove unsightly buildings with limited architectural merit and replace them with a well-designed home which seeks to reflect the context in which it will be sited. The agent goes on to state that the proposal will be sensitively landscaped which helps to integrate the proposed development into its surroundings and results in visual enhancements. In the opinion of the case officer any development should be sensitively landscaped so that it fits into the local environ and this is not a sufficient justification on its own to warrant an approval.
50. Within the applicants Design and Access Statement a number of applications have been cited and the agent infers that by allowing these developments a precedent has been created. Moreover, the Parish Council is concerned that by allowing the proposal will create a 'precedent', which may make similar applications difficult to refuse. However, in relation to planning, precedent has to be given careful weight as every development is different, every site is different and planning policies and guidance etc. are constantly evolving. Each application is also required to be considered in individual merit. The notion of planning precedent is entirely erroneous a search of case law does not reveal a judicial direction on the existence of planning precedence because it cannot in fact actually exist. The concept of planning precedent essentially flies in the face of planning's prime directives which are that planning permission should be granted unless policy or material considerations dictate otherwise and that every planning permission must and shall be considered on their individual merits. However, in planning law, there is a "principle of consistency" in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. In regards to this there have been numerous Court cases, for example, Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137: "One important reason why previous decisions are capable of

being material is that like cases should be decided in a like manner so that there is consistency” and R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050 and Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057

Design considerations

51. Policy CP1 of the Council’s Core Strategy and policies DM1 and DM3 of the Council’s Development Management Plan are applicable to the consideration of design and layout. The framework encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area’s prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The Framework advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
52. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
53. Whilst the National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
54. Moreover, 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 (paragraph 139).
55. The Council’s Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached dwellinghouses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and the plot boundary.
56. The redevelopment of a site, especially where it forms a significant part of local character and where the development and subdivision of plots

would disrupt the grain of development will be considered unacceptable. Based on the submitted plans and supporting documents the applicant is proposing to erect 1No. detached property, which would have a 'L' shaped footprint. According to the submitted layout plan the proposed dwellinghouse will be constructed on the footprint of the existing outbuildings (albeit it will occupy a smaller footprint). The case officer noted the building line in the immediate locality is not regimented and some properties are set further back into their plots as opposed to others, for example, Leon Cottage is set back 3.6m and Homeland is set back 5.6m from Lark Hill Road, whilst Briarley is set back 40m and Hillcrest is set back 64m (approx.).

57. It is demonstrated that the quantum of development can be accommodated within the site. It is considered that the proposed dwelling will be sited within quite a large plot and as such it will not appear cramped. Additionally, the density and character of the proposed dwelling is in keeping with the locality, so the proposed development is still considered compliant with Policy H1 of the Council's Core Strategy.
58. According to plan references TPA-00-XX-DR-A-1000 Revision C02 and TPA-00-XX-DR-A-0100 Revision C01 the submitted plans, the footprint of the proposed dwellinghouse is roughly in the shape of a letter 'L'. The proposed dwellinghouse would measure approximately 12.4m deep by 17m long (as measured at the widest points). The proposal will incorporate a pitched roof 2.4m high to the eaves and 3.66m high to the apex of the pitched roof. Furthermore, the applicant is proposing to insert various sized apertures in the elevations of the host building, which help to break up the scale and massing of the proposal.
59. The applicant is proposing to use a relatively simple palette of materials to construct the proposed building. According to the applicants Design and Access statement and the supporting plans, the walls of the buildings will be clad in timber, which will be vertically aligned. The roof will comprise a slate roof finish. It is considered that the use of this material is very traditional and sits comfortably with the pastoral vernacular. All the windows and doors will comprise grey powder coated aluminium frames. The building itself will site upon a brick plinth. Overall, it is considered that this relatively simple palette of materials is in keeping with the wider vernacular and will not cause any demonstrable harm to the character and appearance of the wider street scene.
60. Internally the accommodation will comprise open plan kitchen/living room, utility, shower room, office, hall, storage cupboard, 2No. bedrooms (one with en - suite and walk in wardrobe).
61. Overall, it is considered that the design of the proposed dwellinghouse is quite modern and contemporary in nature, due to its relatively low

height will be screened to a large extent by existing vegetation. It is reasoned that the design of the proposed dwellinghouse is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular. The area is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. It is considered given the nature and design of the proposal the materials which will be used to construct the dwelling will be pivotal and these will be secured by the imposition of an appropriately worded planning condition. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the NPPF and policy DM1.

Impact on Residential Amenity

62. 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.
63. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
64. It is noted that the proposed dwellinghouse will have apertures on all of its elevations which will serve habitable rooms. Nonetheless, it is considered given the scale and nature of the proposal and due to the separation distances between the proposed development and the surrounding residential dwellings in addition to the boundary treatment, the proposal will not significantly impact on the residential amenity of neighbouring occupiers by way of overbearing impact, overlooking or overshadowing. Moreover, 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.
65. Overall, it is considered that the proposed development would not cause any significant impact on residential amenity in respect of noise, light, overlooking or privacy to the surrounding properties, neither would it have a significant overbearing impact.

Living Conditions for Future Occupiers

Garden Sizes

66. 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.
67. The SPD2 requires a minimum 100m² garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50 m² minimum.
68. The layout submitted shows that the proposed dwelling could be provided with a private amenity space well in excess of 100m². The proposed dwelling, therefore, could satisfy the outdoor amenity space requirements set out in the SPD2.
69. The existing property (Waikato) is a detached two storey dwellinghouse. If planning permission is approved for the proposed dwellinghouse following the severance of the garden will result in Waikato retaining a private amenity space in excess of 800m². Therefore, it is considered that the proposal would not result in a cramped form of development and would be compliant with the requirements of SPD2.

Technical Housing Standards

70. The Ministerial Statement of the 25th of March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access and a new national space standard.
71. 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.
72. 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.

73. A single storey dwelling which would comprise two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 61m² or 70m², respectively. Additionally, the dwelling must have a minimum of 2m² of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 102.6m², and as such in terms of overall GIA the proposal complies specified technical standards.

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

| | |
|-----------------------|--------------------|
| Bedroom No.1 (Master) | 18.5m ² |
| Bedroom No.2 | 13.8m ² |

75. According to the submitted plans the bedroom complies with aforementioned policies and exceed the Internal floor area requirements. The office measures approximately 6.7m² and as such is considered to be too small to be classified as a bedroom. Furthermore, according to the submitted plans there is a storage cupboard which measures approximately 1.3m² and as such there is a slight shortfall. However, the proposal substantially exceeds the recommended minimal GIA for a two bedroomed property and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal.

76. 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.

77. 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.

Refuse and Waste Storage

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

Impact on Highway Safety

79. 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.
80. The Council's revised Parking Standards state that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
81. 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.
82. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces at the required dimensions as stated in the parking standard. A property of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking. colleagues in Essex County Council Highway Authority have been consulted regarding the application and state *"The proposal includes the subdivision of the site and creation of one new dwelling. The proposal will share the existing vehicle access, which shall be widened. Off-street parking and turning is included. Therefore,*

from a Highway and Transportation perspective the impact of the proposal is acceptable to the Highway Authority”.

83. The Highways Engineers have outlined that they have no objection to the application subject to the imposition of conditions relating to the shared access shall be provided at a width not less than 5 metres at its junction with the highway and shall be retained at that width for at least 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge and final layout details to be agreed with the Highway Authority, on-site vehicular parking and turning areas to be in accordance with current parking standards, reception and storage of materials, no unbound materials, cycle parking and standard informatives.
84. In light of the above, Essex County Council Highways have raised no objection to the proposed development. There is no reason for the Local Planning Authority to take an alternative view and any intensification resulting from the provision of 1No. dwelling in this area is not deemed to be of such severity that would warrant refusal of the application. Consequently, it is considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal on parking or access grounds.

Landscape considerations

85. 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.”*
86. The proposal includes a landscaping scheme. The Councils Arboricultural Officer has been consulted regarding the proposal and raises no objection. The Councils Arboricultural Officer goes on to state that *“the site consists of dilapidated barns and mostly self-sown early mature trees / scrub, elder, bramble, etc. that surround with*

occasional standard / amenity trees toward the boundaries of the application site – Poplar, Willow and Leyland cypress. The trees have little arboricultural merit, improved amenity would be achieved with suitable tree / hedgerow planting. No objection subject to a tree and hedgerow planting scheme being submitted as a condition”. Given the comments received, there is insufficient justification to warrant a refusal.

Flooding considerations

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

Drainage

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

Impact on Listed Building

89. The application site does not contain any designated or non-designated heritage assets. However, the site is located immediately west to the Grade II listed Leon Cottage (list entry number: 1112634).
90. In light of the above, the case officer considered it prudent to consult colleagues in Essex County Council’s Place Services for specialist advice. The Conservation Officer stated that *‘In September 2024 planning permission was refused for an ‘Outline application with all matters reserved for the demolition of existing outbuildings and erection of 1 No. new dwellinghouse (self-build) with associated amenity space and driveway parking’ (24/00400/OUT).*

However, during this process the previous conservation officer established the principle of demolition (of the existing outbuildings) and concluded that the erection of a single-storey dwelling may be acceptable, subject to scale, massing, and design. Additionally, it was

stated that the retention of the mature landscaping on the Site would be critical to the success of any scheme. I agree with these statements.

The current application seeks to demolish the existing outbuildings, erect a single-storey dwelling, and retain the mature landscaping on the Site.

The footprint of the proposed dwelling is larger than that which was the subject of the Outline Planning Application (24/00400/OUT), however it is my view that it does not compete with, or detract from that of the designated heritage asset, particularly as it is a single-storey dwelling. That said, the proposed footprint is the maximum which could be achieved in this location without harming the setting, significance, and ability to appreciate the significance of the adjacent listed building.

There are, however, concerns regarding the proposed materiality of the new dwelling, which does not respond to, or reinforce, the local character and distinctiveness of the surrounding historic environment; that which is of a traditional character. This is contrary to Paragraph 203(f) of the National Planning Policy Framework (NPPF) (December 2024). Given the close proximity, it is considered that this would detract from the vernacular character and appearance of Leon Cottage and adversely impact views out from the designated heritage asset. As such, the proposals would result in less than substantial harm to the listed building making Paragraphs 215 and 213 of the NPPF relevant.

This harm may be mitigated by reviewing the proposed material palette and colour of the new dwelling. For example, a slate roof and black (or natural) painted timber cladding would better respond to the surrounding built environment.

Overall, the proposals are in conflict with, or engage, Paragraphs 212, 213, 215, and 219 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990”.

91. In light of the aforementioned comments, the applicant submitted amended plans omitting the metal fabricated roof and replacing it with a slate roof. The case officer reconsulted the Conservation Officer in relation to the amended plans and she stated that *“Following the submission of amended plans there are no objections to the proposals”*.
92. The Conservation Officer has stated that they have no objection to the application subject to the imposition of conditions relating to a schedule of all external finish materials to be submitted and approved by the LPA, a schedule of drawings that show details of proposed windows, rooflights, and doors and details in relation to hard and soft landscaping, which will be conditioned accordingly in the event that planning permission is approved.

93. Overall, it is considered that the proposal broadly complies with the guidance advocated within the NPPF in addition to the Listed Building and the Planning (Listed Buildings and Conservation Areas) Act 1990 subject to the imposition of the conditions which have been cited earlier in this report.

Biodiversity Net Gain

94. 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.

95. 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.

96. More specifically the applicant has indicated the proposal relates to a self-build/custom build development. And an exemption applies to this type of development as it meets the following conditions: consists of no more than 9 dwellings, on a site that has an area no larger than 0.5 hectares and is a self-build.

97. 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. If planning permission is approved, given that the proposal is for a self-build dwelling it is recommended that a standard condition relating to occupation is attached to the decision notice.

On-site Ecology

98. 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 is required 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 and providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.

99. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.

100. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.

101. To accompany their planning application the applicant has submitted a Bat survey produced by John Dobson Essex Mammal Surveys and is dated October 2024. The report reaches the following conclusions: -

- Since there was no evidence of bats at the site, a European Protected Species Licence will not be required for this project.
- Although no evidence of bats was found, it is probable that bats from nearby roosts (two species have been recorded from St Nicholas' Church, c. 400m to the east of the site) will forage across the site and in the gardens of adjacent properties. This behaviour would be expected to continue after any building work has been completed and therefore it is considered that the planning proposal for this site will not have a detrimental effect on the local bat population.

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

- Two bird nesting boxes to be sited on trees or buildings at the site.
- A Hedgehog nesting box to be sited at base of a boundary.
- Two solitary bee hives to be erected at the site
- Gaps in the boundary treatment to allow hedgehogs and toads to forage.

103. The case officer has consulted the Councils Ecologist in regards to the Ecological Survey. The Councils ecologist states: -

“We have reviewed the Bat Survey report (Essex Mammal Surveys, October 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. However, if the LPA is minded approve this application, we recommend that the below informative is secured as part of the decision notice to further minimise potential risk upon roosting bats and other mobile species.

The mitigation measures for bats should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality”.

104. In light of the above consultation response, it is considered that the proposal will not have detrimental impact on protected species and there is insufficient justification to recommend a refusal and substantiate it at any future Appeal. The case officer agrees with the conclusions reached by the Councils ecologist and considers it reasonable to attach a condition relating to a biodiversity enhancement strategy for protected, priority and threatened species.

Off Site Ecology

105. 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.

106. The development for three dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE’s requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a ‘Likely Significant Effect’

(LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for 1 additional dwelling

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

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

- No

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

- No

107. 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.

108. 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.

EQUALITIES AND DIVERSITY IMPLICATIONS

109. 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.
110. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
111. 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

112. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Canewdon Parish Council:

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

from Lark Hill Road. CPC therefore would suggest that planning permission be refused for the proposed development.

Essex County Council Place Services Historic Buildings and Conservation advice:

No objections subject to the imposition of conditions relating to a schedule of all external finish materials to be submitted and approved by the LPA, a schedule of drawings that show details of proposed windows, rooflights, and doors and details in relation to hard and soft landscaping.

Essex County Council Highways Authority:

No objections to the proposal subject to conditions relating the shared access shall be provided at a width not less than 5 metres at its junction with the highway and shall be retained at that width for at least 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge and final layout details to be agreed with the Highway Authority, on-site vehicular parking and turning areas to be in accordance with current parking standards, reception and storage of materials, no unbound materials, cycle parking and standard informatives.

Essex County Council Place Services Ecology:

No objection subject to a condition relating to a biodiversity enhancement strategy for protected, priority and threatened species.

Rochford District Council Arboricultural Officer:

No objection subject to a tree and hedgerow planting scheme being submitted as a condition.

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) – CP1, GB1, GB2, ENV9, T3, T6.

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

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

The Essex Design Guide (2018)

Natural England Standing Advice

Planning (Listed Buildings and Conservation Areas) Act 1990

RECOMMENDATION: APPROVE

Conditions:

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

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

2. The Development hereby approved shall be carried out in total accordance with the approved plans TPA-00-XX-DR-A-0001 Revision C01 (Location Plan) (as per date stated on plan 1st October 2024), TPA-00-XX-DR-A-0100 Revision C01 (Site Plan) (as per date stated on plan 6th October 2024), TPA-00-XX-DR-A-0150 Revision C01 (Proposed Property and Outbuilding Demolition) (as per date stated on plan 9th October 2024), TPA-00-XX-DR-A-0160 Revision C01 (Proposed Landscaping Plan and Specification) (as per date stated on plan 11th October 2024), TPA-00-ZZ-DR-A-2100 Revision C02 (Proposed Elevations and Sections) (as per date stated on plan 5th October 2024) and TPA-00-XX-DR-A-1000 Revision C02 (Proposed Floor Plan and Elevations) (as per date stated on plan 29th September 2024).

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

3. No development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details as may be agreed unless any variation is agreed in writing by the Local Planning Authority.

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

4. Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:

- A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
- Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
- Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

REASON: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable.

5. Prior to the first occupation of the development, 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.

6. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site shall be drained on a separate system with foul water draining to the public sewer, septic tank or treatment plant and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant shall implement the scheme in accordance with the surface water drainage hierarchy outlined above.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

7. 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 open character of the Metropolitan Green Belt.

8. The development shall be implanted in accordance with the site landscaping details and specification set out in Drg. No. TPA-00-XX-DR-A-0160 Rev C01.

REASON: In the interests of visual amenity.

9. Prior to first occupation of the development and as shown in principle on the plan TPA-00-XX-DR-A-0160 Rev C01, the shared access shall be provided at a width not less than 5 metres at its junction with the highway and shall be retained at that width for at least 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge. Final layout details to be agreed with the Essex County Highway Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

10. 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.

11. Prior to first occupation of the development and as shown in principle on planning drawing TPA-00-XX-DR-A-0160 Rev C01, the on-site vehicle parking and turning areas shall be provided with dimensions in accordance with the current parking standards. The vehicle parking areas and associated turning areas shall be retained in the agreed form at all times.

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

12. 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.

13. Prior to installation, a schedule of drawings that show details of proposed windows, rooflights, and doors in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, cills, ironmongery, and finish colour shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In order to ensure that the works preserve the special architectural and historic interest of the adjacent listed building.

14. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Bat Survey report (Essex Mammal Surveys, October 2024), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures;
- and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

15. Notwithstanding the details shown on the approved plan/application form details of surfacing materials to be used on the driveway 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.

16. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place

REASON: To safeguard protected species in accordance with the NPPF.

17. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years following completion of construction. Prior to the first occupation of the dwelling the Council shall be notified in writing of the person(s) who will take up first occupation of the dwelling.

REASON: The development permitted was exempt from mandatory biodiversity net gain as set out in the Environment Act 2021 due to it being a self-build development. This condition is required to ensure the development is a self-build in accordance with the definition. If the development was not self-build mandatory biodiversity net gain would be required.

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